Indiana Register

Volume 26, Number 9
Pages 2803-3290

June 1, 2003

Retain this issue as a supplement to the Indiana Administrative Code (See p. 2804)

The Indiana Register is on the Internet at: www.in.gov/legislative/

Published By

Indiana Legislative Services Agency

Office of Code Revision
317/232-9557

recycled paper

This issue contains documents officially filed through 4:45 p.m., May 9, 2003

IN THIS ISSUE

INDIANA REGISTER

is published monthly by the Indiana Legislative Council, Room 302 State House, Indianapolis, Indiana 46204-2789. An order form is on the back of this issue. Subscription price is $60 for volume 26, in advance.

Indiana Register
Legislative Services Agency
200 West Washington Street, Suite 302
Indianapolis, IN 46204-2789

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) 2003 Indiana Administrative Code (CD-ROM version).

(2) Volume 26 of the Indiana Register (CD-ROM version).

The Indiana Administrative Code and Indiana Register are distributed in CD-ROM format only. Both are also accessible at www.in.gov/legislative/ic_iac/.

The 2001 Edition of the Indiana Administrative Code, the 2002 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:
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
August 11, 2003	September 1, 2003	March 10, 2004	April 1, 2004
September 10, 2003	October 1, 2003	April 8, 2004	May 1, 2004
October 10, 2003	November 1, 2003	May 10, 2004	June 1, 2004
November 10, 2003	December 1, 2003	June 10, 2004	July 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's rules are entirely repealed, transferred, or otherwise voided.

NUMERICAL LIST

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†15 State Election Board
18 Indiana Election Commission
20 State Board of Accounts
25 Indiana Department of Administration
†30 State Personnel Board
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33 State Employees' Appeals Commission
35 Board of Trustees of the Public Employees' Retirement Fund
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58 Enterprise Zone Board
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71 Indiana Horse Racing Commission
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105 Indiana Department of Transportation
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†325.1 Air Pollution Control Board
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†340 Commissioner of Agriculture
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415 Commission on Forensic Sciences
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†450 Department on Aging and Community Services
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490 Interdepartmental Board for the Coordination of Human Service Programs

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550 Board of Trustees of the Indiana State Teachers' Retirement Fund
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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 327 WATER POLLUTION CONTROL BOARD

LSA Document #01-348(F)

DIGEST

Amends 327 IAC 8-2 and 327 IAC 8-2.1 and adds 327 IAC 8-2.5 and 327 IAC 8-2.6 concerning interim enhanced surface water treatment, disinfectants/disinfection byproducts, and filter backwash. On December 16, 1998, U.S. EPA published National Drinking Water Regulations for Interim Enhanced Surface Water Treatment. These regulations make changes to the Indiana surface water treatment rule as published April 12, 1993. These changes are being made to improve implementation of the rule. The intended effect of the rule is to strengthen microbial protection, including provisions specifically to address Cryptosporidium, and to address risk trade-offs with disinfection byproducts. Also on December 16, 1998, U.S. EPA published National Drinking Water Regulations for Disinfectants and Disinfection Byproducts. These regulations update the 1979 regulations for total trihalomethanes. In addition, these regulations will reduce exposure to three disinfectants (chlorine, chloramine, and chlorine dioxide) and many disinfection byproducts. On June 8, 2001, U.S. EPA published National Drinking Water Regulations for Filter Backwash Recycling. These regulations address a statutory requirement of the 1996 Safe Drinking Water Act (SDWA) Amendments to promulgate a regulation which "governs" the recycling of filter backwash water within the treatment process of public water systems. The purpose of these regulations is to further protect public health by requiring public water systems, where needed, to institute changes to the return of recycle flows to plant's treatment process that may otherwise compromise microbial control. Indiana is required to adopt all of these revisions in order to maintain primacy (primary enforcement authority) for the Safe Drinking Water Program. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: October 1, 2001, Indiana Register (25 IR 206).

Second Notice of Comment Period and Notice of First Hearing: June 1, 2002, Indiana Register (25 IR 2863).

Change of Notice for First Hearing: August 1, 2002, Indiana Register (25 IR 3806).

Date of First Hearing: August 14, 2002.

Proposed Rule and Notice of Second Hearing: October 1, 2002, Indiana Register (26 IR 99).

Change of Notice for Second Hearing: December 1, 2002, Indiana Register.

Date of Second Hearing and Final Adoption: December 11, 2002.

327 IAC 8-2-1
327 IAC 8-2-5
327 IAC 8-2-5.3
327 IAC 8-2-8.5
327 IAC 8-2-13
327 IAC 8-2-29
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327 IAC 8-2.1-8
327 IAC 8-2.1-16
327 IAC 8-2.1-17
327 IAC 8-2.5
327 IAC 8-2.6

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

327 IAC 8-2-1 Definitions

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

Sec. 1. In addition to the definitions contained in IC 13-11-2 and 327 IAC 1, the following definitions apply throughout this rule, **327 IAC 8-2.1, 327 IAC 8-2.5, and 327 IAC 8-2.6:**

(1) "Act" means the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(2) "Action level" means the concentration of lead or copper in water specified in section 36(c) of this rule which determines, in some cases, the treatment requirements contained in sections 36 through 47 of this rule, that a water system is required to complete.

(3) "Adjustment program" means the addition of fluoride to drinking water by a public water system for the prevention of dental cavities.

(4) "Administrator" means the administrator of the U.S. EPA.

(5) "Best available technology" **or** "BAT" means best technology, treatment techniques, or other means which the commissioner finds are available, after examination for efficacy under field conditions, and not solely under laboratory conditions, and after taking cost into consideration. For the purpose of setting maximum contaminant levels for synthetic organic chemicals, any BAT must be at least as effective as granular activated carbon.

(6) "Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

(7) "Commissioner" means the commissioner of the Indiana department of environmental management or the designated agent of the commissioner.

(8) "Community water system" **or "CWS"** means a public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

(9) "Compliance cycle" means the nine (9) year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three (3) three-year compliance periods. The first calendar year cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

(10) "Compliance period" means a three (3) year calendar year period within a compliance cycle. Each compliance cycle has three (3) three-year compliance periods. Within the first

compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001. Within the second compliance cycle, the first compliance period runs from January 1, 2002, to December 31, 2004; the second from January 1, 2005, to December 31, 2007; and the third from January 1, 2008, to December 31, 2010. Within the third compliance cycle, the first compliance period runs from January 1, 2011, to December 31, 2013; the second from January 1, 2014, to December 31, 2016; and the third from January 1, 2017, to December 31, 2019.

(11) "Comprehensive performance evaluation" or "CPE" means a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. For purposes of compliance with 327 IAC 8-2.6-1, the comprehensive performance evaluation must consist of at least the following components:

(A) Assessment of plant performance.

(B) Evaluation of major unit processes.

(C) Identification and prioritization of performance limiting factors.

(D) Assessment of the applicability of comprehensive technical assistance.

(E) Preparation of a CPE report.

~~(11)~~ **(12)** "Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.

~~(12)~~ **(13)** "Contaminant" means any micro-organisms, chemicals, waste, physical substance, radiological substance, or any wastewater introduced or found in the drinking water.

~~(13)~~ **(14)** "Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

~~(14)~~ **(15)** "Corrosion inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

~~(15)~~ **(16)** "CT" or "CTcalc" is the product of residual disinfectant concentration (C) in milligrams per liter determined before or at the first customer and the corresponding disinfectant contact time (T) in minutes, such as C × T. If a public water system applies disinfectants at more than one (1) point prior to the first customer, it must determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or total inactivation ratio. In determining the total inactivation ratio, the public water system must determine the residual disinfectant concentration of each disinfection sequence and corresponding contact time before any subsequent disinfection application point. $CT_{99.9}$ is the CT value required for ninety-nine and nine-tenths percent (99.9%) (3-log) inactivation of Giardia lamblia cysts. $CT_{99.9}$ for a variety of disinfectants and conditions appears in Tables 1.1-1.6, 2.1, and 3.1 of paragraph 141.74(b)(3)[1].

$$\frac{CTcalc}{CT_{99.9}}$$

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

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

is calculated by adding together the inactivation ratio for each disinfection sequence. A total inactivation ratio equal to or greater than one (1.0) is assumed to provide a 3-log inactivation of Giardia lamblia cysts.

~~(16)~~ **(17)** "Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which:

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

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

~~(17)~~ **(18)** "Direct filtration" means a series of processes, including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

~~(18)~~ **(19)** "Disinfectant" means any oxidant, including, but not limited to, chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process that is intended to kill or inactivate pathogenic micro-organisms.

~~(19)~~ **(20)** "Disinfectant contact time" (T in CT calculations) means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration (C) is measured. Where only one (1) C is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at where C is measured. Where more than one (1) C is measured, T is:

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

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

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

~~(20)~~ **(21)** "Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

(22) "Disinfection profile" means a summary of daily Giardia lamblia inactivation through a treatment plant.

~~(21)~~ **(23)** "Domestic or other nondistribution system plumbing problem" means a coliform contamination problem in a public water system with more than one (1) service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

~~(22)~~ **(24)** "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRUM).

~~(23)~~ **(25)** "Drinking water violation" means violations of the maximum contaminant level (MCL), treatment technique (TT), monitoring requirements, and testing procedures in this rule. 327 IAC 8-2.1-16 identifies the tier assignment for each specific violation or situation requiring a public notice.

~~(24)~~ **(26)** "Effective corrosion inhibitor residual" means a concentration sufficient to form a passivating film on the interior walls of a pipe for the purpose of sections 36 through 47 of this rule only.

(27) "Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct precursors by conventional filtration treatment.

(28) "Enhanced softening" means the improved removal of disinfection byproduct precursors by precipitative softening.

(29) "Filter profile" means a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

~~(25)~~ **(30)** "Filtration" means a process for removing particulate matter from water by passage through porous media.

~~(26)~~ **(31)** "First draw sample" means a one (1) liter sample of tap water collected in accordance with section 37 of this rule, that has been standing in the plumbing pipes at least six (6) hours and is collected without flushing the tap.

~~(27)~~ **(32)** "Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

(33) "GAC10" means granular activated carbon filter beds with an empty-bed contact time of ten (10) minutes based on average daily flow and a carbon reactivation frequency of every one hundred eighty (180) days.

~~(28)~~ **(34)** "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

~~(29)~~ **(35)** "Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

~~(30)~~ **(36)** "Ground water under the direct influence of surface water" means any water beneath the surface of the ground with:

(A) significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as Giardia lamblia or, **for subpart H systems serving at least ten thousand (10,000) individuals only, Cryptosporidium;** or

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

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

(37) "Haloacetic acids (five)" or "HAA5" means the sum of the concentrations in milligrams per liter of the haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two (2) significant figures after addition.

~~(31)~~ **(38)** "Halogen" means one (1) of the chemical elements chlorine, bromine, or iodine.

~~(32)~~ **(39)** "Initial compliance period" means January 1993 to December 1995, for the contaminants listed in sections 4 (other than arsenic, barium, cadmium, fluoride, lead, mercury, selenium, and silver), 5, and 5.4(a) (other than benzene, vinyl chloride, carbon tetrachloride, 1,2-dichloroethane, trichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane, and para-dichlorobenzene) of this rule.

~~(33)~~ **(40)** "Large water system" means a water system that serves more than fifty thousand (50,000) people for the purpose of sections 36 through 47 of this rule only.

~~(34)~~ **(41)** "Lead service line" means a service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck, or other fitting which is connected to such lead line.

~~(35)~~ **(42)** "Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

~~(36)~~ **(43)** "Manmade beta particle and photon emitters" means all radionuclides emitting beta particle and/or photons listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure", NBS Handbook 69, as amended August 1973, U.S. Department of Commerce, except the daughter products of thorium-232, uranium-235, and uranium-238.

~~(37)~~ **(44)** "Maximum contaminant level (MCL)" means the

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

~~(38)~~ **(45)** "Maximum contaminant level goal (MCLG)" means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur and which includes an adequate margin of safety. Maximum contaminant level goals are nonenforceable health goals.

(46) "Maximum residual disinfectant level" or "MRDL" means a level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects.

(47) "Maximum residual disinfectant level goal" or "MRDLG" means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of individuals would occur and which allows an adequate margin of safety.

~~(39)~~ **(48)** "Maximum total trihalomethane potential" **or** "MTP" means the maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after seven (7) days at a temperature of twenty-five (25) degrees Celsius or above.

~~(40)~~ **(49)** "Medium size water system" means a water system that serves greater than three thousand three hundred (3,300) and less than or equal to fifty thousand (50,000) persons for the purpose of sections 36 through 47 of this rule only.

~~(41)~~ **(50)** "Near the first service connection" means at one (1) of the twenty percent (20%) of all service connections in the entire system that are nearest the water supply treatment facility, as measured by water transport time within the distribution system.

~~(42)~~ **(51)** "Noncommunity water system" means a public water system which has at least fifteen (15) service connections used by nonresidents or which regularly serves twenty-five (25) or more nonresident individuals daily for at least sixty (60) days per year.

~~(43)~~ **(52)** "Nontransient noncommunity water system" **or** "NTNCWS" means a public water system that is not a community water system which regularly serves the same twenty-five (25) or more persons at least six (6) months per year.

~~(44)~~ **(53)** "Optimal corrosion control treatment" means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while ensuring that the treatment does not cause the water system to violate any national primary drinking water regulations for the purpose of sections 36 through 47 of this rule only.

~~(45)~~ **(54)** "Performance evaluation sample" means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the administrator. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

~~(46)~~ **(55)** "Picocuri (pCi)" means the quantity of radioactive material producing two and twenty-two hundredths (2.22) nuclear transformations per minute.

~~(47)~~ **(56)** "Point of disinfectant application" is the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water run-off.

~~(48)~~ **(57)** "Point-of-entry treatment device" **or** "POE" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in drinking water distributed throughout the house or building.

~~(49)~~ **(58)** "Point-of-use treatment device" **or** "POU" is a treatment device to a single tap used for the purpose of reducing contaminants in drinking water at that one (1) tap.

~~(50)~~ **(59)** "Primacy agency" is the department of environmental management where the department exercise primary enforcement responsibility as granted by EPA.

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

~~(52)~~ **(61)** "Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A millirem (mrem) is one-thousandth (1/1,000) of a rem.

~~(53)~~ **(62)** "Repeat compliance period" means any subsequent compliance period after the initial compliance period.

~~(54)~~ **(63)** "Residual disinfectant concentration"(C in CT calculations) means the concentration of disinfectant measured in milligrams per liter in a representative sample of water.

~~(55)~~ **(64)** "Sanitary survey" means an on-site inspection of the water source, facilities, equipment, construction, and operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, construction, and operation and maintenance for producing and distributing safe drinking water.

~~(56)~~ **(65)** "Sedimentation" means a process for removal of solids before filtration by gravity or separation.

~~(57)~~ **(66)** "Service line sample" means a one (1) liter sample of water collected in accordance with section 37(b)(3) of this rule that has been standing at least six (6) hours in a service line.

~~(58)~~ **(67)** "Single family structure" means a building constructed as a single family residence that is currently being used as either a residence or a place of business for the purpose of sections 36 through 47 of this rule only.

~~(59)~~ **(68)** "Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than four-tenths (0.4) meter per hour or forty-five (45) to one hundred fifty (150) gallons per day per square foot) resulting in substantial particulate removal by physical and biological mechanisms.

~~(60)~~ **(69)** "Small water system" means a water system that serves three thousand three hundred (3,300) persons or fewer for the purpose of sections 36 through 47 of this rule only.

~~(61)~~ **(70)** "Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

(71) "Subpart H system" means a public water system using surface water or ground water under the direct influence of surface water as a source that is subject to the requirements of 327 IAC 8-2.6-1.

~~(62)~~ **(72)** "Supplier of water" means any person who owns and/or operates a public water system.

~~(63)~~ **(73)** "Surface water" means all water occurring on the surface of the ground, including water in a stream, natural and artificial lakes, ponds, swales, marshes, and diffused surface water.

(74) "SUVA" means specific ultraviolet absorption at two hundred fifty-four (254) nanometers, an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of two hundred fifty-four (254) nanometers (UV_{254}) (in m^{-1}) by its concentration of dissolved organic carbon (DOC) (in milligrams per liter).

~~(64)~~ **(75)** "System with a single service connection" means a public water system which supplies drinking water to consumers via a single service line.

~~(65)~~ **(76)** "Too numerous to count" means that the total number of bacterial colonies exceeds two hundred (200) on a forty-seven (47) millimeter diameter membrane filter used for coliform detection.

(77) "Total organic carbon" or "TOC" means total organic carbon in milligrams per liter, measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two (2) significant figures.

~~(66)~~ **(78)** "Total trihalomethanes" **or** "TTHM" means the sum of the concentration in milligrams per liter of the trihalomethane compounds:

(A) trichloromethane (chloroform);

(B) dibromochloromethane;

(C) bromodichloromethane; and

(D) tribromomethane (bromoform);

rounded to two (2) significant figures.

~~(67)~~ **(79)** "Transient noncommunity water system" **or** "TWS" means a noncommunity water system that does not regularly serve at least twenty-five (25) of the same persons over six (6) months per year.

~~(68)~~ **(80)** "Trihalomethane" **or** "THM" means one (1) of the family of organic compounds, named as derivatives of methane, wherein three (3) of the four (4) hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

(81) "Uncovered finished water storage facility" means a tank, reservoir, or other facility open to the atmosphere that is used to store water that will undergo no further treatment except residual disinfection.

~~(69)~~ **(82)** "U.S. EPA" or "EPA" means the United States Environmental Protection Agency.

~~(70)~~ **(83)** "Virus" means a virus of fecal origin which is infectious to humans by waterborne transmission.

~~(71)~~ **(84)** "Waterborne disease outbreak" means the significant occurrence of acute infectious illness epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment as determined by the commissioner.

[1]Federal Register, Part II, 40 CFR 141, June 29, 1989, Volume 54, Number 124, pages 27532 through 27534. *(Water Pollution Control Board; 327 IAC 8-2-1; filed Sep 24, 1987, 3:00 p.m.: 11 IR 705; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1003; errata filed Jan 9, 1991, 2:30 p.m.: 14 IR 1070; errata filed Aug 6, 1991, 3:45 p.m.: 14 IR 2258; filed Apr 12, 1993, 11:00 a.m.: 16 IR 2151; filed Aug 24, 1994, 8:15 a.m.: 18 IR 19; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 531; filed Oct 24, 1997, 4:30 p.m.: 21 IR 932; filed Mar 6, 2000, 7:56 a.m.: 23 IR 1623; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1075; filed May 1, 2003, 12:00 p.m.: 26 IR 2808)*

SECTION 2. 327 IAC 8-2-5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-5 Organic chemicals other than volatile compounds; maximum contaminant levels

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

Sec. 5. (a) The MCLs for the following synthetic organic chemicals apply to all community water systems and nontransient noncommunity water systems, except as provided in subsection (c) for total trihalomethanes:

Contaminant	Level in Milligrams Per Liter
Total trihalomethanes ~~(the sum of the concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform), and trichloromethane (chloroform))~~	0.10

CAS No.	Contaminant	MCL (mg/l)
15972-60-8	Alachlor	0.002
1912-24-9	Atrazine	0.003
50-32-8	Benzo[a]pyrene	0.0002
1563-66-2	Carbofuran	0.04
57-74-9	Chlordane	0.002
75-99-0	Dalapon	0.2
96-12-8	1,2-dibromo-3-chloropropane (DBCP)	0.0002
103-23-1	Di(2-ethylhexyl)adipate	0.4
117-81-7	Di(2-ethylhexyl)phthalate	0.006
88-85-7	Dinoseb	0.007
85-00-7	Diquat	0.02
94-75-7	2,4-D	0.07
145-73-3	Endothall	0.1
72-20-8	Endrin	0.002
106-93-4	Ethylene dibromide	0.00005
1071-53-6	Glyphosate	0.7
76-44-8	Heptachlor	0.0004
1024-57-3	Heptachlor epoxide	0.0002
118-74-1	Hexachlorobenzene	0.001
77-47-4	Hexachlorocyclopentadiene	0.05
58-89-9	Lindane	0.0002
72-43-5	Methoxychlor	0.04
23135-22-0	Oxamyl (vydate)	0.2
1918-02-1	Picloram	0.5
1336-36-3	Polychlorinated biphenyls	0.0005
87-86-5	Pentachlorophenol	0.001
122-34-9	Simazine	0.004
8001-35-2	Toxaphene	0.003
1746-01-6	2,3,7,8-TCDD (dioxin)	3×10^{-8}
93-72-1	2,4,5-TP	0.05

(b) For the synthetic organic chemicals listed in this section other than total trihalomethanes, monitoring frequency is specified in section 5.1 of this rule, and analytical methods are specified in section 5.2 of this rule.

(c) The MCL **of one-tenth (0.10) milligram per liter** for total trihalomethanes ~~listed in this section~~ applies ~~only to~~ **as follows:**

(1) A subpart H community water ~~systems~~ **system** which ~~serve~~ **serves** a population of ten thousand (10,000) or more individuals ~~and which add a disinfectant (oxidant) to the water in any part of the drinking water treatment process.~~ **until December 31, 2001.**

(2) A CWS that uses only ground water not under the direct influence of surface water and serve a population of ten thousand (10,000) or more individuals until December 31, 2003.

Compliance with the MCL for total trihalomethanes is calculated under section 5.3 of this rule. **After December 31, 2003, this subsection is no longer applicable.**

(d) The commissioner hereby identifies, as indicated in the following table, granular activated carbon (GAC), packed tower aeration (PTA), or oxidation (OX) as the best technology, treatment technique, or other means available for achieving compliance with the MCL for synthetic organic contaminants identified in subsection (a):

BAT for Synthetic Organic Contaminants
Listed in Subsection (a)

CAS No.	Contaminant	GAC	PTA	OX
15972-60-8	Alachlor	X		
1912-24-9	Atrazine	X		
50-32-8	Benzo[a]pyrene	X		
1563-66-2	Carbofuran	X		
57-74-9	Chlordane	X		
94-75-7	2,4-D	X		
75-99-0	Dalapon	X		
96-12-8	1,2-dibromo-3-chloropropane (DBCP)	X	X	
103-23-1	Di(2-ethylhexyl)adipate	X	X	
117-81-7	Di(2-ethylhexyl)phthalate	X		
88-85-7	Dinoseb	X		
85-00-7	Diquat	X		
145-73-3	Endothall	X		
72-20-8	Endrin	X		
106-93-4	Ethylene dibromide (EDB)	X	X	
1071-53-6	Glyphosate			X
76-44-8	Heptachlor	X		
1024-57-3	Heptachlor epoxide	X		
118-74-1	Hexachlorobenzene	X		
77-47-3	Hexachlorocyclopentadiene	X	X	
58-89-9	Lindane	X		
72-43-5	Methoxychlor	X		
23135-22-0	Oxamyl (vydate)	X		
1918-02-1	Picloram	X		
1336-36-3	Polychlorinated biphenyls (PCBs)	X		
87-86-5	Pentachlorophenol	X		
93-72-1	2,4,5-TP (silvex)	X		
122-34-9	Simazine	X		
1746-01-6	2,3,7,8-TCDD (dioxin)	X		
8001-35-2	Toxaphene	X	X	

(Water Pollution Control Board; 327 IAC 8-2-5; filed Sep 24, 1987, 3:00 p.m.: 11 IR 706; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1009; errata filed Aug 6, 1991, 3:45 p.m.: 14 IR 2258; filed Aug 24, 1994, 8:15 a.m.: 18 IR 32; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 531; filed Aug 25, 1997, 8:00 a.m.: 21 IR 43; filed May 1, 2003, 12:00 p.m.: 26 IR 2812)

SECTION 3. 327 IAC 8-2-5.3 IS AMENDED TO READ AS FOLLOWS:

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

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

Sec. 5.3. (a) To determine compliance with section 5 of this rule, each community water system which serves ten thousand (10,000) or more individuals and which adds a disinfectant (oxidant) to the water in any part of the drinking water treatment process shall collect and analyze samples for total trihalomethanes (TTHM) in accordance with this section. The minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple wells drawing raw water from a single aquifer may, with the commissioner's approval, be considered one (1) treatment plant for determining the minimum number of samples. All samples taken within an established frequency shall be collected within a twenty-four (24) hour period.

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

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

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

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

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

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

(2) If, at any time during which the reduced monitoring frequency prescribed under subdivision (1) applies, the results from any analysis taken by the system for maximum TTHM potential are equal to or greater than ten-hundredths (0.10) milligram per liter, and such results are confirmed by at least one (1) check sample taken promptly after such results are received, the system shall immediately begin monitoring in accordance with the requirements of subsection (b) and such monitoring shall continue for at least one (1) year before the frequency may be reduced again. In the event of any significant change to the system's source of

water or treatment program, the system shall immediately analyze an additional sample for maximum TTHM potential taken at a point in the distribution system reflecting maximum residence time of the water in the system for the purpose of determining whether the system must comply with monitoring requirements of subsection (b). At the discretion of the commissioner, monitoring frequencies may and should be increased above the minimum in those cases where this is necessary to detect variation of TTHM levels within the distribution system.

(d) Compliance with section 5 of this rule for TTHM shall be determined based on a running annual average of quarterly samples collected by the system as prescribed in subsection (b)(1) or (b)(2). If the average of samples covering any four (4) consecutive quarterly periods exceeds the MCL, the supplier of water shall report to the commissioner under section 13 of this rule and notify the public under 327 IAC 8-2.1-7 through 327 IAC 8-2.1-16. Monitoring after public notification shall be at a frequency designated by the commissioner and shall continue until a monitoring schedule as a condition to an enforcement action shall become effective.

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

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

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

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

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

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

(h) The requirements in subsections (a) through (g) apply to each subpart H CWS that serves a population of ten thousand (10,000) or more individuals until December 31, 2001. The requirements in subsections (a) through (g) apply to each CWS that uses only ground water not under the direct influence of surface water that add a disinfectant (oxidant) in any part of the treatment process and serves a population of ten thousand (10,000) or more individuals

until December 31, 2003. After the dates established in this subsection expire, the requirements of 327 IAC 8-2.5 apply to these systems.

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

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

(2) Method 551.1 may be found in "Methods for the Determination of Organic Compounds in Drinking Water–Supplement III", EPA/600/R-95-131, August 1995, available from NTIS, PB95-261616, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, (800) 553-6847.

(3) Method 524.2 may be found in "Methods for the Determination of Organic Compounds in Drinking Water–Supplement II", EPA-600/R-92-129, August 1992, available from NTIS, PB92-207703, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, (800) 553-6847.

These methods are available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. *(Water Pollution Control Board; 327 IAC 8-2-5.3; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1011; filed Aug 24, 1994, 8:15 a.m.: 18 IR 37; errata filed Oct 11, 1994, 2:45 p.m.: 18 IR 531; filed Aug 25, 1997, 8:00 a.m.: 21 IR 49; errata filed Dec 10, 1997, 3:45 p.m.: 21 IR 1348; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3958; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1086; filed May 1, 2003, 12:00 p.m.: 26 IR 2814)*

SECTION 4. 327 IAC 8-2-8.5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-8.5 Requirement for filtration and disinfection

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 8.5. (a) Effective June 29, 1993, a public water system that uses a surface water source must provide filtration in accordance with this section.

(b) A public water system that uses a ground water source under the direct influence of surface water shall provide filtration in accordance with this section beginning eighteen (18) months after the commissioner determines that it is under the direct influence of surface water from the date specified in section 8.2 of this rule.

(c) A public water system that uses a surface water source or a ground water source under the direct influence of surface water must provide treatment consisting of both disinfection, as specified in section 8.6 of this rule and filtration treatment. Filtration treatment shall be done by one (1) of the following techniques, and the turbidity level of representative samples of a system's filtered water, regardless of filtration technique used, shall at no time exceed five (5) nephelometric turbidity units (NTU) in any given sample, measured as specified in section 8.7 of this rule:

(1) For systems using conventional filtration or direct filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to one-half (0.5) NTU in at least ninety-five percent (95%) of the total number of measurements taken each month, measured as specified in sections 8.7(4) and 8.8(b) of this rule, except that if the commissioner determines that the system is capable of achieving at least ninety-nine and nine-tenths percent (99.9%) removal and/or inactivation of Giardia lamblia cysts at some turbidity level higher than one-half (0.5) NTU in at least ninety-five percent (95%) of the total number of measurements taken each month, the commissioner may substitute this higher turbidity limit for that system. However, in no case may the commissioner approve a turbidity limit that allows more than one (1) NTU in more than five percent (5%) of the samples taken each month, measured as specified in sections 8.7(4) and 8.8(b) of this rule. **Upon the effective date of this rule, systems serving a population of at least ten thousand (10,000) individuals shall meet the turbidity requirements in 327 IAC 8-2.6-3.**

(2) For systems using slow sand filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to one (1) NTU in at least ninety-five percent (95%) of the measurements taken each month, measured as specified in sections 8.7(4) and 8.8(b) of this rule, except where the commissioner determines that there is no significant interference with disinfection at a higher turbidity level.

(3) For systems using diatomaceous earth filtration, the turbidity level of representative samples of a public water system's filtered water must be less than or equal to one (1) NTU in at least ninety-five percent (95%) of the measurements taken each month, measured as specified in sections 8.7(4) and 8.8(b) of this rule.

(4) A public water system may use a filtration technology not listed in this subsection if it demonstrates to the commissioner, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of section 8.6 of this rule, consistently achieves ninety-nine and nine-tenths percent (99.9%) removal and/or inactivation of Giardia lamblia cysts and ninety-nine and ninety-nine hundredths percent (99.99%) removal and/or inactivation of viruses. For a system that makes this demonstration, the requirements of this subsection apply. **Upon the effective date of this rule, systems serving a population of at least ten thousand (10,000) individuals shall meet the requirements for other filtration technologies in 327 IAC 8-2.6-3.**

(d) During plant operation, each public water system subject to this section shall be operated only by personnel who have been certified by the commissioner under 327 IAC 8-11 through 327 IAC 8-12.

(e) In addition to complying with requirements in this section, systems serving a population of at least ten thousand (10,000) individuals shall also comply with the requirements in 327 IAC 8-2.6-1. *(Water Pollution Control Board; 327 IAC 8-2-8.5; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1024; errata filed Apr 5, 1991, 3:30 p.m.: 14 IR 1626; errata, 14 IR 1730; filed Apr 12, 1993, 11:00 a.m.: 16 IR 2160; filed May 1, 2003, 12:00 p.m.: 26 IR 2816)*

SECTION 5. 327 IAC 8-2-13 IS AMENDED TO READ AS FOLLOWS:

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

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

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

(1) the first ten (10) days following the month in which the result is received; or

(2) the first ten (10) days following the end of the required monitoring period as stipulated by the commissioner, whichever is shorter.

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

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

(d) The supplier of water, within ten (10) days of completing the public notification required by 327 IAC 8-2.1-7 through 327 IAC 8-2.1-16, for the initial public notice and any repeat notices, shall submit to the commissioner a certification that it has fully complied with the public notification regulations. The public water system must include with this certification a representative copy of each type of notice distributed, published, posted, or made available to the persons served by the system or to the media.

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

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

(Water Pollution Control Board; 327 IAC 8-2-13; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1030; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3974; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1096; errata filed Feb 22, 2002, 2:01 p.m.: 25 IR 2254; filed May 1, 2003, 12:00 p.m.: 26 IR 2817)

SECTION 6. 327 IAC 8-2-30 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-30 Maximum contaminant level goals; organic compounds

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 30. (a) MCLGs are zero (0) for the following organic compounds:

(1) Benzene.
(2) Vinyl chloride.
(3) Carbon tetrachloride.
(4) 1,2-dichloroethane.
(5) Trichloroethylene.
(6) Acrylamide.
(7) Alachlor.
(8) Chlordane.
(9) Dibromochloropropane.
(10) 1,2-dichloropropane.
(11) Epichlorohydrin.
(12) Ethylene dibromide.
(13) Heptachlor.
(14) Heptachlor epoxide.
(15) Pentachlorophenol.
(16) Polychlorinated biphenyls (PCBs).

(17) Tetrachloroethylene.
(18) Toxaphene.
(19) Benzo[a]pyrene.
(20) Dichloromethane.
(21) Di(2-ethylhexyl)phthalate.
(22) Hexachlorobenzene.
(23) 2,3,7,8-TCDD (dioxin).

(b) MCLGs for the following organic compounds are as follows:

Contaminant	MCLG in Milligrams Per Liter
1,1-dichloroethylene	0.007
1,1,1-trichloroethane	0.20
para-dichlorobenzene	0.075
Aldicarb	0.001
Aldicarb sulfoxide	0.001
Aldicarb sulfone	0.001
Atrazine	0.003
Carbofuran	0.04
Ortho-dichlorobenzene	0.6
cis-1,2-dichloroethylene	0.07
trans-1,2-dichloroethylene	0.1
2,4-D	0.07
Ethylbenzene	0.7
Lindane	0.0002
Methoxychlor	0.04
Monochlorobenzene	0.1
Styrene	0.1
Toluene	1
2,4,5-TP	0.05
Xylenes	10
Dalapon	0.2
Di(2-ethylhexyl)adipate	0.4
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Glyphosate	0.7
Hexachlorocyclopentadiene	0.05
Oxamyl (vydate)	0.2
Picloram	0.5
Simazine	0.004
1,2,4-trichlorobenzene	0.07
1,1,2-trichloroethane	0.003

(c) MCLGs for the following disinfection byproducts are as follows:

Disinfection Byproduct	MCLG (mg/L)
Bromodichloromethane	**0**
Bromoform	**0**
Bromate	**0**
Dichloroacetic acid	**0**
Trichloroacetic acid	**0.3**
Chlorite	**0.8**
Dibromochloromethane	**0.06**

(Water Pollution Control Board; 327 IAC 8-2-30; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1047; filed Aug 24, 1994, 8:15 a.m.: 18 IR 66; filed May 1, 2003, 12:00 p.m.: 26 IR 2817)

SECTION 7. 327 IAC 8-2-31 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2-31 Maximum contaminant level goals; microbiological contaminants

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 31. Maximum contaminant level goals (MCLGs) are zero (0) for the following microbiological contaminants:
(1) Giardia lamblia.
(2) Viruses.
(3) Legionella.
(4) Total coliforms (including fecal coliforms and Escherichia coli).
(5) Cryptosporidium.

(Water Pollution Control Board; 327 IAC 8-2-31; filed Dec 28, 1990, 5:10 p.m.: 14 IR 1047; filed May 1, 2003, 12:00 p.m.: 26 IR 2818)

SECTION 8. 327 IAC 8-2-48 IS ADDED TO READ AS FOLLOWS:

327 IAC 8-2-48 Monitoring of consecutive public water systems

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

Sec. 48. When a public water system supplies water to one (1) or more other public water systems, the commissioner may modify the monitoring requirements imposed by this article to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes. Any modified monitoring shall be conducted pursuant to a schedule specified by the commissioner and concurred by the administrator of the U.S. EPA. *(Water Pollution Control Board; 327 IAC 8-2-48; filed May 1, 2003, 12:00 p.m.: 26 IR 2818)*

SECTION 9. 327 IAC 8-2.1-3 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-3 Content of the reports

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

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

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

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

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

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

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

(c) The report must include the following definitions:

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

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

(d) A report that contains data on contaminants that the department or EPA regulates and uses any of the following terms must include definitions, as applicable, of the terms used:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) When compliance with the MCL is determined annually or less frequently, the highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

(ii) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point, the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.

(iii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points, the average and range of detection expressed in the same units as the MCL.

(E) When turbidity is reported pursuant to 327 IAC 8-2-8.8 **or 327 IAC 8-2.6-3,** the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in 327 IAC 8-2-8.8 **or 327 IAC 8-2.6-3** for the filtration technology being used. The report must include an explanation of the reasons for measuring turbidity.

(F) For lead and copper, the ninetieth percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level.

(G) For total coliform, the highest monthly:

(i) number of positive samples for systems collecting fewer than forty (40) samples per month; or

(ii) percentage of positive samples for systems collecting at least forty (40) samples per month.

(H) For fecal coliform, the total number of positive samples.

(I) The likely source or sources of detected contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and must be used when available to the operator. If the operator lacks specific information on the likely source, the report must include one (1) or more of the typical sources for that contaminant listed in section 6(b) of this rule that are most applicable to the system.

(6) If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources:

(A) the table must contain a separate column for each service area and the report must identify each separate distribution system; or

(B) the system may produce separate reports tailored to include data for each service area.

(7) The table must clearly identify any data indicating violations of MCLs or treatment techniques, and the report must contain a clear and readily understandable explanation of the violation, including the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system shall use the relevant language of section 6(c) of this rule.

(f) Each report must contain the following information on Cryptosporidium, radon, and other contaminants:

(1) If the system has performed any monitoring for Cryptosporidium, including monitoring performed to satisfy the requirements of 40 CFR 141.143*, that indicates Cryptosporidium may be present in the source water or the finished water, the report must include:

(A) a summary of the results of the monitoring; and

(B) an explanation of the significance of the results.

(2) If the system has performed any monitoring for radon that indicates radon may be present in the finished water, the report must include:

(A) the results of the monitoring; and

(B) an explanation of the significance of the results.

(3) If the system has performed additional monitoring that indicates the presence of other contaminants in the finished water, the commissioner strongly encourages systems to report any results that may indicate a health concern. To determine if results may indicate a health concern, the commissioner recommends that systems find out if EPA has proposed a National Primary Drinking Water Regulation (NPDWR) or issued a health advisory for that contaminant by calling the Safe Drinking Water Hotline at (800) 426-4791. The commissioner and EPA consider levels detected above a proposed federal or state MCL or health advisory level to indicate possible health concerns. For such contaminants, the commissioner recommends that the report includes:

(A) the results of the monitoring; and

(B) an explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.

(g) In addition to the requirements of subsection (d)(5), the report must note any violation of a requirement listed in this subsection that occurred during the year covered by the report, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation. Violations of the following requirements must be included:

(1) Monitoring and reporting of compliance data.

(2) Filtration and disinfection prescribed by 327 IAC 8-2-8.5 and 327 IAC 8-2-8.6. For systems that have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes that constitutes a violation, the report must include the following language as part of the explanation of potential health effects, "inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.".

(3) Lead and copper control requirements prescribed by 327 IAC 8-2-36 through 327 IAC 8-2-47. For systems that fail to take one (1) or more actions prescribed by 327 IAC 8-2-36(d) or 327 IAC 8-2-40 through 327 IAC 8-2-43, the report must include the applicable language from section 6(c) of this rule for lead or copper, or both.

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

(5) Record keeping of compliance data.

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

(7) Violation of the terms of an administrative or judicial order.

(h) The following additional information must be contained in the report:

(1) A brief explanation regarding contaminants that may reasonably be expected to be found in drinking water, including bottled water. This explanation may include the language in clauses (A) through (C), or systems may use their own comparable language. The report must also include the language of clause (D). The language is as follows:

(A) The sources of drinking water (both tap water and

bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals, and in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

(B) Contaminants that may be present in source water include the following:

(i) Microbial contaminants, such as viruses and bacteria, that may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

(ii) Inorganic contaminants, such as salts and metals, that can be naturally-occurring or result from urban stormwater run-off, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

(iii) Pesticides and herbicides, that may come from a variety of sources, such as agriculture, urban stormwater run-off, and residential uses.

(iv) Organic chemical contaminants, including synthetic and volatile organic chemicals, that are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban stormwater run-off, and septic systems.

(v) Radioactive contaminants, that can be naturally-occurring or be the result of oil and gas production and mining activities.

(C) In order to ensure that tap water is safe to drink, the department and EPA prescribe regulations that limit the amount of certain contaminants in water provided by public water systems. Federal Drug Administration (FDA) regulations establish limits for contaminants in bottled water that must provide the same protection for public health.

(D) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that the water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline at (800) 426-4791.

(2) The telephone number of the owner, operator, or designee of the community water system as a source of additional information concerning the report.

(3) In communities with a large proportion of non-English speaking residents, in which twenty percent (20%) or more of the residents speak the same language other than English, the report must contain information in the appropriate language or languages regarding the importance of the report or contain a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in the appropriate language.

(4) The report must include information about opportunities for public participation in decisions that may affect the quality of water. This information may include, but is not limited to, the time and place of regularly scheduled board meetings.

(5) The systems may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report.

*The Code of Federal Regulations (CFR) citations are incorporated by reference into this rule and are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 or from the Indiana Department of Environmental Management, Office of Water Quality, Indiana Government Center-North, Twelfth Floor, Room 1255, 100 North Senate Avenue, Indianapolis, Indiana 46206. *(Water Pollution Control Board; 327 IAC 8-2.1-3; filed Mar 22, 2000, 3:23 p.m.: 23 IR 1899; filed Jul 23, 2001, 1:02 p.m.: 24 IR 3982; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1098; filed May 1, 2003, 12:00 p.m.: 26 IR 2818)*

SECTION 10. 327 IAC 8-2.1-4 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-4 Required additional health information

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

Sec. 4. (a) A report must prominently display the language: "Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons, such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. U.S. Environmental Protection Agency and Centers for Disease Control guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline at (800) 426-4791.".

(b) If a system detects arsenic at levels above twenty-five (25) micrograms per liter, but below the MCL, it shall do one (1) of the following:

(1) Include in its report the language: "The U.S. Environmental Protection Agency is reviewing the drinking water standard for arsenic because of special concerns that it may not be stringent enough. Arsenic is a naturally-occurring mineral known to cause cancer in humans at high concentrations.".

(2) Write its own educational statement, if such statement is written in consultation with the commissioner, and include that statement in the report.

(c) If a system detects nitrate at levels above five (5) milligrams per liter, but below the MCL, it shall do one (1) of the following:

(1) Include in its report the language: "Nitrate in drinking water at levels above ten (10) parts per million is a health risk for infants of less than six (6) months of age. High nitrate levels in drinking water can cause blue-baby syndrome.

Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant, seek advice from your health care provider.".

(2) Write its own educational statement, if such statement is written in consultation with the commissioner, and include that statement in the report.

(d) If a system detects lead above the action level in more than five percent (5%), and up to and including ten percent (10%), of homes sampled, it shall do one (1) of the following:

(1) Include in its report the language: "Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for thirty (30) seconds to two (2) minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline at (800) 426-4791.".

(2) Write its own educational statement, if such statement is written in consultation with the commissioner, and include that statement in the report.

(e) If a system detects total trihalomethanes above eight-hundredths (0.08) milligrams per liter, but below the MCL in 327 IAC 8-2-5(a), as an annual average, monitored and calculated under the provisions of 327 IAC 8-2-5.3, it shall include in its report the health effects language in ~~section 6(e)(5)(S)~~ **table 17(G)(74) contained in section 17** of this rule. *(Water Pollution Control Board; 327 IAC 8-2.1-4; filed Mar 22, 2000, 3:23 p.m.: 23 IR 1902; filed May 1, 2003, 12:00 p.m.: 26 IR 2821)*

SECTION 11. 327 IAC 8-2.1-6 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-6 Other required information

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

Sec. 6. (a) In order to convert MCLs to numbers greater than or equal to one and zero-tenths (1.0) for the required table referenced in section 3 of this rule, a community water system shall use the following table:

Table 6-1: Converting MCL Compliance Values for Consumer Confidence Reports

Contaminant	MCL in Compliance Units (mg/l)	multiply by...	MCL in CCR Units	MCLG in CCR Units
Microbiological contaminants				
1. Total coliform bacteria			5% of monthly samples are positive (systems that collect forty (40) or more samples per month); one (1) positive monthly sample (systems that collect fewer than forty (40) samples per month).	0
2. Fecal coliform and E. coli			A routine sample and a repeat sample are total coliform positive, and one (1) is also fecal coliform or E. coli positive.	0
3. Total organic carbon	**TT**		**TT**	**n/a**
~~3.~~ **4.** Turbidity			TT (NTU)	n/a
Radioactive contaminants				
~~4.~~ **5.** Beta/photon emitters	4 mrem/year		4 mrem/year	0
~~5.~~ **6.** Alpha emitters	15 pCi/l		15 pCi/l	0
~~6.~~ **7.** Combined radium	5 pCi/l		5 pCi/l	0
Inorganic contaminants				
~~7.~~ **8.** Antimony	0.006	1,000	6 ppb	6
~~8.~~ **9.** Arsenic	0.05	1,000	50 ppb	n/a
~~9.~~ **10.** Asbestos	7 MFL		7 MFL	7
~~10.~~ **11.** Barium	2		2 ppm	2
~~11.~~ **12.** Beryllium	0.004	1,000	4 ppb	4
~~12.~~ **13.** Cadmium	0.005	1,000	5 ppb	5
~~13.~~ **14.** Chromium	0.1	1,000	100 ppb	100
~~14.~~ **15.** Copper	AL = 1.3		AL = 1.3 ppm	1.3
~~15.~~ **16.** Cyanide	0.2	1,000	200 ppb	200
~~16.~~ **17.** Fluoride	4		4 ppm	4
~~17.~~ **18.** Lead	AL = 0.015	1,000	AL = 15 ppb	0

~~18.~~ **19.** Mercury (inorganic)	0.002	1,000	2 ppb	2
~~19.~~ **20.** Nitrate (as nitrogen)	10		10 ppm	10
~~20.~~ **21.** Nitrite (as nitrogen)	1		1 ppm	1
~~21.~~ **22.** Selenium	0.05	1,000	50 ppb	50
~~22.~~ **23.** Thallium	0.002	1,000	2 ppb	0.5
Synthetic organic contaminants including pesticides and herbicides				
~~23.~~ **24.** 2,4-D	0.07	1,000	70 ppb	70
~~24.~~ **25.** 2,4,5-TP (silvex)	0.05	1,000	50 ppb	50
~~25.~~ **26.** Acrylamide			TT	0
~~26.~~ **27.** Alachlor	0.002	1,000	2 ppb	0
~~27.~~ **28.** Atrazine	0.003	1,000	3 ppb	3
~~28.~~ **29.** Benzo(a)pyrene (PAH)	0.0002	1,000,000	200 ppt	0
~~29.~~ **30.** Carbofuran	0.04	1,000	40 ppb	40
~~30.~~ **31.** Chlordane	0.002	1,000	2 ppb	0
~~31.~~ **32.** Dalapon	0.2	1,000	200 ppb	200
~~32.~~ **33.** Di(2-ethylhexyl)adipate	.4	1,000	400 ppb	400
~~33.~~ **34.** Di(2-ethylhexyl)phthalate	0.006	1,000	6 ppb	0
~~34.~~ **35.** Dibromochloropropane	0.0002	1,000,000	200 ppt	0
~~35.~~ **36.** Dinoseb	0.007	1,000	7 ppb	7
~~36.~~ **37.** Diquat	0.02	1,000	20 ppb	20
~~37.~~ **38.** Dioxin (2,3,7,8-TCDD)	0.00000003	1,000,000,000	30 ppq	0
~~38.~~ **39.** Endothall	0.1	1,000	100 ppb	100
~~39.~~ **40.** Endrin	0.002	1,000	2 ppb	2
~~40.~~ **41.** Epichlorohydrin			TT	0
~~41.~~ **42.** Ethylene dibromide	0.00005	1,000,000	50 ppt	0
~~42.~~ **43.** Glyphosate	0.7	1,000	700 ppb	700
~~43.~~ **44.** Heptachlor	0.0004	1,000,000	400 ppt	0
~~44.~~ **45.** Heptachlor epoxide	0.0002	1,000,000	200 ppt	0
~~45.~~ **46.** Hexachlorobenzene	0.001	1,000	1 ppb	0
~~46.~~ **47.** Hexachlorocyclopentadiene	0.05	1,000	50 ppb	50
~~47.~~ **48.** Lindane	0.0002	1,000	200 ppt	200
~~48.~~ **49.** Methoxychlor	0.04	1,000	40 ppb	40
~~49.~~ **50.** Oxamyl (vydate)	0.2	1,000	200 ppb	200
~~50.~~ **51.** PCBs (polychlorinated biphenyls)	0.0005	1,000,000	500 ppt	0
~~51.~~ **52.** Pentachlorophenol	0.001	1,000	1 ppb	0
~~52.~~ **53.** Picloram	0.5	1,000	500 ppb	500
~~53.~~ **54.** Simazine	0.004	1,000	4 ppb	4
~~54.~~ **55.** Toxaphene	0.003	1,000	3 ppb	0
Volatile organic contaminants				
~~55.~~ **56.** Benzene	0.005	1,000	5 ppb	0
57. Bromate	**.010**	**1,000**	**10 ppb**	**0**
~~56.~~ **58.** Carbon tetrachloride	0.005	1,000	5 ppb	0
59. Chloramines	**MRDL = 4**		**MRDL = 4 ppm**	**MRDLG = 4**
60. Chlorine	**MRDL = 4**		**MRDL = 4 ppm**	**MRDLG = 4**
61. Chlorite	**1**		**1 ppm**	**.8**
62. Chloride dioxide	**MRDL =.8**	**1,000**	**MRDL = 800ppb**	**MRDLG = 800**
~~57.~~ **63.** Chlorobenzene	0.1	1,000	100 ppb	100
~~58.~~ **64.** o-Dichlorobenzene	0.6	1,000	600 ppb	600
~~59.~~ **65.** p-Dichlorobenzene	0.075	1,000	75 ppb	75
~~60.~~ **66.** 1,2-Dichloroethane	0.005	1,000	5 ppb	0
~~61.~~ **67.**1,1-Dichloroethylene	0.007	1,000	7 ppb	7
~~62.~~ **68.** cis-1,2-Dichloroethylene	0.07	1,000	70 ppb	70

~~63.~~ **69.** trans-1,2-Dichloroethylene	0.1	1,000	100 ppb	100
~~64.~~ **70.** Dichloromethane	0.005	1,000	5 ppb	0
~~65.~~ **71.** 1,2-Dichloropropane	0.005	1,000	5 ppb	0
~~66.~~ **72.** Ethylbenzene	0.7	1,000	700 ppb	700
73. Haloacetic acids (HAA)	**.060**	**1,000**	**60 ppb**	**n/a**
~~67.~~ **74.** Styrene	0.1	1,000	100 ppb	100
~~68.~~ **75.** Tetrachloroethylene	0.005	1,000	5 ppb	0
~~69.~~ **76.** 1,2,4-Trichlorobenzene	0.07	1,000	70 ppb	70
~~70.~~ **77.** 1,1,1-Trichloroethane	0.2	1,000	200 ppb	200
~~71.~~ **78.** 1,1,2-Trichloroethane	0.005	1,000	5 ppb	3
~~72.~~ **79.** Trichloroethylene	0.005	1,000	5 ppb	0
~~73.~~ **80.** TTHMs (total trihalomethanes)	0.1	1,000	100 ppb	n/a
~~74.~~ **81.** Toluene	1		1 ppm	1
~~75.~~ **82.** Vinyl chloride	0.002	1,000	2 ppb	0
~~76.~~ **83.** Xylenes	10		10 ppm	10

Key:
AL = Action level.
MCL = Maximum contaminant level.
MCLG = Maximum contaminant level goal.
MFL = Million fibers per liter.
mrem/year = Millirems per year (a measure of radiation absorbed by the body).
NTU = Nephelometric turbidity units.
pCi/l = Picocuries per liter (a measure of radioactivity).
ppm = Parts per million, or milligrams per liter (mg/l).
ppb = Parts per billion, or micrograms per liter (µg/l).
ppt = Parts per trillion, or nanograms per liter (ng/l).
ppq = Parts per quadrillion, or picograms per liter (pg/l).
TT = Treatment technique.

(b) In order to show potential sources of contamination for the table required by section 3 of this rule, a community water system shall use the following table:

Table 6-2: Regulated Contaminants

Contaminant (units)	MCLG	MCL	Major Sources in Drinking Water
Microbiological contaminants			
1. Total coliform bacteria	0	5% of monthly samples are positive (systems that collect forty (40) or more samples per month); one (1) positive monthly sample (systems that collect fewer than forty (40) samples per month).	Naturally present in the environment.
2. Fecal coliform and E. coli	0	A routine sample and a repeat sample are total coliform positive, and one (1) is also fecal coliform or E. coli positive.	Human and animal fecal waste.
3. Total organic carbon	**n/a**	**TT**	**Naturally present in the environment.**
~~3.~~ **4.** Turbidity	n/a	TT	Soil run-off.
Radioactive contaminants			
~~4.~~ **5.** Beta/photon emitters (mrem/year)	0	4	Decay of natural and manmade deposits.

~~5.~~ **6.** Alpha emitters (pCi/l)	0	15	Erosion of natural deposits.
~~6.~~ **7.** Combined radium (pCi/l)	0	5	Erosion of natural deposits.
Inorganic contaminants			
~~7.~~ **8.** Antimony (ppb)	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.
~~8.~~ **9.** Arsenic (ppb)	n/a	50	Erosion of natural deposits; run-off from orchards; run-off from glass and electronics production wastes.
~~9.~~ **10.** Asbestos (MFL)	7	7	Decay of asbestos cement water mains; erosion of natural deposits.
~~10.~~ **11.** Barium (ppm)	2	2	Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits.
~~11.~~ **12.** Beryllium (ppb)	4	4	Discharge from metal refineries and coal-burning factories; discharge from electrical, aerospace, and defense industries.
~~12.~~ **13.** Cadmium (ppb)	5	5	Corrosion of galvanized pipes; erosion of natural deposits; discharge from metal refineries; run-off from waste batteries and paints.
~~13.~~ **14.** Chromium (ppb)	100	100	Discharge from steel and pulp mills; erosion of natural deposits.
~~14.~~ **15.** Copper (ppm)	1.3	AL = 1.3	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.
~~15.~~ **16.** Cyanide (ppb)	200	200	Discharge from steel/metal factories; discharge from plastic and fertilizer factories.
~~16.~~ **17.** Fluoride (ppm)	4	4	Erosion of natural deposits; water additive that promotes strong teeth; discharge from fertilizer and aluminum factories.
~~17.~~ **18.** Lead (ppb)	0	AL = 15	Corrosion of household plumbing systems; erosion of natural deposits.
~~18.~~ **19.** Mercury (inorganic) (ppb)	2	2	Erosion of natural deposits; discharge from refineries and factories; run-off from landfills; run-off from cropland.
~~19.~~ **20.** Nitrate (as nitrogen) (ppm)	10	10	Run-off from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
~~20.~~ **21.** Nitrite (as nitrogen) (ppm)	1	1	Run-off from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
~~21.~~ **22.** Selenium (ppb)	50	50	Discharge from petroleum and metal refineries; erosion of natural deposits; discharge from mines.
~~22.~~ **23.** Thallium (ppb)	0.5	2	Leaching from ore-processing sites; discharge from electronics, glass, and drug factories.
Synthetic organic contaminants, including pesticides and herbicides			

~~23.~~ **24.** 2,4-D (ppb)	70	70	Run-off from herbicide used on row crops.
~~24.~~ **25.** 2,4,5-TP (Silvex) (ppb)	50	50	Residue of banned herbicide.
~~25.~~ **26.** Acrylamide	0	TT	Added to water during sewage/wastewater treatment.
~~26.~~ **27.** Alachlor (ppb)	0	2	Run-off from herbicide used on row crops.
~~27.~~ **28.** Atrazine (ppb)	3	3	Run-off from herbicide used on row crops.
~~28.~~ **29.** Benzo(a)pyrene (PAH) (ppt)	0	200	Leaching from linings of water storage tanks and distribution lines.
~~29.~~ **30.** Carbofuran (ppb)	40	40	Leaching of soil fumigant used on rice and alfalfa.
~~30.~~ **31.** Chlordane (ppb)	0	2	Residue of banned termiticide.
~~31.~~ **32.** Dalapon (ppb)	200	200	Run-off from herbicide used on rights-of-way.
~~32.~~ **33.** Di(2-ethylhexyl)adipate (ppb)	400	400	Discharge from chemical factories.
~~33.~~ **34.** Di(2-ethylhexyl)phthalate (ppb)	0	6	Discharge from rubber and chemical factories.
~~34.~~ **35.** Dibromochloropropane (ppt)	0	200	Run-off/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.
~~35.~~ **36.** Dinoseb (ppb)	7	7	Run-off from herbicide used on soybeans and vegetables.
~~36.~~ **37.** Diquat (ppb)	20	20	Run-off from herbicide use.
~~37.~~ **38.** Dioxin (2,3,7,8-TCDD) (ppq)	0	30	Emissions from waste incineration and other combustion; discharge from chemical factories.
~~38.~~ **39.** Endothall (ppb)	100	100	Run-off from herbicide use.
~~39.~~ **40.** Endrin (ppb)	2	2	Residue of banned insecticide.
~~40.~~ **41.** Epichlorohydrin	0	TT	Discharge from industrial chemical factories; an impurity of same water treatment chemicals.
~~41.~~ **42.** Ethylene dibromide (ppt)	0	50	Discharge from petroleum refineries.
~~42.~~ **43.** Glyphosate (ppb)	700	700	Run-off from herbicide use.
~~43.~~ **44.** Heptachlor (ppt)	0	400	Residue of banned termiticide.
~~44.~~ **45.** Heptachlor epoxide (ppt)	0	200	Breakdown of heptachlor.
~~45.~~ **46.** Hexachlorobenzene (ppb)	0	1	Discharge from metal refineries and agricultural chemical factories.
~~46.~~ **47.** Hexachlorocyclopentadiene (ppb)	50	50	Discharge from chemical factories.
~~47.~~ **48.** Lindane (ppt)	200	200	Run-off/leaching from insecticide used on cattle, lumber, gardens.
~~48.~~ **49.** Methoxychlor (ppb)	40	40	Run-off/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.
~~49.~~ **50.** Oxamyl (vydate) (ppb)	200	200	Run-off/leaching from insecticide used on apples, potatoes, and tomatoes.
~~50.~~ **51.** PCBs (polychlorinated biphenyls) (ppt)	0	500	Run-off from landfills; discharge of waste chemicals.
~~51.~~ **52.** Pentachlorophenol (ppb)	0	1	Discharge from wood preserving factories.
~~52.~~ **53.** Picloram (ppb)	500	500	Herbicide run-off.
~~53.~~ **54.** Simazine (ppb)	4	4	Herbicide run-off.

~~54.~~ **55.** Toxaphene (ppb)	0	3	Run-off/leaching from insecticide used on cotton and cattle.
Volatile organic contaminants			
~~55.~~ **56.** Benzene (ppb)	0	5	Discharge from factories; leaching from gas storage tanks and landfills.
57. Bromate (ppb)	**0**	**10**	**Byproduct of drinking water chlorination.**
~~56.~~ **58.** Carbon tetrachloride (ppb)	0	5	Discharge from chemical plants and other industrial activities.
59. Chloramines (ppm)	**MRDLG = 4**	**MRDL = 4**	**Water additive used to control microbes.**
60. Chlorine (ppm)	**MRDLG = 4**	**MRDL = 4**	**Water additive used to control microbes.**
61. Chlorite (ppm)	**.8**	**1**	**Byproduct of drinking water chlorination.**
62. Chloride dioxide (ppb)	**MRDLG = 800**	**MRDL = 800**	**Water additive used to control microbes.**
~~57.~~ **63.** Chlorobenzene (ppb)	100	100	Discharge from chemical and agricultural chemical factories.
~~58.~~ **64.** o-Dichlorobenzene (ppb)	600	600	Discharge from industrial chemical factories.
~~59.~~ **65.** p-Dichlorobenzene (ppb)	75	75	Discharge from industrial chemical factories.
~~60.~~ **66.** 1,2-Dichloroethane (ppb)	0	5	Discharge from industrial chemical factories.
~~61.~~ **67.** 1,1-Dichloroethylene (ppb)	7	7	Discharge from industrial chemical factories.
~~62.~~ **68.** cis-1,2-Dichloroethylene (ppb)	70	70	Discharge from industrial chemical factories.
~~63.~~ **69.** trans-1,2-Dichloroethylene (ppb)	100	100	Discharge from industrial chemical factories.
~~64.~~ **70.** Dichloromethane (ppb)	0	5	Discharge from pharmaceutical and chemical factories.
~~65.~~ **71.** 1,2-Dichloropropane (ppb)	0	5	Discharge from industrial chemical factories.
~~66.~~ **72.** Ethylbenzene (ppb)	700	700	Discharge from petroleum refineries.
73. Haloacetic Acids (HAA) (ppb)	**n/a**	**60**	**Byproduct of drinking water disinfection.**
~~67.~~ **74.** Styrene (ppb)	100	100	Discharge from rubber and plastic factories; leaching from landfills.
~~68.~~ **75.** Tetrachloroethylene (ppb)	0	5	Discharge from factories and dry cleaners.
~~69.~~ **76.** 1,2,4-Trichlorobenzene (ppb)	70	70	Discharge from textile-finishing factories.
~~70.~~ **77.** 1,1,1-Trichloroethane (ppb)	200	200	Discharge from metal degreasing sites and other factories.
~~71.~~ **78.** 1,1,2-Trichloroethane (ppb)	3	5	Discharge from industrial chemical factories.
~~72.~~ **79.** Trichloroethylene (ppb)	0	5	Discharge from metal degreasing sites and other factories.
~~73.~~ **80.** TTHMs (total trihalomethanes) (ppb)	n/a	100	Byproduct of drinking water chlorination.
~~74.~~ **81.** Toluene (ppm)	1	1	Discharge from petroleum factories.

~~75.~~ **82.** Vinyl chloride (ppb)	0	2	Leaching from PVC piping; discharge from plastics factories.
~~76.~~ **83.** Xylenes (ppm)	10	10	Discharge from petroleum factories; discharge from chemical factories.

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MCLG = Maximum contaminant level goal.
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ppb = Parts per billion, or micrograms per liter (µg/l).
ppt = Parts per trillion, or nanograms per liter (ng/l).
ppq = Parts per quadrillion, or picograms per liter (pg/l).
TT = Treatment technique.

(c) The language in section 17 of this rule shall be used if there is a violation referenced in section 3 of this rule, and health effects language is required unless alternate language is listed in this subsection as follows:

(1) Fecal coliform/E. coli. Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with animal or human wastes. Microbes in these wastes can cause short term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.

(2) Fluoride. Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Children may get mottled teeth.

(Water Pollution Control Board; 327 IAC 8-2.1-6; filed Mar 22, 2000, 3:23 p.m.: 23 IR 1903; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1100; filed May 1, 2003, 12:00 p.m.: 26 IR 2822)

SECTION 12. 327 IAC 8-2.1-8 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-8 Tier 1 public notice; form, manner, and frequency of notice

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

Sec. 8. (a) The following violations or situations require a Tier 1 public notice:

(1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system as specified in 327 IAC 8-2-7(b), or the water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform as specified in 327 IAC 8-2-8.3.

(2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in 327 IAC 8-2-4, or when the water system fails to take a confirmation sample within twenty-four (24) hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in 327 IAC 8-2-4.1(h)(2).

(3) Exceedance of the nitrate MCL by noncommunity water systems, where permitted to exceed the MCL by the commissioner under 327 IAC 8-2-4.

(4) Violation of the 327 IAC 8-2-8.5(c) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit as identified in section 16 of this rule, where the commissioner determines after consultation that a Tier 1 notice is required or where consultation does not take place within twenty-four (24) hours after the system learns of the violation.

(5) Occurrence of a waterborne disease outbreak, as defined in 327 IAC 8-2-1, or other waterborne emergency. This includes failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination.

(6) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short term exposure, as determined by the commissioner either in its regulations or on a case-by-case basis.

(7) Violation of the MRDL for chlorine dioxide as defined in 327 IAC 8-2.5-3(a) and determined according to 327 IAC 8-2.5-5.

(b) Tier 1 public notice needs to be provided as follows:

(1) Provide a public notice as soon as practical but no later than twenty-four (24) hours after the system learns of the violation.

(2) Initiate consultation with the commissioner as soon as practical, but no later than twenty-four (24) hours after the public water system learns of the violation or situation, to determine additional public notice requirements.

(3) Comply with any additional public notification requirements that are established as a result of the consultation with the commissioner, including any repeat notices or direction on the duration of the posted notices. To reach all persons served, such requirements may include:

(A) timing;

(B) form;

(C) manner;

(D) frequency; and

(E) content of repeat notices and other actions designed.

(4) Public water systems must provide the notice within twenty-four (24) hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and nontransient users of the water system. In order to reach all persons served, water systems are to use, at a minimum, one (1) or more of the following forms of delivery:

(A) Appropriate broadcast media, such as:

(i) radio; or

(ii) television.

(B) Posting of the notice in conspicuous locations throughout the area served by the water system.

(C) Hand delivery of the notice to persons served by the water system.

(D) Another delivery method approved in writing by the commissioner.

(5) A community public water system shall give a copy of the most recent public notice to all new billing units or new hookups prior to or at the time service begins for any of the following outstanding violations:

(A) Any maximum contaminant level.

(B) Any maximum residual disinfectant level.

(C) Any treatment technique requirement.

(c) For violations of the MRDLs of disinfectants that may pose an acute risk to human health, a copy of the notice must be furnished to the radio and television stations serving the area served by the public water system as soon as possible but in no case later than seventy-two (72) hours after the violation. *(Water Pollution Control Board; 327 IAC 8-2.1-8; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1110; filed May 1, 2003, 12:00 p.m.: 26 IR 2828)*

SECTION 13. 327 IAC 8-2.1-16 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-16 Drinking water violations; other situations requiring public notice

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

Affected: IC 13-18-16

Sec. 16. **(a)** Drinking water violations and other situations that require public notice according to this rule are contained in the following table:

Table 16. Drinking Water Violations and Other Situations Requiring Public Notice

Contaminant	MCL/MRDL/TT/AL Violations		Monitoring and Testing Procedure Violations	
	Tier of Public Notice Required	Citation	Tier of Public Notice Required	Citation
I. Violations of Drinking Water Regulations:				
A. Microbiological Contaminants				
1. Total coliform	2	327 IAC 8-2-7(a)	3	327 IAC 8-2-8 327 IAC 8-2-8.1 327 IAC 8-2-8(f) 327 IAC 8-2-8.2 327 IAC 8-2-8.3
2. Fecal coliform/E. coli	1	327 IAC 8-2-7(b)	1, 3	327 IAC 8-2-8.3
3. Turbidity TT (resulting from a single exceedance of maximum allowable turbidity levels)	2,1	327 IAC 8-2-8.5(a) **327 IAC 8-2.6-3(1)(B)** **327 IAC 8-2.6-3(2)**	3	327 IAC 8-2-8.8(b) **327 IAC 8-2.6-4**
4. Surface Water Treatment Rule violations, other than violations resulting from single exceedance of maximum allowable turbidity level (TT)	2	327 IAC 8-2-8.5 327 IAC 8-2-8.6	3	327 IAC 8-2-8.8

5. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedance of maximum allowable turbidity level (TT)	**2**	**327 IAC 8-2.6-1 327 IAC 8-2.6-2 327 IAC 8-2.6-3**	**3**	**327 IAC 8-2.6-2 327 IAC 8-2.6-4**
6. Filter Backwash Recycling Rule	**2**	**327 IAC 8-2.6-6**	**3**	**327 IAC 8-2.6-6**
B. Inorganic Chemicals (IOCs)				
1. Antimony	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
2. Arsenic	2	327 IAC 8-2-4(d) 327 IAC 8-2-4.1(l)(5)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(l)(3) 327 IAC 8-2-4.1(l)(4)
3. Asbestos (fibers >10 µm)	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(d)
4. Barium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
5. Beryllium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
6. Cadmium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
7. Chromium (total)	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
8. Cyanide	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
9. Fluoride	2	327 IAC 8-2-4(c)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
10. Mercury (inorganic)	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
11. Nitrate	1	327 IAC 8-2-4(b)	1, 3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(f) 327 IAC 8-2-4.1(h)(2)
12. Nitrite	1	327 IAC 8-2-4(b)	1, 3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(g) 327 IAC 8-2-4.1(h)(2)
13. Total Nitrate and Nitrite	1	327 IAC 8-2-4(b)	3	327 IAC 8-2-4.1(c)
14. Selenium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
15. Thallium	2	327 IAC 8-2-4(d)	3	327 IAC 8-2-4.1(c) 327 IAC 8-2-4.1(e)
C. Lead and Copper Rule				
1. Lead and Copper Rule (TT)	2	327 IAC 8-2-36 327 IAC 8-2-40 327 IAC 8-2-41 327 IAC 8-2-42 327 IAC 8-2-43 327 IAC 8-2-44	3	327 IAC 8-2-37 327 IAC 8-2-38 327 IAC 8-2-39 327 IAC 8-2-45
D. Synthetic Organic Chemicals (SOCs)				
1. 2,4-D	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
2. 2,4,5-TP (Silvex)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
3. Alachlor	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
4. Atrazine	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
5. Benzo(a)pyrene (PAHs)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1

6. Carbofuran	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
7. Chlordane	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
8. Dalapon	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
9. Di (2-ethylhexyl) adipate	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
10. Di (2-ethylhexyl) phthalate	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
11. Dibromochloropropane	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
12. Dinoseb	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
13. Dioxin (2,3,7,8-TCDD)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
14. Diquat	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
15. Endothall	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
16. Endrin	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
17. Ethylene dibromide	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
18. Glyphosate	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
19. Heptachlor	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
20. Heptachlor epoxide	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
21. Hexachlorobenzene	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
22. Hexachlorocyclo pentadiene	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
23. Lindane	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
24. Methoxychlor	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
25. Oxamyl (Vydate)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
26. Pentachlorophenol	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
27. Picloram	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
28. Polychlorinated biphenyls (PCBs)	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
29. Simazine	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
30. Toxaphene	2	327 IAC 8-2-5(a)	3	327 IAC 8-2-5.1
E. Volatile Organic Chemicals (VOCs)				
1. Benzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
2. Carbon tetrachloride	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
3. Chlorobenzene (monochlorobenzene)	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
4. o-Dichlorobenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
5. p-Dichlorobenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
6. 1,2-Dichloroethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
7. 1,1-Dichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
8. cis-1,2-Dichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
9. trans-1,2-Dichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
10. Dichloromethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
11. 1,2-Dichloropropane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
12. Ethylbenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
13. Styrene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
14. Tetrachloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
15. Toluene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
16. 1,2,4-Trichlorobenzene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
17. 1,1,1-Trichloroethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
18. 1,1,2-Trichloroethane	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
19. Trichloroethylene	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
20. Vinyl chloride	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
21. Xylenes (total)	2	327 IAC 8-2-5.4(a)	3	327 IAC 8-2-5.5
F. Radioactive Contaminants				

1. Beta/photon emitters	2	327 IAC 8-2-10	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(b)
2. Alpha emitters	2	327 IAC 8-2-9(2)	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(a)
3. Combined radium (226 and 228)	2	327 IAC 8-2-9(1)	3	327 IAC 8-2-10.2 327 IAC 8-2-10.2(a)
G. Disinfection Byproducts (DBPs). Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of DBPs in drinking water.				
1. Total trihalomethanes (TTHMs)	2	327 IAC 8-2-5(a) and 327 IAC 8-2-5(c)	3	327 IAC 8-2-5.3
2. Haloacetic acids (HAA5)	**2**	**327 IAC 8-2.5-2(a)**	**3**	**327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(b)**
3. Bromate	**2**	**327 IAC 8-2.5-2(a)**	**3**	**327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(b)**
4. Chlorite	**2**	**327 IAC 8-2.5-2(a)**	**3**	**327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(b)**
5. Chlorine (MRDL)	**2**	**327 IAC 8-2.5-3(a)**	**3**	**327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(c)**
6. Chloramine (MRDL)	**2**	**327 IAC 8-2.5-3(a)**	**3**	**327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(c)**
7. Chlorine dioxide (MRDL), where any 2 consecutive daily samples at entrance to distribution system only are above MRDL	**2**	**327 IAC 8-2.5-3(a)**	**2, 3**	**327 IAC 8-2.5-6(a), 327 IAC 8-2.5-6(c), and 327 IAC 8-2.5-7(c)(2)**
8. Chlorine dioxide (MRDL), where samples in distribution system the next day are also above MRDL	**1**	**327 IAC 8-2.5-3(a)**	**1**	**327 IAC 8-2.5-6(a), 327 IAC 8-2.5-6(c), and 327 IAC 8-2.5-7(c)(2)**
9. Control of DBP precursors - TOC (TT)	**2**	**327 IAC 8-2.5-9(a) and 327 IAC 8-2.5-9(b)**	**3**	**327 IAC 8-2.5-6(a) and 327 IAC 8-2.5-6(d)**
10. Bench marking and disinfection profiling	**N/A**	**N/A**	**3**	**327 IAC 8-2.6-2**
11. Development of monitoring plan	**N/A**	**N/A**	**3**	**327 IAC 8-2.5-6(f)**
H. Other Treatment Techniques				
1. Acrylamide (TT)	2	327 IAC 8-2-35	N/A	N/A
2. Epichlorohydrin (TT)	2	327 IAC 8-2-35	N/A	N/A
II. Unregulated Contaminant Monitoring:				
A. Nickel	N/A	N/A	3	327 IAC 8-2-4.1(e)
III. Other Situations Requiring Public Notification:				
A. Fluoride secondary maximum contaminant level (SMCL) exceedance	3	40 CFR § 143.3*	N/A	N/A
B. Exceedance of nitrate MCL for noncommunity systems, as allowed by the commissioner	1	327 IAC 8-2-4(b)	N/A	N/A
C. Waterborne disease outbreak	1	327 IAC 8-2-1	N/A	N/A
D. Other waterborne emergency	1	N/A	N/A	N/A
E. Other situations as determined by the commissioner	1, 2, 3	N/A	N/A	N/A

Key:
MCL = Maximum contaminant level
TT = Treatment technique
Violations of drinking water regulations ~~is used here to included~~ **include** violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.

(b) Drinking water violations and other situations that require public notice according to this rule are contained in the following provisions:

(1) Violations and other situations not listed in ~~this~~ table **16 in subsection (a),** such as reporting violations and failure to prepare Consumer Confidence Report do not require notice, unless otherwise determined by the commissioner. The commissioner may, ~~optionally,~~ **at their option,** also require a more stringent public notice tier such as Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3 for specific violations and situations listed in ~~the above.~~ **table 16 in subsection (a).**

(2) Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3.

(3) Systems with treatment technique violations involving a single exceedance of maximum turbidity limit under the surface water treatment rule (SWTR) are required to initiate consultation with the commissioner within twenty-four (24) hours after learning of the violation. Based on this consultation, the commissioner may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the commissioner in the twenty-four (24) hour period, the violation is automatically elevated to Tier 1.

(4) Failure to take a confirmation sample within twenty-four (24) hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 Violation. Other monitoring violations for nitrate are Tier 3.

(5) Other waterborne emergencies require a Tier 1 public notice under section 8(a) of this rule for situations that do not meet the definition of a waterborne disease outbreak given in 327 IAC 8-2-1, but that still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected loading of possible pathogens into the source water.

(6) The commissioner may place other situations in any tier believed appropriate, based on threat to public health.

*40 CFR 143.3 is incorporated by reference and is available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. *(Water Pollution Control Board; 327 IAC 8-2.1-16; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1115; errata filed Feb 22, 2002, 2:01 p.m.: 25 IR 2254; filed May 1, 2003, 12:00 p.m.: 26 IR 2829)*

SECTION 14. 327 IAC 8-2.1-17 IS AMENDED TO READ AS FOLLOWS:

327 IAC 8-2.1-17 Drinking water violations; standard health effects language for public notice

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

Sec. 17. A public water system must comply with the standard health effects language for public notification contained in the following table:

Table 17. Standard Health Effects Language for Public Notification

Contaminant	MCLG mg/L	MCL mg/L	Standard Health Effects Language for Public Notification
Drinking Water Regulations:			
A. Microbiological Contaminants, **Surface Water Treatment Rule, and Interim Enhanced Surface Water Treatment Rule**			
1a. Total coliform	~~Zero~~ **0**	See footnote	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
1b. Fecal coliform/E. coli	~~Zero~~ **0**	~~Zero~~ **0**	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

2a. Turbidity (MCL)	None	1 NTU/ 5 NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
2b. Turbidity (SWTR TT) **and (IESWTR TT)**	None	TT	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
2c. Giardia lamblia **2d. Viruses** **2e. Heterotrophic plate county (HPC) bacteria** **2f. Legionella** **2g. Cryptosporidium**	**0**	**TT**	**Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms, such as nausea, cramps, diarrhea, and associated headaches.**
B. Inorganic Chemicals (IOCs)			
3. Antimony	0.006	0.006	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
4. Arsenic	None	0.05	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
5. Asbestos (>10 µm)	7 MFL	7 MFL	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
6. Barium	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
7. Beryllium	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
8. Cadmium	0.005	0.005	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
9. Chromium (total)	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
10. Cyanide	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
11. Fluoride	4.0	4.0	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine (9) years old. Mottling, also known as dental fluorosis, may include brown staining or pitting of the teeth, or both, and occurs only in developing teeth before they erupt from the gums.
12. Mercury (inorganic)	0.002	0.002	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
13. Nitrate	10	10	Infants below the age of six (6) months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

14. Nitrite	1	1	Infants below the age of six (6) months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
15. Total Nitrate and Nitrite	10	10	Infants below the age of six (6) months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
16. Selenium	0.05	0.05	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
17. Thallium	0.0005	0.002	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
C. Lead and Copper Rule			
18. Lead	~~Zero~~ **0**	TT	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
19. Copper	1.3	TT	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
D. Synthetic Organic Chemicals (SOCs)			
20. 2,4-D	0.07	0.07	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
21. 2,4,5-TP (Silvex)	0.05	0.05	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
22. Alachlor	~~Zero~~ **0**	0.002	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
23. Atrazine	0.003	0.003	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
24. Benzo(a)pyrene (PAHs)	~~Zero~~ **0**	0.0002	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
25. Carbofuran	0.04	0.04	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
26. Chlordane	~~Zero~~ **0**	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
27. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
28. Di (2-ethylhexyl) adipate	0.4	0.4	Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.

29. Di (2-ethylhexyl) phthalate	~~Zero~~ **0**	0.006	Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
30. Dibromochloropropane (DBCP)	~~Zero~~ **0**	0.0002	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
31. Dinoseb	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
32. Dioxin (2,3,7,8-TCDD)	~~Zero~~ **0**	3×10^{-8}	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
33. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
34. Endothall	0.1	0.1	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
35. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
36. Ethylene dibromide	~~Zero~~ **0**	0.00005	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
37. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
38. Heptachlor	~~Zero~~ **0**	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
39. Heptachlor epoxide	~~Zero~~ **0**	0.0002	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
40. Hexachlorobenzene	~~Zero~~ **0**	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
41. Hexachlorocyclo-pentadiene	0.05	0.05	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
42. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
43. Methoxychlor	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
44. Oxamyl (Vydate)	0.2	0.2	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
45. Pentachlorophenol	~~Zero~~ **0**	0.001	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
46. Picloram	0.5	0.5	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
47. Polychlorinated biphenyls (PCBs)	~~Zero~~ **0**	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.

48. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
49. Toxaphene	~~Zero~~ **0**	0.003	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
E. Volatile Organic Chemicals (VOCs)			
50. Benzene	~~Zero~~ **0**	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
51. Carbon tetrachloride	~~Zero~~ **0**	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
52. Chlorobenzene (monochlorobenzene)	0.1	0.1	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.
53. o-Dichlorobenzene	0.6	0.6	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
54. p-Dichlorobenzene	0.075	0.075	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
55. 1,2-Dichloroethane	~~Zero~~ **0**	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
56. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
57. cis-1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
58. trans-1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
59. Dichloromethane	~~Zero~~ **0**	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
60. 1,2-Dichloropropane	~~Zero~~ **0**	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
61. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
62. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
63. Tetrachloroethylene	~~Zero~~ **0**	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
64. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
65. 1,2,4-Trichlorobenzene	0.07	0.07	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
66. 1,1,1-Trichloroethane	0.2	0.2	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

67. 1,1,2-Trichloroethane	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
68. Trichloroethylene	~~Zero~~ **0**	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
69. Vinyl chloride	~~Zero~~ **0**	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
70. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
F. Radioactive Contaminants			
71. Beta/photon emitters	~~Zero~~ **0**	4 mrem/yr	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
72. Alpha emitters	~~Zero~~ **0**	15 pCi/L	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
73. Combined radium (226 and 228)	~~Zero~~ **0**	5 pCi/L	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
G. Disinfection Byproducts (DBPs): Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water.			
74. Total trihalomethanes (TTHMs)	N/A	0.10/ 0.080	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer.
75. Haloacetic acids (HAA)	**N/A**	**0.060**	**Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.**
76. Bromate	**0**	**0.010**	**Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.**
77. Chlorite	**0.08**	**1.0**	**Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.**
78. Chlorine	**4 MRDLG**	**4.0 MRDL**	**Some people who use drinking water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.**
79. Chloramines	**4 MRDLG**	**4.0 MRDL**	**Some people who use drinking water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.**

80a. Chlorine dioxide, where any 2 consecutive daily samples taken at the entrance to the distribution system are above the MRDL	**0.8 MRDLG**	**0.8 MRDL**	**Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.** **Add for public notification only: The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, not within the distribution system that delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers.**
80b. Chlorine dioxide, where one or more distribution system samples are above the MRDL	**0.8 MRDLG**	**0.8 MRDL**	**Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.** **Add for public notification only: The chlorine dioxide violations reported today include exceedances of the EPA standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure.**
81. Control of DBP precursors (TOC)	**None**	**TT**	**Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kindney** *[sic.]* **problems, or nervous system effects, and may lead to an increased risk of getting cancer.**
H. Other Treatment Techniques			
~~75.~~ **82.** Acrylamide	~~Zero~~ **0**	TT	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
~~76.~~ **83.** Epichlorohydrin	~~Zero~~ **0**	TT	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Key:
MCLG - Maximum contaminant level goal
MCL - Maximum contaminant level
NTU - Nephelometric turbidity unit
TT - Treatment technique
MFL - Millions of fiber per liter
Action Level (Lead) = 0.015 mg/L
Action Level (Copper) = 1.3 mg/L
mrem - millirems per year
ppq - picocuries per liter

(1) For water systems analyzing at least forty (40) samples per month, no more than five percent (5.0%) of the monthly samples may be positive for total coliforms. For systems analyzing fewer than forty (40) samples per month, no more than one (1) sample per month may be positive for total coliforms.

(2) The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.

(3) SWTR treatment technique violations that involve turbidity exceedances may use the health effects language for turbidity instead.

(4) The bacteria detected by **heterotrophic plate count** (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.

(5) The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.

(Water Pollution Control Board; 327 IAC 8-2.1-17; filed Nov 20, 2001, 10:20 a.m.: 25 IR 1118; errata filed Feb 22, 2002, 2:01 p.m.: 25 IR 2254; filed May 1, 2003, 12:00 p.m.: 26 IR 2833)

SECTION 15. 327 IAC 8-2.5 IS ADDED TO READ AS FOLLOWS:

Rule 2.5. Disinfectants and Disinfection

327 IAC 8-2.5-1 Maximum residual disinfectant level goals; disinfectants

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 1. MRDLGs for disinfectants are as follows:

Disinfectant Residual	MRDLG (mg/L)
Chlorine	**4.0 (as Cl_2)**
Chloramines	**4.0 (as Cl_2)**
Chlorine dioxide	**0.8 (as ClO_2)**

(Water Pollution Control Board; 327 IAC 8-2.5-1; filed May 1, 2003, 12:00 p.m.: 26 IR 2840)

327 IAC 8-2.5-2 Maximum contaminant levels; disinfection byproducts

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 2. (a) The MCLs for disinfection byproducts are as follows:

Disinfection Byproduct	MCL (mg/L)
Total trihalomethanes (TTHM)	**0.080**
Haloacetic acids (five) (HAA5)	**0.060**
Bromate	**0.010**
Chlorite	**1.0**

(b) A system that is installing GAC or membrane technology to comply with this section may apply to the commissioner for an extension of up to twenty-four (24) months past the dates in section 4(b) of this rule, but not later than December 31, 2003. In granting the extension, the commissioner shall set a schedule for compliance and may specify any interim measures that the system must take.

(c) The commissioner hereby identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for disinfection byproducts identified in subsection (a):

Disinfection Byproduct	Best Available Technology
TTHM	**Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant.**
HAA5	**Enhanced coagulation or enhanced softening or GAC10, with chlorine as the primary and residual disinfectant.**
Bromate	**Control of ozone treatment process to reduce production of bromate.**
Chlorite	**Control of treatment processes to reduce disinfectant demand and control of disinfection treatment processes to reduce disinfectant levels.**

(Water Pollution Control Board; 327 IAC 8-2.5-2; filed May 1, 2003, 12:00 p.m.: 26 IR 2840)

327 IAC 8-2.5-3 Maximum residual disinfectant levels

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 3. (a) MRDLs are as follows:

Disinfectant Residual	MRDL (mg/L)
Chlorine	**4.0 (as Cl_2)**
Chloramines	**4.0 (as Cl_2)**
Chlorine dioxide	**0.8 (as ClO_2)**

(b) The commissioner hereby identifies the following as the best technology, treatment techniques, or other means available for achieving compliance with the MRDLs identified in subsection (a):

(1) Control of treatment processes to reduce disinfectant demand.

(2) Control of disinfection treatment processes to reduce disinfectant levels.

(Water Pollution Control Board; 327 IAC 8-2.5-3; filed May 1, 2003, 12:00 p.m.: 26 IR 2840)

327 IAC 8-2.5-4 General requirements; disinfectant residuals, disinfection byproducts, and disinfection byproducts precursors

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 4. (a) The general requirements for disinfectant residuals, disinfection byproducts, and disinfection byproducts precursors are as follows:

(1) A CWS or an NTNCWS, which adds a chemical disinfectant to the water in any part of the drinking water treatment process, shall modify its practices to meet MCLs and MRDLs in sections 2(a) and 3(a) of this rule, respectively, and shall meet the treatment technique requirements for disinfection byproduct precursors in section 9 of this rule.

(2) A TWS that uses chlorine dioxide as a disinfectant or oxidant shall modify its practices to meet the MRDL for chlorine dioxide in section 3(a) of this rule.

(b) Compliance dates for CWSs and NTNCWSs are as follows:

(1) A subpart H system serving a population of ten thousand (10,000) or more individuals shall comply with this section upon the effective date of this rule.

(2) A subpart H system serving a population of fewer than ten thousand (10,000) individuals and a system using only ground water not under the direct influence of surface water shall comply with this section beginning January 1, 2004.

(c) Compliance dates for TWSs are as follows:

(1) A subpart H system serving a population of ten thousand (10,000) or more individuals and using chlorine dioxide as a disinfectant or oxidant shall comply with requirements for chlorine dioxide in this section upon the effective date of this rule.

(2) A subpart H system serving a population of fewer than ten thousand (10,000) individuals and using chlorine dioxide as a disinfectant or oxidant and a system using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant shall comply with requirements for chlorine dioxide in this section beginning January 1, 2004.

(d) A CWS or a NTNCWS regulated under subsection (a) must be operated by qualified personnel who meet the requirements specified by 327 IAC 8-12.

(e) Notwithstanding the MRDLs in section 3 of this rule, systems may increase residual disinfectant levels in the distribution system of chlorine or chloramines, but not chlorine dioxide, to a level and for a time necessary to protect public health and to address specific microbiological contamination problems caused by circumstances, including the following:

(1) Distribution line breaks.

(2) Storm water run-off events.

(3) Source water contamination events.

(4) Cross-connection events.

(Water Pollution Control Board; 327 IAC 8-2.5-4; filed May 1, 2003, 12:00 p.m.: 26 IR 2840)

327 IAC 8-2.5-5 Analytical requirements; disinfectant residuals, disinfection byproducts, and disinfection byproducts precursors

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 5. (a) Systems shall use only one (1) or more of the analytical methods specified in this subsection. These methods are incorporated by reference and may be obtained as follows:

(1) EPA Method 552.1 is in Methods for the Determination of Organic Compounds in Drinking Water-Supplement II, U.S. EPA, August 1992, EPA/600/R-92/129 (available through National Information Technical Service (NTIS), PB92-207703).

(2) EPA Methods 502.2, 524.2, 551.1, and 552.2 are in Methods for the Determination of Organic Compounds in Drinking Water-Supplement III, U.S. EPA, August 1995, EPA/600/R-95/131 (available through NTIS, PB95-261616).

(3) EPA Methods 300.0 and 150.1 are in Methods for the Determination of Inorganic Substances in Environmental Samples, U.S. EPA, August 1993, EPA/600/R-93/100 (available through NTIS, PB94-121811).

(4) EPA Method 300.1 is in USEPA Method 300.1, Determination of Inorganic Anions in Drinking Water by Ion Chromatography, Revision 1.0, U.S. EPA, 1997, EPA/600/R-98/118 (available through NTIS, PB98-169196); also available from: Chemical Exposure Research Branch, Microbiological & Chemical Exposure Assessment Research Division, National Exposure Research Laboratory, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268, fax number: 513-569-7757, phone number: 513-569-7586.

(5) Standard Methods 4500-Cl D, 4500-Cl E, 4500-Cl F, 4500-Cl G, 4500-Cl H, 4500-Cl I, 4500-ClO_2 D, 4500-ClO_2 E, 4500-H^+ B, 6251 B, and 5910 B shall be followed in accordance with Standard Methods for the Examination of Water and Wastewater, 19th Edition, American Public Health Association, 1995. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street, NW, Washington, D.C. 20005.

(6) Standard Methods 5310 B, 5310 C, and 5310 D shall be followed in accordance with the Supplement to the 19th Edition of Standard Methods for the Examination of Water and Wastewater, American Public Health Association, 1996. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street, NW, Washington, D.C. 20005.

(7) ASTM Methods D 1253-86 and D1293-95 shall be followed in accordance with the Annual Book of ASTM Standards, Volume 11.01, American Society for Testing and Materials, 1996 edition. Copies may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive,

West Conshohoken *[sic.]*, Pennsylvania 19428.
These methods are also available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206.

(b) Analytical requirements for disinfection byproducts are as follows:

(1) Systems shall measure disinfection byproducts by the methods, as modified by the footnotes, listed in the following table:

APPROVED METHODS FOR DISINFECTION BYPRODUCT COMPLIANCE MONITORING

			Byproduct Measured[1]			
Methodology[2]	EPA Method	Standard Method	TTHM	HAA5	Chlorite[4]	Bromate
P&T/GC/ElCD & PID	502.2[3]		X			
P&T/GC/MS	524.2		X			
LLE/GC/ECD	551.1		X			
LLE/GC/ECD		6251 B		X		
SPE/GC/ECD	552.1			X		
LLE/GC/ECD	552.2			X		
Amperometric Titration		4500-ClO_2 E			X	
IC	300.0				X	
IC	300.1				X	X

[1]X indicates method is approved for measuring specified disinfection byproduct.
[2]P&T = purge and trap; GC = gas chromatography; ElCD = electrolytic conductivity detector; PID = photoionization detector; MS = mass spectrometer; LLE = liquid/liquid extraction; ECD = electron capture detector; SPE = solid phase extractor; IC = ion chromatography.
[3]If TTHMs are the only analytes being measured in the sample, then a PID is not required.
[4]Amperometric titration may be used for routine daily monitoring of chlorite at the entrance to the distribution system, as prescribed in section 6(b)(2)(A)(i) of this rule. Ion chromatography must be used for routine monthly monitoring of chlorite and additional monitoring of chlorite in the distribution system, as prescribed in section 6(b)(2)(A)(ii) and 6(b)(2)(B) of this rule.

(2) Analysis under this subsection for disinfection byproducts must be conducted by laboratories that have received certification by the commissioner, except as specified under subdivision (3). To receive certification to conduct analyses for the contaminants in section 2(a) of this rule, the laboratory must carry out annual analyses of performance evaluation (PE) samples approved by the commissioner. In these analyses of PE samples, the laboratory must achieve quantitative results within the acceptance limit on a minimum of eighty percent (80%) of the analytes included in each PE sample. The acceptance limit is defined as the ninety-five percent (95%) confidence interval calculated around the mean of the PE study data between a maximum and minimum acceptance limit of plus or minus fifty percent (50%) and plus or minus fifteen percent (15%) of the study mean.

(3) A certified operator or other party as approved by the commissioner shall measure daily chlorite samples at the entrance to the distribution system.

(c) Analytical requirements for disinfectant residuals are as follows:

(1) A system shall measure residual disinfectant concentrations for free chlorine, combined chlorine (chloramines), and chlorine dioxide by the methods listed in the following table:

APPROVED METHODS FOR DISINFECTANT RESIDUAL COMPLIANCE MONITORING

			Residual Measured[1]			
Methodology	Standard Method	ASTM Method	Free Chlorine	Combined Chlorine	Total Chlorine	Chlorine Dioxide
Amperometric Titration	4500-Cl D	D 1253-86	X	X	X	
Low Level Amperometric Titration	4500-Cl E				X	
DPD[2] Ferrous Titrimetric	4500-Cl F		X	X	X	
DPD[2] Colorimetric	4500-Cl G		X	X	X	
Syringaldazine (FACTS)	4500-Cl H		X			
Iodometric Electrode	4500-Cl I				X	
DPD[2]	4500-ClO_2 D					X
Amperometric Method II	4500-ClO_2 E					X

[1]X indicates method is approved for measuring specified disinfectant residual.

[2]DPD means N,N-diethyl-4-phenylene diamine.

(2) If approved by the commissioner, a system may also measure residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide by using DPD colorimetric test kits.

(3) Residual disinfectant concentration may be measured only by a certified operator or a party approved by the commissioner.

(d) Systems required to analyze parameters not included in subsections (b) and (c) shall use the following methods:

(1) All methods allowed in 327 IAC 8-2-45 for measuring alkalinity and pH.

(2) For bromide, EPA Method 300.0 or EPA Method 300.1.

(3) A system shall use one (1) or all of the following methods for TOC:

(A) Standard Method 5310 B (High-Temperature Combustion Method).

(B) Standard Method 5310 C (Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method).

(C) Standard Method 5310 D (Wet-Oxidation Method).

TOC samples may not be filtered prior to analysis. TOC samples must either be analyzed or must be acidified to achieve pH less than two (2.0) by minimal addition of phosphoric or sulfuric acid as soon as practical after sampling, not to exceed twenty-four (24) hours. Acidified TOC samples must be analyzed within twenty-eight (28) days.

(4) SUVA means specific ultraviolet absorption at two hundred fifty-four (254) nanometers, an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of two hundred fifty-four (254) nanometers (UV_{254}) (in m^{-1}) by its concentration of dissolved organic carbon (DOC) (in milligrams per liter). In order to determine SUVA, UV_{254} and DOC must be measured separately. When determining SUVA, systems shall use the following methods:

(A) A system shall use one (1) or more of the following methods to measure DOC:

(i) Standard Method 5310 B (High-Temperature Combustion Method).

(ii) Standard Method 5310 C (Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method).

(iii) Standard Method 5310 D (Wet-Oxidation Method).

(B) Prior to analysis under clause (A), DOC samples must be filtered through a forty-five hundredths (0.45) micrometer pore-diameter filter. Water passed through the filter prior to filtration of the sample must serve as the filtered blank. This filtered blank must be analyzed using procedures identical to those used for analysis of the samples and must meet the following criteria:

(i) DOC is less than five-tenths (0.5) milligram per liter.

(ii) DOC samples must be filtered through the forty-five hundredths (0.45) micrometer pore-diameter filter prior to acidification.

(iii) DOC samples must either be analyzed or must be acidified to achieve pH less than two (2.0) by minimal addition of phosphoric or sulfuric acid as soon as practical after sampling, not to exceed forty-eight (48) hours.

(iv) Acidified DOC samples must be analyzed within twenty-eight (28) days.

(C) The following apply to a system required to measure UV_{254} under this subdivision:

(i) A system shall use Method 5910 B (Ultraviolet Absorption Method) to measure ultraviolet absorption at two hundred fifty-four (254) nanometers (UV_{254}). UV absorption must be measured at two hundred fifty-three and seven-tenths (253.7) nanometers (may be rounded off to two hundred fifty-four (254) nanometers).

(ii) Prior to analysis, UV_{254} samples must be filtered through a forty-five hundredths (0.45) micrometer pore-diameter filter.

(iii) The pH of UV_{254} samples may not be adjusted.

(iv) Samples must be analyzed as soon as practical after sampling, not to exceed forty-eight (48) hours.

SUVA must be determined on water prior to the addition of disinfectants/oxidants by the system. DOC and UV_{254} samples used to determine a SUVA value must be taken at the same time and at the same location.

(e) Parameters measured under subsection (d) must be measured by a certified operator or a party approved by the commissioner. *(Water Pollution Control Board; 327 IAC 8-2.5-5; filed May 1, 2003, 12:00 p.m.: 26 IR 2841)*

327 IAC 8-2.5-6 Monitoring requirements; disinfectant residuals, disinfection byproducts, and disinfection byproducts precursors

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 6. (a) General monitoring requirements for disinfectant residuals, disinfection byproducts, and disinfection byproducts precursors are as follows:

(1) Systems shall take all samples during normal operating conditions.

(2) Systems may consider multiple wells drawing water from a single aquifer as one (1) treatment plant for determining the minimum number of TTHM and HAA5 samples required.

(3) Failure to monitor in accordance with the monitoring plan required under subsection (f) is a monitoring violation.

(4) Failure to monitor will be treated as a violation for the entire period covered by the annual average where compliance is based on a running annual average of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with MCLs or MRDLs.

(5) Systems may use only data collected under the provisions of subsection (b) or 40 CFR 141.140 through 40 CFR 141.144* to qualify for reduced monitoring.

(b) Monitoring requirements for disinfection byproducts are as follows:

(1) TTHM and HAA5 monitoring requirements are as follows:

(A) For routine monitoring, systems shall monitor at the frequency indicated in the following table:

ROUTINE MONITORING FREQUENCY FOR TTHM AND HAA5		
Type of System	Minimum Monitoring Frequency	Sample Location in the Distribution System
Subpart H system serving at least 10,000 persons	4 water samples per quarter per treatment plant	At least 25% of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods[1].
Subpart H system serving from 500 to 9,999 persons	1 water sample per quarter per treatment plant	Locations representing maximum residence time[1].
Subpart H system serving fewer than 500 persons	1 sample per year per treatment plant during month of warmest water temperature	Locations representing maximum residence time[1]. If the sample (or average of annual samples, if more than one sample is taken) exceeds the MCL, the system must increase monitoring to 1 sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the system meets reduced monitoring criteria in clause (D).

System using only ground water not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons	1 water sample per quarter per treatment plant[2]	Locations representing maximum residence time[1].
System using only ground water not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons	1 sample per year per treatment plant[2] during month of warmest water temperature	Locations representing maximum residence time[1]. If the sample (or average of annual samples, if more than 1 sample is taken) exceeds the MCL, the system must increase monitoring to 1 sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the system meets criteria in clause (D) for reduced monitoring.

[1]If a system elects to sample more frequently than the minimum required, at least twenty-five percent (25%) of all samples collected each quarter, including those taken in excess of the required frequency, must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.

[2]Multiple wells drawing water from a single aquifer may be considered one (1) treatment plant for determining the minimum number of samples required.

(B) Systems may reduce monitoring, except as otherwise provided, in accordance with the following table:

REDUCED MONITORING FREQUENCY FOR TTHM AND HAA5		
IF YOU ARE A:	AND YOU HAVE MONITORED AT LEAST ONE YEAR AND YOUR:	YOU MAY REDUCE MONITORING TO THIS LEVEL:
Subpart H system serving at least 10,000 persons that has a source water annual average TOC level, before any treatment, ≤ 4.0 mg/L	TTHM annual average ≤0.040 mg/L and HAA5 annual average ≤0.030mg/L	1 sample per treatment plant per quarter at distribution system location reflecting maximum residence time
Subpart H system serving from 500 to 9,999 persons that has a source water annual average TOC level, before any treatment, ≤ 4.0 mg/L	TTHM annual average ≤0.040 mg/L and HAA5 annual average ≤0.030mg/L	1 sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature. NOTE: Any Subpart H system serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.
System using only ground water not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons	TTHM annual average ≤0.040 mg/L and HAA5 annual average ≤0.030mg/L	1 sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature
System using only ground water not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons	TTHM annual average ≤0.040 mg/L and HAA5 annual average ≤0.030mg/L for two consecutive years OR TTHM annual average ≤0.020 mg/L and HAA5 annual average ≤0.015mg/L for 1 year	1 sample per treatment plant per 3 year monitoring cycle at distribution system location reflecting maximum residence time during month of warmest water temperature, with the 3 year cycle beginning on January 1 following quarter in which system qualifies for reduced monitoring

(C) Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for systems that must monitor quarterly) or the result of the sample (for systems that must monitor no more frequently than annually) is no more than sixty-thousandths (0.060) milligram per liter and forty-five thousandths (0.045) milligram per liter for TTHMs and HAA5, respectively. Systems that do not meet these levels shall resume monitoring at the frequency identified in the table contained in clause (A) (minimum monitoring frequency column) in the quarter immediately following

the monitoring period in which the system exceeds those levels. For systems using only ground water not under the direct influence of surface water and serving fewer than ten thousand (10,000) persons, if either the TTHM annual average is greater than eighty-thousandths (0.080) milligram per liter or the HAA5 annual average is greater than sixty-thousandth *[sic.]* (0.060) milligram per liter, the system shall go to the increased monitoring identified in the table contained in clause (A) (sample location column) in the quarter immediately following the monitoring period in which the system exceeds those levels.

(D) Systems on increased monitoring may return to routine monitoring if, after at least one (1) year of monitoring their TTHM annual average is equal to or less than sixty-thousandths (0.060) milligram per liter and their HAA5 annual average is equal to or less than forty-five thousandths (0.045) milligram per liter.

(E) A system may return to routine monitoring at the commissioner's discretion.

(2) CWSs and NTNCWSs using chlorine dioxide for disinfection or oxidation must conduct monitoring for chlorite as follows:

(A) Routine monitoring is as follows:

(i) Systems shall take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the system shall take additional samples in the distribution system the following day at the locations required by clause (B), in addition to the sample required at the entrance to the distribution system.

(ii) Systems shall take a three (3) sample set each month in the distribution system. The system shall take one (1) sample at each of the following locations:

(AA) Near the first customer.

(BB) At a location representative of average residence time.

(CC) At a location reflecting maximum residence time in the distribution system.

Any additional routine sampling must be conducted in the same manner (as three (3) sample sets, at the specified locations). The system may use the results of additional monitoring conducted under clause (B) to meet the requirement for monitoring in this clause.

(B) On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the system shall take three (3) chlorite distribution system samples at the following locations:

(i) As close to the first customer as possible.

(ii) In a location representative of average residence time.

(iii) As close to the end of the distribution system as possible.

(C) Monitoring for chlorite may be reduced as follows:

(i) Chlorite monitoring at the entrance to the distribution system required by clause (A)(i) may not be reduced.

(ii) Chlorite monitoring in the distribution system required by clause (A)(ii) may be reduced to one (1) three (3) sample set per quarter after one (1) year of monitoring where no individual chlorite sample taken in the distribution system under clause (A)(ii) has exceeded the chlorite MCL and the system has not been required to conduct monitoring under clause (B). The system may remain on the reduced monitoring schedule unless one (1) of the three (3) individual chlorite samples taken monthly in the distribution system under clause (A)(ii) exceeds the chlorite MCL or the system is required to conduct monitoring under clause (B), at which time the system shall revert to routine monitoring.

(3) Monitoring for bromate is as follows:

(A) CWSs and NTNCWSs using ozone for disinfection or oxidation shall take one (1) sample per month for each treatment plant in the system using ozone. Systems shall take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.

(B) Systems required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide concentration is less than five-hundredths (0.05) milligram per liter based upon representative monthly bromide measurements for one (1) year. The system may remain on reduced bromate monitoring unless the running annual average source water bromide concentration, computed quarterly, is equal to or greater than five-hundredths (0.05) milligram per liter based upon representative monthly measurements. If the running annual average source water bromide concentration is equal to or greater than five-hundredths (0.05) milligram per liter, the system shall resume routine monitoring required by clause (A).

(c) Monitoring requirements for disinfectant residuals are as follows:

(1) Monitoring for chlorine and chloramines is as follows:

(A) CWSs and NTNCWSs that use chlorine or chloramines shall measure the residual disinfectant level in the distribution system when total coliforms are sampled, as specified in 327 IAC 8-2-8. Subpart H systems may use the results of residual disinfectant concentration sampling conducted under 327 IAC 8-2-8.8(d) for systems which filter, in lieu of taking separate samples.

(B) Monitoring for chlorine or chloramines may not be reduced.

(2) Monitoring for chlorine dioxide is as follows:

(A) CWSs, NTNCWSs, and TWSs that use chlorine dioxide for disinfection or oxidation shall take daily

samples at the entrance to the distribution system. For any daily sample that exceeds the MRDL, the system shall take samples in the distribution system the following day at the locations required by clause (D), in addition to the sample required at the entrance to the distribution system.

(B) On each day following a routine sample monitoring result that exceeds the MRDL, the system is required to take three (3) chlorine dioxide distribution system samples.

(i) If chlorine dioxide or chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfection addition points after the entrance to the distribution system, for example, no booster chlorination, the system shall take three (3) samples as close to the first customer as possible, at intervals of at least six (6) hours.

(ii) If chlorine is used to maintain a disinfectant residual in the distribution system and there are one (1) or more disinfection addition points after the entrance to the distribution system, for example, booster chlorination, the system shall take one (1) sample at each of the following locations:

(AA) As close to the first customer as possible.

(BB) In a location representative of average residence time.

(CC) As close to the end of the distribution system as possible, reflecting maximum residence time in the distribution system.

(C) Chlorine dioxide monitoring may not be reduced.

(d) Monitoring requirements for disinfection byproduct precursors (DBPP) are as follows:

(1) Routine monitoring is required as follows:

(A) Subpart H systems which use conventional filtration treatment, as defined in 327 IAC 8-2-1, shall monitor each treatment plant for TOC no later than the point of combined filter effluent turbidity monitoring and representative of the treated water.

(B) All systems required to monitor under this subdivision shall also monitor for TOC in the source water prior to any treatment at the same time as monitoring for TOC in the treated water. These samples, source water and treated water, are referred to as paired samples.

(C) At the same time as the source water sample is taken, all systems shall monitor for alkalinity in the source water prior to any treatment.

(D) Systems shall take one (1) paired sample and one (1) source water alkalinity sample per month per plant at a time representative of normal operating conditions and influent water quality.

(2) Subpart H systems with an average treated water TOC of less than two and zero-tenths (2.0) milligrams per liter for two (2) consecutive years, or less than one (1.0) milligram per liter for one (1) year, may reduce monitoring for both TOC and alkalinity to one (1) paired sample and one (1) source water alkalinity sample per plant per quarter. The system shall revert to routine monitoring in the month following the quarter when the annual average treated water TOC is greater than or equal to two and zero-tenths (2.0) milligrams per liter.

(e) Systems required to analyze for bromate may reduce bromate monitoring from monthly to once per quarter if the system demonstrates that the average source water bromide concentration is less than five-hundredths (0.05) milligram per liter based upon representative monthly measurements for one (1) year. The system shall continue bromide monitoring to remain on reduced bromate monitoring.

(f) Each system required to monitor under this section shall develop and implement a monitoring plan as follows:

(1) The system shall maintain the plan and make it available for inspection by the commissioner and the general public no later than thirty (30) days following the applicable compliance dates in section 4(b) of this rule.

(2) All Subpart H systems serving more than three thousand three hundred (3,300) people shall submit a copy of the monitoring plan to the commissioner no later than the date of the first report required under section 8 of this rule.

(3) The commissioner may also require any other system to submit a monitoring plan.

(4) After review, the commissioner may require changes in any plan elements.

(5) The plan must include at a minimum the following elements:

(A) Specific locations and schedules for collecting samples for any parameters included in this section.

(B) How the system will calculate compliance with MCLs, MRDLs, and treatment techniques.

(C) If approved for monitoring as a consecutive system, or if providing water to a consecutive system, the sampling plan must reflect the entire distribution system.

*40 CFR 141.140 through 141.144 is incorporated by reference and is available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. *(Water Pollution Control Board; 327 IAC 8-2.5-6; filed May 1, 2003, 12:00 p.m.: 26 IR 2844)*

327 IAC 8-2.5-7 Compliance requirements; disinfectants and disinfection byproducts

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 7. (a) General compliance requirements for disinfec-

tants and disinfection byproducts are as follows:

(1) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system fails to monitor for TTHM, HAA5, or bromate, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

(2) Where compliance is based on a running annual average of monthly or quarterly samples or averages and the system's failure to monitor makes it impossible to determine compliance with MRDLs for chlorine and chloramines, this failure to monitor will be treated as a monitoring violation for the entire period covered by the annual average.

(3) All samples taken and analyzed under the provisions of this rule must be included in determining compliance, even if that number is greater than the minimum required.

(4) If, during the first year of monitoring under section 6 of this rule, any particular quarter's average will cause the running annual average of that system to exceed the MCL, the system is out of compliance at the end of that quarter.

(b) Compliance requirements for disinfection byproducts are as follows:

(1) Compliance requirements for TTHMs and HAA5 are as follows:

(A) For systems monitoring quarterly, compliance with MCLs in section 1(b) of this rule will be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the system as prescribed by section 6(b)(1) of this rule.

(B) For systems monitoring less frequently than quarterly, systems demonstrate MCL compliance if the average of samples taken that year under the provisions of section 6(b)(1) of this rule does not exceed the MCLs in section 1 of this rule. If the average of these samples exceeds the MCL, the system shall increase monitoring to once per quarter per treatment plant. Such a system is not in violation of the MCL until it has completed one (1) year of quarterly monitoring, unless the result of fewer than four (4) quarters of monitoring will cause the running annual average to exceed the MCL, in which case the system is in violation at the end of that quarter. Systems required to increase monitoring frequency to quarterly monitoring shall calculate compliance by including the sample that triggered the increased monitoring plus the following three (3) quarters of monitoring.

(C) If the running annual arithmetic average of quarterly averages covering any consecutive four (4) quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to 327 IAC 8-2.1-7, in addition to reporting to the commissioner pursuant to section 8 of this rule.

(D) If a public water system fails to complete four (4) consecutive quarters of monitoring, compliance with the MCL for the last four (4) quarter compliance period must be based on an average of the available data.

(2) Compliance requirements for bromate will be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the system takes more than one (1) sample, the average of all samples taken during the month) collected by the system as prescribed by section 6(b)(3) of this rule. If the average of samples covering any consecutive four (4) quarter period exceeds the MCL, the system is in violation of the MCL and shall notify the public pursuant to 327 IAC 8-2.1-7, in addition to reporting to the agency pursuant to section 8 of this rule. If a public water system fails to complete twelve (12) consecutive months of monitoring, compliance with the MCL for the last four (4) quarter compliance period must be based on an average of the available data.

(3) Compliance requirements for chlorite will be based on an arithmetic average of each three (3) sample set taken in the distribution system as prescribed by section 6(b)(2)(A)(ii) and 6(b)(2)(B) of this rule. If the arithmetic average of any three (3) sample sets exceeds the MCL, the system is in violation of the MCL and shall notify the public pursuant to 327 IAC 8-2.1-3 through 327 IAC 8-2.1-17, in addition to reporting to the commissioner pursuant to section 8 of this rule.

(c) Compliance requirements for disinfectant residuals are as follows:

(1) Compliance requirements for chlorine and chloramines are as follows:

(A) Compliance will be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the system under section 6(c)(1) of this rule. If the average covering any consecutive four (4) quarter period exceeds the MRDL, the system is in violation of the MRDL and must notify the public pursuant to 327 IAC 8-2.1-7, in addition to reporting to the commissioner pursuant to section 8 of this rule.

(B) Where systems switch between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to section 8 of this rule must clearly indicate which residual disinfectant was analyzed for each sample.

(2) Compliance requirements for chlorine dioxide are as follows:

(A) Compliance requirements for acute violations are as follows:

(i) Compliance will be based on consecutive daily samples collected by the system under section 6(c)(2) of this rule.

(ii) If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (1) or more of the three (3) samples taken in the distribution system exceed the MRDL, the system is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL, and must notify the public pursuant to the procedures for acute health risks in 327 IAC 8-2.1-3 through 327 IAC 8-2.1-17.

(iii) Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the system shall notify the public of the violation in accordance with the provisions for acute violations under 327 IAC 8-2.1-7 through 327 IAC 8-2.1-17 in addition to reporting the commissioner pursuant to section 8 of this rule.

(B) Compliance requirements for nonacute violations are as follows:

(i) Compliance will be based on consecutive daily samples collected by the system under section 6(c)(2) of this rule.

(ii) If any two (2) consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the system is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and will notify the public pursuant to the procedures for nonacute health risks in 327 IAC 8-2.1-7 through 327 IAC 8-2.1-17 in addition to reporting to the commissioner pursuant to section 8 of this rule.

(iii) Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the system must notify the public of the violation in accordance with the provisions for nonacute violations under 327 IAC 8-2.1-7 in addition to reporting the commissioner pursuant to section 8 of this rule.

(d) Compliance for disinfection byproduct precursors (DBPP) are as follows:

(1) Compliance will be determined as specified by section 9 of this rule.

(2) Systems may begin monitoring to determine whether Step 1 TOC removals can be met twelve (12) months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first twelve (12) months after the compliance date that it is not able to meet the Step 1 requirements in section 9(b)(2) of this rule and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed by section 9(b)(3) of this rule, and is in violation.

(3) Systems may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date.

(4) For systems required to meet Step 1 TOC removals, if the value calculated under section 9(c)(1)(D) of this rule is less than one (1.00), the system is in violation of the treatment technique requirements and must notify the public pursuant to 327 IAC 8-2.1-17(80)(a) and 327 IAC 8-2.1-17(80)(b), in addition to reporting to the commissioner pursuant to section 8 of this rule.

(Water Pollution Control Board; 327 IAC 8-2.5-7; filed May 1, 2003, 12:00 p.m.: 26 IR 2847)

327 IAC 8-2.5-8 Reporting and record keeping requirements; disinfectants and disinfection byproducts

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 8. (a) Systems required to sample quarterly or more frequently shall report to the commissioner within ten (10) days after the end of each quarter in which samples were collected, notwithstanding the provisions of 327 IAC 8-2.1-7. Systems required to sample less frequently than quarterly report to the commissioner within ten (10) days after the end of each monitoring period in which samples were collected.

(b) For disinfection byproducts, systems must report the information specified in the following table:

IF YOU ARE A:	YOU MUST REPORT:
(1) System monitoring for TTHMs and HAA5 under the requirements of section 6(b) of this rule on a quarterly or more frequent basis:	(i) The number of samples taken during the last quarter. (ii) The location, date, and result of each sample taken during the last quarter. (iii) The arithmetic average of all samples taken in the last quarter. (iv) The annual arithmetic average of the quarterly arithmetic averages of this section for the last four (4) quarters. (v) Whether, based on section 7(b)(1) of this rule, the MCL was violated.

(2) System monitoring for TTHMs and HAA5 under the requirements of section 6(b) of this rule less frequently than quarterly (but at least annually):	**(i) The number of samples taken during the last year.** **(ii) The location, date, and result of each sample taken during the last monitoring period.** **(iii) The arithmetic average of all samples taken over the last year.** **(iv) Whether, based on section 7(b)(1) of this rule, the MCL was violated.**
(3) System monitoring for TTHMs and HAA5 under the requirements of section 6(b) of this rule less frequently than annually:	**(i) The location, date, and result of the last sample taken.** **(ii) Whether, based on section 7(b)(1) of this rule, the MCL was violated.**
(4) System monitoring for chlorite under the requirements of section 6(b) of this rule:	**(i) The number of entry point samples taken each month for the last three (3) months.** **(ii) The location, date, and result of each sample (both entry point and distribution system) taken during the last quarter.** **(iii) For each month in the reporting period, the arithmetic average of all samples taken in each three sample set taken in the distribution system.** **(iv) Whether, based on section 7(b)(3) of this rule, the MCL was violated, and in which month, and how many times it was violated each month.**
(5) System monitoring for bromate under the requirements of section 6(b) of this rule:	**(i) The number of samples taken during the last quarter.** **(ii) The location, date, and result of each sample taken during the last quarter.** **(iii) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year.** **(iv) Whether, based on section 7(b)(2) of this rule, the MCL was violated.**

(c) For disinfectants, systems shall report the information specified in the following table:

IF YOU ARE A:	YOU MUST REPORT:
(1) System monitoring for chlorine or chloramines under the requirements of section 6(c) of this rule:	**(i) The number of samples taken during each month of the last quarter.** **(ii) The monthly arithmetic average of all samples taken in each month for the last twelve (12) months.** **(iii) The arithmetic average of all monthly averages for the last twelve (12) months.** **(iv) Whether, based on section 7(c)(1) of this rule, the MRDL was violated.**
(2) System monitoring for chlorine dioxide under the requirements of section 6(c) of this rule:	**(i) The dates, results, and locations of samples taken during the last quarter.** **(ii) Whether, based on section 7(c)(2) of this rule, the MRDL was violated.** **(iii) Whether the MRDL was exceeded in any two (2) consecutive daily samples and whether the resulting violation was acute or nonacute.**

(d) For disinfection byproduct precursors and enhanced coagulation or enhanced softening, systems shall report the information specified in the following table:

IF YOU ARE A:	YOU MUST REPORT:
(1) System monitoring monthly or quarterly for TOC under the requirements of section 6(d) of this rule and required to meet the enhanced coagulation or enhanced softening requirements in section 9(b)(2) or 9(b)(3) of this rule:	**(i) The number of paired (source water and treated water) samples taken during the last quarter.** **(ii) The location, date, and results of each paired sample and associated alkalinity taken during the last quarter.** **(iii) For each month in the reporting period that paired samples were taken, the arithmetic average of the percent reduction of TOC for each paired sample and the required TOC percent removal.** **(iv) Calculations for determining compliance with the TOC percent removal requirements, as provided in section 9(c)(1) of this rule.** **(v) Whether the system is in compliance with the enhanced coagulation or enhanced softening percent removal requirements in section 9(b) of this rule for the last four (4) quarters.**

(2) System monitoring monthly or quarterly for TOC under the requirements of section 6(d) of this rule and meeting one (1) or more of the alternative compliance criteria in section 9(a)(2) or 9(a)(3) of this rule:	(i) The alternative compliance criterion that the system is using. (ii) The number of paired samples taken during the last quarter. (iii) The location, date, and result of each paired sample and associated alkalinity taken during the last quarter. (iv) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water TOC for systems meeting a criterion in section 9(a)(2)(A) or 9(a)(2)(C) of this rule or of treated water TOC for systems meeting the criterion in section 9(a)(2)(B) of this rule. (v) The running annual arithmetic average based on monthly averages (or quarterly samples) of source water SUVA for systems meeting the criterion in section 9(a)(2)(G) of this rule or of treated water SUVA for systems meeting the criterion in section 9(a)(2)(H) of this rule. (vi) The running annual average of source water alkalinity for systems meeting the criterion in section 9(a)(2)(C) of this rule and of treated water alkalinity for systems meeting the criterion in section 9(a)(3)(A) of this rule. (vii) The running annual average for both TTHM and HAA5 for systems meeting the criterion in section 9(a)(2)(C) or 9(a)(2)(F) of this rule. (viii) The running annual average of the amount of magnesium hardness removal (as $CaCO_3$, in mg/L) for systems meeting the criterion in section 9(a)(3)(B) of this rule. (ix) Whether the system is in compliance with the particular alternative compliance criterion in section 9(a)(2) or 9(a)(3) of this rule.

(Water Pollution Control Board; 327 IAC 8-2.5-8; filed May 1, 2003, 12:00 p.m.: 26 IR 2849)

327 IAC 8-2.5-9 Treatment techniques for control of disinfection byproducts precursors

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 9. (a) Applicability is as follows:

(1) Subpart H systems using conventional filtration treatment shall operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in subsection (b) unless the system meets at least one (1) of the alternative compliance criteria listed in subdivision (2) or (3).

(2) Subpart H systems using conventional filtration treatment may use one (1) or all of the following alternative compliance criteria to comply with this section in lieu of complying with subsection (b):

(A) The system's source water TOC level, measured according to section 5(d)(3) of this rule, is less than two and zero-tenths (2.0) milligrams per liter, calculated quarterly as a running annual average.

(B) The system's treated water TOC level, measured according to section 5(d)(3) of this rule, is less than two and zero-tenths (2.0) milligrams per liter, calculated quarterly as a running annual average.

(C) The system's source water TOC level, measured according to section 5(d)(3) of this rule is less than four and zero-tenths (4.0) milligrams per liter, calculated quarterly as a running annual average and the following are met:

(i) The source water alkalinity, measured according to section 5(d)(1) of this rule, is greater than sixty (60) milligrams per liter (as $CaCO_3$), calculated quarterly as a running annual average.

(ii) Either of the following:

(AA) The TTHM and HAA5 running annual averages are no greater than forty-thousandths (0.040) milligram per liter and thirty-thousandths (0.030) milligram per liter, respectively; or

(BB) Prior to the effective date for compliance in section 4(b) of this rule, the system has made a clear and irrevocable financial commitment not later than the effective date for compliance in section 4(b) of this rule to use technologies that will limit the levels of TTHMs and HAA5 to no more than forty-thousandths (0.040) milligram per liter and thirty-thousandths (0.030) milligram per liter, respectively. Systems shall submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the agency for approval not later than the effective date for compliance in section 4(b) of this rule. These technologies must be installed and operating not later than June 30, 2005.

(D) The TTHM and HAA5 running annual averages are no greater than forty-thousandths (0.040) milligram per liter and thirty-thousandths (0.030) milligram per liter, respectively, and the system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system.

(E) The system's source water SUVA, prior to any

treatment and measured monthly according to section 5(d)(4) of this rule, is less than or equal to two and zero-tenths (2.0) liters per milligram meter, calculated quarterly as a running annual average.

(F) The system's finished water SUVA, measured monthly according to section 5(d)(4) of this rule, is less than or equal to two and zero-tenths (2.0) liters per milligram meter, calculated quarterly as a running annual average.

(3) Systems practicing enhanced softening that cannot achieve the TOC removals required by subdivision *[subsection]* **(b)(2) may use the following alternative compliance criteria in lieu of complying with subsection (b):**

(A) Softening that results in lowering the treated water alkalinity to less than sixty (60) milligrams per liter (as $CaCO_3$), measured monthly according to section 5(d)(1) of this rule and calculated quarterly as a running annual average.

(B) Softening that results in removing at least ten (10) milligrams per liter of magnesium hardness (as $CaCO_3$), measured monthly and calculated quarterly as an annual running average.

Systems shall comply with monitoring requirements in section 6(d) of this rule.

(b) Enhanced coagulation and enhanced softening performance requirements are as follows:

(1) Systems shall achieve the percent reduction of TOC specified in subdivision (2) between the source water and the combined filter effluent unless the commissioner approves a system's request for alternate minimum TOC removal (Step 2) requirements under subdivision (3).

(2) Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with section 6(d) of this rule. Systems practicing softening are required to meet the Step 1 TOC reductions in the far-right column (source water alkalinity greater than one hundred twenty (120) milligrams per liter) for the specified source water TOC:

Step 1 Required Removal of TOC by Enhanced Coagulation and Enhanced Softening for Subpart H Systems Using Conventional Treatment[1, 2]

Source-Water TOC, mg/L	Source-Water Alkalinity, mg/L as $CaCO_3$		
	0-60 (percent)	>60-120 (percent)	>120[3] (percent)
>2.0-4.0	35.0%	25.0%	15.0%
>4.0-8.0	45.0%	35.0%	25.0%
>8.0	50.0%	40.0%	30.0%

[1]Systems meeting at least one (1) of the conditions in subsection (a)(2) are not required to operate with enhanced coagulation.

[2]Softening systems meeting one (1) of the alternative compliance criteria in subsection (a)(3) are not required to operate with enhanced softening.

[3]Systems practicing softening shall meet the TOC removal requirements in this column.

(3) Subpart H conventional treatment systems that cannot achieve the Step 1 TOC removals required by subdivision (2) due to water quality parameters or operational constraints shall apply to the commissioner, within three (3) months of failure to achieve the TOC removals required by subdivision (2), for approval of alternative minimum TOC (Step 2) removal requirements submitted by the system as provided by subdivision (4). If the commissioner approves the alternative minimum TOC removal (Step 2) requirements, the commissioner may make those requirements retroactive for the purposes of determining compliance. Until the commissioner approves the alternate minimum TOC removal (Step 2) requirements, the system shall meet the Step 1 TOC removals contained in subdivision (2).

(4) Alternate minimum TOC removal (Step 2) requirements are as follows:

(A) Applications made to the commissioner by enhanced coagulation systems for approval of alternate minimum TOC removal (Step 2) requirements under subdivision (3) must include, at a minimum, results of bench-scale or pilot-scale testing conducted under clause (C). The submitted bench-scale or pilot-scale testing will be used to determine the alternate enhanced coagulation level.

(B) As used in this subdivision, "alternate enhanced coagulation level" means coagulation at a coagulant dose and pH as determined by the method described in clauses (A) through (E) *[clause (A), this clause, and clauses (C) through (E)]* **such that an incremental addition of ten (10) milligrams per liter of alum (or equivalent amount of ferric salt) results in a TOC removal of less than or equal to three-tenths (0.3) milligram per liter. The percent removal of TOC at this point on the TOC removal versus coagulant dose curve is defined as the minimum TOC removal required for the system. Once approved by the agency, this minimum requirement supersedes the minimum TOC removal required by the table in subdivision (2). This requirement will be effective until the agency approves a new value based on the results of a new bench-scale and pilot-scale tests. Failure to achieve alternative minimum TOC removal levels is a violation of National Primary Drinking Water Regulations.**

(C) Bench-scale or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding ten (10) milligrams per liter increments of alum, or equivalent amounts of ferric salt, until the pH is reduced to a level less than or equal

to the enhanced coagulation Step 2 target pH shown in the following table:

Enhanced Coagulation Step 2 Target pH

Alkalinity (mg/L as $CaCO_3$)	Target pH
0-60	5.5
>60-120	6.3
>120-240	7.0
>240	7.5

(D) For waters with alkalinities of less than sixty (60) milligrams per liter for which the addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below five and five-tenths (5.5) before significant TOC removal occurs, the system shall add necessary chemicals to maintain the pH between five and three-tenths (5.3) and five and seven-tenths (5.7) in samples until the TOC removal of three-tenths (0.3) milligram per liter per ten (10) milligrams per liter alum added, or equivalant addition of iron coagulant, is reached.

(E) The system may operate at any coagulant dose or pH necessary, consistent with other National Primary Drinking Water Regulations, to achieve the minimum TOC percent removal approved under subdivision (3).

(F) If the TOC removal is consistently less than three-tenths (0.3) milligram per liter of TOC per ten (10) milligrams per liter of incremental alum dose at all dosages of alum (or equivalant addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The system may then apply to the commissioner for a waiver of enhanced coagulation requirements.

(c) Compliance calculations are required as follows:

(1) Subpart H systems other than those identified in subsection (a)(2) or (a)(3) shall comply with requirements contained in subsection (b)(2) or (b)(3). Systems shall calculate compliance quarterly, beginning after the system has collected twelve (12) months of data, by determining an annual average using the following method:

STEP 1: Calculate actual monthly TOC percent removal, which is equal to:

(1 - (treated water TOC/source water TOC)) × one hundred (100).

STEP 2: Calculate the required monthly TOC percent removal (from either the table in subsection (b)(2) or from subsection (b)(3)).

STEP 3: Divide the value determined under STEP 1 by the value determined under STEP 2.

STEP 4: Add together the quotients determined under STEP 3 for the last twelve (12) months and divide by twelve (12).

STEP 5: If the quotient calculated in STEP 4 is less than one and zero-hundredths (1.00), the system is not in compliance with the TOC percent removal requirements.

(2) Systems may use the following provisions in lieu of the calculations in subdivision (1) to determine compliance with TOC percent removal requirements:

(A) In any month that the system's treated or source water TOC level, measured according to section 5(d)(3) of this rule, is less than two and zero-tenths (2.0) milligrams per liter, the system may assign a monthly value of one and zero-tenths (1.0) (in lieu of the value calculated in STEP 3 of subdivision (1)) when calculating compliance under subdivision (1).

(B) In any month that a system practicing softening removes at least ten (10) milligrams per liter of magnesium hardness (as $CaCO_3$), the system may assign a monthly value of one and zero-tenths (1.0) (in lieu of the value calculated in STEP 3 of subdivision (1)) when calculating compliance under subdivision (1).

(C) In any month that the system's source water SUVA, prior to any treatment and measured according to section 5(d)(4) of this rule, is less than or equal to two and zero-tenths (2.0) liters per milligram meter, the system may assign a monthly value of one and zero-tenths (1.0) (in lieu of the value calculated in STEP 3 of subdivision (1)) when calculating compliance under subdivision (1).

(D) In any month that the system's finished water SUVA, measured according to section 5(d)(4) of this rule, is less than or equal to two and zero-tenths (2.0) liters per milligram meter, the system may assign a monthly value of one and zero-tenths (1.0) (in lieu of the value calculated in STEP 3 of subdivision (1)) when calculating compliance under subdivision (1).

(E) In any month that a system practicing enhanced softening lowers alkalinity below sixty (60) milligrams per liter (as $CaCO_3$), the system may assign a monthly value of one and zero-tenths (1.0) (in lieu of the value calculated in STEP 3 of subdivision (1)) when calculating compliance under subdivision (1).

(3) Subpart H systems using conventional treatment may also comply with the requirements of this section by meeting the criteria in subsection (a)(2) or (a)(3).

(d) The commissioner identifies the following as treatment techniques for Subpart H systems to control the level of disinfection byproduct precursors in drinking water treatment and distribution systems:

(1) Conventional treatment.

(2) Enhanced coagulation.

(3) Enhanced softening.

(Water Pollution Control Board; 327 IAC 8-2.5-9; filed May 1, 2003, 12:00 p.m.: 26 IR 2851)

SECTION 16. 327 IAC 8-2.6 IS ADDED TO READ AS FOLLOWS:

Rule 2.6. Enhanced Filtration and Disinfection

327 IAC 8-2.6-1 General requirements; enhanced filtration and disinfection

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 1. (a) Upon the effective date of this rule, unless otherwise specified in this section, all subpart H systems serving a population of at least ten thousand (10,000) individuals shall establish treatment technique requirements in lieu of maximum contaminant levels for the following contaminants:

(1) Giardia lamblia.
(2) Viruses.
(3) Heterotrophic plate count bacteria.
(4) Legionella.
(5) Cryptosporidium.
(6) Turbidity.

The systems shall also provide treatment of their source water that complies with these treatment technique requirements in addition to those identified in 327 IAC 8-2-8.5.

(b) The treatment technique requirements consist of installing and properly operating water treatment processes that reliably achieve the following:

(1) At least ninety-nine percent (99%) (2-log) removal of Cryptosporidium between a point where the raw water is not subject to recontamination by surface water run-off and a point downstream before or at the first customer for filtered systems, or Cryptosporidium control under the water shed control plan for unfiltered systems.
(2) Compliance with the profiling and benchmark requirements under section 2 of this rule.

(c) A public water system subject to the requirements of this section is considered to be in compliance with the requirements of subsections (a) and (b) if it meets the:

(1) disinfection requirements in 327 IAC 8-2-8.6 and section 2 of this rule; or
(2) applicable filtration requirements in either 327 IAC 8-2-8.5 or section 3 of this rule and the disinfection requirements in 327 IAC 8-2-8.6 and section 2 of this rule.

(d) Subpart H systems serving a population of greater than ten thousand (10,000) are not permitted to begin construction of uncovered finished water storage facilities after the effective date of this rule. *(Water Pollution Control Board; 327 IAC 8-2.6-1; filed May 1, 2003, 12:00 p.m.: 26 IR 2854)*

327 IAC 8-2.6-2 Disinfection profiling and benchmarking

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 2. (a) A public water system subject to the requirements of this section will determine its TTHM annual average using the procedure in subdivision (1) and its HAA5 annual average using the procedure in subdivision (2). The annual average is the arithmetic average of the quarterly averages of four (4) consecutive quarters of monitoring. A public water system subject to the requirements of this section shall meet the following monitoring requirements to determine its TTHM annual average and its HAA5 annual average:

(1) The TTHM annual average must be the annual average during the same period as is used for the HAA5 annual average. Those subpart H systems serving a population of greater than ten thousand (10,000) individuals that:

(A) collected data under 40 CFR 141* must use the results of the samples collected during the last four (4) quarters of required monitoring under 40 CFR 141.142*;
(B) use grandfathered HAA5 occurrence data that meet the provisions of subdivision (2)(B) must use the TTHM data collected at the same time under 327 IAC 8-2-5(a) and 327 IAC 8-2-5.3; and
(C) use HAA5 occurrence data that meet the provisions of subdivision (2)(C)(i) must use the TTHM data collected at the same time under 327 IAC 8-2-5(a) and 327 IAC 8-2-5.3.

(2) The HAA5 annual average must be the annual average during the same period as is used for the TTHM annual average. Those subpart H systems serving a population of greater than ten thousand (10,000) individuals that:

(A) collected data under 40 CFR 141* must use the results of the samples collected during the last four (4) quarters of required monitoring under 40 CFR 141.142*;
(B) have collected four (4) quarters of HAA5 occurrence data that meets the routine monitoring sample number and location requirements for TTHM in 327 IAC 8-2-5(a) and 327 IAC 8-2-5.3 and handling and analytical method requirements of 40 CFR 141.142(b)(1)* may use those data to determine whether the requirements of this section apply; and
(C) have not collected four (4) quarters of HAA5 occurrence data that meets the provisions of either clause (A) or (B) by March 16, 1999, must either:

(i) conduct monitoring for HAA5 that meets the routine monitoring sample number and location requirements for TTHM in 327 IAC 8-2-5(a), 327 IAC 8-2-5.3, and handling and analytical method requirements of 40 CFR 141.142(b)(1)* to determine the HAA5 annual average and whether the requirements of subsection (b) apply. This monitoring must be completed so that the applicability determination can be made no later than March 31, 2000; or

(ii) comply with all other provisions of this section as if the HAA5 monitoring had been conducted and the results required compliance with subsection (b).

(3) Subpart H systems serving a population of greater than ten thousand (10,000) individuals may request that the commissioner approve a more representative annual data set than the data set determined under subdivision (1) or (2) for the purpose of determining applicability of the requirements of this section.

(4) The commissioner may require that a system use a more representative annual data set than the data set determined under subdivision (1) or (2) for the purpose of determining applicability of the requirements of this section.

(5) Subpart H systems serving a population of greater than ten thousand (10,000) individuals shall submit data to the commissioner based on the following schedules:

(A) Those subpart H systems serving a population of greater than ten thousand (10,000) individuals that collected TTHM and HAA5 data under 40 CFR 141*, as required by subdivisions (1)(A) and (2)(A), shall submit the results of the samples collected during the last twelve (12) months of monitoring required under 40 CFR 141.142* not later than December 31, 1999.

(B) Those subpart H systems serving a population of greater than ten thousand (10,000) individuals that have collected four (4) consecutive quarters of HAA5 occurrence data that meets the routine monitoring sample number and location for TTHM in 327 IAC 8-2-5(a), 327 IAC 8-2-5.3, and handling and analytical method requirements of 40 CFR 141.142(b)(1)*, as allowed by subdivisions (1)(B) and (2)(B), must submit those data to the commissioner not later than April 15, 1999. Until the commissioner has approved the data, the system shall conduct monitoring for HAA5 using the monitoring requirements specified under subdivision (2)(C).

(C) Subpart H systems serving a population of greater than ten thousand (10,000) individuals that conduct monitoring for HAA5 using the monitoring requirements specified by subdivision (2)(C)(i), shall submit TTHM and HAA5 data not later than March 31, 2000.

(D) Those systems that elect to comply with all other provisions of this section as if the HAA5 monitoring had been conducted and the results required compliance with this section, as allowed under subdivision (2)(C)(ii), shall notify the commissioner in writing of their election not later than December 31, 1999.

(E) If the system elects to represent that the commissioner approve a more representative annual data set than the data set determined under subdivision (2)(A), the system must submit this request in writing not later than December 31, 1999.

(6) Any subpart H systems serving a population of greater than ten thousand (10,000) individuals having either a TTHM annual average greater than or equal to sixty-four thousandths (0.064) milligram per liter or an HAA5 annual average greater than or equal to forty-eight thousandths (0.048) milligram per liter during the period identified in subdivisions (1) and (2) shall comply with subsection (b).

(b) Disinfection profiling requirements are as follows:

(1) Any subpart H system serving a population of greater than ten thousand (10,000) individuals that meets the criteria in subsection (a)(6) shall develop a disinfection profile of its disinfection practice for a period of up to three (3) years.

(2) Not later than April 1, 2000, subpart H systems serving a population of greater than ten thousand (10,000) individuals shall monitor daily for a period of twelve (12) consecutive calendar months to determine the total logs of inactivation for each day of operation based on the CT99.9 values in Tables 1.1 through 1.6, 2.1, and 3.1 of 40 CFR 141.74(b)*, as appropriate, through the entire treatment plant. At a minimum, subpart H systems serving a population of greater than ten thousand (10,000) individuals with a single or multiple point of disinfectant application prior to entrance to the distribution system shall conduct the monitoring in clauses (A) through (D) for each disinfection segment. The system shall monitor the parameters necessary to determine the total inactiavation ratio using analytical methods in 327 IAC 8-2-8.7 as follows:

(A) The temperature of the disinfection water shall be measured one (1) time per day at each residual disinfectant concentration sampling point during peak hourly flow.

(B) If the system uses chlorine, the pH of the disinfected water shall be measured one (1) time per day at each chlorine residual disinfectant concentration sampling point during peak hourly flow.

(C) The disinfectant contact time (T) shall be determined for each day during peak hourly flow.

(D) The residual disinfectant concentration (C) of the water before or at the first customer and prior to each additional point of disinfection shall be measured each day during peak hourly flow.

(3) In lieu of the monitoring conducted under subdivision (2) to develop the disinfection profile, subpart H systems serving a population of greater than ten thousand (10,000) individuals may elect to meet either of the following requirements:

(A) Not later than March 31, 2000, subpart H systems serving a population of greater than ten thousand (10,000) individuals that has three (3) years of existing operational data may submit those data, a profile generated using those data, and a request that the commissioner approve use of those data in lieu of monitoring under subdivision (2). The commissioner

shall determine whether these operational data are substantially equivalent to data collected under subdivision (2) and whether these data are representative of Giardia lamblia inactivation through the entire treatment plant and not just of certain treatment segments. Until the commissioner approves this request, the system is required to conduct monitoring under subdivision (2).

(B) In addition to the disinfection profile generated under subdivision (2), subpart H systems serving a population of greater than ten thousand (10,000) individuals that has existing operational data may use those data to develop a disinfection profile for additional years. Subpart H systems serving a population of greater than ten thousand (10,000) may use these additional yearly disinfection profiles to develop a benchmark under subsection (c). The commissioner shall determine whether these operational data are substantially equivalent to data collected under subdivision (2). These data must also be representative of inactivation through the entire treatment plant and not just of certain treatment segments.

(4) Subpart H systems serving a population of greater than ten thousand (10,000) individuals shall calculate the total inactivation ratio as follows:

(A) If the system uses only one (1) point of disinfectant application, the system may determine the total inactivation ratio for the disinfection segment by using either of the following methods:

(i) Determine one (1) inactivation ratio ($CTcalc/CT_{99.9}$) before or at the first customer during peak hourly flow.

(ii) Determine successive $CTcalc/CT_{99.9}$ values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the system must calculate the total inactivation ratio by determining ($CTcalc/CT_{99.9}$) for each sequence and then adding the ($CTcalc/CT_{99.9}$) values together to determine (Σ ($CTcalc/CT_{99.9}$)).

(B) Subpart H systems serving a population of greater than ten thousand (10,000) individuals that use more than one (1) point of disinfectant application before the first customer shall determine the CT value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow. The ($CTcalc/CT_{99.9}$) value of each segment and (Σ ($CTcalc/CT_{99.9}$) shall be calculated using the method in clause (A).

(C) Subpart H systems serving a population of greater than ten thousand (10,000) individuals shall determine the total logs of inactivation by multiplying the value calculated in clause (A) or (B) by three and zero-tenths (3.0).

(5) Subpart H systems serving a population of greater than ten thousand (10,000) individuals that use either chloramines or ozone for primary disinfection shall also calculate the logs of inactivation for viruses using a method approved by the commissioner.

(6) Subpart H systems serving a population of greater than ten thousand (10,000) individuals shall retain disinfection profile data in graphic form, as a spreadsheet, or in some other format acceptable to the commissioner for review as part of sanitary surveys conducted by the commissioner.

(c) Disinfection benchmarking requirements are as follows:

(1) A Subpart H system serving a population of greater than ten thousand (10,000) individuals required to develop a disinfection profile under subsections (a) and (b) that decides to make a significant change to its disinfection practice shall consult with the commissioner prior to making such change. As used in this subdivision, "significant changes" means the following:

(A) Changes to the point of disinfection.

(B) Changes to the disinfectants used in the treatment plant.

(C) Changes to the disinfection process.

(D) Any other modification identified by the commissioner.

(2) A subpart H system serving a population of greater than ten thousand (10,000) individuals that is modifying its disinfection practice shall calculate its disinfection benchmark using the following procedures:

(A) Subpart H systems serving a population of greater than ten thousand (10,000) individuals shall determine the lowest average monthly Giardia lamblia inactivation for each year of profiling data collected and calculated under subsection (b). The system shall determine the average Giardia lamblia inactivation for each calendar month for each year of profiling data by dividing the sum of daily Giardia lamblia inactivation by the number of values calculated for that month.

(B) The disinfection benchmark is the lowest monthly average value (for subpart H systems serving a population of greater than ten thousand (10,000) with one (1) year of profiling data) or average of lowest monthly average values (for subpart H systems serving a population of greater than ten thousand (10,000) individuals with more than one (1) year of profiling data) of the monthly logs of Giardia lamblia inactivation for each year of profiling data.

(C) Subpart H systems serving a population of greater than ten thousand (10,000) individuals that use either chloramines or ozone for primary disinfection shall also calculate the disinfection benchmark for viruses using a method approved by the commissioner.

(D) The system shall submit the following information to the commissioner as part of its consultation process:

(i) A description of the proposed change in disinfection practice.

(ii) The disinfection profile for Giardia lamblia (and, if necessary, viruses) under subsection (b) and benchmark as required by this subsection.

(iii) An analysis of how the proposed change will affect the current levels of disinfection.

*40 CFR 141, 40 CFR 141.142, 40 CFR 141.142(b)(1), and 40 CFR 141.74(b) are incorporated by reference and are available for copying at the Indiana Department of Environmental Management, Office of Water Quality, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana 46206. *(Water Pollution Control Board; 327 IAC 8-2.6-2; filed May 1, 2003, 12:00 p.m.: 26 IR 2854)*

327 IAC 8-2.6-3 Enhanced filtration

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 3. By December 31, 2001, subpart H systems serving a population of greater than ten thousand (10,000) individuals shall provide treatment consisting of both disinfection, as specified in 327 IAC 8-2-8.6, and filtration treatment that complies with the following:

(1) Requirements for systems using conventional filtration or direct filtration are as follows:

(A) For Subpart H systems serving a population of greater than ten thousand (10,000) individuals using conventional filtration or direct filtration, the turbidity level of representative samples of the system's filtered water must be less than or equal to three-tenths (0.3) nephelometric turbidity unit in at least ninety-five percent (95%) of the measurements taken each month, measured as specified in327 IAC 8-2-8.7 and 327 IAC 8-2-8.8.

(B) The turbidity level of representative samples of the system's filtered water must at no time exceed one (1) nephelometric turbidity unit, measured as specified in 327 IAC 8-2-8.7 and 327 IAC 8-2-8.8.

(C) A system that uses lime softening may acidify representative samples prior to analysis using a protocol approved by the commissioner.

(2) A Subpart H system serving a population greater than ten thousand (10,000) may use filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration if it demonstrates to the commissioner, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of 327 IAC 8-2-8.6, consistently achieves ninety-nine and nine-tenths percent (99.9%) removal or inactivation of Giardia lamblia cysts and ninety-nine and ninety-nine hundredths percent (99.99%) removal or inactivation of viruses, and ninety-nine percent (99%) removal of Cryptosporidium oocysts, and the commissioner approves the use of the filtration technology.

(3) For each approval under subdivision (2), the commissioner will set turbidity performance requirements that the system must meet at least ninety-five percent (95%) of the time and that the system may not exceed at any time at a level that consistently achieves ninety-nine and nine-tenths percent (99.9%) removal or inactivation of Giardia lamblia cysts, ninety-nine and ninety-nine hundredths percent (99.99%) removal or inactivation of viruses, and ninety-nine percent (99%) removal of Cryptosporidium oocysts.

(Water Pollution Control Board; 327 IAC 8-2.6-3; filed May 1, 2003, 12:00 p.m.: 26 IR 2857)

327 IAC 8-2.6-4 Filtration sampling requirements

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 4. (a) In addition to monitoring required by 327 IAC 8-2-8.7, a Subpart H system serving a population of greater than ten thousand (10,000) individuals that provides conventional filtration treatment or direct filtration shall comply with the following:

(1) Conduct continuous monitoring of turbidity for each individual filter using an approved method in 327 IAC 8-2-8.7.

(2) Calibrate turbidimeters using the procedure specified by the manufacturer.

(3) Record the results of individual filter monitoring every fifteen (15) minutes.

(b) If there is a failure in the continuous turbidity monitoring equipment, Subpart H systems serving a population of greater than ten thousand (10,000) individuals must conduct grab sampling every four (4) hours in lieu of continuous monitoring, but for no more than five (5) working days following the failure of the equipment. *(Water Pollution Control Board; 327 IAC 8-2.6-4; filed May 1, 2003, 12:00 p.m.: 26 IR 2857)*

327 IAC 8-2.6-5 Enhanced filtration and disinfection reporting and record keeping requirements

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 5. Beginning January 1, 2002, a Subpart H system serving a population of greater than ten thousand (10,000) individuals that is subject to the requirements of section 3 of this rule and provides conventional filtration treatment or direct filtration shall meet the following requirements in addition to the reporting and record keeping requirements in 327 IAC 8-2-14:

(1) Turbidity measurements as required by section 3 of this rule shall be reported within ten (10) days after the end of each month the system serves water to the public.

Information that shall be reported includes the following:

(A) The total number of filtered water turbidity measurements taken during the month.

(B) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in section 3 of this rule.

(C) The date and value of any turbidity measurements taken during the month that exceed:

(i) one and zero-tenths (1.0) nephelometric turbidity unit for systems using conventional filtration treatment or direct filtration; or

(ii) the maximum level set by the commissioner under section 3 of this rule. This reporting requirement is in lieu of the reporting specified in 327 IAC 8-2-14(b).

(2) Subpart H systems serving a population of greater than ten thousand (10,000) individuals shall maintain the results of individual filter monitoring taken under section 4 of this rule for at least three (3) years. These systems shall report that they have conducted individual filter turbidity monitoring under section 3 of this rule within ten (10) days after the end of each month they serve water to the public if measurements demonstrate one (1) or more of the following conditions:

(A) For any individual filter that has a measured turbidity level of greater than one and zero-tenths (1.0) nephelometric turbidity unit in two (2) consecutive measurements taken fifteen (15) minutes apart, subpart H systems serving a population of greater than ten thousand (10,000) individuals shall report the filter number, the turbidity measurement, and the date on which the exceedance occurred. In addition, the system shall either produce a filter profile for the filter within seven (7) days of the exceedance, if the system is not able to identify an obvious reason for the abnormal filter performance, and report that the profile has been produced or report the obvious reason for the exceedance.

(B) For any individual filter that has a measured turbidity level of greater than five-tenths (0.5) in two (2) consecutive measurements taken fifteen (15) minutes apart at the end of the first four (4) hours of continuous filter operation after the filter has been backwashed or otherwise taken off-line, subpart H systems serving a population of greater than ten thousand (10,000) individuals shall report the filter number, the turbidity, and the date on which the exceedance occurred. In addition, the system shall either produce a filter profile for the filter within seven (7) days of the exceedance, if the system is not able to identify an obvious reason for the abnormal filter performance, and report that the profile has been produced or report the obvious reason for the exceedance.

(C) For any individual filter that has a measured turbidity level of greater than one and zero-tenths (1.0) nephelometric turbidity unit in two (2) consecutive measurements taken fifteen (15) minutes apart at any time in each of three (3) consecutive months, subpart H systems serving a population of greater than ten thousand (10,000) shall report the filter number, the turbidity measurement, and the date on which the exceedance occurred. In addition, the system shall conduct a self-assessment of the filter within fourteen (14) days of the exceedance and report that the self-assessment was conducted. The self-assessment shall consist of at least the following components:

(i) Assessment of filter performance.

(ii) Development of a filter profile.

(iii) Identification and prioritization of factors limiting filter performance.

(iv) Assessment of the applicability of corrections.

(v) Preparation of a filter self-assessment report.

(D) For any individual filter that has a measured turbidity level of greater than two and zero-tenths (2.0) nephelometric turbidity units in two (2) consecutive measurements taken fifteen (15) minutes apart at any time in each of two (2) consecutive months, subpart H systems serving a population of greater than ten thousand (10,000) individuals shall report the filter number, the turbidity measurement, and the date on which the exceedance occurred. In addition, the system shall arrange for the conduct of a comprehensive performance evaluation by the commissioner or a third party approved by the commissioner no later than thirty (30) days following the exceedance and have the evaluation completed and submitted to the commissioner no later than ninety (90) days following the exceedance.

(3) Additional reporting requirements are as follows:

(A) If at any time the turbidity exceeds one and zero-tenths (1.0) nephelometric turbidity unit in representative samples of filtered water in a subpart H system serving a population of greater than ten thousand (10,000) individuals using conventional filtration treatment or direct filtration, the system shall inform the commissioner as soon as possible, but no later than the end of the next business day.

(B) If at any time the turbidity in representative samples of filtered water exceeds the maximum level set by the commissioner under section 3 of this rule for filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration, subpart H systems serving a population of greater than ten thousand (10,000) individuals shall inform the commissioner as soon as possible, but no later than the end of the next business day.

Systems that use lime softening may apply to the commissioner for alternative exceedance levels for the levels

specified in subdivision (2) and this subdivision if they can demonstrate that higher turbidity levels in individual filters are due to lime carryover only and not due to degraded filter performance.

(Water Pollution Control Board; 327 IAC 8-2.6-5; filed May 1, 2003, 12:00 p.m.: 26 IR 2857)

327 IAC 8-2.6-6 Filter backwash

Authority: IC 13-13-5-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-18-3-2
Affected: IC 13-12-3-1; IC 13-13-5-2; IC 13-14-9; IC 13-18-11

Sec. 6. All subpart H systems that employ conventional filtration or direct filtration treatment and recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes shall meet the following requirements:

(1) A system shall notify the commissioner in writing by December 8, 2003, if the system recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes. This notification shall include, at a minimum, the following information:

(A) A plant schematic showing:

(i) the origin of all flows which are recycled, including, but not limited to, spent filter backwash water, thickener supernatant, and liquids from dewatering processes;

(ii) the hydraulic conveyance used to transport the spent filter backwash water, thickener supernatant, and liquids from dewatering processes; and

(iii) the location where spent filter backwash water, thickener supernatant, and liquids from dewatering processes are reintroduced back into the treatment plant.

(B) Typical recycle flow in gallons per minute.

(C) The highest observed plant flow experienced in the previous year in gallons per minute.

(D) Design flow for the treatment plant in gallons per minute.

(E) Commissioner-approved operating capacity for the plant where the commissioner has made such determinations.

(2) Any system that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes shall return these flows through the processes of a system's existing conventional or direct filtration system as defined in 327 IAC 8-2-1(14) and 327 IAC 8-2-1(18), or at an alternate location approved by the commissioner by June 8, 2004. If capital improvements are required to modify the recycle location to meet the requirement in this subdivision, all capital improvements shall be completed no later than June 8, 2006.

(3) Subpart H systems shall collect and retain on file the following recycle flow information on forms provided by the department for review and evaluation by the commissioner beginning June 8, 2004:

(A) Copy of the recycle notification and information submitted to the commissioner under subdivision (1)(B) through (1)(E).

(B) List of all recycle flows and the frequency with which they are returned.

(C) Average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process in minutes.

(D) Typical filter run length and a written summary of how filter run length is determined.

(E) The type of treatment provided for the recycle flow.

(F) Data on the physical dimensions of the equalization and treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.

(Water Pollution Control Board; 327 IAC 8-2.6-6; filed May 1, 2003, 12:00 p.m.: 26 IR 2859)

SECTION 17. 327 IAC 8-2-29 IS REPEALED.

LSA Document #01-348(F)
Proposed Rule Published: October 1, 2002; 26 IR 99
Hearing Held: December 11, 2002
Approved by Attorney General: April 15, 2003
Approved by Governor: April 30, 2003
Filed with Secretary of State: May 1, 2003, 12:00 p.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 357 INDIANA PESTICIDE REVIEW BOARD

LSA Document #02-292(F)

DIGEST

Adds 357 IAC 1-10 to establish pesticide use, application, storage, and disposal requirements near community public water systems wells in addition to any requirements that may already be established on the pesticide product labels. Effective 30 days after filing with the secretary of state.

357 IAC 1-10

SECTION 1. 357 IAC 1-10 IS ADDED TO READ AS FOLLOWS:

Rule 10. Regulation of Pesticides Near Community Public Water Supply System Wells

357 IAC 1-10-1 Definitions

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24
Affected: IC 15-3-3.6

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

(1) "Community public water supply system" or "CPWSS" means a public water supply system as referenced in 327 IAC 8-4.1-1(5) that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.
(2) "Discharge" means a release of a pesticide from a storage container into secondary containment.
(3) "Impervious surface" means a surface composed of a watertight material that effectively prevents discharged pesticide from impacting the soil or ground water, and from reaching a drinking water well or dry well, storm or sanitary sewer, or septic system.
(4) "Isolation area" means an area as referenced in 327 IAC 8-3.4-9, which is established around a CPWSS production well, to protect ground water from direct contamination by pesticides.
(5) "Public water supply system" or "PWSS" means a public water supply as established by 326 IAC 8-4.1-1(20) for the provision to the public of piped water for human consumption if such a system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.
(6) "Secondary containment" means any structure, such as a dike, used to contain pesticide discharge from storage containers and prevent run-off or leaching.
(7) "State chemist" means the Indiana state chemist or his appointed agent.
(8) "Time of travel" or "TOT", as referenced in 327 IAC 8-4.1-1(25), means the calculated length of time that a particle of water takes to reach a CPWSS production well from a certain point.
(9) "Time of travel threshold" means a minimum five (5) year TOT for modeled wellhead protection areas or three thousand (3,000) feet for fixed radius wellhead protection areas as delineated in 327 IAC 8-4.1-1(26).
(10) "Wellhead protection area" or "WHPA" as referenced in 327 IAC 8-4.1-1(27) means the surface and subsurface area that contributes water to a CPWSS production well or well field and through which contaminants are likely to move and reach the well within the TOT threshold.

(Indiana Pesticide Review Board; 357 IAC 1-10-1; filed Apr 23, 2003, 3:45 p.m.: 26 IR 2859)

357 IAC 1-10-2 Prohibited activities within the isolation area

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24
Affected: IC 15-3-3.6

Sec. 2. (a) The following activities shall be prohibited within the isolation area, except for pesticides labeled for the intentional use in the treatment of water for drinking:
(1) Pesticide loading.
(2) Pesticide mixing.
(3) Pesticide storage.

(b) Application of pesticides within the isolation area shall be permitted unless prohibited by:
(1) the pesticide label; or
(2) a rule by the Indiana pesticide review board.

(Indiana Pesticide Review Board; 357 IAC 1-10-2; filed Apr 23, 2003, 3:45 p.m.: 26 IR 2860)

357 IAC 1-10-3 Pesticide storage within the WHPA and outside of the isolation area

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24
Affected: IC 15-3-3.6

Sec. 3. (a) Pesticide containers with the capacity for the storage of pesticides in undivided quantities exceeding fifty-five (55) U.S. gallons or one hundred (100) pounds dry product shall be subject to the storage and containment requirements in 355 IAC 5.

(b) Pesticide containers not covered by the requirements referenced in subsection (a) shall be stored:
(1) on an impervious surface;
(2) in a covered area that is protected from precipitation; and
(3) within secondary containment when the quantity of pesticide product in all containers exceeds fifty-five (55) U.S. gallons of liquid or one hundred (100) pounds of dry product and a spill or leak is likely to enter a septic system, sanitary or storm sewer, drinking water well, or dry well.

(c) Secondary containment required in subsection (b) shall be:
(1) constructed with a capacity of a minimum of at least one hundred ten percent (110%) of the volume of the largest storage container within the contained area plus the volume displaced by all other pesticide containers, equipment, and other items in the containment vessel; and
(2) constructed, installed, and maintained so as to prevent the spill or leakage of the pesticide.

(Indiana Pesticide Review Board; 357 IAC 1-10-3; filed Apr 23, 2003, 3:45 p.m.: 26 IR 2860)

357 IAC 1-10-4 Cleanup of discharged or spilled pesticide

Authority: IC 15-3-3.6-4; IC 15-3-3.6-24
Affected: IC 15-3-3.6

Sec. 4. (a) Remediation and cleanup of discharged or spilled pesticide shall be performed immediately upon discovery.

(b) Clean-up procedures shall be conducted:
(1) in accordance with the procedures on the pesticide product label; and
(2) in a manner that prevents the pesticide from impacting the soil or ground water, and from reaching a drinking water well, dry well, storm sewer, sanitary sewer, or septic system.

(Indiana Pesticide Review Board; 357 IAC 1-10-4; filed Apr 23, 2003, 3:45 p.m.: 26 IR 2860)

357 IAC 1-10-5 Inspection and compliance
Authority: IC 15-3-3.6-4; IC 15-3-3.6-24
Affected: IC 15-3-3.6

Sec. 5. (a) The inspection for compliance with this rule is the responsibility of the state chemist but may be delegated by the state chemist to the Indiana department of environmental management and to employees of state, county, or municipal government.

(b) The initiation of enforcement for violations of the provisions shall be the sole responsibility of the state chemist. *(Indiana Pesticide Review Board; 357 IAC 1-10-5; filed Apr 23, 2003, 3:45 p.m.: 26 IR 2861)*

357 IAC 1-10-6 Compliance with the effective date of rule
Authority: IC 15-3-3.6-4; IC 15-3-3.6-24
Affected: IC 15-3-3.6

Sec. 6. (a) This rule shall become effective within one (1) year of the date of adoption.

(b) For newly established facilities, full compliance shall be required immediately.

(c) For existing facilities:
(1) full compliance with section 3 *[of this rule]* **shall be required no later than two (2) years following adoption; and**
(2) full compliance with all other sections of this rule shall be required immediately.
(Indiana Pesticide Review Board; 357 IAC 1-10-6; filed Apr 23, 2003, 3:45 p.m.: 26 IR 2861)

LSA Document #02-292(F)
Notice of Intent Published: 26 IR 417
Proposed Rule Published: January 1, 2003; 26 IR 1243
Hearing Held: February 10, 2003
Approved by Attorney General: April 8, 2003
Approved by Governor: April 22, 2003
Filed with Secretary of State: April 23, 2003, 3:45 p.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #02-49(F)

DIGEST

Amends 405 IAC 5-12-2, 405 IAC 5-12-3, and 405 IAC 5-12-7 to limit Medicaid coverage for chiropractic services for all recipients. Repeals 405 IAC 5-12-6. Effective 30 days after filing with the secretary of state.

405 IAC 5-12-2 **405 IAC 5-12-6**
405 IAC 5-12-3 **405 IAC 5-12-7**

SECTION 1. 405 IAC 5-12-2 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-12-2 Office visits
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; IC 25-10-1-1

Sec. 2. Medicaid reimbursement is available for chiropractic office visits and ~~services associated with such visits,~~ **spinal manipulation treatments or physical medicine treatments,** subject to the following restrictions:

(1) Reimbursement is limited to ~~five (5)~~ **a total of fifty (50) office** visits **or treatments** per recipient per year **which includes a maximum reimbursement of no more than five (5) office visits per recipient per year.**

(2) Reimbursement is not available for the following types of extended or comprehensive office visits:

(A) New patient detailed.

~~(A)~~ **(B)** New patient comprehensive.

~~(B)~~ **(C)** Established patient detailed.

~~(C)~~ **(D)** Established patient comprehensive.

(3) New patient office visits are reimbursable only once per provider per lifetime of the recipient. As used in this section, "new patient" means one who has not received any professional services from the provider or another provider of the same specialty who belongs to the same group practice within the past three (3) years.

~~(4) A total of fifty (50) therapeutic physical medicine treatments, as defined by applicable procedure code, are reimbursable per recipient, per year.~~

(Office of the Secretary of Family and Social Services; 405 IAC 5-12-2; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3314; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed May 1, 2003, 10:45 a.m.: 26 IR 2861)

SECTION 2. 405 IAC 5-12-3 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-12-3 Chiropractic x-ray services
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; IC 25-10-1-1

Sec. 3. Medicaid reimbursement is available for chiropractic x-ray services, subject to the following restrictions:

(1) Reimbursement is limited to one (1) series of full spine x-rays per recipient per year. Component x-rays of the series are individually reimbursable; however, if components are billed separately, total reimbursement is limited to the allowable amount for the series. Prior authorization is not required.

(2) Reimbursement for localized spine series x-rays, and for x-rays of the joints or extremities, is allowable only when the x-rays are necessitated by a condition-related diagnosis. Prior authorization is not required.

(3) Diagnostic radiological exams of the head and vascular system, as defined by the applicable procedure code, are not reimbursable.

(4) Diagnostic ultrasound exams, as defined by the applicable procedure code, are not reimbursable.

(5) X-rays that may be necessitated by the failure of another practitioner to forward, upon request, x-rays or related documentation to a chiropractic provider, are not reimbursable. ~~Under IC 16-39-1-2,~~ Chiropractors are entitled to receive x-rays from other providers at ~~the other providers' actual cost~~ **no charge to the recipient** upon a ~~patient's~~ **recipient's** written request to the other providers and upon reasonable notice.

(Office of the Secretary of Family and Social Services; 405 IAC 5-12-3; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3314; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed May 1, 2003, 10:45 a.m.: 26 IR 2861)

SECTION 3. 405 IAC 5-12-7 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-12-7 Durable medical equipment

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; IC 25-10-1-1

Sec. 7. Medicaid reimbursement is **not** available for durable medical equipment (DME) ~~subject to the following restrictions:~~ **provided by chiropractors.**

~~(1) DME items for which no reimbursement is allowed are those items specified by 405 IAC 5-19-1(b)(2).~~

~~(2) All items of DME provided by a chiropractor on a rental basis and having a first month rental charge of fifty dollars ($50) or greater require prior authorization in order to be reimbursable.~~

~~(3) All items of DME provided by a chiropractic provider on a rental basis require prior authorization for rental periods subsequent to the first month, irrespective of the rental charge.~~

~~(4) Items of DME provided by a chiropractic provider on a purchase basis and having a total charge of fifty dollars ($50) or greater require prior authorization in order to be reimbursable.~~

(Office of the Secretary of Family and Social Services; 405 IAC 5-12-7; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3315; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed May 1, 2003, 10:45 a.m.: 26 IR 2862)

SECTION 4. 405 IAC 5-12-6 IS REPEALED.

LSA Document #02-49(F)
Notice of Intent Published: 25 IR 1927
Proposed Rule Published: May 1, 2002; 25 IR 2555
Hearing Held: June 3, 2002
Approved by Attorney General: April 24, 2003
Approved by Governor: April 29, 2003
Filed with Secretary of State: May 1, 2003, 10:45 a.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #02-140(F)

DIGEST

Amends 405 IAC 5-14-2, 405 IAC 5-14-3, 405 IAC 5-14-4, 405 IAC 5-14-6, 405 IAC 5-14-11, 405 IAC 5-14-15, 405 IAC 5-14-16, 405 IAC 5-14-17, and 405 IAC 5-14-18 to limit covered services and update the Medicaid dental rule to reflect current operating procedures. Repeals 405 IAC 5-14-10. Effective 30 days after filing with the secretary of state. *NOTE: Under IC 4-22-2-29(a)(2), LSA Document #02-277, printed at 26 IR 864, was consolidated with this document.* Effective 30 days after filing with the secretary of state.

405 IAC 5-14-2	**405 IAC 5-14-11**
405 IAC 5-14-3	**405 IAC 5-14-15**
405 IAC 5-14-4	**405 IAC 5-14-16**
405 IAC 5-14-6	**405 IAC 5-14-17**
405 IAC 5-14-10	**405 IAC 5-14-18**

SECTION 1. 405 IAC 5-14-2 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-14-2 Covered services

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

Sec. 2. The following are covered dental services under the Indiana Medicaid program:

(1) Evaluations.
(2) Radiographs.
(3) Prophylaxis.
(4) Topical fluoride **for recipients twenty (20) years of age and younger.**
(5) Sealant **for permanent molars and premolars for recipients twenty (20) years of age and younger.**
(6) Amalgam.
(7) Unilateral and bilateral space maintainers **for recipients twenty (20) years of age and younger.**
(8) Resin anteriors and posteriors.
(9) Recement crowns.
(10) Steel crown primary.
(11) Stainless steel crown permanent.
~~(12) Pin retention.~~
~~(13) Pulpcap.~~
~~(14)~~ **(12)** Therapeutic pulpotomy.
~~(15)~~ **(13)** Extractions.
~~(16)~~ **(14)** Oral biopsies.
~~(17)~~ **(15)** Alveoplasty.
~~(18)~~ **(16)** Excision of lesions.
~~(19)~~ **(17)** Excision of benign tumor. ~~greater than one and twenty-five hundredths (1.25) centimeters.~~
~~(20)~~ **(18)** Odontogenic cyst removal.

~~(21)~~ **(19)** Nonodontogenic cyst removal.
~~(22)~~ **(20)** Incise and drain abscess.
~~(23) Sequestrectomy osteomyelitis.~~
~~(24)~~ **(21)** Fracture simple stabilize.
~~(25)~~ **(22)** Compound fracture of the mandible.
~~(26)~~ **(23)** Compound fracture of the maxilla.
~~(27)~~ **(24)** Repair of wounds.
~~(28)~~ **(25)** Suturing.
~~(29) Osteoplasty for orthognathic deformity.~~
~~(30)~~ **(26)** Emergency treatment dental pain.
~~(31)~~ **(27)** Analgesia **for recipients twenty (20) years of age and younger.**
~~(32) Therapeutic drug injection.~~
~~(33)~~ **(28)** Drugs and medicaments.
~~(34) Treatment of complications postsurgery.~~
~~(35)~~ **(29)** Periodontal surgery limited to drug-induced periodontal hyperplasia.
~~(36)~~ **(30)** Other dental services as medically necessary to treat recipients eligible for the EPSDT program.
~~(37) Confirmatory consultations.~~
~~(38)~~ **(31)** Periodontal root planing and scaling.
~~(39)~~ **(32)** General anesthesia.
~~(40)~~ **(33)** Intravenous (IV) sedation **covered only for oral surgical services.**
(34) Dentures and partials.
(35) Orthodontic services for recipients twenty (20) years of age and under only.

(Office of the Secretary of Family and Social Services; 405 IAC 5-14-2; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3319; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Apr 16, 2003, 10:50 a.m.: 26 IR 2862)

SECTION 2. 405 IAC 5-14-3 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-14-3 Diagnostic services

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

Sec. 3. Medicaid reimbursement is available for diagnostic services, including initial and periodic evaluations, prophylaxis, radiographs, and emergency treatments with the following limitations:

(1) Either full mouth series radiographs or panorex is limited to one (1) set per recipient every three (3) years.

(2) Bitewing **and** intraoral ~~and extra-oral~~ radiographs are limited to one (1) set per recipient every twelve (12) months. One (1) set **of bitewings** is defined as a total of four (4) single films. **Intraoral radiographs are limited to one (1) first film and seven (7) additional films. Temporomandibular joint arthograms, other temporomandibular films, tomographic surveys, and cephalometric films are no longer covered in a dental office.**

(3) A comprehensive or detailed oral evaluation is limited to one (1) per lifetime, per recipient, per provider, **with an annual limit of two (2) per recipient.**

(4) A periodic or limited oral evaluation is limited to one (1) every six (6) months, per recipient, any provider.

(5) Mouth gum cultures and sensitivity tests are not covered.

(6) Oral hygiene instructions are reimbursed in the Medicaid payment allowance for diagnostic services and may not be billed separately to Medicaid.

(7) Payment for the writing of prescriptions is included in the reimbursement for diagnostic services and may not be billed separately to Medicaid.

(Office of the Secretary of Family and Social Services; 405 IAC 5-14-3; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3320; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Apr 16, 2003, 10:50 a.m.: 26 IR 2863)

SECTION 3. 405 IAC 5-14-4 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-14-4 Topical fluoride

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

Sec. 4. Reimbursement is available for one (1) topical application of fluoride every six (6) months per recipient only for patients who are ~~eighteen (18)~~ **twelve (12)** months of age or older but who are younger than ~~nineteen (19)~~ **twenty-one (21)** years of age. Topical applications of fluoride are not covered for recipients ~~nineteen (19)~~ **twenty-one (21)** years of age or older. Brush-in fluoride (topical application of fluoride phosphate) is not a covered service. *(Office of the Secretary of Family and Social Services; 405 IAC 5-14-4; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3320; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Apr 16, 2003, 10:50 a.m.: 26 IR 2863)*

SECTION 4. 405 IAC 5-14-6 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-14-6 Prophylaxis

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

Sec. 6. Prophylaxis is a covered service in accordance with the following limitations:

(1) One (1) unit every six (6) months for noninstitutionalized recipients ~~over eighteen (18)~~ **twelve (12)** months of age up to their twenty-first birthday.

(2) One (1) unit every twelve (12) months for noninstitutionalized recipients twenty-one (21) years of age and older.

(3) Institutionalized recipients may receive up to ~~two (2) units~~ **one (1) unit** every six (6) months.

(4) Prophylaxis is not covered for recipients under ~~eighteen (18)~~ **twelve (12)** months of age.

(Office of the Secretary of Family and Social Services; 405 IAC 5-14-6; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3320; readopted

filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Apr 16, 2003, 10:50 a.m.: 26 IR 2863)

SECTION 5. 405 IAC 5-14-11 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-14-11 Analgesia

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

Sec. 11. Nitrous oxide analgesia **is covered only for those twenty (20) years of age** and **younger.** Preanesthetic medication ~~are~~ **is a** covered ~~services.~~ **service for all ages.** *(Office of the Secretary of Family and Social Services; 405 IAC 5-14-11; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3321; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Apr 16, 2003, 10:50 a.m.: 26 IR 2864)*

SECTION 6. 405 IAC 5-14-15 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-14-15 General anesthesia and intravenous sedation

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

Sec. 15. (a) Medicaid reimbursement is available for general anesthesia. General anesthesia for recipients twenty-one (21) years of age and older may only be provided in a hospital (inpatient or outpatient) or ambulatory surgical center ~~Prior authorization is required~~ and ~~shall~~ **must** include ~~consideration~~ **documentation** of the following **in the patient's record to be eligible for reimbursement:**

(1) Specific reasons why such services are needed, including specific justification if such services are to be provided on an outpatient basis.

(2) Documentation that the recipient cannot receive necessary dental services unless general anesthesia is administered. For example, a recipient may be unable to cooperate with the dentist due to physical or mental disability.

(b) Medicaid reimbursement is available for intravenous sedation **in a dental office** when ~~prior authorized. Prior authorization requests~~ **provided for oral surgical services only. Documentation in the patient's record** must include specific reasons why such services are needed, ~~including specific justification~~ if such services are to be provided on an outpatient basis. *(Office of the Secretary of Family and Social Services; 405 IAC 5-14-15; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3321; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Apr 16, 2003, 10:50 a.m.: 26 IR 2864)*

SECTION 7. 405 IAC 5-14-16 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-14-16 Periodontics; surgical

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

Sec. 16. Periodontic surgery is a covered service only for cases of drug-induced periodontal hyperplasia. ~~This service requires prior authorization. Requests for surgical periodontics will be evaluated and decided on an individual basis.~~ **Documentation in the patient's record must substantiate that the service was provided for drug-induced periodontal hyperplasia.** *(Office of the Secretary of Family and Social Services; 405 IAC 5-14-16; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3322; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Apr 16, 2003, 10:50 a.m.: 26 IR 2864)*

SECTION 8. 405 IAC 5-14-17 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-14-17 Oral surgery

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

Sec. 17. No oral surgical procedures shall be ~~approved,~~ **reimbursed** other than those listed in this rule ~~except in extreme cases of facial trauma, pathology, or deformity. All oral surgery in the categories described in this rule require prior authorization by the office.~~ **and as defined by provider bulletin.** Placement of sutures or tissue trim, or both, in a simple extraction does not constitute a surgical extraction. Multiple simple extractions with placement of sutures or tissue trim, or both, performed in either office or hospital shall not be reimbursed as surgical extractions. Payment of preoperative and postoperative care is included in the reimbursement for the operative procedure and may not be billed separately to Medicaid. *(Office of the Secretary of Family and Social Services; 405 IAC 5-14-17; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3322; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Apr 16, 2003, 10:50 a.m.: 26 IR 2864)*

SECTION 9. 405 IAC 5-14-18 IS AMENDED TO READ AS FOLLOWS:

405 IAC 5-14-18 Hospital admissions for covered dental services or procedures

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

Sec. 18. **The medical necessity for** admission of a recipient to a hospital for the purpose of performing any elective dental service, or any elective dental service performed on an inpatient basis, ~~requires prior authorization by the office. Authorization will be given only for those recipients with problems that require special or additional care to that care routinely provided in a dentist's office. In cases of life-threatening emergencies,~~

~~retroactive~~ ~~prior~~ ~~authorization~~ ~~must~~ ~~be~~ ~~obtained~~ ~~within~~ ~~forty-eight~~ ~~(48)~~ ~~hours~~ ~~of~~ ~~the~~ ~~hospital~~ ~~admission.~~ **must be documented in the patient's record.** *(Office of the Secretary of Family and Social Services; 405 IAC 5-14-18; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3322; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Apr 16, 2003, 10:50 a.m.: 26 IR 2864)*

SECTION 10. 405 IAC 5-14-10 IS REPEALED.

LSA Document #02-140(F)
Notice of Intent Published: 25 IR 2747
Proposed Rule Published: August 1, 2002; 25 IR 3822
Hearing Held: August 27, 2002
Approved by Attorney General: April 9, 2003
Approved by Governor: April 14, 2003
Filed with Secretary of State: April 16, 2003, 10:50 a.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #02-184(F)

DIGEST

Adds 405 IAC 1-19 and 405 IAC 1-20 concerning provisions affecting notification requirements and change of ownership for all providers in the Medicaid program and defines how funds will be allocated (paid and recouped) to long term care providers when a change of ownership occurs. Effective 30 days after filing with the secretary of state.

405 IAC 1-19
405 IAC 1-20

SECTION 1. 405 IAC 1-19 IS ADDED TO READ AS FOLLOWS:

Rule 19. Ownership and Control Disclosures

405 IAC 1-19-1 Information to be disclosed
Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-13-7-3; IC 12-15

Sec. 1. (a) In accordance with and in addition to 42 CFR 455, Subpart B, and 42 CFR 1002, Subpart A, as amended, the following disclosure requirements apply to all providers of Medicaid services and shall be disclosed in accordance with this rule:

(1) The name and address of each person with an ownership or control interest in the disclosing entity or in any subcontractor in which the disclosing entity has direct or indirect ownership of five percent (5%) or more.

(2) Whether any of the persons named, in compliance with subdivision (1), is related to another as spouse, parent, child, or sibling.

(3) The name of any other disclosing entity in which a person with an ownership or control interest in the disclosing entity also has an ownership or control interest. This requirement applies to the extent that the disclosing entity can obtain this information by requesting it in writing from the person. The disclosing entity must:

(A) keep copies of all these requests and the responses to them;

(B) make them available to the office upon request; and

(C) advise the office when there is no response to a request.

(4) The name, address, and Social Security number of any agent or managing employee.

(b) Any document or agreement, stipulating ownership interests or rights, duties, and liabilities of the entity or its members, required to be filed with the secretary of state, whether it be a single filing or a periodic filing, shall also be filed with the office or its fiscal agent. In the case of a partnership, the partnership agreement, if any, and any amendments thereto, shall be filed with the office immediately upon creation or alteration of the partnership.

(c) A long term care facility provider shall comply with notification requirements set forth in 405 IAC 1-20 for change of ownership.

(d) The office may suspend payment to an existing provider or reject a prospective provider's application for participation if the provider fails to disclose ownership or control information as required by this rule and 405 IAC 1-14.6-5. *(Office of the Secretary of Family and Social Services; 405 IAC 1-19-1; filed Apr 17, 2003, 5:15 p.m.: 26 IR 2865)*

405 IAC 1-19-2 Time and manner of disclosure
Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-13-7-3; IC 12-15

Sec. 2. (a) Any disclosing entity that is a long term care facility must supply the information specified in this rule to the Indiana state department of health at the time it is surveyed.

(b) Any disclosing entity that is not a long term care facility must supply the information specified in this rule to the office or its fiscal agent at any time there is a change in ownership or control.

(c) Any new provider must supply the information specified in this rule at the time of filing a complete application.

(d) Providers are required to notify the office upon such time as the information specified in this rule changes within forty-five (45) days of the effective date of change in such

form as the office shall prescribe. Long term care providers involved in a change of ownership shall provide notification in accordance with 405 IAC 1-20. New nursing facility providers are required to notify the office in accordance with this rule and 405 IAC 1-14.6-5. *(Office of the Secretary of Family and Social Services; 405 IAC 1-19-2; filed Apr 17, 2003, 5:15 p.m.: 26 IR 2865)*

SECTION 2. 405 IAC 1-20 IS ADDED TO READ AS FOLLOWS:

Rule 20. Change of Ownership for a Long Term Care Facility

405 IAC 1-20-1 General

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-13-7-3; IC 12-15

Sec. 1. (a) As used in 405 IAC 1-19 and this rule, "long term care facility" means any of the following:

(1) A nursing facility.

(2) A community residential facility for the developmentally disabled.

(3) An intermediate care facility for the mentally retarded.

(b) For Medicaid provider agreement purposes, the provider is the party directly or ultimately responsible for operating the business enterprise. This party is legally responsible for decisions and liabilities in a business management sense. The same party also bears the final responsibility for operational decisions made in the capacity of a governing body and for the consequences of those decisions.

(c) Whether the owner of the provider enterprise (provider) owns the premises or rents or leases the premises from a landlord or lessor is immaterial. However, if the provider enters into an agreement, which allows the landlord to make or participate in decisions about the ongoing operation of the provider enterprise, this indicates that the provider has entered into either a partnership agreement or a management agency agreement instead of a property lease. A new partnership agreement constitutes a change of ownership. *(Office of the Secretary of Family and Social Services; 405 IAC 1-20-1; filed Apr 17, 2003, 5:15 p.m.: 26 IR 2866)*

405 IAC 1-20-2 Notification requirements

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-13-7-3; IC 12-15

Sec. 2. (a) When a change of ownership in a long term care facility is contemplated, the transferor provider shall notify the office, or its fiscal agent, no less than forty-five (45) days prior to the effective date of sale or lease agreement that a change of ownership may take place.

(b) Notification shall be in writing and include the following:

(1) A copy of the agreement of sale or transfer.

(2) The expected date of transfer.

(3) If applicable, the name of any individual who has an ownership or control interest, is a managing employee, or an agent of the transferor, who will also hold an ownership or control interest, be a managing employee, or be an agent of the transferee.

(c) The transferee shall make application to the office for an amendment to the transferor's provider agreement no less than forty-five (45) days prior to the expected date of transfer in accordance with this rule and 405 IAC 1-14.6-5(c).

(d) If notification requirements from both the transferor and the transferee have not been met on or before the forty-fifth day before the effective date of the change of ownership, all Medicaid payments due to the transferor will be held until such time as the information is received, reviewed, and approved for completeness. Payments will be held until such time as the transferee has fulfilled enrollment requirements in the Medicaid program as set forth in the provider manual and provider enrollment packet.

(e) The effective date of the change of ownership will be determined by the Indiana state department of health's certification and transmittal and amended by the Indiana state department of health, if necessary, to correspond with the transferor/transferee agreement of sale or transfer. *(Office of the Secretary of Family and Social Services; 405 IAC 1-20-2; filed Apr 17, 2003, 5:15 p.m.: 26 IR 2866)*

405 IAC 1-20-3 Change of ownership types

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-13-7-3; IC 12-15

Sec. 3. A change of ownership in an existing long term care facility occurs under, but is not limited to, any of the following circumstances:

(1) For a sole proprietorship, if a provider of services is an entity owned by a single individual, a transfer of title and property to the enterprise to another person or firm, whether or not including a transfer of title to the real estate or if the former sole proprietor becomes one (1) of the members of a business entity succeeding him or her as the new owner.

(2) For a partnership, a new partnership, or the removal, addition, or substitution of an individual partner in an existing partnership, in the absence of an express statement to the contrary in the partnership agreement, that dissolves the old partnership and creates a new partnership.

(3) For a corporation, a new corporation, the merger of the applicant or provider corporation into another

corporation, or the consolidation of two (2) or more corporations, or any other change resulting in the creation of a new corporation. In an incorporated provider entity, the corporation is the owner. The governing body of the corporation is the group having direct legal responsibility under state law for operation of the corporation's entity, whether that body is:

(A) a board of trustees;

(B) a board of directors;

(C) the entire membership of the corporation; or

(D) known by some other name.

(Office of the Secretary of Family and Social Services; 405 IAC 1-20-3; filed Apr 17, 2003, 5:15 p.m.: 26 IR 2866)

405 IAC 1-20-4 Change of ownership effect

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-13-7-3; IC 12-15

Sec. 4. When there is a change of ownership of a long term care facility, the office will transfer the provider agreement to the transferee subject to the terms and conditions under which it was originally issued and subject to any existing plan of correction and pending audit findings as follows:

(1) The transferor and transferee shall reach an agreement between themselves concerning Medicaid reimbursements, underpayments, overpayments, and civil monetary penalties.

(2) From the effective date of change of ownership and if all requirements are met, all reimbursements will be made to the transferee, regardless of whether the reimbursement was incurred by a current owner or previous owner.

(3) From the effective date of change of ownership, the transferee shall assume liability for repayment to the office of any amount due the office, regardless of whether liability was incurred by a current owner or operator or by a previous owner or operator.

(4) Liability of current and previous providers to the office shall be joint and several.

(5) A current or previous owner or lessee may request from the office a list of all known outstanding liabilities due the office by the facility and of any known pending office actions against a facility that may result in further liability.

(6) For purposes of this section, examples of reimbursements, overpayments, and penalties shall include, but not be limited to, the following:

(A) Outstanding claims.

(B) Any retro rate adjustment that results in an underpayment or overpayment based upon the transferor's cost report.

(C) Amounts identified during past, present, or future audits that pertain to an audit period prior to a change in ownership.

(D) Pending or completed surveillance utilization review (SUR) audit.

(E) Imposition of penalties due to failure of the provider to be in substantial compliance with applicable federal requirements for nursing facilities participation in the Medicare or Medicaid program.

(F) Civil monetary penalties.

(G) Amounts established by final administrative decisions.

(Office of the Secretary of Family and Social Services; 405 IAC 1-20-4; filed Apr 17, 2003, 5:15 p.m.: 26 IR 2867)

405 IAC 1-20-5 Record retention

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-13-7-3; IC 12-15

Sec. 5. The transferee shall take possession of the Medicaid records of the transferor and safeguard them for no less than three (3) years from the date of the last claim reimbursed by the office or until any pending administrative or judicial appeal is closed, whichever is longer. *(Office of the Secretary of Family and Social Services; 405 IAC 1-20-5; filed Apr 17, 2003, 5:15 p.m.: 26 IR 2867)*

SECTION 3. **Upon the effective date of 405 IAC 1-19-2, all disclosing entities have sixty (60) days to comply.**

LSA Document #02-184(F)
Notice of Intent Published: 25 IR 3209
Proposed Rule Published: November 1, 2002; 26 IR 511
Hearing Held: November 27, 2002
Approved by Attorney General: April 10, 2003
Approved by Governor: April 17, 2003
Filed with Secretary of State: April 17, 2003, 5:15 p.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #02-234(F)

DIGEST

Amends 405 IAC 2-3-17 and 405 IAC 2-3-21 to specify that the Medicaid personal needs allowance is the amount set by Indiana statute. Adds 405 IAC 7 concerning eligibility requirements and benefits issuance for supplemental assistance for personal needs for Medicaid recipients residing in health care facilities. Effective 30 days after filing with the secretary of state.

405 IAC 2-3-17
405 IAC 2-3-21
405 IAC 7

SECTION 1. 405 IAC 2-3-17 IS AMENDED TO READ AS FOLLOWS:

405 IAC 2-3-17 Income eligibility of institutionalized applicant or recipient with community spouse; posteligibility

Authority: IC 12-8-6-5; IC 12-15-1-10
Affected: IC 12-15-4; IC 12-15-5; IC 12-15-7-2

Sec. 17. (a) As used in this section, "institutionalized spouse" and "community spouse" have the meanings set forth in 42 U.S.C.A. 1396r-5(h)(1).

(b) The income eligibility of an institutionalized applicant or recipient with a community spouse shall be determined as follows:

(1) Determine the applicant's or recipient's countable income under section 3 of this rule and in accordance with income ownership provisions set forth in 42 U.S.C.A. 1396r-5(d).

(2) Subtract from the amount determined in subdivision (1) the individual income standard specified in section 18 of this rule.

(3) If the remainder calculated in subdivision (2) is zero dollars ($0) or less, the applicant or recipient is eligible for medical assistance.

(4) If the remainder calculated in subdivision (2) is greater than zero dollars ($0), the applicant or recipient is eligible if his or her estimated medical expenses exceed this remainder.

(c) If an applicant or recipient is determined eligible for medical assistance under subsection (b), posteligibility treatment of income to calculate the amount of income to be paid to the institution is determined as follows:

(1) Subtract from the applicant's or recipient's gross income determined according to ownership provisions set forth in 42 U.S.C.A. 1396r-5(b) those exclusions required by federal law.

(2) Subtract the minimum personal needs allowance ~~of fifty dollars ($50).~~ **specified in IC 12-15-7-2.**

(3) Subtract an amount for increased personal needs as allowed under Indiana's approved Medicaid state plan. The increased personal needs allowance includes, but is not limited to, court ordered guardianship fees paid to an institutionalized applicant or recipient's legal guardian, not to exceed thirty-five dollars ($35) per month. Guardianship fees include all services and expenses required to perform the duties of a guardian, as well as any attorney fees for which the guardian is liable.

(4) Subtract a spousal allocation equal to the community spouse's total income, in accordance with ownership provisions set forth in 42 U.S.C.A. 1396r-5(b), subtracted from the sum of nine hundred eighty-four dollars ($984), plus an excess shelter allowance determined under 42 U.S.C.A. 1396r-5(d)(4), subject to all provisions of 42 U.S.C.A. 1396r-5(d), 42 U.S.C.A. 1396r-5(e), and 42 U.S.C.A. 1396r-5(g).

(5) Subtract an allocation for each dependent family member, as defined in subsection (e), equal to one-third (a) of the amount by which nine hundred eighty-four dollars ($984) exceeds the family member's total income, subject to the provisions of 42 U.S.C.A. 1396r-5(d), 42 U.S.C.A. 1396r-5(e), and 42 U.S.C.A. 1396r-5(g).

(d) The spousal allocation calculated in subsection (c)(4) is deducted from the institutionalized applicant's or recipient's income only to the extent that it is actually made available to, or for the benefit of, the community spouse.

(e) "Dependent family member", for the purpose of determining the allocation in subsection (c)(5), is a person listed, as follows, who resides with the community spouse:

(1) Biological or adoptive children of either spouse under twenty-one (21) years of age.

(2) Biological or adoptive children of the community or institutionalized spouse who are twenty-one (21) years of age or over and who are claimed for tax purposes by either spouse under the Internal Revenue Service Code.

(3) The parent(s) of the community or institutionalized spouse who are claimed as dependents by either spouse for tax purposes under the Internal Revenue Service Code.

(4) Biological and adoptive siblings of the community or institutionalized spouse who are claimed by either spouse for tax purposes under the Internal Revenue Service Code.

(Office of the Secretary of Family and Social Services; 405 IAC 2-3-17; filed Dec 1, 1989, 5:00 p.m.: 13 IR 628; filed May 2, 1990, 4:55 p.m.: 13 IR 1707; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2227; filed May 14, 1992, 5:00 p.m.: 15 IR 2191; filed Feb 16, 1993, 5:00 p.m.: 16 IR 1785; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2383; filed Feb 7, 2000, 3:26 p.m.: 23 IR 1377; errata filed Mar 20, 2000, 3:19 p.m.: 23 IR 2003; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Apr 16, 2003, 10:55 a.m.: 26 IR 2867) NOTE: Transferred from the Division of Family and Children (470 IAC 9.1-3-19) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-17) by P.L.9-1991, SECTION 131, effective January 1, 1992.

SECTION 2. 405 IAC 2-3-21 IS AMENDED TO READ AS FOLLOWS:

405 IAC 2-3-21 Posteligibility income calculation

Authority: IC 12-8-6-5; IC 12-15-1-10
Affected: IC 12-15-4; IC 12-15-5; IC 12-15-7-2

Sec. 21. Except as provided in section 17 of this rule, the following procedures are used to determine the amount of income to be paid to an institution for an applicant or recipient who has been determined eligible under section 20 of this rule and who is residing in a Title XIX certified hospital, nursing facility, intermediate care facility for the mentally retarded, or public institution:

(1) Determine the applicant's or recipient's total income which is not excluded by federal statute. Total income includes amounts deducted in the eligibility determination under section 20 of this rule.

(2) Subtract the minimum personal needs allowance ~~of fifty dollars ($50).~~ **specified in IC 12-15-7-2.**

(3) Subtract an amount for increased personal needs as allowed under Indiana's approved Medicaid state plan. The increased personal needs allowance includes, but is not limited to, court ordered guardianship fees paid to an institutionalized applicant or recipient's legal guardian, not to exceed thirty-five dollars ($35) per month. Guardianship fees include all services and expenses required to perform the duties of a guardian, as well as any attorney fees for which the guardian is liable.

(4) Subtract the amount of health insurance premiums.

(5) Subtract an amount for expenses incurred for necessary medical or remedial care recognized by state law but not covered under the state plan, subject to any reasonable limits set forth in Indiana's approved Medicaid state plan.

(6) The resulting amount is the amount by which the Medicaid payment to the facility shall be reduced.

(Office of the Secretary of Family and Social Services; 405 IAC 2-3-21; filed Feb 16, 1993, 5:00 p.m.: 16 IR 1788; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2384; filed Feb 7, 2000, 3:26 p.m.: 23 IR 1378; errata filed Mar 20, 2000, 3:19 p.m.: 23 IR 2003; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Apr 16, 2003, 10:55 a.m.: 26 IR 2868)

SECTION 3. 405 IAC 7 IS ADDED TO READ AS FOLLOWS:

ARTICLE 7. STATE SUPPLEMENTAL ASSISTANCE FOR PERSONAL NEEDS

Rule 1. Eligibility Requirements

405 IAC 7-1-1 Eligibility; benefit calculation

Authority: IC 12-8-6-5; IC 12-15-1-10
Affected: IC 12-15-7-2; IC 12-15-7-6; IC 12-15-32-6.5

Sec. 1. (a) An individual is eligible for supplemental assistance for personal needs if the following criteria are met:

(1) The individual is receiving Medicaid and is residing in a Medicaid certified health care facility.

(2) The individual is receiving the reduced benefit amount paid by the Supplemental Security Income (SSI) program under 20 CFR 416.414 to SSI recipients who are in medical care facilities throughout a calendar month.

(3) The individual qualifies for a benefit based on his or her income as required in subsection (b).

(b) The monthly benefit amount for supplemental assistance for personal needs is calculated by subtracting the following from the personal needs allowance specified in IC 12-15-7-2 or IC 12-15-32-6.5:

(1) The amount of the reduced SSI benefit paid to an SSI recipient who is in a medical care facility throughout a calendar month.

(2) The amount of the recipient's other countable income as used in the posteligibility calculation under 405 IAC 2-3-17 or 405 IAC 2-3-21.

(c) The amount remaining in subsection (b)(2) is the amount of the supplemental assistance for personal needs benefit payment, except that a remaining amount of fifty cents ($.50), but not more than one dollar ($1) will result in a benefit of one dollar ($1), and a remaining amount of less than fifty cents ($.50) will result in a determination of ineligibility for supplemental assistance for personal needs. Other remaining amounts that include fifty cents ($.50) or more will be rounded up to the next dollar, and those that include amounts of less than fifty cents ($.50) will be rounded down to the next dollar amount.

(d) The effective date of supplemental assistance for personal needs is the later of the following:

(1) The month in which the individual's SSI is reduced to the amount allowed for SSI beneficiaries in health care facilities.

(2) The month after the individual's Medicaid eligibility has been authorized with a posteligibility budget under 405 IAC 2-3-17 or 405 IAC 2-3-21.

(e) A recipient of supplemental assistance for personal needs becomes ineligible beginning the month following the month in which the criteria in subsection (a) are no longer met. A recipient of supplemental assistance for personal needs who dies is entitled to the benefit for the month of death. *(Office of the Secretary of Family and Social Services; 405 IAC 7-1-1; filed Apr 16, 2003, 10:55 a.m.: 26 IR 2869)*

Rule 2. Benefit Issuance

405 IAC 7-2-1 Benefit issuance; representative payee

Authority: IC 12-8-6-5; IC 12-15-1-10
Affected: IC 12-15-7-2; IC 12-15-7-6; IC 12-15-32-6.5

Sec. 1. (a) A benefit check shall be issued not later than five (5) calendar days after the first day of each benefit month in the name of the eligible individual or to a representative payee authorized in accordance with subsection (d).

(b) Lost or stolen checks shall be reissued not later than fifteen (15) days after the recipient or representative payee submits to the local office of family and children the proper affidavit prescribed by Indiana and signed by the payee confirming that the check was not received.

(c) Benefit checks that are returned in the mail will be reissued in accordance with the procedures of the state auditor's office, not later than fifteen (15) days after written documentation from the payee of the correct and current address of the payee.

(d) An individual who signs the representative payee

agreement for state supplemental assistance for personal needs will be permitted to receive the benefit check on behalf of the recipient if the recipient does not object. A representative payee must use the benefit check solely for the personal needs of the recipient. If, at any time, proof is submitted to the satisfaction of the local office of family and children that a representative payee is not fulfilling his or her obligations under the agreement to provide for the personal needs of the recipient, the local office of family and children may require that another individual be selected as the representative payee. *(Office of the Secretary of Family and Social Services; 405 IAC 7-2-1; filed Apr 16, 2003, 10:55 a.m.: 26 IR 2869)*

LSA Document #02-234(F)
Notice of Intent Published: 25 IR 4131
Proposed Rule Published: November 1, 2002; 26 IR 516
Hearing Held: November 26, 2002
Approved by Attorney General: April 8, 2003
Approved by Governor: April 14, 2003
Filed with Secretary of State: April 16, 2003, 10:55 a.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #02-210(F)

DIGEST

Adds 460 IAC 7 to establish standards and requirements for individualized support plans for eligible individuals with a developmental disability. *NOTE: Under IC 4-22-2-40, LSA Document #02-210, printed at 26 IR 525, was recalled by the Division of Disability, Aging, and Rehabilitative Services. This document was revised and readopted.* Effective 30 days after filing with the secretary of state.

460 IAC 7

SECTION 1. 460 IAC 7 IS ADDED TO READ AS FOLLOWS:

ARTICLE 7. INDIVIDUALIZED SUPPORT PLAN

Rule 1. Purpose

460 IAC 7-1-1 Purpose
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. The purpose of this article is to establish standards and requirements for individualized support plans for service plans developed by the bureau of developmental disabilities services for eligible individuals with a developmental disability. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-1-1; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2870)*

Rule 2. Applicability

460 IAC 7-2-1 Applicability
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. This article applies to the development of ISPs for individuals receiving services under an individualized support plan through the bureau of developmental disabilities services. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-2-1; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2870)*

Rule 3. Definitions

460 IAC 7-3-1 Applicability
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. The definitions in this rule apply throughout this article. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-1; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2870)*

460 IAC 7-3-2 "BDDS" defined
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 2. "BDDS" means the bureau of developmental disabilities services. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-2; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2870)*

460 IAC 7-3-3 "Facilitator" defined
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 3. "Facilitator" means the person who leads the individual's support team through the person centered planning process, which includes developing an ISP. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-3; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2870)*

460 IAC 7-3-4 "Goal" defined
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 4. "Goal" means an endpoint of instruction. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-4; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2870)*

460 IAC 7-3-5 "ICF/MR" defined
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 5. "ICF/MR" means a facility certified under Title

XIX of the Social Security Act (42 U.S.C. 1396 et seq.) as an intermediate care facility for the mentally retarded. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-5; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2870)*

460 IAC 7-3-6 "Individual" defined
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1-1

Sec. 6. "Individual" means an individual with a developmental disability who has been determined eligible for services by a service coordinator pursuant to IC 12-11-2.1-1. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-6; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2871)*

460 IAC 7-3-7 "Individualized support plan" or "ISP" defined
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 7. "Individualized support plan" or "ISP" means a plan that establishes supports and strategies intended to accomplish the individual's long term and short term outcomes by accommodating the financial and human resources offered to the individual through paid provider services or volunteer services, or both, as designed and agreed upon by the individual's support team. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-7; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2871)*

460 IAC 7-3-8 "Legal representative" defined
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-10-13-3.3; IC 12-11-1.1; IC 12-11-2.1

Sec. 8. "Legal representative" has the meaning set forth in IC 12-10-13-3.3. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-8; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2871)*

460 IAC 7-3-9 "Legal status" defined
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 9. "Legal status" means an indication of whether or not the individual is a subject of a guardianship or some other protective proceeding or is a minor. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-9; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2871)*

460 IAC 7-3-10 "Objective" defined
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 10. "Objective" means a specifiable intermediate point toward a goal. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-10; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2871)*

460 IAC 7-3-11 "Outcome" defined
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 11. "Outcome" means a statement of the individual's desires for the near future, which is based upon the individual's preferences, desires, and needs identified in the person centered planning process. An outcome is a common vision of what the support team is working together to accomplish. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-11; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2871)*

460 IAC 7-3-12 "Person centered planning" or "PCP" defined
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 12. "Person centered planning" or "PCP" means a process that:
(1) allows an individual, the individual's legal representative, if applicable, and any other person chosen by the individual to direct the planning and allocation of resources to meet the individual's life goals;
(2) achieves understanding of how an individual:
(A) learns;
(B) makes decisions; and
(C) is and can be productive;
(3) discovers what the individual likes and dislikes; and
(4) empowers an individual and the individual's family to create a life plan and corresponding ISP for the individual that:
(A) is based on the individual's preferences, dreams, and needs;
(B) encourages and supports the individual's long term hopes and dreams;
(C) is supported by a short term plan that is based on reasonable costs, given the individual's support needs;
(D) includes individual responsibility; and
(E) includes a range of supports, including funded, community, and natural supports.
(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-12; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2871)

460 IAC 7-3-13 "Profile information" defined
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 13. "Profile information" means a summary of the information developed through the person centered planning process that is attached to the ISP. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-13; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2871)*

460 IAC 7-3-14 "Provider" defined
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 14. "Provider" means a person or entity approved by the BDDS to provide the individual with agreed upon services. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-14; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2871)*

460 IAC 7-3-15 "Qualified mental retardation professional" or "QMRP" defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 15. "Qualified mental retardation professional" or "QMRP" means a staff of an ICF/MR who meets the qualifications and functions contained in 42 CFR 483.430(a). *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-15; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2872)*

460 IAC 7-3-16 "Service coordinator" defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 16. "Service coordinator" means a service coordinator employed by the BDDS under IC 12-11-2.1. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-16; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2872)*

460 IAC 7-3-17 "Support team" defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 17. "Support team" means a team of persons, including an individual, the individual's legal representative, if applicable, an individual's providers, provider of case management services, and other persons who:

(1) are designated by the individual;

(2) know and work with the individual; and

(3) participate in the development and implementation of the individual's ISP.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-17; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2872)

Rule 4. Development of an ISP

460 IAC 7-4-1 Development of an ISP

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. (a) An ISP shall be developed by an individual's support team using a "person centered planing" process. The support team shall be led by a facilitator chosen by the individual.

(b) The support team shall be led by a trained facilitator chosen by the individual to collect and complete the profile information of the person centered planning process and development of the ISP.

(c) Before functioning as a facilitator of the person centered planning process a facilitator shall:

(1) complete a training provided by a BDDS approved training entity or person;

(2) observe a facilitation; and

(3) participate in a person centered planning meeting.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-1; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2872)

460 IAC 7-4-2 Collection of information

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 2. The support team shall collect all the information required to complete the ISP. In collecting the information needed to complete the ISP, the team shall be cognizant of the past, present, and future influences of a variety of factors that define the individual's quality of life. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-2; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2872)*

460 IAC 7-4-3 Composition of the support team

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 3. (a) The support team shall include, as appropriate, the following persons, as designated by the individual:

(1) The individual.

(2) His or her legal guardian, if applicable.

(3) Close family members/advocates.

(4) The provider providing case management services to the individual.

(5) Providers providing services to the individual.

(6) A BDDS service coordinator.

(7) Others identified by the individual as being important in his or her life.

(b) The responsibility for assuring the convening of the individual's support team, the development of the ISP, the dissemination of the ISP to the support team, and maintenance of the original documents shall be the responsibility of:

(1) the provider providing case management services to the individual if the individual receives case management services;

(2) the individual's QMRP if the individual is receiving services in an ICF/MR; or

(3) the BDDS service coordinator if the individual does not receive case management services or is not receiving services in an ICF/MR.

If an individual is receiving services in an ICF/MR and a ISP is not in place, the individual's service coordinator shall work with the individual's QMRP to assure development of an ISP. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-3; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2872)*

460 IAC 7-4-4 Written ISP
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 4. The support team shall develop a written ISP that contains all of the sections required by 460 IAC 7-5. A profile sheet shall be attached to the ISP. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-4; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2873)*

460 IAC 7-4-5 Updating the ISP
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 5. The ISP shall be updated:
(1) whenever a change in the individual's condition or circumstances warrants the updating the individual's ISP; or
(2) annually.
(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-5; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2873)

Rule 5. Sections of an ISP

460 IAC 7-5-1 Sections of an ISP
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. An ISP shall have the following sections:
(1) Personal and demographic information section.
(2) Individual's diagnosis section.
(3) Individual's emergency contacts section.
(4) Outcome section.
(5) Statement of agreement section.
(6) Individualized support plan participants section.
(7) Meeting issues and requirements section.
(8) An optional attachment regarding resources.
(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-1; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2873)

460 IAC 7-5-2 Personal and demographic information section
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 2. The personal and demographic information section shall contain the following:
(1) The individual's last name, first name, and middle initial.
(2) The individual's address.
(3) The individual's date of birth.
(4) If applicable, the individual's Medicaid recipient number.
(5) The individual's legal status.
(6) The individual's current living arrangement.
(7) The individual's Social Security number.
(8) The individual's medical insurance information.
(9) An indication of whether or not the individual is in school, is employed, or has another daily routine. If the individual has another daily routine, the daily routine shall be described.
(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-2; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2873)

460 IAC 7-5-3 Diagnosis section
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 3. The diagnosis section shall identify the individual's primary diagnosis, and, if applicable, a secondary diagnosis. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-3; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2873)*

460 IAC 7-5-4 Emergency contacts section
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 4. The emergency contacts section shall contain the name, phone number, relationship, addresses, and an alternate contact method for any emergency contacts for the individual. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-4; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2873)*

460 IAC 7-5-5 Outcome section
Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 5. (a) The outcome section shall include all outcomes for the individual.

(b) Each outcome listed in the ISP shall contain the following:
(1) The desired outcome for the individual.
(2) The individual's current status regarding attainment of the outcome. Current status information shall be based upon the support team's discussions during the development of the ISP and a review of relevant documentation.
(3) The individual's past experience with the outcome. Past experience information shall be based upon the support team's discussions during the development of the ISP and a review of relevant documentation.
(4) Proposed strategies and activities for meeting and attaining the outcome, including the following:
(A) Multiple strategies can be used to meet more than one (1) outcome.
(B) Preferred strategies shall be assessed through discussion during the development of the ISP and shall include input from the individual and the individual's guardian or family members, or both.
Each strategy shall be clearly outlined and include all related information.
(5) The party or parties, paid or unpaid, responsible for assisting the individual in meeting the outcome. A responsible party cannot be changed unless the support team is

reconvened and the ISP is amended to reflect a change in responsible party.

(6) Time frame for accomplishment of the outcome, which shall not exceed one (1) year.

(c) An area for progress notes shall be included for each outcome. Information can be added in this area, at any time during the life of the ISP, identifying progress made in meeting the desired outcome. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-5; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2873)*

460 IAC 7-5-6 Statement of agreement section

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 6. The statement of agreement section shall contain the following sentence: "I have been involved in the development of my Individualized Support Plan and I agree with this Plan. I know I can appeal to the DDARS if I disagree with how this plan is put into action.". There shall be a signature and date line for the individual to sign. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-6; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2874)*

460 IAC 7-5-7 Individualized support plan participants section

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 7. (a) The individualized support plan participants section shall list each person participating in the development of the ISP.

(b) The relationship of each participant to the individual shall be indicated.

(c) The date or dates the ISP was forwarded to each participant shall be indicated.

(d) The method by which the ISP was forwarded to the participant shall be indicated. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-7; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2874)*

460 IAC 7-5-8 Meeting issues and requirements section

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 8. (a) The meeting issues and requirements section shall have a subsection regarding health and behavioral issues as follows:

(1) The health and behavioral issues section shall indicate if a provider is needed to provide health care or behavioral supports and, if a provider is needed to provide either health care or behavioral supports, the provider responsible for providing health care or behavioral supports.

(2) Health and behavioral issues included in health and behavioral issues section shall include, as applicable, the following:

(A) Seizures or history of seizures.
(B) Allergies or history of allergies.
(C) Uses or requires dentures.
(D) Chewing difficulties.
(E) Swallowing difficulties.
(F) Dining difficulties.
(G) Vision difficulties.
(H) Hearing difficulties.
(I) Speaking difficulties or the individual's mode of communication.
(J) Behavior issues.
(K) Health or behavior issue identified as a result of a review of incident reports concerning the individual.
(L) Medication or self medication issues, or both.
(M) Results of laboratory testing.
(N) Any other chronic condition or healthcare issue.

(3) The health and behavioral issues section shall identify the following:

(A) The individual's regular family physician.
(B) The individual's dentist.
(C) Any specialist with whom the individual consults.

(4) For each health issue or behavioral issue that is identified, a comment section shall be included that contains a discussion of how the health issue or behavioral issue:

(A) affects the individual; and
(B) is addressed by the ISP.

(b) The meeting issues and requirements section shall have a subsection identifying any environmental requirements the individual may have, including the following:

(1) The environmental requirements section shall indicate if a provider is needed to provide environmental and living arrangement supports and, if a provider is needed, the provider responsible for providing environmental and living arrangement supports.

(2) The environmental requirements section shall include, as applicable, the following:

(A) The provider responsible for environment and living arrangement supports.
(B) Carbon monoxide detectors.
(C) Smoke detectors.
(D) Emergency phone numbers.
(E) Emergency evacuation routes and plan.
(F) Fire extinguishers.
(G) Insurance.
(H) Anti-scaling devices.
(I) Devices and home modifications.
(J) Personal emergency response system.
(K) Need for a photograph in the individual's personal file.

(L) Transportation.

(M) Individual property and financial resources.

(3) For each environmental requirement that is identified in the ISP, a comment section shall be included that contains a discussion of how the environmental need:

(A) affects the individual; and

(B) is addressed by the ISP.

(c) The meeting issues and requirements section shall have a subsection identifying the following provider requirements:

(1) If the individual is receiving case management services, when the provider providing case management services shall make the first contact with the individual.

(2) If the individual is receiving case management services, the minimum frequency of contacts the provider providing case management services shall have with the individual.

(3) The provider who is to maintain the individual's personal file.

(4) How often each provider shall analyze and update the provider's records.

(5) How often the individual shall be informed of the following:

(A) Medical condition.

(B) Developmental status.

(C) Behavior status.

(D) Risk of treatment.

(E) Right to refuse treatment.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-8; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2874)

460 IAC 7-5-9 Optional attachment: resources

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 9. An optional resources attachment regarding resources may be attached to the ISP. If an optional resources attachment is used it may indicate the following:

(1) The funding supports the individual currently receives.

(2) The funding supports the support team discussed during the development of the ISP.

(3) The funding supports the individual does not desire to receive.

(4) The funding supports for which the individual has applied.

(5) Any funding supports for which the individual is on a waiting list.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-9; filed Apr 21, 2003, 9:20 a.m.: 26 IR 2875)

LSA Document #02-210(F)
Notice of Intent Published: 25 IR 3809
Proposed Rule Published: January 1, 2003; 26 IR 1247
Hearing Held: January 23, 2003
Approved by Attorney General: April 10, 2003
Approved by Governor: April 17, 2003
Filed with Secretary of State: April 21, 2003, 9:20 a.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #02-115(F)

DIGEST

Adds 675 IAC 13-2.4 to adopt and amend the 2000 International Building Code, third printing as the 2003 Indiana Building Code. Repeals 675 IAC 13-2.3. Effective 30 days after filing with the secretary of state.

675 IAC 13-2.3
675 IAC 13-2.4

SECTION 1. 675 IAC 13-2.4 IS ADDED TO READ AS FOLLOWS:

Rule 2.4. 2003 Indiana Building Code

675 IAC 13-2.4-1 Adoption by reference; title; availability; scope; purpose

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 1. (a) That certain document being titled the 2000 International Building Code, third printing, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, is hereby adopted by reference as if fully set out in this rule save and except those revisions made in this rule.

(b) This rule is available for review and reference at the Fire and Building Services Department, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-1; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2875)*

675 IAC 13-2.4-2 Chapter 1; administration

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 4-21.5; IC 4-22-7-7; IC 22-12-7; IC 22-13-2-7; IC 22-13-5; IC 22-14; IC 22-15; IC 36-7

Sec. 2. Delete Chapter 1 and substitute to read as follows:

Section 101 Application

101.1 Title

This rule shall be known as the Indiana Building Code, 2003 edition and shall be published, except incorporated

documents, by the fire and building services department, for general distribution and use under that title. Wherever the term "this code" is used throughout this rule, it shall mean the Indiana Building Code, 2003 edition.

101.2 Scope and Purpose

(a) The scope and purpose of this code is to establish the minimum requirements for the following:

1. Construction, addition, alteration, erection, or assembly of any part of a Class 1 structure at the site where the structure will be used.
2. Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 structure at the site where it will be used.
3. Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 structure.
4. Safeguarding life or property from the hazards of fire and explosion for Class 1 structures.
5. Fabrication of any part of a Class 1 industrialized building system for installation, assembly, or use at another site, except mobile structures.
6. Work undertaken to relocate any part of a Class 1 structure, except a mobile structure.
7. Assembly of a Class 1 industrialized building system that is not covered by subdivision 5, except mobile structures.

(b) Detached one (1) and two (2) family dwellings and townhouses not more than three (3) stories high and their accessory structures shall comply with the Indiana Residential Code, 675 IAC 14.

101.3 Appendices and Standards

Provisions in the appendices are not enforceable unless specifically adopted.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

EXCEPTION: Where enforcement of a code provision would violate the conditions of the listing, labeling, or manufacturer's installation instructions of the equipment or appliance, the conditions of the listing, labeling, or manufacturer's instructions shall apply.

101.4 Appeals and Interpretations

Appeals from orders issued by the fire prevention and building safety commission, the office of the state building commissioner, or the office of the state fire marshal are governed by IC 4-21.5 and IC 22-12-7. Appeals from orders by a local unit of government are governed by IC 22-13-2-7 and local ordinance. Upon the written request of an interested person who has a dispute with a county or municipal government concerning a building rule, the office of the state building commissioner may issue a written interpretation of a building law. The written interpretation as issued under IC 22-13-5 binds the interested person and the county or municipality with whom the interested person has the dispute until overruled in a proceeding under IC 4-21.5. A written interpretation of a building law binds all counties and municipalities if the office of the state building commissioner publishes the written interpretation of the building law in the Indiana Register under IC 4-22-7-7(b).

101.5 Plans

Plans shall be submitted for Class 1 structures as required by the General Administrative Rules (675 IAC 12) and the rules for Industrialized Building Systems (675 IAC 15).

101.6 Existing Construction

For existing Class 1 structures, see the General Administrative Rules (675 IAC 12) and local ordinance.

101.7 Additions and Alterations

Additions and alterations to any Class 1 structure shall conform to that required of a new structure without requiring the existing structure to comply with all the requirements of this code. Additions or alterations shall not cause an existing structure to become unsafe (See the General Administrative Rules (675 IAC 12-4)).

101.8 Alternate Materials, Methods, and Equipment

Alternate materials, methods, equipment, and design shall be as required by the General Administrative Rules (675 IAC 12-6-11) and the rules for Industrialized Building Systems (675 IAC 15). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-2; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2875)*

675 IAC 13-2.4-3 Section 202; definitions

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12-1-4; IC 22-13; IC 22-14; IC 22-15; IC 25-4; IC 25-31; IC 36-7-2-9; IC 36-8-17

Sec. 3. In Section 202, make the following changes:

(1) Delete the definition of AGRICULTURAL BUILDING.

(2) Delete the definition of APPROVED and substitute to read as follows: APPROVED as to materials, equipment, design, and types of construction, acceptance by the building official by one (1) of the following methods:

(A) investigation or tests conducted by recognized authorities; or

(B) investigation or tests conducted by technical or scientific organizations;

(C) or accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment, and types of construction are safe for their intended purpose.

(3) Delete the definition of APPROVED AGENCY.

(4) Delete the definition of APPROVED FABRICATOR.

(5) Delete the definition of AREA OF REFUGE and substitute to read as follows: See Chapter 11.

(6) Add the definition of ASME A17.1 after the definition of AREAWAY to read as follows: ASME A17.1. See the Safety Code for Elevators, Escalators, Manlifts, and Hoists (675 IAC 21).

(7) Delete the definition for BUILDING OFFICIAL and substitute to read as follows: BUILDING OFFICIAL. The office of the state building commissioner; the office of the state fire marshal; the local building official authorized under IC 36-7-2-9 and a local ordinance approved by the commission; the fire department authorized under IC 36-8-17.

(8) Add the definition of CLASS 1 STRUCTURE after the definition of CLADDING to read as follows: CLASS 1 STRUCTURE. Refer to IC 22-12-1-4.

(9) Add a definition of CODE OFFICIAL after the definition of CLOSED SYSTEM to read as follows: CODE OFFICIAL. See BUILDING OFFICIAL.

(10) Delete the definition of CONSTRUCTION DOCUMENTS and substitute to read as follows: CONSTRUCTION DOCUMENTS. Documents required to obtain a design release in accordance with the General Administrative Rules (675 IAC 12-6) and the rules for Industrialized Building Systems (675 IAC 15).

(11) Delete the definition of DETECTABLE WARNING.

(12) Delete the following definitions: DWELLING UNIT, GROUND FLOOR; DWELLING UNIT, MULTISTORY; DWELLING UNIT, TYPE A; DWELLING UNIT, TYPE B.

(13) Add the definition of FIRE DEPARTMENT to read as follows: FIRE DEPARTMENT. See BUILDING OFFICIAL.

(14) Delete the definition of HISTORIC BUILDINGS.

(15) Add the definition for ICC ELECTRICAL CODE after the definition of HURRICANE PRONE REGIONS to read as follows: ICC ELECTRICAL CODE. See the Indiana Electrical Code (675 IAC 17).

(16) Delete the definition of INSPECTION CERTIFICATE.

(17) Add the definition of INTERNATIONAL CODES after the definition of INTERLAYMENT to read as follows: INTERNATIONAL CODES. Refers to the rules of the Fire Prevention and Building Safety Commission (675 IAC).

(18) Add definitions to read as follows:

INTERNATIONAL BUILDING CODE refers to the INDIANA BUILDING CODE (675 IAC 13).

INTERNATIONAL FIRE CODE refers to the INDIANA FIRE CODE (675 IAC 22).

INTERNATIONAL MECHANICAL CODE refers to the INDIANA MECHANICAL CODE (675 IAC 18).

INTERNATIONAL FUEL GAS CODE refers to the INDIANA FULES *[sic.]* GAS CODE (675 IAC 25).

INTERNATIONAL ENERGY CONSERVATION CODE refers to the INDIANA ENERGY CONSERVATION CODE (675 IAC 19).

INTERNATIONAL PLUMBING CODE refers to the INDIANA PLUMBING CODE (675 16 *[sic., 675 IAC 16]*).

INTERNATIONAL RESIDENTIAL CODE refers to the INDIANA RESIDENTIAL CODE (675 IAC 14).

(19) Delete the definition of JURISDICTION.

(20) Add the definition of NFPA after the definition of NATURALLY DURABLE WOOD to read as follows: NFPA. See Chapter 35 Referenced Standards.

(21) Delete the definition of PERMIT.

(22) Change the definition of REGISTERED DESIGN PROFESSIONAL to read as follows: REGISTERED DESIGN PROFESSIONAL. An architect who is registered under IC 25-4 or professional engineer who is registered under IC 25-31. If a registered design professional is not required by 675 IAC 12-6 or 675 IAC 15, then it means the owner.

(23) Delete the definition of REPAIR.

(24) Delete the definition of STRUCTURAL OBSERVATION.

(25) Add the definition of TOWNHOUSE after the definition of TIRES, BULK STORAGE OF to read as follows: TOWNHOUSE. A single family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two (2) sides, and is regulated by the Indiana Residential Code (675 IAC 14) as a Class 1 structure.

(26) Add the definition of TRAINED PERSONNEL after the definition of TOXIC to read as follows: TRAINED PERSONNEL. One who has undergone the instructions necessary to perform the duties required.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-3; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2876)

675 IAC 13-2.4-4 Section 301.1 Scope

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 4. Delete the words "buildings and" and substitute "Class 1". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-4; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2877)*

675 IAC 13-2.4-5 Table 302.1.1; incidental use area

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 5. Change TABLE 302.1.1 INCIDENTAL USE AREAS as follows:

(1) Change in the SEPARATION column "2 hours", that is across from "Automatic parking garage in other than Group R-3" in the ROOM OR AREA column to read "2 hours or 1 hour and provide automatic fire-extinguishing system".

(2) Change in the SEPARATION column "1 hour", that is across from "Laundry rooms over 100 square feet" in the ROOM OR AREA column to read "1 hour or provide automatic fire-extinguishing system".

(3) Change in the SEPARATION column "1 hour", that is across from "Storage rooms over 100 square feet" in the ROOM OR AREA column to read "1 hour or provide automatic fire-extinguishing system".

(4) In the ROOM OR AREA column, in the "Storage rooms over 110 square feet" add a superscript "b" after "feet" and after footnote "a" and at the bottom of the TABLE add footnote "b" to read as follows: b. See footnote b in TABLE 302.3.3 for exceptions to Groups B and M Occupancies.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-5; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2877)

675 IAC 13-2.4-6 Section 302.3.2; nonseparated uses
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 6. Add an exception to the end of Section 302.3.2 Nonseparated uses to read as follows: EXCEPTION: Unseparated Group A Occupancies shall be permitted within Group E Occupancies complying with the unlimited area provisions of Section 507.2 or Section 507.3. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-6; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2878)*

675 IAC 13-2.4-7 Section 302.3.3; separated uses
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 7. Change Exception 2 to Section 302.3.3 Separated uses as follows: Add a sentence to the end of Exception 2 to read as follows: Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than e″ Type X gypsum board or equivalent. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-7; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2878)*

675 IAC 13-2.4-8 Table 302.3.3; required separation of occupancies (hours)[a]
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 8. Change the title of TABLE 302.3.3 REQUIRED SEPARATION OF OCCUPANCIES (HOURS)[a] to read as follows: REQUIRED SEPARATION OF OCCUPANCIES (HOURS)[a] and REQUIRED SEPARATION BETWEEN FIRE AREAS WITHIN THE SAME OCCUPANCY CLASSIFICATION. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-8; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2878)*

675 IAC 13-2.4-9 Section 303.1; assembly Group A
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 9. Change Section 303.1 ASSEMBLY GROUP A as follows:

(1) Add to the end of the A-1 use group the following: Symphony and concert halls.

(2) Add to the A-3 use group after the words "Dance halls" the words "not including food or drink consumption".

(3) Add to the end of A-4 use group the following: Gymnasiums.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-9; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2878)

675 IAC 13-2.4-10 Section 307.2; definitions
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 10. In section 307.2, make the following changes:

(1) Delete in Section 307.2 Definitions, the last paragraph in the definition of HIGHLY TOXIC and substitute to read as follows: Mixtures of these materials with ordinary materials, such as water, might not warrant classification as highly toxic.

(2) Delete in Section 307.2 Definitions, in the definition of UNSTABLE (REACTIVE) MATERIAL Class 1 the word "which" after the word "can".

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-10; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2878)

675 IAC 13-2.4-11 Section 307.4; Group H-2 structures
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 11. Change in Section 307.4 "cryogenic liquids, flammable" to "cryogenic fluids, flammable". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-11; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2878)*

675 IAC 13-2.4-12 Section 307.5; Group H-3 structures
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 12. Change in Section 307.5 "cryogenic liquids, oxidizing" to "cryogenic fluids, oxidizing". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-12; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2878)*

675 IAC 13-2.4-13 (Reserved)

675 IAC 13-2.4-14 (Reserved)

675 IAC 13-2.4-15 Section 308.2; Group I-2
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 15. Change the fourth sentence of Section 308.2 Group I-2 to read as follows: A facility such as the above with five (5) or fewer persons shall be classified as a Group R-3 or shall comply with the Indiana Residential Code (675 IAC 14) as a Class 1 structure. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-15; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2879)*

675 IAC 13-2.4-16 Section 308.3; Group I-2
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 16. Change the last sentence of Section 308.3 Group I-2 to read as follows: A facility such as the above WITH FIVE (5) OR FEWER PERSONS shall be classified as a Group R-3 or shall comply with the Indiana Residential Code (675 IAC 14) as a Class 1 structure. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-16; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2879)*

675 IAC 13-2.4-17 Section 308.5.1; adult care facility
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 17. Add an exception to Section 308.5.1 Adult care facility to read as follows: EXCEPTION: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff, the facility may be classified as a Group A-3. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-17; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2879)*

675 IAC 13-2.4-18 Section 309.1; mercantile Group M
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 18. Change in Section 309.1 "motor vehicle service stations" to read "motor fuel dispensing facilities". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-18; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2879)*

675 IAC 13-2.4-19 Section 310.1; residential Group "R"
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 19. Change Section 310.1 Residential Group "R" as follows:

(1) Add to the end of the Group R-3 description a sentence to read as follows: One and two family dwellings and townhouses not more than three (3) stories in height are regulated by the Indiana Residential Code (675 IAC 14) (See Section 101.2).

(2) Change the last paragraph of the R-4 description to read as follows: Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except for the height and area limitations provided in Section 503, or shall comply with the Indiana Residential Code (675 IAC 14) as a Class 1 structure.

(3) Add to the end of the first paragraph after "24 hours" the words "or bed and breakfast establishment".

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-19; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2879)

675 IAC 13-2.4-20 Section 310.2; bed and breakfast establishment
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 20. Add the definition of BED AND BREAKFAST ESTABLISHMENT to Section 310.2 Definitions before BOARDING HOUSE to read as follows: BED AND BREAKFAST ESTABLISHMENT. An operator occupied residence that:

1. provides sleeping accommodations to the public for a fee;

2. has no more than fourteen (14) guest rooms;

3. provides breakfast to its guests as part of the fee; and

4. provides sleeping accommodations for no more than thirty (30) consecutive days to a particular guest.

The term does not include hotels, motels, boarding houses, or food service establishments. The operator may reside within the establishment or on contiguous property. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-20; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2879)*

675 IAC 13-2.4-21 Section 311.2; moderate-hazard storage
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 21. Change in Section 311.2 Moderate-hazard storage, Group S-1 "Aircraft Hangars" to read "Aircraft Repair Hangars". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-21; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2879)*

675 IAC 13-2.4-22 Section 311.3; low-hazard storage
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 22. Add to the beginning of the list of occupancies before "Asbestos" in Section 311.3 Low-hazard storage, Group S-2 "Aircraft Hangars". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-22; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2879)*

675 IAC 13-2.4-23 Section 312.1; general
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 23. Change Section 312.1 General to read as follows:

Group U Occupancies shall include buildings or structures, or portions thereof, and shall be classified as follows:

Division 1. Private garages, carports, sheds, and agricultural buildings that are Class 1 structures.

Division 2. Tanks and towers that are Class 1 structures. Agricultural buildings that are not Class 1 structures may be regulated by local ordinance. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-23; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2879)*

675 IAC 13-2.4-24 Section 402.3; lease plan
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 24. Delete Section 402.3 Lease Plan. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-24; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2880)*

675 IAC 13-2.4-25 Section 404.2; use
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 25. Delete Section 404.2 Use and substitute as follows: See the Indiana Fire Code (675 IAC 22). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-25; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2880)*

675 IAC 13-2.4-26 Section 405.1; general
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 26. Delete Exception 1 of Section 405.1 General. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-26; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2880)*

675 IAC 13-2.4-27 Section 406.2.2; clear height
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 27. Change Section 406.2.2 Clear height to read as follows: Where a parking tier provides parking spaces for individuals with disabilities or vehicular access to parking spaces for individuals with disabilities the minimum clear height shall not be less than seven foot *[sic., feet]***, six inches (7′ 6″). EXCEPTION: A lesser clear height may be permitted where the building official approves a mechanical-access parking garage.** *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-27; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2880)*

675 IAC 13-2.4-28 Section 406.5; motor vehicle service station
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 28. Change Section 406.5 to read "motor fuel dispensing facilities". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-28; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2880)*

675 IAC 13-2.4-29 Section 406.5.1; construction
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 29. Change in Section 406.5.1 "motor vehicle service stations" to read "motor fuel dispensing facilities". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-29; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2880)*

675 IAC 13-2.4-30 Section 406.6.1; general
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 30. Change in Section 406.6.1 "motor vehicle service stations" to read "motor fuel dispensing facilities". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-30; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2880)*

675 IAC 13-2.4-31 Section 412.1.6; accessibility
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 31. Delete Section 412.1.6 Accessibility. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-31; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2880)*

675 IAC 13-2.4-32 Section 412.2.3; floor drains
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 32. Change the last sentence to Section 412.2.3 to read as follows: Floor drains shall discharge through an oil separator to an approved point of discharge. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-32; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2880)*

675 IAC 13-2.4-33 Section 412.3; residential aircraft hangars
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 33. Delete Section 412.3 Residential aircraft hangers *[sic., hangars]***.** *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-33; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2880)*

675 IAC 13-2.4-34 Section 414.1.3; information required
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 34. Delete Section 414.1.3 Information required and substitute as follows: See the General Administrative Rules (675 IAC 12-6), the Indiana Fire Code (675 IAC 22), and the rules for Industrialized Building Systems (675 IAC 15). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-34; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2880)*

675 IAC 13-2.4-35 (Reserved)

675 IAC 13-2.4-36 (Reserved)

675 IAC 13-2.4-37 Section 415.2; definitions
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 37. Delete in Section 415.2 Definitions the second and third sentences in the definition of IMMEDIATELY DANGEROUS TO LIFE AND HEALTH (IDLH). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-37; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2881)*

675 IAC 13-2.4-38 (Reserved)

675 IAC 13-2.4-39 Section 415.9.6 and Section 415.9.7; piping and tubing and continuous gas detection systems
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 39. Delete Section 415.9.6 Piping and tubing and Section 415.9.7 Continuous gas detection systems. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-39; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2881)*

675 IAC 13-2.4-40 Section 417.1; general
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 40. Change Section 417.1 General to read as follows: A drying room or dry kiln installed within a building shall be constructed entirely of approved noncombustible materials. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-40; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2881)*

675 IAC 13-2.4-41 Section 506.2.2; open space limits
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 41. Add an exception to Section 506.2.2 Open space limits to read as follows: EXCEPTION: A 4-hour fire wall shall be considered equivalent to sixty (60) feet of open space for any building. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-41; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2881)*

675 IAC 13-2.4-42 Section 507.2; sprinklered
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 42. Change the first paragraph of Section 507.2 to read as follows: The area of a one-story, Group B, E, F, M, or S building or a one-story Group A-4 building of other than Type V construction, shall not be limited when the building is provided with an automatic sprinkler system throughout in accordance with Section 903.3.1.1, and is surrounded and adjoined by public ways or yards not less than sixty (60) feet (eighteen thousand two hundred eighty-eight (18,288) mm) in width. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-42; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2881)*

675 IAC 13-2.4-42.5 Section 507.3; two story
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 42.5. Change Section 507.3 Two-story to read as follows: The area of a two story, Group B, E, F, M, or S building shall not be limited when the building is provided with an automatic sprinkler system in accordance with Section 903.3.1.1 throughout, and is surrounded and adjoined by public ways or yards not less than sixty (60) feet (eighteen thousand two hundred eighty-eight (18,288) mm) in width. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-42.5; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2881)*

675 IAC 13-2.4-43 Section 507.9; Group A-3 buildings
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 43. Add Section 507.9 to the end of Section 507 to read as follows: 507.9 Group A-3 buildings. The area of a one-story, Group A-3 building used as a church, community hall, exhibition hall, gymnasium, lecture hall, indoor swimming pool, or tennis court of Type I or II construction shall not be limited when all of the following conditions are met:

1. The building shall not have a stage but may have a platform.

2. The building shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

3. The assembly floor shall be located at or within twenty-one (21) inches of grade level and all exits are provided with ramps complying with Section 1003.3.4.

4. The building shall be surrounded and adjoined by public ways or yards not less than sixty (60) feet in width.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-43; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2881)

675 IAC 13-2.4-44 Section 704.9; vertical separation of openings
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 44. Change Exception 2 of Section 704.9 Vertical separation of openings to read as follows: This section shall not apply to buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or Section 903.3.1.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-44; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2881)*

675 IAC 13-2.4-45 Section 715.5.3.1; penetrations of shaft enclosures

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 45. Change Section 715.5.3.1 Penetrations of shaft enclosures by deleting in the fourth line of the first paragraph the words "and smoke". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-45; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2882)*

675 IAC 13-2.4-46 Section 716.2.4; stairways

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 46. Change Section 716.2.4 Stairways to read as follows: Fireblocking shall be provided in concealed spaces between stair stringers at the top and bottom of the run and between studs along and in line with the run of stairs, if the walls under the stairs are unfinished, and shall comply with requirements of Section 1005.3.2.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-46; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2882)*

675 IAC 13-2.4-47 Table 719.1(2); rated fire-resistive periods for various walls and partitions

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 47. (a) Change TABLE 719.1(2) RATED FIRE-RESISTIVE PERIODS FOR VARIOUS WALLS AND PARTITIONS as follows: (Portions of the Table and footnotes not shown do not change)

TABLE 719.1(2)

RATED FIRE RESISTANCE PERIODS FOR VARIOUS WALLS AND PARTITIONS [a, o, p]

MATERIAL	ITEM NUMBER	CONSTRUCTION	MINIMUM FINISHED THICKNESS FACE-TO-FACE (inches)			
			4 Hr.	3 Hr.	2 Hr.	1 Hr.
	15-1.6[l,m]	2″ by 6″ fire-retardant-treated wood studs 16″ on center, interior face has two layers of e″ Type X gypsum with the base layer placed vertically and attached with 6d box nails 12″ on center. The face layer is placed horizontally and attached with 8d box nails 8″ on center at joints and 12″ on center elsewhere. The exterior face has a base layer of e″ Type X gypsum sheathing placed vertically with 6d box nails 8″ on center at joints and 12″ on center elsewhere. An approved building paper is next applied, followed by self-furred exterior lath attached with 2½″, No. 12 gage galvanized roofing nails with a d″ diameter head and spaced 6″ on center along each stud. Cement plaster consisting of a ½″ brown coat is then applied. The scratch coat is mixed in the proportion of 1:3 by weight, cement to sand with 10 pounds of hydrated lime and 3 pounds of approved additives or admixtures per sack of cement. The brown coat is mixed in the proportion of 1:4 by weight, cement to sand with the same amounts of hydrated lime and approved additives or admixtures used in the scratch coat.	—	—	8 ¼	—
15. Exterior or interior walls	15-1.7[l,m]	2″ by 6″ wood studs 16″ on center. The exterior face has a layer of e″ Type X gypsum sheathing placed vertically with 6d box nails 8″ on center at joints and 12″ No. 18 gage self-furred exterior lath attached with 8d by 2½″ long galvanized roofing nails spaced 6″ on center along each stud. Cement plaster consisting of a ½″ scratch coat, a bonding agent, and a ½″ brown coat and finish coat is then applied. The scratch coat is mixed in the proportion of 1:3 by weight, cement to sand with 10 pounds of hydrated lime and 3 pounds of approved additives or admixtures per sack of cement. The brown coat is mixed in the proportion of 1:4 by weight, cement to sand with the same amounts of hydrated lime and approved additives or admixtures used in the scratch coat. The interior is covered with d″ gypsum lath with 1″ hexagonal mesh of 0.035 inch (No. 20 B.W. gage) woven wire lath furred out $^{5}/_{16}$″ and 1″ perlite or vermiculite gypsum plaster. Lath nailed with 1c″ by No. 13	—	—	8d	—

		gage by $^{19}/_{64}$″ head plasterboard blued nails spaced 5″ on center. Mesh attached by 1¾″ by No. 12 gage by d″ head nails with d″ furrings, spaced 8″ on center. The plaster mix shall not exceed 100 pounds of gypsum to 2½″ cubic feet of aggregate.				
	15-1.8[l,m]	2″ by 6″ wood studs 15″ on center. The exterior face has a layer of e″ Type X gypsum sheathing placed vertically with 6d box nails 8″ on center at joints and 12″ on center elsewhere. An approved building paper is next applied, followed by 1½″ by No. 17 gage self-furred exterior lath attached with 8d by 2½″ long galvanized roofing nails spaced 6″ on center along each stud. Cement plaster consisting of a ½″ scratch coat, and ½″ brown coat is then applied. The plaster may be placed by machine. The scratch coat is mixed in the proportion of 1:4 by weight, plastic cement to sand. The brown coat is mixed in the proportion of 1:5 by weight, plastic cement to sand. The interior is covered with d″ gypsum lath with 1″ hexagonal mesh of No. 20 gage woven wire lath furred out $^{5}/_{16}$″ and 1″ perlite or vermiculite gypsum plaster. Lath nailed with 1 c″ by No. 13 gage by $^{19}/_{64}$″ and head plasterboard blued nails spaced 5″ on center. Mesh attached by 1¾″ by No. 12 gage by d″ head nails with d″ furrings, spaced 8″ on center. The plaster mix shall not exceed 100 pounds of gypsum to 2½ cubic feet of aggregate.	—	—	8d	—
	15-1.12 [q]	2″ by 6″ wood studs at 16″ centers with double top plates, single bottom plate; interior and exterior sides covered with e″ Type X gypsum wallboard, 4 feet wide, applied horizontally or vertically with vertical joints over studs, and fastened with 2¼″ Type S drywall screws, spaced 12″ on center. Cavity filled with 4½″ mineral wool insulation.	—	—	—	6¾
	15-1.13[q]	2″ by 5″ wood studs at 16″ centers with double top plates, single bottom plate; interior and exterior sides covered with e″ Type X gypsum wallboard, 4 feet wide, applied horizontally or vertically with vertical joints over studs, and fastened with 2¼″ Type S drywall screws, spaced 7″ on center.	—	—	—	6 ¾
	15-1.14[q]	2″ by 4″ wood studs at 16″ centers with double top plates, single bottom plate; interior and exterior sides covered with e″ Type X gypsum wallboard and sheathing, respectively, 4 feet wide, applied horizontally or vertically with vertical joints over studs, and fastened with 2¼″ Type S drywall screws, spaced 12″ on center. Cavity to be filled with 3½″ mineral wool insulation.	—	—	—	4¾

(b) Add footnote [q] to read as follows: [q]The design stress of studs shall be equal to a maximum of 100 percent of the allowable F_c, calculated in accordance with Section 2306. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-47; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2882)*

675 IAC 13-2.4-48 Section 720.3.4; concrete masonry lintels

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 48. Change in Section 720.3.4 Concrete masonry lintels "by approved alternate methods" to read "as approved by the building official". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-48; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2883)*

675 IAC 13-2.4-49 Section 720.3.5; concrete masonry columns

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 49. Change in Section 720.3.5 Concrete masonry columns "by approved alternate methods" to read "as approved by the building official". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-49; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2883)*

675 IAC 13-2.4-50 Section 801.1.3; applicability

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 50. Delete Section 801.1.3 Applicability. *(Fire Preven-*

tion and Building Safety Commission; 675 IAC 13-2.4-50; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2883)

675 IAC 13-2.4-51 Section 805; decorations and trim
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 51. Delete Section 805 Decorations and trim and substitute "See the Indiana Fire Code (675 IAC 22)". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-51; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2884)*

675 IAC 13-2.4-52 Section 901.3; modifications
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 52. Change Section 901.3 Modifications to read as follows: No person shall remove or modify any fire protection system installed or maintained in accordance with the rules of the commission without notifying the servicing fire department prior to receiving approval from the building official. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-52; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2884)*

675 IAC 13-2.4-53 Section 901.5; acceptance tests
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 53. Delete Section 901.5 Acceptance tests and substitute to read as follows: 901.5 Acceptance tests. Fire protection systems shall be tested in accordance with the rules of the commission at the expense of the owner or owner's representative. When requested by the building official, such tests shall be conducted in their presence. Prior to conducting such tests, the local building official shall be given at least 48-hour notice. It shall be unlawful to occupy portions of a structure until the required fire protection systems within that portion of the structure have been completed, successfully tested, and fully operational with appropriate contractor's material and test certificates filled out in full and provided to the building official. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-53; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2884)*

675 IAC 13-2.4-54 Section 901.6.1; automatic sprinkler systems
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 54. Delete Exception 1 to Section 901.6.1 Automatic sprinkler systems. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-54; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2884)*

675 IAC 13-2.4-55 Section 902; definitions
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 55. Change Section 902 Definitions as follows:
(1) Add the definition of Labeled after Listed to read as follows: LABELED. Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation, that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.
(2) Delete the definition of RECORD DRAWINGS.
(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-55; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2884)

675 IAC 13-2.4-56 Section 903.2.5; Group I
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 56. Change Section 903.2.5 Group A-3 as follows:
(1) Change "Exception" to read "Exception 1:".
(2) Add Exception 2 to read as follows: EXCEPTION 2: In jails, prisons, and reformatories, the piping system may be dry, provided a manually operated valve is installed at a continuously monitored location. Opening the valve will cause the system to be charged. The valve may be located in a locked cabinet or enclosure provided the activation of a sprinkler unlocks the cabinet or enclosure.
(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-56; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2884)

675 IAC 13-2.4-57 Section 903.3.1.1.1; exempt locations
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 57. Change Section 903.3.1.1.1 Exempt Locations as follows: Delete the text of item 5 and substitute the following: Elevator equipment rooms and hoistways used exclusively for the operation of elevators and which are separated from the remainder of the building by two (2) hour fire-resistive construction. Penetrations between machine rooms and hoistways necessary for the safe operation of an elevator, and vents required by Section 3004 of this code need not be fire-rated. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-57; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2884)*

675 IAC 13-2.4-58 Section 903.3.1.3; NFPA 13D sprinkler systems
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 58. Delete Section 903.3.1.3 NFPA 13D Sprinkler Systems. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-58; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2884)*

675 IAC 13-2.4-59 Section 903.3.5.1.1; limited area sprinkler systems
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 59. Change in the exception for Section 903.3.5.1.1 Limited area sprinkler systems "an approved" to "a listed". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-59; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2884)*

675 IAC 13-2.4-60 Section 903.3.6; hose threads
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 60. Change Section 903.3.6 Hose threads to read as follows: Fire hose threads used in connection with automatic sprinkler systems shall be compatible with the equipment used by the servicing fire department. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-60; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2885)*

675 IAC 13-2.4-61 Section 903.3.7; fire department connections
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 61. Change Section 903.3.7 Fire department connections to read as follows: The servicing fire department shall be consulted before placing the fire department hose connections at specific locations, when there is no local ordinance specifying locations or the connections shall be placed as required by local ordinance. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-61; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2885)*

675 IAC 13-2.4-62 Section 903.4; sprinkler system monitoring and alarms
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 62. Delete Exception 1 to Section 903.4 Sprinkler systems monitoring and alarms and substitute: See Section 101.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-62; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2885)*

675 IAC 13-2.4-63 Section 903.4.2; alarms
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 63. Change Section 903.4.2 Alarms to read as follows: Listed audible and visible devices shall be connected to every automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building facing the public street, road, or highway that is in accordance with its legal address. Where buildings are not directly facing the public street, road, highway or are in excess of two hundred fifty (250) feet from the public street, road, or highway, the servicing fire department shall be consulted in determining a location prior to the installation of the exterior audible and visible device. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

EXCEPTION: Sprinkler systems which are monitored by an approved supervisory station are not required to have the listed audible and visible device located on the exterior wall facing the public street, road, or highway.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-63; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2885)

675 IAC 13-2.4-64 Section 903.4.3; floor control valves
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 64. Change Section 903.4.3 Floor control valves as follows:

(1) Change "approved" to "a listed".

(2) Change "high-rise buildings" to "buildings four (4) stories or more in height".

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-64; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2885)

675 IAC 13-2.4-65 Section 904.1; general
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 65. Change Section 904.1 General to read as follows: Automatic fire-extinguishing systems, other than automatic sprinkler systems, shall be designed, installed, and tested in accordance with the provisions of this section and the applicable reference standards, as stated in this code. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-65; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2885)*

675 IAC 13-2.4-66 Section 904.2.1; hood suppression systems
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 66. Delete in the third line of Section 904.2.1 Hood suppression systems the words "the International Fire Code or". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-66; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2885)*

675 IAC 13-2.4-67 Section 904.11; commercial cooking systems
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 67. Delete the last sentence of Section 904.11 Commercial cooking systems and substitute as follows: Automatic fire-extinguishing systems shall be installed in accordance with the Indiana Mechanical Code (675 IAC 18). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-67; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2885)*

675 IAC 13-2.4-68 Section 904.11.1, Section 904.11.2, Section 904.11.3, Section 904.11.4, and Section 904.11.4.1; manual system operation, system interconnection, carbon dioxide systems, ventilation systems, special provisions for automatic sprinkler systems, and listed sprinklers

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 68. Delete Sections 904.11.1, 904.11.2, 904.11.3, 904.11.3.1, 904.11.4, and 904.11.4.1 Manual system operation, System interconnection, Carbon dioxide systems, ventilation systems, Special provisions for automatic sprinkler systems, Listed sprinklers and substitute: "See the Indiana Mechanical Code (675 IAC 18). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-68; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2886)*

675 IAC 13-2.4-69 Section 905.2.2.1; fire department connections

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 69. Add Section 905.2.1 after 905.2 to read as follows: 905.2.1 Fire Department connections. The location of fire department connections shall be in accordance with Section 903.3.7. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-69; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2886)*

675 IAC 13-2.4-70 Section 905.3.5.1; hose and cabinet

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 70. Delete Section 905.3.5.1 Hose and cabinet and substitute to read as follows: Proper cap and chain shall be provided for the hose connection valve assembly. Hose connection valve assembly shall comply with the provisions in Section 903.3.6. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-70; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2886)*

675 IAC 13-2.4-71 Section 905.4; location of Class I standpipe hose connections

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 71. Change Section 905.4 Location of Class I standpipe hose connections as follows:

(1) Delete item 1 and substitute as follows: 1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at an intermediate floor level landing between floors. Where there are multiple intermediate floor landings between floors, hose connections shall be located at the landing closest to being midway between floors. If intermediate floor level landings are not provided in the required stairway, the hose connection shall be located on the floor-level landing.

(2) Delete item 6 and substitute as follows: 6. Where the most remote portion of a nonsprinklered floor or story exceeds one hundred fifty (150) feet (forty-five (45) meters) of travel distance from a required exit or the most remote portion of a sprinklered floor or story exceeds two hundred (200) feet (sixty-one (61) meters) of travel distance from a required exit, additional hose connections shall be provided in approved locations.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-71; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2886)

675 IAC 13-2.4-72 Section 905.8; dry standpipes

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 72. Change Section 905.8 Dry standpipes to read as follows: In buildings requiring standpipes, dry standpipes complying with NFPA 14 are permitted when the building or structure is unheated and the standpipe is subject to freezing temperatures. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-72; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2886)*

675 IAC 13-2.4-73 Section 907.1.1; construction documents

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 73. Delete Section 907.1.1 Construction documents and substitute to read as follows: See the General Administrative Rules (675 IAC 12-6). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-73; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2886)*

675 IAC 13-2.4-74 Section 907.2.1.1; systems initiation in Group A occupancies with an occupant load of 1,000 or more

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 74. Delete the exception to Section 907.2.1.1 System initiation in Group A occupancies with an occupant load of 1,000 or more. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-74; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2886)*

675 IAC 13-2.4-75 Section 907.2.3; Group E

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 75. Change Section 907.2.3 Group E as follows:

(1) Delete Exception 2.3 and substitute to read as follows: 2.3 Shops and laboratories involving dust or vapors are pro-

tected by heat detectors or other listed detection devices.

(2) Delete in Exception 2.6 the words ", except in locations specifically designated by the building official".

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-75; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2886)

675 IAC 13-2.4-76 Section 907.2.10.1.1.1; R1 hotels and motels

Authority: IC 22-11-18; IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12-1-4; IC 22-12-1-5; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 76. Add Section 907.2.10.1.1.1 after Section 907.2.10.1.1 as follows: 907.2.10.1.1.1 R1 Hotels and Motels.

(1) This section only applies to hotels and motels.

(2) All hotels and motels must have functional smoke detectors and comply with this section and section 907.2.10.1.1.

(3) Except as provided in (6), a detector must be installed in all interior corridors adjacent to sleeping rooms and must be spaced no further apart than thirty (30) feet on center or more than fifteen (15) feet from any wall.

(4) The detectors must be hard wired into a building's electrical system, except as provided in (6).

(5) The detectors must be wired in a manner that activates all the devices in a corridor when one is activated, except as provided in (6).

(6) All single level dwellings, all seasonably occupied dwellings, and all hotels and motels with twelve (12) sleeping rooms or less (and containing no interior corridors) are exempt from the requirements of (3), (4), and (5). In such units:

(A) a detector must be installed in each sleeping room; and

(B) the detector may be battery operated, when allowed by section 907.2.10.2.

If a battery operated detector is installed, it must contain a tamper resistant cover to protect the batteries. For the purpose of section 907.2.10.1.1.1, the following definitions shall apply:

DWELLING means a residence with at least one (1) dwelling unit as set forth in IC 22-12-1-4(a)(1)(B) and IC 22-12-1-5(a)(1).

HOTELS AND MOTELS means buildings or structures kept, maintained, used, advertised, or held out to the public as inns or places where sleeping accomodations are furnished for hire for transient guest.

SEASONALLY OCCUPIED DWELLINGS means hotels and motels open to the public for occupancy by guests only during any period of time between April 15 and October 15 each year.

SINGLE LEVEL DWELLING means all single level (no more than one (1) level above ground) hotels and motels that have no interior corridors, and whose individual rooms have exterior exits.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-76; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2887)

675 IAC 13-2.4-77 Section 907.2.10.1.2; Groups R-2, R-3R-4, and I-1

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 77. In Section 907.2.10.1.2 Groups R-2, R-3, R-4, and I-1, delete the words "and maintained". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-77; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2887)*

675 IAC 13-2.4-78 Section 907.2.10.1.4; exceptions

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 78. Change the exception to Section 907.2.10.1.4 to read as follows: EXCEPTION: Repairs are exempt from the requirements of this section. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-78; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2887)*

675 IAC 13-2.4-79 Section 907.7; presignal system

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 79. Delete Section 907.7 Presignal system. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-79; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2887)*

675 IAC 13-2.4-80 Section 907.8.1; zoning indicator panel

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 80. Change Section 907.8.1 Zoning indicator panel to read as follows: A zoning indicator panel and associated controls shall be provided in a location the servicing fire department will use as their main entrance point in the building. The panel shall be identifiable and accessible at all times. The visual zone indication shall lock in until the system is reset and shall not be canceled by the operation of an audible alarm-silencing switch. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-80; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2887)*

675 IAC 13-2.4-81 Section 907.14; monitoring

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 81. Change Section 907.14 Monitoring to read as follows: Where required by this chapter, an approved supervising station shall monitor fire alarm systems or an approved local ordinance may contain these requirements. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-81; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2887)*

675 IAC 13-2.4-82 Section 907.15; automatic telephone dialing devices

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 82. Change Section 907.15 Automatic telephone-dialing devices to read as follows: Automatic telephone-dialing devices used to transmit an emergency alarm shall not be connected to any fire department telephone number unless approved by the building official. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-82; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2887)*

675 IAC 13-2.4-83 Sections 907.17 and 907.18; record of completion and instructions
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 83. Delete Section 907.17 Record of completion and Section 907.18 Instructions. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-83; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2888)*

675 IAC 13-2.4-84 Section 909.2; general design requirements
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 84. Change Section 909.2 General design requirements to read as follows: Buildings, structures, or parts thereof required by this code to have a smoke control system or systems shall have such systems designed in accordance with the applicable requirements of Section 909 and the generally accepted and well-established principles of engineering relevant to the design. Construction documents shall be as required by the General Administrative Rules (675 IAC 12-6) and the rules for Industrialized Building Systems (675 IAC 15). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-84; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2888)*

675 IAC 13-2.4-85 Section 909.3; special inspection and test requirements
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 85. Delete Section 909.3 Special inspection and test requirements and substitute to read as follows: For special inspections and testing, see the General Administrative Rules (675 IAC 12-6-6(c)(10)(D)). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-85; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2888)*

675 IAC 13-2.4-86 Section 909.10.2; ducts
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 86. Add in the third sentence of Section 909.10.2 Ducts the word "approved" after "with" and before "nationally". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-86; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2888)*

675 IAC 13-2.4-87 Section 909.15; control diagrams
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 87. Change Section 909.15 Control diagrams to read as follows: Identical control diagrams showing all devices in the system and identifying their location and function shall be maintained current and kept on file with the servicing fire department and in the fire command center in an approved manner and format. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-87; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2888)*

675 IAC 13-2.4-88 Section 909.18.8, Section 909.18.1, Section 909.18.8.2, Section 909.18.8.3, Section 909.18.8.3.1, and Section 909.18.9; special inspections for smoke control, scope of testing, qualifications, reports, report filing, identification and documentation
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 88. Delete sections 909.18.8 Special inspections for smoke control; 909.18.8.1 Scope of testing; 909.18.8.2 Qualifications; 909.18.8.3 Reports; 909.18.8.3.1 Report filing; 909.18.9 Identification and documentation and substitute: See the General Administrative Rules (675 IAC 12-6-6(c)(10)(D)). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-88; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2888)*

675 IAC 13-2.4-89 Section 909.19; system acceptance
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 89. Delete the title and text of Section 909.19 System acceptance and substitute to read as follows: 909.19 Acceptance test. Smoke removal systems shall be tested in accordance with the rules of the commission at the expense of the owner or owner's representative. When requested by the building official, such tests shall be conducted in the presence of the building official. Prior to conducting such tests, the building official shall be given at least 48-hour notice. It shall be unlawful to occupy portions of the structure until the required smoke removal system within that portion of the structure has been completed, successfully tested, and fully operational with appropriate reports and other documentation provided to the building official. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-89; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2888)*

675 IAC 13-2.4-90 Section 909.20.6.3; acceptance and testing
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 90. Delete the title and text of Section 909.20.6.3 Acceptance and testing and substitute to read as follows: 909.20.6.3 Acceptance test. Mechanical ventilation systems shall be tested in accordance with the rules of the commission at the expense of the owner or owner's representative. When requested by the building official, such tests shall be conducted in the presence of the building official. Prior to conducting such tests, the building official shall be given at least 48-hour notice. It shall be unlawful to occupy portions of the structure until the mechanical ventilation system within that portion of the structure has been completed, successfully tested, and fully operational. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-90; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2888)*

675 IAC 13-2.4-91 Section 910.2.1; Groups F-1 and S-1
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 91. Add an exception to the end of Section 910.2.1 Groups F-1 and S-1 to read as follows: EXCEPTION: Group S-1 Aircraft Repair Hangars. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-91; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2889)*

675 IAC 13-2.4-92 Section 910.3.1.2; sprinklered buildings
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 92. Delete Section 910.3.1.2 Sprinklered buildings and substitute to read as follows: Where installed in buildings provided with approved automatic sprinkler system, smoke and heat vents shall open by approved manual releases. The servicing fire department shall be consulted in determining the location of such manual releases prior to the installation of the smoke and heat vents. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-92; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2889)*

675 IAC 13-2.4-93 Section 910.3.4; curtain boards
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 93. Add an exception to the end of Section 910.3.4 Curtain boards to read as follows: EXCEPTION: Where areas of buildings are equipped with early suppression-fast response (ESFR) sprinklers, draft curtains shall not be provided within these areas. Draft curtains shall only be provided at the separation between the ESFR sprinklers and the conventional sprinklers and in other areas as required by this section. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-93; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2889)*

675 IAC 13-2.4-94 Section 910.4; automatic sprinkler system
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 94. Delete Section 910.4 and substitute to read as follows: In buildings protected throughout with an approved automatic sprinkler system, manually operated exhaust fans may be utilized for fire department mop-up operations. The exhaust rate shall be equal to one (1) cfm per square foot of floor area. The fans shall be wired ahead of the main building disconnect switch. Manual controls for the fans shall be provided individually for each fan unit. The servicing fire department shall be consulted in determining the location of the controls for the exhaust fans. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-94; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2889)*

675 IAC 13-2.4-95 Section 1001.2; minimum requirements
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 95. Delete Section 1001.2 Minimum requirements and substitute to read as follows: See the General Administrative Rules (675 IAC 12-4). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-95; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2889)*

675 IAC 13-2.4-96 Section 1002.1; definitions
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 96. Amend Section 1002.1 as follows: (a) Add the definition of ICC/ANSI A117.1 after the definition of HANDRAIL to read as follows: ICC/ANSI A117.1 means Chapter 11 of this code.

(b) Delete the definition of AREA OF REFUGE. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-96; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2889)*

675 IAC 13-2.4-97 Section 1003.3.1.1; size of doors
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 97. Delete Exception 8 in Section 1003.3.1.1. Size of doors. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-97; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2889)*

675 IAC 13-2.4-98 Section 1003.2.2.4; increased occupant load
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 98. Delete Section 1003.2.2.4 Increased occupant load. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-98; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2889)*

675 IAC 13-2.4-99 Section 1003.2.12.2; opening limitations
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 99. Change the third line of Exception 2 to Section 1003.2.12.2 to read as follows: "systems, fire department access doors required by the Indiana Fire Code (675 IAC 22) that are not a required exit, or equipment, guards shall have". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-99; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2889)*

675 IAC 13-2.4-100 Section 1003.2.13.1; general
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 100. (a) Delete in Section 1003.2.13.1 General, the words "one or more" and substitute the words "at least one".

(b) Change in Section 1003.2.13.1, item 1 "Section 1104" to read "Chapter 11". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-100; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2890)*

675 IAC 13-2.4-100.2 Section 1003.2.13.5; areas of refuge
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 100.2. Delete Sections 1003.2.13.5, 1003.2.1.13.5.1, 1003.2.13.5.2, 1003.2.13.5. 3, 1003.2.13.5.4, and 1003.2.13.5.5 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-100.2; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2890)*

675 IAC 13-2.4-101 Section 1003.3.1.2; doors
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 101. Change the second paragraph of Section 1003.3.1.2 to read as follows: Doors shall swing in the direction of egress travel where the area served has an occupant load of fifty (50) or more or is a high-hazard occupancy. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-101; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2890)*

675 IAC 13-2.4-102 Section 1003.3.1.4; floor elevation
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 102. Change in Section 1003.3.1.4 Floor elevation, Exception 4 to read as follows: 4. Exterior decks, patios, or balconies that are part of a dwelling unit regulated under part 2 of Chapter 11 and have impervious surfaces, and that are not more than four (4) inches (one hundred two (102) mm) below the finished floor level of the adjacent interior space of the dwelling unit. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-102; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2890)*

675 IAC 13-2.4-103 Section 1003.3.1.7; door arrangement
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 103. Change in Section 1003.3.1.7 Door arrangement, Exception 3 to read as follows: 3. Doors within individual dwelling units in Groups R-2 and R-3 as applicable in Section 101.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-103; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2890)*

675 IAC 13-2.4-104 Section 1003.3.1.8; locks and latches
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-11-17-2.5; IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 104. Change Section 1003.3.1.8 Locks and latches as follows:

(1) Delete Exception 2. 3.

(2) Add Exception 5 to read as follows: 5. Licensed Health Care Facilities that comply with IC 22-11-17-2.5.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-104; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2890)

675 IAC 13-2.4-105 Section 1003.3.1.8.2; delayed egress locks
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 105. Delete in Section 1003.3.1.8.2 Delayed egress locks, the exception to item 4. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-105; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2890)*

675 IAC 13-2.4-106 Section 1003.3.3.3; stair treads and risers
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 106. Change Section 1003.3.3.3 Stair treads and risers as follows:

(1) Delete Exception 5 and substitute to read as follows: 5. Within dwelling units in occupancies in Group R-3, as applicable in Section 101.2, and within dwelling units in occupancies in Group R-2, as applicable in Section 101.2, the maximum riser height shall be eight and one-fourth (8¼) inches (two hundred ten (210) mm), the minimum tread depth shall be nine (9) inches (two hundred twenty-nine (229) mm). A nosing not less than seventy-five hundredths (0.75) inch (nineteen and one-tenth (19.1) mm) but not more than one and twenty-five hundredths (1.25) inches (thirty-two (32) mm) shall be provided on stairways with solid risers where the tread is less than eleven (11) inches. In occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, the maximum riser height shall be seven and seventy-five hundredths (7.75) inches (one hundred ninety-seven (197) mm) and the minimum tread depth shall be ten (10) inches (two hundred fifty-four (254) mm) and the nosing requirements shall remain the same as above.

(2) Delete Exception 6 and substitute to read: See the General Administrative Rules (675 IAC 12).

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-106; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2890)

675 IAC 13-2.4-107 Section 1003.3.3.11.3; Group R-2 dwellings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 107. Add an exception to the end of Section 1003.3.3.11.3 to read as follows: EXCEPTION: Within Group R-2 dwelling units, the handgrip portion of handrails shall have a circular cross section of one and one-fourth (1¼) inches (thirty-two (32) mm) minimum to two and seven-eighths (2 f) inches (seventy-three (73) mm) maximum. Other handrail shapes that provide equivalent grasping surface are permissible. Edges shall have a minimum radius of one-eighth (c) inch (three and two-tenths (3.2) mm). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-107; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2891)*

675 IAC 13-2.4-108 Section 1008.10; seat stability

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 108. Delete in Section 1008.10 Seat stability, the last sentence of Exception 4. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-108; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2891)*

675 IAC 13-2.4-109 Section 1009.6; exterior rescue access

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 109. Add Section 1009.6 Exterior rescue access to the end of Section 1009 to read as follows:

1009.6 Exterior Rescue Access. Exterior access for fire department use in performing rescue operations when emergency escape and rescue openings are required shall comply with Sections 1009.6.1 and 1009.6.2.

1009.6.1 The exterior grade adjacent to emergency escape and rescue openings shall not have a slope of more than two (2) inches in twelve (12) inches. The grade requirement shall extend from the structure to a point which will allow the placement of a fire department ground ladder to the sill of the emergency escape and rescue opening when such ladder is placed at a seventy-five (75) degree angle maximum from the horizontal plane. In no circumstances shall the required grade extend less than forty-four (44) inches from the structure.

1009.6.2 No obstructions such as wire, trees, shrubs, signs, cornices, overhangs, awnings, canopies, parking, or other features shall be permitted.

EXCEPTION: Canopies and similar types of building features may be used as a portion of the rescue access system, if the slope of the canopy or similar types of building features does not exceed two (2) inches in twelve (12) inches, and access as required in Section 1009.6.1 is provided from the ground to the top edge of the canopy.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-109; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2891)

675 IAC 13-2.4-110 Chapter 11; accessibility

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 5-16-9; IC 22-12-1-4; IC 22-13-4-1; IC 22-13-4-1.5; IC 22-14; IC 22-15; IC 36-7

Sec. 110. Delete Chapter 11 and substitute the following:

CHAPTER 11 - PART 1 - ACCESSIBILITY FOR PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES

1.0 General.

1.1 Purpose. The purpose of this part is to implement a rule within the statutory authority of IC 22-13-2-2 and IC 22-13-4-1.5 that is compatible with Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181 et seq.), which prohibits discrimination on the basis of disability and requires places of public accommodation and commercial facilities to be designed and constructed for accessibility by persons with a disability; requires that an alteration of an existing facility be made so that the alteration complies with the readily achievable barrier removal provisions of the Americans with Disabilities Act Accessibility Guidelines (28 CFR 36.101 et seq.); and allows the use of reasonable and cost-effective alternative means of public access or service if the alternative means are consistent with the Americans with Disabilities Act (42 U.S.C. 12181 et seq.).

1.2 Application.

(1) General. This part applies to the design and construction of any public accommodation or commercial facility.

(2) The requirements of this part obligate a public accommodation only with respect to the accommodation.

(3) The requirements of this part obligate a public accommodation only with respect to:

(a) a facility designed or constructed for use as a place of public accommodation; or

(b) a facility designed and constructed for use as a commercial facility.

(4) Part 1 applies to the design and construction of any private club, religious entity, and public entity. Private clubs, religious entities, and public entities shall be considered a place of public accommodation.

(5) General exceptions.

(a) In new construction, a person or entity is not required to meet fully the requirements of this rule where that person or entity can demonstrate that it is structurally impracticable to do so. Full compliance will be considered structurally impracticable only in those rare circumstances

when the unique characteristics of terrain prevent the incorporation of accessibility features. If full compliance with the requirements of this rule is structurally impracticable, a person or entity shall comply with the requirements to the extent it is not structurally impracticable. Any portion of the building or facility which can be made accessible shall comply to the extent that it is not structurally impracticable.

(b) Accessibility is not required to (i) observation galleries used primarily for security purposes; or (ii) in nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways, or freight (nonpassenger) elevators, and frequented only by service personnel for repair purposes; such spaces include, but are not limited to, elevator pits, elevator penthouses, piping, or equipment catwalks.

1.3 Definitions.

COMMERCIAL FACILITIES means facilities:

(1) whose operations will affect commerce;

(2) that are intended for nonresidential use by a private entity;

(3) that are Class 1 structures under IC 22-12-1-4; and

(4) that are not facilities that are covered under Part 2 of Chapter 11.

FACILITY means all or any portion of Class 1 structures, site improvements, complexes, roads, walks, or parking lots on the site where the Class 1 structure is located.

PLACE OF PUBLIC ACCOMMODATION means a facility that falls within at least one (1) of the following categories:

(1) An inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five (5) rooms for rent or hire and that is actually occupied by the proprietor of the establishment as the residence of the proprietor.

(2) A restaurant, bar, or other establishment serving food or drink.

(3) A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment.

(4) An auditorium, convention center, lecture hall, or other place of public gathering.

(5) A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment.

(6) A laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment.

(7) A terminal, depot, or other station used for specified public transportation.

(8) A museum, library, gallery, or other place of public display or collection.

(9) A park, zoo, amusement park, or other place of recreation.

(10) A nursery, elementary, secondary, undergraduate, or postgraduate private school or other place of education.

(11) A day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment.

(12) A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

(13) Private clubs.

(14) Religious entities.

(15) Public entities.

PRIVATE CLUB means a private club or establishment not in fact open to the public.

PRIVATE ENTITY means a person or entity other than a public entity.

PUBLIC ACCOMMODATION means a private entity that owns, leases (or leases to), or operates a place of public accommodation.

PUBLIC ENTITY means:

(1) any state or local government; or

(2) any department, agency, special purpose district, or other instrumentality of a state or states or local government.

RELIGIOUS ENTITY means a religious organization, including a place of worship.

2.1 Scope.

(a) Commercial facilities located in private residences.

(1) When a commercial facility is part of a private residence as new construction or as a change of occupancy, the portion of the residence used exclusively as a residence is not covered by this part, but the portion used exclusively in the operation of the commercial facility or that portion used both for the commercial facility and for residential purposes is covered by the new construction requirements of this part.

(2) The portion of the residence covered under paragraph (a)(1) of this section extends to those elements used to enter the commercial facility, including:

(A) the homeowner's front sidewalk, if any;

(B) the door or entryway and hallways; and

(C) those portions of the residence, interior or exterior, available to or used by employees or visitors of the commercial facility, including rest rooms.

(b) Elevator exemption.

(1) For the purposes of this section:

(A) PROFESSIONAL OFFICE OF A HEALTH CARE PROVIDER means a location where a person or entity regulated by the state to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility housing the professional office of a health care provider only includes floor levels housing at least one (1) health care provider or any floor level designed or intended for use by at least one (1) health care provider.

(B) SHOPPING CENTER OR SHOPPING MALL means either of the following:

(i) A building housing five (5) or more sales or rental establishments.

(ii) A series of buildings on a common site, either under common ownership or common control or developed either as one (1) project or as a series of related projects, housing five (5) or more sales or rental establishments. For purposes of this section, places of public accommodation of the types listed in the definition of PLACE OF PUBLIC ACCOMMODATION subdivisions one (1) through twelve (12) in section 1.3 are considered sales or rental establishments. The facility housing a shopping center or shopping mall only includes floor levels housing at least one (1) sales or rental establishment or any floor level designed or intended for use by at least one (1) sales or rental establishment.

(2) This section does not require the installation of an elevator in a facility that is less than three (3) stories or has less than three thousand (3,000) square feet per story, except with respect to any facility that houses one (1) or more of the following:

(A) A shopping center, a shopping mall, or a professional office of a health care provider.

(B) A terminal, depot, or other station used for specified public transportation or an airport passenger terminal. In such a facility, any area housing passenger services, including boarding and disembarking, loading and unloading baggage claim, dining facilities, and other common areas open to the public, must be on an accessible route from an accessible entrance.

(3) The elevator exemption set forth in this paragraph (b) does not obviate or limit, in any way, the obligation to comply with the other accessibility requirements established in paragraph (a) of this section. For example, in a facility that houses a shopping center, a shopping mall, or a professional office of a health care provider, the floors that are above or below an accessible ground floor and that do not house sales or rental establishments or a professional office of a health care provider must meet the requirements of this section but for the elevator.

SCOPE AND TECHNICAL REQUIREMENTS

3.1 Provisions for Adults. The specifications in these guidelines are based upon adult dimensions and anthropometrics, except for 11.1 through 11.10.4.

3.2 Dimensional Tolerances. All dimensions are subject to conventional building industry tolerances for field conditions.

3.3 Graphic Conventions. Graphic conventions are shown in Table 1. Dimensions that are not marked minimum or maximum are absolute, unless otherwise indicated in the text or captions.

3.4 Definitions applicable to Part 1 of this Chapter only:

ACCESS AISLE means an accessible pedestrian space between elements that provides clearances appropriate for use of the elements.

ACCESSIBLE means a site, building, facility, or portion thereof that complies with this part.

ACCESSIBLE ELEMENT means an element specified by this part.

ACCESSIBLE ROUTE means a continuous, unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts within the site where the Class 1 structure is located.

ACCESSIBLE SPACE means space that complies with this part.

ADAPTABILITY means the ability of certain building spaces and elements, such as kitchen counters, sinks, and grab bars, to be added or altered so as to accommodate the needs of persons with or without disabilities or to accommodate the needs of persons with different types or degrees of disability.

ADDITION means all expansion, extension, or increase in the gross floor area of a building or facility.

ADMINISTRATIVE AUTHORITY means the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the fire prevention and building safety commission. For the purposes of Industrialized Building Systems (675 IAC 15), ADMINISTRATIVE AUTHORITY means the state building commissioner.

AREA OF RESCUE ASSISTANCE means an area, which has direct access to an exit, where people who are unable to use stairs may remain temporarily in safety to await further instructions or assistance during emergency evacuation.

ASSEMBLY AREA means, for the purposes of Part 1, a room or space accommodating a group of individuals for recreational, educational, political, social, or amusement purposes, or for the consumption of food and drink.

AUTOMATIC DOOR means a door equipped with a power-operated mechanism and controls that open and close the door automatically upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat, or manual switch (see POWER-ASSISTED DOOR).

BUILDING means any structure used and intended for supporting or sheltering any use or occupancy.

CIRCULATION PATH means an exterior or interior way of passage from one (1) place to another for pedestrians, including, but not limited to, walks, hallways, courtyards, stairways, and stair landings.

CLEAR means unobstructed.

CLEAR FLOOR SPACE means the minimum unobstructed floor or ground space required to accommodate a single, stationary wheelchair and occupant.

CLOSED CIRCUIT TELEPHONE means a telephone with dedicated line(s) such as a house phone, courtesy phone, or phone that must be used to gain entrance to a facility.

COMMON USE means those interior and exterior rooms, spaces, or elements that are made available for the use of a restricted group of people, for example, occupants of a homeless shelter, the occupants of an office building, or the guests of such occupants.

CROSS SLOPE means the slope that is perpendicular to the direction of travel (see RUNNING SLOPE).

CURB RAMP means a short ramp cutting through a curb or built up to it.

DETECTABLE WARNING means a standardized surface feature built in or applied to walking surfaces or other elements to warn visually impaired people of hazards on a circulation path.

DWELLING UNIT means, for the purposes of Part 1, a single unit which provides a kitchen or food preparation area, in addition to rooms and spaces for living, bathing, sleeping, and the like. Dwelling units include:

(1) a single family home or a town house used as a transient group home;

(2) an apartment building used as a shelter;

(3) guest rooms in a hotel that provide sleeping accommodations and food preparation areas; and

(4) other similar facilities used on a transient basis.

For the purposes of Part 1, use of the term DWELLING UNIT does not imply the unit is used as a residence.

EGRESS, MEANS OF means, for the purposes of Part 1, a continuous and unobstructed way of exit travel from any point in a building or facility to a public way. A means of egress comprises vertical and horizontal travel and may include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, horizontal exits, courts, and yards. An accessible means of egress is one that complies with Part 1 and does not include stairs, steps, or escalators. Areas of rescue assistance or evacuation elevators may be included as part of accessible means of egress.

ELEMENT means an architectural or mechanical component of a building, facility, space, or site.

ENTRANCE means any access point to a building or portion of a building or facility used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibule if provided, the entry door(s) or gate(s), and the hardware of the entry door(s) or gate(s).

FACILITY means all or any portion of a Class 1 structure, site improvements, complexes, roads, walks, or parking lots on the site where the Class 1 structure is located.

GROUND FLOOR means, for the purposes of Part 1, any occupiable floor less than one (1) story above or below grade with direct access to grade. A building or facility always has at least one (1) ground floor and may have more than one (1) ground floor as where a split level entrance has been provided or where a building is built into a hillside.

MARKED CROSSING means a crosswalk or other identified path intended for pedestrian use in crossing a vehicular way, located on the site where the Class 1 building or structure is located.

MEZZANINE OR MEZZANINE FLOOR means, for the purposes of Part 1, that portion of a story which is an intermediate floor level placed within the story and having occupiable space above and below its floor.

MULTIFAMILY DWELLING means any building containing more than two (2) dwelling units.

OCCUPIABLE means a room or enclosed space designed for human occupancy:

(1) in which:

(A) individuals congregate for amusement, educational, or similar purposes; or

(B) occupants are engaged at labor; and

(2) which is equipped with means of egress, light, and ventilation.

OPERABLE PART means a part or a piece of equipment or appliance used to insert or withdraw objects, or to activate, deactivate, or adjust the equipment or appliance, for example, coin slot, push button, or handle.

POWER-ASSISTED DOOR means a door used for human passage with a mechanism that helps to open the door, or relieves the opening resistance of a door, upon the activation of a switch or a continued force applied to the door itself.

PUBLIC USE means interior or exterior rooms or spaces that are made available to the general public. Public use may be provided at a building or facility that is privately or publicly owned.

RAMP means, for the purposes of Part 1, a walking surface which has a running slope greater than 1:20.

RUNNING SLOPE means the slope that is parallel to the direction of travel (see CROSS SLOPE).

SERVICE ENTRANCE means an entrance intended primarily for delivery of goods or services.

SIGNAGE means displayed verbal, symbolic, tactile, and pictorial information.

SITE means a parcel of land bounded by a property line or a designated portion of a public right-of-way.

SITE IMPROVEMENT means landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and similar improvements added to a site.

SLEEPING ACCOMMODATIONS means rooms in which people sleep, for example, dormitory and hotel or motel guest rooms or suites.

SPACE means a definable area, such as room, toilet room, hall, assembly area, entrance, storage room, alcove, courtyard, or lobby.

STORY means, for the purposes of Part 1, that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. If such portion of a building does not include occupiable space, it is not considered a story for purposes of Part 1. There may be more than one (1) floor level within a story as in the case of a mezzanine or mezzanines.

STRUCTURAL FRAME means the structural frame shall be considered to be the columns and the girders, beams, trusses, and spandrels having direct connections to the columns and all other members which are essential to the stability of the building as a whole.

TACTILE means an object that can be perceived using the sense of touch.

TEXT TELEPHONE means machinery or equipment that employs interactive graphic (i.e., typed) communications through the transmission of coded signals across the standard telephone network. Text telephones can include, for example, devices known as TDD's (telecommunication display devices or telecommunication devices for deaf persons) or computers.

TRANSIENT LODGING means a building, facility, or portion thereof, excluding in-patient medical care facilities, that contains one (1) or more dwelling units or sleeping accommodations. Transient lodging may include, but is not limited to, resorts, group homes, hotels, motels, and dormitories.

VEHICULAR WAY means a route intended for vehicular traffic, such as a street, driveway, or parking lot, within the site where a Class 1 structure is located.

WALK means an exterior pathway with a prepared surface intended for pedestrian use, including general pedestrian areas such as plazas and courts, within the site where a Class 1 structure is located.

4.0 Accessible Elements, Routes, and Spaces.

4.1 Minimum Requirements.

4.1.1 Application.

(1) General. All areas of newly designed or newly constructed buildings and facilities required to be accessible by section 4.1.2 and section 4.1.3.

(1) Application Based on Building Use. Special application sections 5 through 9 provide additional requirements for restaurants and cafeterias, medical care facilities, business and mercantile, libraries, and accessible transient lodging. When a building or facility contains more than one (1) use covered by a special application section, each portion shall comply with the requirements for that use.

(2) Areas Used Only by Employees as Work Areas. Areas that are used only as work areas shall be designed and constructed so that persons with a disability can approach, enter, and exit the areas. This part does not require that any areas used only as work areas be constructed to permit maneuvering within the work area or be constructed or equipped, such as racks or shelves, to be accessible.

(3) Temporary Structures. Chapter 11 covers temporary buildings or facilities as well as permanent facilities. Temporary buildings and facilities are not of permanent construction but are extensively used or are essential for public use for a period of time. Examples of temporary buildings or facilities covered by this rule include, but are not limited to, reviewing stands, temporary classrooms, bleacher areas, exhibit areas, temporary banking facilities, temporary health screening services, or temporary safe pedestrian passageways around a construction site. Structures, sites, and equipment directly associated with the actual processes of construction, such as scaffolding, bridging, materials hoists, or construction trailers, are not included.

(4) Accessibility is not required on:

(A) observation galleries used primarily for security purposes; or

(B) in nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces, very narrow passageways, or freight (nonpassenger) elevators and frequented only by service personnel for repair purposes; such spaces include, but are not limited to, elevator pits, elevator penthouses, piping, or equipment catwalks.

4.1.2 Accessible Sites and Exterior Facilities: New Construction.

An accessible site shall meet the following minimum requirements:

(1) At least one (1) accessible route complying with section 4.3 shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading zones, if provided, and public streets or sidewalks to an accessible building entrance.

(2) At least one (1) accessible route complying with section 4.3 shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site.

(3) All objects that protrude from surfaces or posts into circulation paths shall comply with section 4.4.

(4) Ground surfaces along accessible routes and in accessible spaces shall comply with section 4.5.

(5) Reserved.

(6) If toilet facilities are provided on a site, then each such public or common use toilet facility shall comply with section 4.22. If bathing facilities are provided on a site, then each such public or common use bathing facility shall comply with section 4.23.

(7) Building Signage. Signs which designate permanent rooms and spaces shall comply with sections 4.30.1, 4.30.4, 4.30.5, and 4.30.6. Other signs which provide direction to, or information about, functional spaces of the building shall comply with sections 4.30.1, 4.30.2, 4.30.3, and 4.30.5.

Elements and spaces of accessible facilities which shall be identified by the international symbol of accessibility and which shall comply with section 4.30.7 are as follows:

(a) Parking spaces designated as reserved for persons with a disability.

(b) Accessible passenger loading zones.

(c) Accessible entrances when not all are accessible (inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance).

(d) Accessible toilet and bathing facilities when not all are accessible.

4.1.3 Accessible Buildings: Minimum Requirements.

Accessible buildings and facilities shall be designed and constructed to meet the following minimum requirements:

(1) At least one (1) accessible route complying with section 4.3 shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility.

(2) All objects that overhang or protrude into circulation paths shall comply with section 4.4.

(3) Ground and floor surfaces along accessible routes and in accessible rooms and spaces shall comply with section 4.5.

(4) Interior and exterior stairs connecting levels that are not connected by an elevator, ramp, or other accessible means of vertical access shall comply with section 4.9.

(5) One (1) passenger elevator complying with section 4.10 shall serve each level, including mezzanines, in all multistory buildings and facilities unless exempted below. If more than one (1) elevator is provided, each full passenger elevator shall comply with section 4.10.

EXCEPTION 1: Elevators are not required in facilities that are less than three (3) stories or that have less than three thousand (3,000) square feet per story unless the building is a shopping center, a shopping mall, or a professional office of a health care provider. The elevator exemption set forth in this paragraph does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in section 4.1.3. For example, floors above or below the accessible ground floor must meet the requirements of this section, except for elevator service. If toilet or bathing facilities are provided on a level not served by an elevator, then toilet or bathing facilities must be provided on the accessible ground floor. In new construction, if a building or facility is eligible for this exemption but a full passenger elevator is nonetheless planned, that elevator shall meet the requirements of section 4.10 and shall serve each level in the building. A full passenger elevator that provides service from a garage to only one (1) level of a building or facility is not required to serve other levels.

EXCEPTION 2: Elevator pits, elevator penthouses, mechanical rooms, piping or equipment, and catwalks are exempted from this requirement.

EXCEPTION 3: Accessible ramps complying with section 4.8 may be used in lieu of an elevator.

EXCEPTION 4: Platform lifts (wheelchair lifts) complying with section 4.11 of this part may be used in lieu of an elevator only under the following conditions:

(a) To provide an accessible route to a performing area in an assembly occupancy.

(b) To comply with the wheelchair viewing position line-of-sight and dispersion requirements of section 4.33.3.

(c) To provide access to incidental occupiable spaces and rooms which are not open to the general public and which house no more than five (5) persons, including, but not limited to, equipment control rooms and projection booths.

(d) To provide access where existing site constraints or other constraints make use of a ramp or an elevator infeasible.

(6) (Reserved.)

(7) Doors:

(a) At each accessible entrance to a building or facility, at least one (1) door shall comply with section 4.13.

(b) Within a building or facility, at least one (1) door at each accessible space shall comply with section 4.13.

(c) Each door that is an element of an accessible route shall comply with section 4.13.

(d) Each door required by section 4.3.10, Egress, shall comply with section 4.13.

(8) At a minimum, the requirements in (a) and (b) below shall be satisfied independently:

(a)(i) At least fifty percent (50%) of all public entrances (excluding those in (b)(i) and (b)(ii) below) must be accessible. At least one (1) must be a ground floor entrance. Public entrances are any entrances that are not loading or service entrances.

(ii) Accessible entrances must be provided in a number at least equivalent to the number of exits required by chapter 10 of this code. (This paragraph does not require an increase in the total number of entrances planned for a facility.)

(iii) An accessible entrance must be provided to each tenancy in a facility, for example, individual stores in a strip shopping center.

One (1) entrance may be considered as meeting more than one (1) of the requirements in (a). Accessible entrances shall be entrances used by the majority of people visiting or working in the building.

(b)(i) In addition, if direct access is provided for pedestrians from an enclosed parking garage to the building, at least one (1) direct entrance from the garage to the building must be accessible.

(ii) If access is provided for pedestrians from a pedestrian tunnel or elevated walkway, one (1) entrance to the building from each tunnel or walkway must be accessible.

One (1) entrance may be considered as meeting more than one (1) of the requirements in (b).

(c) If the only entrance to a building, or tenancy in a facility, is a service entrance, that entrance shall be accessible.

(d) Entrances which are not accessible shall have directional signage complying with sections 4.30.1 and 4.30.5 which indicates the location of the nearest accessible entrance.

(9) In buildings or facilities, or portions of buildings or facilities, required to be accessible, accessible means of

egress shall be provided in the same number as required for exits by chapter 10 of this code. Where a required exit from an occupiable level above or below a level of accessible exit discharge is not accessible, an area of rescue assistance shall be provided on each such level (in a number equal to that of inaccessible required exits). Areas of rescue assistance shall comply with section 4.3.11. A horizontal exit, meeting the requirements of chapter 10 of this code, shall satisfy the requirements for an area of rescue assistance (see section 4.3.11).

EXCEPTION: Areas of rescue assistance are not required in buildings or facilities having a supervised automatic fire suppression system throughout.

(10) Drinking Fountains:

(a) Where only one (1) drinking fountain is provided on a floor, there shall be a drinking fountain which is accessible to individuals who use wheelchairs in accordance with section 4.15 and one (1) accessible to those who have difficulty bending or stooping.

(b) Where more than one (1) drinking fountain or water cooler is provided on a floor, fifty percent (50%) of those provided shall comply with section 4.15 and shall be on an accessible route.

(11) Toilet Facilities: If toilet rooms are provided, then each public and common use toilet room shall comply with section 4.22. Other toilet rooms provided for the use of occupants of specific spaces, such as a private toilet room for the occupant of a private office, shall be adaptable in conformance with CABO/ANSI A117.1 1992 as referenced in Chapter 11 - Part 2. If bathing rooms are provided, then each public and common use bathroom shall comply with section 4.23. Accessible toilet rooms and bathing facilities shall be on an accessible route.

(12) Storage, Shelving, and Display Units:

(a) If fixed or built-in storage facilities, such as cabinets, shelves, closets, and drawers, are provided in accessible spaces, at least one (1) of each type provided shall contain storage space complying with section 4.25. Additional storage may be provided outside of the dimensions required by section 4.25.

(b) Shelves or display units allowing self-service by customers in mercantile occupancies shall be located on an accessible route complying with section 4.3. Requirements for accessible reach range do not apply.

(13) Controls and operating mechanisms in accessible spaces, along accessible routes, or as parts of accessible elements, for example, light switches and dispenser controls, shall comply with section 4.27.

(14) If emergency warning systems are provided, then they shall include both audible alarms and visual alarms complying with section 4.28. Sleeping accommodations required to comply with section 9.3 shall have an alarm system complying with 4.28.

(15) (Reserved.)

(16) Building Signage:

(a) Signs which designate permanent rooms and spaces shall comply with sections 4.30.1, 4.30.4, 4.30.5, and 4.30.6.

(b) Other signs which provide direction to or information about functional spaces of the building shall comply with sections 4.30.1, 4.30.2, 4.30.3, and 4.30.5.

EXCEPTION: Building directories, menus, and all other signs which are temporary are not required to comply.

(17) Public Telephones:

(a) If public pay telephones, public closed circuit telephones, or other public telephones are provided, then they shall comply with sections 4.31.2 through 4.31.8 to the extent required by the following table:

Number of Each Type of Telephone Provided on Each Floor	Number of Telephones Required to Comply With Sections 4.31.2 Through 4.31.8[1]
1 or more single unit	1 per floor
1 bank[2]	1 per floor
2 or more banks[2]	1 per bank. Accessible unit may be installed as a single unit in proximity (either visible or with signage) to the bank. At least 1 public telephone per floor shall meet the requirements for a forward reach telephone[3].

[1]Additional public telephones may be installed at any height. Unless otherwise specified, accessible telephones may be either forward or side reach telephones.

[2]A bank consists of two (2) or more adjacent public telephones, often installed as a unit.

[3]EXCEPTION: For exterior installations only, if dial tone first service is available, then a side reach telephone may be installed instead of the required forward reach telephone (i.e., one (1) telephone in proximity to each bank shall comply with section 4.31).

(b) All telephones required to be accessible and complying with sections 4.31.2 through 4.31.8 shall be equipped with a volume control. In addition, twenty-five percent (25%), but never less than one (1), of all other public telephones provided shall be equipped with a volume control and shall be dispersed among all types of public telephones, including closed circuit telephones, throughout the building or facility. Signage complying with applicable provisions of section 4.30.7 shall be provided.

(c) The following shall be provided in accordance with 4.31.9:

(i) If a total number of four (4) or more public pay telephones (including both interior and exterior phones) is provided at a site, and at least one (1) is in an interior location, then at least one (1) interior public text telephone shall be provided.

(ii) If an interior public pay telephone is provided in a stadium or arena, in a convention center, in a hotel

with a convention center, or in a covered mall, at least one (1) interior public text telephone shall be provided in the facility.

(iii) If a public pay telephone is located in or adjacent to a hospital emergency room, hospital recovery room, or hospital waiting room, one (1) public text telephone shall be provided at each such location.

(d) Where a bank of telephones in the interior of a building consists of three (3) or more public pay telephones, at least one (1) public pay telephone in each such bank shall be equipped with a shelf and outlet in compliance with section 4.31.9(2).

(18) If fixed or built-in seating or tables (including, but not limited to, study carrels and student laboratory stations), are provided in accessible public or common use areas, at least five percent (5%), but not less than one (1), of the fixed or built-in seating areas or tables shall comply with section 4.32. An accessible route shall lead to and through such fixed or built-in seating areas or tables.

(19) Assembly Areas:

(a) Places of assembly with fixed seating accessible wheelchair locations shall comply with sections 4.33.2, 4.33.3, and 4.33.4 and shall be provided consistent with the following table:

Capacity of Seating in Assembly Areas	Number of Required Wheelchair Locations
4 to 25	1
26 to 50	2
51 to 300	4
301 to 500	6
Over 500	6, plus 1 additional space for each total seating capacity increase of 100

In addition, one percent (1%), but not less than one (1), of all fixed seats shall be aisle seats with no armrests on the aisle side, or removable or folding armrests on the aisle side. Each such seat shall be identified by a sign or marker. Signage notifying patrons of the availability of such seats shall be posted at the ticket office. Aisle seats are not required to comply with section 4.33.4.

(b) This paragraph applies to assembly areas where audible communications are integral to the use of the space (e.g., concert and lecture halls, playhouses and movie theaters, and meeting rooms, etc.). Such assembly areas, if (1) they accommodate at least fifty (50) persons, or if they have audio-amplification systems, and (2) they have fixed seating, shall have a permanently installed assistive listening system complying with section 4.33. For other assembly areas, a permanently installed assistive listening system, or an adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive listening system shall be provided. The minimum number of receivers to be provided shall be equal to four percent (4%) of the total number of seats, but in no case less than two (2). Signage complying with applicable provisions of section 4.30 shall be installed to notify patrons of the availability of a listening system.

(20) Where automated teller machines (ATMs) are provided, each ATM shall comply with the requirements of section 4.34 except where two (2) or more are provided at a location, then only one (1) must comply.

EXCEPTION: Drive-up-only automated teller machines are not required to comply with sections 4.27.2, 4.27.3, and 4.34.3.

(21) Where dressing and fitting rooms are provided for use by the general public, patients, customers, or employees, five percent (5%), but never less than one (1), of the dressing rooms for each type of use within each cluster of dressing rooms shall be accessible and shall comply with section 4.35. Examples of types of dressing rooms are those serving different genders or distinct and different functions as in different treatment or examination facilities.

4.1.4 (Reserved.)

4.1.5 Accessible Buildings: Additions. Each addition to an existing building or facility shall be regarded as an alteration. Each space or element added to the existing building or facility shall comply with the applicable provisions of sections 4.1.1 to 4.1.3. Minimum Requirements (for New Construction) and the applicable technical specifications of sections 4.2 through 4.35 and sections 5 through 9.

4.1.6 (Reserved.)

4.1.7 (Reserved.)

4.2 Space Allowable and Reach Ranges.

4.2.1 Wheelchair Passage Width. The minimum clear width for single wheelchair passage shall be thirty-two (32) inches (eight hundred fifteen (815) millimeters) at a point and thirty-six (36) inches (nine hundred fifteen (915) millimeters) continuously (see Fig. 1 and 24(e)).

4.2.2 Width for Wheelchair Passing. The minimum width for two (2) wheelchairs to pass is sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters) (see Fig. 2).

4.2.3 Wheelchair Turning Spaces. The space required for a wheelchair to make a one hundred eighty (180) degree turn is a clear space of sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters) diameter (see Fig. 3(a)) or a T-shaped space (see Fig. 3(b)).

4.2.4 Clear Floor or Ground Space for Wheelchairs.

4.2.4.1 Size and Approach. The minimum clear floor or ground space required to accommodate a single, stationary wheelchair and occupant is thirty (30) inches by forty-eight (48) inches (seven hundred sixty (760) millimeters by one thousand two hundred twenty (1,220) millimeters) (see Fig. 4(a)). The minimum clear floor or ground space for wheelchairs may be positioned for forward or parallel approach to an object (see Fig. 4(b) and 4(c)). Clear floor or ground space for wheelchairs may be part of the knee space required under some objects.

4.2.4.2 Relationship of Maneuvering Clearance to Wheelchair Spaces. One (1) full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route or adjoin another wheelchair clear floor space. If a clear floor space is located in an alcove or otherwise confined on all or part of three (3) sides, additional maneuvering clearances shall be provided as shown in Fig. 4(d) and 4(e).

4.2.4.3 Surfaces for Wheelchair Spaces. Clear floor or ground spaces for wheelchairs shall comply with section 4.5.

4.2.5 Forward Reach. If the clear floor space only allows forward approach to an object, the maximum high forward reach allowed shall be forty-eight (48) inches (one thousand two hundred twenty (1,220) millimeters) (see Fig. 5(a)). The minimum low forward reach is fifteen (15) inches (three hundred eighty (380) millimeters). If the high forward reach is over an obstruction, reach and clearances shall be as shown in Fig. 5(b).

4.2.6 Side Reach. If the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall be fifty-four (54) inches (one thousand three hundred seventy (1,370) millimeters) and the low side reach shall be no less than nine (9) inches (two hundred thirty (230) millimeters) above the floor (Fig. 6(a) and 6(b)). If the side reach is over an obstruction, the reach and clearances shall be as shown in Fig. 6(c).

4.3 Accessible Route.

4.3.1 General. All walks, halls, corridors, aisles, sky walks, tunnels, and other spaces that are part of an accessible route shall comply with section 4.3.

4.3.2 Location.

(1) At least one (1) accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve. The accessible route shall coincide with the route for the general public.

(2) At least one (1) accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

(3) At least one (1) accessible route shall connect accessible building or facility entrances with all accessible spaces and elements and with all accessible dwelling units within the building or facility.

(4) An accessible route shall connect at least one (1) accessible entrance of each accessible dwelling unit with those exterior and interior spaces and facilities that serve the accessible dwelling unit.

4.3.3 Width. The minimum clear width of an accessible route shall be thirty-six (36) inches (nine hundred fifteen (915) millimeters) except at doors (see sections 4.13.5 and 4.13.6). If a person in a wheelchair must make a turn around an obstruction, the minimum clear width of the accessible route shall be as shown in Fig. 7(a) and 7(b).

4.3.4 Passing Spaces. If an accessible route has less than sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters) clear width, then passing spaces at least sixty (60) inches by sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters by one thousand five hundred twenty-five (1,525) millimeters) shall be located at reasonable intervals not to exceed two hundred (200) feet (sixty-one (61) meters). A T-intersection of two (2) corridors or walks is an acceptable passing place.

4.3.5 Head Room. Accessible routes shall comply with section 4.4.2.

4.3.6 Surface Textures. The surface of an accessible route shall comply with section 4.5.

4.3.7 Slope. An accessible route with a running slope greater than 1:20 is a ramp and shall comply with section 4.8. The cross slope of an accessible route shall not exceed 1:50.

4.3.8 Changes in Levels. Changes in levels along an accessible route shall comply with section 4.5.2. If an accessible route has changes in level greater than one-half (½) inch (thirteen (13) millimeters), then a curb ramp, ramp, elevator, or elevator platform lift (as permitted in section 4.1.3) shall be provided that complies with section 4.7, 4.8, 4.10, or 4.11, respectively. An accessible route does not include stairs, steps, or escalators. See definition of "EGRESS, MEANS OF" in section 3.5.

4.3.9 Doors. Doors along an accessible route shall comply with section 4.13.

4.3.10 Egress. Accessible routes serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an accessible area of rescue assistance.

4.3.11 Areas of Rescue Assistance.

4.3.11.1 Location and Construction. An area of rescue assistance shall be one (1) of the following:

(1) A portion of a stairway landing within a smoke-proof enclosure.

(2) A portion of an exterior exit balcony located immediately adjacent to an exit stairway when the balcony complies with the requirements for exterior exit balconies in chapter 10 of this code. Openings to the interior of the building located within twenty (20) feet (six (6) meters) of the area of rescue assistance shall be protected with fire assemblies having a three-fourths (¾) hour fire protection rating.

(3) A portion of a one (1) hour fire-resistive corridor located immediately adjacent to an exit enclosure.

(4) A vestibule located immediately adjacent to an exit enclosure and constructed to the same fire-resistive standards as required for corridors and openings.

(5) A portion of a stairway landing within an exit enclosure which is vented to the exterior and is separated from the interior of the building with not less than one (1) hour fire-resistive doors.

(6) An area or a room which is separated from other portions of the building by a smoke barrier. Smoke barriers shall have a fire-resistive rating of not less than one (1) hour and shall completely enclose the area or

room. Doors in the smoke barrier shall be tight-fitting smoke and draft control assemblies having a fire-protection rating of not less than twenty (20) minutes and shall be self-closing or automatic closing. The area or room shall be provided with an exit directly to an exit enclosure. Where the room or area exits into an exit enclosure, which is required to be more than one (1) hour fire-resistive construction, the room or area shall have the same fire-resistive construction, including the same opening protection, as required for the adjacent exit.

(7) An elevator lobby when elevator shafts and adjacent lobbies are pressurized as required for smokeproof enclosures by chapter 10 of this code and when complying with requirements herein for size, communication, and signage. Such pressurization system shall be activated by smoke detectors on each floor. Pressurization equipment and its duct work within the building shall be separated from other portions of the building by a minimum two (2) hour fire-resistive construction.

(8) The area immediately adjacent to a horizontal exit that affords safety from fire or smoke coming from the area which escape is made.

4.3.11.2 Size. Each area of rescue assistance shall provide at least two (2) accessible areas each being not less than thirty (30) inches by forty-eight (48) inches (seven hundred sixty (760) millimeters by one thousand two hundred twenty (1,220) millimeters). The area of rescue assistance shall not encroach on any required exit width. The total number of such thirty (30) inch by forty-eight (48) inch (seven hundred sixty (760) millimeters by one thousand two hundred twenty (1,220) millimeters) areas per story shall be not less than one (1) for every two hundred (200) persons of calculated occupant load served by the area of rescue assistance.

EXCEPTION: The number of thirty (30) inch by forty-eight (48) inch (seven hundred sixty (760) millimeters by one thousand two hundred twenty (1,220) millimeters) areas may be one (1) for each area of rescue assistance on floors where the occupant load is less than two hundred (200).

4.3.11.3 Stairway Width. Each stairway adjacent to an area of rescue assistance shall have a minimum clear width of forty-eight (48) inches between handrails.

4.3.11.4 Two-way Communication. A method of two-way communication, with both visible and audible signals, shall be provided between each area of rescue assistance and the primary entry.

4.3.11.5 Identification. Each area of rescue assistance shall be identified by a sign which states "AREA OF RESCUE ASSISTANCE" and display the international symbol of accessibility. The sign shall be illuminated when exit sign illumination is required by chapter 10 of this code. Signage shall also be installed at all inaccessible exits and where otherwise necessary to clearly indicate the direction to areas of rescue assistance. In each area of rescue assistance, instructions on the use of the area under emergency conditions shall be posted adjoining the two-way communication system.

4.4 Protruding Objects.

4.4.1 General. Objects projecting from walls, for example, telephones, with their leading edges between twenty-seven (27) inches and eighty (80) inches (six hundred eighty-five (685) millimeters and two thousand thirty (2,030) millimeters) above the finished floor shall protrude no more than four (4) inches (one hundred (100) millimeters) into walks, halls, corridors, passageways, or aisles (see Fig. 8(a)). Objects mounted with their leading edges at or below twenty-seven (27) inches (six hundred eighty-five (685) millimeters) above the finished floor may protrude any amount (see Fig. 8(a) and (b)). Free-standing objects mounted on posts or pylons may overhang twelve (12) inches (three hundred five (305) millimeters) maximum from twenty-seven (27) inches to eighty (80) inches (six hundred eighty-five (685) millimeters to two thousand thirty (2,030) millimeters) above the ground or finished floor (see Fig. 8(c) and 8(d)). Protruding objects shall not reduce the clear width of an accessible route or maneuvering space (see Fig. 8(e)).

4.4.2 Head Room. Walks, halls, corridors, passageways, aisles, or other circulation spaces shall have eighty (80) inches (two thousand thirty (2030) millimeters) minimum clear head room (see Fig. 8(a)). If vertical clearance of an area adjoining an accessible route is reduced to less than eighty (80) inches (nominal dimension), a barrier to warn blind or visually impaired persons shall be provided (see Fig. 8(c-1)).

4.5 Ground and Floor Surfaces.

4.5.1 General. Ground and floor surfaces along accessible routes and in accessible rooms and spaces, including floors, walks, ramps, stairs, and curb ramps, shall be stable, firm, and slip-resistant and shall comply with section 4.5.

4.5.2 Changes in Level. Changes in level up to one-fourth (¼) inch (six (6) millimeters) may be vertical and without edge treatment (see Fig. 7(c)). Changes in level between one-fourth (¼) inch and one-half (½) inch (six (6) millimeters and thirteen (13) millimeters) shall be beveled with a slope no greater than 1:2 (see Fig. 7(d)). Changes in level greater than one-half (½) inch (thirteen (13) millimeters) shall be accomplished by means of a ramp that complies with section 4.7 or 4.8.

4.5.3 Carpet. If carpet or carpet tile is used on a ground or floor surface, then it shall be securely attached; have a firm cushion, pad, or backing, or no cushion or pad; and have a level loop, textured loop, level cut pile, or level cut/uncut pile texture. The maximum pile thickness shall be one-half (½) inch (thirteen (13) millimeters) (see Fig. 8(f)). Exposed edges of carpet shall be fastened to floor surfaces and have trim along the entire length of the exposed edge. Carpet edge trim shall comply with 4.5.2.

4.5.4 Gratings. If gratings are located in walking surfaces, then they shall have spaces no greater than one-half (½)

inch (thirteen (13) millimeters) wide in one (1) direction (see Fig. 8(g)). If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel (see Fig. 8(h)).

4.6 Parking and Passenger Loading Zones.

4.6.1 Parking spaces required to be accessible by 4.1 shall comply with IC 5-16-9.

4.6.2 (Reserved.)

4.6.3 (Reserved.)

4.6.4 (Reserved.)

4.6.5 Vertical Clearance. Provide minimum vertical clearance of one hundred fourteen (114) inches (two thousand eight hundred ninety-five (2,895) millimeters) at accessible passenger loading zones and along at least one (1) vehicle access route to such areas from site entrance(s) and exit(s).

4.6.6 Passenger Loading Zones. Passenger loading zones shall provide an access aisle at least sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters) wide and twenty (20) feet (two hundred forty (240) inches) (six thousand one hundred (6,100) millimeters) long adjacent and parallel to the vehicle pull-up space (see Fig. 10). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with section 4.7 shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (two percent (2%)) in all directions, and provide minimum vertical clearance of one hundred fourteen (114) inches (two thousand eight hundred ninety-five (2,895) millimeters) at accessible passenger loading zones and along at least one (1) vehicle access route to such areas from site entrance(s) and exit(s).

4.7 Curb Ramps.

4.7.1 Location. Curb ramps complying with section 4.7 shall be provided wherever an accessible route crosses a curb within the site where a Class 1 building or structure is located.

4.7.2 Slope. Slopes of curb ramps shall comply with section 4.8.2. The slope shall be measured as shown in Fig. 11. Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes. Maximum slopes of adjoining gutters, road surface immediately adjacent to the curb ramp, or accessible route shall not exceed 1:20.

4.7.3 Width. The minimum width of a curb ramp shall be thirty-six (36) inches (nine hundred fifteen (915) millimeters), exclusive of flared sides.

4.7.4 Surface. Surfaces of curb ramps shall comply with section 4.5.

4.7.5 Sides of Curb Ramps. If a curb ramp is located where pedestrians must walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides; the maximum slope of the flare shall be 1:10 (see Fig. 12(a)). Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp (see Fig. 12(b)).

4.7.6 Built-up Curb Ramps. Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes (see Fig. 13).

4.7.7 (Reserved.)

4.7.8 Obstructions. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

4.7.9 Location at Marked Crossings. Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides (see Fig. 15).

4.7.10 Diagonal Curb Ramps. If diagonal (or corner type) curb ramps have returned curbs or other well defined edges, such edges shall be parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have forty-eight (48) inches (one thousand two hundred twenty (1,220) millimeters) minimum clear space as show in Fig. 15(c) and (d). If diagonal curb ramps are provided at marked crossings, the forty-eight (48) inches (one thousand two hundred twenty (1,220) millimeters) clear space shall be within the markings (see Fig. 15(c) and (d)). If diagonal curb ramps have flared sides, they shall also have at least a twenty-four (24) inch (six hundred ten (610) millimeters) long segment of straight curb located on each side of the curb ramp and within the marked crossing (see Fig. 15(c)).

4.7.11 Islands. Any raised islands in crossings on the site where a Class 1 structure is located shall be cut through level with the street or have curb ramps at both sides and a level area at least forty-eight (48) inches (one thousand two hundred twenty (1,220) millimeters) long between the curb ramps in the part of the island intersected by the crossing (see Fig. 15(a) and (b)).

4.8 Ramps.

4.8.1 General. Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall comply with section 4.8.

4.8.2 Slope and Rise. The least possible slope shall be used for any ramp. The maximum slope of a ramp shall be 1:12. The maximum rise for any run shall be thirty (30) inches (seven hundred sixty (760) millimeters) (see Fig. 16).

4.8.3 Clear Width. The minimum clear width of a ramp shall be thirty-six (36) inches (nine hundred fifteen (915) millimeters).

4.8.4 Landings. Ramps shall have level landings at bottom and top of each ramp and each ramp run. Landings shall have the following features:

(1) The landing shall be at least as wide as the ramp run leading to it.

(2) The landing length shall be a minimum of sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters) clear.

(3) If ramps change direction at landings, the minimum landing size shall be sixty (60) inches by sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters by one thousand five hundred twenty-five (1,525) millimeters).

(4) If a doorway is located at a landing, then the area in front of the doorway shall comply with section 4.13.6.

4.8.5 Handrails. If a ramp run has a rise greater than six (6) inches (one hundred fifty (150) millimeters) or a horizontal projection greater than seventy-two (72) inches (one thousand eight hundred thirty (1,830) millimeters), then it shall have handrails on both sides. Handrails are not required on curb ramps or adjacent to seating in assembly areas.

Handrails shall comply with section 4.26 and shall have the following features:

(1) Handrails shall be provided along both sides of ramp segments. The inside handrail on switchback or dogleg ramps shall always be continuous.

(2) If handrails are not continuous, they shall extend at least twelve (12) inches (three hundred five (305) millimeters) beyond the top and bottom of the ramp segment and shall be parallel with the floor or ground surface (see Fig. 17).

(3) The clear space between the handrail and the wall shall be one and one-half (1½) inches (thirty-eight (38) millimeters).

(4) Gripping surfaces shall be continuous.

(5) Top of handrail gripping surfaces shall be mounted between thirty-four (34) inches and thirty-eight (38) inches (eight hundred sixty-five (865) millimeters and nine hundred sixty-five (965) millimeters) above ramp surfaces.

(6) Ends of handrails shall be either rounded or returned smoothly to floor, wall, or post.

(7) Handrails shall not rotate within their fittings.

4.8.6 Cross Slope and Surfaces. The cross slope of ramp surfaces shall be no greater than 1:50. Ramp surfaces shall comply with section 4.5.

4.8.7 Edge Protection. Ramps and landings with drop-offs shall have curbs, walls, railings, or projecting surfaces that prevent people from slipping off the ramp. Curbs shall be a minimum of two (2) inches (fifty (50) millimeters) high (see Fig. 17).

4.8.8 Outdoor Conditions. Outdoor ramps and their approaches shall be designed so that water will not accumulate on walking surfaces.

4.9 Stairs.

4.9.1 Minimum Number. Stairs required to be accessible by section 4.1 shall comply with section 4.9.

4.9.2 Treads and Risers. On any given flight of stairs, all steps shall have uniform riser heights and uniform tread widths. Stair treads shall be no less than eleven (11) inches (two hundred eighty (280) millimeters) wide measured from riser to riser (see Fig. 18(a)). Open risers are not permitted.

4.9.3 Nosings. The undersides of nosings shall not be abrupt. The radius of curvature at the leading edge of the tread shall be no greater than one-half (½) inch (thirteen (13) millimeters). Risers shall be sloped or the underside of the nosing shall have an angle not less than sixty (60) degrees from the horizontal. Nosings shall project no more than one and one-half (1½) inches (thirty-eight (38) millimeters) (see Fig. 18).

4.9.4 Handrails. Stairways shall have handrails at both sides of all stairs. Handrails shall comply with section 4.26 and shall have the following features:

(1) Handrails shall be continuous along both sides of stairs. The inside handrail on switchback or dogleg stairs shall always be continuous (see Fig. 19(a) and Fig. 19(b)).

(2) If handrails are not continuous, they shall extend at least twelve (12) inches (three hundred five (305) millimeters) beyond the top riser and at least twelve (12) inches (three hundred five (305) millimeters) plus the width of one (1) tread beyond the bottom riser. At the top, the extension shall be parallel with the floor or ground surface. At the bottom, the handrail shall continue to slope for a distance of the width of one (1) tread from the bottom riser; the remainder of the extension shall be horizontal (see Fig. 19(c) and Fig. 19(d)). Handrail extensions shall comply with section 4.4.

(3) The clear space between handrails and wall shall be one and one-half (1½) inches (thirty-eight (38) millimeters).

(4) Gripping surfaces shall be uninterrupted by newel posts, other construction elements, or obstructions.

(5) Top of handrail gripping surfaces shall be mounted between thirty-four (34) inches and thirty-eight (38) inches (eight hundred sixty-five (865) millimeters and nine hundred sixty-five (965) millimeters) above stair nosings.

(6) Ends of handrails shall be either rounded or returned smoothly to floor, wall, or post.

(7) Handrails shall not rotate within their fittings.

4.9.5 (Reserved.)

4.9.6 Outdoor Conditions. Outdoor stairs and their approaches shall be designed so that water will not accumulate on walking surfaces.

4.10 Elevators.

4.10.1 General. Accessible elevators shall be on an accessible route and shall comply with section 4.10 and with the Indiana Safety Code for Elevators, Escalators, Manlifts, and Hoists (675 IAC 21). Freight elevators shall not be considered as meeting the requirements of this section unless the only elevators provided are used as combination passenger and freight elevators for the public and employees.

4.10.2 Automatic Operation. Elevator operation shall be automatic. Each car shall be equipped with a self-leveling feature that will automatically bring the car to floor landings within a tolerance of one-half (½) inch (thirteen (13) millimeters) under rated loading to zero (0) loading conditions. This self-leveling feature shall be automatic and independent of the operating device and shall correct the overtravel or undertravel.

4.10.3 Hall Call Buttons. Call buttons in elevator lobbies and halls shall be centered at forty-two (42) inches (one thousand sixty-five (1,065) millimeters) above the floor. Such call buttons shall have visual signals to indicate when each call is registered and when each is answered. Call buttons shall be a minimum of three-fourths (¾) inch (nineteen (19) millimeters) in the smallest dimension. The button designating the up direction

shall be on top (see Fig. 20). Buttons shall be raised or flush. Objects mounted beneath hall call buttons shall not project into the elevator lobby more than four (4) inches (one hundred (100) millimeters).

4.10.4 Hall Lanterns. A visible and audible signal shall be provided at each hoistway entrance to indicate which car is answering a call. Audible signals shall sound once for the up direction and twice for the down direction or shall have verbal annunciators that say "up" or "down". Visible signals shall have the following features:

(1) Hall lantern fixtures shall be mounted so that their centerline is at least seventy-two (72) inches (one thousand eight hundred thirty (1,830) millimeters) above the lobby floor (see Fig. 20).

(2) Visual elements shall be at least two and one-half (2½) inches (sixty-four (64) millimeters) in the smallest dimension.

(3) Signals shall be visible from the vicinity of the hall call button (see Fig. 20). In-car lanterns located in cars, visible from the vicinity of hall call buttons, and conforming to the requirements in subsections (1) and (2) above, shall be acceptable.

4.10.5 Raised and Braille Characters on Hoistway Entrances. All elevator hoistway entrances shall have raised and braille floor designations provided on both jambs. The centerline of the characters shall be sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters) above finish floor. Such characters shall be two (2) inches (fifty (50) millimeters) high and shall comply with section 4.30.4. Permanently applied plates are acceptable if they are permanently fixed to the jambs (see Fig. 20).

4.10.6 Door Protective and Reopening Device. Elevator doors shall open and close automatically. They shall be provided with a reopening device that will stop and reopen a car door and hoistway door automatically if the door becomes obstructed by an object or a person. The device shall be capable of completing these operations without requiring contact for an obstruction passing through the opening at heights of five (5) inches and twenty-nine (29) inches (one hundred twenty-five (125) millimeters and seven hundred thirty-five (735) millimeters) above finish floor (see Fig. 20). Door reopening devices shall remain effective for at least twenty (20) seconds. After such an interval, doors may close in accordance with the requirements of the Indiana Safety Code for Elevators, Escalators, Manlifts, and Hoists (675 IAC 21).

4.10.7 Door and Signal Timing for Hall Calls. The minimum acceptable time from notification that a car is answering a call until the doors of that car start to close shall be calculated from the following equation:

$$T = D/(1.5 \text{ ft/s})$$

or

$$T = D/(457 \text{ mm/s})$$

Where T equals total time in seconds and D equals distance (in feet or millimeters) from a point in the lobby or corridor sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters) directly in front of the farthest call button controlling that car to the centerline of its hoistway door (see Fig. 21). For cars with in-car lanterns, T begins when the lantern is visible from the vicinity of hall call buttons and an audible signal is sounded. The minimum acceptable notification time shall be five (5) seconds.

4.10.8 Door Delay for Car Calls. The minimum time for elevator doors to remain fully open in response to a car call shall be three (3) seconds.

4.10.9 Floor Plan for Elevator Cars. The floor area of elevator cars shall provide space for wheelchair users to enter the car, maneuver within reach of controls, and exit from the car. Door openings and inside dimensions shall be as shown in Fig. 22. The clearance between the car platform sill and the edge of any hoistway landing shall be not greater than one and one-fourth (1¼) inches (thirty-two (32) millimeters).

4.10.10 Floor Surfaces. Floor surfaces shall comply with section 4.5.

4.10.11 Illumination Levels. The level of illumination at the car controls, platform, and car threshold and landing sill shall be at least five (5) foot-candles (fifty-three and eight-tenths (53.8) lux).

4.10.12 Car Controls. Elevator control panels shall have the following features:

(1) Buttons. All control buttons shall be at least three-fourths (¾) inch (nineteen (19) millimeters) in their least dimension. They shall be raised or flush.

(2) Tactile, Braille, and Visual Control Indicators. All control buttons shall be designated by braille and by raised standard alphabet characters for letter, arabic characters for numerals, or standard symbols as shown in Fig. 23(a), and as required by the Indiana Safety Code for Elevators, Escalators, Manlifts, and Hoists (675 IAC 21). Raised and braille characters and symbols shall comply with section 4.30. The call button for the main entry floor shall be designated by a raised star at the left of the floor designation (see Fig. 23(a)). All raised designations for control buttons shall be placed immediately to the left of the button to which they apply. Applied plates, permanently attached, are an acceptable means to provide raised control designations. Floor buttons shall be provided with visual indicators to show when each call is registered. The visual indicators shall be extinguished when each call is answered.

(3) Height. All floor buttons shall be no higher than fifty-four (54) inches (one thousand three hundred seventy (1,370) millimeters) above the finish floor for side approach and forty-eight (48) inches (one thousand two hundred twenty (1,220) millimeters) for front approach. Emergency controls, including the emergency alarm and emergency stop, shall be grouped at the bottom of the panel and shall have their centerlines no less than thirty-five (35) inches (eight hundred ninety (890) millimeters) above the finish floor (see Fig. 23(a) and Fig. 23(b)).

(4) Location. Controls shall be located on a front wall if cars have center opening doors, and at the side wall or at the front wall next to the door if cars have side opening doors (see Fig. 23(c) and Fig. 23(d)).

4.10.13 Car Position Indicators. In elevator cars, a visual position indicator shall be provided above the car control panel or over the door to show the position of the elevator in the hoistway. As the car passes or stops at a floor served by the elevators, the corresponding numerals shall illuminate, and an audible signal shall sound. Numerals shall be a minimum of one-half (½) inch (thirteen (13) millimeters) high. The audible signal shall be no less than twenty (20) decibels with a frequency no higher than one thousand five hundred (1,500) hertz. An automatic verbal announcement of the floor number at which a car stops or which a car passes may be substituted for the audible signal.

4.10.14 Emergency Communications. If provided, emergency two-way communication systems between the elevator and a point outside the hoistway shall comply with the Indiana Safety Code for Elevators, Escalators, Manlifts, and Hoists (675 IAC 21). The highest operable part of a two-way communication system shall be a maximum of forty-eight (48) inches (one thousand two hundred twenty (1,220) millimeters) from the floor of the car. It shall be identified by a raised symbol and lettering complying with section 4.30 and located adjacent to the device. If the system uses a handset, then the length of the cord from the panel to the handset shall be at least twenty-nine (29) inches (seven hundred thirty-five (735) millimeters). If the system is located in a closed compartment, the compartment door hardware shall conform to section 4.27. The emergency intercommunication system shall not require voice communication.

4.11 Platform Lifts (Wheelchair Lifts).

4.11.1 Location. Platform lifts (wheelchair lifts) permitted by section 4.1 shall comply with the requirements of section 4.11.

4.11.2 Requirements. If platform lifts (wheelchair lifts) are used, they shall comply with sections 4.2.4, 4.5, 4.27, and 4.30, and the Indiana Safety Code for Elevators, Escalators, Manlifts, and Hoists (675 IAC 21).

4.11.3 Entrance. If platform lifts are used, they shall facilitate unassisted entry, operation, and exit from the lift in compliance with section 4.11.2.

4.12 (Reserved.)

4.13 Doors.

4.13.1 General. Doors required to be accessible by section 4.1 shall comply with the requirements of section 4.13.

4.13.2 Revolving Doors and Turnstiles. Revolving doors or turnstiles shall not be the only means of passage at an accessible entrance or along an accessible route. An accessible gate or door shall be provided adjacent to the turnstile or revolving door and shall be so designed as to facilitate the same use pattern.

4.13.3 Gates. Gates, including ticket gates, shall meet all applicable specifications of 4.13.

4.13.4 Double-Leaf Doorways. If doorways have two (2) independently operated door leaves, then at least one (1) leaf shall meet the specifications in sections 4.13.5 and 4.13.6. That leaf shall be an active leaf.

4.13.5 Clear Width. Doorways shall have a minimum clear opening of thirty-two (32) inches (eight hundred fifteen (815) millimeters) with the door open ninety (90) degrees, measured between the face of the door and the opposite stop (see Fig. 24(a), Fig. 24(b), Fig. 24(c), and Fig. 24(d)). Openings more than twenty-four (24) inches (six hundred ten (610) millimeters) in depth shall comply with sections 4.2.1 and 4.3.3 (see Fig. 24(e)).

EXCEPTION: Doors not requiring full user passage, such as shallow closets, may have the clear opening reduced to twenty (20) inches (five hundred ten (510) millimeters) minimum.

4.13.6 Maneuvering Clearances at Doors. Minimum maneuvering clearances at doors that are not automatic or power-assisted shall be as shown in Fig. 25. The floor or ground area within the required clearances shall be level and clear.

EXCEPTION: Entry doors to acute care hospital bedrooms for in-patients shall be exempted from the requirement for space at the latch side of the door (see dimension "x" in Fig. 25) if the door is at least forty-four (44) inches (one thousand one hundred twenty (1,120) millimeters) wide.

4.13.7 Two Doors in Series. The minimum space between two (2) hinged or pivoted doors in series shall be forty-eight (48) inches (one thousand two hundred twenty (1,220) millimeters) plus the width of any door swinging into the space. Doors in series shall swing either in the same direction or away from the space between the doors (see Fig. 26).

4.13.8 Thresholds at Doorways. Thresholds at doorways shall not exceed three-fourths (¾) inch (nineteen (19) millimeters) in height for exterior sliding doors or one-half (½) inch (thirteen (13) millimeters) for other types of doors. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2 (see section 4.5.2).

4.13.9 Door Hardware. Handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy to grasp with one (1) hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and u-shaped handles are acceptable designs. When sliding doors are fully open, operating hardware shall be exposed and usable from both sides. Hardware required for accessible door passage shall be mounted no higher than forty-eight (48) inches (one thousand two hundred twenty (1,220) millimeters) above finished floor.

4.13.10 Door Closers. If a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of seventy (70) degrees, the door will take at least three (3) seconds to move to a point three (3) inches

(seventy-five (75) millimeters) from the latch, measured to the leading edge of the door.

4.13.11 Door Opening Force. The maximum force for pushing or pulling open a door shall be as follows:

Interior hinged doors 5 lbf (22.2N)

Sliding or folding door 5 lbf (22.2N)

EXCEPTION: Door assemblies used in wall assemblies to retard the passage of fire.

These forces do not apply to the force required to retract latch bolts or disengage other devices that may hold the door in a closed position.

4.13.12 Automatic Doors and Power-Assisted Doors. If an automatic door is used, then it shall comply with chapter 10 of the Indiana Building Code (675 IAC 13). Slowly opening, low powered, automatic doors shall comply with chapter 10 of the Indiana Building Code (675 IAC 13). Such doors shall not open to back check faster than three (3) seconds and shall require no more than fifteen (15) lbf (sixty-six and six-tenths (66.6) N) to stop door movement. If a power-assisted door is used, its door-opening force shall comply with section 4.13.11 and its closing shall conform to the requirements in chapter 10 of the Indiana Building Code (675 IAC 13).

4.14 Entrances.

4.14.1 Minimum Number. Entrances required to be accessible by section 4.1 shall be part of an accessible route complying with section 4.3. Such entrances shall be connected by an accessible route to public transportation stops, accessible parking and passenger loading zones, and public streets or sidewalks if available within the site where the Class 1 structure is located (see section 4.3.2(1)). They shall also be connected by an accessible route to all accessible spaces or elements within the building or facility.

4.14.2 Service Entrances. A service entrance shall not be the sole accessible entrance unless it is the only entrance to a building or facility, for example, in a factory or garage.

4.15 Drinking Fountains and Water Coolers.

4.15.1 Minimum Number. Drinking fountains or water coolers required to be accessible by section 4.1 shall comply with section 4.15.

4.15.2 Spout Height. Spouts shall be not higher than thirty-six (36) inches (nine hundred fifteen (915) millimeters), measured from the floor or ground surfaces to the spout outlet (see Fig. 27(a)).

4.15.3 Spout Location. The spouts of drinking fountains and water coolers shall be at the front of the unit and shall direct the water flow in a trajectory that is parallel or nearly parallel to the front of the unit. The spout shall provide a flow of water at least four (4) inches (one hundred (100) millimeters) high so as to allow the intersection of a cup or glass under the flow of water. On an accessible drinking fountain with a round or oval bowl, the spout must be positioned so the flow of water is within three (3) inches (seventy-five (75) millimeters) of the front edge of the fountain.

4.15.4 Controls. Unit controls shall be front-mounted or side-mounted near the front edge and comply with section 4.27.4.

4.15.5 Clearances.

(1) Wall and post-mounted cantilevered units shall have a clear knee space between the bottom of the apron and the floor or ground at least twenty-seven (27) inches (six hundred eighty-five (685) millimeters) high, thirty (30) inches (seven hundred sixty (760) millimeters) wide, and seventeen (17) inches to nineteen (19) inches (four hundred thirty (430) millimeters to four hundred eighty-five (485) millimeters) deep (see Fig. 27(a) and Fig. 27(b)). Such units shall also have a minimum clear floor space thirty (30) inches by forty-eight (48) inches (seven hundred sixty (760) millimeters by one thousand two hundred twenty (1,220) millimeters) to allow a person in a wheelchair to approach the unit facing forward.

(2) Free-standing or built-in units not having a clear space under them shall have a clear floor space at least thirty (30) inches by forty-eight (48) inches (seven hundred sixty (760) millimeters by one thousand two hundred twenty (1,220) millimeters) that allows a person in a wheelchair to make a parallel approach to the unit (see Fig. 27(c) and Fig. 27(d)). This clear floor space shall comply with section 4.2.4.

4.16 Water Closets.

4.16.1 General. Accessible water closets shall comply with section 4.16.

4.16.2 Clear Floor Space. Clear floor space for water closets not in stalls shall comply with Fig. 28. Clear floor space may be arranged to allow either a left-handed or right-handed approach.

4.16.3 Height. The height of water closets shall be seventeen (17) inches to nineteen (19) inches (four hundred thirty (430) millimeters to four hundred eighty-five (485) millimeters), measured to the top of the toilet seat (see Fig. 29(b)). Seats shall not be sprung to return to a lifted position.

4.16.4 Grab Bars. Grab bars for water closets not located in stalls shall comply with section 4.26 and Fig. 29. The grab bar behind the water closet shall be thirty-six (36) inches (nine hundred fifteen (915) millimeters) minimum.

4.16.5 Flush Controls. Flush controls shall be hand-operated or automatic and shall comply with section 4.27.4. Controls for flush valves shall be mounted on the wide side of toilet areas no more than forty-four (44) inches (one thousand one hundred twenty (1,120) millimeters) above the floor.

4.17 Toilet Stalls.

4.17.1 Location. Accessible toilet stalls shall be on an accessible route and shall meet the requirements of section 4.17.

4.17.2 Water closets. Water closets in accessible stalls shall comply with section 4.16.

4.17.3 Size and Arrangement. The size and arrangement of the standard toilet stall shall comply with Fig. 30(a),

Standard Stall. Standard toilet stalls with a minimum depth of fifty-six (56) inches (one thousand four hundred twenty (1,420) millimeters) (see Fig. 30(a)) shall have wall-mounted water closets. If the depth of a standard toilet stall is increased at least three (3) inches (seventy-five (75) millimeters), then a floor-mounted water closet may be used. Arrangements shown for standard toilet stalls may be reversed to allow either a left-hand or right-hand approach. Additional stalls shall be provided in conformance with section 4.22.4.

4.17.4 Toe Clearances. In standard stalls, the front partition and at least one (1) side partition shall provide a toe clearance of at least nine (9) inches (two hundred thirty (230) millimeters) above the floor. If the depth of the stall is greater than sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters), then the toe clearance is not required.

4.17.5 Doors. Toilet stall doors, including door hardware, shall comply with section 4.13. If the toilet stall approach is from the latch side of the stall door, clearance between the door side of the stall and any obstruction may be reduced to a minimum of forty-two (42) inches (one thousand sixty-five (1,065) millimeters) (Fig. 30).

4.17.6 Grab Bars. Grab bars complying with the length and positioning shown in Fig. 30(a), Fig. 30(d), and Fig. 30(c) shall be provided. Grab bars may be mounted with any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required clear floor area. Grab bars shall comply with section 4.26.

4.18 Urinals.

4.18.1 General. Accessible urinals shall comply with section 4.18.

4.18.2 Height. Urinals shall be stall-type or wall-hung with an elongated rim at a maximum of seventeen (17) inches (four hundred thirty (430) millimeters) above the finish floor.

4.18.3 Clear Floor Space. A clear floor space thirty (30) inches by forty-eight (48) inches (seven hundred sixty (760) millimeters by one thousand two hundred twenty (1,220) millimeters) shall be provided in front of urinals to allow forward approach. This clear space shall adjoin or overlap an accessible route and shall comply with section 4.2.4. Urinal shields that do not extend beyond the front edge of the urinal rim may be provided with twenty-nine (29) inches (seven hundred thirty-five (735) millimeters) clearance between them.

4.18.4 Flush Controls. Flush controls shall be hand-operated or automatic and comply with section 4.27.4 and be mounted no more than forty-four (44) inches (one thousand one hundred twenty (1,120) millimeters) above the finish floor.

4.19 Lavatories and Mirrors.

4.19.1 General. The requirements of section 4.19 shall apply to lavatory fixtures, vanities, mirrors, and built-in lavatories.

4.19.2 Height and Clearances. Lavatories shall be mounted with the rim or counter surface no higher than thirty-four (34) inches (eight hundred sixty-five (865) millimeters) above the finish floor and provide a clearance of at least twenty-nine (29) inches (seven hundred thirty-five (735) millimeters) above the finish floor to the bottom of the apron. Knee and toe clearance shall comply with Fig. 31.

4.19.3 Clear Floor Space. A clear floor space thirty (30) inches by forty-eight (48) inches (seven hundred sixty (760) millimeters by one thousand two hundred twenty (1,220) millimeters) complying with section 4.2.4 shall be provided in front of a lavatory to allow forward approach. Such clear floor space shall adjoin or overlap an accessible route and shall extend a maximum of nineteen (19) inches (four hundred eighty-five (485) millimeters) underneath the lavatory (see Fig. 32).

4.19.4 Exposed Pipes and Surfaces. Hot water and drain pipes under lavatories shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories.

4.19.5 Faucets. Faucets shall comply with section 4.27.4. Lever-operated, push-type, and electronically controlled mechanisms are examples of acceptable designs. If self-closing valves are used, the faucet shall remain open for at least ten (10) seconds.

4.19.6 Mirrors. Mirrors shall be mounted with the bottom edge of the reflecting surface no higher than forty (40) inches (one thousand fifteen (1,015) millimeters) above the finish floor (see Fig. 31).

4.20 Bathtubs.

4.20.1 General. Accessible bathtubs shall comply with section 4.20.

4.20.2 Floor Space. Clear floor space in front of bathtubs shall be as shown in Fig. 33.

4.20.3 Seat. An in-tub seat or a seat at the head end of the tub shall be provided as shown in Fig. 33 and Fig. 34. The structural strength of seats and their attachments shall comply with section 4.26.3. Seats shall be mounted securely and shall not slip during use.

4.20.4 Grab Bars. Grab bars complying with section 4.26 shall be provided as shown in Fig. 33 and Fig. 34.

4.20.5 Controls. Faucets and other controls complying with section 4.27.4 shall be located as shown in Fig. 34.

4.20.6 Shower Unit. A shower spray unit with a hose at least sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters) long that can be used both as a fixed shower head and as a hand-held shower shall be provided.

4.20.7 Bathtub Enclosures. If provided, enclosures for bathtubs shall not obstruct controls or transfer from wheelchairs onto bathtub seats or into tubs. Enclosures on bathtubs shall not have tracks mounted on their rims.

4.21 Shower Stalls.

4.21.1 General. Accessible shower stalls shall comply with section 4.21.

4.21.2 Size and Clearance. Except as specified in section 9.1.2, shower stall size and clear floor space shall comply

with Fig. 35(a) or 35(b). The shower stall in Fig. 35(a) shall be thirty-six (36) inches by thirty-six (36) inches (nine hundred fifteen (915) millimeters by nine hundred fifteen (915) millimeters). Shower stalls required by section 9.1.2 shall comply with Fig. 57(a) or 57(b). The shower stall in Fig. 35(b) will fit into the space required for a bathtub.

4.21.3 Seat. A seat shall be provided in shower stalls thirty-six (36) inches by thirty-six (36) inches (nine hundred fifteen (915) millimeters by nine hundred fifteen (915) millimeters) and shall be as shown in Fig. 36. The seat shall be mounted seventeen (17) inches to nineteen (19) inches (four hundred thirty (430) millimeters to four hundred eighty-five (485) millimeters) from the bathroom floor and shall extend the full depth of the stall. In a thirty-six (36) inch by thirty-six (36) inch (nine hundred fifteen (915) millimeters by nine hundred fifteen (915) millimeters) shower stall, the seat shall be on the wall opposite the controls. Where a fixed seat is provided in a thirty (30) inch by sixty (60) inch minimum (seven hundred sixty (760) millimeters by one thousand five hundred twenty-five (1,525) millimeters) shower stall, it shall be a folding type and shall be mounted on the wall adjacent to the controls as show in Fig. 57. The structural strength of seats and their attachments shall comply with section 4.26.3.

4.21.4 Grab Bars. Grab bars complying with section 4.26 shall be provided as shown in Fig. 37.

4.21.5 Controls. Faucets and other controls complying with section 4.27.4 shall be located as shown in Fig. 37. In shower stalls thirty-six (36) inches by thirty-six (36) inches (nine hundred fifteen (915) millimeters by nine hundred fifteen (915) millimeters), all controls, faucets, and the shower unit shall be mounted on the side wall opposite the seat.

4.21.6 Shower Unit. A shower spray unit with a hose at least sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters) long that can be used both as a fixed shower head and as a hand-held shower shall be provided.

EXCEPTION: In unmonitored facilities where vandalism is a consideration, a fixed shower head mounted at forty-eight (48) inches (one thousand two hundred twenty (1,220) millimeters) above the shower floor may be used in lieu of a hand-held shower head.

4.21.7 Curbs. If provided, curbs in shower stalls thirty-six (36) inches by thirty-six (36) inches (nine hundred fifteen (915) millimeters by nine hundred fifteen (915) millimeters) shall be no higher than one-half (½) inch (thirteen (13) millimeters). Shower stalls that are thirty (30) inches by sixty (60) inches (seven hundred sixty (760) millimeters by one thousand five hundred twenty-five (1,525) millimeters) minimum shall not have curbs.

4.21.8 Shower Enclosures. If provided, enclosures for shower stalls shall not obstruct controls or transfer from wheelchairs onto shower seats.

4.22 Toilet Rooms.

4.22.1 Minimum Number. Toilet facilities required to be accessible by section 4.1 shall comply with section 4.22. Accessible toilet rooms shall be on an accessible route.

4.22.2 Doors. All doors to accessible toilet rooms shall comply with section 4.13. Doors shall not swing into the clear floor space required for any fixture.

4.22.3 Clear Floor Space. The accessible fixtures and controls required in sections 4.22.4, 4.22.5, 4.22.6, and 4.22.7 shall be on an accessible route. An unobstructed turning space complying with section 4.2.3 shall be provided within an accessible toilet room. The clear floor space at fixtures and controls, the accessible route, and the turning space may overlap.

4.22.4 Water Closets. If toilet stalls are provided, then at least one (1) shall be a standard toilet stall complying with section 4.17; where six (6) or more stalls are provided, in addition to the stall complying with section 4.17.3, at least one (1) stall thirty-six (36) inches (nine hundred fifteen (915) millimeters) wide with an outward swinging, self-closing door and parallel grab bars complying with Fig. 30(d) and section 4.26 shall be provided. Water closets in such stalls shall comply with section 4.16. If water closets are not in stalls, then at least one (1) shall comply with section 4.16.

4.22.5 Urinals. If urinals are provided, then at least one (1) shall comply with section 4.18.

4.22.6 Lavatories and Mirrors. If lavatories and mirrors are provided, then at least one (1) shall comply with section 4.19.

4.22.7 Controls and Dispensers. If controls, dispensers, receptacles, or other equipment are provided, then at least one (1) of each shall be on an accessible route and shall comply with section 4.27.

4.23 Bathrooms, Bathing Facilities, and Shower Rooms.

4.23.1 Minimum Number. Bathrooms, bathing facilities, or shower rooms required to be accessible by section 4.1 shall comply with section 4.23 and shall be on an accessible route.

4.23.2 Doors. Doors to accessible bathrooms shall comply with section 4.13. Doors shall not swing into the floor space required for any fixture.

4.23.3 Clear Floor Space. The accessible fixtures required in sections 4.23.4, 4.23.5, 4.23.6, 4.23.7, 4.23.8, and 4.23.9 shall be on an accessible route. An unobstructed turning space complying with section 4.2.3 shall be provided within an accessible bathroom. The clear floor spaces at fixtures and controls, the accessible route, and the turning space may overlap.

4.23.4 Water Closets. If toilet stalls are provided, then at least one (1) shall be a standard toilet stall complying with section 4.17; where six (6) or more stalls are provided, in addition to the stall complying with section 4.17.3, at least one (1) stall thirty-six (36) inches (nine hundred fifteen (915) millimeters) wide with an outward swinging, self-closing door and parallel grab bars complying with Fig. 30(d) and section 4.26 shall be provided. Water closets in such stalls shall comply with section 4.16. If water closets are not in stalls, then at least one (1) shall comply with section 4.16.

4.23.5 Urinals. If urinals are provided, then at least one (1) shall comply with section 4.18.
4.23.6 Lavatories. If lavatories are provided, then at least one (1) shall comply with section 4.19.
4.23.7 Controls and dispensers. If controls, dispensers, receptacles, or other equipment are provided, then at least one (1) of each shall be on an accessible route and shall comply with section 4.27.
4.23.8 Bathing and Shower Facilities. If tubs or showers are provided, then at least one (1) accessible tub that complies with section 4.20 or at least one (1) accessible shower that complies with *[section]* 4.21 shall be provided.
4.23.9 Medicine Cabinets. If medicine cabinets are provided, at least one (1) shall be located with a usable shelf no higher than forty-four (44) inches (one thousand one hundred twenty (1,120) millimeters) above the floor space. The floor space shall comply with *[section]* 4.2.4.
4.24 Sinks.
4.24.1 General. Sinks required to be accessible by section 4.1 shall comply with section 4.24.
4.24.2 Height. Sinks shall be mounted with the counter or rim no higher than thirty-four (34) inches (eight hundred sixty-five (865) millimeters) above the finish floor.
4.24.3 Knee Clearance. Knee clearance that is at least twenty-seven (27) inches (six hundred eighty-five (685) millimeters) high, thirty (30) inches (seven hundred sixty (760) millimeters) wide, and nineteen (19) inches (four hundred eighty-five (485) millimeters) deep shall be provided underneath sinks.
4.24.4 Depth. Each sink shall be a maximum of six and one-half (6½) inches (one hundred sixty-five (165) millimeters) deep.
4.24.5 Clear Floor Space. A clear floor space at least thirty (30) inches by forty-eight (48) inches (seven hundred sixty (760) millimeters by one thousand two hundred twenty (1,220) millimeters) complying with section 4.2.4 shall be provided in front of a sink to allow forward approach. The clear floor space shall be on an accessible route and shall extend a maximum of nineteen (19) inches (four hundred eighty-five (485) millimeters) underneath the sink (see Fig. 32).
4.24.6 Exposed Pipes and Surfaces. Hot water and drain pipes exposed under sinks shall be insulated or otherwise configured so as to protect against contact. There shall be no sharp or abrasive surfaces under sinks.
4.24.7 Faucets. Faucets shall comply with section 4.27.4. Lever-operated, push-type, touch-type, or electronically controlled mechanisms are acceptable designs.
4.25 Storage.
4.25.1 General. Fixed storage facilities such as cabinets, shelves, closets, and drawers required to be accessible by section 4.1 shall comply with section 4.25.
4.25.2 Clear Floor Space. A clear floor space at least thirty (30) inches by forty-eight (48) inches (seven hundred sixty (760) millimeters by one thousand two hundred twenty (1,220) millimeters) complying with section 4.2.4 that allows either a forward or parallel approach by a person using a wheelchair shall be provided at accessible storage facilities.
4.25.3 Height. Accessible storage spaces shall be within at least one (1) of the reach ranges specified in sections 4.2.5 and 4.2.6 (see Fig. 5 and Fig. 6). Clothes rod shelves shall be a maximum of fifty-four (54) inches (one thousand three hundred seventy (1,370) millimeters) above the finish floor for a side approach. Where the distance from the wheelchair to the clothes rod or shelf exceeds ten (10) inches (two hundred fifty-five (255) millimeters) (as in closets without accessible doors), the height and depth to the rod or shelf shall comply with Fig. 38(a) and Fig. 38(b).
4.25.4 Hardware. Hardware for accessible storage facilities shall comply with section 4.27.4. Touch latches and U-shaped pulls are acceptable.
4.26 Handrails, Grab Bars, and Tub and Shower Seats.
4.26.1 General. All handrails, grab bars, and tub and shower seats required to be accessible by 4.1, 4.8, 4.9, 4.16, 4.17, 4.20, or 4.21 shall comply with section 4.26.
4.26.2 Size and Spacing of Grab Bars and Handrails. The diameter or width of the gripping surfaces of a handrail or grab bar shall be one and one-fourth (1¼) inches to one and one-half (1½) inches (thirty-two (32) millimeters to thirty-eight (38) millimeters), or the shape shall provide an equivalent gripping surface. If handrails or grab bars are mounted adjacent to a wall, the space between the wall and the grab bar shall be one and one-half (1½) inches (thirty-eight (38) millimeters) (see Fig. 39(a), Fig. 39(b), Fig. 39(c), and Fig. 39(e)). Handrails may be located in a recess if the recess is a maximum of three (3) inches (seventy-five (75) millimeters) deep and extends at least eighteen (18) inches (four hundred fifty-five (455) millimeters) above the top of the rail (see Fig. 39(d)).
4.26.3 Structural Strength. The structural strength of grab bars, tub and shower seats, fasteners, and mounting devices shall meet the following specifications:
(1) Bending stress in a grab bar or seat induced by the maximum bending moment from the application of two hundred fifty (250) lbf (one thousand one hundred twelve (1,112) N) shall be less than the allowable stress for the material of the grab bar or seat.
(2) Shear stress induced in a grab bar or seat by the application of two hundred fifty (250) lbf (one thousand one hundred twelve (1,112) N) shall be less than the allowable shear stress for the material of the grab bar or seat. If the connection between the grab bar or seat and its mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stress shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.
(3) Shear forced induced in a fastener or mounting device from the application of two hundred fifty (250) lbf (one thousand one hundred twelve (1,112) N) shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

(4) Tensile force induced in a fastener by a direct tension force of two hundred fifty (250) lbf (one thousand one hundred twelve (1,112) N) plus the maximum moment from the application of two hundred fifty (250) lbf (one thousand one hundred twelve (1,112) N) shall be less than the allowable withdrawal load between the fastener and the supporting structure.

(5) Grab bars shall not rotate within their fittings.

4.26.4 Eliminating Hazards. A handrail or grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of one-eighth (c) inch (three and two-tenths (3.2) millimeters).

4.27 Controls and Operating Mechanisms.

4.27.1 General. Controls and operating mechanisms required to be accessible by section 4.1 shall comply with section 4.27.

4.27.2 Clear Floor Space. Clear floor space complying with section 4.2.4 that allows a forward or a parallel approach by a person using a wheelchair shall be provided at controls, dispensers, receptacles, and other operable equipment.

4.27.3 Height. The highest operable part of controls, dispensers, receptacles, and other operable equipment shall be placed within at least one (1) of the reach ranges specified in sections 4.2.5 and 4.2.6. Electrical and communications system receptacles on walls shall be mounted no less than fifteen (15) inches (three hundred eighty (380) millimeters) above the floor.

EXCEPTION: These requirements do not apply where the use of special equipment dictates otherwise or where electrical and communications systems receptacles are not normally intended for use by building occupants.

4.27.4 Operation. Controls and operating mechanisms shall be operable with one (1) hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than five (5) lbf (twenty-two and two-tenths (22.2) N).

4.28 Alarms.

4.28.1 General. Alarm systems, if provided, that are required to be accessible by section 4.1 shall comply with section 4.28. At a minimum, visual signal appliances shall be provided in buildings and facilities in each of the following areas:

(1) Rest rooms.

(2) Any other general usage areas, such as:

(A) meeting rooms;

(B) hallways;

(C) lobbies; and

(D) any other area for common use.

4.28.2 Audible Alarms. If provided, audible emergency alarms shall produce a sound that exceeds the prevailing equivalent sound level in the room or space by at least fifteen (15) dbA or exceeds any maximum sound level with a duration of sixty (60) seconds by five (5) dbA, whichever is louder. Sound levels for alarm signals shall not exceed one hundred twenty (120) dbA.

4.28.3 Visual Alarms. Visual alarm signal appliances shall be integrated into the building or facility alarm system. If single station audible alarms are provided, then single station visual alarm signals shall be provided. Visual alarm signals shall have the following minimum photometric and location features:

(1) The lamp shall be a xenon strobe type or equivalent.

(2) The color shall be clear or nominal white (i.e., unfiltered or clear filtered white light).

(3) The maximum pulse duration shall be two-tenths (0.2) of one (1) second with a maximum duty cycle of forty percent (40%). The pulse duration is defined as the time interval between initial and final points of ten percent (10%) of maximum signal.

(4) The intensity shall be a minimum of seventy-five (75) candela.

(5) The flash rate shall be a minimum of one (1) hertz and maximum of three (3) hertz.

(6) The appliance shall be placed eighty (80) inches (two thousand thirty (2,030) millimeters) above the highest floor level within the space or six (6) inches (one hundred fifty-two (152) millimeters) below the ceiling, whichever is lower.

(7) In general, no place in any room or space required to have a visual signal appliance shall be more than fifty (50) feet (fifteen (15) meters) from the signal (in the horizontal plane). In large rooms and spaces exceeding one hundred (100) feet (thirty (30) meters) across, without obstructions six (6) feet (two (2) meters) above the finish floor, such as auditoriums, devices may be placed around the perimeter, spaced a maximum one hundred (100) feet (thirty (30) meters) apart, in lieu of suspending appliances from the ceiling.

(8) No place in common corridors or hallways in which visual alarm signaling appliances are required shall be more than fifty (50) feet (fifteen (15) meters) from the signal.

4.28.4 Auxiliary Alarms. Dwelling units and sleeping accommodations shall have a visual alarm connected to the building emergency alarm system or shall have a standard one hundred ten (110) volt electrical receptacle into which such an alarm can be connected and a means by which a signal from the building emergency alarm system can trigger such an auxiliary alarm. When visual alarms are in place, the signal shall be visible in all areas of the unit or room. Instructions for use of the auxiliary alarm or receptacle shall be provided.

4.29 (Reserved.)

4.30 Signage.

4.30.1 General. Signage required to be accessible by section 4.1 shall comply with the applicable provisions of section 4.30.

4.30.2 Character Proportion. Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10.

4.30.3 Character Height. Characters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum height is measured using an uppercase X. Lowercase characters are permitted.

Height Above Finished Floor	Minimum Character Height
Suspended or projected overhead in compliance with section 4.4.2	3 in. (75 mm) minimum

4.30.4 Raised and Brailled Characters and Pictorial Symbol Signs (Pictograms). Letters and numerals shall be raised one thirty-second ($^1/_{32}$) inch, uppercase, sans serif, or simple serif type and shall be accompanied with Grade 2 braille. Raised characters shall be at least five-eighths (e) inch (sixteen (16) millimeters) high, but no higher than two (2) inches (fifty (50) millimeters). Pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram. The border dimension of the pictogram shall be six (6) inches (one hundred fifty-two (152) millimeters) minimum in height.

4.30.5 Finish and Contrast. The characters and background of signs shall be eggshell, matte, or other nonglare finish. Characters and symbols shall contrast with their background, either light characters on a dark background or dark characters on a light background.

4.30.6 Mounting Location and Height. Where permanent identification is provided for rooms and spaces, signs shall be installed on the wall adjacent to the latch side of the door. Where there is no wall space to the latch side of the door, including at double leaf doors, signs shall be placed on the nearest adjacent wall. Mounting height shall be sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters) above the finish floor to the centerline of the sign. Mounting location for such signage shall be so that a person may approach within three (3) inches (seventy-six (76) millimeters) of signage without encountering protruding objects or standing within the swing of a door.

4.30.7 Symbols of Accessibility.

(1) Facilities and elements required to be identified as accessible by section 4.1 shall use the international symbol of accessibility. The symbol shall be displayed as shown in Fig. 43(a) and Fig. 43(b).

(2) Volume Control Telephones. Telephones required to have a volume control by *[section]* 4.1.3(17)(b) shall be identified by a sign containing a depiction of a telephone handset with radiating sound waves.

(3) Text Telephones. Text telephones required by section 4.1.3(17)(c) shall be identified by the international TDD symbol (Fig 43(c)). In addition, if a facility has a public text telephone, directional signage indicating the location of the nearest text telephone shall be placed adjacent to all banks of telephones which do not contain a text telephone. Such directional signage shall include the international TDD symbol. If a facility has no banks of telephones, the directional signage shall be provided at the entrance (e.g., in a building directory).

(4) Assistive Listening Systems. In assembly areas where permanently installed assistive listening systems are required by section 4.1.3(19)(b), the availability of such systems shall be identified with signage that includes the international symbol of access for hearing loss (Fig. 43(d)).

4.30.8 (Reserved.)

4.31 Telephones.

4.31.1 General. Public telephones required to be accessible by section 4.1 shall comply with section 4.31.

4.31.2 Clear Floor or Ground Space. A clear floor or ground space at least thirty (30) inches by forty-eight (48) inches (seven hundred sixty (760) millimeters by one thousand two hundred twenty (1,220) millimeters) that allows either a forward or parallel approach by a person using a wheelchair shall be provided at telephones (see Fig. 44). The clear floor or ground space shall comply with section 4.2.4. Bases, enclosures, and fixed seats shall not impede approaches to telephones by people who use wheelchairs.

4.31.3 Mounting Height. The highest operable part of the telephone shall be within the reach ranges specified in section 4.2.5 or 4.2.6.

4.31.4 Protruding Objects. Telephones shall comply with section 4.4.

4.31.5 Hearing Aid Compatible and Volume Control Telephones Required by 4.1.

(1) Telephones shall be hearing aid compatible.

(2) Volume controls, capable of a minimum of twelve (12) dbA and a maximum of eighteen (18) dbA above normal shall be provided in accordance with *[section]* 4.1.3. If an automatic reset is provided then eighteen (18) dbA may be exceeded.

4.31.6 Controls. Telephones shall have pushbutton controls where service for such equipment is available.

4.31.7 Telephone Books. Telephone books, if provided, shall be located in a position that complies with the reach ranges specified in sections 4.2.5 and 4.2.6.

4.31.8 Cord Length. The cord from the telephone to the handset shall be at least twenty-nine (29) inches (seven hundred and thirty-five (735) millimeters) long.

4.31.9 Text Telephones Required by section 4.1.

(1) Text telephones used with a pay telephone shall be permanently affixed within, or adjacent to, the telephone enclosure. If an acoustic coupler is used, the telephone cord shall be sufficiently long to allow connection of the text telephone and the telephone receiver.

(2) Pay telephones designed to accommodate a portable text telephone shall be equipped with a shelf and an electrical outlet within or adjacent to the telephone enclosure. The telephone handset shall be capable of being placed flush on the surface of the shelf. The shelf shall be capable of accommodating a text telephone and shall have six (6) inches (one hundred fifty-two (152) millimeters) minimum vertical clearance in the area where the text telephone is to be placed.

(3) Equivalent facilitation may be provided. For example, a portable text telephone may be made available in a hotel at the registration desk if it is available on a twenty-four (24) hour basis for use with nearby public pay telephones. In this instance, at least one (1) pay telephone shall comply with paragraph 2 of this section. In addition, if an acoustic coupler is used, the telephone handset cord shall be sufficiently long so as to allow connection of the text telephone and the telephone receiver. Directional signage shall be provided and shall comply with section 4.30.7.

4.32 Fixed or Built-in Seating and Tables.

4.32.1 Minimum Number. Fixed or built-in seating or tables required to be accessible by section 4.1 shall comply with section 4.32.

4.32.2 Seating. If seating spaces for people in wheelchairs are provided at fixed tables or counters, clear floor space complying with section 4.2.4 shall be provided. Such clear floor space shall not overlap knee space by more than nineteen (19) inches (four hundred eighty-five (485) millimeters) (see Fig. 45).

4.32.3 Knee Clearances. If seating for people in wheelchairs is provided at tables or counters, knee spaces at least twenty-seven (27) inches (six hundred eighty-five (685) millimeters) high, thirty (30) inches (seven hundred sixty (760) millimeters) wide, and nineteen (19) inches (four hundred eighty-five (485) millimeters) deep shall be provided (see Fig. 45).

4.32.4 Height of Tables or Counters. The tops of accessible tables and counters shall be from twenty-eight (28) inches to thirty-four (34) inches (seven hundred ten (710) millimeters to eight hundred sixty-five (865) millimeters) above the finish floor or ground.

4.33 Assembly Areas.

4.33.1 Minimum Number. Assembly and associated areas required to be accessible by section 4.1 shall comply with section 4.33.

4.33.2 Size of Wheelchair Locations. Each wheelchair location shall provide minimum clear ground or floor spaces as shown in Fig. 46.

4.33.3 Placement of Wheelchair Locations. Wheelchair areas shall be an integral part of any fixed seating plan and shall be provided so as to provide people with physical disabilities a choice of admission prices and lines of sight comparable to those for members of the general public. They shall adjoin an accessible route that also serves as a means of egress in case of emergency. At least one (1) companion fixed seat shall be provided next to each wheelchair seating area. When the seating capacity exceeds three hundred (300), wheelchair spaces shall be provided in more than one (1) location. Readily removable seats may be installed in wheelchair spaces when the spaces are not required to accommodate wheelchair users.

EXCEPTION: Accessible viewing positions may be clustered for bleachers, balconies, and other areas having sight lines that require slopes of greater than five percent (5%). Equivalent accessible viewing positions may be located on levels having accessible egress.

4.33.4 Surfaces. The ground or floor at wheelchair locations shall be level and shall comply with section 4.5.

4.33.5 Access to Performing Areas. An accessible route shall connect wheelchair seating and locations with performing areas, including stages, arena floors, dressing rooms, locker rooms, and other spaces used by performers.

4.33.6 Placement of Listening Systems. If the listening system provided serves individual fixed seats, then such seats shall be located within a fifty (50) foot (fifteen (15) meters) viewing distance of the stage or playing area and shall have a complete view of the stage or playing area.

4.33.7 Types of Listening Systems. Assistive listening systems (ALS) are intended to augment standard public address and audio systems by providing signals which can be received directly by persons with special receivers or their own hearing aids and which eliminate or filter background noise. The type of assistive listening system appropriate for a particular application depends on the characteristics of the setting, the nature of the program, and the intended audience. Magnetic induction loops, infrared, and radio frequency systems are types of listening systems which are appropriate for various applications.

4.34 Automated Teller Machines.

4.34.1 General. Each machine required to be accessible by section 4.1.3 shall be on an accessible route and shall comply with section 4.34.

4.34.2 Controls. Controls for user activation shall comply with the requirements of section 4.27.

4.34.3 Clearances and Reach Range. Free standing or built-in units not having a clear space under them shall comply with sections 4.27.2 and 4.27.3 and provide for a parallel approach and both a forward and side reach to the unit allowing a person in a wheelchair to access the controls and dispensers.

4.34.4 Equipment for Persons with Vision Impairments. Instructions and all information for use shall be made accessible to and independently usable by persons with vision impairments.

4.35 Dressing and Fitting Rooms.

4.35.1 General. Dressing and fitting rooms required to be accessible by section 4.1 shall comply with section 4.35 and shall be on an accessible route.

4.35.2 Clear Floor Space. A clear floor space allowing a person using a wheelchair to make a one hundred eighty (180) degree turn shall be provided in every accessible dressing room entered through a swinging or sliding door. No door shall swing into any part of the turning space. Turning space shall not be required in a private dressing room entered through a curtained opening at least thirty-two (32) inches (eight hundred fifteen (815) millimeters) wide if clear floor space complying with section 4.2 renders the dressing room usable by a person using a wheelchair.

4.35.3 Doors. All doors to accessible dressing rooms shall be in compliance with section 4.13.

4.35.4 Bench. Every accessible dressing room shall have a twenty-four (24) inch by forty-eight (48) inch (six hundred ten (610) millimeters by one thousand two hundred twenty (1,220) millimeters) bench fixed to the wall along the longer dimension. The bench shall be mounted seventeen (17) inches to nineteen (19) inches (four hundred thirty (430) millimeters to four hundred eighty-five (485) millimeters) above the finish floor. Clear floor space shall be provided alongside the bench to allow a person using a wheelchair to make a parallel transfer onto the bench. The structural strength of the bench and attachments shall comply with section 4.26.3. Where installed in conjunction with showers, swimming pools, or other wet locations, water shall not accumulate upon the surface of the bench and the bench shall have a slip-resistant surface.

4.35.5 Mirror. Where mirrors are provided in dressing rooms of the same use, then in an accessible dressing room, a full-length mirror, measuring at least eighteen (18) inches wide by fifty-four (54) inches high (four hundred sixty (460) millimeters by one thousand three hundred seventy (1,370) millimeters) shall be mounted in a position affording a view to a person on the bench as well as to a person in a standing position.

5.0 Restaurants and Cafeterias.

5.1 General. Except as specified or modified in this section, restaurants and cafeterias shall comply with the requirements of sections 4.1 to 4.35. Where fixed tables (or dining counters where food is consumed but there is no service) are provided, at least five percent (5%), but not less than one (1), of the fixed tables (or a portion of the dining counter) shall be accessible and shall comply with section 4.32 as required in section 4.1.3(18). In establishments where separate areas are designated for smoking and nonsmoking patrons, the required number of accessible fixed tables (or counters) shall be proportionally distributed between the smoking and nonsmoking areas. Accessible fixed tables (or counters) shall be distributed throughout the space or facility.

5.2 Counters and Bars. Where food or drink is served at counters exceeding thirty-four (34) inches (eight hundred sixty-five (865) millimeters) in height for consumption by customers seated on stools or standing at the counter, a portion of the main counter which is sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters) in length minimum shall be provided in compliance with section 4.32 or service shall be available at accessible tables within the same area.

5.3 Access Aisles. All accessible fixed tables shall be accessible by means of an access aisle at least thirty-six (36) inches (nine hundred fifteen (915) millimeters) clear between parallel edges of tables or between a wall and the table edges.

5.4 Dining Areas. All dining areas, including raised or sunken dining areas, loggias, and outdoor seating areas, shall be accessible. In nonelevator buildings, an accessible means of vertical access to the mezzanine is not required under the following conditions:

(1) The area of mezzanine seating measures no more than thirty-three percent (33%) of the area of the total accessible seating area.

(2) The same services and decor are provided in an accessible space usable by the general public.

(3) The accessible areas are not restricted to use by people with disabilities.

5.5 Food Service Lines. Food service lines shall have a minimum clear width of thirty-six (36) inches (nine hundred fifteen (915) millimeters), with a preferred clear width of forty-two (42) inches (one thousand sixty-five (1,065) millimeters) to allow passage around a person using a wheelchair. Tray slides shall be mounted no higher than thirty-four (34) inches (eight hundred sixty-five (865) millimeters) above the floor (see Fig. 53). If self-service shelves are provided, at least fifty percent (50%) of each type must be within reach ranges specified in sections 4.2.5 and 4.2.6.

5.6 Tableware and Condiment Areas. Self-service shelves and dispensing devices for tableware, dishware, condiments, food, and beverages shall be installed to comply with section 4.2 (see Fig. 54).

5.7 Raised Platforms. In banquet rooms or spaces where a head table or speaker's lectern is located on a raised platform, the platform shall be accessible in compliance with section 4.8 or 4.11. Open edges of a raised platform shall be protected by placement of tables or by a curb.

5.8 Vending Machines and Other Equipment. Spaces for vending machines and other equipment shall comply with section 4.2 and shall be located on an accessible route.

5.9 (Reserved.)

6.0 Medical Care Facilities.

6.1 General. Medical care facilities included in this section are those in which people receive physical or medical treatment or care and where persons may need assistance in responding to an emergency and where the period of stay may exceed twenty-four (24) hours. In addition to the requirements of sections 4.1 through 4.35, medical care facilities and buildings shall comply with section 6.0.

(1) Hospitals: General Purpose Hospitals, Psychiatric Facilities, Detoxification Facilities. At least ten percent (10%) of patient bedrooms and toilets and all public use and common use areas are required to be designed and constructed to be accessible.

(2) Hospitals and Rehabilitation Facilities that Specialize in Treating Conditions that Affect Mobility, or Units Within Either that Specialize in Treating Conditions that Affect Mobility. All patient bedrooms and toilets and all public use and common use areas are required to be designed and constructed to be accessible.

(3) Long Term Care Facilities, Nursing Homes. At least fifty percent (50%) of patient bedrooms and toilets and all public use and common use areas are required to be designed and constructed to be accessible.

(4) (Reserved.)

6.2 Entrances. At least one (1) accessible entrance that complies with section 4.14 shall be protected from the weather by canopy or roof overhang. Such entrances shall incorporate a passenger loading zone that complies with section 4.6.6.

6.3 Patient Bedrooms. Provide accessible patient bedrooms in compliance with sections 4.1 through 4.35. Accessible patient bedrooms shall comply with the following:

(1) Each bedroom shall have a door that complies with section 4.13.

EXCEPTION: Entry doors to acute care hospital bedrooms for in-patients shall be exempted from the requirement in section 4.13.6 for maneuvering space at the latch side of the door if the door is at least forty-four (44) inches (one thousand one hundred twenty (1,120) millimeters) wide.

(2) Each bedroom shall have adequate space to provide a maneuvering space that complies with section 4.2.3.

(3) Each bedroom shall have adequate space to provide a minimum clear floor space of thirty-six (36) inches (nine hundred fifteen (915) millimeters) along each side of the bed and to provide an accessible route complying with section 4.3.3 to each side of each bed.

6.4 Patient Toilet Rooms. Where toilet/bath rooms are provided as a part of a patient bedroom, each patient bedroom that is required to be accessible shall have an accessible toilet/bath room that complies with section 4.22 or section 4.23 and shall be on an accessible route.

7.0 Business and Mercantile.

7.1 General. In addition to the requirements of sections 4.1 to 4.35, the design of all areas used for business transactions with the public shall comply with section 7.0.

7.2 Sales and Service Counters, Teller Windows, Information Counters.

(1) In department stores and miscellaneous retail stores where counters have cash registers and are provided for sales or distribution of goods or services to the public, at least one (1) of each type shall have a portion of the counter which is at least thirty-six (36) inches (nine hundred fifteen (915) millimeters) in length with a maximum height of thirty-six (36) inches (nine hundred fifteen (915) millimeters) above the finish floor. It shall be on an accessible route complying with section 4.3. The accessible counters must be dispersed throughout the building or facility.

(2) At ticketing counters, teller stations in a bank, registration counters in hotels and motels, box office ticket counters, and other counters that may not have a cash register but at which goods or services are sold or distributed, either:

(i) a portion of the main counter which is a minimum of thirty-six (36) inches (nine hundred fifteen (915) millimeters) in length shall be provided with a maximum height of thirty-six (36) inches (nine hundred fifteen (915) millimeters); or

(ii) an auxiliary counter with a maximum height of thirty-six (36) inches (nine hundred fifteen (915) millimeters) in close proximity to the main counter shall be provided; or

(iii) equivalent facilitation shall be provided (e.g., at a hotel registration counter, equivalent facilitation might consist of: (1) provision of a folding shelf attached to the main counter on which an individual with disabilities can write, and (2) use of the space on the side of the counter or at the concierge desk, for handing materials back and forth).

All accessible sales and service counters shall be on an accessible route complying with *[section]* 4.3.

(3) Reserved.

7.3 Check-Out Aisles.

(1) Accessible check-out aisles shall be provided in conformance with the table below:

Total Check-Out Aisles of Each Design	Minimum Number of Accessible Check-Out Aisles (of each design)
1–4	1
5–8	2
8–15	3
Over 15	3, plus 20% of additional aisles

EXCEPTION: Where the selling space is under five thousand (5,000) square feet, only one (1) check-out aisle is required to be accessible.

Examples of check-out aisles of different "design" include those which are specifically designed to serve different functions. Different "design" includes, but is not limited to, the length of belt or no belt, or permanent signage designating the aisle as an express lane.

(2) Clear aisle width for accessible check-out aisles shall comply with section 4.2.1 and maximum adjoining counter height shall not exceed thirty-eight (38) inches (nine hundred sixty-five (965) millimeters) above the finish floor. The top of the lip shall not exceed forty (40) inches (one thousand fifteen (1,015) millimeters) above the finish floor.

(3) Signage identifying accessible check-out aisles shall comply with section 4.30.7 and shall be mounted above the check-out aisle in the same location where the check-out number or type of check-out is displayed.

7.4 Security Bollards. Any device used to prevent the removal of shopping carts from store premises shall not prevent access or egress to people in wheelchairs. An alternate entry that is equally convenient to that provided for the ambulatory population is acceptable.

8.0 Libraries.

8.1 General. In addition to the requirements of sections 4.1 to 4.35, the design of all public areas of a library shall comply with section 8.0, including reading and study areas, stacks, reference rooms, reserve areas, and special facilities or collections.

8.2 Reading and Study Areas. At least five percent (5%) or a

minimum of one (1) of each element of fixed seating, tables, or study carrels shall comply with sections 4.2 and 4.32. Clearances between fixed accessible tables and between study carrels shall comply with section 4.3.

8.3 Check-out Areas. At least one (1) lane at each check-out area shall comply with section 7.2(1). Any traffic control or book security gates or turnstiles shall comply with section 4.13.

8.4 Card Catalogs and Magazine Displays. Minimum clear aisle space at card catalogs and magazine displays shall comply with Fig. 55. Maximum reach height shall comply with section 4.2, with a height of forty-eight (48) inches (one thousand two hundred twenty (1,220) millimeters) preferred irrespective of approach allowed.

8.5 Stacks. Minimum clear aisle width between stacks shall comply with section 4.3, with a minimum clear aisle width of forty-two (42) inches (one thousand sixty-five (1,065) millimeters) preferred where possible. Shelf height in stack areas is unrestricted (see Fig. 56).

9.0 Accessible Transient Lodging. Except as specified in the special technical provisions of this section, accessible transient lodging shall comply with the applicable requirements of sections 4.1 through 4.35. Transient lodging includes facilities or portions thereof used for sleeping accommodations, when not classed as a medical care facility.

9.1 Hotels, Motels, Inns, Boarding Houses, Dormitories, Resorts, and Other Similar Places of Transient Lodging.

9.1.1 General. All public use and common use areas are required to be designed and constructed to comply with section 4.0.

EXCEPTION: Sections 9.1 through 9.4 do not apply to an establishment located within a building that contains not more than five (5) rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor.

9.1.2 Accessible Units, Sleeping Rooms, and Suites. Accessible sleeping rooms or suites that comply with the requirements of section 9.2 shall be provided in conformance with the table below. In addition, in hotels of fifty (50) or more sleeping rooms or suites that include roll-in showers shall also be provided in conformance with the table below. In addition, in hotels of fifty (50) or more sleeping rooms or suites, additional accessible sleeping rooms or suites that include a roll-in shower shall also be provided in conformance with the table below. Such accommodations shall comply with the requirements of sections 9.2, 4.21, and Fig. 57(a) or 57(b).

Number of Rooms	Accessible Rooms	Rooms with Roll-In Showers
1 to 25	1	
26 to 50	2	
51 to 75	3	1
76 to 100	4	1
101 to 150	5	2
151 to 200	6	2
201 to 300	7	3
301 to 400	8	4
401 to 500	9	4 plus 1 for each additional 100 over 400
501 to 1,000	2% of total	
1,001 and over	20 plus 1 for each 100 over 1,000	

9.1.3 Sleeping Accommodations for Persons with Hearing Impairments. In addition to those accessible sleeping rooms and suites required by section 9.1.2, sleeping rooms and suites that comply with section 9.3 (Visual Alarms, Notification Devices, and Telephones) shall be provided in conformance with the following table:

Number of Elements	Accessible Elements
1 to 2	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

9.1.4 Classes of Sleeping Accommodations.

(1) In order to provide persons with disabilities a range of options equivalent to those available to other persons served by the facility, sleeping rooms and suites required to be accessible by section 9.1.2 shall be dispersed among the various classes of sleeping accommodations available to patrons of the place of transient lodging. Factors to be considered include room size, cost, amenities provided, and the number of beds provided.

(2) Equivalent Facilitation. For purposes of this section, it shall be deemed equivalent facilitation if the operator of a facility elects to limit construction of accessible rooms to those intended for multiple occupancy, provided that such rooms are made available at the cost of a single-occupancy room to an individual with disabilities who requests a single-occupancy room.

9.1.5 (Reserved.)

9.2 Requirements for Accessible Units, Sleeping Rooms, and Suites.

9.2.1 General. Accessible units, sleeping rooms, and suites required to be accessible by section 9.1 shall comply with section 9.2.

9.2.2 Minimum Requirements. An accessible unit, sleeping room, or suite shall be on an accessible route complying with section 4.3 and have the following accessible elements and spaces.

(1) Accessible sleeping rooms shall have a thirty-six (36) inch (nine hundred fifteen (915) millimeter) clear width

maneuvering space located along both sides of a bed, except that where two (2) beds are provided, this requirement can be met by providing a thirty-six (36) inch (nine hundred fifteen (915) millimeter) wide maneuvering space located between the two (2) beds.

(2) An accessible route complying with section 4.3 shall connect all accessible spaces and elements including telephones within the unit, sleeping room, or suite. This is not intended to require an elevator in multistory units as long as the spaces identified in section 9.2.2(6) and 9.2.2(7) are accessible levels and the accessible sleeping area is suitable for dual occupancy.

(3) Doors and doorways designed to allow passage into and within all sleeping rooms, suites, or other covered units shall comply with section 4.13.

(4) If fixed or built-in storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces, at least one (1) of each type provided shall contain storage space complying with section 4.25. Additional storage may be provided outside of the dimensions required by section 4.25.

(5) All controls in accessible units, sleeping rooms, and suites shall comply with section 4.27.

(6) Where provided as part of an accessible unit, sleeping room, or suite, the following spaces shall be accessible and shall be on an accessible route:

(a) The living area.

(b) The dining area.

(c) At least one (1) sleeping area.

(d) The patio, terrace, or balcony area.

EXCEPTION: The requirements of section 4.13.8 and section 4.3.8 do not apply where it is necessary to utilize a higher door threshold or a change in level to protect the integrity of the unit from wind/water damage. Where this exception results in a patio, terrace, or balcony area that is not at an accessible level, equivalent facilitation shall be provided, for example, equivalent facilitation of a hotel patio or balcony might consist of providing raised decking or a ramp to provide accessibility.

(e) At least one (1) full bathroom (i.e., one (1) with a water closet, a lavatory, and a bathtub or shower).

(f) If only half baths are provided, at least one (1) half bath.

(g) Carports, garages, or parking spaces.

(7) Kitchens, Kitchenettes, or Wet Bars. When provided as accessory to a sleeping room or suite, kitchens, kitchenettes, wet bars, or similar amenities shall be accessible. Clear floor space for a front or parallel approach to cabinets, counters, sinks, and appliances shall be provided to comply with section 4.2.4. Countertops and sinks shall be mounted at a maximum height of thirty-four (34) inches (eight hundred sixty-five (865) millimeters) above the floor. At least fifty percent (50%) of shelf space in cabinets or refrigerator/freezers shall be within the reach ranges of *[section]* 4.2.5 or 4.2.6 and space shall be designed to allow for the operation of cabinet and/or appliance doors so that all cabinets and appliances are accessible and usable. Controls and operating mechanisms shall comply with *[section]* 4.27.

(8) Sleeping room accommodations for persons with hearing impairments required by *[section]* 9.1 and complying with *[section]* 9.3 shall be provided in the accessible sleeping room or suite.

9.3 Visual alarms, Notification Devices and Telephones.

9.3.1 General. In sleeping rooms required to comply with this section, auxiliary visual alarms shall be provided and shall comply with *[section]* 4.28.4. Visual notification devices shall also be provided in units, sleeping rooms, and suites to alert room occupants of incoming telephone calls and a door knock or bell. Notification devices shall not be connected to auxiliary visual alarm signal appliances. Permanently installed telephones shall have volume controls complying with *[section]* 4.31.5: an accessible electrical outlet within four (4) feet (one thousand two hundred twenty (1,220) millimeters) of a telephone connection shall be provided to facilitate the use of a text telephone.

9.3.2 Equivalent Facilitation. For purposes of this section, equivalent facilitation shall include the installation of electrical outlets (including outlets connected to a facility's central alarm system) and telephone wiring in sleeping rooms and suites to enable persons with hearing impairments to utilize portable visual alarms and communication devices provided by the operator of the facility.

9.4 Other Sleeping Rooms and Suites. Doors and doorways designed to allow passage into and within all sleeping units or other covered units shall comply with *[section]* 4.13.5.

9.5 Transient Lodging in Homeless Shelters, Halfway Houses, Transient Group Homes, and Other Social Service Establishments.

9.5.1 New Construction. In new construction, all public use and common use areas are required to be designed and constructed to comply with section 4. At least one (1) of each type of amenity (such as washers, dryers, and similar equipment installed for the use of occupants) in each common area shall be accessible and shall be located on an accessible route to any accessible unit or sleeping accommodation.

EXCEPTION: Where elevators are not provided as allowed in *[section]* 4.1.3(5), accessible amenities are not required on inaccessible floors as long as one (1) of each type is provided in common areas on accessible floors.

9.5.2 (Reserved.)

9.5.3 Accessible Sleeping Accommodations in New Construction. Accessible sleeping rooms shall be provided in conformance with the table in *[section]* 9.1.2 and shall comply with *[section]* 9.2 Accessible Units, Sleeping Rooms and Suites (where the items are provided). Additional sleeping rooms that comply with *[section]* 9.3 Sleeping Accommodations for Persons with Hearing Impairments

shall be provided in conformance with the table provided in *[section]* 9.1.3. In facilities with multi-bed rooms or spaces, a percentage of the beds equal to the table provided in *[section]* 9.1.2 shall comply with *[section]* 9.2.2(1).

10.0 (Reserved.)

11.0 Children's Facilities.

11.1 Application. This section applies to facilities, or portion of facilities, constructed according to children's dimensions and anthropometrics for ages 2 through 12. Facilities covered by this section shall comply with the applicable requirements of *[sections]* 4.1 through 4.35 and the special application sections, except as modified or otherwise provided in this section. All public and common use areas covered by this section are required to be designed and constructed to comply with *[sections]* 4.1 through 4.35, except as modified or otherwise provided in this section. Accessible elements and spaces covered by this section shall be on an accessible route complying with *[sections]* 4.3, 11.3, and 11.4. The specifications in this section are based on children's dimensions and anthropometrics.

The phrase "constructed according to children's dimensions and anthropometrics" means where the construction of a facility reflects the size and dimensions, reach ranges, level of strength and stamina, or other characteristics of children. Facilities constructed that do not reflect children's characteristics are not covered by this section.

11.2 Reach Ranges.

11.2.1 General. The requirements in *[sections]* 4.2.5 and 4.2.6 are modified by the following provisions.

11.2.2 Forward and Side Reach. The high forward or high side reach, and the low forward or low side reach shall comply with A, B, or C in the table below. Selection A, B, or C should correspond to the age range of the primary user group.

Forward and Side Reach

A	**(ages 2 through 4):**	**High Reach (not more than)–36 inches**
		Low Reach (not less than)–20 inches
B	**(ages 5 through 8):**	**High Reach–40 inches**
		Low Reach–18 inches
C	**(ages 9 through 12):**	**High Reach–44 inches**
		Low Reach–16 inches

11.3 Protruding Objects. The requirements in *[section]* 4.4.1 are modified by *[section]* 11.3. Objects projecting from walls with their leading edges between twelve (12) inches and eighty (80) inches (three hundred five (305) millimeters and two thousand thirty (2,030) millimeters) above the finish floor shall protrude no more than four (4) inches (one hundred (100) millimeters) into walks, halls, corridors, passageways, or aisles. Objects mounted with their leading edges at or below twelve (12) inches (three hundred five (305) millimeters) above the finish floor may protrude any amount. Free-standing objects mounted on posts or pylons may overhang twelve (12) inches (three hundred five (305) millimeters) maximum from twelve (12) inches to eighty (80) inches (three hundred five (305) millimeters to two thousand thirty (2,030) millimeters) above the ground or finish floor. Protruding objects shall not reduce the clear width of an accessible route or maneuvering space.

11.4 Handrails at Ramps and Stairs.

11.4.1 General. In addition to the handrails required by *[sections]* 4.8 and 4.9, a second set of handrails shall be provided complying with *[section]* 4.8.5 or 4.9.4 and 4.26.2, except as modified by the following provisions.

11.4.2 Height. The top of handrail gripping surfaces shall be mounted between twenty (20) inches and twenty-eight (28) inches (five hundred ten (510) millimeters and seven hundred ten (710) millimeters) above ramp surfaces on stair nosings.

11.4.3 Size. The gripping surfaces of handrails shall have a diameter or width of one (1) inch to one and one-fourth (1¼) inches (twenty-five (25) millimeters to thirty (30) millimeters), or the shape shall provide an equivalent gripping surface.

11.5 Drinking Fountains and Water Coolers.

11.5.1 General. Drinking fountains or water coolers required to be wheelchair accessible by *[section]* 4.1 shall comply with *[section]* 4.15, except as modified by *[section]* 11.5. The requirements in *[sections]* 4.15.2 and 4.15.5 are modified by the following provisions.

11.5.2 Spout Height. Spouts shall be no higher than thirty (30) inches (seven hundred sixty (760) millimeters), measured from the floor or ground surface to the spout outlet.

11.5.3 Clearances. Wall-mounted and post-mounted cantilevered units shall have a clear knee space between the bottom of the apron and the floor or ground at least twenty-four (24) inches (six hundred ten (610) millimeters) high and eight (8) inches (two hundred five (205) millimeters) deep, measured from the leading edge of the fountain. Clear toe space shall be twelve (12) inches (three hundred five (305) millimeters) high minimum, measured from the finish floor. Such units shall also have a minimum clear floor space thirty (30) inches by forty-eight (48) inches (seven hundred sixty (760) millimeters by one thousand two hundred twenty (1,220) millimeters) to allow a forward approach to the unit. The clear floor space may extend a maximum of fourteen (14) inches (three hundred five (305) mm) underneath the fountain.

11.6 Water Closets, Toilet Seats, Grab Bars, and Toilet Paper Dispensers.

11.6.1 General. Water closets required to be accessible by *[section]* 4.22.4 shall comply with *[section]* 4.16, except as modified by *[section]* 11.6. The requirements in *[sections]* 4.16 and 4.26.2 are modified by the following provisions.

11.6.2 Placement. The centerline and seat height of the water closet and the centerline height of the grab bars and toilet paper dispenser shall comply with A, B, or C in the table below. Selection of A, B, or C should correspond to the age range of the primary user group. The centerline of

water closets shall be measured from one (1) side wall or stall partition.

Specifications for Water Closets, Toilet Seats, Grab Bars, and Toilet Paper Dispensers

A: Ages 2 through 4

Water closet centerline–12 inches
Toilet seat height–11 inches to 12 inches
Grab bar height–18 inches to 20 inches
Dispenser height–14 inches

B: Ages 5 through 8

Water closet centerline –12 inches to 15 inches
Toilet seat height–12 inches to 15 inches
Grab bar height–20 inches to 25 inches
Dispenser height–14 inches to 17 inches

C: Ages 9 through 12

Water closet centerline –15 inches to 18 inches
Toilet seat height–15 inches to 17 inches
Grab bar height–25 inches to 27 inches
Dispenser height–17 inches to 19 inches

11.6.3 Grab Bar Size. The diameter or width of the gripping surface of a grab bar shall be one (1) inch to one and one-fourth (1¼) inches (twenty-five (25) mm to thirty (30) mm), or the shape shall have an equivalent gripping surface.

11.6.4 Flush Controls. Flush controls shall be located within the reach range specified by *[section]* **11.2.**

11.7 Toilet Stalls.

11.7.1 General. Toilet stalls required to be accessible by *[section]* **4.22.4 shall comply with** *[section]* **4.17, except as modified by** *[section]* **11.7. The requirements in** *[sections]* **4.17.2, 4.17.3, 4.17.4, 4.17.6, and 4.26.2 are modified by the following provisions.**

11.7.2 Water Closets. Water closets in accessible stalls shall comply with *[section]* **11.6.**

11.7.3 Depth. Standard stalls with floor-or-wall-mounted water closets shall have a depth of fifty-nine (59) inches (one thousand five hundred (1,500) millimeters) minimum. Standard stalls at the end of a row with floor-or-wall-mounted water closets shall have a depth of fifty-nine (59) inches (one thousand five hundred (1,500) millimeters) in addition to the minimum thirty-six (36) inches (nine hundred fifteen (915) millimeters) required for the stall door.

11.7.4 Toe Clearance. In standard stalls of minimum dimension, the front partition and at least one (1) side partition shall provide a toe clearance of twelve (12) inches (three hundred five (305) millimeters) minimum above the finish floor. If the depth of the stall is greater than sixty (60) inches (one thousand five hundred twenty-five (1,525) millimeters), then the toe space is not required.

11.7.5 Grab Bars. Grab bar mounting heights shall comply with the heights specified in *[section]* **11.6. The diameter or width of the gripping surfaces of a grab bar shall be one (1) inch to one and one-fourth (1¼) inches (twenty-five (25) millimeters to thirty (30) millimeters), or the shape shall provide an equivalent gripping surface.**

11.8 Lavatories and Mirrors.

11.8.1 General. Lavatories and mirrors required to be accessible by *[sections]* **4.22.6 and 4.23.6 shall comply with** *[section]* **4.19, except as modified by** *[section]* **11.8. The requirements in** *[sections]* **4.19.2, 4.19.3, and 4.19.6 are modified by the following provisions.**

11.8.2 Height and Clearances. Lavatories shall be mounted with the rim or counter surface no higher than thirty (30) inches (seven hundred sixty (760) millimeters) above the finish floor. A clearance of twenty-seven (27) inches (six hundred eighty-five (685) millimeters) minimum measured from the finish floor to the bottom of the apron shall be provided. Minimum clear knee space twenty-four (24) inches (six hundred ten (610) millimeters) high, measured from the finish floor, and eight (8) inches (two hundred five (205) millimeters) deep, measured from the leading edge of the lavatory, shall be provided. Clear toe space shall be twelve (12) inches (three hundred five (305) millimeters) high minimum, measured from the finish floor.

11.8.3 Clear Floor Space. Clear floor space shall extend a maximum of fourteen (14) inches (three hundred fifty-five (355) millimeters) underneath the lavatory.

11.8.4 Mirrors. Mirrors shall be mounted with the bottom edge of the reflecting surface no higher than thirty-four (34) inches (eight hundred sixty-five (865) millimeters) above the finish floor.

11.9 Storage.

11.9.1 General. Fixed storage facilities such as lockers, cabinets, shelves, closets, and drawers required to be accessible by *[section]* **4.1 shall comply with** *[section]* **4.25, except as modified by** *[section]* **11.9. The requirements in** *[section]* **4.25.3 are modified by the following provisions.**

11.9.2 Height. Accessible storage spaces shall be within at least one (1) of the reach ranges specified in *[section]* **11.2. Clothes rods, hooks, or shelves shall be a maximum of thirty-six (36) inches (nine hundred fifteen (915) mm) above the finish floor for a side approach.**

11.10 Fixed or Built-in Seating and Tables.

11.10.1 General. Fixed or built-in seating or tables required to be accessible by *[section]* **4.1 shall comply with** *[section]* **4.32, except as modified by** *[section]* **11.10. The requirements in** *[sections]* **4.32.2, 4.32.3, and 4.32.4 are modified by the following provisions.**

11.10.2 Seating. Clear floor space shall not overlap knee space by more than fourteen (14) inches (three hundred fifty-five (355) millimeters).

11.10.3 Knee Clearances. Knee clearance at least twenty-four (24) inches (six hundred ten (610) millimeters) high, thirty (30) inches (seven hundred sixty (760) millimeters) wide, and fourteen (14) inches (three hundred fifty-five (355) millimeters) deep shall be provided.

11.10.4 Height of Tables or Counters. The tops of accessible tables and counters shall be from twenty-six (26) inches to thirty (30) inches (six hundred sixty (660) millimeters to seven hundred sixty (760) millimeters) above the finish floor or ground.

[The following tables and figures were printed with the best available copy provided by the fire prevention and building safety commission.]

Table 1
Graphic Conventions

Convention	Description
36 915	Typical dimension line showing 915 millimeters (to nearest whole ten mm and 36 inches (to nearest whole inch) above the line
9 230	Dimensions for short distances indicated on extended line
9 230 36 915	Dimension line showing alternate dimensions required
	Direction of approach
max	Maximum
min	Minimum
	Boundary of clear floor area
	Centerline

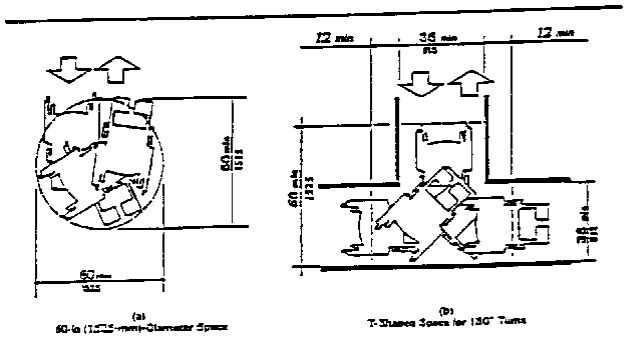


Fig. 3
Wheelchair Turning Space

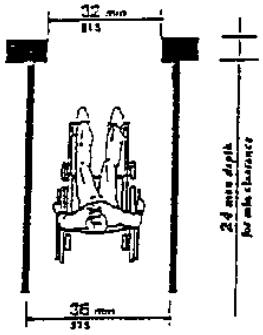


Fig. 1
Minimum Clear Width
for Single Wheelchair

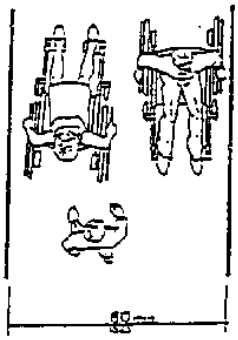


Fig. 2
Minimum Clear Width
for Two Wheelchairs

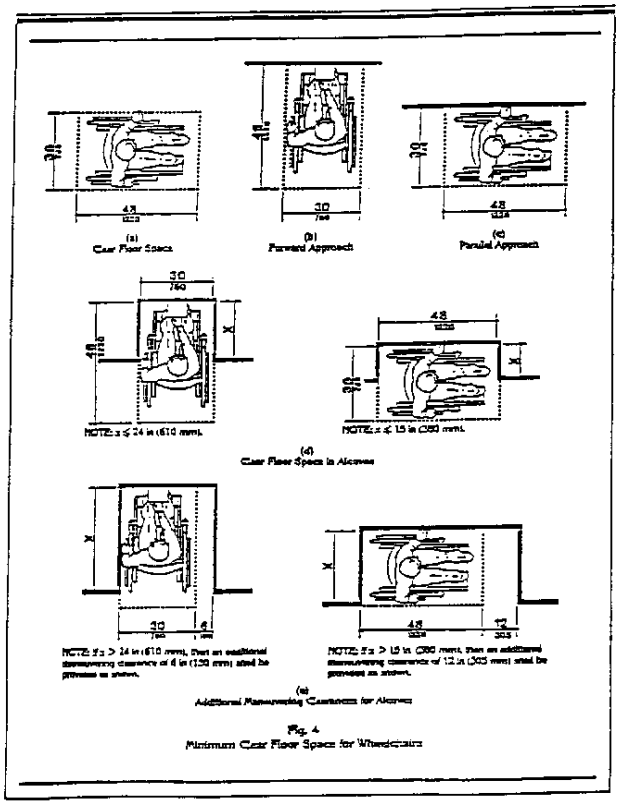


Fig. 4
Minimum Clear Floor Space for Wheelchairs

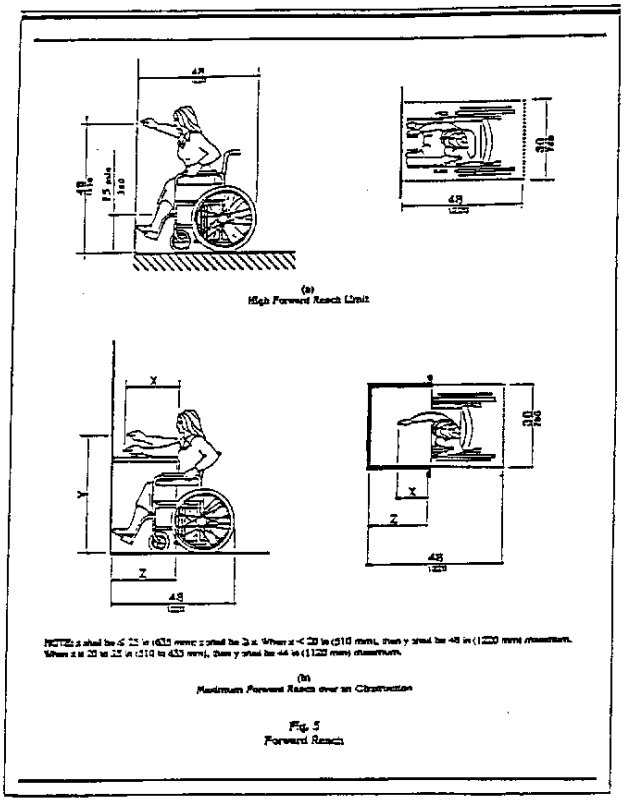


Fig. 5
Forward Reach

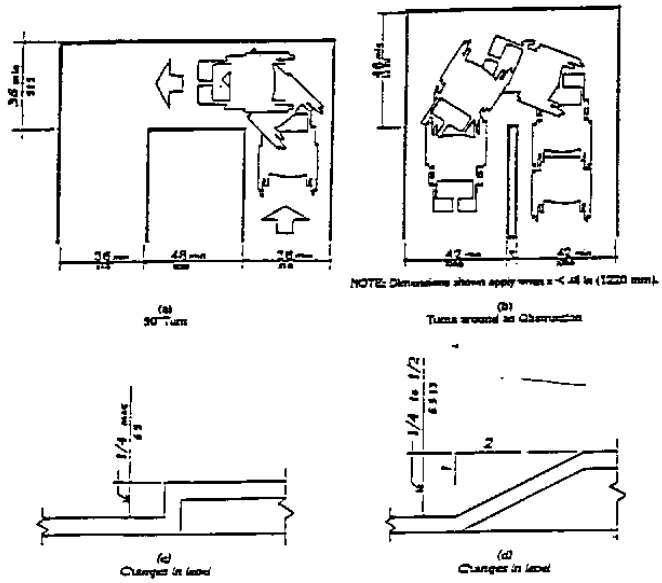


Fig. 7
Accessible Route

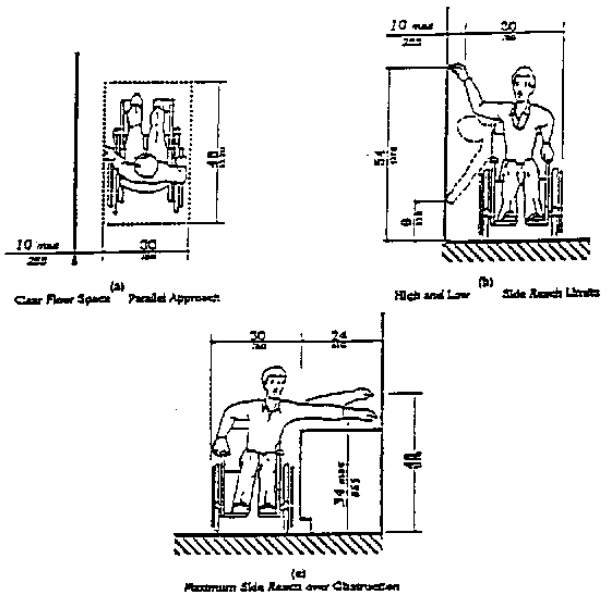


Fig. 6
Side Reach

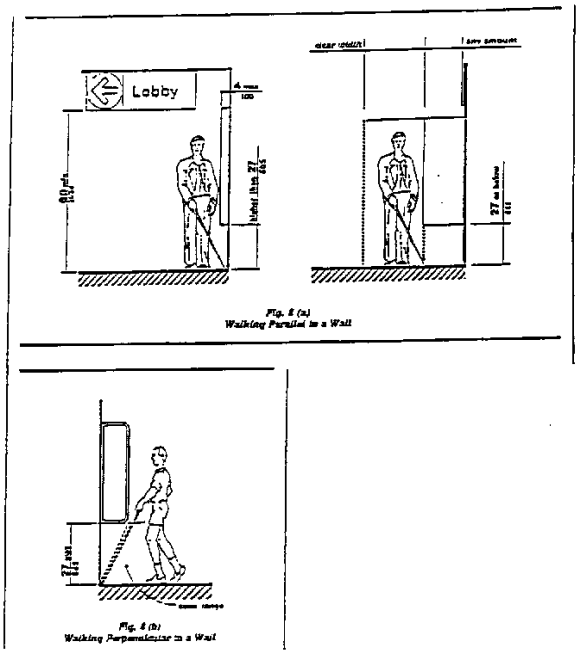
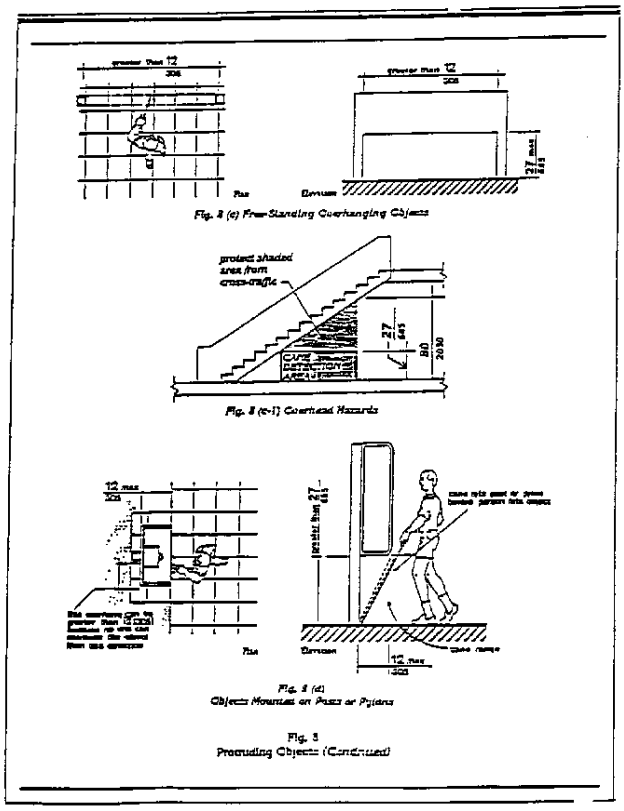


Fig. 8
Protruding Objects



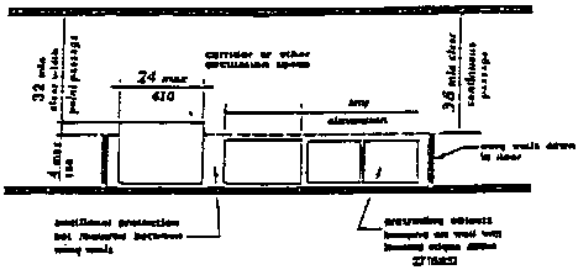


Fig. 8 (e)
Example of Protection around Wall-Mounted Objects and Measurements of Clear Widths

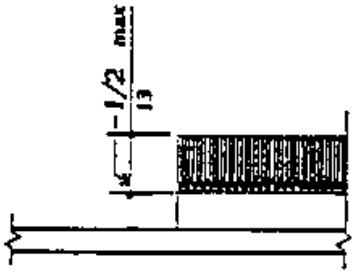


Fig. 8 (f)
Carpet Pile Thickness

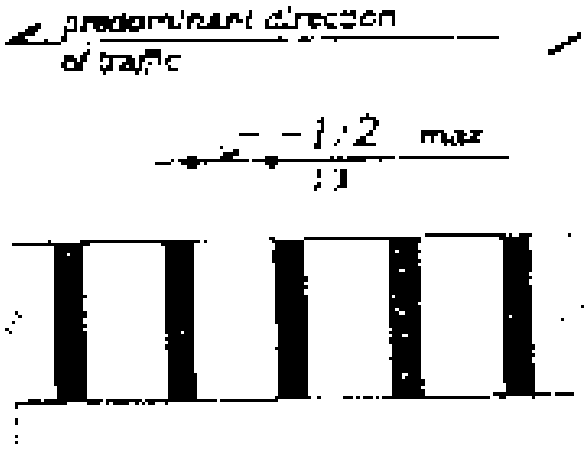


Fig. 9 (g)
Gratings

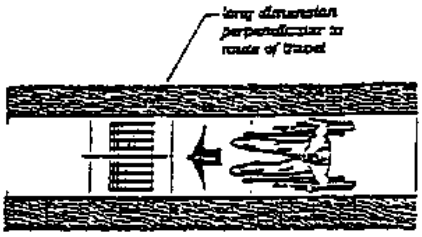


Fig. 8(h)

FIGURE 9 (RESERVED)

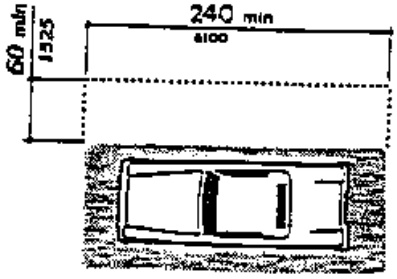


Fig. 10
Access Aisle at Passenger Loading Zones

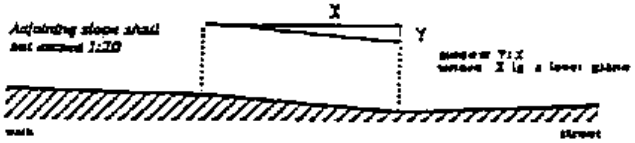


Fig. 11
Measurement of Curb Ramp Slopes

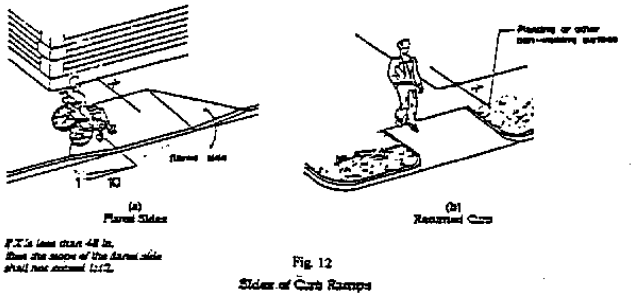


Fig. 12
Slopes of Curb Ramps

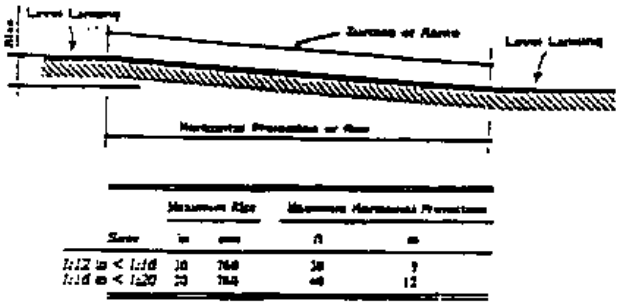


Fig. 16
Components of a Single Ramp Run and Sample Ramp Dimensions

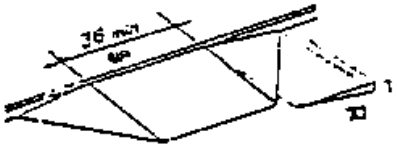


Fig. 13
Built-Up Curb Ramp

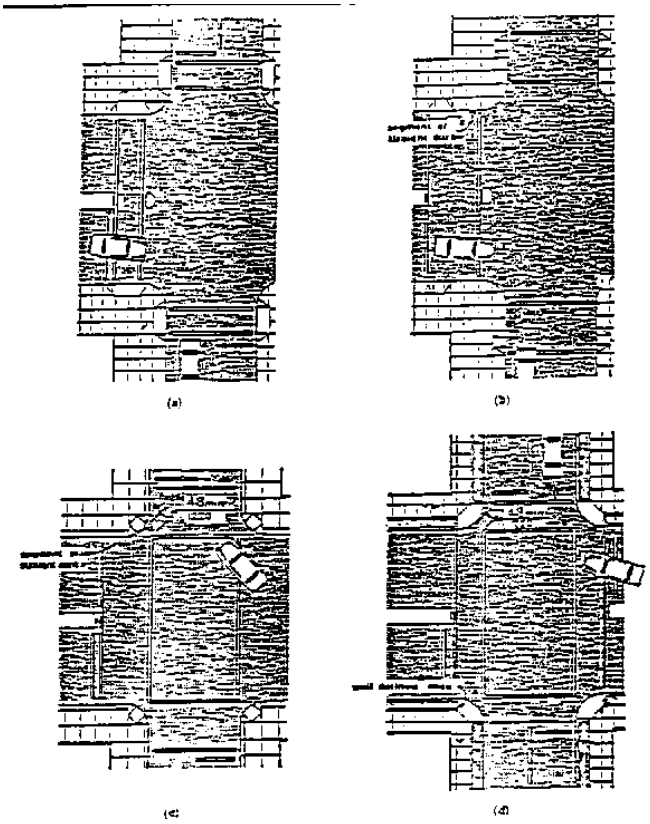


Fig. 15
Curb Ramps at Marked Crossings

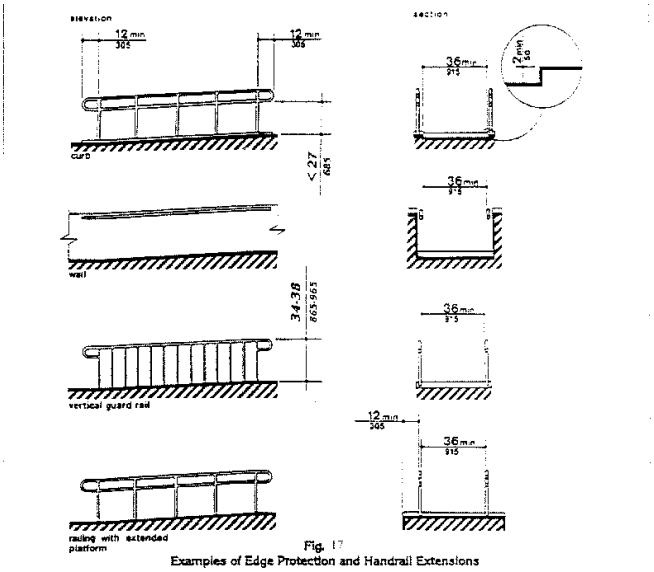


Fig. 17
Examples of Edge Protection and Handrail Extensions

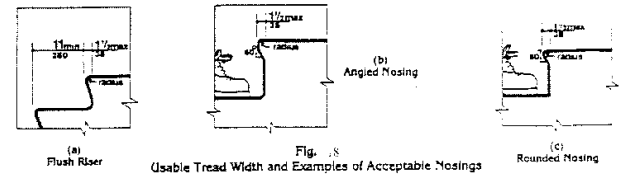
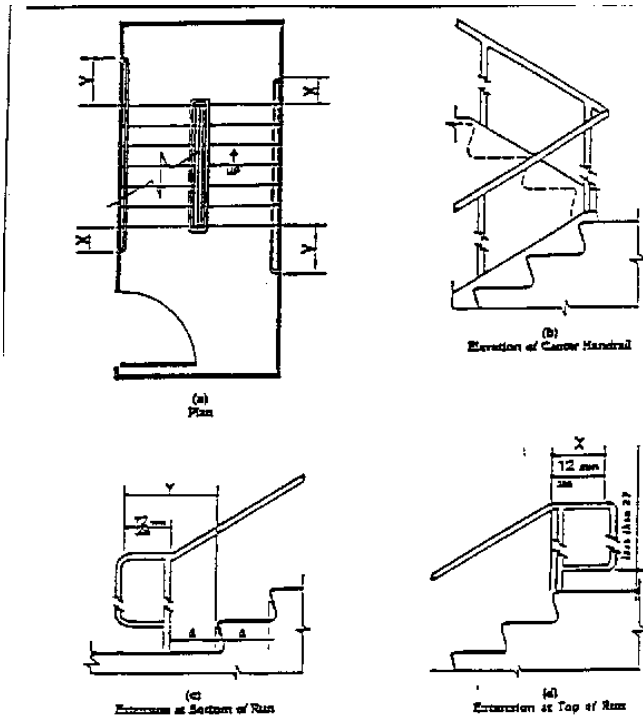
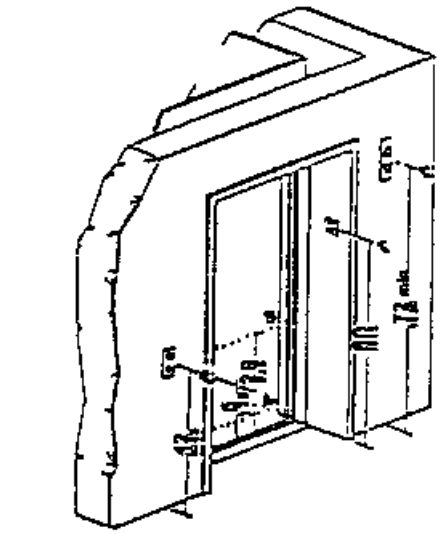


Fig. 18
Usable Tread Width and Examples of Acceptable Nosings



NOTE:
X is the 12 in minimum handrail extension required at each top riser.
Y is the minimum handrail extension of 12 in plus the width of one tread that is required at each bottom riser.

Fig. 19
Stair Handrails



NOTE: The automatic door reopening device is activated if an object passes through either line A or line B. Line A and line B represent the vertical locations of the door reopening device for reopening control.

Fig. 20
Hoistway and Elevator Entrances

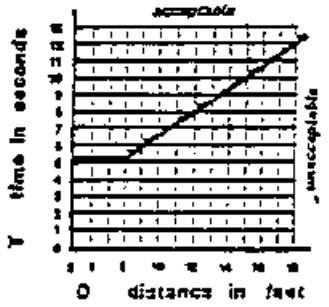


Fig. 21
Graph of Timing Equation

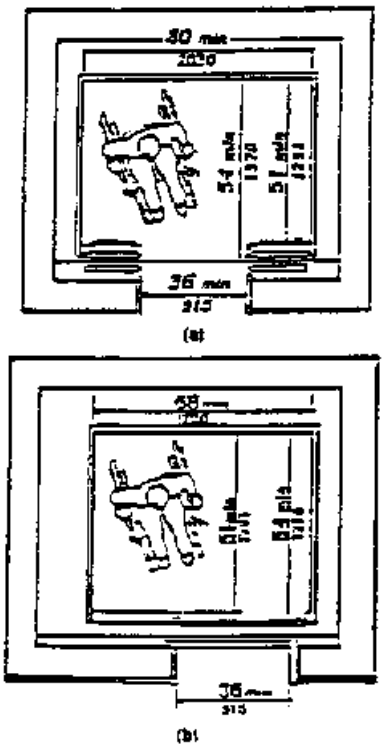


Fig. 22
Minimum Dimensions of Elevator Cars

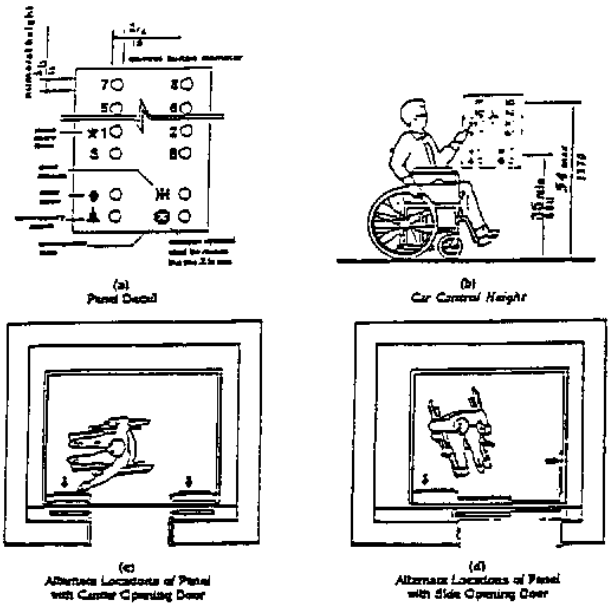


Fig. 23
Car Controls

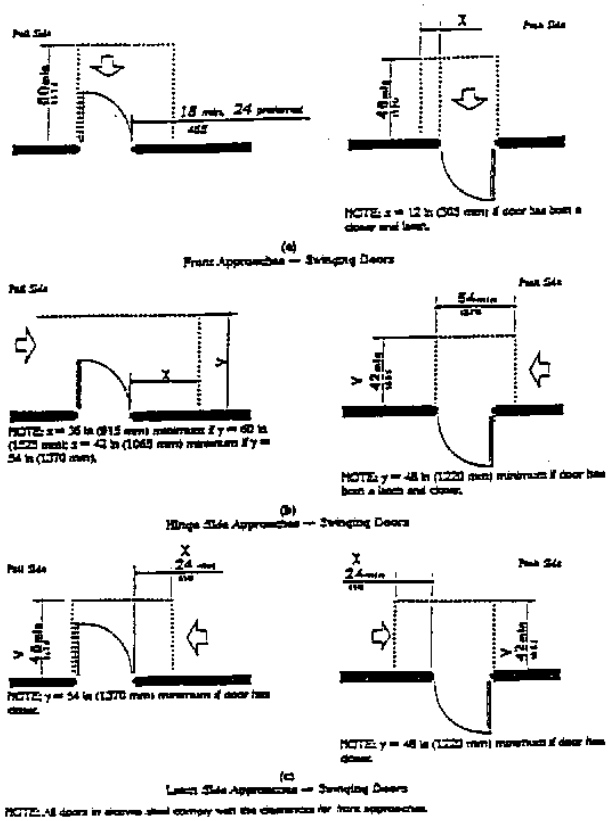


Fig. 25
Maneuvering Clearances at Doors

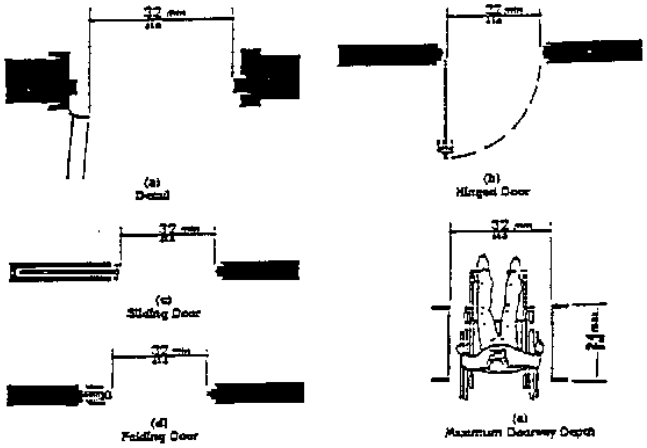


Fig. 24
Clear Doorway Width and Depth

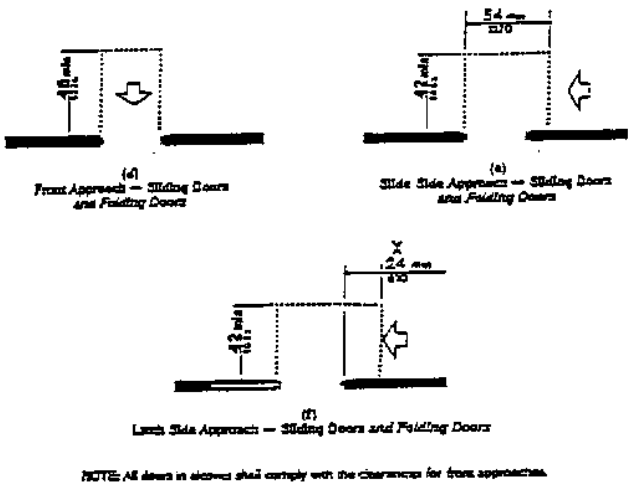


Fig. 25
Maneuvering Clearances at Doors *(Continued)*

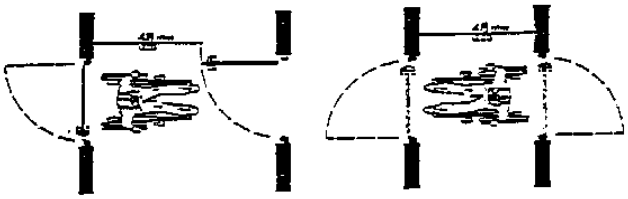


Fig. 26
Two Hinged Doors in Series

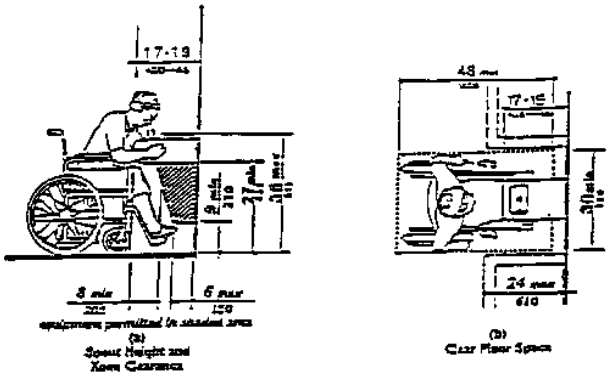


Fig. 27
Drinking Fountains and Water Coolers

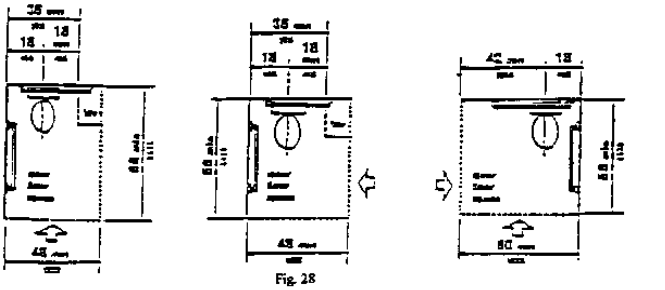


Fig. 28
Clear Floor Space at Water Closets

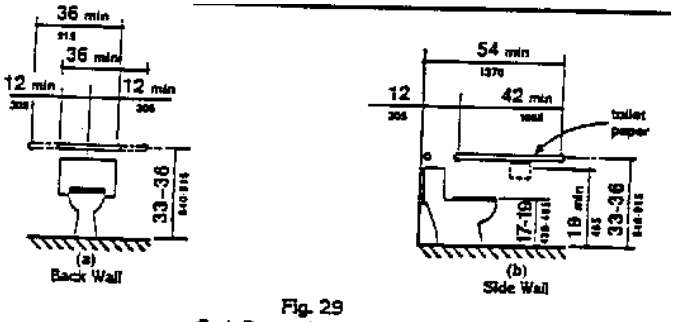


Fig. 29
Grab Bars at Water Closets

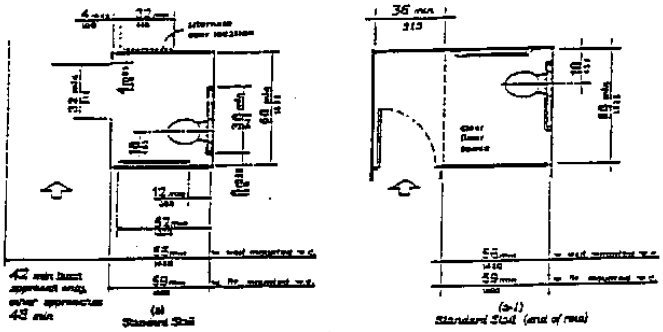


Fig. 30
Toilet Stalls

RESERVED
(b)

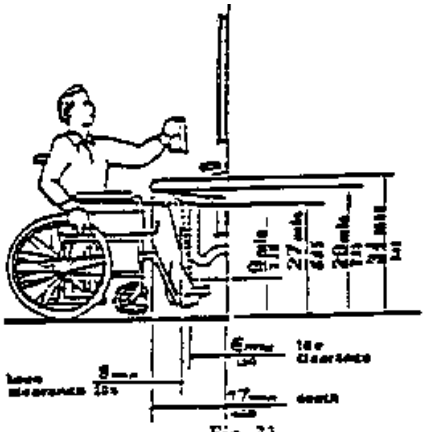


Fig. 31
Lavatory Clearances

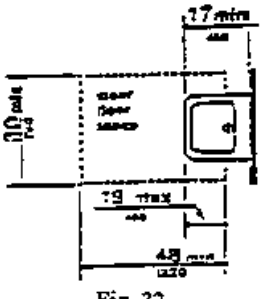


Fig. 32
Clear Floor Space at Lavatories

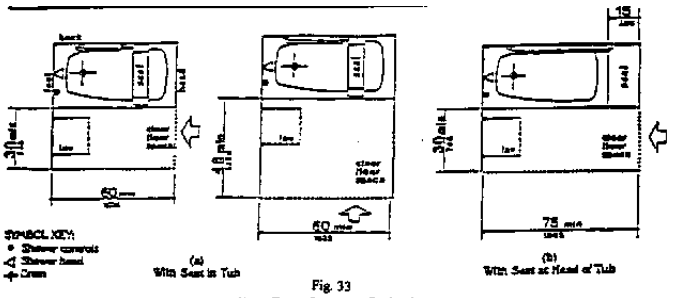


Fig. 33
Clear Floor Space at Bathtubs

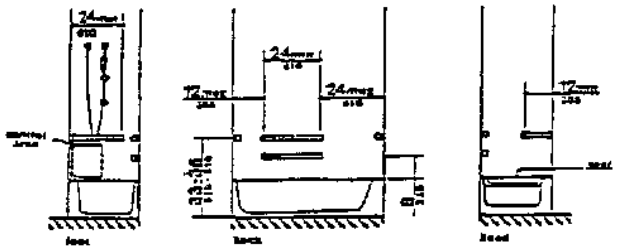


Fig. 34
Grab Bars at Bathtubs

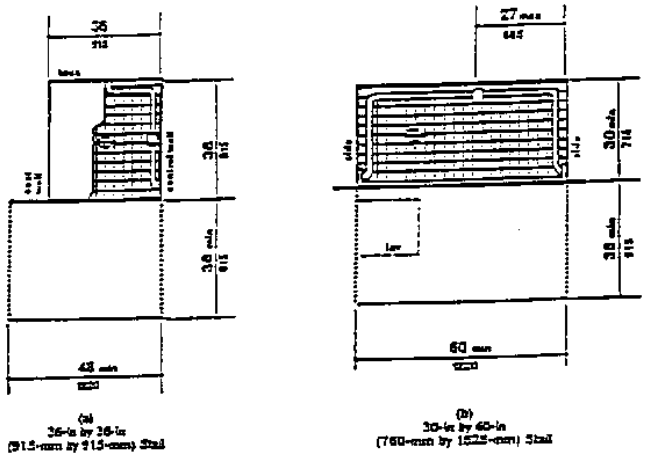


Fig. 35
Shower Size and Clearances

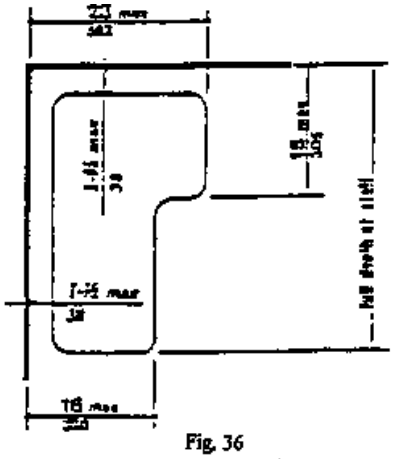


Fig. 36
Shower Seat Design

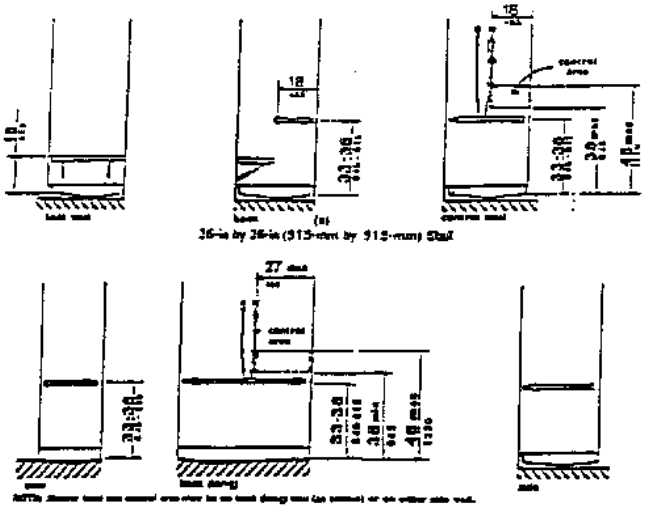


Fig. 37
Grab Bars at Shower Stalls

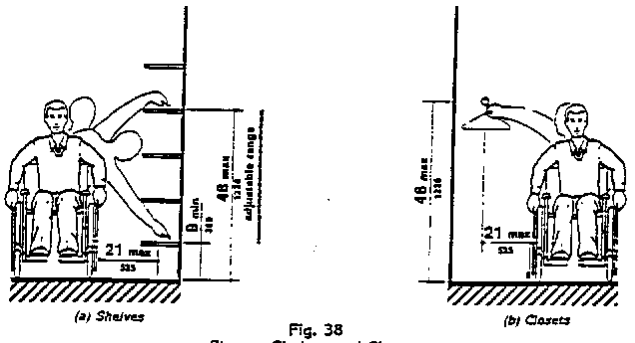


Fig. 38
Storage Shelves and Closets

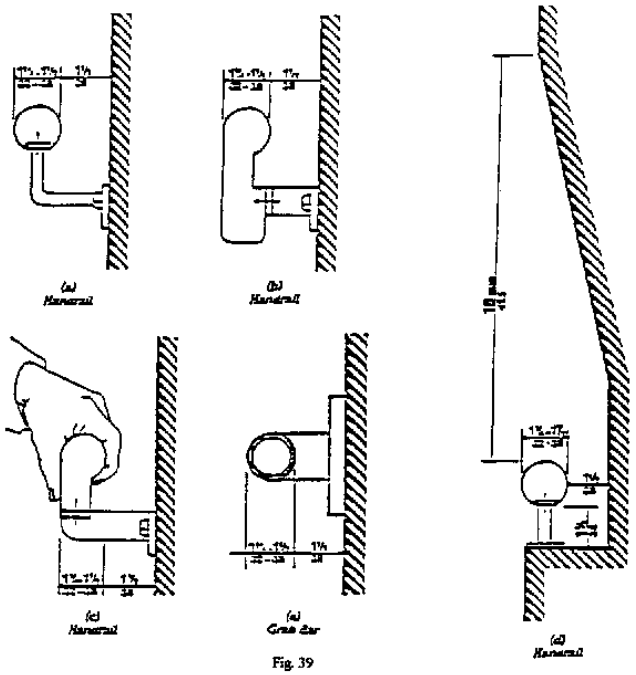
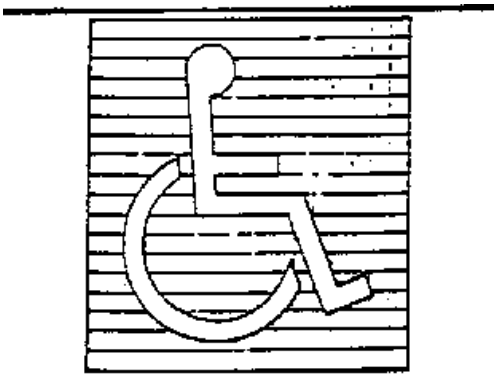
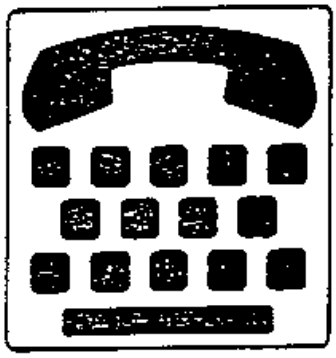


Fig. 39
Size and Spacing of Handrails and Grab Bars



(a)
Proportions
International Symbol of Accessibility

(b)
Display Conditions
International Symbol of Accessibility



(c)
International TDD Symbol

(d)
International Symbol of Access for Hearing Loss

Fig. 43
International Symbols

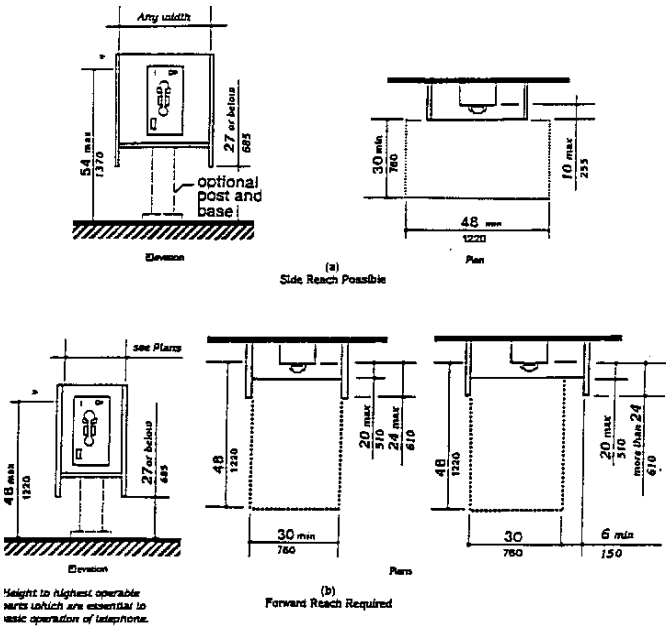


Fig. 44
Mounting Heights and Clearances for Telephones

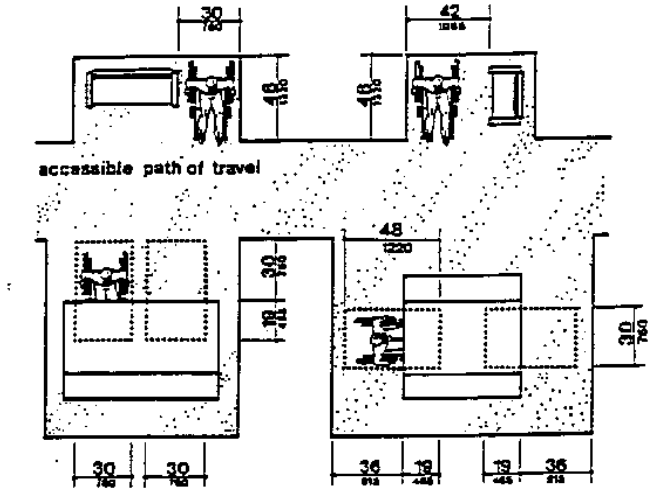


Fig. 45
Minimum Clearances for Seating and Tables

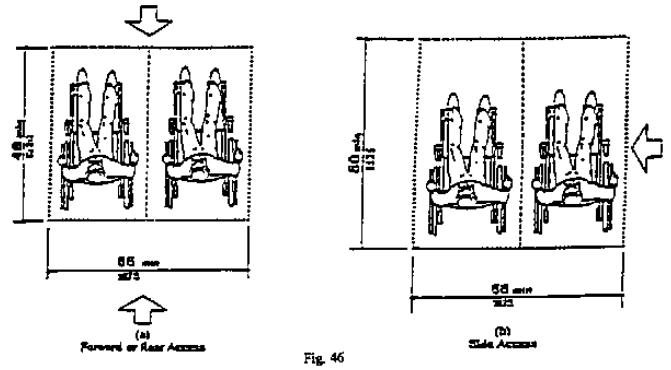


Fig. 46
Space Requirements for Wheelchair Seating Spaces in Series

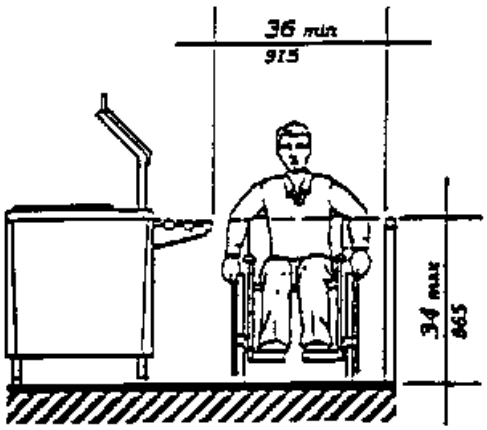


Fig. 53
Food Service Lines

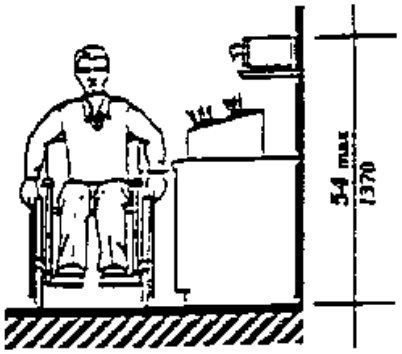


Fig. 54
Tablecare Areas

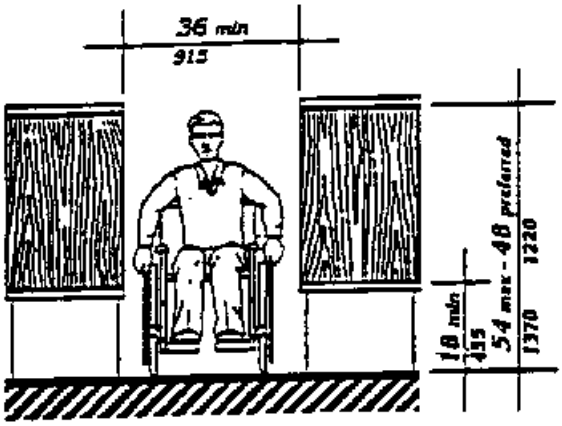


Fig. 55
Card Catalog

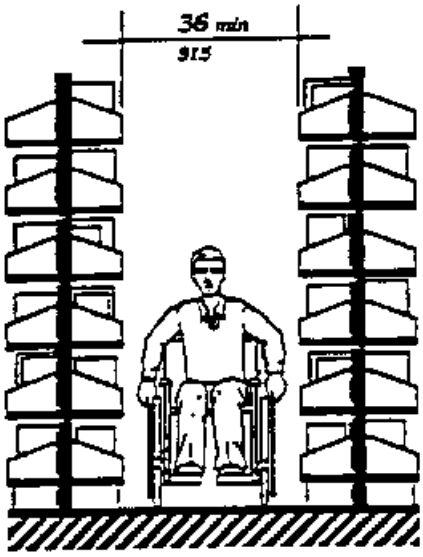


Fig. 56
Stacks

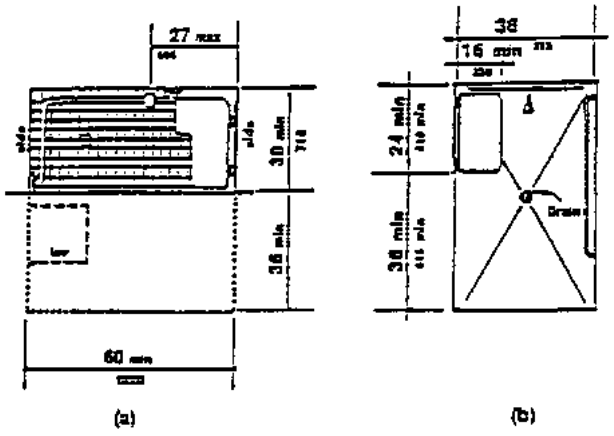


Fig. 57
Roll-in Shower with Folding Seat

CHAPTER 11 - PART 2 - ACCESSIBILITY FOR COVERED MULTIFAMILY DWELLINGS

Subpart A

1.1 Purpose. The purpose of this part is to implement a rule within the statutory authority of IC 22-13-2-2 and IC 22-13-4-1 that is compatible with the Fair Housing Act, 3601 et seq. The act prohibits discrimination on the basis of disability and requires that covered multifamily dwellings be accessible by persons with a disability.

1.2 Scope. Part 2 applies only to the design and construction of Class I covered multifamily dwellings.

2.0 Definitions.

ACCESSIBLE, when used with respect to the public and common use areas of a building containing covered multifamily dwellings, means that the public or common use areas of the building can be approached and entered by persons with a disability.

ACCESSIBLE ROUTE means a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a disability using a wheelchair. Interior accessible routes may include corridors, floors, ramps, elevators, and lifts. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps, and lifts. A route that complies with the appropriate requirements of CABO/ANSI A117.1 1992 is an accessible route.

ADAPTABLE DWELLING UNITS, when used with respect to covered multifamily dwellings, means dwelling units that include the features of adaptable design specified in section 3.0(c)(2) through 3.0(c)(3).

BATHROOM means a bathroom which includes a water closet (toilet), lavatory (sink), and bathtub or shower. It does not include single-fixture facilities or those with only a water closet and lavatory. It does include a compartmented bathroom. A compartmented bathroom is one in which the fixtures are distributed among interconnected rooms. A compartmented bathroom is considered a single unit and is subject to the requirements for bathrooms.

BUILDING, for the purpose of this part, means a structure, facility, or portion thereof that contains or serves four (4) or more dwelling units.

BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE means an accessible entrance to a building within the site where the covered multifamily dwelling is located that is connected by an accessible route to public transportation stops, to parking or passenger loading zones, or to public streets or sidewalks, if available. A building entrance that complies with CABO/ANSI A117.1 1992 complies with the requirements of this paragraph.

CABO/ANSI A117.1-1992 as adopted by reference in subpart B of part 2 refers to the American National Standard-Accessible and Usable Buildings and Facilities CABO/ANSI A117.1-1992.

CLEAR means unobstructed.

COMMON USE AREA means rooms, spaces, or elements inside or outside of a building that are made available to the residents of a building or the guests thereof. These areas include hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.

COVERED MULTIFAMILY DWELLINGS means buildings consisting of four (4) or more dwelling units if such buildings have one (1) or more elevators; and ground floor dwelling units in other buildings consisting of four (4) or more dwelling units. Dwelling units within a single structure separated by area separation walls do not constitute separate buildings.

DWELLING UNIT, for the purpose of this part, means a single unit of residence for a household of one (1) or more persons. Examples of dwelling units covered by this part include:

(1) condominiums;

(2) an apartment unit within an apartment building;

(3) other types of dwellings in which sleeping accommodations are provided but toileting or cooking facilities are shared by occupants of more than one (1) room or portion of the dwelling.

ENTRANCE means any exterior access point to a building or portion of a building used by residents for the purpose of entering. For purposes of this chapter, an entrance does not include a door to a loading dock or a door used primarily as a service entrance, even if residents without disabilities occasionally use that door to enter.

FINISHED GRADE, for purposes of this part, means the ground surface of the site after all construction, leveling, grading, and development has been completed.

GROUND FLOOR means a floor of a building with a building entrance on an accessible route. A building may have one (1) or more ground floors. Where the first floor containing dwelling units in a building is above grade, all units on that floor must be served by a building entrance on an accessible route. This floor will be considered to be a ground floor.

LOFT means:

(1) an intermediate level between the floor and ceiling of any story located within a room or rooms of a dwelling; and

(2) does not contain the only:

(A) bathing facility;

(B) lavatory;

(C) water closet;

(D) living area;

(E) eating area; or

(F) cooking area;

within the dwelling unit.

MULTISTORY DWELLING UNIT means a dwelling unit with finished living space located on one (1) floor and the floor or floors immediately above or below it.

POWDER ROOM means a room with only a water closet (toilet) and lavatory (sink).

PUBLIC AREAS means interior or exterior rooms or spaces of a building that are made available to the general public.

SINGLE-STORY DWELLING UNIT means a dwelling unit with all finished living space located on one (1) floor.

SITE means a parcel of land bounded by a property line or a designated portion of a public right-of-way.

SLOPE means the relative steepness of the land between two (2) points.

STORY, for the purposes of this part, means that portion of a dwelling unit between the upper surface of any floor and the upper surface of the floor next above, or the roof of the unit. Within the context of dwelling units, the terms "story" and "floor" are synonymous.

UNDISTURBED SITE means before construction, leveling, grading, or development associated with the current project.

VEHICULAR OR PEDESTRIAN ARRIVAL POINTS means public or resident parking areas, public transportation stops, passenger loading zones, and streets or sidewalks within the site where the covered multifamily dwelling is located.

VEHICULAR ROUTE means a route intended for vehicular traffic, such as a street, driveway, or parking lot, within the site where the covered multifamily dwelling is located.

3.0 Design and Construction Requirements.

(a) Covered multifamily dwellings shall be designed and constructed to have at least one (1) building entrance on an accessible route unless it is impractical to do so because of the terrain or unusual characteristics of the site.

(b) (Reserved.)

(c) All covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in such a manner that:

(1) the public and common use areas are readily accessible to persons with a disability;

(2) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by persons with a disability in wheelchairs;

(3) all premises within covered multifamily dwelling units contain the features of adaptable design, such as:

(i) an accessible route into and through the covered dwelling unit;

(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in bathroom walls to allow later installation of grab bars around the toilet, tub, shower stall, and shower seat, where such facilities are provided; and

(iv) kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(d) (Reserved.)

(e) Compliance with the appropriate requirements of CABO/ANSI A117.1 1992 will satisfy the requirements of paragraph (c)(3).

4.0 (Reserved.)

5.0 Guidelines.

Requirement 1. Accessible Building Entrance on an Accessible Route.

(1) Building entrance. Each building on a site shall have at least one (1) building entrance on an accessible route unless prohibited by the terrain, as provided in paragraph (2)(a)(i) or (2)(a)(ii), or unusual characteristics of the site, as provided in paragraph (2)(b). This requirement applies both to a single building on a site and to multiple buildings on a site.

(a) Separate Ground Floor Unit Entrances. When a ground floor unit of a building has a separate entrance, each such ground floor unit shall be served by an accessible route, except for any unit where the terrain or unusual characteristics of the site prohibit the provision of an accessible route to the entrance of that unit.

(b) Multiple Entrances. Only one (1) entrance is required to be accessible to any one (1) ground floor of a building, except in cases where an individual dwelling unit has a separate exterior entrance, or where the building contains clusters of dwelling units, with each

cluster sharing a different exterior entrance. In every case, the accessible entrance shall be on an accessible route to the dwelling units it serves.

(2) Site impracticality. Covered multifamily dwellings with elevators shall be designed and constructed to provide at least one (1) accessible entrance on an accessible route, regardless of terrain or unusual characteristics of the site. Covered multifamily dwellings without elevators shall be designed and constructed to provide at least one (1) accessible entrance on an accessible route unless terrain or unusual characteristics of the site are such that the following conditions are found to exist:

(a) Site impracticality due to terrain. There are two (2) alternative tests for determining site impracticality due to terrain: the individual building test provided in paragraph (i), or the site analysis test provided in paragraph (ii). A site with a single building having a common entrance for all units shall be analyzed as described in paragraph (i). All other sites, including a site with a single building having multiple entrances serving either individual dwelling units or clusters of dwelling units, may be analyzed using the methodology in either paragraph (i) or paragraph (ii). For these sites for which either test is applicable, regardless of which test is selected, at least twenty percent (20%) of the total ground floor units in nonelevator buildings, on any site, shall comply with Chapter 11, Part 2.

(i) Individual building test. It is impractical to provide an accessible entrance served by an accessible route when the terrain of the site is such that:

(A) the slopes of the undisturbed site measured between the planned entrance and all vehicular or pedestrian arrival points within fifty (50) feet of the planned entrance exceed ten percent (10%); and

(B) the slopes of the planned finished grade measured between the entrance and all vehicular or pedestrian arrival points within fifty (50) feet of the planned entrance also exceed ten percent (10%).

If there are no vehicular or pedestrian arrival points within fifty (50) feet of the planned entrance, the slope for the purpose of this paragraph (i) will be measured to the closest vehicular or pedestrian arrival point.

For purposes of this part, vehicular or pedestrian arrival points include public or resident parking areas and passenger loading zones, streets, or sidewalks. To determine site impracticality, the slope would be measured at ground level from the point of the planned entrance on a straight line to each vehicular or pedestrian arrival point that is within fifty (50) feet of the planned entrance or, if there are no vehicular or pedestrian arrival points within that specified area, the vehicular or pedestrian arrival point closest to the planned entrance. In the case of sidewalks, the closest point to the entrance will be where a public sidewalk entering the site intersects with the sidewalk to the entrance. In the case of resident parking areas, the closest point to the planned entrance will be measured from the entry point to the parking area that is located closest to the planned entrance.

(ii) Site analysis test. Alternatively, for a site having multiple buildings, or a site with a single building with multiple entrances, impracticality of providing an accessible entrance served by an accessible route can be established by the following steps:

(A) The percentage of the total building area of the undisturbed site with a natural grade less than ten percent (10%) slope shall be calculated. The analysis of the existing slope (before grading) shall be done on a topographic survey with two (2) foot contour intervals with slope determination made between each successive interval. The accuracy of the slope analysis shall be certified by an architect, engineer, landscape architect, or surveyor.

(B) To determine the practicality of providing accessibility to planned multifamily dwellings based on the topography or the existing natural terrain, the minimum percentage of ground floor units to be made accessible should equal the percentage of the total building area (not including flood plains, wetlands, or other restricted use areas) of the undisturbed site that has an existing natural grade of less than ten percent (10%) slope.

(C) In addition to the percentage established in paragraph (B), all ground floor units in a building, or ground floor units served by a particular entrance, shall be made accessible if the entrance to the units is on an accessible route, defined as a walkway with a slope between the planned entrance and a pedestrian or vehicular arrival point, that is no greater than eight and thirty-three hundredths percent (8.33%).

(b) Site impracticality due to unusual characteristics. Unusual characteristics include sites located in a federally-designated flood plain or coastal high-hazard area and sites subject to other similar requirements of law, rule, regulation, or ordinance that the lowest floor or the lowest structural member of the lowest floor must be raised to a specified level at or above the base flood elevation. An accessible route to a building entrance is impractical due to unusual characteristics of the site when:

(i) the unusual site characteristics result in a difference in finished grade elevation exceeding thirty (30) inches and ten percent (10%) measured between an entrance and all vehicular or pedestrian arrival points within fifty (50) feet of the planned entrance; or

(ii) if there are no vehicular or pedestrian arrival points within fifty (50) feet of the planned entrance, the unusual characteristics result in a difference in finished grade elevation exceeding thirty (30) inches and ten percent (10%) measured between an entrance and the closest vehicular or pedestrian arrival point.

(3) Exceptions to site impracticality. Regardless of site considerations described in paragraphs (1) and (2), an accessible entrance on an accessible route is practical when:

(a) there is an elevator connecting the parking area with the dwelling units on a ground floor, (in this case, those dwelling units on the ground floor served by an elevator, and at least one (1) of each type of public and common use areas, would be subject to this part.) however:

(i) where a building elevator is provided as a means of creating an accessible route to dwelling units on a ground floor, the building is not considered an elevator building for purposes of this part; hence, only the ground floor dwelling units would be covered; and

(ii) if the building elevator is provided as a means of access to dwelling units other than dwelling units on a ground floor, then the building is an elevator building, which is a covered multifamily dwelling and the elevator in that building must provide accessibility to all dwelling units in the building, regardless of the slope of the natural terrain; or

(b) an elevated walkway is planned between a building entrance and a vehicular or pedestrian arrival point and the planned walkway has a slope no greater than ten percent (10%).

(4) Accessible Entrance. An entrance that complies with Section 4.14 of CABO/ANSI A117.1 1992, complies with section 3.0(a).

(5) Accessible Route. An accessible route that complies with CABO/ANSI A117.1 1992 will meet section 3.0(a). If the slope of the finished grade between covered dwellings and a public or common use facility (including parking) exceeds eight and thirty-three hundredths percent (8.33%) or where other physical barriers (natural or manmade) or legal restrictions, all of which are outside the control of the owner, prevent the installation of an accessible pedestrian route, an acceptable alternative is to provide access via a vehicular route, so long as necessary site provisions such as parking spaces and curb ramps are provided at the public or common use facility.

Requirement 2. Accessible Public and Common Areas.

The following chart identifies the public and common areas that shall be made accessible, cites the appropriate section of the CABO/ANSI A117.1 1992, and describes the appropriate application of the specifications:

BASIC COMPONENTS FOR ACCESSIBLE PUBLIC AND COMMON AREAS OR FACILITIES CABO/ANSI A117.1-1992

Accessible Element or Space	Section	Application
1. Accessible route(s)	4.3	Within boundary of the site:
		(a) from accessible parking spaces, accessible passenger loading zones, and streets or sidewalks to accessible building entrances.
		(b) connecting accessible buildings, facilities, elements, and spaces that are on the same site.
		(c) connecting accessible building or facility entrances with accessible spaces and elements within the building or facility, including adaptable dwelling units.
		(d) where site or legal constraints prevent a route accessible to wheelchair users between covered multifamily dwellings and public or common-use facilities elsewhere on the site.
2. Protruding objects	4.4	Accessible routes or maneuvering space including, but not limited to, halls, corridors, passageways, or aisles.
3. Ground and floor surface	4.5	Accessible routes, rooms, and spaces, including floors, surface treatments walks, ramps, stairs, and curb ramps.
4. Parking and passenger-loading zones	4.6	See IC 5-16-9.
5. Curb ramps	4.7	Accessible routes crossing curbs.
6. Ramps	4.8	Accessible routes with slopes greater than 1:20.
7. Stairs	4.9	Stairs on accessible routes connecting levels not connected by an elevator.
8. Elevator	4.10	If provided.
9. Platform lift	4.11	May be used in lieu of an elevator or ramp under certain conditions.
10. Drinking fountains and water coolers	4.15	Fifty percent (50%) of fountains and water coolers on each floor, or at least one (1), if provided, in the facility or at the site.

11. Toilet rooms and bathing facilities (including water closets, toilet rooms and stalls, urinals, lavatories and mirrors, bathtubs, shower stalls, and sinks)	4.22	Where provided in public-use and common-use facilities, at least one (1) of each fixture provided per room.
12. Common-use spaces and facilities (swimming pools and playgrounds, entrances, rental offices, lobbies, elevators, mailbox areas, lounges, halls and corridors, and similar spaces)	4.1 through 4.28	If provided in the facility or at the site.

Requirement 3. Usable Doors.

Section 3.0(c)(2) applies to doors that are part of an accessible route in the public and common areas of multifamily dwellings and to doors into and within individual dwelling units.

(1) On accessible routes in public and common use areas, and for primary entry doors to covered units, doors complying with Section 4.13 of CABO/ANSI A117.1 1992 will comply with this requirement.

(2) Within individual dwelling units, doors intended for user passage through the unit which have a clear opening of at least thirty-two (32) inches nominal width when the door is open ninety (90) degrees, measured between the face of the door and the stop, will conform to section 3.0(c)(2) (see Fig. 1(a), 1(b), and 1(c)). Openings more than twenty-four (24) inches in depth are not considered doorways (see Fig. 1(d)).

NOTE: A thirty-four (34) inch door, hung in the standard manner, provides an acceptable, nominal thirty-two (32) inch clear opening. This door can be adapted to provide a wider opening by using offset hinges or by removing lower portions of the door stop, or both. Pocket or sliding doors are acceptable doors in covered dwelling units and have the added advantage of not impinging on clear floor space in small rooms. The nominal thirty-two (32) inch clear opening provided by a standard six (6) foot sliding patio door assembly is acceptable.

Requirement 4. Accessible route into and through the covered dwelling unit.

Accessible routes into and through dwelling units will conform to section 3.0(c)(3)(i) if the requirements in this section are met.

(1) A minimum clear width of thirty-six (36) inches is provided.

(2) In single-story dwelling units, changes in levels within the dwelling unit with heights between one-fourth (¼) inch and one-half (½) inch are beveled with a slope no greater than 1:2. Except for design features, such as a loft or an area on a different level within a room, for example, a sunken living room, changes in levels greater than one-half (½) inch are ramped or have other means of access. Where a single-story dwelling unit has special design features, all portions of the single-story unit, except the loft or the sunken or raised area, are on an accessible route; and

(a) In single-story dwelling units with lofts, all spaces other than the loft are on an accessible route.

(b) Design features such as sunken or raised functional areas do not interrupt the accessible route through the remainder of the dwelling unit.

(3) In multistory dwelling units in buildings with elevators, the story of the unit that is served by the building elevator:

(a) is the primary entry to the unit;

(b) complies with Requirements 2 through 7 with respect to the rooms located on the entry/accessible floor; and

(c) contains a bathroom or powder room which complies with Requirement 7. (NOTE: Multistory dwelling units in nonelevator buildings are not covered dwelling units because, in such cases, there is no ground floor unit.)

(4) Except as provided in paragraphs (5) and (6), thresholds at exterior doors, including sliding door tracks, are no higher than three-fourths (¾) inch. Thresholds and changes in level at these locations are beveled with a slope no greater than 1:2.

(5) Exterior deck, patio, or balcony surfaces are not more than one-half (½) inch below the floor level of the interior of the dwelling unit, unless they are constructed of impervious material such as concrete, brick, or flagstone. In such case, the surface is not more than four (4) inches below the floor level of the interior of the dwelling unit.

(6) At the primary entry door to dwelling units with direct exterior access, outside landing surfaces constructed of impervious materials, such as concrete, brick, or flagstone, are not more than one-half (½) inch below the floor level of the interior of the dwelling unit. The finished surface of this area that is located immediately outside the entry may be sloped, up to one-eighth (c) inch per foot, for drainage.

Requirement 5. Light Switches, Electrical Outlets, Thermostats, and Other Environmental Controls in Accessible Locations.

Light switches, electrical outlets, thermostats, and other environmental controls will conform to section 3.0(c)(3)(ii) if operable parts of the controls are located no higher than forty-eight (48) inches, and no lower than fifteen (15) inches, above the floor. If the reach is over an obstruction, for example, an overhanging shelf, between twenty (20) and twenty-five (25) inches in depth, the maximum height is reduced to forty-four (44) inches for forward approach; or forty-six (46) inches for side approach, provided the obstruction, for example, a kitchen base cabinet, is no more

than twenty-four (24) inches in depth. Obstructions shall not exceed more than twenty-five (25) inches from the wall beneath a control (see Fig. 2).

Requirement 6. Reinforced Walls for Grab Bars.

Reinforced bathroom walls to allow later installation of grab bars around the toilet, tub, shower stall, and shower seat, where such facilities are provided, will conform to section 3.0(c)(3)(iii) (see Figs. 3, 4, and 5). Where the toilet is not placed adjacent to a side wall, the bathroom will comply if provision is made for installation of floor mounted foldaway or similar alternative grab bars. Where the powder room is the only toilet facility located on an accessible level of a multistory dwelling unit, it must comply with this requirement for reinforced walls for grab bars.

NOTE: Installation of bathtubs or showers is not limited by the illustrative figures, such as reinforced areas, for installation of floor-mounted grab bars.

Reinforcement for grab bars may be provided in a variety of ways, for example, by plywood or wood blocking, so long as the necessary reinforcement is placed so as to permit later installation of appropriate grab bars.

Requirement 7. Usable Kitchens and Bathrooms.

(1) Usable kitchens. Usable kitchens will conform to section 3.0(c)(3)(iv) if:

(a) a clear floor space at least thirty (30) inches by forty-eight (48) inches that allows a parallel approach by a person in a wheelchair is provided at the range or cooktop and sink, and either a parallel or forward approach is provided at oven, dishwasher, refrigerator/freezers, or trash compactor (see Fig. 6);

(b) clearance between counters and all opposing base cabinets, countertops, appliances, or walls is at least forty (40) inches; and

(c) in U-shaped kitchens with sink or range or cooktop at the base of the "U", a sixty (60) inch turning radius is provided to allow parallel approach, or base cabinets are removable at that location to allow knee space for a forward approach.

(2) Usable bathrooms. To meet the requirements of section 3.0(c)(3)(iv), either all bathrooms in the dwelling unit shall comply with the provisions of paragraph (a), or at least one (1) bathroom in the dwelling unit complies with the provisions of paragraph (b), and all other bathrooms and powder rooms within the dwelling unit must be on an accessible route with usable entry doors in accordance with Requirements 3 and 4.

However, in multistory dwelling units, only those bathrooms on the accessible level are subject to the requirements of section 3.0(c)(3)(iv). Where a powder room is the only facility provided on the accessible level of a multistory dwelling unit, the powder room shall comply with provisions of paragraph (a) or (b). Powder rooms that are subject to the requirements of section 3.0(c)(3)(iv) shall have reinforcements for grab bars as provided in Requirement 6.

(a) Bathrooms that have reinforced walls for grab bars (see Requirement 6) shall conform to section 3.0(c)(3)(iv) if:

(i) Sufficient maneuvering space is provided within the bathroom for a person using a wheelchair or other mobility aid to enter and close the door, use the fixtures, reopen the door, and exit. Doors may swing into the clear floor space provided at any fixture if the maneuvering space is provided. Maneuvering spaces may include any kneespace or toespace available below bathroom fixtures.

(ii) Clear floor space is provided at fixtures as shown in Fig. 7(a), 7(b), 7(c), and 7(d). Clear floor space at fixtures may overlap.

(iii) If the shower stall is the only bathing facility provided in the covered dwelling unit, the shower stall shall measure at least thirty-six (36) inches by thirty-six (36) inches.

NOTE: Cabinets under lavatories are acceptable provided the bathroom has space to allow a parallel approach by a person in a wheelchair; if parallel approach is not possible within the space, any cabinets provided would have to be removable to afford the necessary knee clearance for forward approach.

(b) Bathrooms that have reinforced walls for grab bars (see Requirement 6) will conform to section 3.0(c)(3)(iv) if:

(i) Where the door swings into the bathroom, there is a clear space (approximately, two (2) feet six (6) inches by four (4) feet) within the room to position a wheelchair or other mobility aid clear of the path of the door as it is closed and to permit use of fixtures. This clear space can include any kneespace and toespace available below bathroom fixtures.

(ii) Where the door swings out, a clear space is provided within the bathroom for a person using a wheelchair or other mobility aid to position the wheelchair such that the person is allowed use of fixtures. There also shall be clear space to allow persons using wheelchairs to reopen the door to exit.

(iii) When both tub and shower fixtures are provided in the bathroom, at least one (1) is made accessible. When two (2) or more lavatories in a bathroom are provided, at least one (1) is made accessible.

(iv) Toilets are located within bathrooms in a manner that permits a grab bar to be installed on one (1) side of the fixture. In locations where toilets are adjacent to walls or bathtubs, the centerline of the fixture is a minimum of one (1) foot six (6) inches from the obstacle. The other (nongrab bar) side of the toilet fixture is a minimum of one (1) foot three (3) inches from the finished surface of adjoining walls, vanities, or the edge of a lavatory (see Fig. 7(a)).

(v) Vanities and lavatories are installed with the centerline of the fixture a minimum of one (1) foot three (3) inches horizontally from an adjoining wall or

fixture. The top of the fixture rim is a maximum height of two (2) feet ten (10) inches above the finished floor. If kneespace is provided below the vanity, the bottom of the apron is at least two (2) feet three (3) inches above the floor. If provided, full kneespace (for front approach) is at least one (1) foot five (5) inches deep (see Fig. 7(c)).

(vi) Bathtubs and tub/showers located in the bathroom provide a clear access aisle adjacent to the lavatory that is at least two (2) feet six (6) inches wide and extends for a length of four (4) feet (measured from the head of the bathtub) (see Fig. 8).

(vii) Stall showers in the bathroom may be of any size or configuration. A minimum clear floor space two (2) feet six (6) inches wide by four (4) feet shall be available outside the stall (see Fig. 7(d)). If the shower stall is the only bathing facility provided in the covered dwelling unit, or on the accessible level of a covered multistory unit, and measures a nominal thirty-six (36) inches by thirty-six (36) inches or smaller, the shower stall must have reinforcement to allow for installation of an optional hung bench seat.

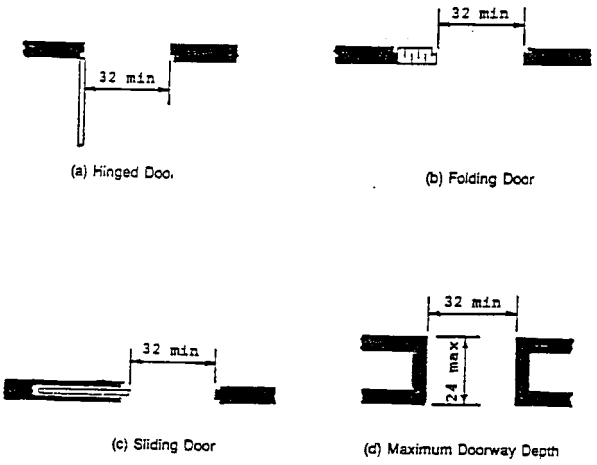


Fig. 1 Clear Doorway Width and Depth

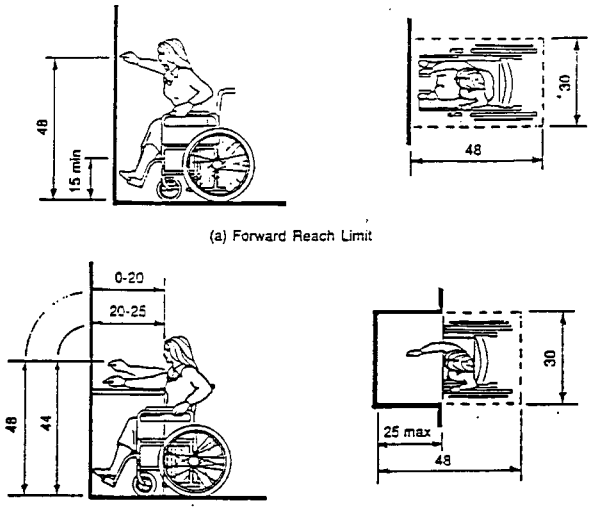


Fig. 2 Reach Ranges

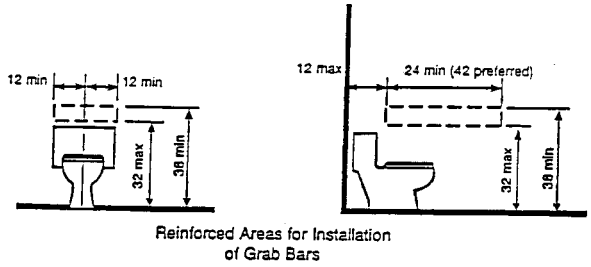


Fig. 3 Water Closets in Adaptable Bathrooms

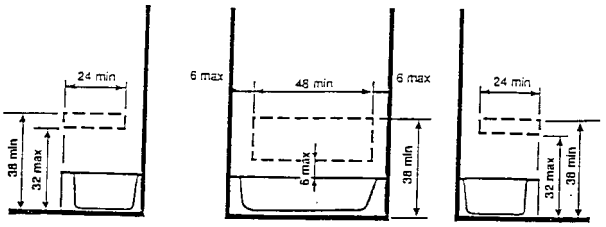


Fig. 4 Location of Grab Bar Reinforcements for Adaptable Bathtubs

NOTE: The areas outlined in dashed lines represent locations for future installation of grab bars for typical fixture configurations.

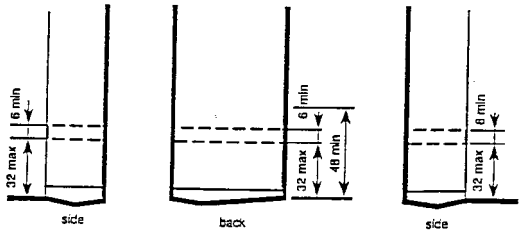


Fig. 5 Location of Grab Bar Reinforcements for Adaptable Showers

NOTE: The areas outlined in dashed lines represent locations for future installation of grab bars.

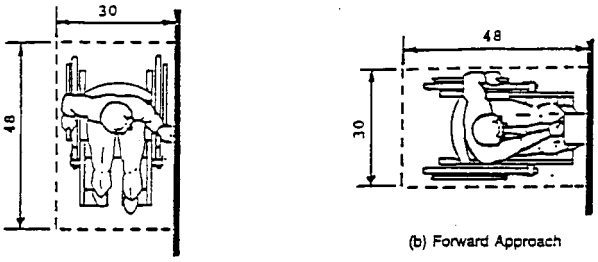
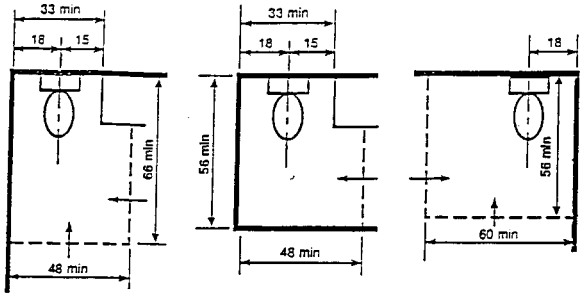
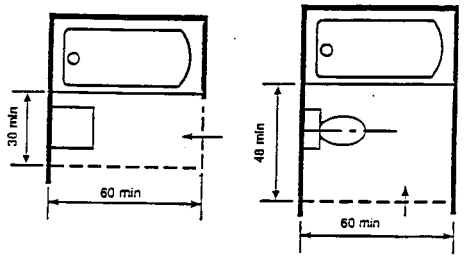


Fig. 6 Minimum Clear Floor Space for Wheelchairs

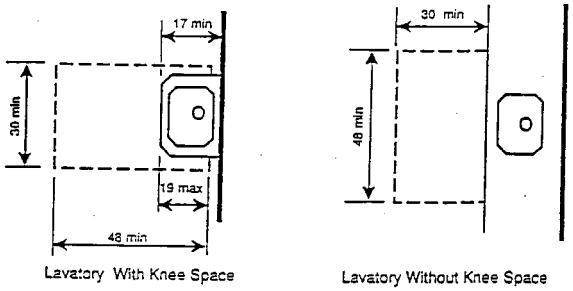


(a) Clear Floor Space for Water Closets

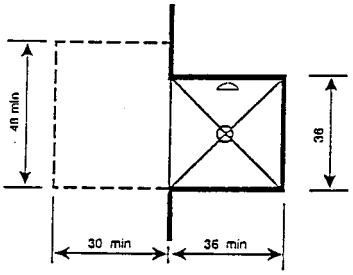


(b) Clear Floor Space at Bathtubs

Fig. 7 Clear Floor Space for Adaptable Bathrooms



(c) Clear Floor Space at Lavatories



(d) Clear Floor Space at Shower

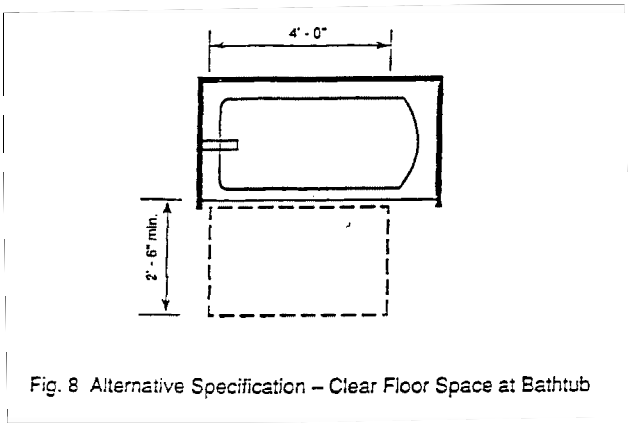


Fig. 8 Alternative Specification – Clear Floor Space at Bathtub

Subpart B CABO/ANSI A117.1 - 1992

That certain document being titled as the American National Standard, Accessible and Usable Buildings and Facilities CABO/ANSI A117.1-1992, published by the Council of American Building Officials, 5203 Leesburg Pike, #708, Falls Church, Virginia 22041, is hereby adopted by reference, as if fully set out in this rule, same and except the following revisions:

Delete section 1 without substitution.

Delete section 2 without substitution.

Delete subsection 3.3 and substitute as follows: ASME/ANSI A17.1 means the Indiana Safety Code for Elevators, Escalators, Manlifts, and Hoists (675 IAC 21).

Change the following definitions in section 3.2 to read as follows: (a) "ADMINISTRATIVE AUTHORITY" means the state building commissioner or officer of a local unit of government empowered by law to administer and enforce the rules of the fire prevention and building safety commission.

(b) "TEMPORARY" means a temporary structure erected as defined in the General Administrative Rules (675 IAC 12-6).

Delete subsection 4.6.2 Parking Spaces and substitute to read as follows: Parking shall comply with IC 5-16-9.

Change subsection 4.8.2 to read as follows: Ramps in new construction shall have a slope not steeper than 1:12. The rise for any ramp run shall be thirty (30) inches (seven hundred sixty-two (762) millimeters) maximum (see Fig. B4.8.2).

Delete Table 4.8.2 without substitution.

Delete subsection 4.10.2.

Change subsection 4.11 to read as follows: Wheelchair lifts, if provided, shall comply with the Indiana Safety Code for Elevators, Escalators, Manlifts, and Hoists (675 IAC 21).

Delete the first sentence of subsection 4.13.11.

Delete in subsection 4.13.12 "ANSI/BHMA A156.10" and substitute Chapter 10 of the Indiana Building Code (675 IAC 13).

Delete in subsection 4.13.13 "ANSI/BHMA A156.19" and substitute Chapter 10 of the Indiana Building Code.

Delete subsection 4.23 without substitution.

Change subsection 4.26.1 to read as follows: Alarms required by this code shall conform to subsection 4.26.

Delete subsection 4.30 without substitution.

Delete subsection 4.31 without substitution.

Delete subsection 4.32 without substitution.

Change subsection 4.33.4 to read as follows: Accessible kitchens shall comply with the requirements of section 4.33.4.

Delete subsections 4.33.4.6, 4.33.4.7, 4.33.4.8, 4.33.4.9, 4.33.4.10, 4.33.5, 4.33.5.1, and 4.33.5.2 without substitution.

Appendix A is not adopted and is for information purposes only. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-110; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2891)*

675 IAC 13-2.4-111 Section 1201.1; scope

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 111. Delete Section 1201.1 Scope and substitute to read as follows: The provisions of this chapter shall govern ventilation, temperature control, lighting, yards and courts, room dimensions, and surrounding materials associated with the interior spaces of buildings. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-111; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2936)*

675 IAC 13-2.4-112 Section 1202.3.2; ventilation openings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 112. Change Section 1202.3.2 Exception as follows:

(1) Change Exception 1 to read as follows: Ventilation openings to the outdoors are not required if ventilation openings to the interior are provided.

(2) Delete Exception 5.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-112; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2936)

675 IAC 13-2.4-113 Section 1203.1; equipment systems

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 113. Change the first paragraph of Section 1203.1 Equipment and systems to read as follows: Interior spaces intended for human occupancy shall be provided with active or passive space-heating systems capable of maintaining a minimum indoor temperature of 68° F (20° C) at a point three (3) feet (nine hundred fourteen (914) mm) above the floor on the design heating day, based on the exterior design condition as stated in the Indiana Energy Conservation Code (675 IAC 19). EXCEPTION: Interior spaces where the primary purpose is not associated with human comfort. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-113; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2936)*

675 IAC 13-2.4-114 Section 1206; sound transmission
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 114. Delete Section 1206 Sound transmission. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-114; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2936)*

675 IAC 13-2.4-115 Section 1207.2; minimum ceiling heights
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 115. Delete Exceptions 1 and 2 in Section 1207.2 Minimum ceiling heights. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-115; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2937)*

675 IAC 13-2.4-116 Section 1208.1; crawl spaces
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 116. Change Section 1208.1 Crawl spaces to read as follows: Crawl spaces shall be provided with a minimum of one (1) access opening not less than sixteen (16) inches by thirty (30) inches (four hundred six (406) mm by seven hundred sixty-two (762) mm). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-116; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2937)*

675 IAC 13-2.4-117 Section 1208.2; attic spaces
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 117. Change Section 1208.2 Attic spaces to read as follows: An opening not less than twenty (20) inches by forty (40) inches (five hundred eight (508) mm by one thousand sixteen (1,016) mm) shall be provided to any attic area having a clear height of over thirty (30) inches (seven hundred sixty-two (762) mm). A thirty (30) inch (seven hundred sixty-two (762) mm) minimum clear headroom in the attic space shall be provided at or above the access opening. When the access opening penetrates fire-resistive construction, the access opening closure shall provide the fire-resistive construction as required for the fire-resistive construction that is penetrated for the opening, and may be manufactured or field assembled, and shall be tight fitting. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-117; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2937)*

675 IAC 13-2.4-118 Table 1505.1; minimum roof covering classification for types of construction
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 118. Delete in TABLE 1505.1 MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION, Footnote a. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-118; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2937)*

675 IAC 13-2.4-119 Section 1510.1; general
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 119. Delete the second sentence of Section 1510.1 General and substitute as follows: For roof repairs see local ordinance. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-119; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2937)*

675 IAC 13-2.4-120 Section 1603; construction documents
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 120. Delete Section 1603 Construction documents and substitute as follows: See the General Administrative Rules (675 IAC 12-6), Industrialized Building Systems (675 IAC 15) and local ordinance. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-120; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2937)*

675 IAC 13-2.4-121 Section 1604.6; in-situ load tests
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 121. Delete the last sentence of Section 1604.6 In-situ load tests. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-121; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2937)*

675 IAC 13-2.4-122 Table 1607.1 minimum uniformly distributed live loads and minimum concentrated live loads
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 122. Change in TABLE 1607.1 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS AND MINIMUM CONCENTRATED LIVE LOADS, Footnote g to read as follows: g. Where snow loads occur that are in excess of the design conditions, the structure shall be designed to support the loads due to the increased loads caused by drift buildup or a greater snow design determined by the registered design professional or the owner if a registered design professional is not required by the General Administrative Rules (675 IAC 12-6) or the rules for Industrialized Building Systems (675 IAC 15). See Section 1608. For special-purpose roofs, see Section 1607.11.2.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-122; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2937)*

675 IAC 13-2.4-123 Section 1607.7.1; handrail guards
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 123. Delete Exception 1 in Section 1607.7.1 Handrails

and guards. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-123; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2937)*

675 IAC 13-2.4-124 Section 1608.2; ground snow loads
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 124. Change Section 1608.2 Ground snow loads to read as follows: The ground snow loads to be used in determining the snow loads for roofs are given in Figure 1608.2. Site-specific case studies shall be made in areas designated CS in Figure 1608.2. Ground snow loads for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a two (2) percent annual probability of being exceeded (fifty (50) year mean recurrence interval). Counties that have more than one (1) ground snow load as given in Figure 1608.2 shall apply the most restrictive ground snow load throughout the entire county. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-124; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2938)*

675 IAC 13-2.4-125 Section 1609.1.4; protection of openings
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 125. Delete Section 1609.1.4 Protection of openings, and TABLE 1609.1.4 WINDBORNE DEBRIS PROTECTION FASTENING SCHEDULE FOR WOOD STRUCTURAL PANELS. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-125; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2938)*

675 IAC 13-2.4-126 Section 1611.1; design rain loads
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 126. Add to the end of Section 1611.1 the following: See the Indiana Plumbing Code (675 IAC 16) for other roof drainage requirements. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-126; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2938)*

675 IAC 13-2.4-127 Section 1611.3; control drainage
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 127. Add a second paragraph to Section 1611.3 Control drainage to read: See the Indiana Plumbing Code (675 IAC 16) for other roof drainage requirements. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-127; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2938)*

675 IAC 13-2.4-128 Section 1612; flood loads
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 128. Delete Section 1612 Flood loads. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-128; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2938)*

675 IAC 13-2.4-129 Section 1614.4; quality assurance
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 129. Delete Section 1614.4 Quality assurance. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-129; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2938)*

675 IAC 13-2.4-130 Section 1615.1.3: Table 1615.1.3
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 130. Change Section 1615.1.3 as follows:
(1) Add an exception to the end of Section 1615.1.3 to read as follows: EXCEPTION: The maximum values of SDS and SD1 listed in TABLE 1615.1.3.
(2) Add TABLE 1615.1.3 MAXIMUM VALUES FOR SDS AND SD1 to the end of Section 1615.1.3 to read as follows:
TABLE 1615.1.3 - MAXIMUM VALUES FOR SDS AND SD1

Site Class	SDS	SD1
A	0.30	0.12
B	0.38	0.15
C	0.45	0.25
D	0.55	0.32
E	0.75	0.50
F	Note 1	Note 1

Note 1: Site-specific geotechnical investigation and dynamic site response analyses shall be performed to determine appropriate values.
(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-130; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2938)

675 IAC 13-2.4-131 Section 1616.2.2; seismic use Group II
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 131. Delete in Section 1616.2.2 Seismic use Group II the words "the building official" and substitue "local ordinance". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-131; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2938)*

675 IAC 13-2.4-132 Section 1616.2.3; seismic use Group III
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 132. Change Section 1616.2.3 Seismic use Group III as follows:
(1) Delete the words ", or as designated by the building official".

(2) Add an Exception to the end of Section 1616.3 to read as follows: EXCEPTION: The seismic design category need not exceed Seismic Design Category C for buildings and structures in Seismic Use Groups I and II and Seismic Design Category D for Class 1 buildings and structures in Seismic Use Group III.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-132; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2938)

675 IAC 13-2.4-133 Section 1618.10.3.2; design review

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 133. Delete Section 1618.10.3.2 Design review. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-133; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2939)*

675 IAC 13-2.4-134 Section 1621.1.8; quality assurance; special inspection and testing

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 134. Delete Section 1621.1.8 Quality assurance; special inspection and testing. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-134; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2939)*

675 IAC 13-2.4-135 Section 1621.2.6.1; special access floors

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 135. Change the last sentence of item 1 of Section 1621.2.6.1 Special access floors to read as follows: Design load capacities comply with approved design standards and/or approved test results. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-135; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2939)*

675 IAC 13-2.4-136 (Reserved)

675 IAC 13-2.4-137 Section1621.2.8; steel storage racks

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 137. Delete Section 1621.2.8 Steel storage racks and substitute as follows: Steel storage racks that are part of the structural system of a Class 1 structure shall comply with this code. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-137; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2939)*

675 IAC 13-2.4-138 Section 1621.3.8; storage tanks

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 138. Change Section 1621.3.8 Storage tanks to read as follows: Storage tanks within the scope of Section 101.2 shall be designed to meet the general requirements of Sections 1622.1 and 1622.2 and the specific requirements of Section 1622.4.3. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-138; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2939)*

675 IAC 13-2.4-139 Section 1621.3.10.2; other piping systems

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 139. Change the first sentence of Section 1621.3.10.2 Other piping systems to read as follows: The following documents shall be used for the seismic design of the respective systems when the systems are within the scope of Section 101.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-139; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2939)*

675 IAC 13-2.4-140 Section 1621.3.10.2.1; support and attachments for other piping

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 140. Add the third line of Section 1621.3.10.2.1 Supports and attachments for other piping, between the words "piping" and "shall" the words "that are within the scope of Section 101.2". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-140; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2939)*

675 IAC 13-2.4-141 Section 1621.3.11.1; ASME boilers and pressure vessels

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 141. Delete Section 1621.3.11.1 ASME Boilers and Pressure Vessels. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-141; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2939)*

675 IAC 13-2.4-142 Section 1621.3.12; mechanical equipment attachments

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 142. Change the first sentence of Section 1621.3.12 Mechanical equipment attachments and supports to read as follows: Attachments and supports for mechanical equipment that are within the scope of Section 101.2 and not covered in the preceding sections shall be designed to meet the force and displacement requirements of Sections 1621.1.4 and 1621.1.5 and the additional requirements of this section. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-142; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2939)*

675 IAC 13-2.4-143 Section 1621.3.12.1; mechanical equipment

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 143. Change the first paragraph of Section 1621.3.12.1 Mechanical equipment to read as follows: Mechanical equipment that is within the scope of Section 101.2 having an I_p greater than 1.0 shall meet the following requirements:

1. For equipment components vulnerable to impact, equipment components constructed of nonductile materials, or in cases where material ductility is reduced (e.g., low temperature applications), seismic impact shall be prevented.

2. The design shall include the effect of loadings imposed on the equipment by attached utility or service lines due to differential motions of points of support from separate structures.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-143; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2939)

675 IAC 13-2.4-144 Section 1621.3.12.2; attachments and support for mechanical equipment

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 144. Change the first part of the first sentence up to the colon of Section 1621.3.12.2 Attachments and supports for mechanical equipment to read as follows: Attachments and supports for mechanical equipment that are within the scope of Section 101.2 shall meet the following requirements:. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-144; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2940)*

675 IAC 13-2.4-145 Section 1621.3.13; electrical equipment and support

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 145. Change the first sentence of Section 1621.3.13 Electrical equipment attachments and support to read as follows: Attachments and supports for electrical equipment that are within the scope of Section 101.2 shall be designed to meet the force and displacement requirements of Sections 1621.1.4 and 1621.1.5 and the additional requirements of this section. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-145; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2940)*

675 IAC 13-2.4-146 Section 1622.1; nonbuilding structures

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 146. Change the first paragraph of Section 1622.1 Nonbuilding structures to read as follows: The requirements of this section apply to self-supporting structures that are within the scope of Section 101.2 that carry gravity loads that are not defined as buildings, vehicular or railroad bridges, nuclear power generation plants, offshore platforms, or dams. Where the building official has approved the use of specific industry standards for seismic design of nonbuilding structures, those standards shall be applicable within the limitations of the requirements of this section. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-146; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2940)*

675 IAC 13-2.4-147 Section 1622.3.4; steel storage racks

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 147. Delete Section 1622.3.4 Steel storage racks and substitute as follows: Storage racks that are an integral part of the structural system of a Class 1 structure shall comply with this code. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-147; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2940)*

675 IAC 13-2.4-148 Section 1622.3.4.3; vertical distribution of seismic force

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 148. Delete Section 1622.3.4.3 Vertical distribution of seismic forces. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-148; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2940)*

675 IAC 13-2.4-149 Section 1622.3.4.4; seismic displacement

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 149. Delete Section 1622.3.4.4 Seismic displacement. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-149; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2940)*

675 IAC 13-2.4-150 Section 1622.3.6; structural towers for tanks and vessels

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 150. Change the first sentence of Section 1622.3.6 Structural towers for tanks and vessels to read as follows: The seismic design of structural towers that support tanks and vessels where the tanks or vessels are within the scope of Section 101.2 shall meet the requirements of Section 1622.1.1. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-150; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2940)*

675 IAC 13-2.4-151 Section 1622.4.2; earth-retaining structures

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 151. Change the title of Section 1622.4.2 Earth-retaining structures to read: Earth-retaining structures that are within the scope of Section 101.2. *(Fire Prevention and*

Building Safety Commission; 675 IAC 13-2.4-151; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2940)

675 IAC 13-2.4-152 Section 1622.4.3; tanks and vessels
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 152. Change the first sentence of Section 1622.4.3 Tanks and vessels to read as follows: This section applies to tanks and vessels storing liquids, gases, and granular solids that are within the scope of Section 101.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-152; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2941)*

675 IAC 13-2.4-153 Section 1622.4.4; telecommunication towers
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 153. Delete Section 1622.4.4 Telecommunication towers. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-153; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2941)*

675 IAC 13-2.4-154 Section 1622.4.5; stacks and chimneys
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 154. Change the title of Section 1622.4.5 Stacks and chimneys to read as follows: Stacks and chimneys within the scope of Section 101.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-154; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2941)*

675 IAC 13-2.4-155 Section 1622.4.6; amusement structures
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 155. Change the title of Section 1622.4.6 Amusement structures to read as follows: Amusement structures within the scope of Section 101.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-155; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2941)*

675 IAC 13-2.4-156 Section 1622.4.7; special hydraulic structures
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 156. Change the title of Section 1622.4.7 Special hydraulic structures to read as follows: Special hydraulic structures within the scope of Section 101.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-156; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2941)*

675 IAC 13-2.4-157 Section 1622.4.8; buried structures
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 157. Change the title of Section 1622.4.8 Buried Structures to read as follows: Buried structures within the scope of Section 101.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-157; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2941)*

675 IAC 13-2.4-158 Section 1622.4.9; inverted pendulum
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 158. Change the title of Section 1622.4.9 Inverted pendulum to read as follows: Inverted pendulums within the scope of Section 101.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-158; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2941)*

675 IAC 13-2.4-159 Section 1623; seismically isolated structures
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 159. Change the title of Section 1623 Seismically isolated structures to read: Seismically isolated structures within the scope of Section 101.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-159; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2941)*

675 IAC 13-2.4-160 Section 1623.5.1.8; inspection and replacement
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 160. Delete section 1623.5.1.8 Inspection and replacement and substitute to read as follows: Access for inspection and replacement of all components of the isolation system shall be provided. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-160; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2941)*

675 IAC 13-2.4-161 Section 1623.5.1.9; quality control
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 161. Delete Section 1623.5.1.9 Quality control. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-161; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2941)*

675 IAC 13-2.4-162 Section 1623.5.2.3; nonbuilding structures
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 162. Change the title of Section 1623.5.2.3 Nonbuilding structures to read as follows: Nonbuilding structures within the scope of Section 101.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-162; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2941)*

675 IAC 13-2.4-163 Section 1623.7; design and construction
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 163. Delete Section 1623.7 Design and construction review and substitute the following: See the General Administrative Rules (675 IAC 12-6). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-163; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2942)*

675 IAC 13-2.4-164 Chapter 17; structural test and special inspections
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 164. Delete Chapter 17 Structural test and special inspections and substitute to read as follows: See the General Administrative Rules (675 IAC 12-6-6(c)(10)(D)) and Industrialized Building Systems (675 IAC 15). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-164; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2942)*

675 IAC 13-2.4-165 Section 1802.1; general
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 165. Delete the last sentence of Section 1802.1 General. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-165; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2942)*

675 IAC 13-2.4-166 Section 1802.6; reports
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 166. Delete Section 1802.6 Reports and substitute as follows: See the General Administrative Rules (675 IAC 12-6) and the rules for Industrialized Building Systems (675 IAC 15). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-166; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2942)*

675 IAC 13-2.4-167 Section 1803.3; site grading
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 167. Delete the exception to Section 1803.3 Site grading. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-167; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2942)*

675 IAC 13-2.4-168 Section 1803.4; compacted fill material
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 168. Delete in Section 1803.4 Compacted fill material the last sentence of the exception. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-168; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2942)*

675 IAC 13-2.4-169 Section 1805.3.3; pools
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 169. Delete in Section 1805.3.3 Pools the words "this code" and substitute the words "the Indiana Swimming Pool Code (675 IAC 20)". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-169; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2942)*

675 IAC 13-2.4-170 Section 1805.4.2.6; forming of concrete
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 170. Delete in Section 1805.4.2.6 Forming of concrete the words "building official" and substitute the words "registered design professional". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-170; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2942)*

675 IAC 13-2.4-171 (Reserved)

675 IAC 13-2.4-172 Section 1807.2.8.3; load test
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 172. Delete in Section 1807.2.8.3 Load tests the words "building official" and substitute the words "registered design professional". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-172; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2942)*

675 IAC 13-2.4-173 Section 1807.2.21; pier or pile location plan
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 173. Delete Section 1807.2.21 Pier or pile location plan and substitute as follows: See the General Administrative Rules (675 IAC 12-6) and the rules for Industrialized Building Systems (675 IAC 15). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-173; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2942)*

675 IAC 13-2.4-174 Section 1807.2.22; special inspections
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 174. Delete Section 1807.2.22 Special inspections and substitute: See the General Administrative Rules (675 IAC 12-6-6(c)(10)(D)) and the rules for Industrialzed *[sic.]* **Building Systems (675 IAC 15).** *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-174; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2942)*

675 IAC 13-2.4-175 Section 1807.2.23.1; seismic design Category C

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 175. Change Section 1807.2.23.1 Seismic design Category C to read as follows: Where a structure is assigned to Seismic Design Category C in accordance with Section 1616, the following shall apply. Individual pile caps, piers or piles shall be interconnected by ties. Ties shall be capable of carrying, in tension and compression, a force equal to the product of the larger pile cap or column load times the seismic coefficient S_{DS} divided by 10 unless it can be demonstrated that equivalent restraint is provided by reinforced concrete beams within slabs-on-grade or reinforced concrete slabs-on-grade or confinement by competent rock, hard cohesive soils, or very dense granular soils.

EXCEPTION 1: Piers supporting foundation walls, isolated interior posts detailed so the pier is not subject to lateral, lightly loaded exterior decks and patios, of Group R, Division 3 and Group U, Division 1 occupancies not exceeding two (2) stories of light-frame construction, are not subject to interconnection if it can be shown the soils are of adequate stiffness, subject to the approval of the building official.

EXCEPTION 2: Other methods may be used where it can be demonstrated by a registered design professional that equivalent restraint can be provided when approved by the building official.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-175; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2943)

675 IAC 13-2.4-176 Section 1809.3.2; dimensions

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 176. Change the exception to Section 1809.3.2 Dimensions to read as follows: The length of the pile is permitted to exceed thirty (30) times the diameter when approved by the building official. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-176; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2943)*

675 IAC 13-2.4-177 Section 1809.4.2; dimensions

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 177. Change the exception to Section 1809.4.2 Dimensions to read as follows: The length of the pile is permitted to exceed thirty (30) times the diameter when documented by the registered design professional and approved by the building official. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-177; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2943)*

675 IAC 13-2.4-178 Section 1811.4; reinforcement

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 178. Change at the end of the exception to Section 1811.4 Reinforcement the words "building official" to the words "registered design professional". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-178; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2943)*

675 IAC 13-2.4-179 Section 1901.4; construction documents

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 179. Delete Section 1901.4 Construction documents and substitute as follows: See the General Administrative Rules (675 IAC 12-6) and the rules for Industrialized Building Systems (675 IAC 15). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-179; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2943)*

675 IAC 13-2.4-180 Section 1903.6; admixtures

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 180. Change in Section 1903.6 Admixtures the word "approval" to the word "acceptance". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-180; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2943)*

675 IAC 13-2.4-181 Section 1905.6.1; tests

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 181. Change the title and text of Section 1905.6.1 to read as follows: 1905.6.1 Tests. Concrete shall be tested in accordance with the requirements in Section 1905.6.2 through 1905.6.5. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-181; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2943)*

675 IAC 13-2.4-182 Section 1905.6.4.1; when required

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 182. Change Section 1905.6.4.1 When required to read as follows: The building official may require that the results of strength tests of cylinders cured under field conditions be provided. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-182; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2943)*

675 IAC 13-2.4-183 Section 1905.7; preparation of equipment and place of deposit

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 183. Change in item 6 of Section 1905.7 Preparation of equipment and place of deposit the word "permitted" to "approved". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-183; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2943)*

675 IAC 13-2.4-184 Section 1905.6.5.5; strength evaluation
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 184. Change Section 1905.6.5.5 Strength evaluation to read as follows: If the criteria of Section 1905.6.5.4 are not met and if the structural adequacy remains in doubt, the building official is permitted to order a strength evaluation in accordance with Chapter 20, for the questionable portion of the structure. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-184; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2944)*

675 IAC 13-2.4-185 Section 1905.10.4; retempering
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 185. Change in Section 1905.10.4 Retempering the word "approved" to the word "authorized". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-185; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2944)*

675 IAC 13-2.4-186 Section 1906.3; conduits and pipes embedded in concrete
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 186. Change in Section 1906.3 Conduits and pipes embedded in concrete the words "with approval of" to the words "when authorized by". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-186; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2944)*

675 IAC 13-2.4-187 Section 1907.5.1; support
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 187. Change in Section 1907.5.1 Support the words "where approved" to the words "when authorized". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-187; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2944)*

675 IAC 13-2.4-188 Section 1910.4.4.1; walls
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 188. Delete the exception in Section 1910.4.4.1. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-188; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2944)*

675 IAC 13-2.4-189 Section 1910.4.4.2; footings
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 189. Change Section 1910.4.4.2 Footings as follows: (1) Delete the exception at the end of the first paragraph. (2) Delete Exception 1 of the second paragraph. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-189; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2944)*

675 IAC 13-2.4-190 Section 1912.5; increase for special inspections
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 190. Delete Section 1912.5 Increase for special inspections. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-190; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2944)*

675 IAC 13-2.4-191 Section 1913.8.3; construction documents
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 191. Delete Section 1913.8.3 Construction documents and substitute as follows: See the General Administrative Rules (675 IAC 12-6) and the rules for Industrialized Building Systems (675 IAC 15). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-191; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2944)*

675 IAC 13-2.4-192 Section 1914.5; preconstruction tests
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 192. Delete at the beginning of Section 1914.5 Preconstruction tests the words "When required by the building official" and substitute the words "When required by local ordinance". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-192; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2944)*

675 IAC 13-2.4-193 Section 1914.7; joints
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 193. Delete in Section 1914.7 Joints the word "approved". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-193; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2944)*

675 IAC 13-2.4-194 Section 1916.6; approvals
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 194. Change the last sentence of Section 1916.6 Approvals to read as follows: Shop-fabricated concrete-filled pipe columns shall be approved by the building official. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-194; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2944)*

675 IAC 13-2.4-195 Section 2101.3; construction documents
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 195. Delete Sections 2101.3 Construction documents and

2101.3.1 Fireplace drawings and substitute to read as follows: See the General Administrative Rules (675 IAC 12-6) and the rules for Industrialized Building Systems (675 IAC 15). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-195; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2944)*

675 IAC 13-2.4-196 Section 2102; definitions
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 196. Change in Section 2102 Definitions and notations in the definition of MASONRY the word "accepted" to "approved". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-196; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2945)*

675 IAC 13-2.4-197 Section 2104.1.2.3; solid units
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 197. Change the first sentence of Section 2104.1.2.3 solid units to read as follows: Unless otherwise approved, solid units shall be placed in fully mortared bed and head joints. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-197; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2945)*

675 IAC 13-2.4-198 Section 2105.1; general
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 198. Delete Section 2105.1 General. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-198; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2945)*

675 IAC 13-2.4-199 Section 2105.4; mortar testing
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 199. Change Section 2105.4 Mortar testing to read as follows: Local ordinance may require mortar to be tested in accordance with the property specifications of ASTM C-270 or evaluated in accordance with ASTM C-780. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-199; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2945)*

675 IAC 13-2.4-200 Section 2107.2.1; ACI 530/ASCE 5/TMS 402 Chapter 2
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 200. Delete Section 2107.2.1 ACI 530/ASCE 5/TMS 402 Chapter 2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-200; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2945)*

675 IAC 13-2.4-201 Section 2108.2; quality assurance provisions
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 201. Delete Section 2108.2 Quality assurance provisions. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-201; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2945)*

675 IAC 13-2.4-202 Section 2208.1; welding
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 202. Delete the last sentence of Section 2208.1 Welding. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-202; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2945)*

675 IAC 13-2.4-203 Section 2209; general
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 203. Delete the last sentence of Section 2209.1 General. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-203; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2945)*

675 IAC 13-2.4-204 Section 2210; steel storage racks
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 204. Delete Section 2210 Steel storage racks and substitute as follows: Where steel storage racks are part of the structural system of a Class 1 structure the storage racks shall comply with this code. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-204; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2945)*

675 IAC 13-2.4-205 Section 2303.1.1; lumber
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 205. Delete in the first sentence of Section 2303.1.1 Lumber the words "by an accreditation body that complies with DOC PS20 or equivalent". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-205; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2945)*

675 IAC 13-2.4-206 Section 2303.1.8.1; identification
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 206. Change Section 2303.1.8.1 Identification to read as follows: Wood required by Section 2304.11 to be preservative-treated shall bear the quality mark of an inspection agency that maintains continuing supervision, testing, and inspection over the quality of the preservative-treated wood and shall be approved by the building official. The quality mark shall be on a stamp or label affixed to the preservative-treated wood. The quality mark shall include the following:

1. Identification of treating manufacturer.

2. Type of preservative used.

3. Minimum preservative retention (pef).
4. End use for which the product is treated.
5. AWPA standard to which the product was treated.
6. Identity of the accredited inspection agency.
(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-206; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2945)

675 IAC 13-2.4-207 Section 2303.2.1; labeling
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 207. Change Section 2303.2.1 Labeling to read as follows: Fire-retardant-treated lumber and wood structural panels shall bear the identification mark of an approved agency. Such identification marks shall indicate conformance with appropriate standards in accordance with Sections 2303.2.2 through 2303.2.5. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-207; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2945)*

675 IAC 13-2.4-208 Section 2303.4; trusses
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 208. In Section 2303.4, delete all the text after the first sentence. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-208; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2946)*

675 IAC 13-2.4-209 Section 2303.4.1; truss design drawings
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 209. Delete 2303.4.1 Truss design drawings and substitute as follows: See the General Administrative Rules (675 IAC 12-6) and Industrialized Building Systems (675 IAC 15). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-209; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2946)*

675 IAC 13-2.4-210 Section 2303.5; test standard for joist hangers and connectors
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 210. Delete Section 2303.5 Test standard for joist hangers and connectors and substitute as follows: Joist hangers and connectors shall be approved. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-210; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2946)*

675 IAC 13-2.4-211 Section 2304.9.3; joist hangers and framing anchors
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 211. Delete the last sentence of Section 2304.9.3 Joist hangers and framing anchors. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-211; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2946)*

675 IAC 13-2.4-212 Section 2304.11.2; wood used above ground
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 212. Change the last line of Section 2304.11.2 Wood used above ground to read as follows: Standards for above ground use as referenced in Chapter 35. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-212; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2946)*

675 IAC 13-2.4-213 Section 2304.11.5; supporting member for permanent appurtenances
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 213. Delete the exception to Section 2304.11.5 Supporting member for permanent appurtenances. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-213; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2946)*

675 IAC 13-2.4-214 Section 2308.1; general
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 214. Change the second sentence of Section 2308.1 General to read as follows: Other methods are permitted to be used where the design has been approved and the design shows compliance with other provisions of this code. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-214; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2946)*

675 IAC 13-2.4-215 Sections 2308.11.1 and 2308.12.1; numbers of stories
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 215. Delete the exception to Sections 2308.11.1 and 2308.12.1. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-215; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2946)*

675 IAC 13-2.4-216 Section 2403.1; safety glazing
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 216. Change the first paragraph of Section 2403.1 to read as follows: Each pane shall bear the manufacturer's label designating the type and thickness of the glass or glazing material. The identification shall not be omitted unless approved and an affidavit is furnished by the glazing contractor certifying that each light is glazed in accordance with the provisions of this chapter. Safety glazing shall be

identified in accordance with Section 2406.1.1. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-216; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2946)*

675 IAC 13-2.4-217 Section 2603.4.1.9; garage doors
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 217. Delete the exception to Section 2603.4.1.9. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-217; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2947)*

675 IAC 13-2.4-218 Section 2606.3; identification
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 218. Change in Section 2606.3 Identification, the words "satisfactory to" to the words "approved by". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-218; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2947)*

675 IAC 13-2.4-219 Section 2606.5; structural requirements
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 219. Delete Section 2606.5 Structural requirements, and substitute to read as follows: Light-transmitting plastic materials in their assembly shall be of adequate strength and durability to withstand the loads indicated in Chapter 16 and shall be approved by the building official. *(Fire Prevention and Building and Safety Commission; 675 IAC 13-2.4-219; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2947)*

675 IAC 13-2.4-220 Chapter 27; electrical
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 220. Delete Chapter 27 Electrical, and substitute to read as follows: See the Indiana Electrical Code (675 IAC 17). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-220; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2947)*

675 IAC 13-2.4-221 Chapter 28; mechanical systems
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 221. Delete Chapter 28 Mechanical systems, and substitute to read as follows: See the Indiana Mechanical Code (675 IAC 18) and the Indiana Fuel Gas Code (675 IAC 25). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-221; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2947)*

675 IAC 13-2.4-222 Chapter 29; plumbing systems
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 222. Delete the text of Chapter 29 and substitute as follows:

SECTION 2901. PLUMBING FIXTURES

Plumbing systems shall comply with the Indiana Plumbing Code (675 IAC 16).

SECTION 2902. Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in TABLE No. 29. Types of occupancies not shown in TABLE No. 29 shall be considered as the most similar listed occupancy.

The number of occupants of a building, for the purposed of Chapter 29, shall be one (1) of the following:

1. The actual or anticipated number of occupants; or

2. The square feet of usable (net) floor space divided by the occupant load factor found in Table 10-A.

SECTION 2903. Where plumbing fixtures are required separate facilities shall be provided for each sex.

EXCEPTIONS:

1. Separate facilities shall not be required in residential occupancies.

2. Separate employee facilities shall not be required in occupancies in which fifteen (15) or less people are employed.

3. Separate facilities shall not be required in structures or tenant space with a total occupant load, including both employees and customers, of fifteen (15) or less in which food or beverage is served for consumption within the structure or tenant space.

SECTION 2904. Number of occupants of each sex: The required water closets, lavatories, and showers or bathtubs shall be distributed equally, except where specified in TABLE No. 29, between the sexes based on the percentage load of each sex anticipated in the occupant load. The occupant load shall be composed of fifty percent (50%) of each sex unless statistical data indicates a different distribution of the sexes.

SECTION 2905. Location of employee toilet facilities in occupancies other than use Group A or M occupancies: Access to toilet facilities in occupancies other than use Group A or M occupancies shall be from within the employee's regular working area. The required toilet facilities shall not exceed a distance of five hundred (500) feet (one hundred fifty-two (152) meters). Employee facilities shall be either separate facilities or public facilities.

EXCEPTION: Facilities that are required for employees in storage structures or kiosks, and which are located in adjacent structures under the same ownership, lease, or control, shall be a maximum travel distance of five hundred (500) feet (one hundred fifty-two (152) meters) from the employees' regular working area.

1. Location of employee toilet facilities in buildings of use Groups A and M occupancies: Employees shall be

provided with toilet facilities in buildings and tenant spaces utilized as restaurants, nightclubs, places of public assembly, and retail sales occupancies. The employee facilities shall be either separate facilities or public facilities.

EXCEPTION: Employee toilet facilities shall not be required in tenant spaces of nine hundred (900) square feet (eighty-four (84) meters squared) or less where the travel distance from the main entrance of the tenant space to a central toilet area does not exceed five hundred (500) feet (one hundred fifty-two (152) meters) and such central toilet facilities are located not more than one (1) story above or below the tenant space.

SECTION 2906. Public facilities: The public shall be provided with toilet facilities in structures and tenant spaces utilized as restaurants, nightclubs, places of assembly, and retail sales occupancies. Public toilet facilities shall be located not more than one (1) story above or below the space required to be provided with public toilet facilities, and the path of travel to such facilities shall not exceed a distance of five hundred (500) feet (one hundred fifty-two (152) meters). In covered mall buildings, required facilities shall be based on total square footage, and facilities shall be installed in each individual store or in a central toilet area located in accordance with this section. The maximum travel distance to the central toilet facilities in covered mall buildings shall be measured from the main entrance of any store or tenant space.

EXCEPTION: Public facilities are not required in structures or tenant spaces with an occupant load of less than one hundred fifty (150) and which do not serve food or beverages to be consumed within the structure or tenant space.

SECTION 2907. Access for cleaning: Plumbing fixtures shall be installed so as to afford access for cleaning both the fixture and area around the fixture. Unless conditions such as freezing or structural impairment restricts, all pipes from fixtures shall be routed to the nearest wall.

SECTION 2908. Convenience and function: Fixtures shall be set level and in alignment with reference to adjacent walls.

1. Water closets, lavatories, and bidets: A water closet, lavatory, or bidet shall not be set closer than fifteen (15) inches (three hundred eighty-one (381) millimeters) from its center to any side wall, partition, vanity, or other obstruction, nor closer than thirty (30) inches (four hundred sixty-two (462) millimeters) clearance in front of the water closet or bidet to any wall, fixture, or door. Water closet compartments shall not be less than thirty (30) inches (seven hundred sixty-two (762) millimeters) wide and sixty (60) inches (one thousand five hundred twenty-four (1,524) millimeters) deep. There shall be at least eighteen (18) inches (four hundred fifty-seven (457) millimeters) clearance in front of a lavatory to any wall, fixture, or door. See Figure 29.

2. Urinals: A urinal shall not be set closer than fifteen (15) inches (three hundred eighty-one (381) millimeters) from the center of the urinal to any side wall, partition, vanity, or other obstruction, nor closer than thirty (30) inches (seven hundred sixty-two (762) millimeters) center-to-center between urinals.

SECTION 2909. Drinking Fountains. Where required by TABLE No. 29, drinking fountains shall be installed.

EXCEPTIONS:

1. Where water is served in restaurants or where bottled water coolers are provided in other occupancies, drinking fountains shall not be required.

2. Drinking fountains shall not be installed in public rest rooms or nonprivate bathrooms.

SECTION 2910. Substitution of urinals for water closets. In each bathroom or toilet room, urinals shall not be substituted for more than fifty percent (50%) of the required water closets.

SECTION 2911. Access: Where access by persons with a disability is required by Chapter 11, accessible toilet and other facilities shall be provided as specified in that chapter.

SECTION 2912. Unisex bathing and toilet rooms.

2912.1 General. Unisex bathing and toilet rooms shall comply with this section and Chapter 11.

In Groups A and M Occupancies, an accessible unisex toilet room shall be provided where an aggregate of six (6) or more male and female water closets are required. In buildings of mixed occupancy, only those water closets required for the Group A or M Occupancy shall be used to determine the unisex toilet room requirement.

2912.2 Location. Unisex toilet and bathing rooms shall be located on an accessible route. Unisex toilet rooms shall be located not more than one (1) story above or below separate-sex toilet facilities. The accessible route from any separate-sex toilet room to a unisex toilet room shall not exceed five hundred (500) feet (one hundred fifty-two thousand four hundred (152,400) millimeters).

Additionally, in passenger transportation facilities and airports, the accessible route from separate-sex toilet facilities to a unisex toilet room shall not pass through security checkpoints.

2912.3 Clear floor space. Where doors swing into a unisex toilet or bathing room, a clear floor space not less than thirty (30) inches by forty-eight (48) inches (seven hundred

sixty-two (762) millimeters by one thousand two hundred nineteen (1,219) millimeters) shall be provided within the room, beyond the area of the door swing.

2912.4 Required fixtures.

2912.4.1 Unisex toilet rooms. Unisex toilet rooms shall include only one (1) water closet and only one (1) lavatory. Where a bathing facility is provided within a unisex toilet room, only one (1) shower shall be provided.

EXCEPTION: A separate-sex toilet room containing not more than two (2) water closets without urinals, or containing only one (1) water closet and one (1) urinal, may be considered a unisex toilet room.

2912.4.2 Unisex bathing rooms. Unisex bathing rooms shall include one (1) shower fixture. Unisex bathing rooms shall also include one (1) water closet and one (1) lavatory. Where storage facilities are provided for separate-sex bathing facilities, accessible storage facilities shall be provided for unisex bathing rooms.

TABLE NO. 29
MINIMUM NUMBER OF PLUMBING FACILITIES
Fixtures
Number of fixtures per number of occupants

Building Occupancy		Water Closets Males	Water Closets Females	Lavatories	Bathtubs/ Showers	Drinking Fountains	Service Sink
A	Theaters	1 per 125	1 per 65	1 per 200	—	1 per 1,000	1
	Night Clubs	1 per 40	1 per 40	1 per 75	—	1 per 500	1
	Restaurants	1 per 75	1 per 75	1 per 200	—	1 per 500	1
	Halls, museums, etc.	1 per 125	1 per 65	1 per 200	—	1 per 1,000	1
	Coliseums, arenas	1 per 75	1 per 40	1 per 150	—	1 per 1,000	1
	Churches (b)	1 per 150	1 per 75	1 per 200	—	1 per 1,000	1
	Stadiums, pools, etc.	1 per 100	1 per 50	1 per 150	—	1 per 1,000	1
B	Business	1 per 25		1 per 40	—	1 per 100	1
M	Retail sales	1 per 500		1 per 750	—	1 per 1,000	1
F	Factory and industrial	1 per 100		1 per 100	emergency showers and eyewash	1 per 400	1
S	Storage	1 per 100		1 per 100	emergency showers and eyewash	1 per 1,000	1
E	Educational	1 per 50		1 per 50	—	1 per 100	1
H	Hazardous	1 per 100		1 per 100	emergency showers and eyewash	1 per 1,000	1
I	Hospitals (c)	1 per room (f)		1 per room (f)	1 per 15	1 per 100	1 per floor
	I-1 Nurseries, day care centers, sanitariums, and nursing homes with nonambulatory patients (c)	1 per 15		1 per 15	1 per 15 (g)	1 per 100	1
	I-2 Nursing homes for ambulatory patients (c)	1 per room (f)		1 per room (f)	1 per 15	1 per 100	1 per floor
	I-3 Mental hospitals, mental sanitariums, etc.	1 per 15		1 per 15	1 per 15	1 per 100	1
	I-3 Jails/reformatories cells	1 per cell		1 per cell	1 per 8	—	—
	I-3 Dormitory or other institutional rooms with 24 hour access to sanitary facilities	1 per 12	1 per 8	1 per 12	1 per 8	—	—

	I-3 Exercise rooms	1 per room	1 per room	—	—	—
	I-3 Employees (c)	1 per 25	1 per 25	—	1 per 100	—
	I-3 Visitors	1 per 75	1 per 100	—	1 per 500	—
R	Lodges, dormitories, and bed and breakfast facilities	1 per 10	1 per 8	1 per 10	1 per 100	1
	Hotels and motels	1 per guest room	1 per guest room	1 per guest room	—	1
	Multiple family housing (d)	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	—	1 kitchen sink per dwelling unit

Note (a) The fixtures shown are based on one (1) fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated.
Note (b) Fixtures located in adjacent buildings under the ownership or control of the church may be made available during periods the church is occupied.
Note (c) Toilet facilities for employees shall be separate from the facilities for inmates or patients.
Note (d) One (1) automatic clothes washer connection shall be required per twenty (20) dwelling units.
Note (e) One (1) automatic clothes washer connection shall be required per dwelling unit.
Note (f) A single-occupant toilet room and one (1) water closet and one (1) lavatory servicing not more than two (2) adjacent patients rooms shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.
Note (g) For nurseries, a maximum of one (1) bathtub shall be required.
(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-222; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2947)

675 IAC 13-2.4-223 Section 3001.2; referenced standards
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 223. Change Section 3001.2 Referenced standards to read as follows: Except as otherwise provided for in this code, the design, construction, installation, and alteration of elevators and conveying systems that are part of a Class 1 structure shall conform to the Indiana Elevator Safety Code (675 IAC 21). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-223; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2950)*

675 IAC 13-2.4-224 Section 3001.3; accessibility
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 224. Change Section 3001.3 Accessibility to read as follows: See Chapter 11 for the requirements for accessible elevators. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-224; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2950)*

675 IAC 13-2.4-225 Section 3001.4; change in use
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 225. Change Section 3001.4 Change in use to read as follows: See the Indiana Elevator Safety Code (675 IAC 21) for any change of use of an elevator. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-225; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2950)*

675 IAC 13-2.4-226 Section 3002.4.1
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 226. Add Section 3002.4.1 after Section 3002.4 to read as follows: 3002.4.1 Elevator cars to accommodate an ambulance stretcher in buildings three (3) stories or less in height. In buildings of I-1, I-2, I-3, and R-4 occupancies that are three (3) stories or less in height, where an elevator is installed, such elevator shall be installed in accordance with the provisions in Section 3002.4. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-226; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2950)*

675 IAC 13-2.4-227 Section 3005.3; conveyors
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 227. Change Section 3005.3 Conveyors to read as follows: Conveyors and conveying systems that are within the scope of Section 101.2 shall comply with ASME B20.1 and Sections 3003.1 and 3005.3.2. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-227; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2950)*

675 IAC 13-2.4-228 Section 3103.1.1; permit required
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 228. Delete Section 3103.1.1 Permit required and Section 3103.2 Construction documents and substitute as follows: See the General Administrative Rules (675 IAC 12-6) and local

ordinance. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-228; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2950)*

675 IAC 13-2.4-229 Section 3107.1; general
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 229. Delete Section 3107.1 General. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-229; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2951)*

675 IAC 13-2.4-230 Section 3109; swimming pool enclosure
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 230. Delete Section 3109 Swimming pool enclosures and substitute as follows: See the Indiana Swimming Pool Code (675 IAC 20). *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-230; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2951)*

675 IAC 13-2.4-231 Chapter 32; encroachments into the public right-of-way
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 231. Delete Chapter 32 Encroachments into the public right-of-way and substitute as follows: See local ordinance. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-231; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2951)*

675 IAC 13-2.4-232 Chapter 33; safeguards during construction
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 232. Delete Chapter 33 Safeguards during construction. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-232; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2951)*

675 IAC 13-2.4-233 Chapter 34; existing structures
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 233. Delete Chapter 34 Existing structures and substitute as follows: See the General Administrative Rules (675 IAC 12) and local ordinance. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-233; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2951)*

675 IAC 13-2.4-234 Chapter 35; referenced standards
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 234. Amend Chapter 35 as follows: (a) Change Section 102.8 to Section 101.3.

(b) Delete the following referenced standards:
(1) ASCE 24-98.
(2) ASME A17.1-96.
(3) ASME A90.1-97.
(4) ICC A117.1-98.
(5) NFPA 11-98.
(6) NFPA 12 -93.
(7) NFPA 13-96.
(8) NFPA 13R -96.
(9) NFPA 14-99.
(10) NFPA 17-98.
(11) NFPA 17A-98.
(12) NFPA 2001-96.
(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-234; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2951)

675 IAC 13-2.4-235 Appendices
Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 235. Make the following changes:
(1) Delete Appendix A Employee Qualifications.
(2) Delete Appendix B Board of Appeals.
(3) Delete Appendix C Group U Agricultural Buildings.
(4) Delete Appendix D Fire Districts.
(5) Delete Appendix E Supplementary Accessibility Requirements.
(6) Delete Appendix F Rodent Proofing.
(7) Delete Appendix G Flood Resistant Construction.
(8) Delete Appendix H Signs.
(9) Delete Appendix I.
(10) Delete Appendix J Supplementary Accessibility Requirements for Qualified Historic Buildings and Facilities.
(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-235; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2951)

SECTION 2. 675 IAC 13-2.3 IS REPEALED.

LSA Document #02-115(F)
Notice of Intent Published: 25 IR 2545
Proposed Rule Published: July 1, 2002; 25 IR 3291
Hearing Held: September 16, 2002 and November 6, 2002
Approved by Attorney General: April 14, 2003
Approved by Governor: April 17, 2003
Filed with Secretary of State: April 21, 2003, 8:30 a.m.
Incorporated Documents Filed with Secretary of State: 2000 International Building Code, third printing.

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #02-116(F)

DIGEST

Adds 675 IAC 18-1.4, which adopts and amends the 2000 International Mechanical Code as the 2003 Indiana Mechanical

Code. Repeals 675 IAC 18-1.3. Effective 30 days after filing with the secretary of state.

675 IAC 18-1.3
675 IAC 18-1.4

SECTION 1. 675 IAC 18-1.4 IS ADDED TO READ AS FOLLOWS:

Rule 1.4. Indiana Mechanical Code, 2003 Edition

675 IAC 18-1.4-1 Adoption by reference; title; availability; scope; purpose

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 1. (a) That certain document being titled the 2000 International Mechanical Code, third printing, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, is hereby adopted by reference as if fully set out in this rule save and except those revisions made in this rule.

(b) This rule is available for review and reference at the Fire and Building Services Department, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-1; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2952)*

675 IAC 18-1.4-2 Chapter 1; administration

Authority: IC 22-13-2-2
Affected: IC 4-21.5; IC 4-22-7-7; IC 22-12-7; IC 22-13-2-7; IC 22-13-5; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 2. Delete Chapter 1 and substitute to read as follows:

Section 101 Application

101.1 Title

This rule shall be known as the Indiana Mechanical Code, 2003 edition and shall be published, except incorporated documents, by the fire and building services department, for general distribution and use under that title. Wherever the term "this code" is used throughout this rule, it shall mean the Indiana Mechanical Code, 2003 edition.

101.2 Scope and Purpose

(a) The scope and purpose of this code is to establish the minimum requirements for the following:

1. Construction, addition, alteration, erection, or assembly of any part of a Class 1 structure at the site where the structure will be used.

2. Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 structure at the site where it will be used.

3. Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 structure.

4. Safeguarding life or property from the hazards of fire and explosion for Class 1 structures.

5. Fabrication of any part of a Class 1 industrialized building system for installation, assembly, or use at another site, except mobile structures.

6. Work undertaken to relocate any part of a Class 1 structure, except a mobile structure.

7. Assembly of a Class 1 industrialized building system that is not covered by subdivision 5, except mobile structures.

(b) Detached one (1) and two (2) family dwellings and townhouses not more than three (3) stories high and their accessory structures shall comply with the Indiana Residential Code, 675 IAC 14.

101.3 Appendices and Standards

Provisions in the appendices are not enforceable unless specifically adopted.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

EXCEPTION: Where enforcement of a code provision would violate the conditions of the listing, labeling, or manufacturer's installation instructions of the equipment, engineered wood product, or appliance, the conditions of the listing, labeling, or manufacturer's instructions shall apply.

101.4 Appeals and Interpretations

Appeals from orders issued by the fire prevention and building safety commission, the office of the state building commissioner or the office of the state fire marshal are governed by IC 4-21.5 and IC 22-12-7. Appeals from orders by a local unit of government are governed by IC 22-13-2-7 and local ordinance. Upon the written request of an interested person who has a dispute with a county or municipal government concerning a building rule, the office of the state building commissioner may issue a written interpretation of a building law. The written interpretation as issued under IC 22-13-5 binds the interested person and the county or municipality with whom the interested person has the dispute until overruled in a proceeding under IC 4-21.5. A written interpretation of a building law binds all counties and municipalities if the office of the state building commissioner publishes the written interpretation of the building law in the Indiana Register under IC 4-22-7-7(b).

101.5 Plans

Plans shall be submitted for Class 1 structures as required by the General Administrative Rules (675 IAC 12) and the rules for Industrialized Building Systems (675 IAC 15).

101.6 Existing Construction

For existing Class 1 structures, see the General Administrative Rules (675 IAC 12) and local ordinance.

101.7 Additions and Alterations

Additions and alterations to any Class 1 structure shall conform to that required of a new structure without requiring the existing structure to comply with all the requirements of this code. Additions or alterations shall not cause an existing structure to become unsafe (See the General Administrative Rules (675 IAC 12-4)).

101.8 Alternate Materials, Methods, and Equipment

Alternate materials, methods, equipment, and design shall be as required by the General Administrative Rules (675 IAC 12-6-11) and the rules for Industrialized Building Systems (675 IAC 15). *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-2; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2952)*

675 IAC 18-1.4-3 Chapter 2; definitions

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14-2-10; IC 22-15-2-7; IC 25-4; IC 25-31; IC 36-7-2-9; IC 36-8-17-9

Sec. 3. In Chapter 2, make the following changes: (a) Change the definition of APPLIANCE, EXISTING to read as follows: Any appliance regulated by this code which was legally installed prior to the effective date of this code.

(b) Change the definition of APPROVED to read as follows: APPROVED as to materials, equipment, design, and types of construction, acceptance by the code official by one (1) of the following methods:

(1) investigation or tests conducted by recognized authorities; or

(2) investigation or tests conducted by technical or scientific organizations; or

(3) accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment, and types of construction are safe for their intended purpose.

(c) Delete the definition of BASE FLOOD ELEVATION.

(d) Delete the definition of CODE.

(e) Change the definition of CODE OFFICIAL to read as follows: CODE OFFICIAL. The office of the state building commissioner as authorized under IC 22-15-2-7; the office of the state fire marshal as authorized under IC 22-14-2-10; the local building official as authorized under IC 36-7-2-9 and local ordinance; the fire department as authorized under IC 36-8-17-9.

(f) Change the definition of COMMERCIAL FOOD HEAT-PROCESSING APPLIANCES to read as follows: Appliances used in commercial cooking operations, and which produce grease vapors, steam fumes, smoke, or odors that are required to be removed through a local exhaust ventilation system.

(g) Delete the definition of COMPENSATING HOODS.

(h) Delete the definition of CONSTRUCTION DOCUMENTS and substitute as follows: Documents required to obtain a design release in accordance with the General Administrative Rules (675 IAC 12-6) and the rules for Industrialized Building Systems (675 IAC 15).

(i) Change the definition of EQUIPMENT, EXISTING to read as follows: Any equipment regulated by this code which was legally installed prior to the effective date of this code.

(j) Add the definition for FIRE PREVENTION CODE to read as follows: FIRE PREVENTION CODE. Refer to the INDIANA BUILDING CODE (675 IAC 13) and the INDIANA FIRE CODE (675 IAC 22).

(k) Delete the definition of FLOOD ZONES.

(l) Delete the definition of HOOD and substitute to read as follows: See Section 506 of this code.

(m) Change the definition of IMMEDIATELY DANGEROUS TO LIFE OR HEALTH (IDLH) to read as follows: The concentration of airborne contaminants that poses a threat of death, immediate or delayed permanent adverse health effects, or effects that could prevent escape from such an environment.

(n) Add the following definitions after the definition of INDIRECT REFRIGERATION SYSTEM and before the definition of JOINT, FLANGED:

(1) ICC ELECTRICAL CODE means the INDIANA ELECTRICAL CODE (675 IAC 17).

(2) ICC BUILDING CODE means the INDIANA BUILDING CODE (675 IAC 13).

(3) INTERNATIONAL BUILDING CODE refers to the INDIANA BUILDING CODE (675 IAC 13).

(4) INTERNATIONAL FIRE CODE refers to the INDIANA FIRE CODE (675 IAC 22).

(5) INTERNATIONAL FUEL GAS CODE refers to the INDIANA FULES *[sic.]* **GAS CODE (675 IAC 25).**

(6) INTERNATIONAL ENERGY CONSERVATION CODE refers to the INDIANA ENERGY CONSERVATION CODE (675 IAC 19).
(7) INTERNATIONAL PLUMBING CODE refers to the INDIANA PLUMBING CODE (675 16 *[sic., 675 IAC 16]***).**

(o) Delete the definition of LABELED and substitute to read as follows: Equipment, devices, appliances, 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.

(p) Delete the definition of LISTED and substitute to read as follows: Equipment, appliances, devices, 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 appropriated standards or has been tested and found suitable for use in a specified manner.

(q) Change the definition of REGISTERED DESIGN PROFESSIONAL to read as follows: An architect or professional engineer who is registered under IC 25-4 or IC 25-31. If a registered design professional is not required by the General Administrative Rules (675 IAC 12-6) or the rules for Industrialized Building Systems (675 IAC 15), then it means the owner. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-3; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2953)*

675 IAC 18-1.4-4 Section 301.2; energy utilization
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 4. In Section 301.2 Energy utilization, delete "all structures" and insert "all Class I structures". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-4; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2954)*

675 IAC 18-1.4-5 Section 301.4; listed and labeled
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 5. In Section 301.4 Listed and labeled, delete "in accordance with Section 105". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-5; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2954)*

675 IAC 18-1.4-6 Section 301.5; labeling
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 6. Delete Section 301.5 Labeling. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-6; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2954)*

675 IAC 18-1.4-7 Section 301.6; information
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 7. In Item 4 of Section 301.6 Information, delete "approval" and insert "acceptance". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-7; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2954)*

675 IAC 18-1.4-8 Section 301.13; flood hazard
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 8. Delete Section 301.13 Flood hazard and substitute "See local ordinance". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-8; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2954)*

675 IAC 18-1.4-9 Section 301.15; rodent proofing
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 9. Delete Section 301.15 Rodent proofing. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-9; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2954)*

675 IAC 18-1.4-10 Section 304.1; general
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 10. Change Section 304.1 General to read as follows: Equipment and appliances shall be installed in accordance with the conditions of the listing, the manufacturer's installation instructions, and this code unless otherwise approved. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-10; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2954)*

675 IAC 18-1.4-11 Section 304.4; public garages
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 11. In Section 304.4, delete "service station" and insert "motor fuel dispensing facilities". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-11; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2954)*

675 IAC 18-1.4-12 Section 401.4; exists
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 12. Change Item 3 in Section 401.4 Exits as follows: Add the words "by the Indiana Building Code (675 IAC 13)" to item 3 of this section following the words "as required". *(Fire Prevention and Building Safety Commission;*

675 IAC 18-1.4-12; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2954)

675 IAC 18-1.4-13 Section 401.7; contaminant sources
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 13. Delete Section 401.7 Contaminant sources. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-13; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2955)*

675 IAC 18-1.4-14 Section 406.1; general
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 14. Delete Section 406.1 General and insert the following: Uninhabited spaces, such as crawl spaces and attics, shall be provided with natural ventilation openings as required by the Indiana Building Code (675 IAC 13). *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-14; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2955)*

675 IAC 18-1.4-15 Section 501.1; scope
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 15. Change Section 501.1 Scope to read as follows: This chapter shall govern the design, construction, and installation of mechanical exhaust systems within the scope of Section 101.2, including dust stock and refuse conveyor systems and exhaust systems serving appliances used in commercial food processing establishments. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-15; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2955)*

675 IAC 18-1.4-16 Section 501.2; independent systems required
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 16. Change Section 501.2 Independent system required to read as follows: Single or combined mechanical exhaust systems from bath, toilet, urinal, locker, service sink closets, and similar rooms shall be independent of all other systems. Type I exhaust systems shall be independent of all other exhaust systems, single or combined. Type II exhaust systems for food-processing operations shall be independent of all other exhaust systems. Kitchen exhaust systems shall be constructed in accordance with Section 505 for domestic equipment and Section 506 for commercial equipment. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-16; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2955)*

675 IAC 18-1.4-17 Section 501.3; outdoor discharge
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 17. Delete Section 501.3 Outdoor discharge and insert the following: The air removed by every mechanical exhaust system shall discharge to the atmosphere. The termination point for exhaust ducts discharging to the atmosphere shall be not less than the following:

(1) Ducts conveying explosive or flammable vapors, fumes, or dusts: thirty (30) feet from property line; ten (10) feet from openings into the building; six (6) feet from exterior walls or roofs; thirty (30) feet from combustible walls or openings into the building which are in the direction of the exhaust discharge; or ten (10) feet above adjoining grade.

(2) Other product-conveying outlets; ten (10) feet from property line; three (3) feet from exterior wall or roof; ten (10) feet from openings into the building; or ten (10) feet above adjoining grade.

(3) Environmental air duct exhaust: three (3) feet from property line; or three (3) feet from openings into the building.

Air shall not be exhausted into an attic or crawl space. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-17; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2955)*

675 IAC 18-1.4-18 Section 501.4; pressure equalization
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 18. Delete Section 501.4 Pressure equalization and insert the following: Mechanical exhaust systems shall be sized to remove the quantity of the air required by this code. The system shall operate when air is required to be exhausted. Where mechanical exhaust is required in a room or space in other occupancies in Use Group R-2 and R-3 as defined by the Indiana Building Code (675 IAC 13), such space shall be maintained with a neutral or negative pressure. If a greater quantity of air is supplied by a mechanical ventilating supply system that is removed by a mechanical exhaust system from a room, an approved means shall be provided for the natural exit of the excess air supplied. If only a mechanical exhaust system is installed for a room or if a greater quantity of air is removed by a mechanical exhaust system, than is supplied by a mechanical ventilating supply system for a room, an approved means shall be provided for the natural supply of the deficiency in the air supplied. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-18; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2955)*

675 IAC 18-1.4-19 Section 502.8.11; silane gas
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 19. Change the third line of Section 502.8.11 Silane gas to read as follows: "ing the maximum allowable quantities per control area as required by the Indiana Building Code (675 IAC 13) shall". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-19; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2955)*

675 IAC 18-1.4-20 Section 502.9.1; where required
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 20. Delete the second sentence of Item 1 in Section 502.9.1 Where required. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-20; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2956)*

675 IAC 18-1.4-21 Section 502.15.1; design
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 21. Change Section 502.15.1 Design as follows: Revise the fifth line of Item 1 to read: "twenty-five (25) percent of the LFL. In all cases, the sys-". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-21; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2956)*

675 IAC 18-1.4-22 Section 506, Section 507, Section 508, and Section 509; commercial kitchen grease ducts and exhaust equipment, commercial kitchen hoods, commercial kitchen makeup air, and fire suppression systems
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 22. Delete Section 506 Commercial kitchen grease ducts and exhaust equipment; Section 507 Commercial kitchen hoods; Section 508 Commercial kitchen makeup air; and Section 509 Fire suppression systems and insert the following: 506.1.1 For the purposes of this section, the following definitions shall apply:

AIR POLLUTION CONTROL DEVICES. Equipment and devices used for the purpose of cleaning air passing through or by them in such a manner as to reduce or remove the impurities contained therein.

***COMBUSTIBLE MATERIAL. Material subject to increase in combustibility or flame spread rating beyond the limits established in the definition of limited-combustible.**

CONTINUOUS EXTERNAL WELD. A metal joining method without interruption as related to visibility and quality, located on the outside of the surfaces that directly contain and/or convey the grease-laden vapors of the cooking process(es). For the purpose of this definition, it specifically includes the exhaust compartment of hoods and welded joints of exhaust ducts, yet specifically does not include filter support frames or appendages inside hoods.

DAMPER. A valve or plate within a duct or its terminal components for controlling draft or the flow of gases, including air.

DUCTS (or Duct System). A continuous passageway for the transmission of air and vapors that, in addition to the containment components themselves, may include duct fittings, dampers, plenums, and/or other items or air handling equipment.

FUME INCINERATORS. Devices utilizing intense heat or fire to break down and/or oxidize vapors and odors contained in gases or air being exhausted into the atmosphere.

GREASE. Rendered animal fat, vegetable shortening, and other such oily matter used for the purposes of and resulting from cooking and/or preparing foods. Grease may be liberated and entrained with exhaust air or may be visible as a liquid or solid.

GREASE DUCTS. A containment system for the transportation of air and grease vapors, designed and installed to reduce the possibility of the accumulation of combustible condensation and the occurrence of damage should a fire occur within the system.

GREASE FILTER. A component of the grease vapor removal system that deflects the air and vapors passing through it in a manner that causes the grease vapor concentration and/or condensation for the purpose of collection, leaving the exiting air with a lower amount of combustible matter.

GREASE REMOVAL DEVICES. Other components of the grease and vapor removal system that do not fit the definition of grease filter yet are designed, installed, and perform by removing vapor suspended grease particles from the exhaust air/vapor stream or are designed to assist other devices in the removal of such vapors or particles.

GREASETIGHT. Constructed and performing in such a manner as not to permit the passage of any grease under normal cooking conditions.*

HOOD is an air-intake device connected to a mechanical exhaust system for collecting and removing grease, vapors, fumes, smoke, steam, heat, or odors from commercial food heat-processing equipment.

TYPE I HOOD is a kitchen hood for collecting and removing grease and smoke.

TYPE II HOOD is a general kitchen hood for collecting and removing steam, vapor, heat, or odors.

CANOPY HOOD means a hood located above the cooking equipment it serves and which overhangs equipment on all open sides.

COMPENSATING HOOD is a hood that has an outside air supply with air delivered below or within the hood. When makeup air is diffused directly into the exhaust within the hood cavity, it becomes a short-circuit hood.

***LABELED. Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation, that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.**

LIMITED-COMBUSTIBLE. As applied to a building construction material, a material, not complying with the definition of noncombustible material, that, in the form in which it is used, has a potential heat value not exceeding three thousand five hundred (3,500) BTU per pound and complies with one (1) of the following paragraphs (a) or (b). Materials subject to increase in combustibility or flame spread rating beyond the limits herein established through the effects of age, moisture, or other atmospheric condition shall be considered combustible.

(a) Materials having a structural base of noncombustible material, with a surfacing not exceeding a thickness of one-eighth (c) inch, which has a flame spread rating not greater than fifty (50).

(b) Materials, in the form and thickness used, other than as described in (a), having neither a flame spread rating greater than twenty-five (25) nor evidence of continued progressive combustion and of such composition that surfaces that would be exposed by cutting through the material on any plane would have neither a flame spread rating greater than twenty-five (25) nor evidence of continued progressive combustion.

LIQUIDTIGHT. Constructed and performing in such a manner as not to permit the passage of any liquid at any temperature.

NONCOMBUSTIBLE MATERIAL. A material that, in the form in which it is used and under the conditions anticipated, will not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat.*

MAKEUP AIR. Air supplied to the room where the hood is located approximately equal to the amount of air exhausted.

THERMAL RECOVERY UNIT. A device or series of devices whose purpose is to reclaim only the heat content of air, vapors, gases, and/or fluids that were being expelled through the exhaust system and to transfer the thermal energy so reclaimed to a location whereby a useful purpose may be served.

506.2 General requirements for hoods

506.2.1 Type I Hoods. Commercial food heat-processing appliances used in a process that produce smoke or grease-laden vapors shall be equipped with an exhaust system complying with Type I Hood requirements.

506.2.2 Type II Hoods. Commercial food heat-processing appliances producing steam or heat that does not generate smoke or grease-laden vapors, such as dishwashing machines, shall be equipped with an exhaust system complying with Type II Hood requirements.

506.2.3 Solid Fuel. All commercial food heat-processing appliances using solid fuel shall be served by a separate exhaust system that complies with Type I Hood requirements.

506.2.4 Alteration, Replacement, Relocation. Notification in writing shall be given to the code official of any alteration, replacement, or relocation of any exhaust system equipment, exhaust system, extinguishing equipment, or any part thereof.

506.2.5 Alternates. Alternate materials, methods, and design shall be in accordance with the General Administrative Rules, 675 IAC 12-6-11.

506.3 Type I exhaust hood construction

506.3.1 *Materials. The hood or that portion of a primary collection means designed for collecting cooking vapors and residues shall be constructed of and be supported by steel not less than forty-three thousandths (0.043) inch (No. 18 Mean Steel Gage) or stainless steel not less than thirty-seven thousandths (0.037) inch (No. 20 Mean Steel Gage) in thickness, or of other approved materials of equivalent strength, fire resistance, and corrosion resistance.* Hoods of copper shall be of copper sheets weighing at least twenty-four (24) ounces per square foot.

506.3.2 Painting or Coating. Surfaces that come into contact with food, and surfaces from which food may drain, drip, or be subjected to splash, spillage, or other food soiling shall:

(1) not impart toxic substances, odor, color, or taste to food;

(2) be smooth and cleanable;

(3) be corrosion-resistant with a material that is noncracking and nondripping; and

(4) not be coated with a lead based coating.

506.3.3 Seams, Joints. All seams, joints, and penetrations of the hood enclosure that directs and captures grease-laden vapors and exhaust gases to its lower outermost perimeter of the entire hood assembly shall have a liquidtight continuous external weld or be sealed by labeled devices. Internal hood joints, seams, filter support frames, and appendages attached inside the hood need not be welded but shall be sealed or otherwise be made greasetight. All materials used to seal interior joints shall be labeled.

506.3.4 Insulation. Insulation materials other than electrical insulation shall be identified as having a flame spread rating of twenty-five (25) or less when tested in accordance with ASTM E84.

506.3.5 Hood Size and Location. For canopy type hoods, the inside edge of the hood shall overhang or extend a horizontal distance of not less than six (6) inches beyond the edge of the cooking surface on all exposed sides, and the vertical distance between the lip of the hood and the cooking surface shall not exceed four (4) feet.

Hoods of the noncanopy or backshelf types shall be located a maximum of three (3) feet above the cooking surface. The inside edge of the hood shall overhang or extend a horizontal distance of not less than three (3) inches beyond the edge of the cooking surface on exposed ends. The front edge of the hood shall be set back a maximum of twelve (12) inches from the edge of the cooking surface.

506.3.6 Labeled Hoods. Labeled hood assemblies shall be

considered as complying with this chapter and shall be installed in accordance with the conditions of labeling and the manufacturer's instructions.

506.4 Exhaust hood assemblies with integrated supply air plenums

506.4.1 General. The construction and size of the hood shall comply with the requirements of subsection 506.3.

506.4.2 *Supply Fire Dampers. A fire damper shall be installed in the supply air plenum at each point where a supply air duct inlet or a supply air outlet penetrates the continuously welded shell of the assembly. The damper shall be constructed of at least the same gage as the shell. The actuation device of the damper shall have a maximum rating of two hundred eighty-six degrees Fahrenheit (286EF). Supply air plenums that discharge air from their face rather than from the bottom or into the exhaust hood and that are isolated from the exhaust hood by the continuously welded shell extending to the lower outermost perimeter of the entire hood assembly do not require a fire damper.*

506.4.3 Exhaust Fire Dampers. Fire dampers shall not be installed in an exhaust hood assembly.

EXCEPTION: Labeled hood assemblies with exhaust dampers shall be permitted.

506.4.4 Labeled Hood Assemblies. Labeled hood assemblies shall be installed in accordance with the conditions of the labeling and the manufacturer's instructions.

506.5 Grease removal devices in hoods

506.5.1 *Grease Removal Devices. Labeled grease filters, baffles, or other approved grease removal devices for use with commercial cooking equipment shall be provided for Type I hoods. Mesh filters shall not be used.

506.5.2 Installations. The distance between the grease removal device and the cooking surface shall be as great as possible. Where grease removal devices are used in conjunction with charcoal or charcoal-type broilers, including gas or electrically heated charbroilers, a minimum vertical distance of four (4) feet shall be maintained between the lower edge of the grease removal device and the cooking surface.

EXCEPTIONS: 1. Grease removal devices supplied as part of labeled hood assemblies shall be installed in accordance with the terms of the labeling and the manufacturer's instructions.

2. For cooking equipment without exposed flame and where fire gases bypass grease removal devices, the minimum vertical distance may be reduced to not less than six (6) inches.*

506.5.3 Protection. Grease removal devices shall be protected from combustion gas outlets and from direct flame impingement where the distance between the grease removal device and the appliance flue outlet (heat source) is less than eighteen (18) inches. This protection may be accomplished by the installation of a steel or stainless steel baffle plate between the heat source and the grease removal device. The baffle plate shall be so sized and located that flames or combustion gases must travel a distance not less than eighteen (18) inches from the heat source to the grease removal device.

EXCEPTION: See Exceptions No. 1 and No. 2 to subsection 506.5.2.

506.5.4 *Filters. Filters shall be tight-fitting and firmly held in place and shall be readily accessible and removable for cleaning. Filters shall be installed at an angle not less than forty-five (45) degrees from the horizontal. Filters shall be equipped with a drip tray beneath the lower edge of the filters. The tray shall be kept to the minimum size needed to collect the grease and be pitched to drain to an enclosed metal container having a capacity not exceeding one (1) gallon.*

506.6 Type II exhaust hood construction

506.6.1 Materials. Type II hoods shall be constructed of galvanized steel, stainless steel, copper, twenty-four thousandths (0.024) inch (No. 24 gage) steel, or other approved material.

Hoods constructed of copper shall be of copper sheets weighing at least twenty-four (24) ounces per square foot. Hoods constructed of stainless steel shall have a minimum thickness of thirty-thousandths (0.030) inch.

506.6.2 Fabrication and Installation. Hoods shall be secured in place by noncombustible supports. Joints and seams shall be substantially tight. Solder shall not be used except for sealing a joint or seam.

506.6.3 Painting and Coating. Surfaces that come into contact with food, and surfaces from which food may drain, drip, or be subjected to splash, spillage, or other food soiling shall:

(1) not impart toxic substances, odor, color, or taste to food;

(2) be smooth and cleanable;

(3) be corrosion-resistant with a material that is noncracking and nondripping; and

(4) not be coated with a lead based coating.

506.6.4 Hood size and location. For canopy type hoods, the inside edge of the hood shall overhang or extend a horizontal distance of not less than six (6) inches beyond the edge of the cooking surface or equipment served on all exposed sides, and the vertical distance between the lip of the hood and the cooking surface or equipment served shall not exceed four (4) feet.

Hoods of noncanopy or backshelf types shall be located a maximum of three (3) feet above the cooking surface or equipment served. The inside edge of the hood shall overhang or extend a horizontal distance of not less than three (3) inches beyond the edge of the cooking surface or equipment served on exposed ends. The front edge of the hood shall be set back a maximum of twelve (12) inches from the edge of the cooking surface or equipment served.

506.7 Air movement

506.7.1 Makeup Air. Each room provided with an exhaust system required by this chapter shall have filtered air supplied to the room approximately equal to the amount of air to be exhausted and shall be adequate to prevent a negative pressure in the commercial cooking areas from exceeding two-hundredths (0.02) inch of water column. Windows and doors shall not be used for the purpose of supplying makeup air.

The makeup air shall not reduce the temperature of the occupied space to less than sixty-five degrees Fahrenheit (65EF) at five (5) feet above the floor throughout the room.

506.7.2 Compensating Hoods. Compensating hoods shall extract at least fifty percent (50%) of the required air flow from the kitchen area.

EXCEPTION: Labeled hoods that are installed in accordance with the conditions of the labeling and the manufacturer's instructions.

506.7.3 Capacity of Canopy Hoods. Canopy-type cooking hoods shall exhaust through the hood a minimum quantity of air determined by application of the formulas in items 1 through 4 below:

WHERE: A = the horizontal surface area of the hood, in square feet.

P = that part of the perimeter of the hood that is open, in feet.

D = distance in feet between the lower lip of the hood and the cooking surface.

Q = quantity of air, in cubic feet per minute.

When cooking equipment is installed back-to-back and is covered by a common island-type hood, the airflow required may be calculated using the formula for three (3) sides exposed. When all appliances are electric, the airflow required may be reduced to eighty percent (80%) of the formula value. Type II hood airflow requirements shall be in accordance with item 4 below:

1. Type I hoods for use over charcoal and other solid-fuel charbroilers shall be provided with separate exhaust systems. Undefined cooking equipment other than charcoal and solid-fuel charbroilers may be installed under a common hood. The minimum airflow for charcoal, solid-fuel, and grease-burning charbroilers and undefined equipment shall be:

Number of Exposed Sides	Formula
4 (island or central hood)	Q = 300A
3 or less	Q = 200A
Alternate formula	Q = 100PD

2. Type I hoods when the cooking equipment includes appliances such as deep-fat fryers:

Number of Exposed Sides	Formula
4 (island or central hood)	Q = 150A
3 or less	Q = 100A
Alternate formula	Q = 100PD

3. Type I hoods where the cooking equipment includes appliances such as rotisseries, grills, and ranges:

Number of Exposed Sides	Formula
4 (island or central hood)	Q = 100A
3 or less	Q = 75A
Alternate formula	Q = 50PD

4. Type I hoods where the cooking equipment includes appliances such as ranges, roasters, roasting ovens, pastry ovens, and equipment approved for use under a Type II hood, such as pizza ovens. Solid-fuel ovens shall be provided with separate exhaust systems:

Number of Exposed Sides	Formula
4 (island or central hood)	Q = 75A
3 or less	Q = 50A
Alternate formula	Q = 50PD

EXCEPTION: Labeled exhaust hoods are to be installed in accordance with the conditions of labeling and the manufacturer's instructions.

506.7.4 Capacity of Noncanopy Hoods. In addition to all other requirements for hoods specified in this section, the volume of air exhausting through noncanopy-type hoods to the duct system shall be not less than three hundred (300) cubic feet per minute per lineal foot of hood.

EXCEPTION: Labeled exhaust hoods installed in accordance with the conditions of labeling and the manufacturer's instructions.

506.7.5 Exhaust Duct Velocity. The exhaust velocity for duct systems serving Type I hoods shall not be less than one thousand five hundred (1,500) cubic feet per minute.

506.8 Duct systems

506.8.1 Materials. Grease ducts and plenums serving a Type I hood shall be constructed of at least fifty-five thousandths (0.055) inch thick (No. 16 manufacturer's standard gage) steel or stainless steel at least forty-four thousandths (0.044) inch in thickness.

EXCEPTION: Labeled grease ducts installed in accordance with the conditions of labeling and the manufacturer's recommendations.

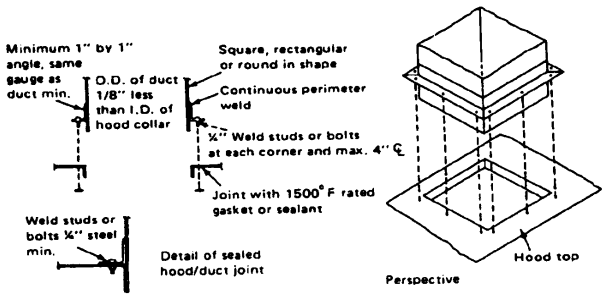
Ducts and plenums serving Type II hoods shall be constructed of rigid metallic materials as set forth in Chapter 6. Duct bracing and supports shall comply with Chapter 6. Ducts subject to positive pressure shall be sealed.

506.8.2 Seams and Joints. Seams and joints shall be made with a continuous liquidtight weld or braze made on the external surface of the duct system.

EXCEPTIONS: 1. Labeled grease ducts installed in accordance with the conditions of the label and manufacturer's recommendations.

2. Penetrations sealed by labeled devices.

3. Duct to hood collar connections as shown below in Figure 506.8 shall be permitted.



When a centrifugal fan with bottom horizontal discharge is located outside the building, a duct or duct fitting that diverts the discharge from the grease exhaust duct system in an upward direction may be connected to the fan outlet, provided the following conditions are met:

1. The duct or duct fitting shall be constructed of metal as set forth in Chapter 6 of this code.

2. The maximum total developed length of the duct or duct fitting measured along the center line shall not exceed three (3) times the vertical dimension of the fan outlet.

3. The duct or duct fitting shall be provided with openings at the lowest point to permit drainage of grease to an approved collection device that is provided with ready access.

506.8.3 Construction. Ducts exposed to the outside atmosphere or subject to a corrosive environment shall be protected against corrosion by galvanization of metal parts, protection with noncorrosive paints, waterproof insulation, or other approved methods of protection.

506.8.4 Openings. Openings for installation, servicing, and inspection of labeled fire protection system devices and duct cleaning shall be provided in ducts and enclosures. Shaft enclosure openings required to reach access panels in the ductwork shall be large enough for removal of the access panel.

Openings for installation, servicing, and inspection shall be provided at the sides or at the top of the duct, whichever is more accessible, and at changes of direction.

EXCEPTION: Portions of the duct that are accessible from the duct entry or discharge.

***For labeled hoods with dampers in the exhaust collar, an access panel for cleaning and inspections shall be provided in the duct or the hood collar. This panel shall be as close to the hood as possible but not to exceed eighteen (18) inches.**

Exhaust fans with ductwork connected to both sides shall have access for cleaning and inspection within three (3) feet on each side of the fan.

Openings shall conform to the following:

1. On horizontal ducts at least one (1) twenty by twenty (20 × 20) inch opening shall be provided for personnel entry. Where an opening of this size is not possible, openings large enough to permit cleaning to bare metal shall be provided at a maximum of twelve (12) foot intervals.

2. In horizontal sections, the lower edge of the opening shall be not less than one and one-half (1½) inches from the bottom of the duct.

3. On vertical ductwork where personnel entry is possible, access shall be provided at the top of the vertical riser to accommodate descent. Where personnel entry is not possible, access for cleaning shall be provided on each floor.

4. Access panels shall be of the same material and thickness as the duct. Access panels shall have a gasket or sealant that is rated for one thousand five hundred degrees Fahrenheit (1,500EF) and shall be greasetight. Fasteners used to secure the access panels, such as bolts, weld studs, latches, or wing nuts, shall be carbon steel or stainless steel and shall not penetrate duct walls.

EXCEPTION: Labeled grease duct access door assemblies (access panels) shall be installed in accordance with the conditions of labeling and the manufacturer's instructions.

5. Openings for installation, servicing, and inspection of labeled fire protection system devices and duct cleaning shall be provided in ducts and enclosures.

506.8.5 Access. A sign shall be placed on all access panels stating:

ACCESS PANEL–DO NOT OBSTRUCT*

506.8.6 Exhaust Dampers. Exhaust dampers shall not be installed in exhaust duct systems.

EXCEPTION: Exhaust fire dampers shall be permitted if labeled and installed in accordance with the conditions of labeling and the manufacturer's instructions.

506.9 Duct installation

506.9.1 Bracing and Supports. Duct bracing and supports shall be of noncombustible material securely attached to the supporting structure and designed to carry gravity and lateral loads within the stress limitations of the building code. Bolts, screws, rivets, and other mechanical fasteners shall not penetrate duct walls.

506.9.2 Prevention of Grease Accumulation. Duct systems serving a Type I hood shall be so constructed and installed that grease cannot become pocketed in any portion thereof, and the system shall slope not less than one-fourth (¼) inch per lineal foot toward the hood or toward an approved grease reservoir. Where horizontal ducts exceed seventy-five (75) feet in length, the slope shall be not less than one (1) inch per lineal foot. When a centrifugal fan is used, it shall be positioned so the discharge outlet is either vertical or bottom horizontal with the air so diverted that there will be no impingement on the roof, other equipment, or parts of the structure. A vertical discharge fan shall be manufactured with an approved

drain outlet at the bottom of the housing to permit drainage of grease to an approved collection device that is provided with ready access.

506.9.3 Duct Enclosure. A grease duct serving a Type I hood which penetrates required fire-resistive construction shall be enclosed in a duct enclosure from the point of penetration. A duct shall only penetrate exterior walls at locations where unprotected openings are permitted by the building code. Duct enclosures shall be constructed as the building code requires shaft enclosures to be constructed, except that labeled duct enclosure systems conforming to the fire-resistive construction requirements of the building code for shafts shall be allowed. Duct enclosures shall be of at least one-hour fire-resistive construction and shall be of two-hour fire-resistive construction in Types I-A and II-A buildings, as defined in the building code.

EXCEPTION: Single story noncombustible construction where the duct does not penetrate fire-resistive construction.

The duct enclosure shall be sealed around the duct at the point of penetration of fire-resistive construction and vented to the exterior through weather-protected openings. The enclosure shall be separated from the duct by at least three (3) inches and not more than twelve (12) inches and shall serve a single grease exhaust duct system, except that labeled duct enclosure systems conforming to the fire-resistive construction requirements of the building code for shafts shall be allowed.

506.9.4 Fire-Resistive Access Opening. When openings are located in ducts within a fire-resistive shaft or a duct enclosure, access openings shall be provided in the shaft or duct enclosure at each opening. These access openings shall be equipped with tight-fitting sliding or hinged self-closing fire rated doors which are equal in fire-resistive protection to that of the shaft or duct enclosure. These access openings required to reach access panels in the ductwork shall be large enough to allow removal of the access panels.

506.9.5 Duct System for Multiple Hoods. A separate grease duct system shall be provided for each Type I hood, except that a single duct system may serve more than one (1) hood of a single business located in the same story of a building, provided that all hoods served by the system shall be located in the same room or adjoining rooms; portions of the interconnecting ducts shall not pass through any construction which would require the opening to be protected as specified in the building code.

506.9.6 Wall Penetration. Ducts shall not pass through area separation walls.

506.9.7 *Interconnection. Duct systems shall not be interconnected with any other building ventilating or exhaust system.

506.9.8 Termination of Exhaust Systems. The exhaust system shall terminate as follows:

1. Outside the building with a fan or duct; or

2. Through the roof or through a wall.

506.9.8.1 Rooftop terminations shall be as follows:

1. With a minimum of ten (10) feet of clearance from the outlet to adjacent buildings, property lines, and air intakes. Where space limitations absolutely prevent a ten (10) foot horizontal separation from an air intake, a vertical separation will be acceptable with the exhaust outlet being a minimum of three (3) feet above any air intake located within ten (10) feet horizontally.

2. With the exhaust flow directed up and away from the surface of the roof and a minimum of forty (40) inches above the roof surface.

3. With the ability to drain grease out of any traps or low points formed in the fan or duct near the termination of the system to a rainproof collection container or to a remote grease trap.

4. With a labeled grease duct; or

5. With a hinged up-discharge fan supplied with flexible weatherproof electrical cable and service hold-open retainer to permit proper inspection and cleaning and that is labeled for commercial cooking equipment, provided the ductwork extends a minimum of eighteen (18) inches above the roof surface, and the fan discharges a minimum of forty (40) inches above the roof surface.

6. With another approved fan, provided it conforms to subsections 506.9.8.1 item 2 and 506.9.8.1 item 3.

7. If exterior fans are located outside the roofline, they shall be provided with safe access and work surface for inspection and cleaning.

506.9.8.2 Wall Terminations. Wall terminations shall be as follows:

1. Through a noncombustible wall with a minimum of ten (10) foot of clearance from the outlet to adjacent buildings, property lines, grade level, combustible construction, electrical equipment or lines, and the closest point of any air intake at or below the plane of the exhaust termination. The closest point of any air intake above the plane of the exhaust termination shall be a minimum of ten (10) feet distant, plus twenty-five hundredths (0.25) foot per each one (1) degree from horizontal, the angle of degree being measured from the center of the exhaust termination to the center of the air intake.

2. With the exhaust flow directed perpendicularly outward from the wall face or upward.

3. With all the ductwork pitched to drain the grease back to the hood(s) or with a drain provided to bring the grease back to a container within the building or to a remote grease trap.

4. With a labeled grease duct.*

506.10 Exhaust fans

506.10.1 *Exhaust Fans for Commercial Cooking Equipment. Approved up-discharge fans with motors sur-

rounded by the air stream shall be hinged, supplied with flexible weatherproof electrical cable and service hold-open retainers, and labeled for this use. Other exhaust fans for this use shall be approved for continuous operation. Both shall be installed to comply with the following requirements:

1. All wiring and electrical equipment shall comply with the Indiana Electrical Code, 675 IAC 17.
2. Means shall be provided for inspections, servicing, and cleaning.*
3. Fans manufactured from steel shall be nonsparking.

506.10.2 *Airflow. The air velocity through any duct shall be not less than one thousand five hundred (1,500) feet per minute.

Exhaust air volumes for hoods shall be of sufficient level to provide for capture and removal of grease-laden cooking vapors. Test data or performance acceptable to the code official, or both, shall be provided, displayed, or both, upon request by the code official.

EXCEPTION: Lower exhaust air volumes shall be permitted during no-loading cooking conditions provided they are sufficient to capture and remove flue gases and residual vapors from cooking equipment.

506.10.3 Hood Fans. Hood exhaust fan(s) shall continue to operate after the extinguishing system has been activated unless fan shutdown is required by a labeled component of the ventilation system or by the design of the extinguishing system. It is not required to restart the hood exhaust fan when the extinguishing system is activated if the exhaust fan and all cooking equipment served by the fan had previously been shut down.*

506.11 Electrical equipment

506.11.1. Motors, lights, and other electrical devices shall not be installed in hoods or located in the path of travel of exhaust products.

EXCEPTION: Where specifically labeled for such use and installed in accordance with the conditions of labeling.

Wiring or wiring systems shall not be installed in ducts. All electrical equipment shall be installed in accordance with the Indiana Electrical Code, 675 IAC 17.

506.12 Auxiliary equipment

506.12.1 *Fume incinerators, thermal recovery units, air pollution control devices, or other devices shall be permitted to be installed in ducts or hoods or located in the path of travel of exhaust products when specifically approved under the General Administrative Rules, 675 IAC 12-6-11. The equipment shall not increase the fire hazard.*

506.13 Clearance to combustibles

506.13.1 *Hoods and ducts shall have a clearance of at least eighteen (18) inches to combustible material, three (3) inches to limited-combustible material, and zero (0) inches to noncombustible material. When these clearances cannot be maintained, one (1) of the following methods shall be used:

1. When the labeled hood, duct, or duct enclosure system is installed in accordance with the provisions of its labeling and the manufacturer's instructions for reduced clearance.
2. Duct enclosures in accordance with subsection 506.9.3.
3. Combustible material protected as follows:

Type of Protection	Clearance to Combustible Material
0.013-in. (28 gage) sheet metal spaced out 1 in. on noncombustible spacers.	9 in.
0.027-in. (22 gage) sheet metal on 1 in. mineral wool bats reinforced with wire mesh or equivalent spaced out 1 in. on noncombustible spacers.*	3 in.

506.14 Performance test

506.14.1 Upon completion and before final approval, if final approval is required by local ordinance, of the installation of a ventilation system serving commercial food heat-processing equipment, an air balance to verify the rate of exhaust and supply airflow shall be performed and documented.

506.15 Fire-extinguishing equipment

506.15.1 Approved fire-extinguishing equipment shall be provided for the protection of all Type I hoods. Portable fire extinguishers shall be provided in the kitchen for the protection of the cooking equipment.

506.15.2 Approved fire-extinguishing equipment shall be provided to protect cooking appliances, such as deep fat fryers, griddles, upright broilers, charbroilers, grease-burning charbroilers, range tops, and grills. Protection shall also be provided for the enclosed plenum space within the hood above the filters and in the exhaust ducts serving the hood.

506.15.3 See Section 903.2.14.2 of the Indiana Building Code.

506.16 Types of fire-extinguishing equipment

506.16.1 *Types. Fire-extinguishing equipment shall include both fixed automatic fire-extinguishing systems and portable fire extinguishers.*

506.16.2 System. The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems of the type and arrangement protected. Preengineered automatic dry- and wet-chemical extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application. Other types of automatic fire-extinguishing systems shall be listed and labeled for specific use as protection for commercial cooking operations. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions. Other automatic fixed pipe systems shall be of an approved design and shall be one (1) of the following types:

1. Automatic sprinkler system shall be designed and installed in accordance with National Fire Protection Association Standard 13 (675 IAC 13-1-8).

2. Water spray system shall be designed and installed in accordance with National Fire Protection Association Standard 13 and 15 (675 IAC 13-1-8 and 675 IAC 22-2.2-4).

3. Carbon dioxide, dry chemical, wet chemical extinguishing systems shall be designed and installed in accordance with National Fire Protection Association Standard 12, 17, 17A, and 2001 (675 IAC 13-1-5, 675 IAC 13-1-9.5, 675 IAC 13-1-9.6, and 675 IAC 13-1-28).

506.16.3 Dry Chemical Type. Alkaline dry chemical-type portable fire extinguishers shall be installed in the kitchen area for the protection of the cooking equipment. Extinguishers shall have a minimum rating of forty (40) B (sodium bicarbonate or potassium bicarbonate base) and shall be conspicuously located and readily accessible along exit paths from the area. The extinguishers shall be a minimum of ten (10) feet and maximum of twenty (20) feet from the cooking equipment. The top of the extinguishers shall be a maximum of five (5) feet above the floor and shall be protected from physical damage.

506.17 Design requirement for the fire extinguisher equipment

506.17.1 Chemical Systems. The chemical used in a system shall not be substituted for the required chemical unless the substitute is labeled for that particular system, and is recommended by the manufacturer of the equipment, and is approved. Systems shall be designed on the basis of the flow and extinguishing characteristics of a specific formulation of chemical. Chemical solutions of different formulations or manufacturer shall not be mixed. A nameplate shall be permanently affixed to the control panel identifying the agent or agents labeled for use in the system.

506.17.2 Installation Instructions. The manufacturer's installation and maintenance manual shall be used to identify the system limitations and the applications for which chemical extinguishing systems shall be considered acceptable. Only labeled system components referenced or permitted in the manufacturer's installation and maintenance manual shall be installed as part of the system.

506.17.3 Container Location. Chemical containers and expellant gas assemblies shall be located within the minimum and maximum temperature range indicated in the manufacturer's installation and maintenance manual. Chemical containers and expellant gas assemblies shall not be located where they would be subjected to mechanical, chemical, or other damage.

Chemical containers and expellant gas assemblies shall be located where they are readily accessible for inspection. The top of chemical and expellant gas assemblies shall not be located more than eight (8) feet above the floor.

506.17.4 Material. Wherever "pipe" is used in this chapter, it shall be understood to also mean "tube". Pipe and fittings shall be of noncombustible material having physical and chemical characteristics compatible with the chemical solution. Pipe fittings shall be compatible with the piping materials and connection method.

506.17.5 Penetrations. Where pipe penetrates a duct or hood, the penetration shall have a liquidtight continuous external weld or shall be sealed by a labeled device.

506.17.6 Installation. Pipe and fittings shall be installed in accordance with the manufacturer's installation and maintenance manual. Pipe shall be reamed and cleaned before assembly. Pipe-thread compound or tape shall not be used in agent distribution pipe and fitting connections.

EXCEPTION: Pipe-thread tape shall be permitted when installed in accordance with the manufacturer's installation and maintenance manual.

506.17.7 Supports. The piping system shall be rigidly supported to prevent movement and shall be protected from mechanical or other damage.

506.17.8 Nozzles. Discharge nozzles shall be labeled for the purpose. All discharge nozzles shall be provided with caps or other suitable devices to prevent the entrance of grease, vapors, moisture, or other foreign materials into the piping. Nozzles shall be selected in accordance with the manufacturer's installation and maintenance manual.

506.18 Shutdown devices and signals

506.18.1 Operation. The operation of fire-extinguishing equipment other than wet chemical and water fire-extinguishing equipment shall automatically shut off all sources of fuel or power to all equipment requiring protection by that fire-extinguishing equipment. Any gas appliance not requiring protection but located under the same exhaust system shall also be shut off. All shutdown devices shall be considered integral parts of the fire-extinguishing equipment and shall function with the operation of the fire-extinguishing equipment. This equipment shall be of the type that requires manual resetting prior to fuel or power restoration. All reset devices shall have ready access.

Wet chemical and water fire-extinguishing equipment shall be provided with an automatic means to ensure the shutdown of fuel or power to the protected appliances and other appliances located under the exhaust system protected by the fire-extinguishing equipment upon the system activation.

506.18.2 Exhaust Fans. Exhaust fans shall continue to operate after the fire-extinguishing system has been activated. Supply air fans serving exhaust hood assemblies with integrated supply air plenums shall be shut off when the fire-extinguishing equipment is activated.

506.18.3 Alarms. The operation of any fire-extinguishing equipment applicable to this code shall be connected to any type of fire alarm system serving the building, when such alarm system is present. Power to operate the fire-extinguishing equipment shall be monitored by a supervisory alarm.

506.19 Manual activation of fire-extinguishing equipment
506.19.1 Fixed pipe automatic fire-extinguishing equipment shall be installed to conform with the following requirements:

1. An accessible manual activation device installed at an approved location not more than five (5) feet above the floor shall be provided for wet chemical, dry chemical, carbon dioxide, or other approved equipment. The activation device shall be either mechanical or electrically operated. If electrical power is used, the equipment shall be connected to standby power and a visual means shall be provided to show that the extinguishing equipment is energized.

EXCEPTION: An automatic sprinkler or water spray system shall not require manual activation.

2. Instructions for manually operating the fire-extinguishing equipment shall be posted at a location immediately adjacent to the manual activation device within the kitchen.

3. Automatic sprinkler or water spray systems shall be controlled by a separate readily accessible indicating type control valve that is identified.

506.20 Installation approval of fire-extinguishing equipment
506.20.1 The installer of the fire-extinguishing equipment shall document to the owner that the completed system has been installed in accordance with this code and the manufacturer's installation and maintenance manual. This documentation shall include testing in accordance with the manufacturer's installation and maintenance manual. This documentation shall include complete details of the tests performed. This documentation shall include a set of as-built drawings showing the equipment layout and the equipment type. It shall identify the cooking equipment protected and its location under the hood. This documentation shall be permanently maintained on-site. If this documentation is not maintained on-site, then a new test of the system shall be required. The tests performed by the installer shall include operation of mechanical and/or electrical actuation devices. Where distribution piping for fire-extinguishing equipment other than sprinkler or water spray type which cannot be visually inspected shall be air pressure tested to a pressure of not less than twenty (20) psi.
Sprinkler or water spray piping shall be hydrostatically tested where sprinkler or water spray piping is required. After the test, the system shall be charged and placed in the normal operating condition in accordance with the manufacturer's installation and maintenance manual.
506.21 Maintenance of exhaust hood systems and fire-extinguishing equipment
506.21.1. Maintenance shall be in accordance with the Indiana Fire Code, 675 IAC 22.
506.22 Copyright
506.22.1. Portions of this rule are reprinted from NFPA 96-1991, Vapor Removal from Commercial Cooking Equipment, Copyright 1991, National Fire Protection Association, Quincy, Massachusetts 02269. Those portions are found at the following sections of this rule:

506.1
506.3
506.4
506.5
506.8
506.9
506.10
506.11
506.12
506.13
506.16

Asterisks in the text indicate the beginning and ending of each portion of NFPA 96-1991, which is incorporated verbatim. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-22; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2956)*

675 IAC 18-1.4-23 Section 510.1; general

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 23. Change Section 510.1 General to read as follows: This section shall govern the design and construction of duct systems for hazardous exhaust that are within the scope of Section 101.2 and shall determine where such systems are required. Hazardous exhaust systems are systems designed to capture and control hazardous emissions generated from product handling or processes, and convey those emissions to the outdoors. Hazardous emissions include flammable vapors, gases, fumes, mists or dusts, and volatile or airborne materials posing a health hazard, such as toxic or corrosive materials. For the purposes of this section, the health-hazard rating of materials shall be as specified in NFPA 704. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-23; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2964)*

675 IAC 18-1.4-24 Section 511.1; dust, stock and refuse conveying systems

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 24. Change Section 511.1 Dust, stock, and refuse conveying systems to read as follows: Dust, stock, and refuse conveying systems that are within the scope of Section 101.2 shall comply with the provisions of Section 510 and Sections 511.1 through 511.2. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-24; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2964)*

675 IAC 18-1.4-25 Section 512.1; general

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 25. Change Section 512.1 General to read as follows:

When a subslab soil exhaust system is provided and is within the scope of Section 101.2, the duct shall conform to the requirements of this section. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-25; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2964)*

675 IAC 18-1.4-26 Section 513; smoke control systems
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 26. Delete Section 513 Smoke control systems and insert the following: See Section 909 of the Indiana Building Code (675 IAC 13). *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-26; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2965)*

675 IAC 18-1.4-27 Section 603.3; metallic ducts
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 27. Change Section 603.3 Metallic ducts to read as follows:

603.3 Metallic ducts. All metallic ducts shall be constructed and sealed as specified in the SMACNA HVAC Duct Construction Standards–Metal and Flexible.

EXCEPTION: Ducts installed within single dwelling units shall have a minimum thickness as specified in TABLE 603.3.

603.3.1 Sealants. Ducts shall be sealed with sealants listed for that purpose, and the sealant shall comply with the flame spread and smoke developed requirement when required by the Indiana Building Code (675 IAC 13) and this code. Ducts shall be sealed in accordance with SMACNA HVAC Duct Construction Standards.

603.3.2 Support. All duct suspension and support systems for seismic loads shall comply with the Indiana Building Code (675 IAC 13) and as specified by a registered design professional.

TABLE 603.3
DUCT CONSTRUCTION MINIMUM SHEET METAL THICKNESSES FOR SINGLE DWELLING UNITS

	GALVANIZED STEEL		
DUCT SIZE	Minimum thickness (inches)	Equivalent galvanized Gage No.	APPROXIMATE ALUMINUM B&S GAGE
Round ducts and enclosed rectangular ducts			
14" or less	0.013	30	26
Over 14"	0.016	28	24
Exposed rectangular ducts			
14" or less	0.016	28	24
Over 14"	0.019	26	22

For SI: 1 inch = 25.4 mm.

(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-27; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2965)

675 IAC 18-1.4-28 Section 607.2.1; smoke control system
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 28. Change Section 607.2.1 Smoke control system as follows: Change "Section 512" to read "Section 909 of the Indiana Building Code (675 IAC 13)". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-28; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2965)*

675 IAC 18-1.4-29 Section 607.3.2.1; smoke damper actuation methods
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 29. In Section 607.3.2.1 Smoke damper actuation methods, after "Section 907.10", insert "of the Indiana Building Code (675 IAC 13)". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-29; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2965)*

675 IAC 18-1.4-30 Section 607.5; where required
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 30. Change Section 607.5 Where required to read as follows: Fire dampers, smoke dampers, combination fire/smoke dampers, and ceiling radiation dampers shall be provided at the locations prescribed in this section and the Indiana Building Code (675 IAC 13) and as shown on the construction drawings as prepared by the registered design professional. Where an assembly is required to have both fire dampers and smoke dampers, combination fire/smoke dampers, or a fire damper and a smoke damper shall be required. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-30; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2965)*

675 IAC 18-1.4-31 Section 607.5.1; fire walls
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 31. Change Section 607.5.1 Fire walls to read as follows: Ducts and air transfer openings permitted in fire walls in accordance with Section 705.11 of the Indiana Building Code (675 IAC 13) shall be protected with approved fire dampers installed in accordance with their listing. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-31; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2965)*

675 IAC 18-1.4-32 Section 607.5.2; fire barriers
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 32. Change item 2 in Section 607.5.2 Fire barriers to read as follows: 2. Ducts that are used as part of an approved smoke control system in accordance with Section

909 of the Indiana Building Code (675 IAC 13). *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-32; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2965)*

675 IAC 18-1.4-33 Table 803.10.6; connector clearances to combustibles

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 33. In TABLE 803.10.6 CONNECTOR CLEARANCES TO COMBUSTIBLES, change, at the bottom of the MINIMUM CLEARANCE (inches) column, "(As determined by the code official)" to read "(as approved by the code official)". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-33; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2966)*

675 IAC 18-1.4-34 Section 804; direct-vent, integral vent, mechanical vent, and ventilation/exhaust venting

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 34. Change the title of Section 804 DIRECT-VENT, INTEGRAL VENT, MECHANICAL VENT, AND VENTILATION/EXHAUST VENTING to read as follows: DIRECT-VENT, INTEGRAL VENT, AND MECHANICAL DRAFT SYSTEMS. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-34; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2966)*

675 IAC 18-1.4-35 Section 901.1; scope

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 35. Change the last sentence of Section 901.1 Scope to read as follows: The approval, design, installation, construction, and alteration of gas-fired appliances that are within the scope of Section 101.2 shall be regulated by the Indiana Fuel Gas Code (675 IAC 25). *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-35; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2966)*

675 IAC 18-1.4-36 Section 914; sauna heaters

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 36. Change the title to Section 914 Sauna heaters to read as follows: Sauna heaters within the scope of Section 101.2. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-36; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2966)*

675 IAC 18-1.4-37 Section 915.1; general

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 37. Change Section 915.1 General to read as follows: The installation of liquid-fueled stationary internal combustion engines and gas turbines, including storage and piping that are within the scope of Section 101.2, shall meet the requirements of NFPA 37 (675 IAC 13-1-27). *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-37; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2966)*

675 IAC 18-1.4-38 Section 916.1; general

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 38. Change Section 916.1 General to read as follows: Pool and spa heaters that are within the scope of Section 101.2 shall be installed in accordance with the manufacturer's instructions. Oil-fired pool heaters shall be tested in accordance with UL 726. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-38; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2966)*

675 IAC 18-1.4-39 Section 917.1; cooking appliances

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 39. Change the first sentence of Section 917.1 Cooking appliances to read as follows: Cooking appliances that are within the scope of Section 101.2 and that are designed for permanent installation and are part of a Class 1 structure shall be listed, labeled, and installed in accordance with the manufacturer's installation instructions. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-39; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2966)*

675 IAC 18-1.4-40 Section 923.1; general

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 40. Change the second line of Section 923.1 General to read as follows: "kilns that are within the scope of Section 101.2 and that are used for ceramics, have a maximum interior vol-...". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-40; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2966)*

675 IAC 18-1.4-41 Section 924.1; general

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 41. Change the first line of Section 924.1 General to read as follows: "Stationary fuel cell power plants that are within the scope of Section 101.2 and having a...". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-41; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2966)*

675 IAC 18-1.4-42 Section 1001.1; scope

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13-2-9; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 42. Change Section 1001.1 Scope as follows:
(1) Change the first sentence of Section 1001.1 Scope to read as follows: This chapter shall govern the installation and alteration of boilers, water heaters, and pressure vessels that are within the scope of Section 101.2.

(2) Add Exception 8 to read as follows: 8. Boilers, water heaters, and pressure vessels regulated by the Boiler and Pressure Vessel Board (680 IAC) under IC 22-13-2-9 are not regulated by this code.
(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-42; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2966)

675 IAC 18-1.4-43 Section 1003.3; welding
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 43. Change Section 1003.3 Welding by inserting "approved" before "nationally". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-43; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2967)*

675 IAC 18-1.4-44 Section 1101.6; general
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 44. Change Section 1101.6 General to read as follows: Refrigeration systems within the scope of Section 101.2 shall comply with the requirements of this code and, except as modified by this code, ASHRAE 15. Ammonia-refrigerating systems shall comply with this code and, except as modified by this code, ASHRAE 15. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-44; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2967)*

675 IAC 18-1.4-45 Section 1102.2.2; purity
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 45. Change Section 1102.2.2 Purity to read as follows: Refrigerants used in refrigeration systems shall be new, recovered, or reclaimed refrigerants in accordance with Section 1102.2.2.1, Section 1102.2.2.2, or Section 1102.2.2.3. The installer shall furnish to the owner or the owner's representative, a signed declaration that the refrigerant used meets the requirements of Section 1102.2.2.1, Section 1102.2.2.2, or Section 1102.2.2.3. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-45; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2967)*

675 IAC 18-1.4-46 Section 1109.1; testing required
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 46. Change the third line of Section 1109.1 Testing required to read as follows: "manufacturer's instructions and local ordinance:...". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-46; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2967)*

675 IAC 18-1.4-47 Section 1206.9.1; flood hazard
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 47. Delete Section 1206.9.1 Flood hazard and insert "See local ordinance.". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-47; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2967)*

675 IAC 18-1.4-48 Section 1305.2.1; flood hazard
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 48. Delete Section 1305.2.1 Flood hazard and insert "See local ordinance.". *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-48; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2967)*

675 IAC 18-1.4-49 Section 1401.1; scope
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 49. Change Section 1401.1 Scope to read as follows: This chapter shall govern the construction, installation, and alteration of systems, equipment, and appliances intended to utilize solar energy for space heating or cooling, or domestic hot water heating. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-49; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2967)*

675 IAC 18-1.4-50 Chapter 15; referenced standards
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 50. (a) Change in the third sentence of Chapter 15, "Section 102.8" to "Section 101.3".

(b) Delete the following standards: NFPA 13-96, NFPA 37-98, NFPA 58-98, and NFPA 72-96. *(Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-50; filed Apr 21, 2003, 9:00 a.m.: 26 IR 2967)*

SECTION 2. 675 IAC 18-1.3 IS REPEALED.

LSA Document #02-116(F)
Notice of Intent Published: 25 IR 2545
Proposed Rule Published: July 1, 2002; 25 IR 3366
Hearing Held: September 16, 2002 and November 6, 2002
Approved by Attorney General: April 14, 2003
Approved by Governor: April 17, 2003
Filed with Secretary of State: April 21, 2003, 9:00 a.m.
Incorporated Documents Filed with Secretary of State: International Mechanical Code, third printing.

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #02-117(F)

DIGEST

Adds 675 IAC 22-2.3 to adopt and amend the 2000 International Fire Code, fourth printing, as the 2003 Indiana Fire Code.

Repeals 675 IAC 22-2.2-1, 675 IAC 22-2.2-2, 675 IAC 22-2.2-28 through 675 IAC 22-2.2-182, and 675 IAC 22-2.2-184 through 675 IAC 22-2.2-539. Effective 30 days after filing with the secretary of state.

675 IAC 22-2.2
675 IAC 22-2.3

SECTION 1. 675 IAC 22-2.3 IS ADDED TO READ AS FOLLOWS:

Rule 2.3. Indiana Fire Code, 2003 Edition

675 IAC 22-2.3-1 Adoption by reference
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 1. That a certain document being titled the International Fire Code, 2000 Edition, fourth printing, as published by the International Fire Code Institute and the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, is hereby adopted by reference as if fully set out in this rule save and except those revisions made in sections 3 through 342 of this rule. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-1; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2968)*

675 IAC 22-2.3-2 Section 101.1; title; availability
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 2. Delete Section 101.1 in its entirety and substitute the following: 101.1 Title; Availability.

(a) This rule shall be known as the 2003 Indiana Fire Code and shall be published, except incorporated documents, by the Department of Fire and Building Services for general distribution and use under that title. Wherever the term "this code" is used throughout this rule, it shall mean the 2003 Indiana Fire Code.

(b) This rule and incorporated documents therein are available to review and as reference at the Department of Fire and Building Services, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-2; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2968)*

675 IAC 22-2.3-3 Section 101.2; scope
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 3. Delete Section 101.2 and substitute the following: The provisions of this code shall apply to existing conditions as well as to conditions arising after the adoption thereof. Buildings, systems, and uses legally in existence at the adoption of this code shall be permitted to continue so long as they are maintained in a condition that is equivalent to the quality and fire resistive characteristics that existed when the building was constructed, altered, added to, or repaired. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-3; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2968)*

675 IAC 22-2.3-4 Section 101.3; intent
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 4. Delete Section 101.3 in its entirety and substitute to read as follows: 101.3 Intent. The intent of this code is to prescribe maintenance, new construction requirements, and operational rules for the safeguarding to a reasonable degree of life and property from the hazards of fire or explosion arising from the storage, handling, or use of substances, materials, and devices. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-4; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2968)*

675 IAC 22-2.3-5 Section 102; applicability
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 5. Delete Section 102.1, Section 102.2, Section 102.3, Section 102.4, Section 102.5, Section 102.7, Section 102.8, and Section 102.9 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-5; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2968)*

675 IAC 22-2.3-6 Section 103; department of fire prevention
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 6. Delete Section 103; Department of Fire Prevention. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-6; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2968)*

675 IAC 22-2.3-7 Sections 104.1, 104.2, 104.3, 104.3.1, 104.4, 104.5, 104.6, 104.6.1, 104.6.2, 104.6.3, 104.6.4; general, applications and permits, right of entry, warrant, identification, notices and orders, official records, approvals and variances, inspections, fire records, administrative
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 7. Delete Sections 104.1 through 104.6 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-7; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2968)*

675 IAC 22-2.3-8 Section 104.7; approved materials and equipment
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 8. Delete the text of Section 104.7 and substitute the following: 104.7 Approval. Wherever in this code the State Fire Marshal, his deputies, or the chief of the fire department or code official are authorized to approve any location, method, material, system, or product in achieving compliance with this code, that decision shall be based on the following:

(1) Investigation or tests conducted by recognized authorities; or

(2) Investigation or tests conducted by technical or scientific organizations; or

(3) Accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment, and types of construction are safe for their intended purpose. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-8; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2968)*

675 IAC 22-2.3-9 Section 104.7.1; material and equipment reuse

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 9. Delete Section 104.7.1. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-9; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2969)*

675 IAC 22-2.3-10 Section 104.7.2; technical assistance

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 10. In Section 104.7.2, delete the last sentence. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-10; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2969)*

675 IAC 22-2.3-11 Sections 104.8, 104.9, 104.10, 104.10.1; modifications, alternative materials and methods, fire investigations, assistance from other agencies

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 11. Delete Sections 104.8 through 104.10.1 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-11; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2969)*

675 IAC 22-2.3-12 Section 105; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 12. Delete Section 105 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-12; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2969)*

675 IAC 22-2.3-13 Section 106; inspections

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 13. Delete Section 106 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-13; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2969)*

675 IAC 22-2.3-14 Section 107.1; maintenance of safeguards

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 14. Delete Section 107.1 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-14; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2969)*

675 IAC 22-2.3-15 Section 107.2; test and inspection records

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 15. Amend Section 107.2.1 Test and Inspection Records to read as follows: Written records of maintenance, test, and inspections shall be maintained on the premises where the equipment is located or at a corporate central office and shall be made immediately available to the inspection authority on request. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-15; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2969)*

675 IAC 22-2.3-16 Sections 108, 109, 110, 111; board of appeals, violations, unsafe buildings, stop work order

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 16. Delete Sections 108 through 111 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-16; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2969)*

675 IAC 22-2.3-17 Section 201.3; terms defined in other codes

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 17. Delete the text of Section 201.3 Terms defined in other codes and substitute to read as follows: Where terms are not defined in this code and are defined in the Indiana Building Code (675 IAC 13), Indiana Electrical Code (675 IAC 17), Indiana Fuel Gas Code (675 IAC 25), Indiana Mechanical Code (675 IAC 18), or Indiana Plumbing Code (675 IAC 16), such terms shall have the meanings ascribed to them as in those codes. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-17; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2969)*

675 IAC 22-2.3-18 Section 201.3.1; terms defined in other codes

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 18. Add Section 201.3.1 to read as follows: 201.3.1.

Terms defined in other codes.

ICC ELECTRICAL CODE. Refers to the Indiana Electrical Code (675 IAC 17).

INTERNATIONAL BUILDING CODE refers to the INDIANA BUILDING CODE (675 IAC 13).

INTERNATIONAL MECHANICAL CODE refers to the INDIANA MECHANICAL CODE (675 IAC 18).

INTERNATIONAL FUEL GAS CODE refers to the INDIANA FULES *[sic.]* **GAS CODE (675 IAC 25).**

INTERNATIONAL PLUMBING CODE refers to the INDIANA PLUMBING CODE (675 16 *[sic., 675 IAC 16]***).**

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-18; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2969)

675 IAC 22-2.3-19 Section 202; general definitions

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14-2-10; IC 22-15-2-7; IC 25-4; IC 25-31; IC 36-7-2-9; IC 36-8-17-9

Sec. 19. In Section 202, change the following definitions to read:

APPROVED. As to materials, equipment, design, and types of construction, acceptance by the code official by one (1) of the following methods:

(1) Investigation or tests conducted by recognized authorities; or

(2) Investigation or tests conducted by technical or scientific organizations; or

(3) Accepted principles.

The investigation, tests, or principal *[sic., principles]* **shall established** *[sic., establish]* **that the materials, equipment, and types of construction are safe for the intended purpose.**

AUTOMOTIVE SERVICE STATION to read MOTOR FUEL DISPENSING FACILITY. See Section 2202.1.

CODE OFFICIAL. The office of the state building commissioner as authorized under IC 22-15-2-7; the office of the state fire marshal as authorized under IC 22-14-2-10; the local building official as authorized under IC 36-7-2-9 and local ordinance; the fire department as authorized under IC 36-8-17-9.

FACILITY. A building or use in a fixed location, including exterior storage areas for flammable and combustible substances and hazardous materials, piers, wharves, tank farms, and similar uses.

HIGH VOLATILE LIQUID. A liquefied compressed gas with a boiling point of less than 65ºF (20ºC).

MARINE SERVICE STATION. MARINE MOTOR FUEL DISPENSING FACILITY. See Section 2202.1.

OCCUPANCY CLASSIFICATION. Occupancy classification shall be as specified in the Building Code in effect at the time of construction, alteration, or change of occupancy.

REGISTERED DESIGN PROFESSIONAL. An architect who is registered under IC 25-4 or professional engineer registered under IC 25-31. If a registered design professional is not required by 675 IAC 12-6 or 675 IAC 15, then it means the owner.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-19; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2970)

675 IAC 22-2.3-20 Section 202; general definitions

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 20. In Section 202, delete the following definitions: CONSTRUCTION DOCUMENTS, FIRE ALARM, AND SPECIAL AMUSEMENT BUILDING. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-20; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2970)*

675 IAC 22-2.3-21 Section 202; general definitions

Authority: IC 22-13-2-2
Affected: IC 22-12-2-1; IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 21. In Section 202, add the following definitions:

BUILDING CODE. The building code in effect in Indiana at the time of construction, remodeling, alteration, addition, or repair of a structure.

CHIEF: See CODE OFFICIAL.

COMMISSION is the Indiana Fire Prevention and Building Safety Commission as set forth at IC 22-12-2-1.

COMPATIBLE is approved equipment which functions effectively with other approved equipment within an alarm system.

CONTROL UNIT is a combination of equipment which contains the primary and secondary power supplies, receives signals from initiating devices, transmits signals to signaling devices, and electrically supervises the system circuitry.

ELECTRICAL CODE is the electrical code in effect in Indiana at the time of construction, remodeling, alteration, addition, or repair of a structure.

FIRE ALARM SYSTEM. A combination of approved equipment which with operation of an alarm initiating device produces an alarm signal.

FLAME RESISTANT MATERIAL is material that has been modified in its chemical composition by impregnation, coating, or has inherent composition that makes the material resistant to ignition and combustion when exposed to a small ignition source.

FLAME RETARDANT. An approved chemical, chemical compound, or mixture which, when applied in an approved manner to any fabric or other material, will render such fabric or material incapable of supporting combustion.

INSPECTION AUTHORITY. See CODE OFFICIAL.

MECHANICAL CODE. The mechanical code in effect in Indiana at the time of construction, remodeling, alteration, addition, or repair of a structure.

PLUMBING CODE. The plumbing code in effect in Indiana at the time of construction, remodeling, alteration, addition, or repair of a structure.

QUALIFIED INDIVIDUAL is a person who has successfully completed instruction related to the equipment being installed, serviced, or repaired.
SERVICING FIRE DEPARTMENT: See CODE OFFICIAL.
TRAINED PERSONNEL (Individual): See QUALIFIED PERSONNEL (Individual).
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-21; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2970)

675 IAC 22-2.3-22 Section 301.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 22. Delete Section 301.2 Permits without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-22; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2971)*

675 IAC 22-2.3-23 Section 304.2; storage
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 23. Amend Section 304.2 Storage to read as follows: Storage of combustible rubbish shall not produce conditions that will create a fire hazard that endangers the safety of persons or property. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-23; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2971)*

675 IAC 22-2.3-24 Section 307.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 24. Amend Section 307.2 to read as follows: Notification. Prior to commencement of open burning, the fire department having jurisdiction shall be notified. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-24; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2971)*

675 IAC 22-2.3-24.1 Section 307.2.1; authorization
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 24.1. Delete Section 307.2.1. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-24.1; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2971)*

675 IAC 22-2.3-25 Section 307.2.2; prohibited open burning
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 25. Amend Section 307.2.2 to read as follows: Discontinuance. The chief is authorized to require open burning be immediately discontinued if such fires constitute a hazardous condition. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-25; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2971)*

675 IAC 22-2.3-26 Section 307.2.3; material restrictions
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 26. Add Section 307.2.3 to read as follows: 307.2.3 Material restrictions. Open burning of rubbish containing paper products is prohibited. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-26; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2971)*

675 IAC 22-2.3-27 Section 307.4; attendance
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 27. Amend Section 307.4 to read as follows: Burning material shall be constantly attended by a person knowledgeable in the use of the fire-extinguishing equipment required by this section and familiar with any limitations which restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-27; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2971)*

675 IAC 22-2.3-28 Section 308.3; open flame
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 28. Amend Section 308.3 by deleting "obtaining a permit in accordance with Section 105.6" and substituting "notifying the fire department having jurisdiction". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-28; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2971)*

675 IAC 22-2.3-29 Section 308.3.4; religious ceremonies
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 29. In section 308.3.4, delete "in the opinion of the code official, adequate" and substitute "approved". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-29; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2971)*

675 IAC 22-2.3-30 Section 308.4.1; approval
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 30. Amend Section 308.4.1 to read as follows: Prior to using a torch or flame-producing device to remove paint from a structure, the fire department having jurisdiction shall be notified. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-30; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2971)*

675 IAC 22-2.3-31 Section 308.5; open-flame devices
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 31. Amend Section 308.5 to read as follows: In the first sentence, delete all text after "hazardous fire areas, except" and substitute "when approved". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-31; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2971)*

675 IAC 22-2.3-32 Section 310.2; prohibited areas
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 32. Amend Section 310.2 to read as follows: Whenever smoking constitutes a fire hazard in any area of piers, wharfs, warehouses, stores, industrial plants, institutions, schools, places of assembly, and in open spaces where combustible materials are stored or handled, the chief is authorized to order the owner or occupant to post approved NO SMOKING signs in each building, structure, room, or place in which smoking is prohibited. Such signs shall be conspicuously and suitably located and shall be maintained.

EXCEPTIONS: 1. Buildings or structures which are smoke-free environments and are posted as such at all public and employee entrances.

2. No visible evidence of prohibited smoking exists within the building or structure.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-32; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2972)

675 IAC 22-2.3-32.1 Section 311.1.1; abandoned premises
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 32.1. Delete Section 311.1.1. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-32.1; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2972)*

675 IAC 22-2.3-33 Section 311.2.2; fire protection
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 33. Amend Section 311.2.2 by deleting Exceptions 1 and 2. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-33; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2972)*

675 IAC 22-2.3-34 Section 313.1; vehicle storage
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 34. Amend Section 313.1, Exception 1 by deleting "See Section 8-4 of NFPA 58 (675 IAC 22-2.2-14)" and substituting "Section 15 of this code". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-34; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2972)*

675 IAC 22-2.3-35 Section 315.1; general
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 35. Amend Section 315.1 by deleting the last sentence. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-35; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2972)*

675 IAC 22-2.3-36 Section 316; outdoor carnivals and fairs
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 36. Add Section 316 Outdoor Carnivals and Fairs to read as follows:

SECTION 316. CARNIVALS AND FAIRS

316.1 General. The grounds of carnivals and fairs, including concession booths, shall be in accordance with Section 316.

316.2 Grounds.

316.2.1 General. Grounds shall be in accordance with Section 316.2.

316.2.2 Access. Fire apparatus access roads shall be provided in accordance with Section 503.

316.2.3 Fire appliances.

316.2.3.1 General. Fire appliances shall be provided for the entire midway, as required by the chief.

316.2.3.2 Location. Maximum travel distance to a portable fire extinguisher shall not exceed seventy-five (75) feet (twenty-two thousand eight hundred sixty (22,860) mm).

316.2.4 Electrical equipment. Electrical equipment and installations shall comply with the Electrical Code (675 IAC 17).

316.3 Concession Stands.

316.3.1 General. Concession stands shall be in accordance with Section 316.3.

316.3.2 Location. Concession stands utilized for cooking shall have a minimum of ten (10) feet (three thousand forty-eight (3,048) mm) of clearance on two (2) sides and shall not be located within ten (10) feet (three thousand forty-eight (3,048) mm) of amusement rides or devices.

316.3.3 Fire extinguishers. A 40-B:C-rated dry chemical fire extinguisher shall be provided where deep-fat fryers are used.

316.4 Internal Combustion Power Sources.

316.4.1 General. Internal combustion power sources, including motor vehicles, generators, and similar equipment, shall be in accordance with Section 316.4.

315.4.2 Fueling. Fuel tanks shall be of adequate capacity to permit uninterrupted operation during normal operating hours. Refueling shall be conducted only when the ride is not in use.

316.4.3 Protection. Internal combustion power sources shall be isolated from contact with the public by either physical guards, fencing, or an enclosure.

316.4.4 Fire extinguishers. A minimum of one (1) fire extinguisher with a rating of not less than 2-A:10-B:C shall be provided. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-36; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2972)*

675 IAC 22-2.3-37 Section 408.7.3; notification
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 37. Change Section 408.7.3 to read as follows: Provisions shall be made for residents in Use Conditions 3, 4, and 5 as defined in the Indiana Building Code (675 IAC 13) Section 308.4 to immediately notify staff of an emergency. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-37; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2973)*

675 IAC 22-2.3-37.1 Section 408.8.1; evacuation diagrams
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 37.1 Amend Section 408.8.1 by adding "in accordance with Appendix A-1" after "diagram" and before "depicting". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-37.1; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2973)*

675 IAC 22-2.3-38 Section 501.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 38. Delete Section 501.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-38; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2973)*

675 IAC 22-2.3-39 Section 501.3; construction documents
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 39. In Section 501.3, delete "and approval" without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-39; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2973)*

675 IAC 22-2.3-40 Section 503.1.1; buildings and facilities
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 40. Change Section 503.1.1 as follows: Delete the exception and substitute the following: EXCEPTION: Buildings protected throughout by a supervised automatic fire sprinkler system and not used for high-piled combustible storage in excess of twelve thousand (12,000) square feet. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-40; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2973)*

675 IAC 22-2.3-41 Section 503.1.2; additional access
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 41. Delete Section 503.1.2. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-41; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2973)*

675 IAC 22-2.3-42 Section 503.1.4; lumber storage
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 42. Add Section 503.1.4 to read as follows: For exterior lumber storage, see Section 1903.6. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-42; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2973)*

675 IAC 22-2.3-43 Section 503.2.2; authority
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 43. Change Section 503.2.2 to read as follows: Vertical clearances or widths required by this section shall be increased when vertical clearances or widths do not provide fire apparatus access for the largest vehicle available to the servicing fire department. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-43; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2973)*

675 IAC 22-2.3-44 Section 503.2.3; surface
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 44. Change Section 503.2.3 to read as follows: Fire apparatus access roads shall be designed and constructed to support the imposed live loads of the heaviest piece of fire department apparatus available to the servicing fire department and shall be provided with a surface so as to provide all-weather driving capabilities. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-44; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2973)*

675 IAC 22-2.3-45 Section 503.2.4; turning radius
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 45. Change Section 503.2.4 to read as follows: The turning radius of a fire apparatus access road shall be determined after consultation with the servicing fire department and shall be at least equal to the minimum required radius for the fire apparatus. Such roads shall be designed and constructed to permit turning of the longest piece of fire apparatus available to the servicing fire department. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-45; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2973)*

675 IAC 22-2.3-46 Section 503.2.5; dead ends
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 46. Change Section 503.2.5 to read as follows: Dead-end fire apparatus access roads in excess of one hundred fifty (150) feet in length shall be designed and constructed so as to allow the turning around of the longest piece of fire apparatus available to the servicing fire department. *(Fire*

Prevention and Building Safety Commission; 675 IAC 22-2.3-46; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2973)

675 IAC 22-2.3-47 Section 503.2.6; bridges and elevated surfaces

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 47. Amend Section 503.2.6 to read as follows:
(1) In the third sentence, delete "when required by the code official".
(2) Amend the last sentence to read as follows: Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers or approved signs shall be installed.
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-47; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2974)

675 IAC 22-2.3-48 Section 503.2.7; grade

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 48. Change Section 503.2.7 to read as follows: The gradient for all fire apparatus access roads shall not exceed the maximum that the apparatus available to the servicing fire department can accommodate. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-48; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2974)*

675 IAC 22-2.3-49 Section 503.3; marking

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 49. Change Section 503.3 to read as follows: When required by local ordinance, signs, or other notices shall be provided and maintained for the fire apparatus access roads to identify such roads and prohibit the obstruction thereof. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-49; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2974)*

675 IAC 22-2.3-50 Section 503.5; required gates or barricades

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 50. Amend Section 503.5 by adding to the beginning "When required by local ordinance". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-50; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2974)*

675 IAC 22-2.3-51 Section 504.1; required access

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 51. In Section 504.1, delete the last sentence. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-51; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2974)*

675 IAC 22-2.3-52 Section 504.2; maintenance of exterior doors and openings

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 52. In Section 504.2, change the first sentence to read as follows: Exterior doors and their function shall be maintained in accordance with 675 IAC 12-4-9. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-52; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2974)*

675 IAC 22-2.3-53 Section 506; key boxes

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 53. Delete the text of Section 506 and substitute to read as follows: 506.1. When Required. Whenever the servicing fire department has instituted a key box emergency access system, a key box compatible with that system shall be installed in an accessible location if:
(1) the building is protected with an automatic sprinkler system equipped with a local or transmitted water-flow alarm, or
(2) the building is provided with any fire alarm system equipped with an outside audible/visual signaling device, or
(3) the building is provided with any fire alarm system where the alarm is transmitted to an off-site location, or to the fire alarm center for the servicing fire department.
506.2 Responsibility for Key Box. Key boxes are to be provided by the building owner and shall contain such keys necessary to access all protected areas of the building. Multi-tenant buildings may share an owner-provided box, and the building owner shall assume responsibility for insuring that keys are updated as appropriate. Tenant-provided boxes may not be shared with any other tenant, and the tenant assumes responsibility for key updates for the subject tenant space.
EXCEPTION: Key boxes for apartment houses are not required to contain keys to individual apartment dwelling units.
506.3 Existing Buildings. When a design release is issued by the office of the state building commissioner or a permit by local government when a design release is not required for construction, buildings constructed prior to April 30, 1998, shall not be required to provide a key box or key boxes under this section. Any new tenancy within a space previously occupied by a different tenant shall require that a key box be provided in accordance with Sections 506.1 and 506.2. Existing buildings required to install a key box or key boxes by this section shall not be in violation of this section until one (1) year after the effective date of this code. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-53; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2974)*

675 IAC 22-2.3-54 Section 507.2.1; exterior access to shaftways

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 54. In Section 507.2.1, delete "from the outside of the building". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-54; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2975)*

675 IAC 22-2.3-55 Section 508.1, Section 508.2; required water supply, type of water supply

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 55. Delete Sections 508.1 and 508.2 and substitute the following: Required Water Supply for Fire Protection. A water supply capable of supplying the required fire flow, for firefighting purposes, as determined by local ordinance, shall be provided to all premises upon which a Class 1 building or a portion of Class 1 buildings are hereafter constructed. The water supply shall be provided as follows:

(1) When a public water supply is available to a premises, there shall be provided fire hydrants and mains capable of supplying the required fire flow.

(2) When a public water supply is not available to a premises, the water supply shall consist of a pond, stream, river, canal, lake, reservoir, quarry, pressure tank, elevated tank, swimming pool, other fixed systems, or fire department delivered portable system capable of providing the required fire flow. The on-site water supply shall be accessible to the fire department and be located within one hundred fifty (150) feet of the Class 1 building or structure being protected with an automatic fire-extinguishing system. If the on-site water supply is not within one hundred fifty (150) feet of the structure being protected, the water supply shall be connected to on-site fire hydrants and mains capable of supplying the required fire flow. The owner shall verify the water supply requirements with the servicing fire department prior to final design and construction.

(3) As provided in Section 508.2.1 and Section 508.2.2.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-55; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2975)

675 IAC 22-2.3-56 Section 508.3; fire flow

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 56. Change Section 508.3 to read as follows: Local ordinance may adopt Appendix B to set requirements for fire flow. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-56; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2975)*

675 IAC 22-2.3-57 Section 508.5.1; where required

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 57. In Section 508.5.1, delete "where required by the code official". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-57; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2975)*

675 IAC 22-2.3-58 Section 508.5.2; inspection, testing, and maintenance

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 58. In Section 508.5.2, delete the first sentence. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-58; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2975)*

675 IAC 22-2.3-59 Section 509.1; features

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 59. In Section 509.1, change the fifth sentence to read as follows: A layout of the fire command center and all features required by this section shall be submitted to the fire department having jurisdiction prior to installation. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-59; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2975)*

675 IAC 22-2.3-60 Section 601.2; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 60. Delete Section 601.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-60; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2975)*

675 IAC 22-2.3-61 Section 603.3.1; maximum outside fuel oil storage above ground

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 61. In Section 603.3.1, delete "NFPA 31" and insert "Chapter 34 of this code". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-61; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2975)*

675 IAC 22-2.3-62 Section 603.3.3; underground storage of fuel oil

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 62. In Section 603.3.3, delete "NFPA 31" and insert "Chapter 34 of this code". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-62; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2975)*

675 IAC 22-2.3-63 Section 603.4; portable unvented heaters

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 63. Change Section 603.4 to read as follows: 603.4

Portable unvented heaters. The use of listed portable unvented oil-burning heating appliances shall be limited to supplemental heating in detached single family residences.

EXCEPTION: Upon approval of the code official, portable unvented oil-burning heating appliances may be permitted in any occupancy during the construction process when such is necessary for the construction and the use does not represent a hazard of life or property.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-63; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2975)

675 IAC 22-2.3-64 Section 603.8.5; discontinuance

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 64. Delete the text of Section 603.8.5 and substitute to read as follows: The chief is authorized to require incinerator use to be immediately discontinued if the use of the incinerator constitutes a hazardous condition. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-64; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2976)*

675 IAC 22-2.3-65 Section 604.1; installation

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 65. In Section 604.1, delete "NFPA 110 and NFPA 111". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-65; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2976)*

675 IAC 22-2.3-66 Section 604.1.1; stationary generators

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 66. In Section 604.1.1, delete "comply" and insert "be listed in accordance with". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-66; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2976)*

675 IAC 22-2.3-67 Section 605.3; working space and clearance

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 67. In Section 605.3, delete Exception 2. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-67; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2976)*

675 IAC 22-2.3-68 Section 605.5.1; power supply

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 68. In Section 605.5.1, delete "power tap or multiplug adapter and". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-68; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2976)*

675 IAC 22-2.3-69 Section 606.5; access

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 69. In Section 606.5, delete "as required by the code official". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-69; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2976)*

675 IAC 22-2.3-70 Section 606.6.1; periodic testing

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 70. In Section 606.6.1, delete "and as required by the code official". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-70; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2976)*

675 IAC 22-2.3-71 Section 606.11.3; ammonia refrigerants

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 71. Amend Section 606.11.3 by adding Exception 2 to read as follows: 2. When the code official determines, upon review of an engineering analysis prepared in accordance with Section 104.7.2, that a fire or explosion hazard would not result from discharging ammonia directly to atmosphere. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-71; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2976)*

675 IAC 22-2.3-72 Section 606.13; notification of discharges

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 72. Amend Section 606.13 Notification of discharges to read as follows: 606.13 Notification of refrigerant discharges. The code official shall be notified immediately when a discharge becomes reportable under Section 2703.3.1. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-72; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2976)*

675 IAC 22-2.3-73 Section 607; elevator recall and maintenance

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 73. Delete the text of Section 607 and substitute to read as follows: See the Indiana Elevator Code (675 IAC 21). *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-73; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2976)*

675 IAC 22-2.3-74 Section 609; commercial kitchen hoods

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 74. Delete the text of Section 609 and substitute to read: See the Indiana Mechanical Code (675 IAC 18). *(Fire*

Prevention and Building Safety Commission; 675 IAC 22-2.3-74; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2976)

675 IAC 22-2.3-75 Section 703.2; opening protectives
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 75. Amend the first sentence of Section 703.2 to read as follows: Opening protectives shall be maintained in accordance with the rules of the commission. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-75; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2977)*

675 IAC 22-2.3-76 Section 703.2.1; signs
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 76. Change Section 703.2.1 to read as follows: A sign shall be displayed permanently near or on each required fire door in letters not less than one (1) inch (twenty-five and four-tenths (25.4) mm) high to read as follows:

(1) For doors designed to be kept normally open: FIRE DOOR - DO NOT BLOCK.

(2) For doors designed to be kept normally closed: FIRE DOOR - KEEP CLOSED.

For the purposes of this section, fire door means an assembly which is part of an area or occupancy separation. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-76; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2977)*

675 IAC 22-2.3-77 Section 704; floor openings and shafts
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 77. Delete Section 704 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-77; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2977)*

675 IAC 22-2.3-78 Section 804.5; a natural cut tree
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 78. Add Section 804.5 to read as follows: 804.5 A natural cut tree. At least two (2) working days prior to placing a natural cut tree in a public building the fire department having jurisdiction shall be notified. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-78; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2977)*

675 IAC 22-2.3-79 Section 806.2; wall and ceiling finish
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 79. Amend Section 806.2 by adding "Section 803 of" after "with" and before "the" in the first sentence. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-79; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2977)*

675 IAC 22-2.3-80 Section 901.2; construction documents
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 80. Amend Section 901.2 to read as follows: Complete plans and specifications for fire alarm systems; fire-extinguishing systems, including automatic sprinklers and wet dry standpipes; halon systems and other special types of automatic fire-extinguishing systems; basement pipeinlets; and other fire-protection systems and appurtenances thereto shall be submitted for review prior to system installation in accordance with 675 IAC 12-6 and with the local unit of government where required by local ordinance. Plans and specifications for fire alarm systems shall include, but not be limited to, a floor plan; location of all alarm-initiating and alarm-signaling devices; alarm control and trouble-signaling equipment; annuncuatuon *[sic.]***; power connection; battery calculations; conductor type and sizes; voltage drop calculations; and manufacturer, model numbers and listing information for all equipment, devices, and materials.** *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-80; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2977)*

675 IAC 22-2.3-81 Section 901.2.1; statement of compliance
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 81. In Section 901.2.1, delete "where required by the code official". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-81; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2977)*

675 IAC 22-2.3-82 Section 901.3; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 82. Delete Section 901.3 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-82; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2977)*

675 IAC 22-2.3-83 Section 901.4; installation
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 83. In Section 901.4, delete text after the first sentence and substitute to read as follows: Alterations to fire protection systems shall be done in accordance with the applicable rules of the commission. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-83; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2977)*

675 IAC 22-2.3-84 Section 901.4.3; additional fire protection systems
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 84. Delete Section 901.4.3 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-84; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2977)*

675 IAC 22-2.3-85 Section 901.5; installation acceptance testing

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 85. In Section 901.5, delete "and as approved by the code official". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-85; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2978)*

675 IAC 22-2.3-86 Section 901.7; systems out of service

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 86. In Section 901.7, delete "where required by the code official". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-86; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2978)*

675 IAC 22-2.3-87 Section 902; definitions

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 87. In Section 902, make the following changes:

(1) Change the definitions to read as follows:

ALARM SIGNAL. An audible or visual signal indicating the existence of an emergency requiring immediate action.

FIRE ALARM SYSTEM. A combination of approved equipment which with operation of an alarm initiating device produces an alarm signal.

(2) Add the following definition to read as follows:

LABELED. Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation, that maintains periodic inspection or production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

(3) Delete the definition of RECORD DRAWINGS.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-87; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2978)

675 IAC 22-2.3-88 Section 903.3.1.1.1; exempt locations

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 88. Change Section 903.3.1.1.1 Exempt Locations as follows: Delete item 5 and substitute the following: Elevator equipment rooms and hoistways used exclusively for the operation of elevators and which are separated from the remainder of the building by two (2) hour fire resistive construction. Penetrations between machine rooms and hoistways necessary for the safe operation of an elevator and vents required by Section 3004 of this code need not be fire-rated. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-88; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2978)*

675 IAC 22-2.3-89 Section 903.3.1.2; NFPA 13R sprinkler systems

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 89. In Section 903.3.1.2, add "Occupancies" after "Group R". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-89; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2978)*

675 IAC 22-2.3-90 Section 903.3.5.1.1; limited area sprinkler systems

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 90. In the exception for Section 903.3.5.1.1 limited area sprinkler systems, delete "an approved" to and insert "a listed". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-90; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2978)*

675 IAC 22-2.3-91 Section 903.3.6; hose threads

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 91. Amend Section 903.3.6 to read as follows: Fire hose threads used in connection with automatic sprinkler systems shall be compatible with the equipment used by the servicing fire department. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-91; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2978)*

675 IAC 22-2.3-92 Section 903.3.7; fire department connections

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 92. Change Section 903.3.7 Fire department connections to read as follows: The servicing fire department shall be consulted before placing the fire department hose connections at specific locations or the connections shall be placed as required by local ordinance. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-92; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2978)*

675 IAC 22-2.3-93 Section 903.4.2; alarms

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 93. Change Section 903.4.2 Alarms to read as follows: Listed audible and visible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the

system. Alarm devices shall be provided on the exterior of the building facing the public street, road, or highway that is in accordance with its legal address. Where buildings are not directly facing the public street, road, or highway or are in excess of two hundred fifty (250) feet from the public street, road, or highway, the servicing fire department shall be consulted in determining a location prior to the installation of the exterior audible and visible device. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

EXCEPTION: Sprinkler systems which are monitored by an approved supervisory station are not required to have the listed audible and visible device located on the exterior wall facing the public street, road, or highway.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-93; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2978)

675 IAC 22-2.3-94 Section 903.4.3; floor control valves

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 94. Change Section 903.4.3 Floor control valves as follows:

(1) Change "approved" to "a listed".

(2) Change "high-rise buildings" to "buildings 4 stories or more in height".

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-94; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2979)

675 IAC 22-2.3-95 Section 903.6; existing buildings

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 95. Delete Section 903.6 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-95; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2979)*

675 IAC 22-2.3-96 Section 904.2; where required

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 96. In Section 904.2, delete "approved by the code official" and insert "in accordance with the rules of the commission". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-96; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2979)*

675 IAC 22-2.3-97 Section 904.2.1; hood system suppression

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 97. In Section 904.2.1, delete "this code" and insert "Indiana Mechanical Code (675 IAC 18)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-97; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2979)*

675 IAC 22-2.3-98 Section 904.11; commercial cooking systems

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 98. Delete the last sentence of Section 904.11 Commercial cooking systems and substitute as follows: Automatic fire-extinguishing systems, for new installations, shall be installed in accordance with the Indiana Mechanical Code (675 IAC 18). *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-98; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2979)*

675 IAC 22-2.3-99 Section 904.11.1, Section 904.11.2, Section 904.11.3, Section 904.11.4; manual system operation, system interconnection, carbon dioxide systems, special provisions for automatic sprinkler systems

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 99. Delete Sections 904.11.1 through 904.11.4 and substitute: See the Indiana Mechanical Code (675 IAC 18). *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-99; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2979)*

675 IAC 22-2.3-100 Section 904.11.5; commercial cooking equipment

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 100. Delete the text of Section 904.11.5 and substitute to read as follows: Alkaline dry chemical-type portable fire extinguishers shall be installed in the kitchen area for the protection of the cooking equipment. Extinguishers shall have a minimum rating of forty (40) B (sodium bicarbonate or potassium bicarbonate base) and shall be conspicuously located and readily accessible along exit paths from the area. The extinguishers shall be a minimum of ten (10) feet and maximum of twenty (20) feet from the cooking equipment. The top of the extinguishers shall be a maximum of five (5) feet above the floor and shall be protected from physical damage. Cooking equipment involving vegetable or animal oils and fats shall be protected by a Class K rated portable extinguisher.

EXCEPTION: If portable fire extinguishers were not required at the time of installation of the cooking equipment, they shall be installed in accordance with the current Indiana Mechanical Code (675 IAC 18).

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-100; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2979)

675 IAC 22-2.3-101 Section 904.11.6.1, 904.11.6.2, 904.11.6.3, 904.11.6.4, 904.11.6.5; ventilation system, grease extractors, cleaning, extinguishing system service, fusible link and sprinkler head replacement

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 101. Delete Sections 904.11.6.1 through 904.11.6.5 and substitute to read as follows:

904.11.6.1 If grease extractors are installed, they shall be operated when the commercial food heat-processing equipment is used.

Extinguishing systems shall be inspected and serviced at least every six (6) months or after activation of the system. Inspection and servicing shall be by qualified individuals, and a service and inspection report shall be left at the site. A Certificate of Inspection shall be forwarded to the chief of the fire department having jurisdiction upon completion of servicing or inspection. All inspections performed shall be to the code in effect at the time of installation, alteration, or modification.

Fusible links, sprinklers, and automatic spray nozzles shall be replaced at least annually, or more frequently if necessary, to ensure proper operation of the system, and other protection devices shall be serviced or replaced in accordance with the manufacturer's instructions.

EXCEPTION 1. Frangible bulbs need not be replaced annually.

EXCEPTION 2. When automatic bulb-type sprinklers or spray nozzles are used and an annual examination shows no buildup of grease or other material on the sprinkler or spray nozzle.

Hoods, grease-removal devices, fans, ducts, and other appurtenances shall be cleaned at frequent intervals in accordance with section 1006.1.

904.11.6.2 Exhaust systems with Type I hoods shall be installed in accordance with the mechanical code in effect at the time of installation or alteration, and maintained in accordance with the conditions of labeling (if labeled), the manufacturer's instructions and the following:

(1) A cleaning schedule shall be posted on site for every exhaust system with a Type I hood. The schedule shall indicate methods of cleaning and the time interval between cleaning.

(2) Surfaces subject to oil or grease deposits shall be cleaned to bare metal at intervals frequent enough to prevent oil or grease deposits from exceeding a thickness of twenty-five thousandths (0.025) inch. Exhaust systems with Type I hoods shall be inspected by a qualified person at least every six (6) months.

(3) Flammable solvents or other flammable cleaning agents shall not be used.

(4) Care shall be taken not to apply cleaning chemicals to fusible links or other detection devices of the fire-extinguishing equipment.

(5) At the start of the cleaning process, electrical switches shall be locked out. WHEN CLEANING PROCEDURES ARE COMPLETED, ALL ELECTRICAL SWITCHES, DETECTION DEVICES, AND SYSTEM COMPONENTS SHALL BE RETURNED TO AN OPERABLE CONDITION BY QUALIFIED PERSONNEL.

(6) Records of cleaning, maintenance, and inspections shall be maintained on site for a period of three (3) years, and a certificate of inspection shall be forwarded to the chief of the fire department having jurisdiction upon completion.

EXCEPTION: Where the local health official or the Indiana Department of Health has more stringent cleaning requirements than those stated above, they shall take precedence over these requirements.

904.11.6.2.1 Existing Equipment. Exhaust systems with Type I hoods installed prior to the effective date of this code shall be maintained in accordance with the mechanical code in effect when the exhaust system with a Type I hood was installed.

EXCEPTION: All exhaust systems with Type I hoods shall be cleaned in accordance with the requirements of this section.

904.11.6.3 Where Required. Fire-extinguishing equipment for Type I hoods shall be installed in accordance with the Indiana Mechanical Code (675 IAC 18) in effect at the time of installation and maintained in accordance with section 904.11.6.1 of this code.

EXCEPTION: Fire-extinguishing systems for Type I hoods that serve deep fat fryers and other cooking appliances shall be either a system listed for application with such equipment or an automatic fire-extinguishing system that is specifically designed for such application. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-101; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2979)*

675 IAC 22-2.3-102 Section 905.2; installation standards

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 102. Add an exception to 905.2 to read as follows: EXCEPTION: In other than high rise buildings where buildings are sprinklered in accordance with Section 903.3.1.1, the water supply pressure for the standpipe system is not required to exceed the pressure requirements for the sprinkler system. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-102; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2980)*

675 IAC 22-2.3-103 Section 905.2.1; fire department connections

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 103. Add Section 905.2.1 after 905.2 to read as follows: 905.2.1 Fire Department connections. The location of fire department connections shall be in accordance with Section 903.3.7. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-103; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2980)*

675 IAC 22-2.3-104 Section 905.3.5.1; hose and cabinet

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 104. Delete Section 905.3.5.1 Hose and cabinet and substitute to read as follows: Proper cap and chain shall be provided for the hose connection valve assembly. Hose connection valve assembly shall comply with the provisions in Section 903.3.6. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-104; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2980)*

675 IAC 22-2.3-105 Section 905.4; location of Class I standpipe connections

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 105. Change Section 905.4 Location of Class I standpipe hose connections as follows:

(1) Delete item 1 and substitute as follows: 1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at an intermediate floor level landing between floors. Where there are multiple intermediate floor landings between floors, hose connections shall be located at the landing closest to being midway between floors. If intermediate floor level landings are not provided in the required stairway, the hose connection shall be located on the floor-level landing.

(2) Delete item 6 and substitute as follows: 6. Where the most remote portion of a nonsprinklered floor or story is more than one hundred fifty (150) feet from a hose connection or the most remote portion of a sprinklered floor or story is two hundred (200) feet from a hose connection, additional hose connections shall be provided in exit passageways which are 1-hour rated.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-105; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2981)

675 IAC 22-2.3-106 Section 905.8; dry standpipes

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 106. Change Section 905.8 Dry standpipes to read as follows: In buildings requiring standpipes, dry standpipes complying with NFPA 14 (675 13-1-8) are permitted when the building or structure is unheated and the standpipe is subject to freezing temperatures. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-106; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2981)*

675 IAC 22-2.3-107 Section 906.1; where required

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 107. Delete Section 906.1 and substitute to read as follows: Portable fire extinguishers shall be installed where required by TABLE 906.1 and where required by local ordinance. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-107; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2981)*

675 IAC 22-2.3-108 Section 907.1.1; construction documents

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 108. Delete the text of Section 907.1.1 Construction documents and substitute to read as follows: See the General Administrative Rules (675 IAC 12-6). *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-108; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2981)*

675 IAC 22-2.3-109 Section 907.2.1.1; system initiation in Group A occupancies with an occupant load of 1,000 or more

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 109. Delete the exception to Section 907.2.1.1 System initiation in Group A occupancies with an occupant load of 1,000 or more. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-109; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2981)*

675 IAC 22-2.3-110 Section 907.2.3; Group E

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 110. Change Section 907.2.3 Group E as follows:

(1) Delete EXCEPTION 2.3 and substitute to read as follows: 2.3 Shops and laboratories involving dust or vapors are protected by heat detectors or other listed detection devices.

(2) Delete in EXCEPTION 2.6, ", except in locations specifically designated by the building official".

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-110; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2981)

675 IAC 22-2.3-111 Section 907.2.10.1.1.1; R1 hotels and motels

Authority: IC 22-13-2-2
Affected: IC 22-12-1-4; IC 22-12-1-5; IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 111. Add Section 907.2.10.1.1.1 after Section 907.2.10.1.1 as follows: 907.2.10.1.1.1 R1 Hotels and Motels.

(1) This section only applies to hotels and motels.

(2) All hotels and motels must have functional smoke detectors and comply with this section and section 907.2.10.1.1.

(3) Except as provided in (6), a detector must be installed in all interior corridors adjacent to sleeping rooms and must be spaced no further apart than thirty (30) feet on center or more than fifteen (15) feet from any wall.

(4) The detectors must be hard wired into a building's electrical system, except as provided in (6).

(5) The detectors must be wired in a manner that activates all the devices in a corridor when one is activated, except as provided in (6).

(6) All single level dwellings, all seasonably occupied dwellings, and all hotels and motels with twelve (12) sleeping rooms or less (and containing no interior corridors) are exempt from the requirements of (3), (4), and (5). In such units:

(A) a detector must be installed in each sleeping room; and

(B) the detector may be battery operated, when allowed by section 907.2.10.2.

If a battery operated detector is installed, it must contain a tamper resistant cover to protect the batteries.

For the purpose of Section 907.2.10.1.1.1, the following definitions shall apply:

DWELLING means a residence with at least one (1) dwelling unit as set forth in IC 22-12-1-4(a)(1)(B) and IC 22-12-1-5(a)(1).

HOTELS AND MOTELS means buildings or structures kept, maintained, used, advertised, or held out to the public as inns or places where sleeping accomodations are furnished for hire for transient guest.

SEASONALLY OCCUPIED DWELLINGS means hotels and motels open to the public for occupancy by guests only during any period of time between April 15 and October 15 each year.

SINGLE LEVEL DWELLING means all single level (no more than one (1) level above ground) hotels and motels that have no interior corridors and whose individual rooms have exterior exits.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-111; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2981)

675 IAC 22-2.3-112 Section 907.2.10.1.2; Groups R-2, R-3, R-4 and I-1

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 112. In Section 907.2.10.1.2, delete "and maintained". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-112; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2982)*

675 IAC 22-2.3-113 Section 907.2.10.1.4; additions, alterations or repairs to Group R

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 113. Change the exception to Section 907.2.10.1.4 to read as follows: EXCEPTION: Repairs are exempt from the requirements of this section. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-113; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2982)*

675 IAC 22-2.3-114 Section 907.2.15; special egress-control devices

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 114. Amend Section 907.2.15 by changing the test to read: When special egress-control devices or systems are installed, such devices or systems shall be maintained in accordance with the building code requirements for the original installation. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-114; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2982)*

675 IAC 22-2.3-115 Section 907.3; where required-retroactive in existing buildings and structures

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 115. Delete in Section 907.3 Where required-retroactive in existing buildings and structures without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-115; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2982)*

675 IAC 22-2.3-116 Section 907.4.5; protective covers

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 116. Change Section 907.4.5 Protective Covers to read as follows: Listed manual fire alarm box protective covers may be installed when approved. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-116; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2982)*

675 IAC 22-2.3-117 Section 907.8 Presignal system

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 117. Delete Section 907.8 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-117; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2982)*

675 IAC 22-2.3-118 Section 907.9.1; zoning indicator panel

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 118. Change Section 907.9.1 Zoning indicator panel to read as follows: A zoning indicator panel and associated controls shall be provided in a location the servicing fire department will use as their main entrance point to the building. The panel shall be identifiable and accessible at all times. The visual zone indication shall lock in until the system is reset and shall not be canceled by the operation of an audible alarm-silencing switch. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-118; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2982)*

675 IAC 22-2.3-119 Section 907.10.1.1; public and common area

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 119. Amend Section 907.1.1 by adding the word

"areas" after the word "public". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-119; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2982)*

675 IAC 22-2.3-120 Section 907.15; monitoring
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 120. Change Section 907.15 Monitoring to read as follows: Where required by this chapter or by local ordinance, an approved supervising station in accordance with NFPA 72 (675 IAC 22-2.2-17) shall monitor fire alarm systems. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-120; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2983)*

675 IAC 22-2.3-121 Section 907.16; automatic telephone-dialing devices
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 121. Change Section 907.16 Automatic telephone-dialing devices to read as follows: Automatic telephone-dialing devices used to transmit an emergency alarm shall not be connected to any fire department telephone number unless approved by the code official. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-121; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2983)*

675 IAC 22-2.3-122 Section 907.18; record of completion
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 122. Delete Section 907.18 Record of completion without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-122; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2983)*

675 IAC 22-2.3-123 Section 907.19; instructions
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 123. Delete Section 907.19 Instructions without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-123; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2983)*

675 IAC 22-2.3-124 Section 907.20.1; maintenance record
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 124. Change Section 907.20.1 by deleting "applicable NFPA requirements or as directed by the code official" and substituting "the rules of the commission". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-124; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2983)*

675 IAC 22-2.3-125 Section 907.20.2; testing
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 125. In Section 907.20.2, delete all the text after "NFPA 72 (675 IAC 22-2.2-17)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-125; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2983)*

675 IAC 22-2.3-126 Section 909.2; general design requirements
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 126. Change Section 909.2 General design requirements to read as follows: Buildings, structures, or parts thereof required by this code to have a smoke control system or systems shall have such systems designed in accordance with the applicable requirements of Section 909 and the generally accepted and well-established principles of engineering relevant to the design. Construction documents shall be as required by the General Administrative Rules (675 IAC 12-6). *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-126; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2983)*

675 IAC 22-2.3-127 Section 909.3; special inspection and test requirements
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 127. Delete Section 909.3 Special inspection and test requirements and substitute to read as follows: For inspections and testing, see the General Administrative Rules (675 IAC 12-6-6(c)(10)(d) *[sic., 675 IAC 12-6-6(c)(10)(D)]***).** *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-127; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2983)*

675 IAC 22-2.3-128 Section 909.10.2; ducts
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 128. In the third sentence of Section 909.10.2 Ducts, delete "nationally" and substitute "approved". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-128; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2983)*

675 IAC 22-2.3-129 Section 909.15; control diagrams
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 129. Change Section 909.15 Control diagrams to read as follows: Identical control diagrams showing all devices in the system and identifying their location and function shall be maintained current and kept on file with the building official, the servicing fire department, and in the fire command center in an approved manner and format. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-129; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2983)*

675 IAC 22-2.3-130 Section 909.18.8 and Section 909.18.9; special inspections for smoke control and identification and documentation

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 130. Delete Sections 909.18.8 Special inspections for smoke control and 909.18.9 Identification and documentation and substitute: See the General Administrative Rules (675 IAC 12-6-6(c)(10)(D)). *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-130; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2984)*

675 IAC 22-2.3-131 Section 909.19; system acceptance

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 131. Delete the title and text of Section 909.19 System acceptance and substitute to read as follows: 909.19 Acceptance test. Smoke removal systems shall be tested in accordance with the rules of the commission at the expense of the owner or owner's representative. When requested by the servicing fire department and/or local building official, such tests shall be conducted in their presence. Prior to conducting such tests, the requesting official shall be given at least 48-hour notice. It shall be unlawful to occupy portions of the structure until the required smoke removal system within that portion of the structure has been completed, successfully tested, and fully operational with appropriate reports and other documentation provided to the servicing fire department and/or local building official. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-131; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2984)*

675 IAC 22-2.3-132 Section 910.2.1; Groups F-1 and S-1

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 132. Add an exception to Section 910.2.1 Groups F-1 and S-1 to read as follows: EXCEPTION: Group S-1 Aircraft Hangers *[sic., Hangars]***.** *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-132; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2984)*

675 IAC 22-2.3-133 Section 910.3.1.2; sprinklered buildings

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 133. Delete Section 910.3.1.2 Sprinklered buildings and substitute to read as follows: Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall open by approved manual releases. The servicing fire department shall be consulted in determining location of such manual releases prior to the installation of the smoke and heat vents. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-133; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2984)*

675 IAC 22-2.3-134 Section 910.3.4; curtain boards

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 134. Add an exception to the end of Section 910.3.4 Curtain boards to read as follows: EXCEPTION: Where areas of buildings are equipped with early suppression-fast response (ESFR) sprinklers, curtains boards shall not be provided within these areas. Curtains boards shall be provided at the separation between the ESFR sprinklers and the conventional sprinklers and in other areas as required by this section. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-134; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2984)*

675 IAC 22-2.3-135 Section 910.4; mechanical smoke exhaust

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 135. Delete Section 910.4 and substitute to read as follows: In buildings protected throughout with an approved automatic sprinkler system, manually operated exhaust fans may be utilized for fire department mop-up operations. The exhaust rate shall be equal to one (1) cfm per square foot of floor area. The fans shall be wired ahead of the main building disconnect switch. Manual controls for the fans shall be provided individually for each fan unit. The servicing fire department shall be consulted in determining the location of the controls for the exhaust fans. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-135; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2984)*

675 IAC 22-2.3-136 Section 1001.2; minimum requirements

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 136. Delete Section 1001.2 Minimum requirements and substitute to read as follows: See the General Administrative Rules (675 IAC 12-4-12). *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-136; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2984)*

675 IAC 22-2.3-137 Section 1002; definitions

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 137. Add in Section 1002 the definition of ICC/ANSI A117.1 after the definition of HANDRAIL to read as follows: ICC A117.1. Chapter 11 of the Indiana Building Code (675 IAC 13). *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-137; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2984)*

675 IAC 22-2.3-138 Section 1003.2.2.4; increased occupant load

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 138. Delete Section 1003.2.2.4 Increased occupant load without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-138; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2985)*

675 IAC 22-2.3-139 Section 1003.2.13.1; general

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 139. Delete in Section 1003.2.13.1 General the words "one or more" and substitute the words "at least one". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-139; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2985)*

675 IAC 22-2.3-140 Section 1003.3.1.1; size of doors

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 140. Delete EXCEPTION 8 in Section 1003.3.1.1. Size of doors. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-140; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2985)*

675 IAC 22-2.3-141 Section 1003.3.1.4; floor elevation

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 141. Change in Section 1003.3.1.4 Floor elevation EXCEPTION 4 to read as follows: 4. Exterior decks, patios, or balconies that are part of a dwelling unit regulated under part 2 of Chapter 11 of the Indiana Building Code (675 IAC 13) and have impervious surfaces, and that are not more than four (4) inches (one hundred two (102) mm) below the finished floor level of the adjacent interior space of the dwelling unit. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-141; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2985)*

675 IAC 22-2.3-142 Section 1003.3.1.7; door arrangement

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 142. Change in Section 1003.3.1.7 Door arrangement EXCEPTION 3 to read as follows: 3. Doors within individual dwelling units in Groups R-2 and R-3 as applicable in Section 1001.1. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-142; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2985)*

675 IAC 22-2.3-143 Section 1003.3.1.8; locks and latches

Authority: IC 22-13-2-2
Affected: IC 22-11-17-2; IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 143. Change Section 1003.3.1.8 Locks and latches as follows:

(1) In EXCEPTION 2. 3, delete 2.3 without substitution.
(2) Add EXCEPTION 5 to read as follows: 5. Licensed Health Care Facilities that comply with IC 22-11-17-2.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-143; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2985)

675 IAC 22-2.3-144 Section 1003.3.1.8.2; delayed egress locks

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 144. Delete in Section 1003.3.1.8.2 Delayed egress locks the exception to item 4. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-144; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2985)*

675 IAC 22-2.3-145 Section 1003.3.3.3; stair treads

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 145. Change Section 1003.3.3.3 Stair treads and risers as follows:

(1) Delete EXCEPTION 5 and substitute to read as follows: 5. Within dwelling units in occupancies in Group R-3, as applicable in the Indiana Building Code (675 IAC 13), and within dwelling units in occupancies in Group R-2, as applicable in the Indiana Building Code (675 IAC 13), the maximum riser height shall be eight and one-fourth (8¼) inches (two hundred ten (210) mm), the minimum tread depth shall be nine (9) inches (two hundred twenty-nine (229) mm). A nosing not less than seventy-five hundredths (0.75) inch (nineteen and one-tenth (19.1) mm) but not more than one and twenty-five hundredths (1.25) inches (thirty-two (32) mm) shall be provided on stairways with solid risers where the tread is less than eleven (11) inches. In occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in the Indiana Building Code (675 IAC 13), the maximum riser height shall be seven and seventy-five hundredths (7.75) inches (one hundred ninety-seven (197) mm) and the minimum tread depth shall be ten (10) inches (two hundred fifty-four (254) mm) and the nosing requirements shall remain the same as above.
(2) Amend EXCEPTION 6 to read: The replacement of existing stairways shall be in accordance with the General Administrative Rules (675 IAC 12-9).

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-145; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2985)

675 IAC 22-2.3-146 Section 1003.3.3.9; spiral stairways

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 146. Delete the exception in Section 1003.3.3.9 Spiral stairways. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-146; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2985)*

675 IAC 22-2.3-147 Section 1003.3.3.11.3; handrail graspability

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 147. Add an Exception to the end of Section 1003.3.3.11.3 to read as follows: EXCEPTION: Within Group R-2 dwelling units, the handgrip portion of handrails shall have a circular cross section of one and one-fourth (1¼) inches (thirty-two (32) mm) minimum to two and seven-eighths (2 f) inches (seventy-three (73) mm) maximum. Other handrail shapes that provide equivalent grasping surface are permissible. Edges shall have a minimum radius of one-eighth (c) inch (three and two-tenths (3.2) mm). *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-147; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2986)*

675 IAC 22-2.3-148 Section 1008.10; seat stability

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 148. In Section 1008.10 Seat stability, delete the last sentence of EXCEPTION 4. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-148; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2986)*

675 IAC 22-2.3-149 Section 1009.6; exterior rescue access

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 149. Add Section 1009.6 Exterior rescue access to the end of Section 1009 to read as follows: 1009.6 Exterior Rescue Access. Exterior access for fire department use in performing rescue operations when emergency escape and rescue openings are required shall comply with Sections 1009.6.1 and 1009.6.2.

1009.6.1 The exterior grade adjacent to emergency escape and rescue openings shall not have a slope of more than two (2) inches in twelve (12) inches. The grade requirement shall extend from the structure to a point which will allow the placement of a fire department ground ladder to the sill of the emergency escape and rescue opening when such ladder is placed at a seventy-five (75) degree angle maximum from the horizontal plane.

1009.6.2 No obstructions such as wire, trees, shrubs, signs, cornices, overhangs, awnings, canopies, parking, or other features shall be permitted.

EXCEPTION: Canopies and similar types of building features may be used as a portion of the rescue access system, if the slope of the canopy does not exceed two (2) inches in twelve (12) inches, and access as required in Section 1009.6.1 is provided from the ground to the top edge of the canopy.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-149; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2986)

675 IAC 22-2.3-150 Section 1101.3; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 150. Delete Section 1101.3 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-150; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2986)*

675 IAC 22-2.3-151 Section 1105.3; on welding apparatus

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 151. Amend Section 1105.3 by deleting "10-B:C" and inserting "20-B:C". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-151; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2986)*

675 IAC 22-2.3-152 Section 1106.3.3; dispensing hoses and nozzles

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 152. In the last sentence of Section 1106.3.3, delete "proper" and insert "approved". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-152; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2986)*

675 IAC 22-2.3-153 Section 1106.3.6; accessory equipment

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 153. In Section 1106.3.6, delete "substantially". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-153; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2986)*

675 IAC 22-2.3-154 Section 1106.3.7.1; bonding cables

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 154. Change Section 1106.3.7.1 as follows:

(1) Delete "a substantial heavy-duty" and insert "an approved or listed".

(2) Delete "a suitable" and insert "an approved or listed".

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-154; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2986)

675 IAC 22-2.3-155 Section 1106.3.7.2; bonding cable protection

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 155. Delete the last sentence of Section 1106.3.7.2. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-155; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2986)*

675 IAC 22-2.3-156 Section 1106.5.2.3; funnels

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 156. In Section 1106.5.2.3, delete "where required". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-156; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2986)*

675 IAC 22-2.3-157 Section 1106.6.4; testing
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 157. Change the last sentence of Section 1106.6.4 to read as follows: The fueling-system operator shall maintain a complete record of the last two (2) tests at all times, and the complete record be made available to the code official upon request. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-157; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2987)*

675 IAC 22-2.3-158 Section 1106.15.1; other areas
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 158. Delete Section 1106.15.1 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-158; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2987)*

675 IAC 22-2.3-159 Section 1106.19.2; damaged hose
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 159. Delete the last sentence of Section 1106.19.2 and substitute to read as follows: Hoses removed from service shall not be returned to service until repaired or rendered safe. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-159; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2987)*

675 IAC 22-2.3-160 Section 1201.2; permit required
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 160. Delete Section 1201.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-160; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2987)*

675 IAC 22-2.3-161 Section 1204.2.1; ventilation
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 161. Delete Section 1204.2.1 and substitute to read as follows: Ventilation shall be in accordance with the Indiana Mechanical Code (675 IAC 18). *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-161; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2987)*

675 IAC 22-2.3-162 Section 1205.1.5; equipment maintenance and housekeeping
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 162. Change the first sentence of Section 1205.1.5 to read as follows: Equipment shall be maintained and operated in accordance with the manufacturer's instructions. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-162; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2987)*

675 IAC 22-2.3-163 Section 1206; spotting and pretreating
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 163. Amend Section 1206 Spotting and pretreating as follows:

(1) Add new section as follows: 1206.2 Type I solvents. The maximum quantity of Type I solvents permitted at any work station shall be one (1) gallon (four (4) L). Class I solvents shall be stored in approved safety cans or in sealed DOT-N approved metal shipping containers of not more than one (1) gallon (four (4) L) capacity. Dispensing shall be from approved cans.

(2) Amend Section 1206.2 as follows: 1206.3 Type II and III solvents. Scouring, brushing, and spotting and pretreating shall be conducted with Class II or III solvents. The maximum quantity of Type II or III solvents permitted at any work station shall be one (1) gallon (four (4) L). In other than a Group H-2 occupancy, the aggregate quantities of solvents shall not exceed the maximum allowable quantity per control area for use open.

(3) Renumber subsequent sections.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-163; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2987)

675 IAC 22-2.3-164 Section 1301.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 164. Delete section 1301.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-164; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2987)*

675 IAC 22-2.3-165 Section 1414.1; where required
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 165. Amend Section 1414.1 to read as follows: 1414.1 Where required. Structures under construction, alteration, or demolition shall be provided with not less than one (1) approved portable fire extinguishers in accordance with Section 905 and sized for not less than ordinary hazard as follows:

(1) At each stairway on all floor levels where combustible materials has accumulated.

(2) In every storage and construction shed.

(3) Additional portable fire extinguishers shall be provided where special hazards exist, such as the storage and use of flammable and combustible liquids.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-165; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2987)

675 IAC 22-2.3-166 Section 1416.3; fire extinguishers for roofing operations
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 166. In Section 1416.3, change the second sentence to read as follows: There shall be not less than one (1) multi-purpose portable fire extinguisher with a minimum 3-A 40-B:C rating on the roof being covered or repaired. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-166; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2988)*

675 IAC 22-2.3-167 Section 1501.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 167. Delete Section 1501.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-167; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2988)*

675 IAC 22-2.3-168 Section 1504.1.2.5; clear space
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 168. In EXCEPTIONS 1 and 2 of Section 1504.1.2.5, delete "adequately" without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-168; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2988)*

675 IAC 22-2.3-169 Section 1505.3.2; bottom drains
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 169. Add EXCEPTION 2 to Section 1505.3.2 to read as follows: EXCEPTION 2. Bottom drains shall not be required for tanks that are equipped with automatic closing covers in accordance with Section 1505.7. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-169; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2988)*

675 IAC 22-2.3-170 Section 1505.8.1; location
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 170. Delete Section 1505.8.1 and substitute to read as follows: Tanks shall be located an approved distance from furnaces and combustible floors and shall not be located on combustible floors. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-170; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2988)*

675 IAC 22-2.3-171 Section 1506.8 barriers
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 171. In Section 1506.8, delete "adequately grounded" and insert "grounded in an approved manner". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-171; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2988)*

675 IAC 22-2.3-172 Section 1601.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 172. Delete Section 1601.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-172; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2988)*

675 IAC 22-2.3-173 Section 1701.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 173. Delete Section 1701.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-173; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2988)*

675 IAC 22-2.3-174 Section 1703.3.1; warning signs
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 174. In the first sentence of Section 1703.3.1, delete the text after "premises". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-174; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2988)*

675 IAC 22-2.3-175 Section 1801.5; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 175. Delete Section 1801.5 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-175; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2988)*

675 IAC 22-2.3-176 Section 1803.14.1; where required
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 176. Delete the second sentence of Section 1803.14.1, item 1 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-176; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2988)*

675 IAC 22-2.3-177 Table 1804.2.1; quantity limits for hazardous materials in a single fabrication area in group h-5[a]
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 177. Amend TABLE 1804.2.1 footnote (d) by deleting "Tables 2703.1.1(1) and 2704.14" and inserting "Table 2704.14". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-177; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2988)*

675 IAC 22-2.3-178 Table 1805.2.1; maximum quantities of hpm at a workstation[e]
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 178. Amend TABLE 1805.2.1 as follows:

(1) In the MAXIMUM QUANTITY column, make the following changes:

(A) For "Corrosive Liquid", change to read "Use-open System 25 gallons [a]".

(B) For "Corrosive solid", change to read "Use-closed System 150 gallons [acf]".

(2) Add a sentence to footnote "c" to read as follows: When Note f also applies, the maximum increase allowed for both Notes c and f shall not exceed 100 percent.

(3) Add footnote "f" to read: f. Quantities shall be allowed to be increased 100 percent for nonflammable, noncombustible corrosive liquids when the materials of construction for workstations are listed or approved for use without internal fire extinguishing or suppression system protection. When Note c also applies, the maximum increase allowed for both Notes c and f shall not exceed 100 percent.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-178; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2988)

675 IAC 22-2.3-179 Section 1805.3.4.3; powered carts and trucks

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 179. In Section 1805.3.4.3, delete all text after "intended". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-179; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2989)*

675 IAC 22-2.3-180 Section 1901.2; permit

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 180. Delete Section 1901.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-180; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2989)*

675 IAC 22-2.3-181 Section 1903.5.2; static electricity and lightning protection

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 181. (a) Change the title of Section 1903.5.2 to read "Static electricity protection".

(b) Delete the last sentence of Section 1903.5.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-181; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2989)*

675 IAC 22-2.3-182 Section 1903.7; access plan

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 182. In Section 1903.7, delete all text after "submitted" and insert "to the code official". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-182; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2989)*

675 IAC 22-2.3-183 Section 1906.2; cold decks

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 183. Delete the exception in Section 1906.2. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-183; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2989)*

675 IAC 22-2.3-184 Section 1907.2; size of piles

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 184. Delete the exception in Section 1907.2. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-184; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2989)*

675 IAC 22-2.3-185 Section 1908.3; size of piles

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 185. Delete the exception in Section 1908.3. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-185; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2989)*

675 IAC 22-2.3-186 Section 1908.8; fire extinguishers

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 186. In Section 1908.8, delete "2-A:60 B:C" and insert "4-A:60B:C". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-186; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2989)*

675 IAC 22-2.3-187 Section 2001.2; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 187. Delete Section 2001.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-187; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2989)*

675 IAC 22-2.3-188 Section 2006.5; kettle controls

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 188. Delete the last two (2) sentences of Section 2006.5 and substitute as follows: The thin-down tank shall have an approved vent. Thinning operations shall be provided with an approved vapor removal system. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-188; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2989)*

675 IAC 22-2.3-189 Section 2007.3; support

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 189. In the first sentence of Section 2007.3, delete "adequately" and insert after "physical damage", "in an approved manner. *(Fire Prevention and Building Safety*

Commission; 675 IAC 22-2.3-189; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2989)

675 IAC 22-2.3-190 Section 2101.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 190. Delete Section 2101.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-190; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2990)*

675 IAC 22-2.3-191 Section 2103.2; exposure
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 191. Delete Section 2103.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-191; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2990)*

675 IAC 22-2.3-192 Chapter 22; service stations and repair garages
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 192. Change the title of Chapter 22 to read: MOTOR FUEL DISPENSING FACILITIES AND REPAIR GARAGES. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-192; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2990)*

675 IAC 22-2.3-193 Section 2201.1; scope
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 193. Amend Section 2201.1 to read:
2202.1 Scope. Automotive motor fuel dispensing facilities, marine motor fuel dispensing facilities, fleet vehicle motor fuel dispensing facilities, and repair garages shall be in accordance with this chapter and the Indiana Fuel Gas Code (675 IAC 25), Indiana Building Code (675 IAC 13) and the Indiana Mechanical Code (675 IAC 18). Such operations shall include both public accessible and private operations. When the term "service stations" is used, it shall mean "motor fuel dispensing facilities".
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-193; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2990)

675 IAC 22-2.3-194 Section 2201.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 194. Delete Section 2201.2 *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-194; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2990)*

675 IAC 22-2.3-195 Section 2201.3; construction documents
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 195. Change Section 2201.3 to read as follows: Plans and specifications shall be submitted in accordance with the General Administrative Rules (675 IAC 12-6). *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-195; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2990)*

675 IAC 22-2.3-196 Section 2202.1; definitions
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 196. In Section 2202.1, amend the following defintions to read as follows:
AUTOMOTIVE SERVICE STATION to read: AUTOMOTIVE FUEL DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles or approved containers.
FLEET VEHICLE SERVICE STATION to read: FLEET VEHICLE FUEL DISPENSING FACILITY. That portion of a commercial, industrial, governmental, or manufacturing property where liquids used as fuels are stored and dispensed into fuel tanks of motor vehicles that are used in connection with such businesses, by persons within the employ of such businesses, or a commercial customer of such businesses.
MARINE SERVICE STATION to read: MARINE FUEL DISPENSING FACILITY.
SELF-SERVICE STATION to read: SELF-SERVICE FUEL DISPENSING FACILITY. That portion of a service station where liquid motor fuels are dispensed from fixed approved dispensing equipment into fuel tanks of motor vehicles or approved containers by persons other than a service station attendant.
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-196; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2990)

675 IAC 22-2.3-197 Section 2204.3.2; dispensers
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 197. Change Section 2204.3.2 Dispensers to read as follows: Dispensing devices shall comply with Section 2206.7. Dispensing devices operated by the insertion of coins or currency may be used provided change or credit can be issued. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-197; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2990)*

675 IAC 22-2.3-198 Section 2204.3.7; quantity limits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 198. Change Section 2204.3.7 Quantity limits to read as follows: Dispensing equipment used at unsupervised locations shall comply with one (1) of the following:
(1) Dispensing devices for Class I fuel shall be programmed or set to limit uninterrupted fuel delivery to

twenty-five (25) gallons (ninety-five (95) L) and require a manual action to resume delivery; or

(2) The amount of fuel being dispensed shall be limited in quantity by a preprogrammed card.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-198; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2990)

675 IAC 22-2.3-199 Section 2204.4; dispensing into portable containers

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 199. Amend Section 2204.4 to read as follows: 2204.4 Dispensing into portable containers. The dispensing of flammable or combustible liquids into portable approved containers shall comply with Section 2204.4.1 through Section 2204.4.3. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-199; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2991)*

675 IAC 22-2.3-200 Section 2205.1.1; delivery vehicle location

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 200. Delete Section 2205.1.1 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-200; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2991)*

675 IAC 22-2.3-201 Section 2205.1.2; tank capacity calculation

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 201. Change Section 2205.1.2 to read as follows: 2205.1.1 Tank capacity calculation. The driver, operator, or attendant of a tank vehicle shall, before making delivery to a tank, determine the unfilled, available capacity of such tank by a gauging device. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-201; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2991)*

675 IAC 22-2.3-202 Section 2205.1.3; tank fill connections

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 202. Change Section 2205.1.3 to read as follows: 2205.1.2 Tank fill connections. Delivery of flammable liquids to tanks more than one thousand one hundred (1,100) gallons in capacity shall be made by means of approved liquid- and vapor-tight connections between the delivery hose and tank fill pipe. Where tanks are equipped with any type of vapor recovery system, all connections required to be made for the safe and proper functioning of the particular vapor recovery process shall be made. Such connections shall be made liquid and vapor tight and remain connected throughout the unloading process. Vapors shall not be discharged at grade level during delivery. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-202; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2991)*

675 IAC 22-2.3-203 Section 2205.2.2; emergency shut-off valves

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 203. Change Section 2205.2.2 to read as follows: Automatic closing emergency shut-off valves required by Section 2206.7.4 shall be maintained in accordance with the manufacturer's instructions. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-203; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2991)*

675 IAC 22-2.3-204 Section 2206.2; method of storage

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 204. In Section 2206.2, delete "motor". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-204; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2991)*

675 IAC 22-2.3-205 Section 2206.2.1; underground tanks

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 205. In Section 2206.2.1, delete "motor". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-205; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2991)*

675 IAC 22-2.3-206 Section 2206.2.1.1; inventory control for underground tanks

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 206. Change Section 2206.2.1.1 Inventory control for underground tanks to read as follows: Accurate daily inventory records shall be maintained and reconciled on underground fuel storage tanks for indication of possible leakage from tanks and piping. The records shall be kept at the premises or readily available for inspection by the code official upon written request and shall include records for each product showing daily reconciliation between sales, use, receipts, and inventory on hand. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-206; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2991)*

675 IAC 22-2.3-207 Section 2206.2.2 aboveground tanks located inside buildings

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 207. In Section 2206.2.2, delete "motor". *(Fire*

Prevention and Building Safety Commission; 675 IAC 22-2.3-207; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2991)

675 IAC 22-2.3-208 TABLE 2206.2.3; minimum separation requirements for aboveground tanks

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 208. Change TABLE 2206.2.3 as follows:

(1) Add a listing to TABLE 2206.2.3 as follows:

Tank Type	Capacity	Nearest Building	Nearest Dispenser	Lot Line	Public Way	Between Tanks
Class III Liquids ASTs	Equal or less than 1,100	5	0[b]	10	10	5

(2) Add Footnote [b] to read: [b] Class III Fuel Dispensers.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-208; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2992)

675 IAC 22-2.3-209 Section 2206.2.3; aboveground tanks located outside, above grade

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 209. Change Section 2206.2.3 as follows: 2206.2.3 Aboveground tanks located outside, above grade. Aboveground tanks shall not be used for the storage and dispensing of Class I, II, or IIIA liquid motor fuels except as provided by this section.

(1) Class I, II, or III-A liquids shall not be dispensed into the fuel tank of a motor vehicle from aboveground tanks at retail automotive service or self-service stations.

(2) Class I and II liquids shall not be dispensed into the fuel tanks of a motor vehicle from aboveground tanks at fleet vehicle service station except when such tanks are installed in accordance with the following:

1. INSTALLATION OF TANKS

Tanks shall be installed in accordance with Chapter 34 and shall be installed in special enclosures constructed in accordance with Section 2206.2.4 or in listed and approved tank enclosures or materials providing fire protection of not less than two (2) hours. The following additional criteria shall apply:

(a) Guard posts or other means shall be provided to protect the area where tanks are installed. The design shall be in accordance with Section 312,

(b) Each tank and each special enclosure shall be surrounded by a clear space of not less than three (3) feet to allow for maintenance and inspection,

(c) Warning signs and identification signs shall be installed to clearly identify hazards. The design shall be in accordance with Sections 2205.6, 2209.5.7, and 3404.2.3. Conspicuous signs prohibiting simultaneous tank filling and fuel dispensing shall be posted,

(d) Tanks containing motor fuels shall not exceed a ten thousand (10,000) gallon individual or eighteen thousand (18,000) gallon aggregate capacity. Installations having the maximum allowable aggregate capacity shall be separated from other such installations by not less than one hundred (100) feet, and

(e) Tanks shall be provided with automatic fuel shutoff devices capable of stopping the delivery of fuel when the level in the tank reaches ninety percent (90%) of tank capacity.

EXCEPTIONS: 1. Aboveground storage tanks for motor vehicle fuel-dispensing stations legally installed according to the code in effect at the time of installation and in operation prior to September 7, 1992.

2. Single tank installations where the fuel tank has a capacity of one thousand one hundred (1,100) gallons or less that are in compliance with Chapter 34 of this code.

3. Diesel tanks and dispensing operations when all the following criteria are met:

A. The distance in feet from any property line when not adjacent to a public way shall be double the distance specified in Table 2206.2.3.

B. The distance in feet from a property line adjacent to a public way, to include the opposite sides of a public way, shall be double the distance specified in Table 2206.2.3.

C. The distance in feet from adjacent structures shall be double the distance specified in Table 2206.2.3.

D. In compliance with Chapter 34 of this code.

E. The diesel tank shall be double the distance specified in Table 2206.2.3 for the property line including the opposite side of the public way from any nondiesel fuel tank or dispensing operation.

2. INSTALLATION OF DISPENSING SYSTEMS

Dispensing systems shall be installed in accordance with Chapters 22 and 34 except as follows:

(a) Motor fuels shall be transferred from tanks by means of fixed pumps which are designed and equipped to allow control of the flow and to prevent leakage or accidental discharge,

(b) Tank and tank enclosure openings shall be through the top only. Approved antisiphon devices shall be installed at each connection of piping to a tank when such piping extends below the level of the top of such tank, and

(c) Dispensing devices are allowed to be installed on top of special enclosures.

3. PLANS

Plans submitted under 675 IAC 12-6, Design Releases, shall include the method of storage and dispensing, quantities and types of liquids to be stored, distances from tanks and dispensers to property lines and buildings, vehicle access, fire appliances, collision barriers, design and construction of tanks and tank supports, secondary containment tank venting, vapor recovery provisions, and emergency controls.

4. MAINTENANCE

Tanks, special enclosures, and dispensing systems shall be maintained in proper condition. Damage shall be repaired immediately using materials having equal or greater strength and fire resistance.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-209; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2992)

675 IAC 22-2.3-210 Section 2206.2.3.1; storage tanks at bulk plants

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 210. Add Section 2206.2.3.1 as follows: 2206.2.3.1 Storage Tanks at Bulk Plants. Aboveground tanks serving as bulk storage tanks shall not be used for fueling operations. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-210; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2993)*

675 IAC 22-2.3-211 Section 2206.5; secondary containment

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 211. Change Section 2206.5 as follows:

(1) In the first paragraph, change "Chapter 34" to "Section 3404.2.10".

(2) Add an exception to read as follows: EXCEPTION: Approved aboveground tanks with a capacity of five hundred (500) gallons or less, utilized solely for the storage of used motor oil, and in compliance with EPA 40 CFR 279.22 and EPA 40 CFR 264.175 are exempt from the requirements of Section 3404.2.10.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-211; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2993)

675 IAC 22-2.3-212 Section 2206.6.2.6; spill containers

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 212. Change section 2206.6.2.6 to read as follows: A spill container having a capacity of not less than five (5) gallons (nineteen (19) L) shall be provided for liquid and vapor-tight fill connections. For tanks with a top fill connection, spill containers shall be noncombustible and shall be fixed to the tank and equipped with a manual drain valve that drains into the primary tank. For tanks with a remote fill connection, a portable spill container is allowed. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-212; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2993)*

675 IAC 22-2.3-213 Section 2206.7.4; dispenser emergency valve

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 213. Change the last sentence of Section 2206.7.4 to read as follows: Emergency shut-off valves shall be installed and maintained in accordance with the manufacturer's instructions and tested at the time of initial installation. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-213; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2993)*

675 IAC 22-2.3-214 Section 2206.7.6.1; special requirements for nozzles

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 214. Change Section 2206.7.6.1 as follows: Delete Item 2 entirely and renumber Items 3 and 4 accordingly. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-214; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2993)*

675 IAC 22-2.3-215 Section 2206.7.9.1.3; piping

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 215. Change the last sentence of Section 2206.7.9.1.3 to read as follows: Condensate tanks shall be designed and installed in accordance with the manufacturer's recommendation. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-215; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2993)*

675 IAC 22-2.3-216 Section 2301.2; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 216. Delete Section 2301.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-216; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2993)*

675 IAC 22-2.3-217 Section 2301.3; construction documents

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 217. Amend Section 2301.3 by deleting the first three (3) sentences and substitute to read as follows: Plans including the information specified in Section 2301.3 shall be provided to the fire department having jurisdiction. A copy of the plans shall be maintained on the premises. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-217; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2993)*

675 IAC 22-2.3-218 Section 2301.4; evacuation plan

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 218. Delete Section 2301.4 and substitute to read as follows: An evacuation plan for public accessible areas and a separate set of plans indicating location and width of aisles, location of exits and exit signs, height of storage, and locations of hazardous materials shall be provided to the fire department having jurisdiction for review. Following review of the plans, a copy of the plans shall be maintained

on the premises in an approved location. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-218; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2993)*

675 IAC 22-2.3-219 Section 2304.2; designation based on engineering analysis
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 219. In Section 2304.2, delete "NFPA 231 and NFPA 231C" and insert "NFPA 13 (675 IAC 13-1-8)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-219; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2994)*

675 IAC 22-2.3-220 TABLE 2306.2; GENERAL FIRE PROTECTION AND LIFE SAFETY REQUIREMENTS
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 220. Change TABLE 2306.2 by deleting "when required by the code official" from Footnote *[sic., Footnotes]* **d and g.**
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-220; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2994)

675 IAC 22-2.3-221 Section 2306.6.1; access doors
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 221. In Section 2306.6.1, add to the last sentence "and shall have landings in accordance with the Indiana Building Code (675 IAC 13) Section 1003.3.1.4.". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-221; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2994)*

675 IAC 22-2.3-222 Section 2306.6.1.1; number of doors required
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 222. Add exception to Section 2306.6.1.1 to read: In buildings having ESFR sprinkler systems, a minimum of one (1) access door shall be provided in each two hundred (200) lineal feet (sixty thousand nine hundred sixty (60,960) mm), or fraction thereof, of the exterior walls which face the required fire apparatus access road. Spacing between doors shall not exceed two hundred (200) lineal feet. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-222; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2994)*

675 IAC 22-2.3-223 Section 2306.9; aisles
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 223. In Section 2306.9, delete "NFPA 231, NFPA 231C" and insert "NFPA 13 (675 IAC 13-1-8)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-223; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2994)*

675 IAC 22-2.3-224 Section 2307.2.1; shelf storage
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 224. In Section 2307.2.1, delete "NFPA 231" and insert "NFPA 13 (675 IAC 13-1-8)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-224; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2994)*

675 IAC 22-2.3-225 Section 2308.2.2(2), Section 2308.2.2.1; racks with solid shelving and fire protection
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 225. In Section 2308.2.2(2) and Section 2308.2.2.1, delete "NFPA 231C" and insert "NFPA 13 (675 IAC 13-1-8)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-225; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2994)*

675 IAC 22-2.3-226 Section 2308.4; column protection
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 226. In Section 2308.4, delete "NFPA 231C" and insert "NFPA 13 (675 IAC 13-1-8)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-226; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2994)*

675 IAC 22-2.3-227 Section 2310.1; general
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 227. In Section 2310.1, delete "NFPA 231C" and insert "NFPA 13 (675 IAC 13-1-8)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-227; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2994)*

675 IAC 22-2.3-228 Section 2401.2; approval required
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 228. Delete Section 2401.2. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-228; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2994)*

675 IAC 22-2.3-229 Section 2401.4; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 229. Delete Section 2401.4. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-229; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2994)*

675 IAC 22-2.3-230 Section 2401.5; use period
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 230. In Section 2401.5, delete "180" and insert "30".

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-230; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2994)

675 IAC 22-2.3-231 Section 2401.6; construction documents

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 231. In Section 2401.6, delete "with each application for approval" and substitute "to the fire department having jurisdiction". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-231; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2995)*

675 IAC 22-2.3-232 Section 2401.7.1; inspection report

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 232. Delete Section 2401.7.1 in its entirety and substitute to read as follows: An inspection report shall be made available to the fire department having jurisdiction and shall consist of maintenance, anchors, and fabric inspections. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-232; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2995)*

675 IAC 22-2.3-233 Section 2406.1; flame-resistant treatment

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 233. In Section 2406.1, change as follows:
(1) Delete "before a permit is granted".
(2) Delete "by the permit".
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-233; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2995)

675 IAC 22-2.3-234 Section 2407.2; fire protection equipment

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 234. Delete Section 2407.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-234; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2995)*

675 IAC 22-2.3-235 Section 2410.5.1; arrangement and maintenance

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 235. Delete the text of Section 2410.5.1 and substitute to read as follows: A plan indicating the exit ways, aisles, and seating shall be provided to the fire department having jurisdiction, and a copy shall be maintained on the premises. Aisles shall be maintained clear at all times during occupancy. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-235; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2995)*

675 IAC 22-2.3-236 Section 2411.1; installation

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 236. In Section 2411.1, delete "and shall be approved by the code official" and substitute "in effect at the time the equipment is installed". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-236; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2995)*

675 IAC 22-2.3-237 Section 2411.2; venting

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 237. Change Section 2411.2 as follows:
(1) At the end of the first sentence, add ", in effect at the time the equipment is installed".
(2) Delete "when required" from the second sentence and substitute "having openings not exceeding one-fourth (¼) inch (six and four-tenths (6.4) mm) wire mesh.
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-237; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2995)

675 IAC 22-2.3-238 Section 2501.2; permit required

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 238. Delete Section 2501.2. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-238; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2995)*

675 IAC 22-2.3-239 Section 2504.5; fire safety plan

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 239. In the first sentence of Section 2504.5, delete "and approval". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-239; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2995)*

675 IAC 22-2.3-240 Section 2601.2; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 240. Delete Section 2601.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-240; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2995)*

675 IAC 22-2.3-241 Section 2601.3; restricted area

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 241. Change Section 2601.3 as follows:
(1) Delete "unless approval has been obtained from the code official".
(2) Delete "4" and "5" without substitution.
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-241; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2995)

675 IAC 22-2.3-242 Section 2602.1; definitions
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 242. In Definitions, Section 2602.1, change the definition of HOTWORKS PERMITS by deleting "and prepermitted by the code official". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-242; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2996)*

675 IAC 22-2.3-243 Section 2604.1.8; sprinkler protection
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 243. Change the last sentence of Section 2604.1.8 to read: The code official shall be notified where the sprinkler protection is impaired. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-243; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2996)*

675 IAC 22-2.3-244 Section 2604.1.9; fire detection systems
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 244. In Section 2604.1.9, delete "approved". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-244; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2996)*

675 IAC 22-2.3-245 Section 2701.1; scope
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 245. In Section 2701.1 Scope, add EXCEPTION 10 to read as follows: 10. Laboratory use of hazardous chemicals provided a Chemical Hygiene Plan as defined in Section 2702 of the code has been implemented at the facility. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-245; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2996)*

675 IAC 22-2.3-246 Section 2701.2.1; mixtures
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 246. In Section 2701.2.1, delete everything after "reference standards;" and substitute "by a recognized organization, or material safety data sheet (MSDS)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-246; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2996)*

675 IAC 22-2.3-247 Section 2701.4; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 247. Delete Section 2701.4 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-247; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2996)*

675 IAC 22-2.3-248 Section 2701.4.1; hazardous materials management plan
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 248. Change Section 2701.4.1 to read as follows: Hazardous materials management plan. Regulation by the Emergency Planning and Community Right to Know Act (EPCRA) as set forth at 42 U.S.C. 11001, et seq. constitutes compliance with Section 2701.4.1.
For hazardous materials used, stored, dispensed, or handled in excess of quantities listed in TABLES 2703.1.1, an owner or operator of a facility not regulated by the Federal Emergency Planning and Community Right to Know Act shall notify the servicing fire department in writing and shall, when asked, allow the fire department to conduct an on-site health hazardous materials inspection of the facility and to provide the fire department specific location information on those hazardous materials.
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-248; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2996)

675 IAC 22-2.3-249 Section 2701.4.2; hazardous materials inventory statement
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 249. Change Section 2701.4.2 to read as follows: Hazardous materials management plan. This section does not apply to facilities regulated under the Emergency Planning and Community Right to Know Act (EPCRA) as set forth at 42 U.S.C. 11001, et seq.
For hazardous materials used, stored, dispensed, or handled in excess of the quantities listed in TABLES 2703.1.1, an owner or operator of a facility not regulated by the Federal Emergency Planning and Community Right to Know Act shall notify the servicing fire department in writing and shall, when asked, allow the fire department to conduct on on-site health hazardous materials inspection of the facility and provide to the fire department specific location information on those hazardous materials.
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-249; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2996)

675 IAC 22-2.3-250 Section 2701.5.1; temporarily out of service facilities
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 250. In Section 2701.5.1, delete "maintain a permit and". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-250; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2996)*

675 IAC 22-2.3-251 Section 2701.5.2; permanently out-of-service facilities
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 251. In Section 2701.5.2, change the following:
(1) Delete "permit" and substitute "hazardous materials management plan".
(2) Delete "an approved manner" and substitute "accordance with Section 2701.5.3".
(3) Delete the second and third sentences.
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-251; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2996)

675 IAC 22-2.3-252 Section 2701.5.3; facility closure plan
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 252. Change Section 2701.5.3 to read as follows: Facility closure plan. The owner or operator shall submit a plan to the servicing fire department to terminate storage, dispensing, handling, or use of hazardous materials at least thirty (30) days prior to facility closure. The plan shall demonstrate that hazardous materials which were stored, dispensed, handled, or used in the facility have been transported, disposed of, or reused in a manner that eliminates the need for further maintenance and any threat to public health and safety. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-252; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2997)*

675 IAC 22-2.3-253 Section 2702.1; definitions
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 253. Add the following definitions to Section 2702.1:
CHEMICAL HYGIENE PLAN means a written program developed and implemented at the facility which sets forth procedures, equipment, personal protective equipment, and work practices that are capable of protecting individuals from the health hazards and other hazards presented by hazardous chemicals used at that particular facility.
LABORATORY means a facility where the "laboratory use of hazardous chemicals" occurs. It is a facility where relatively small quantities of hazardous chemicals are used on a nonproduction basis.
LABORATORY SCALE means work with substances in which the containers used for reactions, transfers, and other handling of substances are manipulated by one (1) person. "Laboratory scale" excludes those facilities whose function is to produce commercial qunatities of materials.
LABORATORY USE OF HAZARDOUS CHEMICALS means handling or use of such chemicals in which all of the following conditions are met:
(1) chemical manipulations are carried out on a "laboratory scale";
(2) multiple chemical procedures or chemicals are used;
(3) the procedures involved are not part of a production process; and
(4) laboratory practices and equipment are available and in common use to minimize the potential for employee exposure and to other risks from hazardous chemicals.
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-253; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2997)

675 IAC 22-2.3-254 Section 2703.2.6.1.1; return to service
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 254. In Section 2703.2.6.1.1, delete "be tested in an approved manner" and substitute "not be defective and shall be compatible with the liquid to be stored". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-254; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2997)*

675 IAC 22-2.3-255 Section 2703.3; release of hazardous materials
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 255. Change Section 2703.3 to read as follows: Hazardous substances shall not be intentionally released that create a risk of a fire or explosion into a sewer, storm drain, ditch, drainage canal, lake, river, tidal waterway, upon the ground, sidewalk, street, highway, or into the atmosphere.
EXCEPTIONS: 1. Unless release is not prohibited by local, state or federal law; or
2. Release is of a material or quantity that is unregulated.
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-255; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2997)

675 IAC 22-2.3-256 Section 2703.3.1; unauthorized discharge
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 256. Change Section 2703.3.1 to read as follows: Any unplanned sudden or nonsudden release into the environment of a listed hazardous substance that exceeds in any 24-hour period the reportable quantity for that substance, as identified in TABLE 302.4 of 40 CFR 302 and 40 CFR 355 Appendix A (July 1, 1997), and either causes a fire and/or explsion *[sic.]* **hazard, such as one that threatens contiguous property or the general public or causes an injury requiring emergency medical treatment, must be immediately reported to the servicing fire department.** *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-256; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2997)*

675 IAC 22-2.3-257 Section 2703.3.1.1; records
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 257. Change Section 2703.3.1.1 to read as follows: Records shall be provided of the unauthorized discharge of

hazardous materials by the owner or the operator. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-257; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2997)*

675 IAC 22-2.3-258 Section 2703.3.1.4; responsibility for cleanup

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 258. Change the title and text of Section 2703.3.1.4 to read as follows: 2703.1.4 Responsibility for control and mitigation. The person, firm, or corporation responsible for an unplanned sudden or nonsudden release shall institute and complete all actions necessary to remedy the effects of such unplanned release at no cost to the servicing fire department. Control and mitigation may be initiated by the fire department or by an authorized individual or firm. Cost associated with such control or mitigation shall be borne by the owner, operator, or other person responsible for the release. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-258; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2998)*

675 IAC 22-2.3-259 Section 2703.4; material safety data sheets

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 259. Delete Section 2703.4 and substitute to read as follows: 2703.4 Material Safety Data Sheets (MSDS) for applicable hazardous materials shall be kept in a location which is acceptable to both the facility operator and the servicing fire department. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-259; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2998)*

675 IAC 22-2.3-260 Section 2703.9.9; shelf storage

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 260. Change Section 2703.9.9 to read as follows: 2703.9.9 Shelf storage. Shelving shall be of substantial construction, adequately braced, and anchored. For seismic requirements and the seismic zone in which the material is located, see the building code. Shelf storage of hazardous materials shall be maintained in an orderly manner. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-260; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2998)*

675 IAC 22-2.3-261 Table E 2703.11.1; maximum allowable quantity per indoor and outdoor control area in Groups M and S occupancies, nonflammable solids, nonflammable and noncombustible liquids

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 261. Amend Table 2703.11.1 as follows:
(1) Change the "Solids (pounds)" column to read "Solids pounds".
(2) Change the "Liquids gallons (pounds) column to read "Liquid gallons".
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-261; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2998)

675 IAC 22-2.3-262 Section 2704.10; supervision

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 262. In Section 2704.10 Supervision, add an exception to read: EXCEPTION: A facility that is provided with a watchman service and is provided with an audible fire alarm system that can be heard by the watchman in all areas of the facility. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-262; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2998)*

675 IAC 22-2.3-263 Section 2801.2; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 263. Delete Section 2801.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-263; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2998)*

675 IAC 22-2.3-264 Section 2801.3; material safety data sheets

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 264. In Section 2801.3, delete "at an approved location". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-264; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2998)*

675 IAC 22-2.3-265 Section 2901.1; scope

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 265. Amend Section 2901.1 Scope by deleting the second sentence. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-265; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2998)*

675 IAC 22-2.3-266 Section 2901.3; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 266. Delete Section 2901.3 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-266; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2998)*

675 IAC 22-2.3-267 Section 2902.1; definition

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 267. Amend Section 2902.1, by adding ", certain synthetic fibers" after "wastepaper" in the definition of COMBUSTIBLE FIBERS. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-267; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2998)*

675 IAC 22-2.3-268 Section 2903.4; agricultural products
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 268. Change Section 2903.4 to read as follows: 2903.4 Agricultural products and combustible fibers. Combustible fibers, hay, straw, or similar agricultural products shall not be stored adjacent to structures or combustible materials unless a clear horizontal distance equal to the height of a pile is maintained between such storage and structures or combustible materials. Storage shall be limited to stacks of one hundred (100) tons (ninety-one (91) metric tons) each. Stacks shall be separated by a minimum of twenty (20) feet (six thousand ninety-six (6,096) mm) of clear space. Exterior storage of agricultural products and combustible fibers shall be surrounded with an approved fence. Fences shall be a minimum of six (6) feet (one thousand eight hundred twenty-nine (1,829) mm) in height. Quantities of hay, straw, and other agricultural products shall not be limited or fencing required when stored in or near farm structures located outside closely built areas. A permit shall not be required for agricultural storage. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-268; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2999)*

675 IAC 22-2.3-269 Section 2904.3; storage of 100 cubic feet to 500 cubic feet
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 269. In Section 2904.3, change "approved" to "listed". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-269; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2999)*

675 IAC 22-2.3-270 Section 2904.4; storage of more than 500 cubic feet
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 270. In Section 2904.4, change "approved" to "listed". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-270; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2999)*

675 IAC 22-2.3-271 Section 2905.1; bale size and separation
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 271. Add a sentence to the end of Section 2905.1 to read as follows: Automatic sprinkler protection shall be provided for interior storage of quantities exceeding one thousand (1,000) cubic feet. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-271; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2999)*

675 IAC 22-2.3-272 Section 3001.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 272. Delete Section 3001.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-272; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2999)*

675 IAC 22-2.3-273 Section 3003.3.1; security of areas
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 273. In Section 3003.3.1, delete "in an approved manner". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-273; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2999)*

675 IAC 22-2.3-274 Section 3003.13; lighting
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 274. In Section 3003.13, delete "approved". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-274; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2999)*

675 IAC 22-2.3-274.2 Section 3006.2; interior supply location
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 274.2. In Section 3006.2, delete the words "the permit amount" and substitute "(five hundred four (504) cubic feet)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-274.2; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2999)*

675 IAC 22-2.3-275 Section 3101.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 275. Delete Section 3101.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-275; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2999)*

675 IAC 22-2.3-276 Section 3102.1; definitions
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 276. In Section 3102.1, in the defintion *[sic.]* **of CORROSIVE, delete ", Part 173" and insert "173.137".** *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-276; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2999)*

675 IAC 22-2.3-277 Section 3201.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 277. Delete Section 3201.2 without substitution. *(Fire*

Prevention and Building Safety Commission; 675 IAC 22-2.3-277; filed Apr 17, 2003, 5:00 p.m.: 26 IR 2999)

675 IAC 22-2.3-278 Section 3202.1; definitions
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 278. In Section 3202.1, in the definition of CRYOGENIC FLUID, delete "liquid" and insert "fluid". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-278; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3000)*

675 IAC 22-2.3-279 Section 3203.1.1; nonstandard containers
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 279. In Section 3203.1.1, delete item 6. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-279; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3000)*

675 IAC 22-2.3-280 Section 3203.11; lighting
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 280. In Section 3203.11, delete "when required,". *(Fire Prevention and Building Commission; 675 IAC 22-2.3-280; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3000)*

675 IAC 22-2.3-281 Section 3204.3.1.3; drainage
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 281. In Section 3204.3.1.3, delete the following from the exception: "determined by the code official that". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-281; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3000)*

675 IAC 22-2.3-282 Section 3204.3.2.2; drainage
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 282. In Section 3204.3.2.2, delete the exception without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-282; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3000)*

675 IAC 22-2.3-283 Section 3205.3.2; emergency shut-off valves
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 283. In Section 3205.3.2, delete "available" and substitute "accessible". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-283; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3000)*

675 IAC 22-2.3-284 Chapter 33; explosives and fireworks
Authority: IC 22-13-2-2
Affected: IC 8-2-7-43.5; IC 22-11-14-3; IC 22-12-7; IC 22-13; IC 22-14-4-2; IC 35-47.5; IC 36-8-17

Sec. 284. Delete the text of Chapter 33 and substitute as follows: Portions of this work are reproduced from the 1997 edition of the Uniform Fire Code, Article 77 and Article 78, and Appendix VI-F, copyright© 1997, with the permission of the publisher, the International Conference of Building Officials. ICBO assumes no responsibility for the accuracy or completion of summaries provided therein.

CHAPTER 33 - EXPLOSIVES AND FIREWORKS

SECTION 3. - GENERAL

3301.1 Scope. Manufacture, possession, storage, sale, transportation, and use of explosive materials shall be in accordance with Chapter 33. See Appendix VI-F for excerpts from nationally recognized standards for separation distances for explosives.

Explosives class designations in parentheses refer to new classifications used by DOT. See Appendix VI-F for information on explosives class designations.

EXCEPTIONS: 1. The armed forces of the United States, Coast Guard, or National Guard.

2. Explosives in forms prescribed by the official United States Pharmacopoeia.

3. The sale, possession, or use of fireworks 1.4G (Class C common fireworks).

4. The possession, transportation, storage, and use of small arms ammunition when packaged in accordance with DOT packaging requirements.

5. Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, if the black powder is intended to be uses solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.

6. The transportation and use of explosive materials by the United States Bureau of Mines, and federal, state, and local law enforcement and fire agencies acting in their official capacities.

7. Special industrial explosive devices which in the aggregate contain less than fifty (50) pounds (twenty-two and seven-tenths (22.7) kg) of explosive materials.

8. The possession, transportation, storage, and use of blank industrial powder load cartridges when packaged in accordance with DOT packaging regulations.

9. When preempted by federal regulations.

10. The use and handling of fireworks 1.3G (Class B fireworks) as set forth in Chapter 33.

3301.2 Definitions.

3301.2.1 General. Insert the following definitions:

AERIAL SHELL is a pyrotechnic device that funtions *[sic.]* **in the air.**

BATF is the Bureau of Alcohol, Tobacco, and Firearms.

BLASTING AGENT is a material or mixture consisting of a fuel and oxidizer intended for blasting. The finished product as mixed and packaged for use or shipment cannot be detonated by means of a No. 8 test blasting cap when unconfined. Under Department of Transportation regulations, blasting agents are classified and labeled as 1.5D.

BLASTING CAP is a shell closed at one (1) end and containing a charge of a detonating compound which is ignited by a safety fuse. It is used for detonating explosives.

BINARY EXPLOSIVE is an explosive material composed of separate components, each of which is safe for storage and transportation and would not in itself be considered as an explosive.

BREAK (aerial shell) is an individual effect from an aerial shell, generally either color or noise. Aerial shells can be single break, having only one (1) effect, or multiple break, having two (2) or more effects.

BULLET RESISTANT is a material or method of construction which resists penetration of a bullet of one hundred fifty (150) grain (nine and seventy-five hundredths (9.75) g) M-2 ball ammunition having a nominal muzzle velocity of two thousand seven hundred (2,700) feet per second (eight hundred twenty-three (823) m/s) fired from a .30 caliber rifle at a distance of one hundred (100) feet (thirty and five-tenths (30.5) m). See Section 3302.3.4.

CFR is the Code of Federal Regulations of the United States Government.

DEA is the Drug Enforcement Administration of the United States Department of Justice.

DEFLAGRATION is an exothermic reaction, such as the extremely rapid oxidation of a combustible dust or flammable vapor in air, in which the reaction progresses through the unburned material at a rate less than the velocity of sound. A deflagration can have an explosive effect.

DESIGNATED LANDING AREA is the area over which aerial shells are fired and into which debris and malfunctioning aerial shells can fall.

DETONATION is an exothermic reaction characterized by the pressence *[sic.]* of a shock wave in a material which establishes and maintains the reaction. The reaction zone progresses through the material at a rate greater than the velocity of sound. The principal heating mechanism is one of shock compression. Detonations have an explosive effect.

DETONATOR is a component, such as a blasting cap or an electric blasting cap, in an explosive train which is capable of initiating detonation in a subsequent high explosive component.

DOT is the United Sates Department of Transportation.

ELECTRIC BLASTING CAP is a detonator which consists of a shell closed at one (1) end. The other end contains electric wires which have bee *[sic., been]* sealed into the shell. It contains a charge of detonating compound which is ignited or initiated by applying electric current to the wires protruding from the detonator.

EXPLOSIVE is:

1. A chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperatures, or

2. A material or chemical, other than a blasting agent, that is commonly used or intended to be used for the purpose of producing an explosive effect and is regulated by Chapter 33.

EXPLOSIVE MATERIALS are explosives, blasting agents, and detonators including, but not limited to, dynamite and other high explosives; slurries, emulsions, and water gels; black powder and pellet powder; initiating explosives; detonators or blasting caps; safety fuses; squibs; detonating cord; igniter cord; igniters and fireworks, 1.3G (Class B special fireworks).

FIREWORKS, 1.4G (Class C, Common) are small firework devices designed primarily to produce visible or audible effects by combustion and which comply with the construction, chemical composituon *[sic.]*, and DOT labeling requirements for fireworks, 1.4G (Class C, common fireworks).

FIREWORKS, 1.3G (Fireworks, Special Class B) are large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. Fireworks, 1.3G (special fireworks) include, but are not limited to, firecrackers containing more than two (2) grains (one hundred thirty (130) m) of explosive composition, aerial shells containing more than forty (40) grms of pyrotechnic composition, and other display pieces which exceed the limits for classification as 1.4G (Class C, common fireworks).

Special fireworks formerly classified as Class B explosives are now classified as fireworks, 1.3G by DOT.

FIXED GROUND PIECE is a ground display piece having no movable parts, such as a revolving wheel.

GROUND PIECE is a pyrotechnic device that functions on the ground. Ground pieces include fountains, roman candles, wheels, and set pieces.

GUNPOWDER is any of various powders used in firearms

and small arms ammunition as propelling charges.

HIGH EXPLOSIVE is explosive material, such as dynamite, which can be caused to detonate by means of a No. 8 test blasting cap when unconfined.

INHABITED BUILDING is a building regularly occupied in whole or in part as a habitation for human beings. Inhabited buildings include churches, schools, railway passenger stations, stores, airport terminals for passengers, and other buildings or structures where people are accustomed to congregate or assemble. Inhabited buildings do not include buildings or structures occupied in connection with the manufacture, transportation, storage, or use of explosives and blasting agents.

INTRAPLANT DISTANCE is the minimum distance permitted between two (2) buildings on an explosives manufacturing site, when at least one (1) of the buildings contains or is designed to contain explosives.

LOW EXPLOSIVE is explosive material which will burn or deflagrate when ignited. It is characterized by a rate of reaction that is less than the speed of sound. Examples of low explosives are black powder, safety fuse, igniters, igniter cord, fuse lighters, fireworks, 1.3G (Class B special fireworks), 1.3, propellants (Class B solid propellants), and fireworks, 1.4G (Class C common fireworks).

MAGAZINE is a building or structure used for the storage of explosives.

MASS-DETONATING EXPLOSIVES are high explosives, black powder, certain propellants, certain pyrotechnics, and other similar explosives, alone or in combination, or loaded into various types of ammunition or containers, most of which can be expected to explode virtually instantaneously when a small portion is subjected to fire, severe concussion, impact, the impulse of an initiating agent, or the effect of a considerable discharge of energy from without. Such an explosive will normally cause severe structural damage to adjacent objects. Explosives propagation could occur immediately to other items of ammunition and explosives stored sufficiently close to and not adequately protected from the initially exploding pile with a time interval short enough so that two (2) or more quantities must be considered as one (1) for quantity/distance (Q/D) purposes.

MORTAR is a tube from which aerial shells are fired.

PERCUSSION CAP is a device used to ignite the powder charge of small arms ammunition.

PYROTECHNIC OPERATOR is an individual approved to be responsible for pyrotechnic, pyrotechnic special effects materials, or both.

PYROTECHNIC SPECIAL EFFECTS MATERIAL (special effect) is a low explosive material, other than detonating cord, commonly used in motion picture, television, theatrical, or group entertainment production for which a permit from the chief is required for use or storage.

READY BOX is a storage container for aerial shells at the site of a fireworks display.

SAFETY CAP is a paper tube, closed at one (1) end, that is placed over the end of the fuse of an aerial shell to protect it from accidental ignition.

SPECIAL INDUSTRIAL EXPLOSIVE DEVICE is an explosive power-pack containing an explosive charge in the form of a cartridge or construction device. The term includes, but is not limited to, explosive rivets, explosive bolts, explosive charges for driving pins or studs, cartridges for explosive-actuated power tools, and charges of explosives used in jet tapping of open-hearth furnaces and jet perforation of oil well casings.

SPECIAL INDUSTRIAL HIGH-EXPLOSIVE MATERIALS are sheet, extrusions, pellets and packages of high explosives containing dynamite, trinitrotoluol, penaerythritoltetranite, cyclotrimenthylenetrinitramine, or other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication and for dismemberment and quick reduction of scrap metal.

SQUIB, ELECTRIC, is a device similar in appearance to an electric blasting cap which, upon activation by an electric current, produces a deflagration instead of a detonation.

TEST BLASTING CAP NO. 8 is a blasting cap containing two (2) grams of a mixture of eighty (80) percent mercury fulminate and twenty (20) percent potassium chlorate or a cap of equivalent strength.

For other fireworks definitions, see also IC 22-11-14.

3301.2.2 Limited application. For the purpose of Chapter 33, certain terms are defined as follows:

DISPLAY is an outdoor display of aerial shells or ground display pieces.

FIRE RESISTANT is construction designed to provide reasonable protection against fire. For exterior walls of magazines constructed of wood, this shall mean fire-resistance equivalency provided by sheet metal of not less than one hundred seventy-nine ten-thousandths (0.0179) inch (forty-five hundredths (0.45) mm) (twenty-six (26) manufacturer's standard gage).

HARDWOOD is red oak, white oak, hard maple, ash, or

hickory, each of which is free from knots, wind shakes, or similar defects.

PLYWOOD is A-C exterior grade plywood.

SOFTWOOD is Douglas fir, pine, or other softwood of equal bullet-resistance free from loose knots, wind shakes, or similar defects.

STEEL is general purpose, hot- or cold-rolled, low carbon steel.

TEMPORARY STORAGE is storage of pyrotechnic special effects material on site for a period of time of seventy-two (72) hours or less.

3301.3 Permits.

3301.3.1 Required. Permits shall be as required in IC 22-14-4 and 675 IAC 12-9-4.

3301.3.2 Unsafe material or practice. Permits for the following materials shall be invalidated and the materials disposed of in an approved, safe manner:

1. Dynamite having an unsatisfactory absorbent or one that permits leakage of a liquid explosive ingredient under any conditions liable to exist during storage.
2. Nitrocellulose in a dry and uncompressed condition in quantity greater than ten (10) pounds (four and five-tenths (4.5) kg) net weight in one (1) package.
3. Fulminate of mercury in a dry condition and fulminate of other metals in any condition except as a component of manufactured articles not hereinafter forbidden.
4. Explosive compositions that ignite spontaneously or undergo marked decomposition, rendering the products or their use more hazardous, when subjected for forty-eight (48) consecutive hours or less to a temperature of 167ºF (75ºC).
5. New explosive materials until approved by DOT.
6. Explosive materials condemned by DOT.
7. Explosives containing an ammonium salt and a chlorate.

3301.4 Bond. See IC 22-14-4-2.

3301.5 Notice of New Storage and Manufacturing Sites. When a new explosive material storage or manufacturing location, including a temporary jobsite, is established, the local law enforcement agency, fire department, and emergency planning committee shall be notified immediately of the type, quantity, and location of explosive materials at the site.

3301.6 Access Road Signs. At the entrance to explosive material manufacturing and storage sites, all access roads shall be posted with the following warning sign or other approved sign:

DANGER
NEVER FIGHT EXPLOSIVE FIRES
EXPLOSIVES ARE STORED ON THIS SITE
CALL _____

The sign shall be weather resistant with a reflective surface and lettering at least two (2) inches (fifty and eight-tenths (50.8) mm) high.

3301.7 Prohibited and Limited Acts.

3301.7.1 Manufacturing. The manufacture of explosives shall be prohibited unless such manufacture is in accordance with IC 35-47.5.

3301.7.2 Limits established by law. Storage of explosive materials is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.

SECTION 4. STORAGE

3302.1 General.

3302.1.1 Magazines required. Explosive materials shall be stored in magazines in accordance with Section 3302.

A competent person shall be in charge of magazines. The person shall be at least twenty-one (21) years of age and responsible for compliance with all safety precautions.

3302.1.2 Inspection. Magazines containing explosive materials shall be inspected at intervals of not greater than seven (7) days to determine whether there has been an unauthorized entry or attempted entry into a magazine or unauthorized removal of a magazine or its contents.

3302.1.3 Security. Magazine doors shall be kept locked when the magazine is unattended.

3302.1.4 Posting safety rules. Current safety rules covering the operations of magazines shall be posted on the interior of each magazine in a visible location.

3302.1.5 Rotating stock. When explosive material is removed from a magazine for use, the oldest usable stocks shall be be *[sic.]* removed first.

3302.1.6 Manner of storage. Corresponding grades and brands shall be stored together and in such a manner that grades and brand marks are visible. Stocks shall be stored so as to be easily counted and checked.

Packages of explosive materials shall be stacked in a stable manner not exceeding six (6) feet (one thousand eight hundred twenty-nine (1,829) mm) in height.

3302.1.7 Opened stock. Packages of explosive materials

which have been opened shall be closed before being placed in a magazine. Packages constructed of materials other than fiberboard or paper shall not be opened in a magazine.

3302.1.8 Damaged material. Packages of damaged explosive materials shall not be unpacked or repacked in or within fifty (50) feet (fifteen thousand two hundred forty (15,240) mm) of a magazine or inhabited building or in close proximity to other explosive materials.

3302.1.9 Storage with other materials. Magazines shall be used exclusively for the storage of approved explosive materials and other blasting materials. Tools, other than approved conveyors, shall not be stored in magazines.

3302.1.10 Cleaning. Magazine floors shall be swept regularly and shall be kept clean, dry, and free of grit, paper, and rubbish. Sweepings from floors of magazines shall be disposed of in accordance with the instructions of the manufacturer.

3302.1.11 Deteriorated material handling. When an explosive material has deteriorated to an extent that it is in an unstable or dangerous condition, or when a liquid has leaked from an explosive material, the person in possession of such explosive material shall immediately contact the material's manufacturer and the chief. The work of destroying explosive materials shall be directed by persons experienced in the destruction of explosive materials. Explosive materials recovered from blasting misfires shall be placed in a magazine until an experienced person has determined the method of disposal.

3302.1.12 Stained floors. Magazine floors stained with liquid shall be dealt with according to instructions obtained from the manufacturer of the explosive materials stored in the magazine.

3302.1.13 Magazine maintenance. When magazines need interior repairs, all explosive materials shall be removed and the floors cleaned before and after making repairs. When making exterior magazine repairs involving the possibility of causing a fire, all explosive materials shall first be removed from the magazine. Explosive materials removed from a magazine under repair shall be placed either in another magazine or placed a safe distance from the magazine, where they shall be properly guarded and protected until repairs have been completed. Upon completion of repairs, the explosive materials shall be promptly returned to the magazine.

3302.1.14 Sources of ignition. Smoking, matches, flame-producing devices, open flames, and firearms or cartridges shall not be permitted inside of or within fifty (50) feet (fifteen thousand two hundred forty (15,240) mm) of magazines.

Where low explosives are sorted in magazines, spark-producing tools shall not be used. Such magazines shall be bonded and grounded.

3302.1.15 Yard maintenance. The land within twenty-five (25) feet (seven thousand six hundred twenty (7,620) mm) of magazines shall be kept clear of rubbish, brush, dried grass, leaves, dead trees, and live trees less than ten (10) feet (three thousand forty-eight (3,048) mm) high.

Combustible materials shall not be stored within fifty (50) feet (fifteen thousand two hundred forty (15,240) mm) of magazines.

3302.1.16 Premises identification. The premises upon which Types 1, 2, 4, and 5 outdoor magazines are located shall be posted with signs reading EXPLOSIVES–KEEP OFF. These signs shall be in contrasting colors with a minimum letter size of three (3) inch (seventy-six (76) mm) height with one-half (½) inch (twelve and seven-tenths (12.7) mm) brush stroke. Signs shall be located so that a bullet passing through the sign will not strike a magazine. Signs shall not be attached to outdoor magazines.

3302.1.17 Location. Types 1, 2, 4, and 5 outdoor magazines shall be located in accordance with nationally recognized standards. See Appendix VI-F.

3302.2 Retail Sales.

3302.2.1 General. Indoor storage and display of gunpowder and ammunition for retail sales shall be in accordance with Section 3302.2.

3302.2.1.1 Storage. The maximum quantities, storage conditions, and fire-protection requirements for gunpowder and ammunition stored in a building shall be as follows:

1. **Smokeless powder:**
   Two hundred (200) pounds (ninety and seven-tenths (90.7) kg) in a Type 4 magazine, or
   Four hundred (400) pounds (one hundred eighty-one and four-tenths (181.4) kg) in separate portable Type 4 magazines in a completely sprinklered building. The quantity of product in a magazine shall not exceed two hundred (200) pounds (ninety and seven-tenths (90.7) kg).
2. **Commercially manufactured sporting black powder:**
   Twenty-five (25) pounds (eleven and three-tenths (11.3) kg) in a separate, portable Type 4 magazine.
3. **Small arms primers or percussion caps:**
   Seven hundred fifty thousand (750,000) with not more than one hundred thousand (100,000) stored in one (1) pile and piles separated from each other by at least fifteen (15) feet (four thousand five hundred seventy-two (4,572) mm), or
   Greater than seven hundred fifty thousand (750,000), when in accordance with the following:

3.1 The storage room shall not be accessible to unauthorized persons,

3.2 Primers or percussions caps shall be stored in a one (1) inch (twenty-five and four-tenths (25.4) mm) nominal thickness wood cabinet or equivalent with self-closing doors with not more than two hundred thousand (200,000) primers or caps per cabinet,

3.3 Shelves in cabinets shall be vertically separated by at least two (2) feet (six hundred nine and six-tenths (609.6) mm),

3.4 Cabinets shall be located against walls of the storage room with at least forty (40) feet (twelve thousand one hundred ninety-two (12,192) mm) between cabinets, or with at least twenty (20) feet (six thousand ninety-six (6,096) mm) between cabinets when barricades are installed midway between cabinets. Such barricades shall be securely attached to the wall, shall project from the wall at least ten (10) feet (three thousand forty-eight (3,048) mm), and shall be at least twice the height of cabinets. Barricade construction shall be of one-fourth (¼) inch (six and four-tenths (6.4) mm) boiler plate or two (2) inches (fifty and eight-tenths (50.8) mm) of wood, brick, or concrete block,

3.5 Primers or percussion caps shall be separated from flammable liquids, flammable solids, and oxidizing materials by a distance of twenty-five (25) feet (seven thousand six hundred twenty (7,620) mm) or by a fire partition having a fire-resistive rating of at least one (1) hour, and

3.6 The building shall be protected by an automatic sprinkler system.

3302.2.1.2 Display. The maximum quantities, storage conditions, and fire-protection requirements for gunpowder and ammunition displayed in a building shall be as follows:

1. Smokeless powder: twenty (20) pounds (nine and seven-hundredths (9.07) kg) in original containers.

2. Black powder: NONE.

3. Small arms primers or percussion caps:

Ten thousand (10,000) in a nonsprinklered building.

Twenty-five thousand (25,000) in a sprinklered building.

3302.2.2 Magazine size. Indoor magazines shall not be of a size greater than the exit door or contain more than two hundred (200) pounds (ninety and seven-tenths (90.7) kg) of explosive materials.

3302.2.3 Powder. The amount of powder stored in an indoor magazine shall not exceed two hundred (200) pounds (ninety and seven-tenths (90.7) kg).

3302.2.4 Combined storage. Black powder shall not be stored with small arms primers or percussion caps.

3302.2.5 Bulk repackaging. The bulk repackaging of powder, primers, or percussion caps shall not be performed in retail stores.

3302.2.6 Repackaging of damaged containers. Damaged containers shall not be repackaged.

3302.2.7 Separation. Buildings containing gunpowder or ammunition in accordance with Section 3302.2 need not be located as required by Section 3302.3.3.

3302.3 Storage Magazines.

3302.3.1 General. Explosive materials, including special industrial high-explosive materials, shall be stored in magazines which meet the requirements of Section 3302.3.

3302.3.2 Classification and use of magazines. Magazines shall be classed as Type 1, 2, 3, 4, or 5. Magazines shall be constructed and used in accordance with Table 3302.3-A.

TABLE 3302.3-A - TYPES OF MAGAZINES REQUIRED FOR STORAGE OF EXPLOSIVE MATERIALS

	MAGAZINE TYPES[1]				
MATERIALS	**1**	**2**	**3**	**4**	**5**
High Explosives, 1.1D, (Class A explosives) including dynamites; cap sensitive emulsions; slurries and watergels; cast boosters.	X	X	X		
Black Powder, 1.1D, (Class A explosives). Defined as low explosive by the Bureau of Alcohol, Tobacco, and Firearms for storage.	X	X	X	X	
Detonators, 1.1B, (Class A explosives)	X	X	X		
Detonating Cords, 1.1D; 1.2D; 1.4D; 1.4G, (Class A or C explosive)	X	X	X		
Detonators[2], 1.4B; 1.4S, (Class C explosive)	X	X	X	X	
Safety fuse, electric squibs, igniters, and igniter cord[3], 1.4G; 1.4S.	X	X	X	X	
Blasting Agents, 1.5D, (Blasting Agents)	X	X	X	X	X
Propellants, 1.3C, (Class B explosives). Defined as low explosives by the Bureau of Alcohol, Tobacco, and Firearms for storage.	X	X	X	X	

[1]Any of the types indicated by "X" are allowed.

[2]Includes electric detonators with leg wires 4 feet (1219 mm) long or longer or detonators with empty plastic tubing 12 feet (3657.6 mm) long or longer that contain not more than 1 gram of explosives (excluding ignition and delay charges).

[3]Detonators shall not be stored in the same magazine with other explosive materials, except that 1.4 (Class C) detonators and those described in Footnote 2 are allowed to be stored with safety fuse, electric squibs, igniters, or igniter cord in Type 1, 2, 3, or 4 magazines.

3302.3.3 Location. Site magazines for the storage of high

explosives and blasting agents shall be located in accordance with Appendix VI-F. Magazines for the storage of low explosives shall be located in accordance with Appendix VI-F. The ground around outdoor magazines shall be graded such that water drains away from the magazines.

3302.3.4 Bullet-resistant construction.

3302.3.4.1 General. Magazines which are required to be bullet resistant shall be constructed using a method specified in Section 3302.3.4. Steel and wood dimensions indicated are actual thicknesses. Concrete block and brick dimensions indicated are the manufacturer's represented thicknesses.

3302.3.4.2 Specified construction. The following methods are acceptable as bullet-resistant construction:

1. Exterior of five-eighths (e) inch (fifteen and nine-tenths (15.9) mm) steel, lined with an interior of any type of nonsparking material.

2. Exterior of one-half (½) inch (twelve and seven-tenths (12.7) mm) steel, lined with an interior of not less than three-eighths (d) inch (nine and five-tenths (9.5) mm) plywood.

3. Exterior of three-eighths (d) inch (nine and five-tenths (9.5) mm) steel, lined with an interior of two (2) inches (fifty and eight-tenths (50.8) mm) of hardwood.

4. Exterior of three-eighths (d) inch (nine and five-tenths (9.5) mm) steel, lined with an interior of three (3) inches (seventy-six and two-tenths (76.2) mm) of softwood or two and one-fourth (2¼) inches (fifty-seven and two-tenths (57.2) mm) of plywood.

5. Exterior of one-fourth (¼) inch (six and four-tenths (6.4) mm) steel, lined with an interior of three (3) inches (seventy-six and two-tenths (76.2) mm) of hardwood.

6. Exterior of one-fourth (¼) inch (six and four-tenths (6.4) mm) steel, lined with an interior of five (5) inches (one hundred twenty-seven (127) mm) of softwood or five and one-fourth (5¼) inches (one hundred thirty-three and four-tenths (133.4) mm) of plywood.

7. Exterior of one-fourth (¼) inch (six and four-tenths (6.4) mm) steel, lined with an intermediate layer of two (2) inches (fifty and eight-tenths (50.8) mm) of hardwood, and an interior lining of one and one-half (1½) inches (thirty-eight and one-tenth (38.1) mm) of plywood.

8. Exterior of three-sixteenths ($^3/_{16}$) inch (four and eight-tenths (4.8) mm) steel, lined with an interior of four (4) inches (one hundred one and six-tenths (101.6) mm) of hardwood.

9. Exterior of three-sixteenths ($^3/_{16}$) inch (four and eight-tenths (4.8) mm) steel, lined with an interior of seven (7) inches (one hundred seventy-seven and eight-tenths (177.8) mm) of softwood or six and three-fourths (6¾) inches (one hundred seventy-one and four-tenths (171.4) mm) of plywood.

10. Exterior of three-sixteenths ($^3/_{16}$) inch (four and eight-tenths (4.8) mm) steel, lined with an intermediate layer of three (3) inches (seventy-six and two-tenths (76.2) mm) of hardwood, and an interior lining of three-fourths (¾) inch (nineteen and one-tenth (19.1) mm) of plywood.

11. Exterior of one-eight (c) inch (three and two-tenths (3.2) mm) steel, lined with an interior of five (5) inches (one hundred twenty-seven (127) mm) of hardwood.

12. Exterior of one-eighth (c) inch (three and two-tenths (3.2) mm) steel, lined with an interior of nine (9) inches (two hundred twenty-eight and six-tenths (228.6) mm) of softwood.

13. Exterior of one-eighth (c) inch (three and two-tenths (3.2) mm) steel, lined with an intermediate layer of four (4) inches (one hundred one and six-tenths (101.6) mm) of hardwood, and an interior lining of three-fourths (¾) inch (nineteen and one-tenth (19.1) mm) plywood.

14. Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate layer of four (4) inches (one hundred one and six-tenths (101.6) mm) of solid concrete block or four (4) inches (one hundred one and six-tenths (101.6) mm) of solid brick or four (4) inches (one hundred one and six-tenths (101.6) mm) of solid concrete, and an interior lining of one-half (½) inch (twelve and seven-tenths (12.7) mm) plywood placed securely against the masonry lining.

15. Standard eight (8) inch (two hundred three and two-tenths (203.2) mm) concrete block with voids filled with a well-tamped sand/cement mixture.

16. Standard eight (8) inch (two hundred three and two-tenths (203.2) mm) solid brick.

17. Exterior of any type of fire-resistant material which is structurally sound, lined with an intermediate six (6) inch (one hundred fifty-two and four-tenths (152.4) mm) space filed *[sic., filled]* with well-tamped dry sand or a well-tamped sand/cement mixture.

18. Exterior of one-eighth (c) inch (three and two-tenths (3.2) mm) steel, lined with a first intermediate layer of three-fourths (¾) inch (nineteen and one-tenth (19.1) mm) plywood, a second intermediate layer of three and five-eighths (3 e) inches (ninety-two and one-tenth (92.1) mm) of a well-tamped dry sand or sand/cement mixture, and an interior lining of three-fourths (¾) inch (nineteen and one-tenth (19.1) mm) plywood.

19. Exterior of any type of fire-resistant material, lined with a first intermediate layer of three-fourths (¾) inch (nineteen and one-tenth (19.1) mm) plywood, a second intermediate layer of three and five-eighths (3 e) inches (ninety-two and one-tenth (92.1) mm) of a well-tamped dry sand or sand/cement mixture, a third intermediate layer of three-fourths (¾) inch (nineteen and one-tenth (19.1) mm) plywood, and a fourth intermediate layer of two (2) inches (fifty and eight-tenths (50.8) mm) of hardwood or not less than sixty-eight thousandths (0.068) inch (one and seven-tenths (1.7) mm) of steel, and an

interior lining of three-fourths (¾) inch (nineteen and one-tenth (19.1) mm) plywood.

20. Eight (8) inch thick (two hundred three and two-tenths (203.2) mm) solid concrete.

3302.3.4.3 Tested construction. Methods of construction other than those specified in Section 3302.3.4.2 are acceptable as bullet-resistant construction when tested as prescribed herein. Tests to determine bullet resistance shall be conducted on test panels or empty magazines which shall resist five (5) out of five (5) shots placed independently of each other in an area three (3) feet by three (3) feet (nine hundred fourteen and four-tenths (914.4) mm by nine hundred fourteen and four-tenths (914.4) mm). For ceilings and roofs, the bullet shall be fired at an angle of forty-five (45) degrees from the perpendicular. For walls and doors, the bullet shall be fired perpendicular to the wall or door. See BULLET RESISTANT in this section.

3302.3.5 Type 1 magazines.

3302.3.5.1 General. Type 1 magazines shall be constructed in accordance with the Building Code and Section 3302.3.5.

A Type 1 magazine shall be a permanent structure such as a building, igloo, tunnel, or dugout. It shall be bullet resistant, fire resistant, weather resistant, theft resistant, and ventilated.

3302.3.5.2 Walls. Walls shall be bullet resistant as specified in Section 3302.3.4.

3302.3.5.3 Floors. Floors shall be constructed of wood or other suitable nonsparking materials.

3302.3.5.4 Foundations. Foundations shall be constructed of brick, concrete, cement block, stone, or wood posts. If piers or posts are used in lieu of a continuous foundation, the space under the buildings shall be enclosed with fire-resistant materials.

3302.3.5.5 Bullet-resistant roofs or ceilings. Where it is possible for a bullet to be fired directly through the roof and into the magazine at such an angle that the bullet could strike the explosives within, the magazine roof shall be bullet resistant as specified in Section 3302.3.4 or shall be protected by one (1) of the following methods:

1. A sand tray having a depth of four (4) inches (one hundred one and six-tenths (101.6) mm) of sand and located at the top of the inner walls covering the entire ceiling area, except that portion necessary for ventilation.

2. Either not less than thirty-three thousandths (0.033) inch (eighty-four hundredths (0.84) mm) (twenty (20) gage) steel with four (4) inches (one hundred one and six-tenths (101.6) mm) of hardwood or not less than forty-three thousandths (0.043) inch (one and one-tenth (1.1) mm) (eighteen (18) gage) aluminum with seven (7) inches (one hundred seventy-seven and eight-tenths (177.8) mm) of hardwood.

3302.3.5.6 Doors. Doors shall be bullet resistant as specified in Section 3302.3.4. Hinges and hasps shall be attached to the doors by welding, riveting, or bolting with nuts on the inside of the door. Hinges and hasps shall be installed in such a manner that they cannot be removed when the doors are closed and locked.

3302.3.5.7 Locks. Each door shall be equipped with two (2) mortise locks, two (2) padlocks fastened in separate hasps and staples, a combination of a mortise lock and a padlock, a mortise lock that requires two (2) keys to open, or a three-point or equivalent-type lock that secures the door to the frame at more than one (1) point. Padlocks shall be steel having at least five (5) tumblers and at least a three-eighths (⅜) inch (nine and five-tenths (9.5) mm) diameter case-hardened shackle. Padlocks shall be protected by not less than one-fourth (¼) inch (six and four-tenths (6.4) mm) steel hoods constructed in a manner which prevents sawing or lever action on the locks, hasps, and staples.

EXCEPTION: Magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

3302.3.5.8 Ventilation. Ventilation shall be provided to prevent dampness and heating of stored explosive materials. Ventilation openings shall be screened to prevent the entrance of sparks. Ventilation openings in side walls and foundations shall be offset or shielded for bullet-resistant purposes. Magazines having foundation and roof ventilators with the air circulating between the side walls and the floors and between the side walls and the ceiling shall have a wooden lattice or equivalent to prevent the packages of explosive materials from being stacked against the side walls and blocking the air circulation.

3302.3.5.9 Exposed metal. Sparking material shall not be exposed to contact with the stored explosive materials. Ferrous metal nails in the floor and side walls, which could be exposed to contact with explosive materials, shall be blind nailed, countersunk, or covered with a nonsparking latticework or other nonsparking material.

3302.3.6 Type 2 magazines. Type 2 magazines shall be constructed in accordance with Section 3302.3.6.

A Type 2 magazine shall be a box, trailer, semitrailer, or other mobile facility.

A Type 2 magazine shall be bullet resistant, fire resistant, weather resistant, theft resistant, and ventilated.

Walls, ceiling and roof construction, hinges, hasps, locks, ventilation, and interior construction shall be constructed as required for Type 1 magazines.

Type 2 magazines shall be supported to prevent the floor from having direct contact with the ground. Magazines less than one (1) cubic yard (seventy-six hundredths (0.76) m^3) in size shall be fastened to a fixed object to prevent theft of the entire magazine.

Vehicular magazines shall be immobilized by removing the wheels, locking with a kingpin locking device, or other approved methods.

3302.3.7 Type 3 magazines. Type 3 magazines shall be constructed in accordance with Section 3302.3.7.

A Type 3 magazine shall be a "day box" or other portable magazine. Type 3 magazines shall be theft resistant, fire resistant, and weather resistant.

Type 3 magazines shall be constructed of not less than ninety-seven thousandths (0.097) inch (two and five-tenths (2.5) mm) (twelve (12) gage) steel lined with at least one-half (½) inch (twelve and seven-tenths (12.7) mm) plywood or masonite. Doors shall overlap sides by at least one (1) inch (twenty-five and four-tenths (25.4) mm).

Hinges and hasps shall be attached by welding, riveting, or bolting with nuts on the inside. Type 3 magazines shall have one (1) steel padlock having at least five (5) tumblers and a case-hardened shackle of at least three-eighths (d) inch (nine and five-tenths (9.5) mm) diameter.

Explosive materials shall not be left unattended in a Type 3 magazine. When Type 3 magazines will be left unattended, explosive materials shall first be moved to a Type 1 or 2 magazine.

3302.3.8 Type 4 magazines. Type 4 magazines shall be constructed in accordance with the Building Code and Section 3302.3.8.

A Type 4 magazine shall be a permanent, portable, or mobile structure, such as a building, igloo, box, semitrailer, or other mobile container, which shall be fire resistant, theft resistant, and weather resistant.

Outdoor magazines shall be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. Doors shall be metal or solid wood covered with metal.

Permanent magazines shall be constructed as required for Type 1 magazines with respect to foundations, floors, ventilation, and locking devices. Vehicular magazines shall be immobilized when unattended as required for Type 2 magazines.

3302.3.9 Type 5 magazines. Permanent Type 5 magazines shall be constructed in accordance with the Building Code and Section 3302.3.9. Temporary Type 5 magazines shall be constructed in accordance with Section 3302.3.9.

A Type 5 magazine shall be a building, igloo, box, bin, tank, semitrailer, bulk-trailer, tank trailer, bulk truck, tank truck, or other mobile container.

Outdoor Type 5 magazines shall be weather resistant and theft resistant.

Construction shall be of wood, wood covered with metal, masonry, fabricated metal, or a combination of these materials. Doors shall be metal or solid wood.

Permanent Type 5 magazines shall be constructed as required for Type 1 magazines with respect to foundations, floors, ventilation, and locking devices.

Vehicular magazines shall be immobilized when unattended, as required for Type 2 vehicular magazines.

Over-the-road trucks and semitrailers used for temporary storage shall have each door locked with one (1) steel padlock having at least five (5) tumblers and a case-hardened shackle of at least three-eighths (d) inch (nine and five-tenths (9.5) mm) diameter. The door hinges and lock hasp shall be securely fastened to the magazine and the door frame.

EXCEPTION: Magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

Type 5 storage magazines in trailers shall display BLASTING AGENT placards, as required by Section 3303.2.10 on the trailer when any quantity of blasting agents (Explosives, 1.5D–see Appendix VI-F) is contained therein.

3302.3.10 Indoor magazines. Indoor magazines shall be constructed in accordance with Section 3302.3.10.

Indoor magazines shall be fire resistant and theft resistant. Indoor magazines constructed of wood shall have sides, bottoms, and lids or doors constructed of two (2) inch (fifty and eight-tenths (50.8) mm) wood and shall be well braced at corners. The magazines shall be covered on the exterior with steel not less than sixteen-thousandths (0.016) inch (forty-one hundredths (0.41) mm) (twenty-six (26) gage) thick. Indoor magazines constructed of metal shall have sides, bottoms, and lids or doors constructed of not less than ninety-seven thousandths (0.097) inch (two and five-tenths (2.5) mm) (twelve (12) gage) steel and shall be lined with a minimum of one-half (½) inch (twelve and seven-tenths (12.7) mm) of nonsparking material.

EXCEPTION: Type 5 indoor magazines used for the storage of blasting agents (Explosives, 1.5D–see Appendix VI-F) need not be fire resistant.

Indoor magazines need not be bullet resistant or weather resistant if the buildings in which they are stored provide protection from the weather and bullet penetration.

Hinges and hasps shall be attached to doors or lids by welding, riveting, or bolting with nuts on the inside so that doors or lids cannot be removed when closed and locked.

Each magazine shall be equipped with a steel padlock, which need not be protected by a steel hood, having at least five (5) tumblers with a case-hardened shackle of at least three-eighths (d) inch (nine and five-tenths (9.5) mm) diameter.

Indoor magazines shall have substantial wheels or casters to facilitate removal from a building in case of emergency.

Magazines shall be painted red and the lid or door shall bear in conspicuous white lettering, at least three (3) inches (seventy-six and two-tenths (76.2) mm) high, EXPLOSIVES–KEEP FIRE AWAY.

The indoor storage of high explosives shall not exceed fifty (50) pounds (twenty-two and seven-tenths (22.7) kg).

Detonators shall be stored in a separate magazine from other explosive materials and the total number of detonators stored shall not exceed five thousand (5,000).

Indoor magazines containing blasting agents in excess of fifty (50) pounds (twenty-two and seven-tenths (22.7) kg) shall be located in accordance with Appendix VI-F.

Indoor storage magazines shall not be located in residences or dwellings.

SECTION 3303 - USE, HANDLING, AND TRANSPORTATION

3303.1 Use and Handling.

3303.1.1 Hours of operation. Blasting operations shall be conducted during daylight hours.

3303.1.2 Personnel qualifications. The person in charge of the handling and use of explosive materials shall be at least twenty-one (21) years of age and posses *[sic., possess]* **a valid explosive-use permit issued by the chief.**

EXCEPTION: Persons eighteen (18) years of age or older are allowed to use and handle explosive materials under the direct personal supervision of a person who possesses a valid explosive-use permit.

3303.1.3 Intoxicants. Explosive materials shall not be handled by persons under the influence of intoxicants, narcotics, or DEA-controlled substances.

3303.1.4 Smoking. Smoking and carrying matches while handling explosive materials or while within fifty (50) feet (fifteen thousand two hundred forty (15,240) mm) of where explosive materials are being used are prohibited.

3303.1.5 Sources of ignition. The use of matches, lighters, spark-producing devices, or the presence of any open flames is prohibited within fifty (50) feet (fifteen thousand two hundred forty (15,240) mm) of areas where explosives are being used.

EXCEPTION: The lighting of safety fuse in conjunction with approved blasting operations.

3303.1.6 Utilities notification. When blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, or stream utilities, the blaster shall notify the appropriate representative of such utilities at least twenty-four (24) hours in advance of blasting specifying the location and intended time of such blasting.

3303.1.7 Other regulations. Blasting operations shall be conducted in accordance with federal, state, and local regulations.

3303.1.8 Blasting safeguards. Before a blast is fired, the person in charge shall make certain that surplus explosive materials are in a safe place, that persons and vehicles are at a safe distance or under sufficient cover, and that a loud warning signal has been sounded.

3303.1.9 Premature detonation safeguards. Precautions shall be taken to prevent the premature detonation of explosive materials from lighting, radio frequency energy, extraneous electricity or static electricity caused by dust or snow storms, low humidity, or mechanical conditions. Such precautions shall include:

1. The suspension of blasting operations and removal of persons from the blasting area during the approach and progress of a thunderstorm,

2. The posting of signs prohibiting the use of mobile radio transmitters on roads within one thousand (1,000) feet (three hundred four and eight-tenths (304.8) m) of blasting operations where electric detonators are being used, and

3. Periodic checks for static electricity or stray currents in areas where these factors could exceed safe operating limits.

3303.1.10 Nonsparking tools. Tools used for the opening of containers of explosive materials shall be made of nonsparking materials.

EXCEPTION: Slitters of metal are allowed for opening paper, plastic, or fiberboard containers.

3303.1.11 Exposure protection. When blasting is performed in a congested area or in close proximity to a building, structure, railway, highway, or other installation that could be damaged by material being thrown into the air, the blast shall be covered with an adequate blasting mat.

3303.1.12 Disposal of packaging. Empty boxes and paper, plastic, or fiber packing material which have previously contained explosive materials shall not be reused and shall be disposed of in accordance with manufacturers' recommendations or instructions.

3303.1.13 Abandonment. Explosive materials shall not be abandoned.

3303.2 Transportation.

3303.2.1 Public conveyance. Explosive materials shall not be carried or transported in or upon a public conveyance or vehicle carrying passengers for hire.

Interstate transportation of explosives is not regulated by this code.

3303.2.2 Vehicle construction. Vehicles used for transporting explosive materials shall be strong enough to carry the load without difficulty and shall be in good mechanical condition. If vehicles do not have a closed body, a portable, magazine-type container that is reasonably weather and theft resistant and securely fastened to the vehicle body shall be used to contain the explosive materials. Vehicles used for the transportation of explosive materials shall have tight floors, and any exposed, spark-producing metal on the inside of the body shall be covered with wood or other nonsparking material to prevent contact with explosive materials.

EXCEPTION: Exposed spark-producing metal need not be covered in vehicles in which only blasting agents or oxidizing materials are being transported.

3303.2.3 Authorization. Explosive materials shall be transported on vehicles in accordance with section 3303.2.

3303.2.4 Fire protection. Vehicles used for transporting explosive materials shall be equipped with fire extinguishers according to the following schedule:

1. Vehicle–Gross vehicle Weight less than 14,000 pounds (6,350.2 kg).	**At least two multipurpose dry-chemical extinguishers having a combined capacity of not less than 4-A:20-B:C.**
2. Vehicle–Gross vehicle weight 14,000 pounds (6,350.2 kg) or greater; tractor/semitrailer units	**At least two multipurpose dry-chemical extinguishers having a combined capacity of not less than 4-A:70-B:C.**

3303.2.5 Fire extinguisher maintenance and placement. Fire extinguishers shall be securely mounted on vehicles at well-separated, accessible locations. Extinguishers shall be checked monthly to verify that they are filled and in operating condition.

3303.2.6 Vehicle inspection. Vehicles used to transport explosive materials shall be inspected by the person to whom a permit has been issued for such vehicles in order to determine that:

1. Electric wires are insulated and securely fastened,

2. The engine chassis and body are reasonably clean and free of excessive grease and oil,

3. The fuel tanks and fuel lines are securely fastened and not leaking,

4. Brakes, lights, horn, windshield wipers, and steering mechanism are functioning properly.

5. Tires are properly inflated and free from defects, and

6. The vehicle is in proper condition for transporting explosive materials.

3303.2.7 Nonsparking tools. Spark-producing metal tools shall not be carried in the cargo compartment of a vehicle transporting explosive materials.

3303.2.8 Sources of ignition. Smoking, carrying matches or other flame-producing devices, carrying firearms or loaded cartridges while in or near a vehicle transporting explosive materials, and driving, loading, or unloading any such vehicle in a careless or reckless manner are prohibited.

3303.2.9 Personnel qualifications. Vehicles transporting explosive materials shall be in the custody of drivers who are physically fit; careful; capable; reliable; able to read and write the English language; not addicted to the use or under the influence of intoxicants, narcotics, or DEA-controlled substances; and are not less than twenty-one (21) years of age. They shall be familiar with federal, state, and local traffic regulations and the provisions of Chapter 33 governing the transportation of explosive materials.

3303.2.10 Transportation routes. Vehicles transporting explosive materials shall be routed to avoid congested traffic and heavily populated areas.

3303.2.11 Vehicular tunnels. Explosive materials shall not be transported through completed vehicular tunnels which prohibit the transport of explosive materials.

3303.2.12 Unattended vehicles. Vehicles transporting explosive materials shall not be left unattended.

3303.2.13 Passengers. Persons other than the driver and one (1) assistant, who is at least eighteen (18) years of age, shall not ride on vehicles transporting explosive materials.

3303.1.14 Delivery conditions. Delivery of explosive materials shall be made only to authorized persons and into approved storage, handling, or use areas.

3303.2.15 Vehicle storage and repair. Vehicles containing explosive materials shall not be taken into a garage or repair shop for repairs or storage.

3303.3 Explosive Materials Terminals.

3303.3.1 Quantities at terminals. The office of the state fire marshal is authorized to designate the location and specify the maximum quantity of explosive materials allowed to be loaded, unloaded, reloaded, or temporarily retained at each terminal where such operations are permitted.

3303.3.2 Notification. Carriers shall immediately notify consignees of arrival of explosive materials at terminals.

3303.3.3 Terminal requirements. Truck terminals where explosive materials are loaded, unloaded, or transferred shall be in accordance with the following conditions:

1. There shall not be aboveground storage tanks of

flammable or combustible liquids or other hazardous materials on the terminal property which would present a significant exposure hazard to the operation of the terminal or to adjacent properties.
2. The terminal property shall be sufficiently large that docking or vehicle storage areas containing explosives shall be a minimum of seventy-five (75) feet (twenty-two thousand eight hundred sixty (22,860) mm) from adjoining property lines.
3. Explosives shall be kept in vehicles except during transferring or loading operations.
4. Specific areas of docks shall be designated for the holding of explosive materials for not more than seventy-two (72) hours during loading or transferring operations. A minimum distance shall be specified and maintained between this designated area and other materials on the dock. Combustible storage and flammable and combustible liquids shall be kept the greatest possible distance from this designated area.
5. At all times, a guard shall be on duty on the terminal property. The guard shall be capable of driving all equipment in the area. At times when there are a substantial number of vehicles carrying explosive materials in the terminal, additional persons capable of driving shall be provided.
6. Adequate security against unauthorized persons entering the terminal area shall be provided. In metropolitan areas, this shall include a fence and gates.
7. The terminal shall be adequately lighted for normal observation of all vehicles containing explosive materials.
8. Approved fire protection appliances shall be provided for the loading dock near the designated explosive materials area and near the parked vehicles.
9. An approved, isolated area of the terminal property shall be designated for vehicles containing explosive materials.
10. Vehicles containing special inherent hazards shall be kept separated from the area designated for the parking of explosive materials vehicles.
11. Shipments of explosive materials shall be transported without unnecessary delay. Delays shall not exceed seventy-two (72) hours.

3303.4 Blasting Agents.

3303.4.1 Ammonium nitrate storage. Ammonium nitrate stored at a closer distance to the blasting agent storage area than provided in Section 3303.4.3 shall be calculated in accordance with Appendix VI-F.

3303.4.2 Intraplant separation. Minimum intraplant separation distances between mixing units and the ammonium nitrate storage areas and blasting agent storage areas shall be in accordance with Appendix VI-F.

3303.5 Safety Precautions for Blasting Agents.

3303.5.1 Mixing facilities. Buildings or other facilities used for mixing blasting agents shall be located away from inhabited buildings, passenger railways, and public highways in accordance with Appendix VI-F.
EXCEPTION: Bulk mixing and delivery equipment for shot service delivery.

3303.5.2 Production quantities. Not more than eight (8) hours' production of blasting agents or the limit determined by nationally recognized standards (see Appendix VI-F), whichever is less, shall be located in or near the building used for mixing blasting agents. Larger quantities shall be stored in magazines.

3303.5.3 Construction. Buildings or other facilities used for the mixing of blasting agents shall be designed and constructed in accordance with the Building Code.

3303.5.4 Compounding and mixing. Compounding and mixing of approved formulations of blasting agents shall be conducted in accordance with federal, state, and local regulations.

3303.5.5 Sources of ignition. Smoking and open flames shall be prohibited in or within fifty (50) feet (fifteen thousand two hundred forty (15,240) mm) of buildings or facilities used for the mixing of blasting agents.

3303.5.6 Disposal of oxidizer bags. Empty oxidizer bags shall be disposed in accordance with manufacturers' instructions or recommendations.

SECTION 3304 - MANUFACTURING, ASSEMBLING, AND TESTING

3304.1 General. Manufacture, assembly, testing, and loading of explosives, ammunition, blasting agents (Explosives, Division 1.5–see Appendix VI-F), and fireworks shall be in accordance with Section 3304.
EXCEPTIONS: 1. Section 3304 does not apply to the hand loading of small arms ammunition prepared for personal use and not for resale.
2. Section 3304 does not apply to the mixing and loading of blasting agents (Explosives; Division 1.5– see Appendix VI-F) at blasting sites provided all necessary safety precautions are taken.

3304.2 Required Information.

3304.2.1 General. Prior to manufacturing, assembling, testing, or loading explosives, ammunition, blasting agents (Explosives; Division 1.5–see Appendix VI-F), or fireworks, the chief shall be furnished with the following information:
1. The exact location of the place of manufacture.
2. The kind of explosives, ammunition, blasting agents (Explosives, Division 1.5–see Appendix VI-F), or fireworks to be manufactured or processed and the property of hazardous materials to be used.
3. The names and addresses of individual owners, partners, or officers of the corporation.

4. A plot plan of the operating premises with the operating buildings indicated in which greater than one (1) pound (forty-five hundredths (0.45) kg) of explosives is manufactured, handled, used, or stored. The maximum amount of explosives greater than one (1) pound (forty-five hundredths (0.45) kg) to be used in each building, number of persons in each operating building, barricade locations and dimensions, and the location and capacity of storage magazines.

5. A copy of the general safety rules which the manufacturer will enforce, including plans for emergency procedures in the event of fire or explosion.

3304.2.2 Retention of Plans. A copy of the plans of the plant shall be kept in the office on the premises of each explosive, ammunition, blasting agents (Explosives, Division 1.5–see Appendix VI-F), or fireworks manufacturing plant and shall be made available to the chief upon request.

3304.3 Training. Workers who handle explosives or explosive charges or dispose of explosives shall be trained in the hazards of the materials and processes in which they are to be engaged and in the safety rules governing such materials and processes.

3304.4 Emergency Procedures. Approved emergency procedures shall be developed for each plant. Such procedures shall include personal instruction in any emergency that could be anticipated. Personnel shall be made aware of an emergency warning signal.

3304.5 Intraplant Separation of Operating Buildings. Mass detonating explosives and fireworks manufacturing buildings, including those where explosive charges are assembled, manufactured, prepared, or loaded, shall be separated from all other buildings, including magazines, within the confines of the manufacturing plant by a distance not less than those shown in Table 3304.5-A.

TABLE 3304.5-A - MINIMUM INTRAPLANT SEPARATION BETWEEN OPERATING BUILDINGS CONTAINING MASS-DETONATING EXPLOSIVES OR FIREWORKS MANUFACTURING [1]

EXPLOSIVE OR FIREWORKS (pounds) × 0.454 for kg		MINIMUM DISTANCE (feet) × 304.8 for mm	EXPLOSIVE OR FIREWORKS (pounds) × 0.454 for kg		MINIMUM DISTANCE (feet) × 304.8 for mm
Over	Not Over		Over	Not Over	
	50	60	20,000	25,000	530
50	100	80	25,000	30,000	560
100	200	100	30,000	35,000	590
200	300	120	35,000	40,000	620
300	400	130	40,000	45,000	640
400	500	140	45,000	50,000	660
500	600	150	50,000	55,000	680
600	700	160	55,000	60,000	700
700	800	170	60,000	65,000	720
800	900	180	65,000	70,000	740
900	1,000	190	70,000	75,000	770
1,000	1,500	210	75,000	80,000	780
1,500	2,000	230	80,000	85,000	790
2,000	3,000	260	85,000	90,000	800
3,000	4,000	280	90,000	95,00 *[sic.]*	820
4,000	5,000	300	95,000	100,000	830
5,000	6,000	320	100,000	125,000	900
6,000	7,000	340	125,000	150,000	950
7,000	8,000	360	150,000	175,000	1,000
8,000	9,000	380	175,000	200,000	1,050
9,000	10,000	400	200,000	225,000	1,100
10,000	15,000	450	225,000	250,000	1,150
15,000	20,000	490			

[1]When a building containing explosives is provided with barricades, the intraline distances shown are allowed to be reduced by one-half (½).

3304.6 Buildings and Equipment

3304.6.1 Construction. Operating buildings or rooms which exceed the exempt amounts of explosives specified in the Building Code shall be constructed in accordance with the Indiana Building Code (675 IAC 13).

3304.6.2 Explosive dust. Explosive dust shall not be exhausted to the atmosphere.

When collecting explosive dust, a "wet" collector system shall be used. Wetting agents shall be compatible with the explosives.

Explosive dusts shall be removed from the collection chamber as often as necessary to prevent overloading. The entire system shall be cleaned at a frequency that will eliminate hazardous concentrations of explosive dusts in pipes, tubing, or ducts.

3304.6.3 Intrinsically safe ventilation system. Squirrel cage blowers shall not be used for exhausting hazardous fumes, vapors, or gases. Nonferrous fan blades shall be used for fans located within the ductwork and through which hazardous materials are exhausted. Motors shall be located outside the duct.

3304.6.4 Workstation protection. Workstations shall be separated by distance, barrier, or other approved alternates so that fire in one (1) station will not ignite material in the next workstation. When necessary, each operator shall be protected by a personnel shield located between the operator and the explosive device or explosive material being processed. This shield and its support shall be a tested design to withstand a blast from the maximum amount of explosives allowed behind it.

3304.7 Operations.

3304.7.1 Remote processing. When the type of material and processing warrants, mechanical operations involving explosives in excess of one (1) pound (forty-five hundredths (0.45) kg) shall be performed at isolated stations or at intraplant distances, and machinery shall be controlled from remote locations behind substantial barricades or at separations so that workers can remain at a safe distance while machinery is operating.

3304.7.2 Static control. The working area where the screening, grinding, blending, and other processing of static-sensitive explosives or pyrotechnic materials are done shall be provided with approved static controls.

3304.7.3 Explosive containers. Bulk explosives shall be kept in approved nonsparking containers when not being used or processed. Explosives shall not be stored or transported in open containers.

3304.7.4 Allowable quantities. The quantity of explosives at a workstation shall not exceed the quantity posted on the load limit signs established by the intraplant distances. See Table 3304.5-A.

3304.7.5 Waste receptacles. Approved receptacles with covers shall be provided for each location for disposing of waste material and debris. These waste receptacles shall be emptied and cleaned as often as necessary but not less than once each day or at the end of each shift.

3304.7.6 Posting of pertinent information. General safety rules and operating instructions governing the particular operation or process carried on at that location shall be available at each location.

3304.7.7 Posted limits. Personnel and explosive limits shall be posted.

3304.7.8 Maintenance. Regular maintenance and repair work shall not be performed in an explosive area until explosives are removed and the area is made safe.

EXCEPTION: Minor adjustments or emergency repairs to secure immediate safety.

3304.7.9 Spills. Spilled or dropped explosives shall be cleaned up at once.

3304.7.10 Contaminated materials. Shipping containers, cleaning rags, and other materials contaminated with explosives shall be removed daily and disposed in an approved, safe manner.

3304.7.11 Storage. Fireworks, explosives, and explosive charges shall not be stored near sources of heat.

EXCEPTION: Approved curing or drying operation.

3304.8 Explosive Materials Testing Sites.

3304.8.1 Location. Detonation of explosive materials or ignition of fireworks for testing purposes shall be performed only in isolated areas at special sites where distance; protection from missiles, shrapnel, or flyrock by barricades, bunkers, or adequate shelter; and other safeguards to assure adequate protection to prevent injury to personnel or damage to property are provided. See Section 3304.9.

3304.8.2 Personal protective equipment. Protective clothing and equipment shall be provided to protect persons engaged in the testing, ignition, or detonation of explosive materials.

3304.8.3 Test site safeguards. When tests are being conducted or explosives are being detonated, only authorized persons shall be present. Areas where explosives are regularly or frequently detonated or burned shall be fenced

and posted with adequate warning signs. Adequate warning devices shall be used before burning or detonating explosives to warn persons who might approach from any direction that they are approaching a danger zone.

3304.9 Disposal of Waste Explosive Materials.

3304.9.1 Disposal site safeguards. Sites for the destruction of explosive materials and fireworks shall be located in accordance with Appendix VI-F. When possible, barricades shall be utilized between the destruction site and inhabited buildings.

3304.9.2 Reuse of site. Unless an approved burning site has been thoroughly saturated with water and has passed a safety inspection, forty-eight (48) hours shall elapse between the completion of a burn and the placement of scrap explosive materials for a subsequent burn.

3304.9.3 Personnel safeguards. Once an explosive burn operation has started, personnel shall relocate to a safe location where adequate protection from air blast and flying debris is provided. Personnel shall not return to the burn area until the person in charge has inspected the burn site and determined that it is safe for personnel to return.

3304.9.4 Standby personnel. When required by the chief, standby personnel shall be provided until such time as the site is determined to be safe. See Section 2416.

SECTION 3305 - FIREWORKS AND PYROTECHNIC SPECIAL EFFECTS MATERIAL–GENERAL

3305.1 Scope. Fireworks and temporary storage, use, and handling of pyrotechnic special effects material used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with Chapter 33 and IC 22-11-14.

3305.2 Permits.

3305.3 Fireworks.

3305.3.1 Manufacturing. It is unlawful for any manufacturer, wholesaler, importer, or distributor to sell at wholesale, or offer to sell at wholesale, or ship or cause to be shipped into Indiana, fireworks, novelties, or trick noisemakers unless he has been issued and holds a valid certificate of compliance issued by the state fire marshal. A retailer selling fireworks must apply for a fireworks stand retail sales permit from the state fire marshal prior to June 1 of each year.

3305.3.2 Displays. See IC 22-11-14 and IC 22-11-14-3.

SECTION 3306 - FIREWORKS

3306.1 General. Storage, use, and handling of fireworks shall be in accordance with Section 3306, Indiana Building Code (675 IAC 13) and IC 22-11-14.

EXCEPTIONS: 1. The use of fireworks by railroads or other transportation agencies for signaling or illumination.

2. The sale or use of blank cartridges for theatrics, signaling, or ceremonial purposes.

3. The use of fireworks by the United States armed forces.

3306.2 Seizure of Fireworks. The office of the state fire marshal is authorized to seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of Chapter 33 and IC 22-11-14.

TABLE 3306.3-A - MINIMUM MORTAR SEPARATION DISTANCES

MORTAR DIAMETER (inches) × 25.4 for mm	MINIMUM SEPARATION FROM SPECTATOR VIEWING AREAS, VEHICLES AND BUILDINGS (feet) × 0.3048 for m
less than 3	140
3	210
4	280
5	350
6	420
7	490
8	560
10	700
12	840
greater than 12	980

3306.4 Displays.

3306.4.1 General. Fireworks displays shall be in accordance with Section 3306.4.

3306.4.2 Insurance. The governing body of the municipality shall require a certificate of insurance in accordance with IC 22-11-14-3.

3306.4.3 Mortars for aerial shell displays.

3306.4.3.1 Site criteria. Mortars for aerial displays shall be separated from spectator viewing areas, vehicles, and buildings as set forth in Table 3306.3-A.

The designated landing area shall be an approved large, clear, open area. Spectators, vehicles, and combustible materials shall not be allowed within the designated landing area. The designated landing area shall not be within one hundred (100) feet (thirty thousand four hundred eighty (30,480) mm) of tents, canopies, and membrane structures.

3306.4.3.2 Construction. Mortars shall be approved for use with the aerial shells to be fired. Mortars shall be constructed of heavy cardboard, paper, or metal other than cast iron.

3306.4.3.3 Inspection. Prior to placement, mortars shall be inspected for defects such as dents, bent ends, damaged interiors, and damaged plugs. Mortars found to be defective shall not be used.

3306.4.3.4 Positioning. Mortars shall be positioned so that aerial shells are directed over the designated landing area and away from ground pieces. Mortars shall not be angled toward spectator viewing areas.

The trajectory of aerial shells shall be arranged such that a minimum clearance of twenty-five (25) feet (seven thousand six hundred twenty (7,620) mm) is maintained from potential obstructions.

Seamed metal mortars shall be placed such that the seam of a mortar faces to the side rather than to the top or bottom.

3306.4.3.5 Securing. Mortars shall be buried to a depth of not less than two-thirds (b) of their length, either in the ground or in aboveground troughs or drums. In soft ground, wood not less than two (2) inches (fifty and eight-tenths (50.8) mm) nominal thickness or rock slabs shall be placed beneath mortars which will be used more than once to prevent their sinking or being driven into the ground during firing.

EXCEPTION: Approved securely positioned mortar racks are allowed for the firing of single-break shells six (6) inches (one hundred fifty-two and four-tenths (152.4) mm) or less in diameter.

3306.4.3.6 Mortar separation. Mortars that are buried in the ground, in troughs, or in drums shall be separated from adjacent mortars by a distance equal to or greater than the diameter of the mortar.

EXCEPTION: Electrically fired mortars.

3306.4.3.7 Moisture protection. In damp ground, a weather-resistant bag shall be placed under the bottoms of mortars prior to placement in the ground to protect mortars from moisture. Weather-resistant bags shall be placed over the open end of mortars in damp weather to keep moisture from accumulating on the inside surface of mortars.

3306.4.3.8 Ground burst protection. Sand bags, dirt boxes, or other suitable protection shall be placed around mortars on the uprange side to protect the operator from ground bursts.

3306.4.3.9 Paper mortars.

3306.4.3.9.1 Convolute. Paper mortars constructed of convolute wound paper shall be approved for the size aerial shells being discharged having a maximum double break.

3306.4.3.9.2 Spiral wound. Spiral-wound paper mortars shall not be used for greater than three (3) inch (seventy-six and two-tenths (76.2) mm) diameter aerial shells with a maximum double break.

3306.4.3.10 Grouping mortars. Mortars of the same diameter, which are to be reloaded during a display, shall be grouped together such that various sized are not intermixed. Groups shall be separated.

3306.4.3.11 Loose gravel and rocks. Loose gravel, rocks, and other loose solid objects shall be removed from the area around mortars to prevent such materials from being thrown from ground bursts during firing.

3306.4.3.12 Cleaning tool. When mortars are to be fired more than once during a display, a cleaning tool shall be available for the cleaning of debris from mortars as necessary. For metal mortars, the tool shall be nonsparking.

3306.4.4 Ground pieces.

3306.4.4.1 Location. Ground pieces shall be located not less than one hundred fifty (150) feet (forty-five thousand seven hundred twenty (45,720) mm) from spectators and vehicles; not less than one hundred (100) feet (thirty thousand four hundred eighty (30,480) mm) from tents, canopies, or membrane structures; not less than one hundred (100) feet (thirty thousand four hundred eighty (30,480) mm) from mortars; and outside of the designated landing area.

EXCEPTIONS: 1. Fixed ground pieces are allowed not less than seventy-five (75) feet (twenty-two thousand eight hundred sixty (22,860) mm) from spectators and vehicles. 2. Electrically fired ground pieces are allowed in the designated landing area.

3306.4.4.2 Combustibles. The area beneath ground pieces shall be free of dry grass and combustibles.

3306.4.4.3 Securing. Poles for ground pieces shall be securely placed and braced.

3306.4.5 Electrical fire units.

3306.4.5.1 General. Electrical firing units shall be in accordance with Section 3306.4.5.

3306.4.5.2 Wiring. Electrical wiring associated with an electrical firing unit shall be prevented from contacting metal objects in contact with the ground.

3306.4.5.3 Power supply. AC-powered electrical firing units shall be isolated from the power source using an isolation transformer.

3306.4.5.4 Security. Electrical firing units shall require operation of a key-operated switch or other similar device to prevent unauthorized operation.

EXCEPTION: Hand-held electrical firing units connected to fireworks only during a display.

3306.4.5.5 Manually activated firing units. Manually activated electrical firing units shall require two (2) or more distinct actions to apply electric current to an electric match.

3306.4.5.6 Automatic-firing units. Automatic-sequencing-type electrical firing units shall include a momentary contact switch which must be held to cause application of current to an electric match and which will immediately disconnect current to all electric matches upon release.

3306.4.5.7 Testing of firing circuits. The pyrotechnic operator shall ensure that personnel are kept at a safe distance from fireworks which are connected to electrical firing units during testing. Electrical firing units with integral test circuits shall be designed to limit the maximum current output during a test to five-hundredths (0.05) ampere or to twenty (20) percent of the no-fire current of electric matches, whichever is less. Multitesters shall not be used for testing unless the maximum current output has been measured and determined not to exceed the current output limits for integral test circuits.

3306.4.6 Inspection. Fireworks shall be inspected upon delivery to the display site by the pyrotechnic operator. Aerial shells having tears, leaks, or broken fuses or showing signs of having been wet shall be properly disposed of.

3306.4.7 Supervision. Fireworks shall not be left unattended or allowed to become wet at the display site.

3306.4.8 Display operation.

3306.4.8.1 General. Display operation shall be in accordance with Section 3306.4.8.

3306.4.8.2 Fire protection. The pyrotechnic operator shall provide portable fire extinguishers for the discharge area and arrange for standby fire apparatus for protection down range.

3306.4.8.3 Monitors. The pyrotechnic operator shall employ monitors whose sole duty shall be the enforcement of crowd control around the display area. Unauthorized persons shall not be allowed to enter the discharge site until the site has been inspected after the display by the pyrotechnic operator.

3306.4.8.4 Barriers. The chief is authorized to require rope barriers, fences, signs, or other devices to be installed around the display area to aid in crowd control.

3306.4.8.5 Display discontinued. If the chief or the pyrotechnic operator determines that there is a lack of crowd control or that the crown *[sic., crowd]* **is in danger, the display shall be immediately discontinued. If at any time high winds or wet weather creates a danger, the display shall be postponed until the weather conditions are acceptable to the chief.**

3306.4.8.6 Illumination. Display operators shall use only flashlights or electric lighting for illumination.

3306.4.8.7 Smoking and open flames. Smoking and use of open flames are prohibited in the aerial shell storage area. NO SMOKING OR OPEN FLAME signs shall be conspicuously posted.

3306.4.8.8 Aerial shells.

3306.4.8.8.1 General. Aerial shell operations shall be in accordance with Section 3306.4.8.8.

3306.4.8.8.2 Ready boxes. Ready boxes shall be located not less than twenty-five (25) feet (seven thousand six hundred twenty (7,620) mm) in an upwind direction from mortars.

3306.4.8.8.3 Transporting. Aerial shells shall be carried to mortars by the shell body. For the purpose of loading mortars, aerial shells shall be held by the thick portion of the fuse and carefully lowered into mortars.

3306.4.8.8.4 Proper fit. Aerial shells shall be checked for proper fit in mortars prior to discharge. The pyrotechnic operator shall inspect all aerial shells to be certain that they are properly seated in mortars prior to firing. Aerial shells that do not fit properly shall not be fired.

3306.4.8.8.5 Safety cap. The safety cap protecting a fuse shall not be removed until immediately before an aerial shell is to be fired.

3306.4.8.8.6 Ignition. Aerial shells shall be ignited by lighting the tips of fuses with a fuse, torch, portfire, electrical ignition source, or similar device. Operators shall not place any part of their bodies over the throat of a mortar.

3306.4.8.8.7 Trajectory. The first aerial shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the aerial shell will function over and debris will drop into the designated landing area. Mortars shall be reangled or reset if necessary at any time during the display to properly maintain trajectories over the designated landing area.

3306.4.8.8.8 Defective aerial shells. If an aerial shell fails to ignite in a mortar, the mortar shall be left alone for a minimum of fifteen (15) minutes, then carefully flooded with water. Immediately following the display, and not less than five (5) minutes after flooding the mortar, the mortar

shall be emptied into a bucket of water and properly disposed of. Damaged aerial shells shall not be repaired or dismantled.

3306.4.8.8.9 Range inspection. The entire firing range shall be inspected immediately following a display and prior to allowing public access for the purpose of locating unexploded aerial shells. Such shells shall not be handled within fifteen (15) minutes of their firing. Such shells shall then be doused with water, allowed to stand for not less than five (5) minutes, and placed in a bucket of water.

When the firing range cannot be thoroughly inspected due to darkness, the site shall be reinspected the following morning.

3306.4.8.8.10 Record. The pyrotechnic operator shall keep a record of aerial shells that fail to ignite or fail to function.

SECTION 3307 - PYROTECHNIC SPECIAL EFFECTS MATERIAL

3307.1 General. Temporary storage, use, and handling of pyrotechnic special effects material used in motion picture, television, theatrical, and group entertainment productions shall be in accordance with Section 3307. Permanent storage of pyrotechnic special effects material shall be in accordance with Chapter 33.

3307.2 Classification of Materials. Pyrotechnic special effects material shall be classified in accordance with DOT regulations and procedures. See Appendix VI-F.

EXCEPTION: Pyrotechnic special effects material which is manufactured on-site and which is in storage or use need not be classified.

3307.3 Construction of Magazines. Magazines used for the storage of pyrotechnic special effects material shall be constructed in accordance with Section 3302.3.

3307.4 Storage.

3307.4.1 Fireworks 1.4G. Fireworks 1.4G (Class C common fireworks) shall be stored in accordance with the requirements for low explosives in Chapter 33.

3307.4.2 Other pyrotechnic special effects material.

3307.4.2.1 General. Storage of pyrotechnic special effects material other than fireworks 1.4G (Class C common fireworks) shall be in accordance with the requirements of Sections 3302 and 3307.4.2.

Containers of explosive materials shall be closed when stored.

3307.4.2.2 Storage magazines.

3307.4.2.2.1 Within buildings. Explosives stored within a building shall not exceed fifty (50) pounds (twenty-two and seven-tenths (22.7) kg). Low explosives stored within a building shall be stored in a Type 2 or 4 magazine. High explosives shall be stored in a Type 2 magazine.

Detonators shall be stored in a separate Type 2 magazine.

3307.4.2.2.2 Outside of buildings. Pyrotechnic special effects material which is to be stored outdoors shall be stored in a Type 2 or 4 magazine. Pyrotechnic special effects material which is classified as a high explosive, including detonating cord and detonators that will mass detonate, such as fuse caps, shall be stored in a Type 2 magazine.

When a Type 4 magazine is used for outdoor storage, such storage shall be in a constantly attended location or, if unattended, shall have wheels removed or the magazine immobilized by kingpin locking devices or by other approved security measures. When a quantity in excess of fifty (50) pounds (twenty-two and seven-tenths (22.7) kg) of explosive materials is stored outside of a building, such storage shall be located in accordance with Appendix VI-F.

3307.4.3 Storage against walls. Explosive materials within a magazine shall not be placed directly against interior walls and shall not interfere with ventilation. To prevent contact of stored explosive materials with walls, a nonsparking lattice-work or other nonsparking material is allowed to be used.

3307.4.4 Marking of containers. Containers of explosive materials shall be stored such that identifying marks are visible. Stocks of explosive materials shall be stored so they can be easily counted and checked upon inspection.

3307.4.5 Unpacking and repacking containers. Containers of explosive materials shall not be unpacked or repacked inside a magazine or within fifty (50) feet (fifteen thousand two hundred forty (15,240) mm) of a magazine and shall not be unpacked or repacked close to other explosive materials.
EXCEPTION: Unpacking and repacking of fiberboard and other nonmetallic containers.

3307.4.6 Tools. Tools used for opening or closing containers of explosive materials shall be of nonsparking materials. A wood wedge and a fiber, rubber, or wooden mallet shall be used for opening or closing wood containers or explosive materials. Metal tools, other than nonsparking transfer conveyors, shall not be stored in magazines containing high explosives.

EXCEPTION: Metal slitters are allowed to be used for opening fiberboard containers.

3307.5 Smoking and Open Flames. Controls on smoking

and open flames shall be in accordance with Sections 3302.1.14, 3303.1.4, and 3303.1.5.

3307.6 Housekeeping. Housekeeping shall be in accordance with Chapter 33.

3307.7 Pyrotechnic Operators. A pyrotechnic operator shall obtain required permits and be responsible for notifying the chief prior to using the pyrotechnic special effects material. The pyrotechnic operator shall have the authority and responsibility for the storage, use, and handling of the pyrotechnic special effects materials. The authority of the pyrotechnic operator shall not be assumed by anyone and shall be superseded only by the chief.

3307.8 Use of Pyrotechnic Special Effects Material.

3307.8.1 General precautions.

3307.8.1.1 Demonstration and approval. An approved test shall be conducted to demonstrate the safe use of pyrotechnic special effects material prior to normal use.

The use of pyrotechnic special effects material shall be approved by the pyrotechnic operator in charge.

3307.8.1.2 Preparation. The company or producer shall allocate sufficient time to the pyrotechnic operator to prepare for the transportation, packing, storing, and daily securing and to dispose of or otherwise handle pyrotechnic special effects material in a safe manner.

3307.8.1.3 Crowd control. Onlookers shall be kept at a safe distance from the area where the pyrotechnic special effects material is discharged and so restrained until the area is cleared.

3307.8.2 Smoke control. When pyrotechnic special effects material is fired within a building, the quantity of smoke developed shall not obscure the visibility of exit signs or paths of egress travel.

Provision shall be made to remove smoke from the building that is generated by pyrotechnic special effects material.

3307.8.3 Binary explosives. When binary explosives are used, the compounding and firing shall be performed by a pyrotechnic operator.

3307.8.4 Surplus materials. Surplus materials shall be properly stored until it can be disposed of in a safe manner.

3307.9 Standby Personnel and Equipment. When necessary for the preservation of life and property, the chief is authorized to require the attendance of standby personnel and fire equipment as set forth in Section 2416. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-284; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3000)*

675 IAC 22-2.3-285 Section 3401.2; nonapplicability

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 285. In Section 3401.2 delete the words "service station" and insert "motor fuel dispensing facilities, repair garages,". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-285; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3018)*

675 IAC 22-2.3-286 Section 3401.4; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 286. Delete Section 3401.4 and substitute to read as follows: 3401.4 Plans. Prior to commencement of construction to store more than six hundred sixty (660) gallons (two thousand four hundred ninety-eight (2,498) L) of liquid outside of buildings in drums or tanks, the owner shall notify the servicing fire department, in writing, of the proposed storage and that a copy of the plans released under 675 IAC 12-6 are available upon request. A copy of the released plans shall indicate the method of storage, quantities to be stored, distances from the buildings and property lines, accessways, fire protection facilities, and provisions for spill control, drainage control, and secondary containment. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-286; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3018)*

675 IAC 22-2.3-287 Section 3403.2.1; portable fire extinguishers and hose lines

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 287. Amend Section 3403.2.1 to read as follows: Portable fire extinguishers shall be provided in accordance with Section 906 and hose lines in accordance with Section 905. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-287; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3018)*

675 IAC 22-2.3-288 Section 3403.5; labeling and signage

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 288. Change the first sentence of Section 3403.5 to read as follows: The inspection authority is authorized to require warning signs for the purpose of identifying hazards of storing or using flammable liquids, when such storage or using would cause a fire or explosion hazard. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-288; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3018)*

675 IAC 22-2.3-289 Section 3404.2.2; use of tank vehicles and tank cars as storage

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 289. Change Section 3404.2.2 to read as follows: 3404.2.2 Use of tank vehicles and tank cars as storage tanks. Tank cars and tank vehicles shall not be used as permanent storage tanks. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-289; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3018)*

675 IAC 22-2.3-290 Section 3404.2.3.1; smoking and open flame

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 290. Add exception to Section 3404.2.3.1 to read as follows: EXCEPTION: Buildings or structures which are smoke-free environments and are posted as such at all public and employee entrances, and no visible evidence of prohibited smoking exist within the building or structure. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-290; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3019)*

675 IAC 22-2.3-291 Section 3404.2.7.5.5.2; underground tanks

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 291. In Section 3404.2.7.5.5.2, delete "1,000 gallons (3,785 L)" and substitute "one thousand one hundred (1,100) gallons (four thousand one hundred sixty-four (4,164) L)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-291; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3019)*

675 IAC 22-2.3-292 Section 3404.2.7.5.8; overfill prevention

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 292. In Section 3404.2.7.5.8, add "underground" after "liquid" and before "storage". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-292; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3019)*

675 IAC 22-2.3-293 Section 3404.2.7.11; tank lining

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 293. Change Section 3404.2.7.11 to read as follows: 3404.2.7.11 Tank lining. Steel tanks may be lined for the purpose of protecting the interior from corrosion or providing compatibility with a material to be stored. Only those liquids tested for compatibility with the lining material are allowed to be stored in lined tanks. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-293; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3019)*

675 IAC 22-2.3-294 Section 3404.2.8.6; vehicle impact protection

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 294. In Section 3404.2.8.6, change "Section 313" to "Section 312". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-294; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3019)*

675 IAC 22-2.3-295 Section 3404.2.10; drainage and diking

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 295. In Section 3404.2.10, delete both exceptions and substitute to read as follows:

EXCEPTIONS: 1. Aboveground tanks are not required to be provided with diking when the tank complies with the requirements of Section 2206.2.3 Installation of Tanks, including subsections (a), (b), and (c), and secondary containment systems are monitored for leak detection with an automatic alarm system, visual and/or audible.

2. Approved aboveground tanks with a capacity of five hundred (500) gallons or less, utilized solely for the storage of used motor oil, and in compliance with EPA 40 CFR 279.22 and EPA 40 CFR 264.175 are exempt from the requirements of 3404.2.10.

3. Drainage control and diking is not required for listed secondary containment tanks.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-295; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3019)

675 IAC 22-2.3-296 Section 3404.2.10.5; equipment, controls and piping in diked areas

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 296. In Section 3404.2.10.5, add EXCEPTION 3 to read as follows: EXCEPTION 3. Tanks storing more than five thousand (5,000) gallons of gasoline, diesel fuel, or kerosene may have pumps and manifolds attached directly to the tank within diked areas. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-296; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3019)*

675 IAC 22-2.3-297 Section 3404.2.11.4; overfill protection and prevention system

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 297. Delete the text of Section 3404.2.11.4 and substitute to read as follows: 3404.2.11.4 Overfill protection and prevention systems. Fillpipes shall be equipped with a spill container and an overfill prevention system for each tank. The system shall either:

(1) Automatically shut off the flow of liquid into the tank when the tank is not more than ninety-five (95) percent of tank capacity; or

(2) Have an alarm which provides an audible and visual signal when the quantity of liquid in the tank reaches ninety (90) percent of the tank capacity; or

(3) Restrict flow thirty (30) minutes prior to overfilling and alert the transfer operator with a high level alarm one (1) minute before overfilling or automatically shut off flow into the tank so that none of the fittings located on the top of the tank are exposed to product due to overfilling.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-297; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3019)

675 IAC 22-2.3-297.1 Section 3404.2.12.2; testing of underground tanks

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 297.1. Change Section 3404.2.12.2 by deleting the words, "in the presence of the code official" and by adding a sentence before the last sentence to read "A Tank Tightness Test report shall be forwarded to the local code official within forty-eight (48) hours.". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-297.1; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3020)*

675 IAC 22-2.3-298 Section 3404.3.1.1; approved containers

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 298. Change the text of Section 3404.3.1.1 to read as follows: Only listed or labeled containers and portable tanks shall be used. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-298; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3020)*

675 IAC 22-2.3-299 Section 3404.3.3.9; idle combustible pallets

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 299. In Section 3404.3.3.9, delete "NFPA 231" and substitute "NFPA 13 (675 IAC 13-1)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-299; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3020)*

675 IAC 22-2.3-300 Section 3404.3.6.5; storage plan

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 300. In Section 3404.3.6.5, delete "when required by the code official". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-300; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3020)*

675 IAC 22-2.3-301 Section 3404.3.8.4; fire-extinguishing systems

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 301. In Section 3404.3.8.4, delete "and NFPA 231C". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-301; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3020)*

675 IAC 22-2.3-302 Section 3404.3.8.5; warehouse hose line

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 302. Amend Section 3404.3.8.5 by deleting "Chapter 9" and inserting "Section 905". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-302; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3020)*

675 IAC 22-2.3-303 Section 3405.3.1; closure of mixing or blending vessels

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 303. In Section 3405.3.1, delete the exception without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-303; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3020)*

675 IAC 22-2.3-304 Section 3405.3.7.5.1; ventilation

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 304. In Section 3405.3.7.5.1, delete the exception without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-304; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3020)*

675 IAC 22-2.3-305 Section 3405.3.8; use, dispensing, and handling outside of buildings

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 305. In Section 3405.3.8, delete "service station and insert "motor fuel dispensing facilities". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-305; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3020)*

675 IAC 22-2.3-306 Section 3406.2.2; marking of tanks and containers

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 306. Delete the last sentence of Section 3406.2.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-306; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3020)*

675 IAC 22-2.3-307 Section 3406.2.4.3; location

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 307. In Section 3406.2.4.3, change "50 feet (15,240 mm)" to "ten (10) feet (three thousand forty-eight (3,048) mm)" in two (2) places. *(Fire Prevention and Building Safety*

Commission; 675 IAC 22-2.3-307; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3020)

675 IAC 22-2.3-308 Section 3406.2.8; dispensing from tank vehicles

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 308. In Section 3406.2.8, change EXCEPTION 1 to read as follows: The tank vehicle is equipped to supply fuel to motor vehicle fuel tanks. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-308; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3021)*

675 IAC 22-2.3-309 Section 3406.2.8.1; location

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 309. In Section 3406.2.8.1, change "50 feet (15,240 mm)" to "twenty-five (25) feet (seven thousand six hundred twenty (7,620) mm)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-309; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3021)*

675 IAC 22-2.3-310 Section 3406.4; bulk plants or terminals

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 310. In Section 3406.4, add a sentence at the end to read as follows: "Also see Section 2206.2.3.1 of this code.". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-310; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3021)*

675 IAC 22-2.3-311 Section 3406.4.7; wharves

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 311. Amend Section 3406.4.7 by deleting "service stations" and inserting "motor fuel dispensing facilities". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-311; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3021)*

675 IAC 22-2.3-312 Section 3406.5; bulk transfer and process transfer operations

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 312. Amend Section 3406.5 by deleting "service station" and inserting "motor fuel dispensing facilities". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-312; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3021)*

675 IAC 22-2.3-313 Section3406.5.1.18; security

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 313. Amend Section 3406.5.1.18 as follows:
(1) Delete "vehicle service station" and insert "fuel dispensing facilities".

(2) Delete EXCEPTION 2 without substitution and renumber EXCEPTION 3 as EXCEPTION 2.
(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-313; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3021)

675 IAC 22-2.3-314 Section 3406.5.4.4; fueling of vehicles at farms, construction sites, and similar areas

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 314. Change Section 3406.5.4.4 to read as follows: 3406.5.4.4 Fueling of vehicles at construction sites and similar areas. Transfer of liquid from tank vehicles to motor vehicles at construction sites, earth-moving projects, gravel pits, and borrow pits is allowed in accordance with Section 3406.2.8. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-314; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3021)*

675 IAC 22-2.3-314.1 Section 3406.6.2.1; parking near residential, educational and institutional occupancies and other high-risk areas

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 314.1. Delete Section 3406.6.2.1 and substitute to read as follows: (a) Tank vehicles shall not be left unattended on any street, highway, avenue, or alley, provided that drivers are not prevented from those necessary absences from the vehicle connected with their normal duties, nor shall this requirement prevent stops for meals or rest stops during the day or night.

EXCEPTION 1. This shall not apply to an emergency.

EXCEPTION 2. This shall not apply to vehicles parked in accordance with (b).

(b) Tank vehicles shall not be parked in congested areas. Such vehicles shall be permitted to be parked off the street in uncongested areas if at least fifty (50) feet (fifteen (15) m) from any building used for assembly, institutional, or multiple residential occupancy. This requirement shall not prohibit the parking of cargo vehicles of three thousand five hundred (3,500) gallons (thirteen (13) m^3) water capacity or less on streets adjacent to the driver's residence in uncongested residential areas, provided such parking locations are at least fifty (50) feet (fifteen (15) m) from a building used for assembly, institutional, or multiple residential occupancy. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-314.1; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3021)*

675 IAC 22-2.3-315 Section 3406.8; vapor recovery and vapor-processing systems

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 315. Amend Section 3406.8, EXCEPTION 2, by deleting "service station" and inserting "motor fuel dispensing facility". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-315; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3021)*

675 IAC 22-2.3-316 Section 3501.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 316. Delete Section 3501.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-316; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3022)*

675 IAC 22-2.3-317 Section 3601.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 317. Delete Section 3601.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-317; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3022)*

675 IAC 22-2.3-318 Section 3606.5.5; electrical equipment
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 318. In Section 3606.5.5, delete "shall be approved types and shall be approved" and substitute "shall be listed". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-318; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3022)*

675 IAC 22-2.3-319 Section 3701.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 319. Delete Section 3701.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-319; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3022)*

675 IAC 22-2.3-320 Section 3704.2.2.7; treatment systems
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 320. Amend Section 3704.2.2.7 as follows: In EXCEPTION 2 Toxic gases-use, add "or portable tanks" after "cylinders". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-320; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3022)*

675 IAC 22-2.3-321 Section 3801.2; permits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 321. Delete Section 3801.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-321; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3022)*

675 IAC 22-2.3-322 Section 3801.3; construction documents
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 322. At the end of Section 3801.3, insert "in accordance with the General Administrative Rules (675 IAC 12)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-322; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3022)*

675 IAC 22-2.3-323 Section 3801.4; records
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 323. Delete Section 3801.4 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-323; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3022)*

675 IAC 22-2.3-324 Section 3803.2.1.2; construction and temporary heating
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 324. In Section 3803.2.1.2, after "portable" and before "containers", insert "LP gas". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-324; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3022)*

675 IAC 22-2.3-325 Section 3804.1; general
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 325. In Section 3804.1, delete "and be subject to the approval of the code official". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-325; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3022)*

675 IAC 22-2.3-326 Section 3804.2; maximum capacity within established limits
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 326. Delete the exception in Section 3804.2. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-326; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3022)*

675 IAC 22-2.3-327 Section 3805.2; release to atmosphere
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 327. In Section 3805.2, delete the text after "except" and substitute "as provided by NFPA 58 (675 IAC 22-2.2-17)". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-327; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3022)*

675 IAC 22-2.3-328 Section 3806.1; attendants
Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 328. In Section 3806.1, delete "a qualified attendant" and substitute "qualified personnel". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-328; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3022)*

675 IAC 22-2.3-329 Section 3807.2; smoking and other sources of ignition

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 329. Change Section 3807.2 to read as follows: NO SMOKING signs complying with Section 310 shall be posted. Smoking within twenty-five (25) feet (seven thousand six hundred twenty-five (7,625) mm) of a point of transfer, while filling operations are in progress at containers or vehicles, shall be prohibited. Control of other sources of ignition shall comply with NFPA 58 (675 IAC 22-2.2-17). *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-329; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3023)*

675 IAC 22-2.3-330 Section 3809.7; storage in basement, pit, or similar location

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 330. In Section 3809.7, after "underfloor" and before "spaces", add "crawl". *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-330; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3023)*

675 IAC 22-2.3-331 Section 3809.12; location of storage outside of buildings

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 331. Delete Section 3809.12 and substitute to read as follows: Storage outside of buildings, for containers awaiting use, resale, or part of a cylinder exchange program, shall be located and protected in accordance with NFPA 58 (675 IAC 22-2.2-17). *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-331; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3023)*

675 IAC 22-2.3-331.1 Section 3811.2; unattended parking

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 331.1. Delete the text of Section 3811.2 and substitute to read: The unattended parking of LP-gas tank vehicles shall be in accordance with Section 3406.6.2.1. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-331.1; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3023)*

675 IAC 22-2.3-332 Section 3901.2; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 332. Delete 3901.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-332; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3023)*

675 IAC 22-2.3-333 Section 4001.2; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 333. Delete Section 4001.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-333; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3023)*

675 IAC 22-2.3-334 Section 4101.2; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 334. Delete 4101.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-334; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3023)*

675 IAC 22-2.3-335 Section 4201.2; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 335. Delete Section 4201.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-335; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3023)*

675 IAC 22-2.3-336 Section 4301.2; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 336. Delete Section 4301.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-336; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3023)*

675 IAC 22-2.3-337 Section 4401.2; permits

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 337. Delete Section 4401.2 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-337; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3023)*

675 IAC 22-2.3-338 Appendix A; board of appeals

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 338. Delete Appendix A Board of Appeals. *(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-338; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3023)*

675 IAC 22-2.3-339 Appendix A - 1; life safety requirements for existing buildings other than high-rise and appendix A - 2; life safety requirements for existing high-rise buildings

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

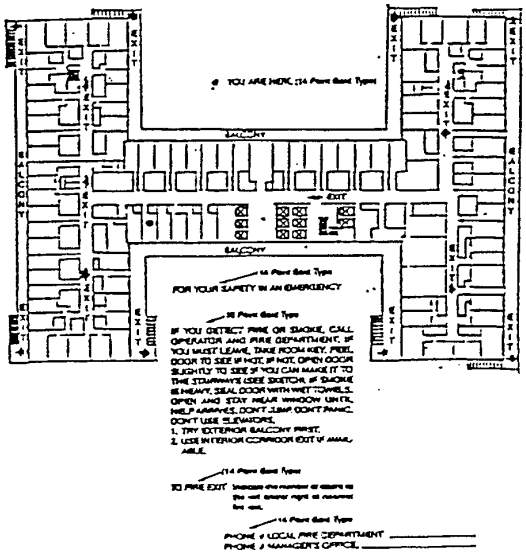
Sec. 339. (a) Add Appendix A - 1; life safety requirements for existing buildings other than high-rise as follows:

APPENDIX A - 1

Appendix A - 1 Emergency Escape Plan

Delete title and text of Appendix A - 1 and substitute the following:

Appendix A - 1
Emergency Escape Plan Sign Sample
(per Section 12.111)



(b) Add Appendix A - 2 as follows:

APPENDIX A - 2 Emergency Information

Delete title and text of Appendix A - 2 and substitute the following:

Appendix A - 2
Emergency Information Sign Samples
(per Section 12.111)

72 Point Bold Capitals
IN CASE OF FIRE

24 Point Bold
If you smell smoke or the alarm sounds:

18 Point Bold
Call Fire Department and Manager's Office
Prepare to leave room
Get Dressed - including shoes
Take your apartment key - you might need to get back in
Feel bedroom door
If cool, open it slightly to see if there is any smoke
If clear, proceed to nearest exit
If door is hot, stay in room
Evacuate through a bedroom window, if possible

Keep Calm - Don't Panic
24 Point Bold

Fire Department Number _____
Manager's Office Number _____
18 Point Bold

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-339; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3023)

675 IAC 22-2.3-340 Appendices B through G

Authority: IC 22-13-2-2
Affected: IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 340. The following appendices are not adopted but may be used for information purposes only:

(1) Appendix B; fire-flow requirements for buildings.
(2) Appendix C; fire hydrant locations and distribution.
(3) Appendix D; fire apparatus access roads.
(4) Appendix E; hazard categories.
(5) Appendix F; hazard ranking
(6) Appendix G; cryogenic fluids–weight and volume equivalents.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-340; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3024)

675 IAC 22-2.3-341 Appendix VI-F; recommended separation distances for explosives

Authority: IC 22-13-2-2
Affected: IC 22-11-14; IC 22-12-7; IC 22-13; IC 22-14; IC 36-8-17

Sec. 341. (a) Portions of this work are reproduced from the 1997 edition of the Uniform Fire Code, Appendix VI-F, copyright© 1997, with the permission of the publisher, the International Conference of Building Officials. ICBO assumes no responsibility for the accuracy or completion of summaries provided therein.

(b) Appendix VI-F to read as follows:

APPENDIX VI-F

RECOMMENDED SEPARATION DISTANCES FOR EXPLOSIVE MATERIALS

(See Chapter 33)

The following information is provided as reference information for application of Chapter 33 and IC 22-11-14.

The information provided in Section 1 is excerpted from federal regulations in 49 CFR, Parts 171-173. A discussion of the new regulations is also provided.

Table A-VI-F-5 is reprinted with permission of the Institute of Makers of Explosives with the provision that the entire table, complete with all explanatory footnotes, be printed. Table A-VI-F-5 is used for magazines containing high explosives or a combination of high explosives and low explosives, and for magazines containing blasting agents.

TABLE A-VI-F-2 - DEFINITIONS FOR DIVISIONS OF CLASS 1 (EXPLOSIVE) MATERIALS

DIVISION	DEFINITION
1.1	Explosives that have a mass hazard explosion. A mass explosision *[sic.]* is one which affects almost the entire load instantaneously. (Examples include dynamite, cap-sensitive water gels, slurries, emulsions, and cast boosters.)
1.2	Explosives that have a projection hazard but not a mass explosion hazard. (Examples include ammunition, projectiles, and bombs.)
1.3	Explosives that have a fire hazard and either a minor blast hazard or a minor projection hazard, or both, but not a mass explosion hazard. (Examples include some propellants, some fireworks, and flares.)
1.4	Explosive devices that present a minor explosion hazard. External fire must not cause virtually instantaneous explosion of almost the entire contents of the package. (Examples include some detonators and detonating cords, safety fuse, electric squibs, igniters, ignitiing *[sic.]* cord, and some fireworks.)
1.5	Very insensitive explosives. This division is comprised of substances which have a mass explosion hazard but are so insensitive that there is very little probability of initiation or of transition from burning to detonation under normal conditions of transport. (Examples include blasting agents.)
1.6	Extremely insentive *[sic.]* articles which do not have a mass explosion hazard. This division is comprised of articles which contain only extremely insensitive detonation substances and which demonstrate a negligible probability of accidental initiation or propagation. (This division is not commonly used for commercial explosives.)

TABLE A-VI-F-3 - COMPARISON OF OLD TO CURRENT EXPLOSIVES CLASSIFICATIONS

CLASS A EXPLOSIVES	May be either DIVISION 1.1 or 1.2 depending of the material
CLASS B EXPLOSIVES	May be either DIVISION 1.2 or 1.3 depending of the material
CLASS C EXPLOSIVES	DIVISION 1.4
BLASTING AGENTS	DIVISION 1.5
(NO APPLICABLE CLASS)	DIVISION 1.6

TABLE A-VI-F-4 - EXPLOSIVES COMPATIBILITY GROUPS

DESCRIPTION OF SUBSTANCES OR ARTICLE TO BE CLASSIFIED	COMPATIBILITY GROUP	CLASSIFICATION CODE
Primary explosive substance.	A	1.1A
Article containing a primary explosive substance and not containing two or more effective protective substances.	B	1.1B 1.2B 1.4B
Propellant explosive substance or other deflagrating explosive substance or article containing such explosive substance.	C	1.1C 1.2C 1.3C 1.4C
Secondary detonating explosive substance or black powder or article containing a secondary detonating explosive substance, in each case without means of initiation and without a propelling charge, or article containing a primary explosive substance and containing two or more effective protective features.	D	1.1D 1.2D 1.4D 1.5D

Article containing a secondary detonating explosive substance, without means of initiation, with a propelling charge (other than one containing flammable liquid or hypergolic liquid).	**E**	**1.1E 1.2E 1.4E**
Article containing a secondary detonating explosive substance with its means of initiation, with a propelling charge (other than one containing flammable liquid or hypergolic liquid) or without a propelling charge.	**F**	**1.1F 1.2F 1.3F 1.4F**
Pyrotechnic substance or article containing a pyrotechnic substance, or article containing both an explosive substance and an illuminating, incendiary, tear-producing, or smoke-producing substance (other than a water-activated article or one containing white phosphorus, phosphide, or flammable liquid or gel or hypergolic liquid).	**G**	**1.1G 1.2G 1.3G 1.4G**
Article containing both an explosive substance and white phosphorus.	**H**	**1.2H 1.3H**
Article containing both an explosive substance and flammable liquid or gel.	**J**	**1.1J 1.2J 1.3J**
Article containing both an explosive substance and a toxic chemical agent.	**K**	**1.2K 1.3K**
Explosive substance or article containing an explosive substance and presenting a special risk (e.g., due to water-activation or presence of hypergolic liquids, phosphides, or pyrophoric substances) needing isolation of each type.	**L**	**1.1L 1.2L 1.3L**
Articles containing only extremely insensitive detonating substances.	**N**	**1.6N**
Substance or article so packed or designed that any hazardous effects arising from accidental functioning are limited to the extent that they do not significantly hinder or prohibit fire fighting or other emergency response efforts in the immediate vicinity of the package.	**S**	**1.4S**

TABLE A-VI-F-5—AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVE MATERIALS
As Revised and Approved by the Institute of Makers of Explosives—June 1991[14]

QUANTITY OF EXPLOSIVE MATERIALS[1,2,3,4,15]		DISTANCES IN FEET × 304.8 for mm							
		Inhabited Buildings[9]		Public Highways with Traffic Volume of less than 3,000 Vehicles per Day		Passenger Railways—Public Highways with Traffic Volume of more than 3,000 Vehicles/Day[10,11]		Separation of Magazines[5, 12]	
Pounds Over	Pounds Not Over	Barricaded[6,7,8]	Unbarricaded	Barricaded[6,7,8]	Unbarricaded	Barricaded[6,7,8]	Unbarricaded	Barricaded[6,7,8]	Unbarricaded
× 0.454 for kg									
0	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	522	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	34	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	949	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	520	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470

(Continued)

TABLE A-VI-F-5—AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVE MATERIALS—(Continued)
As Revised and Approved by the Institute of Makers of Explosives—June 1991[14]

QUANTITY OF EXPLOSIVE MATERIALS[1,2,3,4,15]		DISTANCES IN FEET × 304.8 for mm							
		Inhabited Buildings[9]		Public Highways with Traffic Volume of less than 3,000 Vehicles per Day		Passenger Railways—Public Highways with Traffic Volume of more than 3,000 Vehicles/Day[10,11]		Separation of Magazines[5, 12]	
Pounds Over	Pounds Not Over								
× 0.454 for kg		Barricaded[6,7,8]	Unbarricaded	Barricaded[6,7,8]	Unbarricaded	Barricaded[6,7,8]	Unbarricaded	Barricaded[6,7,8]	Unbarricaded
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,990	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	2,010	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,030	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,055	2,030	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,055	620	1,240	1,762	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000[13]	2,275	2,275	690	1,380	2,000	2,000	385	770

[1]"Explosive materials" means explosives, blasting agents and detonators.

[2]"Explosives" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. A list of explosives determined to be within the coverage of 18 USC Chapter 40, Importation, Manufacturer, Distribution and Storage of Explosive Materials, is issued at least annually by the director of the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury. For quantity and distance purposes, detonating cord of 50 grains per foot (10.7 g/m) should be calculated as equivalent to 8 pounds (3.6 kg) of high explosives per 1,000 feet (304.8 m). Heavier or lighter core loads should be rated proportionately.

[3]"Blasting agents" means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive, provided that the finished product, as mixed for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

[4]"Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use within safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps which use detonating cord, shock tube or any other replacement for electric leg wires. All types of detonators in strengths through No. 8 cap should be rated at $1\frac{1}{2}$ pounds (0.68 kg) of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

[5]"Magazine" means any building, structure or container, other than an explosives manufacturing building, approved for the storage of explosive materials.

[6]"Natural barricade" means natural features of the ground such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

[7]"Artificial barricade" means an artificial mound or revetted wall of earth of a minimum thickness of 3 feet (914.4 mm).

[8]"Barricaded" means the effective screening of a building containing explosive materials from the magazine or other building, railway or highway by a natural or an artificial barrier. A straight line from the top of any side wall of the building containing explosive materials to the eave line of any magazine or other building or to a point 12 feet (3657.6 mm) above the center of a railway or highway shall pass through such barrier.

[9]"Inhabited building" means a building regularly occupied in whole or part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

[10]"Railway" means any steam, electric or other railroad or railway which carries passengers for hire.

[11]"Highway" means any public street, public alley or public road.

[12]When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways and highways, and in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosive materials contained in detonator magazines shall govern in regard to the spacing of said detonator magazines from magazines containing other explosive materials. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosive materials stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways and highways.

[13]Storage in excess of 300,000 pounds (136 077.6 kg) of explosive materials in one magazine is generally not required for commercial enterprises.

[14]This table applies only to the manufacture and permanent storage of commercial explosive materials. It is not applicable to transportation of explosives or any handling or temporary storage necessary or incidental thereto. It is not intended to apply to bombs, projectiles or other heavily encased explosives.

[15]When a manufacturing building on an explosive materials plant site is designed to contain explosive materials, such building shall be located from inhabited buildings, public highways and passenger railways in accordance with Table A-VI-F-5 based on the maximum quantity of explosive materials permitted to be in the building at one time.

NOTE: The American Table of Distances (Table A-VI-F-5) is reprinted by permission of the Institute of Makers of Explosives with the provision that the entire table, complete with all explanatory footnotes, be printed.

TABLE A-VI-F-6—TABLE OF RECOMMENDED SEPARATION DISTANCES OF AMMONIUM NITRATE AND BLASTING AGENTS FROM EXPLOSIVES OR BLASTING AGENTS[1,6]

DONOR WEIGHT		MINIMUM SEPARATION DISTANCE OF ACCEPTOR WHEN BARRICADED[2] (feet)		MINIMUM THICKNESS OF ARTIFICIAL BARRICADES[5] (inches)
Pounds Over	Pounds Not Over	× 304.8 for mm		
× 0.454 for kg		Ammonium Nitrate[3]	Blasting Agent[4]	× 25.4 for mm
	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	42	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

[1]Recommended separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based agents by propagation from nearby stores of high explosives or blasting agents referred to in Table A-VI-F-6 as the "donor." Ammonium nitrate, by itself, is not considered to be a donor when applying Table A-VI-F-6. Ammonium nitrate, ammonium nitrate-fuel oil or combination thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate should be included in the mass of the donor.

[2]When the ammonium nitrate or blasting agent is not barricaded, the distances shown in Table A-VI-F-6 shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers and the like which may enclose the "donor." Where storage is in bullet-resistant magazines recommended for explosives or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in Table A-VI-F-5, Footnote 7, are not required. For construction of bullet-resistant magazines, see Article 77.

[3]The distances in Table A-VI-F-6 apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the Fertilizer Institute (Definitions and Test Procedures for Ammonium Nitrate Fertilizer, Fertilizer Institute 1964); and ammonium nitrate failing to pass said test shall be stored at separation distances determined by competent persons and approved by the authority having jurisdiction.

[4]These distances apply to blasting agents which pass the insensitivity test prescribed in regulations of the United States Department of Transportation and the United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms.

[5]Earth, or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves, are also acceptable.

[6]For determining the distances to be maintained from inhabited buildings, passenger railways and public highways, see Table A-VI-F-5 (High Explosives and Blasting Agents) or Table A-VI-F-7 (Low Explosives).

TABLE A-VI-F-7
TABLE OF DISTANCES FOR STORAGE OF LOW EXPLOSIVES

LOW EXPLOSIVES (pounds)		FROM INHABITED BUILDING DISTANCE (feet)	FROM PUBLIC RAILROAD AND HIGHWAY DISTANCE (feet)	FROM ABOVEGROUND MAGAZINE (feet)
× 0.454 for kg		× 304.8 for mm		
Over	Not Over			
0	1,000	75	75	60
1,000	5,000	115	115	75
5,000	10,000	130	130	100
10,000	20,000	180	180	225
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	300	300	190
80,000	90,000	325	325	195
90,000	100,000	350	350	200
100,000	200,000	375	375	250
200,000	300,000	400	400	300

TABLE A-VI-F-8—DISTANCES FOR THE OPEN BURNING OF EXPLOSIVES[1]

QUANTITY OF EXPLOSIVES[2,3,4,5] (Not Over)	MINIMUM DISTANCE IN FEET × 304.8 for mm						
	Inhabited Buildings[9]		Public Highways with Traffic Volume of less than 3,000 Vehicles per Day[10]		Passenger Railways and Public Highways with Traffic Volume more than 3,000 Vehicles per Day[10,11]		
Pounds × 0.454 for kg	No Missile Hazard	Missile Hazard without Barricade[6,7,8]	No Missile Hazard	Missile Hazard without Barricade[6,7,8]	No Missile Hazard	Missile Hazard without Barricade[6,7,8]	Separation From Other Open Burning Units
10	90	180	35	70	64	128	8
20	110	220	45	90	81	162	10
50	150	300	60	120	110	220	14
75	170	340	70	140	127	254	15
100	190	380	75	150	139	278	16
250	255	510	105	210	189	378	23
500	320	640	130	260	238	476	29
1,000	400	800	160	320	300	600	36
1,600	470	940	175	350	351	702	43
2,000	505	1,010	185	370	378	756	45
2,500	545	1,090	190	380	408	816	49
3,000	580	1,160	195	390	432	864	52
4,000	635	1,270	210	420	474	948	58
5,000	685	1,370	225	450	513	1,026	61
6,000	730	1,460	235	470	546	1,092	65
7,000	770	1,540	245	490	573	1,146	68
8,000	800	1,600	250	500	600	1,200	72
9,000	835	1,670	255	510	624	1,248	75
10,000	865	1,730	260	520	645	1,290	78

[1]This table is intended only for application of open burning of commercial explosive materials. The distances stated in this table should be measured from the center of the unit, except for separations from other open burning units, which are measured from the edge of the unit.

[2]"Explosive materials" means any explosive, slurry, emulsion, detonating cord, blasting agents and detonators.

[3]"Explosives" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. A list of explosives determined to be within the coverage of 18 U.S.C. Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Material, is issued at least annually by the director of the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury. For quantity and distance purposes, detonating cord of 50 grains per foot (10.7 g/m) should be calculated as equivalent to 8 pounds (3.6 kg) of high explosives per 1,000 feet (304.8 m). Heavier or lighter core loads should be rated proportionally.

[4]"Blasting agents" means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive, provided the finished product, as mixed for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

[5]"Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay blasting caps which use detonating cord, shock tube or any other replacement for electric wires. All types of detonators in strengths through No. 8 cap should be rated at $1^1/_2$ pounds (0.68 kg) of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

[6]"Natural barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures that require protection cannot be seen from the magazine when the trees are bare of leaves.

[7]"Artificial barricade" means an artificial mound or revetted wall of earth of a minimum thickness of 3 feet (914.4 mm).

[8]"Barricaded" means the effective screening of a building containing explosive materials from the magazine or other building, OB/OD site, railway or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosive materials to the eave line of any magazine or other building or to a point 12 feet (3657.6 mm) above the center of a railway or highway shall pass through such a barrier.

[9]"Inhabited building" means a building, regularly occupied in whole or part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble. This does not mean any office, warehouse, production, laboratory or other buildings that are a part of the facility where the open burning or open detonation sites are located.

[10]"Highway" means any public street, public alley or public road.

[11]"Railway" means any steam, electric or other railroad or railway which carries passengers for hire.

TABLE A-VI-F-9—DISTANCES FOR THE OPEN DETONATION OF EXPLOSIVES[1]

QUANTITY OF EXPLOSIVES[2,3,4,5] (Not Over)	MINIMUM DISTANCE IN FEET × 304.8 for mm							
	Inhabited Building[9]		Public Highways with Traffic Volume of less than 3,000 Vehicles per Day[10]		Passenger Railways and Public Highways with Traffic Volume of more than 3,000 Vehicles per Day[10,11]		Separation from Other Open Detonation Units	
Pounds × 0.454 for kg	No Missile Hazard	Missile Hazard without Barricade[6,7,8]	No Missile Hazard	Missile Hazard without Barricade[6,7,8]	No Missile Hazard	Missile Hazard without Barricade[6,7,8]	No Missile Hazard	Missile Hazard without Barricade[6,7,8]
1	730	730	325	325	480	480	6	12
2	920	920	410	410	600	600	6	12
5	1,250	1,250	550	550	820	820	6	12
10	1,600	1,600	695	695	1,030	1,030	8	16
20	1,990	1,990	875	875	1,295	1,295	10	20
50	2,700	2,700	1,190	1,190	1,760	1,760	14	28
75	3,080	3,080	1,360	1,360	2,015	2,015	15	30
100	3,400	3,400	1,500	1,500	2,220	2,220	16	32
150	3,900	3,900	1,715	1,715	2,535	2,535	19	38
200	4,275	4,275	1,890	1,890	2,795	2,795	21	42
300	4,900	4,900	2,160	2,160	3,200	3,200	24	48
400	5,400	5,400	2,380	2,380	3,520	3,520	27	54
500	5,800	5,800	2,560	2,560	3,790	3,790	29	58

[1]Table A-VI-F-9 is intended only for application of open detonation of commercial explosive materials. The distances stated in Table A-VI-F-9 should be measured form the center of the unit, except for separations from other open detonation units, which are measured from the edge of the unit.

[2]"Explosive materials" means any explosive, slurry, emulsion, detonating cord, blasting agents and detonators.

[3]"Explosives" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. A list of explosives determined to be within the coverage of 18 U.S.C. Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Material, is issued at least annually by the director of the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury. For quantity and distance purposes, detonating cord of 50 grains per foot (10.7 g/m) should be calculated as equivalent to 8 pounds (3.6 kg) of high explosives per 1,000 feet (304.8 m). Heavier or lighter core loads should be rated proportionally.

[4]"Blasting agents" means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive, provided the finished product, as mixed for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

[5]"Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay blasting caps which use detonating cord, shock tube or any other replacement for electric wires. All types of detonators in strengths through No. 8 cap should be rated at $1^1/_2$ pounds (0.68 kg) of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

[6]"Natural barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures that require protection cannot be seen from the magazine when the trees are bare of leaves.

[7]"Artificial barricade" means an artificial mound or revetted wall of earth of a minimum thickness of 3 feet (914.4 mm).

[8]"Barricaded" means the effective screening of a building containing explosive materials from the magazine or other building, OB/OD site, railway or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosive materials to the eave line of any magazine or other building or to a point 12 feet (3657.6 mm) above the center of a railway or highway shall pass through such a barrier.

[9]"Inhabited building" means a building, regularly occupied in whole or part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble. This does not mean any office, warehouse, production, laboratory or other buildings that are a part of the facility where the open burning or open detonation sites are located.

[10]"Highway" means any public street, public alley or public road.

[11]"Railway" means any steam, electric or other railroad or railway which carries passengers for hire.

(Fire Prevention and Building Safety Commission; 675 IAC 22-2.3-341; filed Apr 17, 2003, 5:00 p.m.: 26 IR 3024)

SECTION 2. THE FOLLOWING ARE REPEALED: 675 IAC 22-2.2-1; 675 IAC 22-2.2-2; 675 IAC 22-2.2-28; 675 IAC 22-2.2-29; 675 IAC 22-2.2-30; 675 IAC 22-2.2-31; 675 IAC 22-2.2-32; 675 IAC 22-2.2-33; 675 IAC 22-2.2-34; 675 IAC 22-2.2-35; 675 IAC 22-2.2-36; 675 IAC 22-2.2-37; 675 IAC 22-2.2-38; 675 IAC 22-2.2-39; 675 IAC 22-2.2-40; 675 IAC 22-2.2-41; 675 IAC 22-2.2-42; 675 IAC 22-2.2-43; 675 IAC 22-2.2-44; 675 IAC 22-2.2-45; 675 IAC 22-2.2-46; 675 IAC 22-2.2-47; 675 IAC 22-2.2-48; 675 IAC 22-2.2-49; 675 IAC 22-2.2-50; 675 IAC 22-2.2-51; 675 IAC 22-2.2-52; 675 IAC 22-2.2-53; 675 IAC 22-2.2-54; 675 IAC 22-2.2-55; 675 IAC 22-2.2-56; 675 IAC 22-2.2-57; 675 IAC 22-2.2-58; 675 IAC 22-2.2-59; 675 IAC 22-2.2-60; 675 IAC 22-2.2-61; 675 IAC 22-2.2-62; 675 IAC 22-2.2-63; 675 IAC 22-2.2-64; 675 IAC 22-2.2-65; 675 IAC 22-2.2-66; 675 IAC 22-2.2-67; 675 IAC 22-2.2-68; 675 IAC 22-2.2-69; 675 IAC 22-2.2-70; 675 IAC 22-2.2-71; 675 IAC 22-2.2-72; 675 IAC 22-2.2-73; 675 IAC 22-2.2-74; 675 IAC 22-2.2-75; 675 IAC 22-2.2-76; 675 IAC 22-2.2-77; 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LSA Document #02-117(F)
Notice of Intent Published: 25 IR 2545
Proposed Rule Published: July 1, 2002; 25 IR 3381
Hearing Held: September 16, 2002 and November 6, 2002
Approved by Attorney General: April 14, 2003
Approved by Governor: April 17, 2003
Filed with Secretary of State: April 17, 2003, 5:00 p.m.
Incorporated Documents Filed with Secretary of State: International Fire Code, 2000 Edition, fourth printing.

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #02-118(F)

DIGEST

Adds 675 IAC 25,which adopts by reference and amends the 2000 International Fuel Gas Code, fifth printing as the Indiana Fuel Gas Code, 2003 Edition. Effective 30 days after filing with the secretary of state.

675 IAC 25

SECTION 1. 675 IAC 25 IS ADDED TO READ AS FOLLOWS:

ARTICLE 25. FUEL GAS CODE

Rule 1. Indiana Fuel Gas Code, 2003 Edition

675 IAC 25-1-1 Adoption by reference; title; availability; scope; purpose

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 1. (a) That certain document being titled the 2000 International Fuel Gas Code, fifth printing, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, is hereby adopted by reference as if fully set out in this rule save and except those revisions made in this rule.

(b) This rule is available for review and reference at the Fire and Building Services Department, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204. *(Fire Prevention and Building Safety Commission; 675 IAC 25-1-1; filed Apr 21, 2003, 8:50 a.m.: 26 IR 3032)*

675 IAC 25-1-2 Chapter 1; administration

Authority: IC 22-13-2-2
Affected: IC 4-21.5; IC 4-22-7-7; IC 22-12-7; IC 22-13-2-7; IC 22-13-5; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 2. Delete Chapter 1 and substitute to read as follows:

Section 101 Application

101.1 Title

This rule shall be known as the Indiana Fuel Gas Code, 2003 edition and shall be published, except incorporated documents, by the fire and building services department, for general distribution and use under that title. Wherever the term "this code" is used throughout this rule, it shall mean the Indiana Fuel Gas Code, 2003 edition.

101.2 Scope

This code shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment, and related accessories as follows:

1. Coverage of piping systems shall extend from the point of delivery to the connections with gas utilization equipment. (See "point of delivery.")

2. Systems with an operating pressure of one hundred twenty-five (125) psig (eight hundred sixty-two (862) kPa gauge) or less.

Piping systems for gas-air mixtures within the flammable range with an operating pressure of ten (10) psig (sixty-nine (69) kPa gauge).

LP-Gas piping systems with an operating pressure of twenty (20) psig (one hundred forty (140) kPa gauge) or less.

3. Piping systems requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation, and maintenance.

4. Requirements for gas utilization equipment and related accessories shall include installation, combustion, and ventilation air and venting.

This code shall not apply to the following:

1. Portable LP-Gas equipment of all types that are not connected to a fixed fuel piping system.

2. Installation of farm equipment such as brooders, dehydrators, dryers, and irrigation equipment.

3. Raw material (feedstock) applications except for piping to special atmosphere generators.

4. Oxygen-fuel gas cutting and welding systems.

5. Industrial gas applications using gases, such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen, and nitrogen.

6. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms, and natural gas processing plants.

7. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by chemical reactions or used in chemical reactions.

8. LP-Gas installations.

9. Liquefied natural gas (LNG) installations.

10. Fuel gas piping in power and atomic energy plants.

11. Proprietary items of equipment, apparatus, or instruments such as gas generating sets, compressors, and calorimeters.

12. LP-Gas equipment for vaporization, gas mixing, and gas manufacturing.

13. Temporary LP-Gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.

14. Installation of LP-Gas systems for railroad switch heating.

15. Installation of LP-Gas and compressed natural gas (CCNG) systems on vehicles.

16. Except as provided in Section 401.1.1, gas piping, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-Gas.

17. Building design and construction, except as specified herein.

101.3 Appendices and Standards

Provisions in the appendices are not enforceable unless specifically adopted.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

EXCEPTION: Where enforcement of a code provision would violate the conditions of the listing, labeling, or manufacturer s installation instructions of the equipment or appliance, the conditions of the listing, labeling, or manufacturer s instructions shall apply.

101.4 Appeals and Interpretations

Appeals from orders issued by the Fire Prevention and Building Safety Commission, the Office of the State Building Commissioner, or the Office of the State Fire Marshal are governed by IC 4-21.5 and IC 22-12-7. Appeals from orders by a local unit of government are governed by IC 22-13-2-7 and local ordinance. Upon the written request of an interested person who has a dispute with a county or municipal government concerning a building rule, the Office of the State Building Commissioner may issue a written interpretation of a building law. The written interpretation as issued under IC 22-13-5 binds the inter-

ested person and the county or municipality with whom the interested person has the dispute until overruled in a proceeding under IC 4-21.5. A written interpretation of a building law binds all counties and municipalities if the office of the state building commissioner publishes the written interpretation of the building law in the Indiana Register under IC 4-22-7-7(b).

101.5 Plans

Plans shall be submitted for Class 1 structures as required by the General Administrative Rules (675 IAC 12) and the Industrialized Building Systems (675 IAC 15).

101.6 Existing Construction

For existing Class 1 structures, see the General Administrative Rules (675 IAC 12) and local ordinance.

101.7 Additions and Alterations

Additions and alterations to any Class 1 structure shall conform to that required of a new structure without requiring the existing structure to comply with all the requirements of this code. Additions or alterations shall not cause an existing structure to become unsafe (See the General Administrative Rules (675 IAC 12-4)).

101.8 Alternate Materials, Methods, and Equipment

Alternate materials, methods, equipment, and design shall be as required by the General Administrative Rules (675 IAC 12-6-11) and the rules for Industrialized Building Systems (675 IAC 15). *(Fire Prevention and Building Safety Commission; 675 IAC 25-1-2; filed Apr 21, 2003, 8:50 a.m.: 26 IR 3033)*

675 IAC 25-1-3 Chapter 2; definitions

Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14-2-10; IC 22-15-2-7; IC 25-4; IC 25-31; IC 36-7-2-9; IC 36-8-17-9

Sec. 3. (a) Change the following definitions to read as follows:

APPROVED as to materials, equipment, design, and types of construction, acceptance by the code official by one (1) of the following methods:

(1) investigation or tests conducted by recognized authorities; or

(2) investigation or tests conducted by technical or scientific organizations; or

(3) accepted principles.

The investigation, tests, or principles shall establish that the materials, equipment, and types of construction are safe for their intended purpose.

CODE OFFICIAL. The office of the state building commissioner as authorized under IC 22-15-2-7; the office of the state fire marshal as authorized under IC 22-14-2-10; the local building official as authorized under IC 36-7-2-9 and local ordinance; the fire department as authorized under IC 36-8-17-9.

CONSTRUCTION DOCUMENTS. Documents required to obtain a design release in accordance with the General Administrative Rules (675 IAC 12-6) and the rules for Industrialized Building Systems (675 IAC 15).

LABELED. Equipment, devices, appliances, 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 or production of labeled equipment or materials, and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

LISTED. Equipment, appliances, devices, 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.

(b) Add the following definitions to read as follows:

ICC ELECTRICAL CODE. Refers to the Indiana Electrical Code (675 IAC 17).

INTERNATIONAL CODES. Refers to the rules of the Fire Prevention and Building Safety Commission (675 IAC).

INTERNATIONAL BUILDING CODE refers to the INDIANA BUILDING CODE (675 IAC 13).

INTERNATIONAL FIRE CODE refers to the INDIANA FIRE CODE (675 IAC 22).

INTERNATIONAL MECHANICAL CODE refers to the INDIANA MECHANICAL CODE (675 IAC 18).

INTERNATIONAL FUEL GAS CODE refers to the INDIANA FULES *[sic.]* **GAS CODE (675 IAC 25).**

INTERNATIONAL ENERGY CONSERVATION CODE refers to the INDIANA ENERGY CONSERVATION CODE (675 IAC 19).

INTERNATIONAL PLUMBING CODE refers to the INDIANA PLUMBING CODE (675 16 *[sic., 675 IAC 16]***).**

INTERNATIONAL RESIDENTIAL CODE refers to the INDIANA RESIDENTIAL CODE (675 IAC 14).

NFPA 51 refers to 675 IAC 22-2.2-10.

NFPA 58 refers to 675 IAC 22-2.2-14.

REGISTERED DESIGN PROFESSIONAL. An architect who is registered under IC 25-4 or professional engineer who is registered under IC 25-31. If a registered design professional is not required by 675 IAC 12-6 or 675 IAC 15, then it means the owner.

(Fire Prevention and Building Safety Commission; 675 IAC 25-1-3; filed Apr 21, 2003, 8:50 a.m.: 26 IR 3034)

675 IAC 25-1-4 Section 301.3; listed and labeled
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 4. Change Section 301.3 Listed and labeled to read as follows: Appliances regulated by this code shall be listed and labeled unless otherwise approved. *(Fire Prevention and Building Safety Commission; 675 IAC 25-1-4; filed Apr 21, 2003, 8:50 a.m.: 26 IR 3035)*

675 IAC 25-1-5 Sections 301.4, 301.4.1, 301.4.2, 301.4.2.1, 301.4.2.2, and 301.4.2.3; labeling, testing, inspection and identification, equipment, and personnel
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 5. Delete Sections 301.4 through 301.4.2.3 without substitution. *(Fire Prevention and Building Safety Commission; 675 IAC 25-1-5; filed Apr 21, 2003, 8:50 a.m.: 26 IR 3035)*

675 IAC 25-1-6 Section 305.1; general
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 6. Change Section 305.1 by deleting from the last line "and the requirements determined by the code official" and inserting "or other approved methods". *(Fire Prevention and Building Safety Commission; 675 IAC 25-1-6; filed Apr 21, 2003, 8:50 a.m.: 26 IR 3035)*

675 IAC 25-1-7 Section 305.3; public garages
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 7. Amend Section 305.3, in the exception, by deleting "and NFPA 88B". *(Fire Prevention and Building Safety Commission; 675 IAC 25-1-7; filed Apr 21, 2003, 8:50 a.m.: 26 IR 3035)*

675 IAC 25-1-8 Section 412; liquefied petroleum gas motor vehicle fuel-dispensing station
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 8. In Section 412 Liquefied petroleum gas motor vehicle fuel-dispensing station, delete the entire text and insert "See the Indiana Fire Code (675 IAC 22)". *(Fire Prevention and Building Safety Commission; 675 IAC 25-1-8; filed Apr 21, 2003, 8:50 a.m.: 26 IR 3035)*

675 IAC 25-1-9 Section 413; compressed natural gas motor vehicle fuel-dispensing stations
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 9. In Section 413 Compressed natural gas motor vehicle fuel-dispensing stations, delete the entire text and insert "See the Indiana Fire Code (675 IAC 22)". *(Fire Prevention and Building Safety Commission; 675 IAC 25-1-9; filed Apr 21, 2003, 8:50 a.m.: 26 IR 3035)*

675 IAC 25-1-10 Chapter 7 Reference Standards
Authority: IC 22-13-2-2
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7-2-9

Sec. 10. In Chapter 7 Reference Standards, amend the last sentence of the first paragraph to read as follows: "The application of the reference standards shall be as specified in Section 101.3". *(Fire Prevention and Building Safety Commission; 675 IAC 25-1-10; filed Apr 21, 2003, 8:50 a.m.: 26 IR 3035)*

LSA Document #02-118(F)
Notice of Intent Published: 25 IR 2545
Proposed Rule Published: July 1, 2002; 25 IR 3443
Hearing Held: September 16, 2002 and November 6, 2002
Approved by Attorney General: April 14, 2003
Approved by Governor: April 17, 2003
Filed with Secretary of State: April 21, 2003, 8:50 a.m.
Incorporated Documents Filed with Secretary of State: International Fuel Gas Code, fifth printing.

TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #02-137(F)

DIGEST

Adds 760 IAC 1-68 regarding requirements for a multiple employer welfare arrangement to obtain a certificate of registration, including reinsurance requirements, reserve levels, deposits, financial reporting, fidelity bonds, and operation of a multiple employer welfare arrangement, and to otherwise implement IC 27-1-34. Effective 30 days after filing with the secretary of state.

760 IAC 1-68

SECTION 1. 760 IAC 1-68 IS ADDED TO READ AS FOLLOWS:

Rule 68. Multiple Employer Welfare Arrangements

760 IAC 1-68-1 Definitions
Authority: IC 27-1-34-9
Affected: IC 27-1-34-1

Sec. 1. The following definitions apply throughout this rule:
(1) "Commissioner" means the commissioner of the Indiana department of insurance.
(2) "Creditable coverage" has the meaning set forth in the federal Health Insurance Portability and Accountability Act of 1996 (26 U.S.C. 9801(c)(1)).

(3) "Department" means the Indiana department of insurance.

(4) "Fund balance" means the total assets in excess of total liabilities, except that assets pledged to secure debts not reflected on the books of the multiple employer welfare arrangement are not included in the fund balance. The term includes other contributed capital, retained earnings, and subordinated debt.

(5) "Health benefit plan" means any plan that provides benefits for health care services. The term does not include the following:

(A) Accident-only or disability income insurance or a combination of accident-only and disability income insurance.

(B) Credit only insurance.

(C) Disability insurance.

(D) Coverage for a specified disease or illness.

(E) Medicare supplement policies.

(F) Long term care coverage.

(G) Workers' compensation insurance.

(H) A jointly managed trust authorized under 29 U.S.C. 141 et seq. with a plan of benefits for employees negotiated in a collective bargaining agreement governing wages, hours, and working conditions of the employees as authorized under 29 U.S.C. 157.

(I) Hospital indemnity or fixed indemnity insurance.

(J) Reinsurance contract issued on a stop-loss, quota-share, or similar basis.

(K) Short term major medical contracts.

(L) Liability insurance.

(6) "Multiple employer welfare arrangement" or "MEWA" has the meaning set forth in IC 27-1-34-1.

(7) "Participant criteria" means any criteria or rules established by an employer to determine the employees who are eligible for enrollment, including continued enrollment, under the terms of a health benefit plan.

(8) "Participation agreement" means the document pursuant to which an employer undertakes and agrees to fulfill obligations as a member of the MEWA.

(9) "Qualified actuary" means an actuary who is not an employee of the MEWA and is a fellow of the Society of Actuaries, a member of the American Academy of Actuaries, or an enrolled actuary under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001, et seq.).

(10) "Qualified financial institution" means an institution that is organized or, in the case of a United States branch or agency office of a foreign banking organization, is licensed under the laws of the United States or any state and has been granted authority to operate with fiduciary powers and is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies.

(Department of Insurance; 760 IAC 1-68-1; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3035)

760 IAC 1-68-2 Certificate of registration

Authority: IC 27-1-34-9
Affected: IC 4-21.5-5; IC 27-1-25; IC 27-1-34

Sec. 2. (a) A MEWA may not engage in business in Indiana without first obtaining a certificate of registration from the department.

(b) To obtain a certificate of registration, a MEWA shall submit an application for a certificate of registration. The application shall be on a form prescribed by the department. The application shall be completed and submitted along with the following information:

(1) Copies of all articles, bylaws, agreements, trusts, or other documents describing the rights and obligations of employers, employees, and beneficiaries.

(2) Current financial statements of the MEWA and a projection of the assets, liabilities, income, and expenses of the MEWA for the next twelve (12) months.

(3) Proof of a fidelity bond, which shall protect against acts of fraud or dishonesty in servicing the MEWA, covering each person responsible for servicing the MEWA in an amount equal to:

(A) the greater of ten percent (10%) of the premiums and contributions received by the MEWA; or

(B) ten percent (10%) of the benefits paid;

during the preceding calendar year, with a minimum of ten thousand dollars ($10,000) and a maximum of five hundred thousand dollars ($500,000). No additional bond shall be required of a third party administrator licensed under IC 27-1-25.

(4) A business plan for the MEWA, including the proposed marketing and sales plan and documents.

(5) An opinion from a qualified actuary satisfactory to the commissioner showing that the MEWA will be operated in accordance with sound actuarial principles.

(6) A certification by the applicant that the MEWA is in compliance with all applicable provisions of the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.) or that the applicant is exempt from the Employee Retirement Income Security Act of 1974 including the basis for the asserted exemption.

(7) Copies of the plan documents and agreements with service providers.

(8) A statement of the costs of coverage to be charged, including an itemization of amounts for administration, reserves, and other expenses associated with operation of the MEWA.

(9) Names and addresses of the following:

(A) The association or group of employers sponsoring the MEWA.

(B) The members of the board of trustees or directors, as applicable, of the MEWA.

(C) If not an association, at least two (2) employers.

(10) The application fee required by section 17 of this rule.

(c) The commissioner shall examine the application and documents submitted by the applicant and shall have the power to conduct any investigation the commissioner may deem necessary and to examine under oath any persons interested in or connected with the MEWA. The commissioner may request any additional information that he or she deems relevant to the application. A certificate of registration will not be issued until the commissioner approves the MEWA's application.

(d) To meet the requirements for approval of an application for a certificate of registration, a MEWA must meet all of the following conditions:

(1) The employers in the MEWA must be members of an association or group of two (2) or more businesses in the same trade or industry, including closely related businesses that provide support, services, or supplies primarily to that trade or industry. If an association, the association must:

(A) be engaged in substantial activity for its members other than sponsorship of an employee welfare benefit plan; and

(B) have been in existence for a period of not less than two (2) years prior to engaging in any activities relating to the provision of employee health benefits to its members.

(2) The MEWA must be controlled and sponsored directly by participating employers or participating employees, or both. The MEWA must be operated pursuant to a trust agreement by a board of trustees that has complete fiscal control over the MEWA and that is responsible for all operations of the MEWA. The trustees must be owners, partners, officers, directors, or employees of employers in the MEWA. The trustees must be equitably divided through the participating employers; no one (1) employer may be represented by a majority of the board.

(3) The MEWA must be a not-for-profit organization.

(4) Coverage under the MEWA must not be offered to persons or groups other than participating employers and, in the event of an association, the sponsoring association.

(5) The MEWA must have within its own organization adequate facilities and competent personnel, as determined by the commissioner, to service the employee benefit plan or must have contracted with a third party administrator holding a certificate of registration under IC 27-1-25.

(6) The MEWA must have applications from not less than two (2) employers and plan to provide similar benefits for not less than two hundred (200) participating employees. The annual gross premiums of or contributions to the plan must not be less than:

(A) twenty thousand dollars ($20,000) for a plan that provides only vision benefits;

(B) seventy-five thousand dollars ($75,000) for a plan that provides only dental benefits; and

(C) two hundred thousand dollars ($200,000) for all other plans.

(7) The MEWA must possess a written commitment, binder, or policy for stop-loss insurance issued by an insurer authorized to do business in this state providing:

(A) not less than sixty (60) days' notice to the commissioner of any cancellation or nonrenewal of coverage; and

(B) both specific and aggregate coverage with an aggregate retention of no more than one hundred twenty-five percent (125%) of the amount of expected claims for the next plan year and a specific retention amount annually determined by the actuarial report required by section 9 of this rule.

Both the specific and the aggregate coverage must require all claims to be submitted within ninety (90) days after the claim is incurred and provide a twelve (12) month claims incurred period and a fifteen (15) month paid claims period for each policy year.

(8) The contributions must be set to fund at least one hundred percent (100%) of the aggregate retention plus all other costs of the MEWA.

(9) The MEWA must establish a procedure acceptable to the commissioner for:

(A) handling claims for benefits in the event of dissolution of the MEWA; and

(B) the routine handling of claims.

(10) The MEWA must obtain the required bond.

(11) The MEWA must be operated in accordance with sound actuarial principles.

(12) All funds of the MEWA must be held in trust in the name of the MEWA in a qualified financial institution.

(13) The MEWA's participation application and participation agreement must contain the language required by section 16 of this rule.

(e) A denial of an application shall:

(1) be in writing;

(2) specify the reasons for denial; and

(3) provide notice of the applicant's right to request a hearing.

Any request for a hearing shall be submitted within thirty (30) days of receipt of the department's denial. A final order of the commissioner is a final order subject to judicial review pursuant to IC 4-21.5-5.

(f) A certificate of registration shall be renewed annually on a form prescribed by the department. The MEWA shall update any information required by section 2(b) *[subsection (b)]* **or attest in writing that there were no material changes to the information previously submitted under section 2(b)** *[subsection (b)]***.**

(g) A MEWA in existence on January 1, 2003, shall do the following:

(1) File notice with the commissioner by July 1, 2003, of its intent to apply for an initial certificate of registration.
(2) File for its initial certificate of registration by October 1, 2003.

The MEWA may continue to conduct business until the certificate of registration is granted or denied by the commissioner. *(Department of Insurance; 760 IAC 1-68-2; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3036)*

760 IAC 1-68-3 Eligibility

Authority: IC 27-1-34-9
Affected: IC 27-1-34

Sec. 3. A MEWA may only provide benefits to active or retired owner, officers, directors, or employees of or partners in participating employers, or the dependents of such persons, except as otherwise limited by the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.). *(Department of Insurance; 760 IAC 1-68-3; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3038)*

760 IAC 1-68-4 Coverage requirements

Authority: IC 27-1-34-9
Affected: IC 25-22.5; IC 25-29; IC 27-1-34

Sec. 4. (a) A MEWA may refuse to provide coverage to an employer employing fifty (50) or more employees in accordance with the MEWA's underwriting standards and criteria. The MEWA shall accept or reject the entire group of individuals who meet the participation criteria and who choose coverage. The MEWA may exclude only those individuals who have declined coverage. Denial by a MEWA of an application for coverage from an employer must be in writing and must state the reason or reasons for the denial.

(b) A MEWA must provide coverage to any employer that meets the participating employer criteria and who employs two (2) to fifty (50) employees.

(c) Upon issuance of coverage to any employer, each MEWA shall provide coverage to the employees who meet the participation criteria established by the terms of the plan document without regard to an individual's health status related factors. The participation criteria may not be based on health status factors.

(d) The MEWA shall obtain a written waiver for each employee who meets the participation criteria and who declines coverage under the MEWA. The waiver must ensure that the employee was not induced or pressured into declining coverage because of the employee's or a dependent's health status.

(e) A MEWA may not provide coverage to an employer or the employees of an employer if the MEWA or an agent for the MEWA knows that the employer has induced or pressured an employee who meets the participation criteria or a dependent of the employee to decline coverage because of that individual's health status.

(f) A MEWA may require an employer to meet minimum contribution or participation requirements as a condition of issuance and renewal in accordance with the terms of the MEWA's plan document. Those requirements shall be:
(1) stated in the plan document; and
(2) applied uniformly to each employer offered or issued coverage by the MEWA.

(g) The initial enrollment period for employees meeting the participation criteria must be at least thirty-one (31) days, with a thirty-one (31) day annual open enrollment period. If dependent coverage is offered, the dependent's open enrollment must also comply with these time periods.

(h) A MEWA may establish a waiting period during which a new employee is not eligible for coverage in accordance with the plan document.

(i) A MEWA's plan document may not, by use of a rider or amendment applicable to a specific individual, limit or exclude coverage by type of illness, treatment, medical condition, or accident, except for preexisting conditions as follows:
(1) A preexisting condition provision in a MEWA may not apply to an expense incurred on or after the expiration of the twelve (12) months following the initial effective date of coverage of the participating employee or dependent. However, this time period may be extended to eighteen (18) months for a late enrollee as defined in the federal Health Insurance Portability and Accountability Act of 1996.
(2) A preexisting condition provision in a MEWA plan document may not apply to coverage for a disease or condition other than a disease or condition for which medical advice, diagnosis, care, or treatment was recommended or received during the six (6) months before the earlier of the:
(A) effective date of coverage; or
(B) first day of the waiting period.
(3) A MEWA shall not treat genetic information as a preexisting condition in the absence of a diagnosis of the condition related to the information.
(4) A MEWA shall not treat a pregnancy as a preexisting condition.
(5) A preexisting condition provision in a MEWA's plan document may not apply to an individual who was continuously covered for a period of twelve (12) months under creditable coverage that was in effect up to a date not more than sixty-three (63) days before the effective date of coverage under the health benefit plan, excluding any waiting period.

(6) In determining whether a preexisting condition provision applies to an individual covered by a MEWA's plan document, the MEWA shall credit the time the individual was covered under previous creditable coverage if the previous coverage was in effect at any time during the twelve (12) months preceding the effective date of coverage under the MEWA. If the previous coverage was issued under a health benefit plan, any waiting period shall also be credited to the preexisting condition provision period.

(7) This section does not preclude application of any waiting period applicable to all new participating employees under the health benefit plan in accordance with the terms of the MEWA's plan document.

(j) A MEWA shall provide that the benefits applicable to an individual or family member shall be payable with respect to a newly born or adopted child of a covered person. The coverage shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities. Coverage shall include, but not be limited to, benefits for inpatient or outpatient expenses arising from medical and dental treatment (including orthodontic and oral surgery treatment) involved in the management of birth defects known as cleft lip and cleft palate. If payment of a specific premium or fee is required to provide coverage for a child, the policy or contract may require that notification of the birth or adoption and payment of the required premium or fee must be furnished to the MEWA within thirty-one (31) days after the date of birth or adoption in order to have continuous coverage beyond the thirty-one (31) day period.

(k) Coverage offered by the MEWA shall comply with the following:

(1) The federal Women's Health and Cancer Rights Act.

(2) The federal Mental Health Parity Act.

(3) The federal Pregnancy Discrimination Act.

(l) The MEWA shall comply with the federal Health Insurance Portability and Accountability Act of 1996.

(m) The MEWA shall provide coverage for the following:

(1) The medically necessary treatment for diabetes, including medically necessary supplies and equipment as ordered in writing by a physician licensed under IC 25-22.5 or a podiatrist licensed under IC 25-29, subject to general provisions of the health benefit plan.

(2) At least one (1) prostate specific antigen test annually for an insured who is at least fifty (50) years of age or is younger than fifty (50) years of age and is at high risk for prostate cancer according to the most recent published guidelines of the American Cancer Society.

(3) Colorectal cancer examinations and laboratory tests for cancer for any nonsymptomatic insured, in accordance with the current American Cancer Society guidelines for a covered individual who is fifty (50) years of age or less than fifty (50) years of age and at high risk for colorectal cancer according to the most recent published guidelines of the American Cancer Society.

(n) A MEWA may not deny enrollment of a child of a covered individual because the child was born out of wedlock, the child is not claimed as a dependent on the parent's federal income tax return, or the child does not reside with the parent or in the MEWA's service area. Whenever a child of a noncustodial parent is eligible for coverage with or covered by the MEWA the MEWA shall do the following:

(1) Provide any information to the custodial parent that is necessary for the child to obtain benefits through the MEWA.

(2) Permit the custodial parent, or the provider of medical services with the custodial parent's approval, to submit claims for covered services without the approval of the noncustodial parent.

(3) Make payments on insurance claims submitted under subdivision (2) directly to the custodial parent, the provider of the medical services, or the office of Medicaid policy and planning.

(4) When a parent is required by a court or an administrative order to provide health coverage for a child and the parent is eligible for family health coverage with the MEWA, the MEWA must do all of the following:

(A) Permit the parent to enroll under the family coverage a child who is otherwise eligible for the coverage, without regard to any enrollment season restriction.

(B) Enroll a child under the family coverage upon application by the child's custodial parent, the office of Medicaid policy and planning, or a Title IV-D agency whenever a noncustodial parent who is enrolled fails to apply for coverage of the child.

(C) The MEWA may not disenroll or eliminate coverage of a child who is otherwise eligible for coverage unless the MEWA is provided satisfactory written evidence that the court order or administrative order is no longer in effect or the child is or will be enrolled in comparable health coverage not later than the effective date of the disenrollment.

(o) If the MEWA coordinates benefits, the coordination of benefits provision must comply with 760 IAC 1-38.1. *(Department of Insurance; 760 IAC 1-68-4; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3038)*

760 IAC 1-68-5 Applications

Authority: IC 27-1-34-9
Affected: IC 27-1-34

Sec. 5. (a) A MEWA, in its application for coverage, may

ask questions of a medically specific nature that are necessary to render a fully informed underwriting determination, based upon sound actuarial principles concerning whether to accept or rate a particular risk, subject to the following conditions:

(1) Questions relating to medical and other factual matters intending to reveal the possible existence of medical conditions are permissible if the applicant has been given an opportunity to provide an explanation for any affirmative answers given in the application. Questions shall:

(A) be related to a finite period of time preceding completion of the application;

(B) be specific and objective; and

(C) provide the applicant the opportunity to give a detailed explanation.

(2) No question in an application shall be directed towards determining or designed to establish the applicant's sexual orientation.

(3) Questions relating to the applicant having human immunodeficiency virus or having been diagnosed as having human immunodeficiency virus are permissible if they are factual, objective, and designed to establish the existence of the condition.

(b) A MEWA may require a potential covered individual to submit to any medical tests, at the insurer's expense, the purpose of which is to determine infection with human immunodeficiency virus, subject to the following conditions:

(1) The test is necessary to render a fully informed underwriting determination based upon sound actuarial principles concerning whether to accept or rate a particular risk.

(2) Whenever an applicant is requested to take a test to determine human immunodeficiency virus infection, the use of such a test must be revealed to the applicant and his or her written consent obtained. No adverse underwriting decision shall be made on the basis of such a positive test unless an established test protocol has been followed.

(3) The following test protocol is established and must be the basis of an adverse underwriting determination:

(A) Two (2) positive ELISA tests.

(B) One (1) Western Blot test, which is not negative, must be obtained from the same sample from tests conducted by a qualified laboratory.

(4) All results of tests to determine human immunodeficiency virus infection and application responses are confidential and shall not be shared with anyone other than the applicant, the applicant's physician, and the MEWA's underwriting department, except as follows:

(A) Test results and application responses may be shared with underwriting departments of affiliates of the MEWA and reinsurers, who shall be subject to all provisions of this rule as if they were the MEWA to which application was originally made.

(B) Test results may be reported to the Medical Information Bureau, Inc., provided that:

(i) the MEWA will not report that tests of an applicant showed the presence of human immunodeficiency virus, but only that unspecified test results were abnormal; and

(ii) reports must use a general code that also covers results of tests for many diseases or conditions that are not related to human immunodeficiency virus or acquired immune deficiency syndrome.

(5) A MEWA may make an underwriting or a rating determination based upon questions asked and tests required pursuant to this subsection, subject to the following conditions:

(A) Sexual orientation may not be used in the underwriting process or in the determination of insurability.

(B) Support organizations shall be directed by insurers not to investigate, directly or indirectly, the sexual orientation of an applicant or a beneficiary.

(C) Neither the marital status, the living arrangements, the occupation, the gender, the medical history, the beneficiary designation, nor the zip code or other territorial classification of an applicant may be used to establish, or aid in establishing, the applicant's sexual orientation.

(D) For purposes of rating a group for health, a MEWA may impose territorial rates, but only if the rates are based on sound actuarial principles or are related to actual or reasonably anticipated experience.

(E) No adverse underwriting decision shall be made because medical records or a report from a support organization shows that the applicant has demonstrated concern about human immunodeficiency virus by seeking testing or counseling from health care professionals. This subsection does not apply to an applicant seeking treatment or diagnosis for a specific condition.

(6) In the event a MEWA determines to accept a risk, it must do so without limitations or exclusions solely of the coverage for human immunodeficiency virus, acquired immune deficiency syndrome, or a related condition, as follows:

(A) No maximum dollar amount of coverage, which is limited solely to human immunodeficiency virus, acquired immune deficiency syndrome, or a related condition, shall be included in any policy or certificate.

(B) No exclusion of coverage, which is limited solely to human immunodeficiency virus, acquired immune deficiency syndrome, or a related condition, shall be included in any policy or certificate.

(Department of Insurance; 760 IAC 1-68-5; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3039)

760 IAC 1-68-6 Premium rates

Authority: IC 27-1-34-9
Affected: IC 27-1-34

Sec. 6. A MEWA may not charge an adjustment to premium rates for individual employees or dependents for health status related factors or duration of coverage. Any adjustment must be applied uniformly to the rates charged for all participating employees and dependents of participating employees of the employer. *(Department of Insurance; 760 IAC 1-68-6; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3040)*

760 IAC 1-68-7 Marketing practices
Authority: IC 27-1-34-9
Affected: IC 27-1-34

Sec. 7. (a) On request, the MEWA shall provide an employer with a summary of the plans for which the employer is eligible. All marketing materials shall include the disclosure required by section 16 of this rule.

(b) The department may require periodic reports by MEWAs and agents regarding health benefit plans issued by MEWAs. *(Department of Insurance; 760 IAC 1-68-7; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3041)*

760 IAC 1-68-8 Third party administrator
Authority: IC 27-1-34-9
Affected: IC 27-1-25; IC 27-1-34

Sec. 8. (a) If a MEWA enters into an agreement with a third party administrator to provide administrative, marketing, or other services related to the offering of health benefits plans to employers in this state, the third party administrator must hold a certificate of registration issued under IC 27-1-25.

(b) A trustee may not be an owner, officer, or employee of the administrator. *(Department of Insurance; 760 IAC 1-68-8; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3041)*

760 IAC 1-68-9 Filings by multiple employer welfare arrangement
Authority: IC 27-1-34-9
Affected: IC 27-1-34

Sec. 9. (a) Each MEWA shall file the following information on a quarterly basis, and the filing is due forty-five (45) days after the end of the MEWA's fiscal quarter:

(1) Quarterly financial statements, including a balance sheet and income statement prepared in accordance with generally accepted accounting principles signed by an officer of the MEWA.

(2) A list of any employers who have obtained coverage with the MEWA during the previous quarter and the number of their covered employees.

(b) Each MEWA transacting business in this state shall file an annual report with the commissioner within ninety (90) days of the end of the MEWA's fiscal year. The report shall be verified by the oath of the chair of the board of trustees. The report must summarize the business activities of the trust for the immediately preceding year and must contain all of the following items:

(1) Management discussion and analysis.

(2) Financial statements audited by a certified public accountant.

(3) An actuarial opinion prepared and certified by a qualified actuary that states:

(A) The MEWA is being operated in accordance with sound actuarial principles.

(B) A description and explanation of actuarial assumptions and actuarial methods.

(C) The recommended level of specific and aggregate stop-loss insurance the MEWA should maintain.

(4) A statement detailing any modified terms of a plan document along with a certification from the trustees that any changes are in compliance with the minimum requirements of this rule.

(5) If the MEWA has been examined by a regulatory authority, the report shall:

(A) identify the entity that conducted the examination; and

(B) include a copy of the examination report.

(6) The names and addresses of all participating employers and the total number of covered individuals.

(c) Each filing made with the department shall be accompanied by the filing fee required by section 17 of this rule. *(Department of Insurance; 760 IAC 1-68-9; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3041)*

760 IAC 1-68-10 Financial condition
Authority: IC 27-1-34-9
Affected: IC 27-1-34

Sec. 10. Each MEWA shall maintain a minimum fund balance of five hundred thousand dollars ($500,000). *(Department of Insurance; 760 IAC 1-68-10; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3041)*

760 IAC 1-68-11 Examination
Authority: IC 27-1-34-9
Affected: IC 27-1-3.1; IC 27-1-34-6

Sec. 11. (a) The commissioner or any person appointed by the commissioner shall have the power to examine the affairs of any MEWA and for such purposes shall have free access to all the books, records, and document that relate to the business of the plan and may examine under oath its trustees or directors, officers, agents, and employees in relation to the affairs, transactions, and conditions of the MEWA. Expenses of the examination shall be paid by the MEWA as provided in IC 27-1-34-6. The examination shall be conducted and in accordance with IC 27-1-3.1 and may cover financial or market conduct issues.

(b) Each MEWA must have and maintain a place of

business in Indiana and must make available to the commissioner complete records of its assets, transactions, and affairs in accordance with such methods and systems as are customary for or suitable to the kind or kinds of business transacted. *(Department of Insurance; 760 IAC 1-68-11; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3041)*

760 IAC 1-68-12 Forms
Authority: IC 27-1-34-9
Affected: IC 4-21.5; IC 27-1-34

Sec. 12. (a) No participation agreement or contract form, application form, certificate, rider, endorsement, summary plan description, or other evidence of coverage may be issued unless the form, and any subsequent changes to the form, has been filed with the commissioner. The form may not be used for thirty (30) days after the filing unless the commission gives written approval of the form before the expiration of thirty (30) days.

(b) The commissioner may, within thirty (30) days after the filing of a form, disapprove the form if the form:
(1) violates or does not comply with this rule or any applicable statute;
(2) contains or incorporates by reference inconsistent, ambiguous, or misleading clauses or exceptions and conditions that deceptively affect the risk proposed to be assumed in the general coverage of the contract;
(3) has any title heading or other indication of its provision that is misleading;
(4) is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible; or
(5) contains any provision that is unfair, inequitable, or encourages misrepresentation.

(c) A disapproval must:
(1) be in writing; and
(2) identify the reason for the denial and provide an opportunity for a hearing on the matter.

(d) The commissioner may, after notice and a hearing, withdraw approval of a form for the reasons stated in subsection (b).

(e) Any final order of the commissioner under this section is a final order and subject to judicial review under IC 4-21.5-5.

(f) All filings under this section shall be accompanied by the filing fee required by section 17 of this rule. *(Department of Insurance; 760 IAC 1-68-12; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3042)*

760 IAC 1-68-13 Enforcement
Authority: IC 27-1-34-9
Affected: IC 27-1-34

Sec. 13. (a) The commissioner may deny, suspend, or revoke a certificate of registration if, after notice and a hearing, the commissioner finds that the MEWA has failed to meet the requirements of this rule or any applicable statute.

(b) The commissioner shall deny, suspend, or revoke the certificate of registration of a MEWA if the commissioner finds any of the following exist:
(1) The MEWA has a negative fund balance.
(2) The MEWA has refused to:
(A) be examined; or
(B) produce the MEWA's accounts, records, and files for examination;
or any of the MEWA's officers have refused to give information with respect to the MEWA's affairs to perform any other legal obligation as to such examination when required by the commissioner.
(3) The MEWA has failed to pay a final judgment rendered against it in court within thirty (30) days.
(4) The MEWA no longer meets the requirements for the authority originally granted.
(Department of Insurance; 760 IAC 1-68-13; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3042)

760 IAC 1-68-14 Termination
Authority: IC 27-1-34-9
Affected: IC 27-1-34

Sec. 14. If a MEWA is terminated for any reason, the trust may not be dissolved until all outstanding financial obligations of the MEWA are paid. The MEWA may retain sufficient funds to provide coverage for an additional period as the trustees of the MEWA consider prudent. The trustees may purchase additional insurance for protection against potential future claims. Any funds remaining in the MEWA after satisfaction of all obligations must be paid to participating employers or covered employees in an equitable manner meeting with the approval of the commissioner. Written notice of the termination must be provided to each covered employee, the United States Department of Labor, and the commissioner at least thirty (30) days before the effective date of the termination. *(Department of Insurance; 760 IAC 1-68-14; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3042)*

760 IAC 1-68-15 Liability of participants
Authority: IC 27-1-34-9
Affected: IC 27-1-34

Sec. 15. (a) The liability of each employer participant for the obligations of the MEWA is joint and several.

(b) Each employer participant has a contingent assessment liability pursuant to this section for payment of actual losses and expenses incurred while the participation agreement was in force.

(c) Each participation agreement or contract issued by the MEWA must contain a statement of the contingent liability of employer participants. Both the application for participation and the participation agreement must contain, in contrasting color and not less than twelve (12) point type, the statement, "This is a fully assessable contract. In the event (the MEWA) is unable to pay its obligations, participating employers will be required to contribute through an equitable assessment the money necessary to meet any unfulfilled obligations.". *(Department of Insurance; 760 IAC 1-68-15; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3042)*

760 IAC 1-68-16 Written notice
Authority: IC 27-1-34-9
Affected: IC 27-1-34

Sec. 16. (a) A MEWA shall provide to each participating employer the written notice, "In the event the plan or the MEWA does not ultimately pay medical expenses that are eligible for payment under the plan for any reason, the participating employer may be liable for those expenses.".

(b) Every application and coverage form, including certificates of coverage, must contain in not less than twelve (12) point type the notice, "Your coverage is issued by a multiple employer welfare arrangement. The multiple employer welfare arrangement may not be subject to all of the insurance laws and regulations of Indiana. State insurance guaranty funds are not available for your multiple employer welfare arrangement.". *(Department of Insurance; 760 IAC 1-68-16; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3043)*

760 IAC 1-68-17 Fees
Authority: IC 27-1-34-9
Affected: IC 27-1-34

Sec. 17. The following fees apply to MEWAs:
(1) An applicant shall pay a nonrefundable fee of three hundred fifty dollars ($350) for filing an application for a certificate of registration.
(2) Each MEWA holding a certificate of registration shall pay an annual internal audit fee of one hundred dollars ($100).
(3) A fee of fifty dollars ($50) shall accompany the filing of the annual report required by section 9 of this rule.
(4) A fee of thirty-five dollars ($35) shall accompany each form filed as required by section 12 of this rule.
(Department of Insurance; 760 IAC 1-68-17; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3043)

760 IAC 1-68-18 Fully insured MEWAs
Authority: IC 27-1-34-9
Affected: IC 27-1-34

Sec. 18. This rule does not apply to a fully insured MEWA. A fully insured MEWA is a MEWA that provides benefits to its participating employees and beneficiaries for which one hundred percent (100%) of the liability has been assumed by an insurance company or health maintenance organization holding a certificate of authority in Indiana. The covered individual must be entitled to make a claim for payment directly to the insurance company or health maintenance organization. *(Department of Insurance; 760 IAC 1-68-18; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3043)*

760 IAC 1-68-19 Severability
Authority: IC 27-1-34-9
Affected: IC 27-1-34

Sec. 19. If any section or portion of a section of this rule or its applicability to any person or circumstance is held invalid by a court, the remainder of the rule or the applicability of the provision to other persons or circumstances shall not be affected. *(Department of Insurance; 760 IAC 1-68-19; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3043)*

LSA Document #02-137(F)
Notice of Intent Published: 25 IR 2749
Proposed Rule Published: November 1, 2002; 26 IR 531
Hearing Held: November 26, 2002
Approved by Attorney General: March 31, 2003
Approved by Governor: April 11, 2003
Filed with Secretary of State: April 15, 2003, 2:20 p.m.
Incorporated Documents Filed with Secretary of State: None

TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #02-246(F)

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 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; filed May 1, 2003, 12:15 p.m.: 26 IR 3043)

SECTION 2. 876 IAC 3-6-3 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 25-1-11-5; 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".

~~(3)~~ **(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".**

~~(4)~~ **(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".

~~(5)~~ **(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)".

~~(6)~~ **(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".

~~(7)~~ **(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".

~~(8)~~ **(9)** In the Comment under Standards Rule 1-4(g), delete "(See Standard 7)" and "(See Standard 9)".

~~(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; filed May 1, 2003, 12:15 p.m.: 26 IR 3044)

LSA Document #02-246(F)
Notice of Intent Published: 25 IR 4133
Proposed Rule Published: February 1, 2003; 26 IR 1728
Hearing Held: February 27, 2003
Approved by Attorney General: April 15, 2003
Approved by Governor: April 23, 2003
Filed with Secretary of State: May 1, 2003, 12:15 p.m.
Incorporated Documents Filed with Secretary of State: None

Errata

TITLE 10 OFFICE OF ATTORNEY GENERAL FOR THE STATE

Under IC 4-22-2-38, corrects the following inaccurate references to a state statute in the 2003 Indiana Administrative Code, the inaccuracy being the result of the rearrangement of a state statute under a different citation number:

(1) In 10 IAC 1.5-1-2, delete "IC 32-9-1.5" and insert "IC 32-34-1".

(2) In 10 IAC 1.5-1-7, delete "IC 5-2-1(9)" and insert "IC 5-2-1(14)".

(3) In 10 IAC 1.5-2-2, delete "IC 32-9-1.5-26" and insert "IC 32-34-1-26".

(4) In 10 IAC 1.5-2-3(a)(8), delete "IC 32-9-1.5" and insert "IC 32-34-1".

(5) In 10 IAC 1.5-2-3(d), delete "IC 32-9-1.5-43(b)" and insert "IC 32-34-1-42(b)".

(6) In 10 IAC 1.5-2-3(d), delete "IC 32-9-1.5-47" and insert "IC 32-34-1-45".

(7) In 10 IAC 1.5-2-5(a), delete "IC 32-9-1.5-27" and insert "IC 32-34-1-27".

(8) In 10 IAC 1.5-2-5(a), delete "IC 32-9-1.5-29(c)" and insert "IC 32-34-1-29(c)".

(9) In 10 IAC 1.5-3-5(a), delete "IC 32-9-1.5-20" and insert "IC 32-34-1-20".

(10) In 10 IAC 1.5-3-7(a), delete "IC 32-9-1.5-22(b)" and insert "IC 32-34-1-22(b)".

(11) In 10 IAC 1.5-3-7(c)(1), delete "IC 32-9-1.5" and insert "IC 32-34-1".

(12) In 10 IAC 1.5-3-8(e), delete "IC 32-9-1.5-20(c)(15)" and insert "IC 32-34-1-20(c)(14)".

(13) In 10 IAC 1.5-3-8(e), delete "IC 32-9-1.5-24" and insert "IC 32-34-1-24".

(14) In 10 IAC 1.5-3-8(e), delete "IC 32-9-1.5-40" and insert "IC 32-34-1-39".

(15) In 10 IAC 1.5-4-7(a), delete "IC 32-9-1.5-15" and insert "IC 32-34-1-15".

Filed with Secretary of State: April 17, 2003, 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 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

LSA Document #00-283(AC)(2)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #00-283(F), printed at 25 IR 4048:

(1) In 50 IAC 14-3-1(b), on page 2 of the original document (25 IR 4048), delete "permitting" and insert "permitted".

(2) In 50 IAC 14-4-1(a), on page 2 of the original document (25 IR 4048), delete "50 IAC 14-9" and insert "50 IAC 14-8".

(3) In 50 IAC 14-5-1, on page 3 of the original document (25 IR 4049), delete "(b) Before performing any equalization study under this rule, the county assessor shall add back the value of the shelter allowance computed under the 2002 Real Property Assessment Manual to any parcel to which the shelter allowance has been applied.".

(4) In 50 IAC 14-5-1, on page 3 of the original document (25 IR 4049), delete "(c)" and insert "(b)".

(5) In 50 IAC 14-5-1, on page 3 of the original document (25 IR 4049), delete "(d)" and insert "(c)".

(6) In 50 IAC 14-5-1, on page 3 of the original document (25 IR 4049), delete "(e)" and insert "(d)".

(7) In 50 IAC 14-4-1(a) *[sic., 50 IAC 14-5-3(a)]*, on page 4 of the original document (25 IR 4049), delete "50 IAC 14-9" and insert "50 IAC 14-8".

(8) In 50 IAC 14-8-1(3), on page 5 of the original document (25 IR 4050), delete "before applying shelter allowance".

Filed with Secretary of State: November 21, 2002, 10:26 a.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 329 SOLID WASTE MANAGEMENT BOARD

Under IC 4-22-2-38, corrects the following clerical error in the Indiana Administrative Code, 2002 edition:

In 329 IAC 10-16-12(b), add a comma after each of the phrases, "The distances", "Indiana Wellhead Protection Plan", "the distance", and "under section 11(b) of this rule".

Filed with Secretary of State: May 1, 2003, 1:45 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 329 SOLID WASTE MANAGEMENT BOARD

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in the Indiana Administrative Code:

(1) In 329 IAC 3.1-7-15, delete "IC 13-7-8.5-2", and insert "IC 13-22-7-1".

(2) In 329 IAC 3.1-12-2(5), delete "329 IAC 4", and insert "329 IAC 4.1".

Filed with Secretary of State: May 8, 2003, 9:40 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.

Notice of Recall

TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION

LSA Document #02-150

Under IC 4-22-2-40, LSA Document #02-150, printed at 26 IR 67, is recalled.

Notice of Withdrawal

TITLE 68 INDIANA GAMING COMMISSION

LSA Document #02-249

Under IC 4-22-2-41, LSA Document #02-249, printed at 25 IR 4218, is withdrawn.

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #03-3

Under IC 4-22-2-41, LSA Document #03-3, printed at 26 IR 1595, is withdrawn.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-105(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 055. Effective April 15, 2003.

SECTION 1. **The name of this pull-tab game is "Pull-Tab Game Number 055, 3 Of a Kind".**

SECTION 2. **Pull-tab tickets for pull-tab game number 055 shall sell for twenty-five cents ($0.25) per ticket.**

SECTION 3. **Pull-tab game number 055 is a match 3 game.**

SECTION 4. **A pull-tab ticket in pull-tab game number 055 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 055 shall consist of the following possible play symbols:**

(1) A picture of a playing card
ACE
(2) A picture of a playing card
KING
(3) A picture of a playing card
QUEEN
(4) A picture of a playing card
JACK
(5) A picture of a playing card
TEN
(6) A picture of a playing card
TWO
(7) A picture of a playing card
FIVE

SECTION 5. **A row on a pull-tab ticket in pull-tab game number 055 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.
(2) The three (3) play symbols and play symbol captions in the row are bisected by a red 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, the holder of a valid pull-tab ticket for pull-tab game number 055 containing a match 3 winning row is entitled to a prize amount the approximate number of which are as follows:**

Matching Play Symbol in Match 3 Winning Row	Prize Amount	Approximate Number of Prizes
3 jacks	$ 0.25	536,760
3 queens	$ 1	119,280
3 kings	$ 5	17,892
3 aces	$50	5,964

SECTION 7. **A total of approximately four million (4,000,000) pull-tab tickets will be initially available for pull-tab game number 055. The odds of winning a prize in pull-tab game 055 are approximately 1 in 5.89. 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 055 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 ticket retailer.**

LSA Document #03-105(E)
Filed with Secretary of State: April 15, 2003, 2:10 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-106(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 058. Effective April 15, 2003.

SECTION 1. **The name of this pull-tab game is "Pull-Tab Game Number 058, Mountain of Money".**

SECTION 2. **Pull-tab tickets for pull-tab game number 058 shall sell for fifty cents ($0.50) per ticket.**

SECTION 3. **Pull-tab game number 058 is a criss-cross game.**

SECTION 4. **A pull-tab ticket in pull-tab game number 058 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 058 shall consist of the following possible play symbols:**

(1) A picture of a pile of money
MONEY
(2) A picture of a coin
COIN

(3) A picture of a diamond
DIAMOND
(4) A picture of an orange
ORANGE
(5) A picture of a lemon
LEMON
(6) A picture of a bunch of cherries
CHERRIES
(7) A picture of a bell
BELL
(8) A picture of a bunch of grapes
GRAPES
(9) A picture of a clover
CLUB

SECTION 5. **A row, column, or diagonal on a pull-tab ticket in pull-tab game number 058 which contains three (3) identical play symbols 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.

(2) The three (3) play symbols and play symbol captions in the line are bisected by a red 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, the holder of a valid pull-tab ticket for pull-tab game number 058 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 Combination	Prize Amount	Approximate Number of Prizes
2 – Money + 1 Cherries	$0.50	366,786
2 – Money + 1 Lemon	$1	76,041
2 – Money + 1 Orange	$3	26,838
2 – Money + 1 Diamond	$20	8,946
2 – Money + 1 Coin	$100	4,473

SECTION 7. **A total of approximately three million (3,000,000) pull-tab tickets will be initially available for pull-tab game number 058. The odds of winning a prize in pull-tab game 058 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 058 shall be sixty (60) days after the end of the game. End of game dates are available at any 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 #03-106(E)
Filed with Secretary of State: April 15, 2003, 2:11 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-107(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 062. Effective April 15, 2003.

SECTION 1. **The name of this pull-tab game is "Pull-Tab Game Number 062, POLE POSITION".**

SECTION 2. **Pull-tab tickets for pull-tab game number 062 shall sell for fifty cents ($0.50) per ticket.**

SECTION 3. **Pull-tab game number 062 is a match 3 game.**

SECTION 4. **A pull-tab ticket in pull-tab game number 062 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 062 shall consist of the following possible play symbols:**

(1) A picture of a checkered flag
FINISH
(2) A picture of a car
CAR
(3) A picture of a helmet
HELMET
(4) A picture of a trophy
TROPHY
(5) A picture of a gear shift
SHIFTER
(6) A picture of a tire
TIRE
(7) A picture of a flag
START
(8) A picture of a tachometer
TACH

SECTION 5. **A row on a pull-tab ticket in pull-tab game number 062 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.

(2) The three (3) play symbols and play symbol captions in the row are bisected by a red arrow.
(3) The prize amount appears on the left side of the row in red ink in a yellow box.

SECTION 6. **Subject to section 5 of this rule, the holder of a valid pull-tab ticket for pull-tab game number 062 containing a match 3 winning row is entitled to a prize amount the approximate number of which are as follows:**

Matching Play Symbol in Match 3 Winning Row	Prize Amount	Approximate Number of Prizes
3–Shifters	$0.50	309,258
3–Trophies	$1	55,890
3–Helmets	$5	11,178
3–Cars	$20	3,726
3–Finish flags	$125	3,726

SECTION 7. **A total of approximately two million five hundred** *[sic., thousand]* **(2,500,000) pull-tab tickets will be initially available for pull-tab game number 062. The odds of winning a prize in pull-tab game 062 are approximately 1 in 6.52. 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 062 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 ticket retailer.**

LSA Document #03-107(E)
Filed with Secretary of State: April 15, 2003, 2:11 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-108(E)

DIGEST

Temporarily adds rules concerning instant game number 635. Effective April 15, 2003.

SECTION 1. **The name of this instant game is "Instant Game Number 635, In-Between".**

SECTION 2. **Instant tickets in instant game number 635 shall sell for one dollar ($1) per ticket.**

SECTION 3. **(a) Each instant ticket in instant game number 635 shall contain sixteen (16) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Sixteen (16) play symbols and play symbol captions shall be arranged in a matrix of four (4) rows and four (4) columns. The rows shall be separate and independent games labeled "HAND 1", " HAND 2", "HAND 3", and "HAND 4", respectively. The columns shall be labeled "DEALER'S HIGH CARD", YOUR CARD", "DEALER'S LOW CARD", and "PRIZE", respectively.**

(b) The play symbols and play symbol captions in instant game number 635, 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

(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) $5.00
FIVE
(4) $10.00
TEN
(5) $20.00
TWENTY
(6) $25.00
TWY FIVE

(7) $50.00
FIFTY
(8) $100
ONE HUN
(9) $500
FIVE HUN
(10) $1,000
ONE THOU
(11) $2,000
TWO THOU

SECTION 4. **(a) The holder of an instant ticket in instant game number 635 shall remove the latex material covering the sixteen (16) play symbols and play symbol captions. If the play symbol and play symbol caption exposed in the "YOURS" column has a lower value than the play symbol and play symbol caption exposed in the "DEALER'S HIGH CARD" column and has a higher value than the play symbol and play symbol caption exposed in the "DEALER'S LOW CARD", the holder is entitled to the prize amount for that game. Play symbols and play symbol captions representing playing cards are valued in descending order and face cards valued at ten (10).**

(b) The number of winning games and the associated prize, total prize amounts, and approximate number of winners in instant game number 635 are as follows:

Number of Winning Games	Total Prize Amount	Approximate Number of Winners
1–$1.00	$1	564,000
2–$1.00	$2	48,000
1–$2.00	$2	48,000
3–$1.00	$3	24,000
1–$5.00	$5	24,000
2–$5.00	$10	24,000
1–$10.00	$10	24,000
3–$5.00	$15	12,000
4–$5.00	$20	6,000
2–$10.00	$20	3,000
1–$20.00	$20	3,000
3–$5.00 + 1–$10.00	$25	900
1–$25.00	$25	900
3–$10.00	$30	300
2–$5.00 + 2–$10.00	$30	300
2–$25.00	$50	180
1–$50.00	$50	180
2–$50.00	$100	510
1–$100	$100	510
1–$500	$500	45
1–$1,000	$1,000	30
1–$2,000	$2,000	11

SECTION 5. **(a) There shall be approximately three million six hundred thousand (3,600,000) instant tickets initially available in instant game number 635.**

(b) The odds of winning a prize in instant game number 635 are approximately 1 in 4.59.

(c) All reorders of tickets for instant game number 635 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 635 is January 31, 2004.**

SECTION 7. **SECTIONS 1 through 6 of this document expire February 29, 2004.**

LSA Document #03-108(E)
Filed with Secretary of State: April 14, 2003, 2:15 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-109(E)

DIGEST

Temporarily adds rules concerning instant game number 637. Effective April 15, 2003.

SECTION 1. **The name of this instant game is "Instant Game Number 637, Aces High".**

SECTION 2. **Instant tickets in instant game number 637 shall sell for two dollars ($2) per ticket.**

SECTION 3. **(a) Each instant ticket in instant game number 637 shall contain thirty-two (32) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Thirty-two (32) play symbols and play symbol captions shall be arranged in a matrix of eight (8) columns and three (3) rows. The rows shall be eight (8) separate and independent games labeled "HAND 1", "HAND 2", "HAND 3", " "HAND 4", "HAND 5", "HAND 6", "HAND 7", "HAND 8", respectively. The columns shall be labeled "YOUR CARD", "DEALER'S CARD", and "PRIZE", respectively.**

(b) The play symbols and play symbol captions, other that 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

(c) The play symbols and play symbol captions of 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) $15.00
FIFTEEN
(7) $20.00
TWENTY
(8) $50.00
FIFTY
(9) $100
ONE HUN
(10) $200
TWO HUN
(11) $1,000
ONE THOU
(12) $8,000
EGT THOU

SECTION 4. **(a) The holder of an instant ticket in instant game number 637 shall remove the latex material covering the thirty-two (32) play symbols and play symbol captions. If the play symbol and play symbol caption exposed in the "YOUR CARD" area has a higher value than the play symbol and play symbol caption exposed in the "DEALER'S CARD" area, the holder is entitled to the corresponding prize amount for that game. If a play symbol representing a picture of an "ACE" is exposed in the "YOUR CARD" area, 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).**

(b) The number of winning plays and the associated prize amount play symbols, total prize amounts, and approximate number of winners in instant game number 637 are as follows:

Number of Winning Games and Play 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 with Ace + 3–$2.00	$10	25,200
1–$5.00 with Ace	$10	12,600
1–$10.00	$10	12,600
3–$5.00	$15	12,600
1–$15.00	$15	12,600
6–$2.00 + 2–$4.00	$20	6,300
2–$2.00 + 1–$4.00 with Ace + 2–$5.00	$20	6,300
4–$5.00	$20	6,300
1–$20.00	$20	6,300
6–$5.00 + 2–$10.00	$50	315
1–$10.00 + 1–$20.00 with Ace	$50	315
1–$50.00	$50	315
6–$10.00 + 2–$20.00	$100	252
5–$20.00	$100	252
1–$100	$100	252
5–$100	$500	20
6–$100 + 2–$200	$1,000	15
1–$1,000	$1,000	15
1–$8,000	$8,000	11

SECTION 5. **(a) There shall be approximately two million**

five hundred thousand (2,500,000) instant tickets initially available in instant game number 637.

(b) The odds of winning a prize in instant game number 637 are approximately 1 in 4.07.

(c) All reorders of tickets for instant game number 637 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 637 is January 31, 2004.**

SECTION 7. **SECTIONS 1 through 6 of this document expire February 29, 2004.**

LSA Document #03-109(E)
Filed with Secretary of State: April 15, 2003, 2:20 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-110(E)

DIGEST

Temporarily adds rules concerning instant game number 652. Effective April 15, 2003.

SECTION 1. **The name of this instant game is "Instant Game Number 652, Super Size Cash".**

SECTION 2. **Instant tickets in instant game number 652 shall sell for twenty dollars ($20) per ticket.**

SECTION 3. **(a) Each instant ticket in instant game number 652 shall contain sixty-five (65) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Five (5) play symbols and play symbol captions shall appear in the area labeled "WINNING NUMBERS". Sixty (60) play symbols and play symbol captions shall appear in the area labeled "YOUR NUMBERS" arranged in pairs representing numbers or pictures and prize amounts.**

(b) The play symbols and play symbol captions in instant game number 652, 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) 21
TWN
(22) 22
TWT
(23) 23
TWR
(24) 24
TWF
(25) 25
TWV
(26) 26
TWS
(27) 27
TSN
(28) 28
TWE

(29) 29
TNI
(30) 30
TTY
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(35) 35
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(36) 36
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THE
(39) 39
THN
(40) 40
FRY
(41) 41
FRO
(42) 42
FRT
(43) 43
FTH
(44) 44
FRF
(45) 45
FRV
(46) 46
FRS
(47) 47
FSN
(48) 48
FRE
(49) 49
FNI
(50) 50
FTY
(51) 51
FYO
(52) 52
FYT
(53) 53
FYH
(54) 54
FYF
(55) 55
FYV
(56) 56
FYS
(57) 57
FYN
(58) 58
FYE
(59) 59
FNN
(60) 60
SXY
(61) A picture of a money bag
WIN

(c) The play symbols and play symbol captions representing prize amounts in instant game number 652 shall consist of the following possible play symbols and play symbol captions:

(1) $2.00
TWO
(2) $5.00
FIVE
(3) $10.00
TEN
(4) $20.00
TWENTY
(5) $25.00
TWY FIVE
(6) $40.00
FORTY
(7) $60.00
SIXTY
(8) $100
ONE HUN
(9) $500
FIVE HUN
(10) $250,000
TWHNFY THOU

SECTION 4. **The holder of a ticket in instant game number 652 shall remove the latex material covering the sixty-five (65) play symbols and play symbol captions. If one (1) or more of "YOUR NUMBERS" match any of the "WINNING NUMBERS", the holder is entitled to the prize amount paired with the matched number. If the play symbol of a picture of a money bag with the play symbol caption "WIN" is exposed in the "YOUR NUMBERS" area, the player is automatically entitled to the paired prize amount. The number of matches, paired prize amount play symbols, total prize amounts, and number of winners in instant game number 652 are as follows:**

Number of Matches and Paired Prize Amount Play Symbols	Total Prize Amount	Approximate Number of Winners
1–$20.00	$20	72,000
4–$10.00	$40	72,000

1–$40.00	**$40**	**72,000**
30–$2.00	**$60**	**6,000**
12–$5.00	**$60**	**6,000**
6–$10.00	**$60**	**6,000**
1–$60.00	**$60**	**6,000**
10–$10.00	**$100**	**1,500**
4–$25.00	**$100**	**1,500**
1–$100	**$100**	**1,500**
10–$10.00 + 20–$20.00	**$500**	**300**
5–$100	**$500**	**300**
1–$500	**$500**	**300**
1–$250,000	**$250,000**	**3**

SECTION 5. **(a) There shall be approximately seven hundred thousand (700,000) instant tickets initially available in instant game number 652.**

(b) The odds of winning a prize in instant game number 652 are approximately 1 in 2.93.

(c) All reorders of tickets for instant game number 652 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 652 is January 31, 2004.**

SECTION 7. **SECTIONS 1 through 6 of this document expire February 29, 2004.**

LSA Document #03-110(E)
Filed with Secretary of State: April 15, 2003, 2:20 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-111(E)

DIGEST

Temporarily adds rules concerning instant game number 653. Effective April 15, 2003.

SECTION 1. **The name of this instant game is "Instant Game Number 653, Nifty 50".**

SECTION 2. **Instant tickets in instant game number 653 shall sell for one dollar ($1) per ticket.**

SECTION 3. **(a) Each instant ticket in instant game number 653 shall contain nine (9) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. One (1) play symbol and play symbol caption shall be concealed under the "Bonus Box".**

(b) The play symbols and play symbol captions in instant game number 653 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) $15.00
FIFTEEN
(5) $50.00
FIFTY
(6) $550
FIV HUN FTY

SECTION 4. **The holder of a ticket in instant game number 653 shall remove the latex material covering the ten (10) play symbols and play symbol captions. If three (3) matching play symbols and play symbol captions are exposed, the holder is entitled to a prize of the matched amount. If two (2) matching play symbols and play symbol captions are exposed and match the "Bonus Box" amount, the holder is entitled to a prize of the matched amount. The prize amounts and number of winners in instant game number 653 are as follows:**

Matched Play Symbols	Prize Amount	Approximate Number of Winners
3–$1.00	**$1**	**516,800**
3–$2.00	**$2**	**217,600**
3–$5.00	**$5**	**95,200**
3–$15.00	**$15**	**13,600**
3–$50.00	**$50**	**14,994**
3–$550	**$550**	**8**

SECTION 5. **(a) There shall be approximately four million (4,000,000) instant tickets initially available in instant game number 653.**

(b) The odds of winning a prize in instant game number 653 are approximately 1 in 4.75.

(c) All reorders of tickets for instant game number 653 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 653 is January 31, 2004.**

SECTION 7. **SECTIONS 1 through 6 of this document expire February 29, 2004.**

LSA Document #03-111(E)
Filed with Secretary of State: April 15, 2003, 2:20 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-113(E)

DIGEST

Amends 65 IAC 5-5-5 concerning determination of winners for Daily3. Effective May 1, 2003.

65 IAC 5-5-5

SECTION 1. 65 IAC 5-5-5 IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-5-5 Determination of winners
Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 5. (a) Selection events for determination of winning numbers in Daily3 shall be held each day in accordance with 65 IAC 5-3-7 at a time to be determined by the director.

(b) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar ($1) straight play applicable to that selection event match the three (3) winning numbers and are in the same order as the three (3) winning numbers wins a prize of five hundred dollars ($500).

(c) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar ($1) six-way box play applicable to that selection event match the three (3) winning numbers in any order wins a prize of eighty dollars ($80).

(d) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar ($1) three-way box play applicable to that selection event match the three (3) winning numbers in any order wins a prize of one hundred sixty dollars ($160).

(e) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar ($1) six-way combo play applicable to that selection event match the three (3) winning numbers in any order wins a prize of forty dollars ($40).

(f) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar ($1) three-way combo play applicable to that selection event match the three (3) winning numbers in any order wins a prize of eighty dollars ($80).

(g) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar ($1) six-way combo play applicable to that selection event match the three (3) winning numbers and are in the same order as the three (3) winning numbers wins a prize of two hundred ninety dollars ($290).

(h) Each owner of a valid on-line ticket for a Daily3 selection event on which the three (3) numbers in a one dollar ($1) three-way combo play applicable to that selection event match the three (3) winning numbers and are in the same order as the three (3) winning numbers wins a prize of three hundred thirty dollars ($330).

(i) If a play eligible for a prize under this section was purchased for more than one dollar ($1), the prize specified in this section shall be multiplied by a factor equal to the price of the play divided by one dollar ($1).

(j) Commencing on May 1, 2003, and concluding on June 6, 2003, unless earlier terminated by the director, the prizes associated with matching the winning numbers selected in Daily3 selections events conducted at approximately 1:20 p.m., EST, each day (except Sundays) shall be increased by twenty percent (20%). *(State Lottery Commission; 65 IAC 5-5-5; emergency rule filed Jul 6, 1990, 5:00 p.m.: 13 IR 2011; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Apr 30, 2003, 10:45 a.m.: 26 IR 3057, eff May 1, 2003)*

LSA Document #03-113(E)
Filed with Secretary of State: April 30, 2003, 10:45 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-114(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 061. Effective April 30, 2003.

SECTION 1. **The name of this pull-tab game is "Pull-Tab Game Number 061, Shake Rattle and Dough".**

SECTION 2. **Pull-tab tickets for pull-tab game number 061 shall sell for one dollar ($1) per ticket.**

SECTION 3. **Pull-tab game number 061 is a match 3 game.**

SECTION 4. **A pull-tab ticket in pull-tab game number 061 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 061 shall consist of the following possible play symbols:**

(1) A picture of dice
DICE
(2) A picture of a dice cup
CUP
(3) A picture of a stack of playing chips
CHIPS
(4) A picture of a cart of money
CART
(5) A picture of a dice rake
RAKE
(6) A picture of a stack of bills and coins
CASH
(7) A picture of a slot machine
SLOTS
(8) A picture of a jack of spades and ace of hearts
CARDS
(9) A picture of a man with a rake
DEALER

SECTION 5. **A row on a pull-tab ticket in pull-tab game number 061 which contains three (3) play symbols arranged as set forth in SECTION 6** *[of this document]* **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 blue 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 061 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–Chips	$1	238,320
3–Cup	$3	23,832
3–Dice	$5	14,895
2–Cash + 1 Chips	$10	8,937
2–Rakes + 1 Cup	$25	2,979
2–Carts + 1 Dice	$50	2,979
1–Dice + 1 Cup–1 Chips	$200	2,979

SECTION 7. **A total of approximately two million (2,000,000) pull-tab tickets will be initially available for pull-tab game number 061. The odds of winning a prize in pull-tab game 061 are approximately 1 in 6.79. 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 061 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 #03-114(E)
Filed with Secretary of State: April 30, 2003, 10:45 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-115(E)

DIGEST

Temporarily adds rules concerning instant game number 638. Effective April 30, 2003.

SECTION 1. **The name of this instant game is "Instant Game Number 638, ROYAL RICHES".**

SECTION 2. **Instant tickets in instant game number 638 shall sell for two dollars ($2) per ticket.**

SECTION 3. **(a) Each instant ticket in instant game number 638 shall contain twenty-three (23) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Three (3) 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 prize amounts and numbers or a picture of a diamond.**

(b) The play symbols and play symbol captions in instant game number 638, 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) 21
TTO
(22) 22
TTT
(23) 23
TTR
(24) 24
TWF
(25) 25
TWV
(26) 26
TWS
(27) 27
TSN
(28) 28
TWE
(29) 29
TWN
(30) A picture of a diamond
DOUBLE

(c) The play symbols and play symbol captions representing prize amounts in instant game number 638 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) $15.00
FIFTEEN
(7) $20.00
TWENTY
(8) $50.00
FIFTY
(9) $100
ONE HUN
(10) $500
FIVE HUN
(11) $1,000
ONE THOU
(12) $10,000
TEN THOU

SECTION 4. **The holder of a ticket in instant game number 638 shall remove the latex material covering the twenty-three (23) play symbols and play symbol captions. If one (1) or more of "YOUR NUMBERS" match any of the "WINNING NUMBERS", the holder is entitled to the paired prize amount. If the play symbol of a picture of a diamond with the play symbol caption "DOUBLE" is paired with a play symbol and play symbol caption in the "YOUR NUMBERS" area, the holder is automatically entitled to double the paired prize amount. The number of matches, prize play symbols, prize amounts, and number of winners in instant game number 638 are as follows:**

Number of Matches and Matched and Bonus 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
1–$5.00 with diamond	$10	12,600
1–$10.00	$10	12,600
1–$5.00 with diamond + 1–$5.00	$15	12,600

1–$15.00	**$15**	**12,600**
10–$2.00	**$20**	**6,300**
5–$4.00	**$20**	**6,300**
1–$ 5.00 with diamond + 2–$5.00	**$20**	**6,300**
1–$20.00	**$20**	**6,300**
10–$5.00	**$50**	**336**
1–$10.00 + 1–$20.00 with diamond	**$50**	**336**
1–$50.00	**$50**	**315**
10–$10.00	**$100**	**294**
2–$50.00	**$100**	**294**
1–$100	**$100**	**294**
5–$100	**$500**	**15**
1–$500	**$500**	**15**
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 638.**

(b) The odds of winning a prize in instant game number 638 are approximately 1 in 4.07.

(c) All reorders of tickets for instant game number 638 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 638 is January 31, 2004.**

SECTION 7. **SECTIONS 1 through 6 of this document expire February 29, 2004.**

LSA Document #03-115(E)
Filed with Secretary of State: April 30, 2003, 10:45 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-116(E)

DIGEST

Temporarily adds rules concerning instant game number 639. Effective April 30, 2003.

SECTION 1. **The name of this instant game is "Instant Game Number 639, Ace in the Hole".**

SECTION 2. **Instant tickets in instant game number 639 shall sell for one dollar ($1) per ticket.**

SECTION 3. **(a) Each instant ticket in instant game number 639 shall contain thirteen (13) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Twelve (12) play symbols and play symbols captions shall be arranged in a matrix of four (4) rows and three (3) columns. The rows shall be separate and independent games labeled "GAME 1", "GAME 2", "GAME 3", and "GAME 4", respectively. The columns shall be labeled "YOUR CARD", DEALER'S CARD", and "PRIZE", respectively. One (1) play symbol and play symbol caption shall be concealed under "HOLE CARD".**

(b) The play symbols and play symbol captions, other that 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**

(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) $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) $1,000
ONE THOU
(10) $2,500
TWY FIV HUN

SECTION 4. **(a) The holder of an instant ticket in instant game number 639 shall remove the latex material covering the thirteen (13) play symbols and play symbol captions. If the play symbol and play symbol caption exposed in the "YOUR CARD" column has a higher value than the play symbol and play symbol caption exposed in the "DEALER'S CARD" column, the holder is entitled to the corresponding prize amount for that game. If a play symbol representing a picture of an "ACE" is exposed in the "HOLE CARD" area, the holder is entitled to all four (4) prizes exposed on the ticket. 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).**

(b) The number of winning plays and the associated prize amount play symbols, total prize amounts, and approximate number of winners in instant game number 639 are as follows:

Number of Winning Games and Play Symbols	Total Prize Amount	Approximate Number of Winners
1–$1.00	$1	528,000
2–$1.00	$2	48,000
1–$2.00	$2	48,000
3–$1.00	$3	24,000
1–$5.00	$5	24,000
2–$5.00	$10	24,000
1–$10.00	$10	24,000
3–$5.00	$15	12,000
4–$5.00	$20	6,000
2–$10.00	$20	3,000
1–$20.00	$20	3,000
3–$5.00 + 1–$10.00	$25	1,500
1–$25.00	$25	1,500
3–$10.00	$30	525
2–$5.00 + 2–$10.00	$30	525
2–$25.00	$50	150
1–$50	$50	150
2–$50.00	$100	450
4–$25.00	$100	450
1–$500	$500	30
1–$1,000	$1,000	30
1–$2,500	$2,500	15

SECTION 5. **(a) There shall be approximately three million six hundred thousand (3,600,000) instant tickets initially available in instant game number 639.**

(b) The odds of winning a prize in instant game number 639 are approximately 1 in 4.80.

(c) All reorders of tickets for instant game number 639 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 639 is January 31, 2004.**

SECTION 7. **SECTIONS 1 through 6 of this document expire February 29, 2004.**

LSA Document #03-116(E)
Filed with Secretary of State: April 30, 2003, 10:45 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-117(E)

DIGEST

Temporarily adds rules concerning instant game number 640. Effective April 30, 2003.

SECTION 1. **The name of this instant game is "Instant Game Number 640, Super Blackjack".**

SECTION 2. **Instant tickets in instant game number 640 shall sell for two dollars ($2) per ticket.**

SECTION 3. **(a) Each instant ticket in instant game number 640 shall contain thirty-two (32) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. There shall be ten (10) separate and independent games labeled "HAND**

1", " HAND 2", "HAND 3", " HAND 4", "HAND 5", "HAND 6", " HAND 7", " HAND 8", " HAND 9", and "GAME 10", respectively. Each game shall contain two (2) play symbols and play symbol captions representing playing cards and shall contain one (1) play symbol and play symbol caption representing a prize. There shall be two (2) play symbols and play symbols captions representing playing cards in the game play data area labeled "DEALER'S HAND".

(b) The play symbols and play symbol captions, other that those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

(1)	**3 THR**
(2)	**4 FOR**
(3)	**5 FIV**
(4)	**6 SIX**
(5)	**7 SVN**
(6)	**8 EGT**
(7)	**9 NIN**
(8)	**10 TEN**
(9)	**J JCK**
(10)	**Q QUN**
(11)	**K KNG**
(12)	**A ACE**

(c) The play symbols and play symbol captions of 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. **(a) The holder of an instant ticket in instant game number 640 shall remove the latex material covering the thirty-two (32) play symbols and play symbol captions. If "HAND 1", "HAND 2", "HAND 3", "HAND 4", "HAND 5", "HAND 6", "HAND 7", "HAND 8", "HAND 9", or "HAND 10" contain play symbols and play symbol captions with a face value higher than the face value of the play symbols and play symbol captions exposed in the "DEALER'S HAND", the holder is entitled to the corresponding prize amount for that hand. If the play symbol and play symbol captions in one (1) or more of the ten (10) hands total twenty-one (21) in black, the holder is entitled to five (5) times the corresponding prize amount for that hand. If the play symbol and play symbol captions in one (1) or more of the ten (10) hands total twenty-one (21) in red, the holder is entitled to ten (10) times the corresponding prize amount for that hand. 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 plays and the associated prize amount play symbols, total prize amounts, and approximate number of winners in instant game number 640 are as follows:

Number of Winning Hands and Play Symbols	Total Prize Amount	Approximate Number of Winners
1–$2.00	$2	226,800
2–$2.00	$4	88,200
1–$4.00	$4	88,200
1–$2.00 + 1–$3.00	$5	37,800
1–$5.00	$5	37,800
1–$2.00 × five	$10	25,200
5–$2.00	$10	6,300
2–$5.00	$10	6,300
1–$10.00	$10	12,600
1–$5.00 + 1–$10.00	$15	12,600
5–$3.00	$15	12,600
10–$2.00	$20	6,300
1–$2.00 × ten	$20	6,300
4–$5.00	$20	6,300

1–$20.00	**$20**	**6,300**
1–$5.00 × five	**$25**	**1,428**
10–$5.00	**$50**	**735**
1–$5.00 × ten	**$50**	**735**
1–$10.00 × five	**$50**	**735**
1–$50.00	**$50**	**735**
1–$10.00 × ten	**$100**	**210**
1–$10.00 × five + 1–50.00	**$100**	**105**
1–$100	**$100**	**105**
5–$100	**$500**	**12**
1–$500	**$500**	**12**
1–$100 × ten	**$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 640.**

(b) The odds of winning a prize in instant game number 640 are approximately 1 in 4.31.

(c) All reorders of tickets for instant game number 640 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 640 is January 31, 2004.**

SECTION 7. **SECTIONS 1 through 6 of this document expire February 29, 2004.**

LSA Document #03-117(E)
Filed with Secretary of State: April 30, 2003, 10:45 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-118(E)

DIGEST

Temporarily adds rules concerning instant game number 641. Effective April 30, 2003.

SECTION 1. **The name of this instant game is "Instant Game Number 641, Mega Bucks".**

SECTION 2. **Instant tickets in instant game number 641 shall sell for ten dollars ($10) per ticket.**

SECTION 3. **(a) Each instant ticket in instant game number 641 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. The games shall be labeled "GAME 1", "GAME 2", "GAME 3", and "GAME 4", respectively. The games shall be arranged as follows:**
(1) "GAME 1" shall contain twelve (12) play symbols and play symbol captions in the area labeled "YOUR NUMBERS" arranged in pairs representing numbers and prize amounts. One (1) play symbol and play symbol caption shall appear in the area labeled "WINNING NUMBER".
(2) GAME 2 shall contain six (6) play symbols and play symbol captions arranged in a matrix of two (2) rows and two (2) columns. The rows shall be labeled "ROW 1" and "ROW 2", respectively. The columns shall be labeled "YOUR TOTAL" and "PRIZE".
(3) Game 3 shall contain nine (9) play symbols and play symbol captions representing dollar amounts. and
(4) Game 4 shall contain nineteen (19) play symbols and play symbol captions with three (3) play symbols and play symbol captions appearing in a box labeled "WINNING NUMBERS" and sixteen (16) play symbols and play symbol captions appearing in a box labeled "YOUR NUMBERS".

(b) The play symbols and play symbol captions in instant game number 641, 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
SEVEN
(8) 8
EIGHT
(9) 9
NINE
(10) 10
TEN
(11) 11
ELEVN
(12) 12
TWELV

(13) 13
THRTN
(14) 14
FORTN
(15) 15
FIFTN
(16) 16
SIXTN
(17) 17
SVNTN
(18) 18
EGHTN
(19) 19
NINTN

(c) The play symbols and play symbol captions representing prize amounts shall consist of the following possible play symbols and play symbol captions:

(1) $5.00
FIVE
(2) $10.00
TEN
(3) $15.00
FIFTEEN
(4) $20.00
TWENTY
(5) $25.00
TWY FIVE
(6) $50.00
FIFTY
(7) $100
ONE HUN
(8) $200
TWO HUN
(9) $500
FIV HUN
(10) $1,000
ONE THO
(11) $2,000
TWO THO
(12) $5,000
FIV THO
(13) $200,000
TWH THOU

SECTION 4. **(a) The holder of a ticket in instant game number 641 shall remove the latex material covering the forty-seven (47) play symbols and play symbol captions. Winning plays exposed are as follows:**

(1) If, in "GAME 1", any of the play symbols and play symbol captions in "YOUR NUMBERS" match the "WINNING NUMBER", the holder is entitled to the associated prize amount.

(2) If, in "GAME 2", in any row, the play symbols and play symbol captions in "YOUR TOTAL" equal seven (7) or eleven (11) when added, the holder is entitled to the associated prize amount.

(3) Game 3, if three (3) matching play symbols and play symbol captions are exposed, the holder is entitled to a prize in the amount exposed.

(4) Game 4, if any of the play symbols and play symbol captions in "YOUR NUMBERS" match any of the "WINNING NUMBERS", the holder is entitled to the paired prize amount.

(b) The prize amounts and number of winners in instant game number 641 are as follows:

Number of Winning Play Symbols	Prize Amount	Approximate Number of Winners
1–$10.00	$10	151,200
4–$5.00	$20	21,600
2–$10.00	$20	43,200
1–$20.00	$20	21,600
1–$25.00	$25	18,000
10–$5.00	$50	8,190
1–$50.00	$50	8,190
15–$5.00 + 1–$10.00 + 1–$15.00	$100	4,500
10–$10.00	$100	4,500
2–$50.00	$100	4,500
15–$10.00 + 2–$25.00	$200	1,125
2–$100.00	$200	1,125
1–$200.00	$200	1,125
5–$100.00	$500	162
10–$50.00	$500	162
1–$500.00	$500	162
2–$500.00	$1,000	45
1–$1,000 + 1–$2,000 + 4–$500	$5,000	20
1–$5,000	$5,000	20
1–$200,000	$200,000	4

SECTION 5. **(a) There shall be approximately one million (1,000,000) instant tickets initially available in instant game number 641.**

(b) The odds of winning a prize in instant game number 641 are approximately 1 in 3.73.

(c) All reorders of tickets for instant game number 641 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 641 is February 28, 2004.**

SECTION 7. **SECTIONS 1 through 6 of this document expire March 31, 2004.**

LSA Document #03-118(E)
Filed with Secretary of State: April 30, 2003, 10:45 a.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #03-119(E)

DIGEST

Temporarily adds rules concerning instant game number 649. Effective April 30, 2003.

SECTION 1. **The name of this instant game is "Instant Game Number 649, Stairway to Riches".**

SECTION 2. **Instant tickets in instant game number 649 shall sell for one dollar ($1) per ticket.**

SECTION 3. **(a) Each instant ticket in instant game number 649 shall contain eight (8) play symbols 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 "YOUR NUMBERS". Six (6) play symbols and play symbol captions shall appear in the "STAIR NUMBERS" area representing numbers.**

(b) The play symbols in instant game number 649, 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

SECTION 4. **The holder of a ticket in instant game number 649 shall remove the latex material covering the eight (8) play symbols. If one (1) or more of "YOUR NUMBERS" match any of the "STAIR NUMBERS", the holder is entitled to the prize amount paired with the matched number. The matched play symbols, prize amounts, and number of winners in instant game number 649 are as follows:**

Number of Matches and Matched Bonus Play Symbols	Total Prize Amount	Approximate Number of Winners
1–$1.00	$1	28,800
1–$2.00	$2	8,000
1–$1.00 + 1–$2.00	$3	5,600
1–$5.00	$5	4,000
1–$2.00 + 1–$5.00	$7	2,400
1- $1.00 + 1–$2.00 + 1–$5.00	$8	2,400
1–$25.00	$25	200
1–$5.00 + 1–$25.00	$30	150
1–$100	$100	72
1–$25.00 + $100	$125	25
1–$1,000	$1,000	3

SECTION 5. **(a) There shall be approximately two million six hundred** *[sic., thousand]* **(2,600,000) instant tickets initially available in instant game number 649.**

(b) The odds of winning a prize in instant game number 649 are approximately 1 in 4.65.

(c) All reorders of tickets for instant game number 649 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 649 is January 31, 2004.**

SECTION 7. **SECTIONS 1 through 6 of this document expire February 29, 2004.**

LSA Document #03-119(E)
Filed with Secretary of State: April 30, 2003, 10:45 a.m.

TITLE 327 WATER POLLUTION CONTROL BOARD

LSA Document #03-127(E)

DIGEST

Temporarily amends provisions at 327 IAC 5-4-3 and adds provisions at 327 IAC 15-15. Authority: IC 4-22-2-37.1(a)(14). Effective May 14, 2003.

SECTION 1. (327 IAC 5-4-3) (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 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.

~~(1)~~ **(2)** "Animal feeding operation" **or "AFO"** means **the following:**

(A) A lot or 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);~~
~~(II) 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.~~

~~(4) "Manmade" means constructed by man and used for the purpose of transporting wastes.~~

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) "CFO approval" means a valid approval issued by the commissioner under 327 IAC 16.

(5) "Land application area" means land under the control of an AFO owner or operator, whether the land is owned, rented, ~~or~~ leased, or subject to an access agreement, to which manure, litter, or process wastewater from the production area is or may be applied.

(6) "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 for ducks.

(M) Five thousand (5,000) ducks, if the AFO uses a liquid manure handling system for ducks.

(7) "Liquid manure handling system for ducks" means any waste collection or storage system that involves the use of ponds for animal confinement and that collects waste generated by ducks or contaminated storm water from the production area.

(8) "Manure" means animal waste, bedding, compost, and raw materials or other materials commingled with manure or set aside for disposal.

(9) "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.

(10) "Medium concentrated animal feeding operation" or "medium CAFO" means:

(A) any AFO that stables or confines 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 for ducks.

(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 for ducks; and

(B) one (1) of these conditions are met:

(i) pollutants are discharged into waters of the state through a manmade ditch, flushing system, or other similar manmade device; or

(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.

(11) "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.

(12) "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 or is a constituent of any raw materials, products, or byproducts, including manure, litter, feed, milk, eggs, or bedding.

(13) "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.

(14) "Raw materials storage area" includes, but is not limited to, the following:

(A) Feed silos.

(B) Silage bunkers.

(C) Bedding materials.

(15) "Small concentrated animal feeding operation" or "small CAFO" means an AFO that is designated as a CAFO and is not a medium CAFO.

(16) "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~~ **pollutants** 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~~ **manure** 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)(6)** 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 permit coverage under this rule 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 SECTION 13 of this rule *[document]***.**

SECTION 2. (327 IAC 15-15-1) **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.**

SECTION 3. (327 IAC 15-15-2) **The definitions contained in IC 13-11-2, 327 IAC 5-1.5, SECTION 1 of this rule**

[document], **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, July 2001.

SECTION 4. (327 IAC 15-15-3) **(a) This rule applies to all CAFOs or AFOs designated as CAFOs, under SECTION 1(c) of this rule** *[document]*, **located within the permit boundary set forth in SECTION 4 of this rule** *[document]*. **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, except in the event of an agricultural storm water discharge. A precipitation-related discharge of manure, litter or process wastewater from land areas under the control of a CAFO is an agricultural storm water discharge provided the manure, litter or wastewater has been applied in accordance with site specific nutrient management practices and the requirements of this rule.

SECTION 5. (327 IAC 15-15-4) **(a) An owner or operator proposing:**

(1) construction of a CAFO;

(2) construction at a CFO that results in an increase in the number of animals such that it becomes a CAFO; or

(3) construction of a confinement building or waste management system at a CAFO;

must apply for a CFO approval from the commissioner in accordance with the following:

(A) 327 IAC 16-3-1(d) through (e).

(B) 327 IAC 16-5.

(C) 327 IAC 16-7-1.

(D) 327 IAC 16-7-2.

(E) 327 IAC 16-7-5 through 327 IAC 16-7-13.

(F) 327 IAC 16-8.

(b) If the proposed construction for the CAFO meets the requirements of this SECTION, as applicable, the commissioner will issue an approval. An application for a CFO approval constitutes a NOI for purposes of this rule. The approval can only be denied for noncompliance with applicable provisions in this SECTION and this rule.

(c) Any person proposing a new CAFO facility within the permit boundary shall submit a NOI at least one hundred eighty (180) days before the date the facility is populated with animals and must comply with all requirements of this rule upon submittal of the NOI.

SECTION 6. (327 IAC 15-15-5) **All CAFOs, or AFOs designated as CAFOs under SECTION 1(c) of this rule** *[document]* **or 40 CFR 122.23(c), within the boundaries of the state are regulated by this rule.**

SECTION 7. (327 IAC 15-15-6) **(a) Qualifying for this general permit rule constitutes an approval under IC 13-18-10.**

(b) A CAFO that has a general permit is not required to obtain or renew the CFO approval under 327 IAC 16-7-3 and 327 IAC 16-7-4 in order to operate.

SECTION 8. (327 IAC 15-15-7) **(a) The owner or operator of a CAFO shall submit a notice of intent (NOI) to be covered by this rule, on a form supplied by the commissioner, 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 shall include the following:

(1) Name, telephone number, and mailing address of the owner and operator.

(2) Facility name and location address. Contact person and telephone number.

(3) Type and number of animals at the facility.

(4) Type of containment and storage and total capacity for manure, litter, and process wastewater storage.

(5) Total number of acres under control of the applicant available for land application.

(6) Estimated amount of manure, litter, and process wastewater transferred to other persons per year (tons/gallons).

(7) List of other environmental permits held and permit numbers including the CFO farm ID number provided on state CFO approval under 327 IAC 16.

(8) A topographic map of the facility.

(9) Payment of application fee of fifty dollars ($50).
(10) SIC code for the facility.

(c) The NOI must be signed by:
(1) the owner or operator of the facility for which the NOI is submitted; or
(2) a person described under 327 IAC 15-4-3(g).

(d) Following submittal of the NOI to IDEM, IDEM shall do the following:
(1) Review the NOI for completeness and applicability under this rule.
(2) Consider comments received on whether a facility meets the eligibility requirements for a general permit.
(3) Determine if the facility is eligible for a general permit under this rule or will be required to obtain an individual NPDES permit under 327 IAC 5.
(4) Request additional information, if needed.
(5) Notify the facility, within ninety (90) days of receipt of the NOI, that the applicant:
(A) qualifies for the general permit under this rule;
(B) does not qualify for the general permit under this rule; or
(C) must submit an individual NPDES permit application.

(e) In accordance with 40 CFR 122.28(b), any interested person may petition the commissioner to require a person subject to this rule to apply for and obtain an individual NPDES permit.

(f) Compliance with the NOI submission requirements under this rule may not be transferred. If ownership of a facility is transferred to a new person, that person must submit a NOI under this SECTION or apply for an individual NPDES permit under 327 IAC 5. The new owner must submit the NOI at least thirty (30) days prior to beginning operation at the transferred facility.

(g) A determination under this SECTION is appealable under IC 4-21.5.

SECTION 9. (327 IAC 15-15-8) **(a) The following are required to submit a NOI on or before April 13, 2006:**
(1) CAFOs with one thousand (1,000) or more cow/calf pairs.
(2) CAFOs with one thousand (1,000) or more veal calves.
(3) CAFOs with ten thousand (10,000) or more swine weighing less than fifty five (55) pounds.
(4) CAFOs with one hundred twenty-five thousand (125,000) or more chickens other than laying hens and if the operation uses other than a liquid manure handling system.
(5) CAFOs with eighty-two thousand (82,000) or more laying hens if the operation uses other than a liquid manure handling system.
(6) Operations defined as CAFOs as of April 14, 2003, that were not defined as CAFOS prior to that date because the operation discharged, is discharging, or will discharge only in the event of a twenty-five (25) year, twenty-four (24) hour storm.
These CAFOs must maintain a CFO approval under 327 IAC 16 until the NOI is submitted to comply with this rule.

(b) Operations defined as CAFOs as of April 14, 2003, that were not defined as CAFOs prior to that date because the operation has not discharged, does not discharge and will not discharge except in the event of a twenty-five (25) year, twenty-four (24) hour storm must certify to the commissioner in writing within ninety (90) days of the effective date of this rule that the AFO was not required to apply for a permit under 327 IAC 5 and that a discharge has not occurred from the operation and the operation was constructed and is at all times being maintained to preclude discharge during dry weather and wet weather up to and including the twenty-five (25) year, twenty-four (24) hour storm. The certification shall be signed in accordance with 327 IAC 15-4-3(g). Any operation that has a discharge after certifying to the commissioner under this subsection shall submit a NOI within thirty (30) days after the discharge.

(c) The owner or operator of any existing CAFO, except those listed in subsection (a), or timely certifying under subsection (b), shall submit a NOI within ninety (90) days of the effective date of this rule.

(d) Operations designated as a CAFO in accordance with SECTION 1(c) of this rule *[document]* **or 40 CFR 122.23(c) must submit a NOI no later than ninety (90) days after receiving the notice of designation.**

SECTION 10. (327 IAC 15-15-9) **(a) In addition to the conditions set forth in this rule, the conditions for a NPDES general permit under the following apply:**
(1) 327 IAC 15-1-1 Purpose.
(2) 327 IAC 15-1-2 Definitions.
(3) 327 IAC 15-1-3 Department Request for Data.
(4) 327 IAC 15-1-4 Enforcement.
(5) 327 IAC 15-2-1 Purpose and Scope.
(6) 327 IAC 15-2-3 NPDES General Permit Rule Applicability Requirements.
(7) 327 IAC 15-2-4 Administrative Requirement for NPDES General Permits.
(8) 327 IAC 15-2-5 Notice of Intent Letter.
(9) 327 IAC 15-2-6 Exclusions.
(10) 327 IAC 15-2-7 Effect of General Permit Rule.
(11) 327 IAC 15-2-8 Nontransferability of Notification Requirements; Time Limits for Individual NPDES Permit Applications.
(12) 327 IAC 15-2-9 Special Requirements for NPDES General Permit Rule.

(13) 327 IAC 15-2-10 Prohibitions.
(14) 327 IAC 15-4-1, excluding subsections (h) and (m), General Conditions.
(15) 327 IAC 15-4-3 Reporting Requirements.

(b) The permittee must comply with 327 IAC 16-9 through 327 IAC 16-12 and must maintain the manure management plan (MMP) required under 327 IAC 16-7-11.

(c) This permit does not constitute a new or amended permit under 327 IAC 16-10-3(f)(2).

(d) Animals may not have direct access to waters of the state.

(e) Disposal of dead animals must be handled under rules of the board of animal health at 345 IAC 7-7-3.

SECTION 11. (327 IAC 15-15-10) **The following are specific permit conditions that apply to all CAFO NPDES general permits. Permit holders must:**

(1) Obtain approval under 327 IAC 16-7-1(b) for any change in design or construction under 327 IAC 16-8 and 327 IAC 16-9-1.

(2) Comply with NRCS 590 Standard* by December 31, 2006, unless the commissioner has approved an alternative method to minimize the potential for nutrients to be transported or to migrate. This approval is based on satisfying the intent of the NRCS 590 Standard*.

(3) Submit an annual report to the commissioner by February fifteenth of each year for the previous calender year 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.

(4) Develop soil conservation practice plan for land application areas within one (1) year after the effective date of this rule and implement the plan within three years after the effective date of this rule. Developing and implementing a CNMP within the time frame specified in this subdivision satisfies this requirement. Any land:

(A) not owned or controlled by the CAFO to which manure is applied; and

(B) where the land owner does not implement conservation practices;

must be used in accordance with 327 IAC 16-10-3 through 327 IAC 16-10-5.

(5) Conduct manure testing for nitrogen and phosphorus annually.

(6) Land application of liquid manure on snow covered or frozen ground is prohibited unless done in accordance with a plan approved by the commissioner. The plan must demonstrate to the commissioner that land application under such conditions will not lead to runoff and discharge to waters of the state. The plan may include information about slope, barriers between the land application area and waters of the state, method of application, other conservation practices to be used, or any other information that would demonstrate that the potential to discharge pollutants to waters of the state is minimized. Permittees may not land apply under such conditions until receiving approval of the plan by the commissioner.

***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 or online at http://www.nrcs.usda.gov/technical/ECS/nutrient/590.html.**

SECTION 12. (327 IAC 15-15-11) **(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(l).**

(b) The conditions of this rule are subject to enforcement pursuant to 327 IAC 15-4-1 and IC 13-30.

SECTION 13. (327 IAC 15-15-12) **(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 information required under SECTION 8 of this rule *[document]***. 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.

SECTION 14. (327 IAC 15-15-13) **(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 commissioner. The commissioner shall notify the applicant within ninety (90) days of receipt of the NOI, as required in SECTION 8 of this rule *[document]***. If the applicant does not receive notification from the commissioner within the time frames specified in this SECTION, coverage shall commence ninety (90) days from the date the commissioner receives the NOI.**

(c) To obtain renewal of coverage under this general permit rule, the information required under SECTION 8 of this rule *[document]* **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.**

(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; or

(2) the individual permit is issued or denied by the commissioner.

SECTION 15. (327 IAC 15-15-14) **(a) CAFOs subject to this rule are required to meet the effluent limitations contained in 40 CFR 412*.**

(b) Compliance with general and specific permit conditions as required by SECTIONS 10 and 11 of this rule *[document]***, constitutes compliance with a nutrient management plan and implementation of best management practices as detailed in 40 CFR 412.4.**

(c) Any discharges under this rule are required to meet water quality standards under 327 IAC 5.

***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.**

LSA Document #03-127(E)
Filed with Secretary of State: May 9, 2003, 10:58 a.m.

TITLE 326 AIR POLLUTION CONTROL BOARD

#03-68(APCB)

The Air Pollution Control Board gives notice that the date of the public hearing for consideration of preliminary adoption of #03-68(APCB), printed at 26 IR 2477, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on ***September 3, 2003*** *at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Room C, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on amendments to 326 IAC 2-2-1, 326 IAC 2-2-6, and 326 IAC 2-2-12.*

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 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 Chris Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027, press 0, and ask for extension 3-6868 (in Indiana). If the date of this hearing is changed it will be noticed in the Change of Notice section of the Indiana Register. Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

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

or call (317) 233-0855. TDD (317) 232-6565. Speech and hearing impaired callers also 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 at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana and are open for public inspection.

Janet McCabe
Assistant Commissioner
Office of Air Quality

TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #00-185

The Solid Waste Management Board hereby gives notice that the date of the public hearing for consideration of proposed rule LSA Document #00-185, printed at 26 IR 430, November 1, 2002 has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on ***June 17, 2003*** *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 amendments to 329 IAC 10. This rulemaking concerns substantive changes to the rules for municipal solid waste landfills.*

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 amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).

Additional information regarding this action may be obtained from Pam Koons, Rules, Planning and Outreach Section, Office of Land Quality, (317) 232-8899 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 (V) or (317) 232-6565 (TDD). Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Twelfth Floor West, Central File Room and the Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #01-161

The Solid Waste Management Board (board) gives notice that the date of the public hearing for consideration of final adoption of LSA Document #01-161, printed at 26 IR 1962, has been changed. The changed Notice of Public Hearing appears below:

Change in Notice of Public Hearing

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on ***June 17, 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 amendments to rules for underground storage tanks at 329 IAC 9. The hearing for final adoption concerning amendments to rules for underground storage tanks at 329 IAC 9, printed at 26 IR 1201, was opened on February 18, 2003, and continued to the March 18, 2003 board meeting. Because no board business could be conducted at the March 18, 2003 board meeting, the hearing was continued to the April 15, 2003 board meeting. Because the April 15, 2003 board meeting was canceled, the hearing was renoticed for the May board meeting. Because the May board meeting is being canceled, the hearing is renoticed for the board meeting of June 17, 2003. If the date of this hearing is changed, it will be noticed in the Change of Notice of Public Hearing section of the Indiana Register.*

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 and new language. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed in this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).

Additional information regarding this action may be obtained from Lynn West, Rules, Planning, and Outreach Section, Office of Land Quality, 317-232-3593 or (800) 451-6027, press 0, and ask for ext. 2-3593 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change of Notice section of the Indiana Register.

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

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

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

Copies of these rules are now on file with the Office of Land Quality, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana and are open for public inspection.

Bruce H Palin
Deputy Assistant Commissioner
Office of Land Quality

TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #02-235

The Solid Waste Management Board hereby gives notice that the date of the public hearing for consideration of final adoption of LSA Document #02-235, printed at 26 IR 1239, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on ***June 17, 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 329 IAC 3.1, concerning amendments to the rules for hazardous waste management at 329 IAC 3.1, commonly known as the 2002 Hazardous Waste Annual Update.*

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 (800) 451-6027 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change in Notice of Public Hearing 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 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 IDEM Office of Land Quality, 100 North Senate Avenue and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bruce H. Palin
Deputy Assistant Commissioner
Office of Land Quality

TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND

LSA Document #03-131

Under IC 4-22-2-23, the Board of Trustees of the Public Employees' Retirement Fund intends to adopt a rule concerning the following:

OVERVIEW: Adds 35 IAC 11 concerning the pick-up of additional member contributions to a member's annuity savings account. Question or comments on the adoption may be directed by mail to Edward A. Gohmann, Fund Counsel, Public Employees' Retirement Fund, 143 West Market Street, Suite 500, Indianapolis, Indiana 46204 or by electronic mail to egohmann@perf.state.in.us. Statutory authority: IC 5-10.3-3-8.

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #03-134

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 2-8-1 to eliminate the exclusion of a life insurance policy and annuity from the definition of "estate" for Medicaid estate recovery purposes. Amends 405 IAC 2-8-1.1 to reduce the estate recovery exemption for jointly-owned real property from $125,000 to $75,000. Makes the following changes to 405 IAC 2-10 concerning liens against the real property of certain Medicaid recipients: Amends 405 IAC 2-10-3 to eliminate the prohibition on filing a lien when an individual who provided care to the recipient resides in the home. Amends 405 IAC 2-10-6 to provide that a lien expires unless the office of Medicaid policy and planning commences a foreclosure action within two years of the recipient's death. Eliminates the prohibition on enforcement when a recipient is survived by a parent. Amends 405 IAC 2-10-9 to provide that a lien is subordinate to the security interest of a financial institution that loans money to be used as operating capital for a farm, business, or income-producing property. Repeals 405 IAC 2-10-10 to eliminate the exemption of $125,000 on property subject to a lien. These changes are being made to conform to legislation enacted by the 2003 Indiana General Assembly in HEA 1001. This rule will also specify that property that is disregarded for eligibility purposes in connection with the purchase and use of a qualified long term care insurance policy is exempt from lien placement and enforcement. Statutory authority: IC 12-8-6-5; IC 12-15-1-10.

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #03-123

Under IC 4-22-2-23, the Division of Disability, Aging, and Rehabilitative Services intends to adopt a rule concerning the following:

OVERVIEW: Amends 460 IAC 6 to incorporate a code of ethics for providers providing case management services to an individual. Statutory authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12.

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #03-133

Under IC 4-22-2-23, the Division of Disability, Aging, and Rehabilitative Services intends to adopt a rule concerning the following:

OVERVIEW: Adds provisions regarding requirements that are to be met by entities that have a contract with the division of disability, aging, and rehabilitative services to perform job development, placement or retention services if the entity is accredited by a national accreditation organization that does not have requirements regarding job development, placement, or retention. Statutory authority: IC 12-8-8-4; IC 12-9-2-3.

TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #03-136

Under IC 4-22-2-23, the Division of Family and Children intends to adopt a rule concerning the following:

OVERVIEW: Amends the rules governing food stamps, 470 IAC 6, to provide for a six month certification period for all recipient households except elderly and disabled households who have a 12 month certification period. Provides for simplified change reporting requirements for those households with a six month certification period. Statutory authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-6.

TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #03-135

Under IC 4-22-2-23, the Professional Standards Board intends to adopt a rule concerning the following:

OVERVIEW: Adds 515 IAC 4 to provide certain requirements and procedures for the issuance by the professional standards board of the proficient practitioner educator license and other provisions regarding that license. 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 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

LSA Document #03-125

Under IC 4-22-2-23, the State Board of Registration for Professional Engineers intends to adopt a rule concerning the following:

OVERVIEW: Amends 864 IAC 1.1-2-2 to revise the minimum education and experience requirements established under IC 25-31-1-12 for admission to the professional engineer examination to address college courses that cover two or more categories. Establishes the requirements for a limited liability company to practice or offer to practice engineering in Indiana. 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 via e-mail at mdavis@pla.state.in.us. Statutory authority: IC 23-18-2-2; IC 25-31-1-7; IC 25-31-1-8.

TITLE 872 INDIANA BOARD OF ACCOUNTANCY

LSA Document #03-126

Under IC 4-22-2-23, the Indiana Board of Accountancy intends to adopt a rule concerning the following:

OVERVIEW: Implements rule changes to facilitate the computerization of the Uniform CPA examination based on House Enrolled Act 1183. 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 via e-mail at mdavis@pla.state.in.us. Statutory authority: IC 25-2.1-2-15.

TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #03-124

Under IC 4-22-2-23, the Indiana Real Estate Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 876 IAC 1-1-19 to establish an application fee for a licensee who submits a transfer application to terminate his or her association with a principal broker. 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 via e-mail at mdavis@pla.state.in.us. Statutory authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1; IC 25-8-1-2.

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

Proposed Rule
LSA Document #03-58

DIGEST

Amends 105 IAC 12 concerning the procurement of supplies and services. The rule will add sections concerning the following: the definitions of "offer" and "offeror"; public inspection of the contract files and what is excluded from public inspection; sanctions for providing false information to the department; United States manufactured product definition, policy, certification, and enforcement; and the requirements concerning the use of steel products. The rule will also modify sections, including, but not limited to, the following: withdrawal of bids or proposals; the cancellation of any bids or proposals; communications with the offeror who submit proposals for a contract; and added language to several sections concerning what is subject to public inspection. The rule will also make changes to clarify sections and make technical changes. Effective 30 days after filing with the secretary of state.

105 IAC 12-1-2
105 IAC 12-1-5
105 IAC 12-1-14.5
105 IAC 12-1-14.6
105 IAC 12-1-18
105 IAC 12-1-22
105 IAC 12-1-23
105 IAC 12-2-4
105 IAC 12-2-6
105 IAC 12-2-7
105 IAC 12-2-10
105 IAC 12-2-11
105 IAC 12-2-13
105 IAC 12-2-14
105 IAC 12-2-16
105 IAC 12-2-17
105 IAC 12-2-18
105 IAC 12-2-19
105 IAC 12-2-20
105 IAC 12-2-21
105 IAC 12-3-1
105 IAC 12-3-2
105 IAC 12-3-4
105 IAC 12-3-5
105 IAC 12-4-3
105 IAC 12-4-4
105 IAC 12-4-5

SECTION 1. 105 IAC 12-1-2 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-1-2 "Award" defined
Authority: IC 8-23-2-6
Affected: IC 8-23-2

Sec. 2. "Award" means the decision of the commissioner **or the commissioner's designee** to accept a bid **or proposal,** subject to the execution and approval of a satisfactory contract and all other conditions required by the invitation ~~to~~ **for** bid or by law. *(Indiana Department of Transportation; 105 IAC 12-1-2; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1502; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 2. 105 IAC 12-1-5 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-1-5 "Bidder" defined
Authority: IC 8-23-2-6
Affected: IC 8-23-2

Sec. 5. "Bidder" means a person who submits a bid ~~or proposal~~ for a contract with the department. *(Indiana Department of Transportation; 105 IAC 12-1-5; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1502; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 3. 105 IAC 12-1-14.5 IS ADDED TO READ AS FOLLOWS:

105 IAC 12-1-14.5 "Offer" defined
Authority: IC 8-23-2-6
Affected: IC 8-23-2

Sec. 14.5. (a) "Offer" means a response to a solicitation.

(b) The term includes a bid or proposal. *(Indiana Department of Transportation; 105 IAC 12-1-14.5)*

SECTION 4. 105 IAC 12-1-14.6 IS ADDED TO READ AS FOLLOWS:

105 IAC 12-1-14.6 "Offeror" defined
Authority: IC 8-23-2-6
Affected: IC 8-23-2

Sec. 14.6. "Offeror" means a person that submits an offer to a governmental body. *(Indiana Department of Transportation; 105 IAC 12-1-14.6)*

SECTION 5. 105 IAC 12-1-18 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-1-18 "Proposal" defined
Authority: IC 8-23-2-6
Affected: IC 8-23-2

Sec. 18. "Proposal" means an offer submitted on the prescribed proposal form to furnish the supplies or services at the prices quoted by the ~~bidder~~ **offeror** on the proposal form. *(Indiana Department of Transportation; 105 IAC 12-1-18; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1503; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 6. 105 IAC 12-1-22 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-1-22 "Responsible bidder or offeror" defined
Authority: IC 8-23-2-6
Affected: IC 8-23-2

Sec. 22. "Responsible bidder **or offeror"** means a person who has:

(1) the capability to fully perform the contract requirements; and

(2) the integrity and reliability that will ensure good faith performance.

(Indiana Department of Transportation; 105 IAC 12-1-22; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1504; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)

SECTION 7. 105 IAC 12-1-23 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-1-23 "Responsive bidder or offeror" defined
Authority: IC 8-23-2-6
Affected: IC 5-22

Sec. 23. "Responsive bidder **or offeror"** means a person who has submitted a bid **or proposal** that conforms in all material respects to the invitation for bid **or request for proposal.** *(Indiana Department of Transportation; 105 IAC 12-1-23; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1504; filed Oct 3, 2001, 9:35 a.m.: 25 IR 367; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 8. 105 IAC 12-2-4 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-2-4 Minority participation
Authority: IC 8-23-2-6
Affected: IC 5-22

Sec. 4. The department will make good faith efforts to solicit participation of minorities on every invitation for bid **or request for proposal.** *(Indiana Department of Transportation; 105 IAC 12-2-4; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1504; filed Oct 3, 2001, 9:35 a.m.: 25 IR 368; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 9. 105 IAC 12-2-6 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-2-6 Bid or proposal bonds
Authority: IC 8-23-2-6
Affected: IC 5-22

Sec. 6. At the discretion of the department, a bidder **or offeror** may be required to submit, with ~~its~~ **their** bid **or proposal,** a bid ~~guarantee~~ **or proposal** bond in the form of a certified check, a cashier's check, or a bid **or proposal** bond acquired from a surety company authorized to do business in Indiana. If **such is** required, the amount **of the bid or proposal bond** shall be specified in the invitation for bid ~~The bid guarantee of an unsuccessful bidder will be returned upon award of the contract. The bid guarantee of the successful bidder will be returned after the bidder enters into a contract with the department.~~ **or request for proposal. The bid or proposal bond will be returned to bidders or offerors, upon request, after an award has been made or the solicitation has been canceled.** *(Indiana Department of Transportation; 105 IAC 12-2-6; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1505; filed Oct 3, 2001, 9:35 a.m.: 25 IR 368; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 10. 105 IAC 12-2-7 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-2-7 Performance bonds
Authority: IC 8-23-2-6
Affected: IC 5-22

Sec. 7. At the discretion of the department, a successful bidder **or offeror** may be required to submit, **after the award has been made,** a performance bond in the form of a certified check, a cashier's check, or a performance bond acquired from a surety company authorized to do business in Indiana. If **such is** required, the amount of the performance bond and the time that it must be submitted will be specified in the invitation for bid **or request for proposal.** Performance bonds will be returned, upon request, at the successful completion of the contract. *(Indiana Department of Transportation; 105 IAC 12-2-7; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1505; filed Oct 3, 2001, 9:35 a.m.: 25 IR 368; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 11. 105 IAC 12-2-10 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-2-10 Notice to bidders or offerors
Authority: IC 8-23-2-6
Affected: IC 8-23-2

Sec. 10. (a) The department shall send invitations ~~to~~ **for** bid **or request for proposals** by mail or as otherwise provided in this article to prospective bidders **or offerors.** Failure to give personal notice to a particular bidder **or offeror** will not invalidate a procurement under this article.

(b) The department shall schedule all notices given under this section so as to provide a reasonable amount of time for preparation and submission of responses after notification. *(Indiana Department of Transportation; 105 IAC 12-2-10; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1505; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 12. 105 IAC 12-2-11 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-2-11 Qualifications and duties of bidder or offeror
Authority: IC 8-23-2-6
Affected: IC 8-23-2

Sec. 11. (a) The department may request a bidder **or offeror** to submit information to show it is a responsible bidder **or offeror.** Failure of a bidder **or offeror** to submit information requested by the department shall be cause for the department to determine the bidder **or offeror** is not responsible.

(b) If the department determines that a bidder **or offeror** is not responsible, that determination shall be made in writing.

(Indiana Department of Transportation; 105 IAC 12-2-11; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1505; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)

SECTION 13. 105 IAC 12-2-13 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-2-13 Anticompetitive practices
Authority: IC 8-23-2-6
Affected: IC 8-23-2

Sec. 13. If the commissioner determines that a bidder **or offeror** has participated in collusion or other anticompetitive practices, the bidder **or offeror** may be prohibited from bidding on contracts with the department for a period of time determined by the department. *(Indiana Department of Transportation; 105 IAC 12-2-13; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1506; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 14. 105 IAC 12-2-14 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-2-14 Withdrawal of bids or proposals
Authority: IC 8-23-2-6
Affected: IC 5-22

Sec. 14. ~~A~~ **(a) Withdrawal of a bid or proposal shall be permitted before the exact date and hour for submission of bids or proposals, either by an agent of the** bidder **or offeror** bearing proper authorization and identification ~~may sign for and~~ **who shall** receive ~~an~~ **and sign for the** unopened bid or proposal ~~and withdraw the bid or proposal prior to the exact time for submission of bids or proposals. A bidder may modify its bid or proposal by withdrawing its bid or proposal as provided above and resubmitting a modified bid or proposal prior to the exact time for submission of bids or proposals.~~ **or by the timely receipt of a certified letter or telegram from the bidder or offeror.**

(b) A bid or proposal already submitted may be modified by withdrawal of the bid or proposal as provided above and resubmission of the modified bid or proposal before the exact date and hour for submission of bids or proposals. The bid or proposal may also be modified by the timely receipt of a certified letter or telegram from the bidder or offeror.

(c) Neither the staff nor the facilities of the department ~~will~~ **shall** be available to ~~assist~~ a bidder **or offeror** desiring to make modifications. It is the bidder's **or offeror's** responsibility to make all modifications. *(Indiana Department of Transportation; 105 IAC 12-2-14; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1506; filed Oct 3, 2001, 9:35 a.m.: 25 IR 368; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 15. 105 IAC 12-2-16 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-2-16 Award; cancellation; rejection
Authority: IC 8-23-2-6
Affected: IC 5-22

Sec. 16. (a) The department reserves the right to accept or reject any or all bids **or proposals,** or any part thereof, and to award the items separately or all to one (1) bidder **or offeror.** A bidder **or offeror** bidding on an all or none basis must state so in its bid **or offer.**

(b) Prior to the opening, ~~of bids,~~ the department may cancel an invitation for bid **or request for proposal** in whole or in part, when it is in the best interest of the department. Reasons for cancellation include, but are not limited to:

(1) the department no longer requires the supplies or services;

(2) the department no longer can reasonably expect to fund the procurement; or

(3) proposed ~~amendments~~ **revisions in a specification, delivery point, rate of delivery, period of performance, price, quantity, or another provision** to the ~~invitation for bid~~ **solicitation** would be of such magnitude that a new ~~invitation for bid~~ **solicitation** is desirable.

(c) When a solicitation is canceled prior to opening, notice of cancellation shall be sent to all businesses that have received a solicitation. The:

(1) notice of cancellation shall:

(A) identify the solicitation; and

(B) cite the reason for cancellation; and

(2) reason for cancellation shall be made part of the procurement file and shall be available for public inspection.

~~(c)~~ **(d)** After the opening, ~~of bids,~~ but prior to award, ~~of a contract, the department may reject~~ all bids **or proposals may be rejected** in whole or in part when ~~it is in~~ the ~~best interest of the~~ department ~~Reasons for rejection include,~~ **determines, in writing, that such action is in the department's best interest for reasons including,** but ~~are~~ not limited to:

(1) the department no longer requires the supplies or services;

(2) ambiguous or otherwise inadequate specifications were part of the ~~invitation for bid;~~ **solicitation;**

(3) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;

(4) all bids **or proposals** received ~~contain~~ **are at clearly** unreasonable prices; or

(5) there is reason to believe that the bids or proposals may not have been independently ~~prepared.~~ **arrived at in open competition, may have been collusive, or may have been submitted in bad faith.**

~~(d)~~ **(e)** When the department cancels an invitation for bid **or request for proposal,** the department will send notice **of cancellation** to each ~~person~~ **business** who submitted a bid **or offer,** stating the reason for cancellation. The reason for

cancellation shall be made part of the procurement file and shall be available for public inspection.

~~(c)~~ **(f)** When two (2) or more bids are equal, award shall be made by a drawing by lot limited to those bidders. If time permits, the bidders involved shall be given an opportunity to attend the drawing. The drawing shall be witnessed by at least three (3) persons, and the contract file shall contain the names and addresses of the witnesses. *(Indiana Department of Transportation; 105 IAC 12-2-16; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1506; filed Oct 3, 2001, 9:35 a.m.: 25 IR 369; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 16. 105 IAC 12-2-17 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-2-17 Gifts
Authority: IC 8-23-2-6
Affected: IC 8-23-2

Sec. 17. A bidder, **offeror,** or contractor shall not offer or give a gift, including, but not limited to, money, goods, services, meals, and entertainment to any officer, employee, section, division, district, or combination thereof of the department if the gift has a fair market value of ten dollars ($10) or more. Exceptions to this provision must be approved, in writing, by the department's commissioner. *(Indiana Department of Transportation; 105 IAC 12-2-17; filed Jul 28, 1994, 4:00 p.m.: 17 IR 2802; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 17. 105 IAC 12-2-18 IS ADDED TO READ AS FOLLOWS:

105 IAC 12-2-18 Public inspection
Authority: IC 8-23-2-6
Affected: IC 5-22

Sec. 18. (a) The following information shall be subject to public inspection after the contract award:

(1) The invitation for bids or request for proposals.

(2) A list of all vendors who received the invitation for bids or request for proposals.

(3) The name and address of each bidder or offeror.

(4) The amount of each bid or offer.

(5) A record showing the name of the successful bidder or offeror, the dollar amount of the bid or offer, and the basis on which the award was made.

(6) The entire contents of the contract file except for proprietary information that may have been included with a bid or offer, such as:

(A) trade secrets;

(B) manufacturing processes;

(C) financial information not otherwise publicly available; or

(D) other data that does not bear on the competitive goals of public procurement;

that is not required by the terms of the invitation for bids or request for proposals itself to be made available for public inspection. A bidder or offeror shall identify information that he or she proposes to remain confidential and bind it separately from the remainder of his or her bid or offer.

(b) Requests for public disclosure of information, which a bidder or offeror has identified as proprietary, shall be made to the commissioner in writing. The commissioner shall examine the information to determine the validity of the bidder's or offeror's request for confidentiality and shall inform the bidder of his or her decision, which decision shall become a part of the contract file. *(Indiana Department of Transportation; 105 IAC 12-2-18)*

SECTION 18. 105 IAC 12-2-19 IS ADDED TO READ AS FOLLOWS:

105 IAC 12-2-19 Sanctions
Authority: IC 8-23-2-6
Affected: IC 5-22

Sec. 19. (a) The department may impose any of the following sanctions if the department determines that a bidder, offeror, or contractor has knowingly or intentionally provided false information to the department:

(1) The bidder or offeror may be declared nonresponsive or nonresponsible.

(2) The department may:

(A) find the contractor in breach of the contract; and

(B) recover all amounts paid under the contract.

(b) The department may bar the bidder, offeror, or contractor from doing business with the state for a period not to exceed three (3) years. *(Indiana Department of Transportation; 105 IAC 12-2-19)*

SECTION 19. 105 IAC 12-2-20 IS ADDED TO READ AS FOLLOWS:

105 IAC 12-2-20 United States manufactured product definition, policy, certification, and enforcement
Authority: IC 8-23-2-6
Affected: IC 5-22-15-21

Sec. 20. (a) IC 5-22-15-21 allows a preference to promote the purchase of products manufactured in the United States.

(b) As used in this rule, "components" means those articles, materials, and supplies incorporated directly into the products.

(c) As used in this rule, "United States" means the United States, its possessions, Puerto Rico, and any other place subject to its jurisdiction, but does not include trust territories.

(d) As used in this rule, "United States manufactured product" means either of the following:

(1) An unmanufactured product mined or produced in the United States.

(2) A product manufactured in the United States, if the cost of its components mined, produced, or manufactured in the United States exceeds fifty percent (50%) of the cost of all its components. (In determining if a product is manufactured in the United States, only the product and its components shall be considered.) The cost of each component includes transportation costs to the place of incorporation into the product and any applicable duty (whether or not a duty-free entry certificate is issued). Components of a foreign origin of the same class or kind for which determinations have been made in accordance with subsection (e)(3) or (e)(4) are treated as United States manufactured. Scrap generated, collected, and prepared for processing in the United States is considered United States manufactured.

(e) The statute requires that only United States manufactured products be acquired for public use, except articles, materials, and supplies as determined by the commissioner of the department or designee:

(1) for use outside the United States;

(2) for which the cost would be unreasonable;

(3) for which the preference would be inconsistent with the public interest; or

(4) that are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality.

(f) For purposes of determining unavailability, the items listed in Federal Acquisition Regulation 25.108 (48 CFR 25.108) are presumed to be not reasonably available. However, the commissioner of the department or designee reserves the right to determine an item to be available for a particular bid, request for proposal, or other acquisition procedure.

(g) Any business that makes an offer, a proposal, or a bid for the purpose of seeking the preference in IC 5-22-15-21 shall certify under the penalties of perjury that it is offering United States manufactured products within the meaning of subsection (d). The certification will be made on forms provided by the department.

(h) The commissioner of the department or designee may presume the representations contained in the certification are true, thereby qualifying the business for the United States manufactured products preference. However, this presumption may be rebutted under subsection (k), (l), (m), or (n) or if the commissioner of the department or the commissioner's designee has reason to question the representations contained in the certification.

(i) Whether the United States manufactured product preference is offered shall be stated in each invitation for bid, request for proposal, or other acquisition procedure.

(j) The decision to grant the United States manufactured product preference shall be at the sole discretion of the commissioner of the department or the commissioner's designee.

(k) If, prior to award, the commissioner of the department or the commissioner's designee determines the business does not qualify for the United States manufactured product preference, the commissioner of the department or the commissioner's designee may do any of the following in any combination deemed appropriate:

(1) Declare the business nonresponsible and bar it from doing business with the state for a specified period, not exceeding two (2) years.

(2) Require the business to reimburse the state for the costs incurred due to rebidding of the contract.

(l) If, after the award, the commissioner of the department or the commissioner's designee determines the business does not quality for the United States manufactured product preference, the commissioner of the department or the commissioner's designee may do any of the following in any combination deemed appropriate:

(1) Cancel the contract.

(2) Declare the business nonresponsible and bar it from doing business with the state for a specified period, not exceeding two (2) years.

(3) Require the business to reimburse the state for the amount incurred due to rebidding of the contract.

(m) The sanctions in subsections (k) and (l) in no way limit what actions could be taken through appropriate civil or criminal statutes.

(n) Any applicant for the United States manufactured product preference who is dissatisfied with the decision rendered concerning sanctions may, within fifteen (15) days after receiving such notification, request in writing a reconsideration of that decision and submit additional written evidence bearing on the sanction. The commissioner of the department or the commissioner's designee will consider any such request within forty-five (45) days of receipt thereof. A written decision will be issued. *(Indiana Department of Transportation; 105 IAC 12-2-20)*

SECTION 20. 105 IAC 12-2-21 IS ADDED TO READ AS FOLLOWS:

105 IAC 12-2-21 Steel products

Authority: IC 8-23-2-6
Affected: IC 5-22-15-25

Sec. 21. (a) Any business that makes an offer, a proposal, or a bid shall certify under the penalties of perjury that it is offering steel products manufactured in the United States as defined in IC 5-22-15-25 unless the commissioner of the department or the commissioner's designee makes a determination under IC 5-22-15-25(d). The certification will be made on forms provided by the department.

(b) The commissioner of the department or the commissioner's designee may presume the representations contained in the certification are true. However, this presumption may be rebutted if the commissioner of the department or the commissioner's designee has reason to question the representations contained in the certification.

(c) The steel products requirement shall be stated in each invitation for bid, request for proposal, or other acquisition procedure. *(Indiana Department of Transportation; 105 IAC 12-2-21)*

SECTION 21. 105 IAC 12-3-1 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-3-1 Purchases less than $2,500
Authority: IC 8-23-2-6
Affected: IC 5-22

Sec. 1. (a) A procurement with an estimated cost not exceeding two thousand five hundred dollars ($2,500) may be made under the procedure outlined in this section.

(b) Bids shall be invited from at least one (1) person known to deal in the supplies or services to be procured.

(c) The purchase description and date bids are due shall be communicated to the person invited to bid. Means of communication may include mail, telephone, electronic mail, or facsimile machine.

(d) The department may consider an advertised price in a catalog, newspaper advertisement, radio commercial, television commercial, or other media communication to be a bid received by the department. The department must know of the advertised price at the time bids are due.

(e) If a satisfactory bid is received, a contract shall be awarded to the lowest responsive and responsible bidder.

(f) If no responsive bid is received from a responsible bidder, the department reserves the right to repeat the process described in this section.

(g) After opening, but prior to the contract award, no information is available for public inspection until a contract award has been made. *(Indiana Department of Transportation; 105 IAC 12-3-1; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1507; filed Jul 28, 1994, 4:00 p.m.: 17 IR 2802; errata filed Sep 14, 1994, 2:50 p.m.: 18 IR 268; filed Oct 3, 2001, 9:35 a.m.: 25 IR 369; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 22. 105 IAC 12-3-2 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-3-2 Purchases less than $75,000
Authority: IC 8-23-2-6
Affected: IC 5-22

Sec. 2. (a) A procurement with an estimated cost not exceeding seventy-five thousand dollars ($75,000) may be made under the procedure outlined in this section.

(b) Bids shall be invited from at least three (3) persons known to deal in the supplies or services to be procured.

(c) The purchase description and the date bids are due shall be communicated to the persons invited to bid. Means of communication may include mail, telephone, electronic mail, or facsimile machine.

(d) The department may consider an advertised price in a catalog, newspaper, advertisement, radio commercial, television commercial, or other media communication to be a bid received by the department. The department must know of the advertised price at the time bids are due.

(e) If satisfactory bids are received, a contract shall be awarded to the lowest responsive and responsible bidder.

(f) If no responsive bid is received from a responsible bidder, the department reserves the right to repeat the process described in this section.

(g) After opening, but prior to the contract award, no information is available for public inspection until a contract award has been made. *(Indiana Department of Transportation; 105 IAC 12-3-2; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1507; filed Jul 28, 1994, 4:00 p.m.: 17 IR 2803; filed Oct 3, 2001, 9:35 a.m.: 25 IR 369; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 23. 105 IAC 12-3-4 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-3-4 Competitive sealed bids
Authority: IC 8-23-2-6
Affected: IC 5-22-18-2

Sec. 4. (a) A contract for supplies or services may be awarded under the procedure outlined in this section regardless of the estimated dollar value.

(b) An invitation for bid under this section shall be issued to potential bidders and must include the following:

(1) A purchase description.
(2) All contractual terms and conditions that apply to the purchase.
(3) A statement of the evaluation criteria that will be used, including any of the following:
(A) Inspection.
(B) Testing.
(C) Quality.
(D) Workmanship.
(E) Delivery.
(F) Suitability for a particular purpose.
(4) The time, date, and place for opening of bids.
(5) A statement concerning whether the bid must be accompanied by a certified check or other evidence of financial responsibility that may be imposed in accordance with rules or policies of the governmental body.
(6) A statement concerning the conditions under which a bid may be canceled or rejected in whole or in part as specified under IC 5-22-18-2.

(c) Bids shall be publicly opened at the time and place designated in the invitation for bid in the presence of one (1) or more witnesses.

(d) A contract shall be awarded with reasonable promptness to the lowest responsible and responsive bidder.

(e) After opening, but prior to the contract award, the following information shall be subject to public inspection:
(1) A list of all bidders who received the invitation for bid.
(2) The total amount of each bid.
(Indiana Department of Transportation; 105 IAC 12-3-4; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1507; filed Oct 3, 2001, 9:35 a.m.: 25 IR 370; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)

SECTION 24. 105 IAC 12-3-5 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-3-5 Competitive sealed proposal or request for proposal
Authority: IC 5-22-4-2; IC 8-23-2-6
Affected: IC 5-3-1; IC 5-22

Sec. 5. (a) When a purchasing agent makes a written determination that the use of competitive sealed bidding is either not practicable or not advantageous to the governmental body, the purchasing agent may award a contract using the procedure provided by this section instead of competitive sealed bidding.

(b) The purchasing agent shall solicit proposals through a request for proposals, which must include the following:
(1) A statement concerning the relative importance of price and the other evaluation factors.
(2) A statement concerning whether the proposal must be accompanied by a certified check or other evidence of financial responsibility.

(c) Public notice shall be given in the manner required by IC 5-3-1.

(d) Proposals shall be opened at the date and time specified in the request for proposals.

(e) ~~The department may conduct discussions with persons submitting proposals for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Persons submitting proposals must be accorded fair and equal treatment with respect to the opportunity for discussion and revision of proposals. In conducting discussions, the department shall not disclose information derived from proposals submitted by competing persons.~~ **As provided for in the request for proposals, discussions may be conducted with responsible offerors, who submit proposals determined to be reasonably susceptible of being selected for award, for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. No discussions shall be held with an offeror whose proposal fails to meet a mandatory requirement of the RFP. Discussions shall be held to:**
(1) promote understanding of the department's requirements and the offerors' proposals; and
(2) facilitate arriving at a contract that will be most advantageous to the department, taking into consideration price and other evaluation factors set forth in the RFP.
In conducting discussions, there must be no disclosure of any information derived from proposals submitted by competing offerors. The only factors or criteria that may be used in the evaluation of proposals are those specified in the request for proposals. The requirements of the RFP shall not be altered.

(f) After identification of the responsible offer or whose proposal appears to be the most advantageous to the department, the department will enter into contract preparation activities with the ~~bidder.~~ **offeror.** If at any time the contract preparation activities are judged to be ineffective, the department may cease all activities with that ~~bidder~~ **offeror** and begin contract preparation activities with the next highest ranked ~~bidder,~~ **offeror,** and the process may continue until a contract is executed. The department reserves the right to cease all contract preparation activities at any time and to reject all proposals, if such action is determined to be in the best interest of the department.

(g) After opening, but prior to the contract award, a list of all offerors who received the request for proposal shall be subject to public inspection. *(Indiana Department of Transportation; 105 IAC 12-3-5; filed Jan 15, 1993, 1:00 p.m.: 16 IR*

1508; filed Oct 3, 2001, 9:35 a.m.: 25 IR 370; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)

SECTION 25. 105 IAC 12-4-3 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-4-3 Equipment rental or lease with option to purchase

Authority: IC 8-23-2-6
Affected: IC 5-22

Sec. 3. A contract for rental or lease may contain an option to purchase under the following circumstances:

(1) Exercise of the option shall be at the sole discretion of the commissioner **or the commissioner's designee.**

(2) The option must be part of the invitation for bid.

(Indiana Department of Transportation; 105 IAC 12-4-3; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1509; filed Oct 3, 2001, 9:35 a.m.: 25 IR 371; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)

SECTION 26. 105 IAC 12-4-4 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-4-4 Additions

Authority: IC 8-23-2-6
Affected: IC 5-22

Sec. 4. (a) If a bidder **or offeror** inserts contract terms or bids on items not listed in the invitation for bid **or request for proposal**, the department will treat the additional material as a proposal for addition to the contract and may:

(1) find the bidder **or offeror** to be nonresponsive;

(2) permit the bidder **or offeror** to withdraw the proposed additions to the contract; or

(3) accept any of the proposed additions to the contract.

(b) The department will not accept proposed additions to the contract that are prejudicial to the interest of the department or fair competition. The department's decision to permit a change will be made in writing. *(Indiana Department of Transportation; 105 IAC 12-4-4; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1509; filed Oct 3, 2001, 9:35 a.m.: 25 IR 371; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

SECTION 27. 105 IAC 12-4-5 IS AMENDED TO READ AS FOLLOWS:

105 IAC 12-4-5 Contract modifications and change orders

Authority: IC 8-23-2-6
Affected: IC 8-23-2

Sec. 5. The department may execute contract modifications and issue change orders on a contract. ~~A contract modification or change order may not materially change the terms of the contract.~~ *(Indiana Department of Transportation; 105 IAC 12-4-5; filed Jan 15, 1993, 1:00 p.m.: 16 IR 1509; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on July 1, 2003 at 9:00 a.m., at the Indiana Government Center-North, 100 North Senate Avenue, Room 730, Indianapolis, Indiana the Indiana Department of Transportation will hold a public hearing on proposed amendments concerning the procurement of supplies and services. Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 730 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

J. Bryan Nicol
Commissioner
Indiana Department of Transportation

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #03-12

DIGEST

Amends 312 IAC 20-2 to add definitions for "certificate", "Indiana register", and "National Register". Amends 312 IAC 20-3 to establish minimum periods for review by the division of historic preservation and archaeology and for review by the review board before making a determination regarding the grant, denial, or conditioning of a certificate. Effective 30 days after filing with the secretary of state.

312 IAC 20-2-1.7 **312 IAC 20-2-4.7**
312 IAC 20-2-4.3 **312 IAC 20-3-3**

SECTION 1. 312 IAC 20-2-1.7 IS ADDED TO READ AS FOLLOWS:

312 IAC 20-2-1.7 "Certificate" defined

Authority: IC 14-21-1-31
Affected: IC 14-9; IC 14-21-1-18

Sec. 1.7. "Certificate" refers to a certificate of approval under IC 14-21-1-18. *(Natural Resources Commission; 312 IAC 20-2-1.7)*

SECTION 2. 312 IAC 20-2-4.3 IS ADDED TO READ AS FOLLOWS:

312 IAC 20-2-4.3 "Indiana register" defined

Authority: IC 14-21-1-31
Affected: IC 14-9; IC 14-21-1-9

Sec. 4.3. "Indiana register" means the Indiana register of historic sites and historic structures established under IC 14-21-1-9. *(Natural Resources Commission; 312 IAC 20-2-4.3)*

SECTION 3. 312 IAC 20-2-4.7 IS ADDED TO READ AS FOLLOWS:

312 IAC 20-2-4.7 "National Register" defined
Authority: IC 14-21-1-31
Affected: IC 14-9; IC 14-21-1-15

Sec. 4.7. "National Register" means the National Register of Historic Places established under 16 U.S.C. 470 et seq. and identified at IC 14-21-1-15. *(Natural Resources Commission; 312 IAC 20-2-4.7)*

SECTION 4. 312 IAC 20-3-3 IS ADDED TO READ AS FOLLOWS:

312 IAC 20-3-3 Submission of application before review board meeting
Authority: IC 14-21-1-31
Affected: IC 14-9; IC 14-21-1

Sec. 3. (a) A person who seeks a certificate must file a completed application, on a division form, at least forty (40) days before the meeting of the review board during which the application is to be considered.

(b) The completed application and any analysis and recommendations by the division shall be made available to members of the review board at least five (5) working days before the meeting. *(Natural Resources Commission; 312 IAC 20-3-3)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on June 25, 2003 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to add definitions for "certificate", "Indiana register", and "National Register" and to establish minimum periods for review by the division of historic preservation and archaeology and for review by the review board before making a determination regarding the grant, denial, or conditioning of a certificate. 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 #03-50

DIGEST

Amends 312 IAC 8 that governs public use of DNR properties and 312 IAC 9-2-11 to provide that wild animals cannot be hunted or chased at a state historic site. Effective 30 days after filing with the secretary of state.

312 IAC 8-1-2
312 IAC 8-1-4
312 IAC 8-2-3
312 IAC 8-2-6
312 IAC 8-2-9
312 IAC 8-2-11
312 IAC 9-2-11

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

312 IAC 8-1-2 Administration
Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14

Sec. 2. (a) Except as provided in subsection (b), this article is administered by the department.

(b) This article does not apply to **a person who has contracted with the department, if the person is conducting business of the department, or to** any of the following **while performing official duties for the department or commission:**

(1) An employee of the department.
(2) A member of the commission.
(3) An employee of the commission.
(4) A member of the advisory council.
(5) A member of the museum board of trustees.
(6) A law enforcement officer.
~~(7) A person who has contracted with the department, if the person is conducting business on behalf of the department.~~

(Natural Resources Commission; 312 IAC 8-1-2; filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999)

SECTION 2. 312 IAC 8-1-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-1-4 Definitions
Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 9-13-2-196; IC 9-25-2-4; IC 14-8-2-261; IC 14-16-1-3; IC 14-22-11-1; IC 14-31-1

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

(1) "Authorized representative" means the director or another person designated by the director.
(2) "Berry" means the fruiting body of:
(A) a blackberry;
(B) a blueberry;
(C) a dewberry;
(D) an elderberry;
(E) a gooseberry;
(F) a huckleberry;
(G) a mulberry;
(H) a raspberry;
(I) a serviceberry; and
(J) a strawberry.

(3) "DNR property" means land and water owned, licensed, leased, or dedicated under IC 14-31-1, or under easement to the state or managed by the department. The following areas are, however, exempted from the term:
(A) Public freshwater lakes.
(B) Navigable waterways.
(C) Buildings and grounds (other than those of the Indiana state museum) not located at recreational, natural, or historic sites.
(4) "Fallen cone" means the fruiting body of a coniferous tree that is no longer attached to a living tree.
(5) "Firearm or bow and arrows" means:
(A) a firearm;
(B) an air gun;
(C) a CO_2 gun;
(D) a spear gun;
(E) a bow and arrows;
(F) a crossbow;
(G) a paint gun; or
(H) a similar mechanical device;
that can be discharged and is capable of causing injury or death to **a person or** an animal or damage to property.
(6) "Fruit" means the fruiting body of:
(A) cherries;
(B) grapes;
(C) apples;
(D) hawthorns;
(E) persimmons;
(F) plums;
(G) pears;
(H) pawpaws; and
(I) roses.
(7) ~~"Green~~ **"Greens"** means the aboveground shoots or leaves of:
(A) asparagus;
(B) dandelion;
(C) mustard;
(D) plantain; and
(E) poke.
(8) "Group boat dock" means an artificial basin or enclosure for the reception of watercraft that is owned and maintained by adjacent landowners for their private usage.
(9) "Leaf" means the leaf of a woody plant for use in a leaf collection or similar academic project.
(10) "License" means:
(A) a license;
(B) a permit;
(C) an agreement;
(D) a contract;
(E) a lease;
(F) a certificate; or
(G) other form of approval;
issued by the department. A license may authorize an activity otherwise prohibited by this rule.
(11) "Mushroom" means edible fungi.
(12) "Nut" means the seeds of:
(A) hazelnuts;
(B) hickories;
(C) oaks;
(D) pecans; and
(E) walnuts.
(13) "Off-road vehicle" has the meaning set forth in IC 14-16-1-3.
(14) "Public road" means a public highway under IC 9-25-2-4 that is designated by the department for use by the public.
(15) "Recreation area" means an area that is managed by the department for specific recreation activities.
(16) "Snowmobile" has the meaning set forth in IC 14-8-2-261.
(17) "Vehicle" has the meaning set forth in IC 9-13-2-196(d).
(Natural Resources Commission; 312 IAC 8-1-4; filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 552, eff Jan 1, 2000; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1544; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3713)

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

312 IAC 8-2-3 Firearms, hunting, and trapping
Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14-22-11-1

Sec. 3. ~~(a) A person must comply with all federal and state hunting, trapping, and firearms laws.~~

~~(b) A person must not possess a firearm or bow and arrows at any of the following locations:~~
~~(1) Inside a check station or headquarters building.~~
~~(2) Within a nature preserve unless signs indicate that hunting is authorized.~~
~~(3) On a property administered by the division of museums and historic sites.~~

~~(c)~~ **(a)** A person must not possess a firearm or bow and arrows **on a DNR property** unless one (1) of the following conditions apply:
(1) The firearm or bow and arrows are:
(A) unloaded and unnocked; and
(B) placed in a case or locked within a vehicle.
(2) The firearm or bow and arrows are possessed at, and of a type designated for usage on, a rifle, pistol, shotgun, or archery range.
(3) The firearm or bow and arrows are being used in the lawful pursuit of either:
(A) a wild animal on a DNR property authorized for that purpose; or
(B) a groundhog as authorized under a license.

~~(d)~~ **(b)** Except as provided in subsection ~~(c)(1), a person must not possess~~ **(a)(1),** a firearm or bow and arrows ~~at the following locations:~~

~~(1) Within an area designated for public camping.~~
~~(2) On a fish and wildlife area administered by the division of fish and wildlife, except under the terms of a one (1) day hunting permit and record card obtained from a checking station and possessed by the person in the field for a specified date. This subdivision does not apply to a fishing access site maintained by the division of fish and wildlife.~~
may not be possessed on DNR properties within:
(1) a nature preserve unless hunting is authorized under subsection (c);
~~(3) On~~ **(2)** a property administered by the division of ~~forestry within:~~ **museums and historic sites;**
~~(A)~~ **(3)** a campground;
~~(B)~~ **(4)** a picnic area;
~~(C)~~ **(5)** a beach;
~~(D)~~ **(6)** a service area; ~~or~~
(7) a headquarters building;
(8) a hunter check station; or
~~(E)~~ **(9)** a developed ~~area.~~ **recreation site.**
~~(4) On a property administered by the division of state parks and reservoirs, except on a reservoir property in accordance with the terms of a one (1) day hunting permit and record card obtained from a hunter sign-in station and possessed by the person in the field for a specified date.~~

(c) A person may hunt on a state forest administered by the division of forestry, a reservoir administered by the division of state parks and reservoirs, or a wildlife area administered by the division of fish and wildlife. A person using any of these areas must do the following:
(1) Comply with all federal and state hunting, trapping, and firearms laws.
(2) On a fish and wildlife area and a reservoir property, obtain a one (1) day hunting permit and record from a checking station. The person must obtain the permit and record while in the field for the authorized date and must, as directed, return them to the department.
(3) Refrain from hunting on a nature preserve if prohibited by signage posted at the site.

~~(e)~~ **(d)** Unless otherwise posted or designated on a property map, a person must not place a trap except as authorized by a license issued for a property by an authorized representative. This license is in addition to the licensing ~~requirements~~ **requirement** for traps set forth in IC 14-22-11-1.

~~(f)~~ **(e)** A person must not run dogs, except during the lawful pursuit of wild animals, or as authorized by a license for field trials or in a designated training area. A property administered by the division of fish and wildlife may be designated for training purposes without requiring a field trial permit. Only dogs may be used during field trials on a DNR property, except where authorized by a license on a fish and wildlife property.

~~(g)~~ **(f) Unless otherwise designated,** a person must not discharge a firearm or bow and arrows within two hundred (200) feet of a:
(1) campsite;
(2) boat dock;
(3) launching ramp;
(4) picnic area; or
(5) bridge.

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

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

~~(j)~~ **(i)** A person must not take a reptile or amphibian unless the person is issued a scientific collector license under 312 IAC 9-10-6. Exempted from this subsection are turtles taken under 312 IAC 9-5-2 and frogs taken under 312 IAC 9-5-3 from a DNR property where hunting or fishing is authorized. *(Natural Resources Commission; 312 IAC 8-2-3; filed Oct 28, 1998, 3:32 p.m.: 22 IR 739, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 553, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3714)*

SECTION 4. 312 IAC 8-2-6 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 14-10-2-4; IC 14-11-2-1
Affected: IC 14-22-11-1; IC 35-46-3-11.5

Sec. 6. (a) A person who possesses a pet **or service animal** must keep the animal caged or on a leash no more than six (6) feet long. A person must attend to a pet **or service animal** at all times. **This subsection does not apply to activities governed by section 3(e) of this rule.**

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

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

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

~~An assistance~~ **A service** animal used by a person with a disability is exempted from this subsection.

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

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

(f) A person must not release an animal on DNR property except under license issued by an authorized representative under this subsection. To receive a license, a person must demonstrate the animal is healthy and unlikely to endanger public safety or the environment. A person in violation of this subsection shall reimburse the department for any expenses reasonably incurred.

(g) For purposes of this section, a pet is not a service animal under IC 35-46-3-11.5. *(Natural Resources Commission; 312 IAC 8-2-6; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 554, eff Jan 1, 2000; filed Nov 30, 2001, 10:55 a.m.: 25 IR 1074, eff Jan 1, 2002; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3715)*

SECTION 5. 312 IAC 8-2-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-9 Swimming, snorkeling, scuba diving, and tow kite flying

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

Sec. 9. (a) A person must not swim, or allow a child or other person in the person's care to swim, other than at the following locations:

(1) At a designated swimming beach or pool during designated hours.
(2) **From a watercraft** between sunrise and sunset in an embayment on a reservoir property ~~designated~~ **established under 312 IAC 5-10** as an idle speed zone, but not:
  (A) in a causeway; or
  (B) within one hundred (100) feet of a designated launching ramp or other public use facility.

(b) A person must not snorkel, except from a watercraft on a reservoir property and within an embayment designated as an idle speed zone.

(c) A person must not scuba dive unless in compliance with each of the following:

(1) A license is issued by the department.
(2) Between the hours of sunrise and sunset.
(3) A diving flag is displayed to designate the area in use.

(d) A person must not engage in tow kite flying, except during the following periods:

(1) On weekdays from sunrise to sunset.
(2) Except as provided in subdivision (3), on Saturdays, Sundays, or holidays from sunrise until 11 a.m. and from 5 p.m. until sunset.
(3) On:
  (A) Memorial Day weekend;
  (B) the Fourth of July and a Saturday or Sunday that immediately precedes or follows the Fourth of July; and
  (C) Labor Day weekend;

from sunrise until 11 a.m.

(Natural Resources Commission; 312 IAC 8-2-9; filed Oct 28, 1998, 3:32 p.m.: 22 IR 741, eff Jan 1, 1999)

SECTION 6. 312 IAC 8-2-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 8-2-11 Campsites and camping

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

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

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

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

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

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

(e) Campground occupancy is limited to fourteen (14) consecutive nights unless another period is designated by the department. The property manager **or another designated representative of the department** may extend the duration of the occupancy for a period not to exceed sixty (60) days where a medical need is established. At the end of the camping period, a camping family or group must vacate the property and remove all equipment for at least forty-eight (48) hours.

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

(g) A person must not:
(1) bathe; or
(2) wash a:
(A) pet;
(B) dish or other cooking utensil; or
(C) other personal property;
at a drinking fountain, lavatory, or laundry tub. Dishwater must be disposed through proper sanitary facilities and must not be discharged on the ground. A boat or a vehicle must not be washed in a camping area.

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

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

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

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

~~(l)~~ **(k)** Check-out time from a campground is 2 p.m. on Monday through Saturday and 5 p.m. on Sunday or a holiday. ~~Renewals are due by 10 a.m. on the date of scheduled departure.~~

(Natural Resources Commission; 312 IAC 8-2-11; filed Oct 28, 1998, 3:32 p.m.: 22 IR 742, eff Jan 1, 1999; errata filed Dec 17, 1998, 9:32 a.m.: 22 IR 1525; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3716)

SECTION 7. 312 IAC 9-2-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-2-11 State parks and state historic sites
Authority: IC 14-22-2-6
Affected: IC 4-21.5; IC 14-22-6-1

Sec. 11. ~~It is unlawful to~~ **A person must not** take or chase a wild animal, other than a fish, in a state park **or a state historic site.** *(Natural Resources Commission; 312 IAC 9-2-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2701)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on June 25, 2003 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to 312 IAC 8 that governs public use of DNR properties and 312 IAC 9-2-11 to provide that wild animals cannot be hunted or chased at a state historic site. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #02-336

DIGEST

Adds 326 IAC 20-49, 326 IAC 20-50, 326 IAC 20-51, 326 IAC 20-52, 326 IAC 20-53, 326 IAC 20-54, and 326 IAC 20-55 concerning national emission standards for hazardous air pollutants (NESHAP) for new and existing plant sites for pulp and paper mills (combustion), some emission units at petroleum refineries, manufacturing of nutritional yeast, cellulose manufacturing, leather finishing operations, wet formed fiberglass mat production, and tire manufacturing. Effective 30 days after filing with the secretary of state.

HISTORY

Second Notice of Comment Period and Notice of First Hearing: January 1, 2003, Indiana Register (26 IR 1266).

Date of First Hearing: April 16, 2003.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

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

Because this proposed rule is not substantively different from the draft rule published on January 1, 2003, at 26 IR 1266, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from January 1, 2003, through February 3, 2003, on IDEM's draft rule language.

No comments were received during the second comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On April 16, 2003, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of new rules 326 IAC 20-49, 326 IAC 20-50, 326 IAC 20-51, 326 IAC 20-52, 326 IAC 20-53, 326 IAC 20-54, and 326 IAC 20-55.

No comments were made at the first hearing.

326 IAC 20-49
326 IAC 20-50
326 IAC 20-51
326 IAC 20-52
326 IAC 20-53
326 IAC 20-54
326 IAC 20-55

SECTION 1. 326 IAC 20-49 IS ADDED TO READ AS FOLLOWS:

Rule 49. Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills

326 IAC 20-49-1 Applicability; incorporation by reference of federal standards

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

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.860* (66 FR 3193, January 12, 2001).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart MM*, (66 FR 3193, January 12, 2001, 66 FR 37591, July 19, 2001, and 66 FR 41086, August 6, 2001), National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills.

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** *(Air Pollution Control Board; 326 IAC 20-49-1)*

SECTION 2. 326 IAC 20-50 IS ADDED TO READ AS FOLLOWS:

Rule 50. Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units

326 IAC 20-50-1 Applicability; incorporation by reference of federal standards

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

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.1561* (67 FR 17774, April 11, 2002).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart UUU*, (67 FR 17773, April 11, 2002), National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** *(Air Pollution Control Board; 326 IAC 20-50-1)*

SECTION 3. 326 IAC 20-51 IS ADDED TO READ AS FOLLOWS:

Rule 51. Manufacturing of Nutritional Yeast

326 IAC 20-51-1 Applicability; incorporation by reference of federal standards

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

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.2131* (66 FR 27884, May 21, 2001).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart CCCC*, (66 FR 27884, May 21, 2001), National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast.

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732**

North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 20-51-1)*

SECTION 4. 326 IAC 20-52 IS ADDED TO READ AS FOLLOWS:

Rule 52. Wet-Formed Fiberglass Mat Production

326 IAC 20-52-1 Applicability; incorporation by reference of federal standards

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

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.2981* (67 FR 17835, April 11, 2002).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart HHHH*, (67 FR 17835, April 11, 2002), National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production.

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** *(Air Pollution Control Board; 326 IAC 20-52-1)*

SECTION 5. 326 IAC 20-53 IS ADDED TO READ AS FOLLOWS:

Rule 53. Leather Finishing Operations

326 IAC 20-53-1 Applicability; incorporation by reference of federal standards

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

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.5285* (67 FR 9162, February 27, 2002).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart TTTT*, (67 FR 9162, February 27, 2002), National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations.

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** *(Air Pollution Control Board; 326 IAC 20-53-1)*

SECTION 6. 326 IAC 20-54 IS ADDED TO READ AS FOLLOWS:

Rule 54. Cellulose Products Manufacturing

326 IAC 20-54-1 Applicability; incorporation by reference of federal standards

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

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.5485* (67 FR 40055, June 11, 2002).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart UUUU*, (67 FR 40055, June 11, 2002), National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing.

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.** *(Air Pollution Control Board; 326 IAC 20-54-1)*

SECTION 7. 326 IAC 20-55 IS ADDED TO READ AS FOLLOWS:

Rule 55. Rubber Tire Manufacturing

326 IAC 20-55-1 Applicability; incorporation by reference of federal standards

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

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.5981* (67 FR 45599, July 9, 2002).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart XXXX*, (67 FR 45599, July 9, 2002), National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing.

***These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North**

Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 20-55-1)*

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 September 3, 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 new rules 326 IAC 20-49, 326 IAC 20-50, 326 IAC 20-51, 326 IAC 20-52, 326 IAC 20-53, 326 IAC 20-54, and 326 IAC 20-55.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new 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 Gayla Killough, Rule Development Section, Office of Air Quality, (317) 233-8628 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 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 public inspection.

Janet G. McCabe
Assistant Commissioner
Office of Air Quality

TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #03-70

DIGEST

Amends 326 IAC 1-4-1 concerning redesignation of Lake County to attainment for PM_{10}. Effective 30 days after filing with the secretary of state.

HISTORY

Section 8 Notice and Notice of First Hearing: April 1, 2003, Indiana Register (26 IR 2487).

Date of First Hearing: May 7, 2003.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least twenty-one (21) days long. Because this proposed rule is not substantively different from the draft rule published on April 1, 2003, at 26 IR 2487, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On May 7, 2003, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 1-4-1. No comments were made at the first hearing.

326 IAC 1-4-1

SECTION 1. 326 IAC 1-4-1, AS AMENDED AT 26 IR 1077, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 1-4-1 Designations

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

Sec. 1. The air pollution control board incorporates by reference:

(1) 40 CFR 81.315*; ~~and~~

(2) 66 FR 53665 (October 23, 2001)*; **and**

(3) 68 FR 1370 (January 10, 2003)*;

concerning attainment status designations.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 1-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2379; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed Dec 30, 1992, 9:00 a.m.: 16 IR 1382; filed Apr 18, 1995, 3:00 p.m.: 18 IR 2220; filed Oct 22, 1997, 8:45 a.m.: 21 IR 932; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3342; filed Apr 29, 1998, 3:15 p.m.: 21 IR 3341; filed May 21, 2002, 10:20 a.m.: 25 IR 3056; filed Nov 15, 2002, 11:17 a.m.: 26 IR 1077)*

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 September 3, 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 1-4-1.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Chris Pedersen, Rule Development Section, Office of Air Quality, (317) 233-6868 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 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 public inspection.

Janet G. McCabe
Assistant Commissioner
Office of Air Quality

TITLE 327 WATER POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #02-327

DIGEST

Amends 327 IAC 5-1-1.5 and 327 IAC 15-3-2 and adds 327 IAC 15-4 concerning on-site residential sewage discharging disposal systems in Allen County. Effective 30 days after filing with the secretary of state.

HISTORY

Second Notice of Comment Period: #02-327(WPCB) December 1, 2002, Indiana Register (26 IR 885).

Notice of First Hearing: February 1, 2003, Indiana Register (26 IR 1593).

Date of First Hearing: March 12, 2003.

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 December 1, 2002, at 26 IR 885. 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.

Additionally, the public is advised that the proposed rule continues to be discussed by IDEM and interested persons at the direction of the Water Pollution Control Board (board) to address issues raised by the public during the first public hearing. This notice requests comments specifically on the version of the rule preliminarily adopted by the board on March 12, 2003. IDEM will also review any comment related to suggestions for inclusion in a version to be presented for final adoption. Individuals wanting information on current discussions related to this rule may contact Ms. Stevens at (317) 232-8635 or mstevens@dem.state.in.

Mailed comments should be addressed to:
LSA Document #02-327 [Allen County On-site Disposal]
MaryAnn Stevens
Rules Section
Office of Water 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 twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, Room 1255, 100 North Senate Avenue, Indianapolis, Indiana. Comments may be delivered by facsimile to (317) 232-8406. Please confirm the timely receipt of faxed comments by calling the Office of Water Quality Rules Section at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with another sent through the postal system.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by June 21, 2003.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD UNDER IC 13-14-9-7

The Indiana Department of Environmental Management (IDEM) requested public comment from December 1, 2002, through December 31, 2002, on the draft of 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. IDEM received comments from the following parties during the comment period:

Daniel W. Bloodgood, Clinton County Sanitarian (DWB)
Gary Chapple, Fort Wayne-Allen County Department of Health (GC)
William Hartsuff, Elkhart County Health Department (WH)
Don Schnoebelen, Elkhart County Health Department (DS)

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

Comment: Public health is paramount for a community's growth and prosperity. Though the citizens of Allen County are in need of a solution for the predicament they are in, a rule to sanction technology that is energy and maintenance intensive and is limited in its application and environmental appropriateness should not supercede good sanitary practices that are documented to be effective. In the least, a maintenance district must be established to administer the permitting process compliance assessment for the on-site discharging treatment systems. The likelihood is small that Allen County will have enough personnel to oversee and administer such a program effectively. If this program becomes another unfunded mandate, then voluntary compliance will be all there is to rely upon, and it seems doubtful that will be sufficient. (WH)

Response: IDEM is the administrator of the National Pollutant Discharge Elimination System (NPDES) permit process and has the responsibility to assure compliance with any permit it issues. The district will be required to work with the owners of on-site waste management systems to assure compliance with the NPDES permit limits and state water quality standards.

Comment: How can a reduction in the number of public comment periods be justified for this rule that will likely have a significant deleterious environmental and economic impact on the vaguely informed, affected parties within Allen County? What alternatives were dismissed or so limited in scope so as to justify this abbreviated decision making process? (WH)

Response: Senate Enrolled Act (SEA) 461-2002 requires IDEM to put in place a NPDES general permit for on-site waste management systems in Allen County; thus, there are no other alternatives. The rulemaking, therefore, fits the criteria under IC 13-14-8-7 for reducing the number of public comment periods necessary to complete the rulemaking. The affected citizenry has additional opportunity to comment at the two public hearings held before this rule is final adopted. More importantly, SEA 461-2002 requires public hearings for the formation of the district, the formation and operation of which more directly affect the citizenry than this NPDES general permit rule. IDEM provided informational materials at the initial public hearing on formation of the district. The information was designed to inform affected persons of the role of the NPDES permit in the installation and use of on-site waste management systems.

Comment: Some fine tuning will be needed as the relationship between the various entities is further defined; otherwise, this rule is thought out well. (GC)

Response: IDEM continues to work with EPA to develop a rule that meets the requirements for NPDES permits. Additionally, IDEM will continue to work with all affected parties to refine and clarify relative roles and responsibilities under this rule.

Comment: The potential for environmental degradation that can be unleashed by allowing the use of this type of on-site technology without regard to the water quality of the region can be realized by reviewing the case histories of similar implementation in and around the suburbs of Cincinnati, Ohio. (WH)

Response: IDEM is aware that this type of system is a developing technology. All systems are required to meet state water quality standards. The environmental degradation from existing failing septic systems must be addressed in some manner until such time as all such waste can be properly treated at wastewater treatment plants or comparably effective ways.

Comment: This rule is intended to regulate and permit point source discharges from existing, failing, and permitted on-site sewage disposal systems, but it is not to be misused to facilitate the permitting and implementation of discharging systems utilizing a machine in lieu of either on-site technology or connection to municipal facilities in the case of new construction. (WH)

Response: SEA 461-2002 authorizes the Indiana State Department of Health to study the use of, develop plans and specifications for, and adopt rules for the use of specific technologies as alternatives to currently operating systems that are either under-performing or have failed. This legislation also directs the local health department to issue operating permits for on-site residential discharging systems that are installed to replace existing sewage disposal systems that have failed and cannot otherwise be repaired or replaced. SEA 461-2002 requires that facilities permitted under the NPDES general permit as proposed in 327 IAC 15-14 meet state water quality standards. The general permit itself does not prescribe or promote specific technology to meet those water quality standards.

Comment: The commissioner's findings and determination published in the Indiana Register under the heading "Background" mention that the rule has provisions for mitigation bypasses and quality control within the requirements of the operation permit. These concepts should not be used, as they have in the past, to barter and justify the degradation of one ecosystem over another, such as stream eutrophication vs. ground water protection. (WH)

Response: IDEM agrees that transferring pollution from one area to another is not a sound environmental policy, and that is not the intent of this rule. Discharges from on-site waste management systems under this rule are required to meet state water quality standards.

Comment: Under existing 327 IAC 15-3-2(5), the requirements for content of a notice of intent (NOI) letter include the name of a municipal storm sewer operator and the ultimate receiving stream if the discharge from an on-site discharging system is connected to a storm sewer. Combined sewer overflow regulations have been requiring CSO communities to rid themselves of CSOs because they are recognized as a major source of surface water contamination. Why now should Allen County or any other location be permitted to utilize these separate and reasonably clean conveyances for point source discharges that are rich in E. coli and nutrients without requirements for frequent monitoring and assessment of the cumulative effects of multiple discharges? (WH)

Response: EPA recognizes on-site waste management system technology as a bridge between existing, failing septic systems and sewering of all wastes. Environmental degradation from failing septic systems cannot be ignored. Discharges from these on-site systems are required to meet state water quality standards. Existing regulation at 327 IAC 15-3-2(5) recognizes that, in some cases, a direct discharge to waters is not feasible, but discharge to storm sewers may be necessary where authorized by local ordinances. IDEM does not encourage discharge to storm sewers under 327 IAC 15 but is making it clear that such discharges are regulated by the NPDES program.

Comment: The applicability of this rule according to 327 IAC 15-14-2 is limited to existing on-site systems or the replacement of such systems that were installed on or before July 1, 2002. The July date should be removed from the draft rule because it will create problems for those in Allen County needing this type assistance. Every effort is being made to refine the process and identify problem soils prior to construction, but, if a site meets all the requirements of the current state department of health rules, then Allen County is unable to deny a permit. Some sites will, therefore, fail no matter when the system is constructed. A system that fails due to soil problems will likely need a discharging solution. (GC)

Response: IDEM agrees that SEA 461-2002 is not so limiting in its applicability. Reference to the date has been removed from the draft rule.

Comment: What method will be used to evaluate whether an existing system is failing and what criteria will be used to determine if an on-site system is eligible to use the discharging technology allowed by this draft rule? Threshold values for pathogens, nutrients, and chemicals

must be established before any compulsory implementation of the rule can be considered. (WH)

Response: Under SEA 461-2002, the local health department is required to issue an operating permit for a new on-site waste management system only after determining that the existing septic is failing to meet public health standards. Additionally, the local health department is charged with adopting procedures for monitoring on-site waste disposal systems, and the district formed under SEA 461-2002 will be required to monitor and keep records for each system within the district assessing compliance with the permit limits established by this rule and state water quality standards.

Comment: 327 IAC 15-14-3(6) defining "on-site residential sewage discharging disposal system" provides conflicting ideas between the term itself and its definition regarding "discharges effluent off-site". (DWB)

Response: The term is so defined in statute at IC 13-11-2-144.7. Such a system is not a closed loop system. It is precisely because the system does discharge effluent off-site that a NPDES permit is necessary.

Comment: Table 1 in 327 IAC 15-14-7 contains daily maximum limits for $CBOD_5$, TSS, and ammonia-nitrogen that may not be realistic according to the manufacturers of units designed for these on-site applications. It is requested that these limits contained in the table be an average value, and the daily maximum limit should be established at twice the values currently in the table for each of the named parameters. Limits established at these suggested values would allow for inevitable fluctuations in system performance while maintaining the high overall water quality standards necessary. (GC)

Response: SEA 461-2002 requires that these treatment systems discharge effluent that does not violate water quality standards. The local health department and the State Department of Health are to ensure that technologies, that are approved for use under the general permit according to this rule, are capable of meeting these standards.

Comment: The monitoring regimen contained in section 7 of the draft rule is not stringent enough. The technology to be allowed by this draft rule is untested in Indiana and should be considered as alternative or experimental. Existing state department of health requirements for soil based technology, those discharging to a soil absorption field not to a receiving stream, mandate a minimum of monthly sampling for the physical parameters listed in table 1 of section 7 and should be the minimum monitoring standard for these on-site discharging units. Several other counties are considering such a monitoring standard; establishing some sort of baseline data would be prudent. Telemetry that is currently available allows for round-the-clock monitoring of some of these parameters, but it is no substitute for proper operation, maintenance, or planning. (DWB, DS)

Response: IDEM has revised the monitoring requirements for several effluent parameters in section 7 of the draft rule and has added monitoring requirements for effluent flow, pH, and total residual chlorine. Monitoring frequencies may be revised in the future if IDEM determines a need based on compliance trends.

Comment: Draft rule 327 IAC 15-14 will allow on-site discharging systems to use machines that are actually small, individually sized, sewage treatment plants receiving the same basic raw constituents that enter a municipal treatment plant. It is irresponsible to allow discharges from individual treatment machines that would otherwise be prohibited discharges from a municipal treatment plant. Specifically missing from the list of too few parameters required to be monitored by section 7, table 1 of the draft rule is a phosphate or phosphorus limit. Municipal treatment systems monitor and treat for this parameter and so should these individual on-site discharge systems. (WH)

Response: Indiana water quality standards do not include criteria for phosphorus or phosphates. NPDES rules as contained in 327 IAC 5-10-2 and 327 IAC 5-10-4 require phosphorus removal for certain point source discharges that discharge directly to or within forty (40) miles of a lake or are within the Great Lakes watershed.

Comment: The draft rule requires no use of or monitoring for disinfectants. Both are needed as well as monitoring for residual chlorine in the receiving waters. (DWB, DS)

Response: Table 1 in section 7 of the draft rule has been amended to include monitoring requirements for total residual chlorine in the event that chlorine is used as the disinfectant.

Comment: Recent studies show that E. coli replicate easily in the environment. The receiving waters of these on-site discharging disposal systems need to be monitored for E. coli. Will background levels of receiving streams be considered as two hundred thirty-five (235) colonies per one hundred milliliter may be deleterious to the receiving stream? (DWB, DS)

Response: Indiana water quality standards for E. coli, as contained in 327 IAC 2-1.5-8(e), require that E. coli bacteria not exceed two hundred thirty-five (235) count per one hundred (100) milliliters in any one (1) sample. These standards are used directly as effluent limitations to the undiluted discharge in accordance with 327 IAC 5-2-11.4(d)(2). The Indiana water quality standards for E. coli are protective of full body recreational contact.

Comment: Cumulative effects on a single stretch of receiving stream from multiple discharges of on-site disposal systems need to be evaluated. There also needs to be sampling done of the receiving stream at a specified distance, for example one hundred feet, downstream of the final point source discharge from an on-site system entering the receiving stream. (DS)

Response: At this point it is unclear which receiving streams will be impacted by these systems. IDEM intends to monitor the effects of these systems in the watershed and will continue to work with individuals and the district to closely monitor any cumulative effects. If it is determined that any particular receiving stream is being impacted, IDEM has the authority to require additional sampling and monitoring.

Comment: The prohibitions listed in subdivisions (1) through (5) of 327 IAC 15-14-7(d) seem to be aesthetic concerns, but they will not be achievable without limitation placed on phosphorus discharged from the on-site discharging systems. Indiana's state legislature recognized many years ago the detrimental water quality ramifications from phosphorus creating eutrophication in surface waters and acted appropriately by creating the phosphate ban for detergents. Draft rule 327 IAC 15-14, however, is countercurrent with Indiana's long-standing law against allowing phosphates and phosphorus to reach our state waters. (WH)

Response: Indiana water quality standards do not include criteria for phosphorus or phosphates. The conditions listed in subdivisions (1) through (5) are minimum narrative criteria that apply to all point source discharges. 327 IAC 5-2-11.1(h) and 327 IAC 5-2-11.6(a) require that these minimum standards be included in all NPDES permits. Violation of these minimum standards could result in additional permit conditions to protect water quality.

Comment: The draft rule does not address who will have the power and responsibility to enforce this rule. Will enforcement be done by the same local health department that allowed the illegal systems to be installed in the first place? (DWB)

Response: IDEM retains the ultimate authority to enforce any permit it issues as well as state water quality standards.

Comment: According to the draft rule with only twice annual monitoring requirements, an on-site discharging disposal system could potentially malfunction for six months prior to any action being taken to address a discharge of raw or partially treated sewage. (DS)

Response: The monitoring requirements for several effluent parameters in section 7 of the draft rule have been revised. Monitoring frequencies may be further revised if IDEM determines a need based on compliance trends. In addition to monitoring, these systems are subject to inspections and must be under the supervision of a certified operator.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On March 12, 2003, the water pollution control board (board) conducted the first public hearing/board meeting concerning the development of a new rule and amendments to rules concerning on-site residential sewage discharging disposal systems in Allen County. Comments were made by the following parties:

Gary Chapple, Fort Wayne-Allen County Department of Health (GC)
Sandra Flum, Allen County Commissioners Office (SF)
Glenn Pratt, Sierra Club (GP)
Loren Robertson, Fort Wayne-Allen County Department of Health (LR)
Rae Schnapp, Hoosier Environmental Council (HEC)

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

Comment: Allen County has a problem with failing septic systems due to the soil type in the county. The county sought a legislative solution to the problem because it couldn't afford to have vacant homes or to turn people out of their homes if their septic systems failed. The new rule will only apply to a small percentage of the total septic systems in Allen County because the state law requires first trying to find a sewer solution. The required district is in the process of organizing. A small administrative fee will be collected from the participating homeowners at a rate that is not too harsh yet still allows the district to serve the function of cleaning up the water quality in the area and allowing the homeowners to stay in their homes. The district believes the monthly monitoring requirements in the draft rule are too financially burdensome for homeowners. The district requests the monitoring requirement be set at twice annually. (SF)

Response: IDEM understands the concerns raised and will continue to work with affected parties to forge a compromise on the monitoring requirements. It is important to balance cost with the public health concerns that may arise with less frequent monitoring.

Comment: Area realtors are anxious to have this rule in effect because failing septic systems and sewage on the ground adversely affect property marketability. Currently, between one and two hundred homes are on pump and haul orders to remove sewage from their septic tanks. Many of those homes were identified as potential candidates for on-site systems when the owner either tried to refinance or sell and could not get a mortgage on a home that didn't have a working septic system. (SF)

Response: IDEM is working as quickly as possible to pass this rule. However, the rule cannot be finalized until the district, required by SEA 461 is established since the district is a co-permittee in this rule.

Comment: Allen County Health Department predecessors left the county with many serious public health issues relating to water quality resulting from malfunctioning systems. A study three years ago by the health department judged that over ninety percent of the ditches in the county have E.coli levels that are unsafe for full body contact. This rule is necessary to prevent public health problems since nothing can be done presently to undo the decisions of past administrators. The increase of monitoring requirements that occurred since the draft rule was published for comment in the Indiana Register surprised the county health personnel who worked to develop this rule with IDEM. The county estimates that the monitoring requirements currently in the rule for the board's consideration of adoption will cost a homeowner over one hundred seventy-five dollars ($175) per month. This will be in addition to the installation cost of a very expensive treatment system. The county believes the expense to the homeowner for monitoring is excessive. This rule is needed to combat the West Nile Virus problem that has hard hit Allen County; therefore, it would benefit public health to make the rule requirements affordable to the homeowners. (LR)

Response: IDEM understands and is working to address the concerns raised about monitoring costs. IDEM is confident that the final rule will include monitoring requirements that represent an appropriate balance between the importance of verification that the systems are effective and meeting standards and are affordable. While it is difficult to rectify the mistakes of the past, it is important not to continue practices that would allow bacteria from the discharges of these types of systems to continue to be a problem. IDEM does not believe it is appropriate to continue to indicate that the spread of West Nile Virus is somehow tied to the contents of this rule. Effluent from a discharging system may also be a breeding ground for disease-carrying mosquitoes. IDEM will continue to work with all interested persons to recommend a final rule that is environmentally sound and economically reasonable. IDEM did provide Allen County information on the contents of the preliminarily adopted rule prior to presenting the rule to the Board and offered to meet with officials before that meeting.

Comment: It is expected that this rule will be used only as a solution to existing homes with failing septic systems and not for new home construction. The type home needing these on-site disposal systems is one that is on a very small lot with no additional area for locating another absorption field. The health department does not expect to approach the water board in the future to request applying this rule to new construction. (LR)

Response: IDEM agrees that this rule should not be available for new construction. Alternatives exist for new construction that should be pursued in lieu of ultimate reliance upon a discharging on-site wastewater treatment system.

Comment: The on-site disposal system is going to be very expensive for the homeowner so it is not going to be the first choice solution. The county is working with Purdue University to develop soil based solutions. There are, however, some sites where the soil just doesn't absorb water, and, for those sites, the discharging system is necessary. Given the great expense of installing a discharging system, the added burden of monthly monitoring may be too much for the homeowner. These systems are going to be used to replace failed ones that have created a water pollution impact. The rule requirements should facilitate the homeowner's ability to have these systems that will improve an existing water quality problem. The twice per year sampling requirement that was in the draft rule will help homeowners be able to correct the water pollution that has occurred from the failed septic systems. (GC)

Response: IDEM understands the concern about monitoring costs and will work to recommend a final rule that addresses these concerns. However, these systems have not been used heretofore in this state; therefore, it is difficult to determine appropriate monitoring frequencies to assure compliance with water quality standards. Because this rule constitutes a NPDES permit, any discharge from a permitted source must meet water quality standards.

Comment: The county would not have a problem with monthly monitoring as a requirement placed on a discharging system manufacturer who wanted to prove in the county that the company's product works and can meet the limits specified in the rule. (GC)

Response: This rule does not regulate the manufacturer of such systems. Rather, this rule regulates the discharge from these systems as NPDES discharges, as required under SEA 461.

Comment: The county is working with Purdue University and the State Department of Health to be able to predict what soils and areas are destined to have failed septic systems. Currently, there is no predictability, and some newly installed septic systems go into immediate failure. The rule's applicability is expected to provide the option of utilizing the on-site discharging system if a newly constructed home's septic system fails. Managing the program for on-site discharging systems is going to be more difficult for the district and the county health department than managing soil absorption systems so the discharging systems will only be utilized where no other option exists. (GC)

Response: IDEM believes that such systems may be a valuable tool to aid homeowners with existing septic system problems. IDEM does not agree that discharging on-site wastewater treatment systems should be an option for new construction in Allen County or elsewhere in Indiana. The law was passed based on testimony that existing homes with no viable option needed this approach to continue to be able to live affordably on the property. New construction has many options, and it is our understanding that protocols for determining the acceptability of a site to conventional and other on-site wastewater systems are in place and should be used for new construction.

Comment: The Allen County on-site management district is one of the co-permittees under this rule, but the county also sees itself as a co-enforcement agency along with IDEM to ensure compliance of the on-site discharging system with the homeowner. The county has a stake in the success of the entire program of allowing on-site discharging systems. If monitoring costs are too great for the homeowner, problems may arise and jeopardize the whole program. (GC)

Response: The district may adopt its own ordinances and require homeowners to meet certain obligations. However, Allen County as a "co-permittee"is not a "co-enforcement" agency along with IDEM. IDEM retains full enforcement authority, as required under its delegation of authority from the US EPA to administer the NPDES program. IDEM will continue to work with affected parties to craft acceptable monitoring standards while balancing the cost with the important need of making sure that the effluent from these systems meets state water quality standards.

Comment: It is surprising to hear the county representative say that on-site discharging systems will be used only as a last resort and that, in the absence of sewers, soil absorption systems will still be the first choice despite also acknowledging that eighty percent of the county's soils are unsuitable for soil based systems. Several years ago this water board considered a request for a rulemaking to allow on-site discharging systems, and the decision at that time was not to allow those on-site treatment systems because they would be too resource intensive to regulate and assure compliance. These on-site discharging systems are very high maintenance and subject to the same failure as septic systems due to poor operation and maintenance on the part of the homeowner. (HEC)

Response: IDEM understands the concern raised by the commentor. Properly working systems will require effort on the part of the homeowner, the district, and IDEM to assure compliance with state water quality standards.

Comment: It seems no other alternative has been considered such as separating the gray water and hauling the black water or a cluster system if the homes with failed septic systems are in close proximity to each other. (HEC)

Response: SEA 461 requires the local health department to determine that such systems are the only option available in each case prior to an operating permit being issued. Further, SEA 461 requires the development of this rule as a NPDES general permit for such discharging disposal systems.

Comment: No mention has been made of the affect of these on-site discharging systems to E. coli impaired waters of the state. The water quality standards do not allow for adding pollutants to a water body that is already impaired for that pollutant. (HEC)

Response: The effluent from each of these systems is required to meet state water quality standards. As these systems are new in this state, it will be important to monitor to assure no deleterious effect on the state's waters. Should a problem arise, IDEM retains the authority to require more stringent limits and management practices.

Comment: A Total Maximum Daily Load assessment has not been done in the Allen County area so there cannot be assurance that these on-site discharging systems won't exceed the load allocation for the receiving water body. (HEC)

Response: Many of these systems will not be discharging directly into a receiving water body. IDEM must be prepared to closely monitor these systems to assure that the load allocations to any receiving streams are not exceeded.

Comment: The section 7 rulemaking process has truncated the public participation on this rule. There have been no comments from citizens of Allen County which is a big concern since they are the people that are going to be affected. IDEM and Allen County need to do a better job of involving local citizens before the rule becomes final. (HEC)

Response: The section 7 process was used because SEA 461 requires the development of a NPDES general permit for these discharging disposal systems. Therefore, the policy alternatives available to IDEM in implementing that statutory mandate are extremely limited. Such is the requirement for the use of a "section 7" (IC 13-14-9-7) rulemaking, which only eliminates the first notice of rulemaking. IDEM has provided outreach materials to be distributed at public meetings held in Allen County related to the formation of the district. IDEM will continue to attempt to involve all interested parties in this rulemaking.

Comment: Thirty years ago federal reports from EPA stated that septic systems are a problem. Despite that knowledge, septic systems are still being installed and continuing to be even more of a problem. A program from IDEM and the state department of health is needed to control septic systems to avoid creating the problem that results in the only solution being on-site discharging systems. Most importantly, construction needs to be prohibited in areas that have no sewers and, yet, have soils that will not be suitable for septic systems. IDEM needs to assure that the Allen County on-site management district is adequately staffed to provide sufficient oversight of operation of the on-site systems. (GP)

Response: IDEM has no authority over the staffing requirements of the district. IDEM acknowledges that the best solution to the moraine soil issue facing Allen County is to provide sewer connections for all systems currently on septic systems. However, such a solution is not an economically viable solution in all situations. IDEM has no authority to halt construction in areas that are beyond available sewer connections.

327 IAC 5-1-1.5
327 IAC 15-3-2
327 IAC 15-14

SECTION 1. 327 IAC 5-1-1.5 IS AMENDED TO READ AS FOLLOWS:

327 IAC 5-1-1.5 Prohibitions

Authority: IC 13-11-2-99; IC 13-13-5-1; IC 13-22-2-3
Affected: IC 13-18-3

Sec. 1.5. **Except as provided in 327 IAC 15-14,** the point

source discharge of sewage treated or untreated, from a dwelling or its associated residential sewage disposal system, to the waters of the state is prohibited. *(Water Pollution Control Board; 327 IAC 5-1-1.5; filed Nov 13, 1995, 5:00 p.m.: 19 IR 660; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518)*

SECTION 2. 327 IAC 15-3-2, PROPOSED TO BE AMENDED AT 26 IR 1616, SECTION 6, 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 and as provided in 327 IAC 15-14-4,** 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 3. 327 IAC 15-14 IS ADDED TO READ AS FOLLOWS:

Rule 14. On-Site Residential Sewage Discharging Disposal Systems within the Allen County On-Site Waste Management District

327 IAC 15-14-1 Purpose

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 1. The purpose of this rule is to establish requirements for point source discharges of treated sewage from on-site residential sewage discharging disposal systems within the Allen County on-site waste management district so that the public health, existing water uses, and aquatic biota are protected. *(Water Pollution Control Board; 327 IAC 15-14-1)*

327 IAC 15-14-2 Applicability

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4; IC 13-18-12-9

Sec. 2. This rule applies to on-site residential sewage discharging disposal systems located within the Allen County on-site waste management district that have been installed to repair or replace a sewage disposal system that fails to meet public health and environmental standards and for which an operating permit has been issued pursuant to IC 13-18-12-9. Such systems shall discharge one thousand (1,000) gallons or less per day of treated sanitary wastewater. *(Water Pollution Control Board; 327 IAC 15-14-2)*

327 IAC 15-14-3 Definitions

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-11-2; IC 13-18-4; IC 36-11

Sec. 3. In addition to the definitions contained in IC 13-11-2, 327 IAC 5, and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "$CBOD_5$" means Five (5)-day Carbonaceous Biochemical Oxygen Demand.

(2) "Commissioner" means the commissioner of the department of environmental management.

(3) "Department" means the department of environmental management.

(4) "District" means the Allen County on-site waste management district established under IC 36-11.

(5) "E. coli" means Escherichia coli bacteria.

(6) "Notice of intent letter" or "NOI" means a written notification indicating a person's intention to comply with the terms of a specified general permit rule in lieu of applying for an individual National Pollutant Discharge Elimination System (NPDES) permit and includes information as required by 327 IAC 15-3 and the general permit rules.

(7) "On-site residential sewage discharging disposal system" means a sewage disposal system that:

(A) is located on a site with and serves a one (1) or two (2) family residence; and

(B) discharges effluent off-site.

(8) "Permittee" means, for purposes of this rule, the owner of an on-site residential sewage discharging disposal system and the district, as defined in subdivision (3).

(9) "Sewage disposal system" means septic tanks,

wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:

(A) store;

(B) treat;

(C) make inoffensive; or

(D) dispose of;

human excrement or liquid carrying wastes of a domestic nature.

(10) "TSS" means total suspended solids.

(Water Pollution Control Board; 327 IAC 15-14-3)

327 IAC 15-14-4 NOI letter requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4; IC 13-18-12-9; IC 13-18-20-12

Sec. 4. (a) The owner of property upon which an on-site residential sewage discharging disposal system subject to this rule is located shall submit to the district a request for inclusion into the district and coverage under this rule. The request shall include the following:

(1) Name and address of the owner and location of the property for which the request is submitted, if different than the mailing address.

(2) A copy of the operating permit issued by the local health department with jurisdiction over the system as provided in section 7 of this rule, pursuant to IC 13-18-12-9(d).

(3) A statement that the person named under subdivision (1) wishes to be covered by this rule.

(4) Signature of the person named under subdivision (1).

(b) If an on-site residential sewage discharging disposal system serves more than one (1) home, each homeowner served by the system shall submit the information required in subsection (a).

(c) If there is a change of ownership of the property upon which an on-site residential sewage discharging disposal system is located, the following must be accomplished in accordance with any applicable district requirements:

(1) The seller of the property shall submit:

(A) a notice to the district reporting the change in property ownership; and

(B) a written statement to the buyer of the property explaining the obligations, including the requirements of this rule, of owning an on-site residential sewage discharging disposal system.

(2) The buyer of the property shall submit to the district a statement requesting to remain subject to coverage under this rule.

(d) The district shall submit a NOI letter to the following address:

Indiana Department of Environmental Management
Office of Water Quality
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Attention: Permits Section

(e) The NOI letter shall include the following:

(1) Names and mailing addresses of all persons requesting inclusion in the district.

(2) Map indicating the following:

(A) The location of each on-site residential sewage discharging disposal system within the district.

(B) The location of any pond or lake within two (2) miles downstream of any on-site residential sewage discharging disposal system within the district.

(3) Names of the receiving streams into which the on-site residential sewage discharging disposal systems will discharge.

(4) A statement that the district and the persons listed under this subsection intend to be covered by this rule.

(5) The application fee required under IC 13-18-20-12.

(f) The NOI letter must be signed by the head of the governing body of the district. *(Water Pollution Control Board; 327 IAC 15-14-4)*

327 IAC 15-14-5 Deadline for submission of a NOI letter and update requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 5. (a) Any person requesting inclusion in the district and coverage under this rule shall submit the request for inclusion to the district within thirty (30) days of receipt of the operating permit issued by the local health department.

(b) The district shall submit the NOI letter to the department within ninety (90) days of the effective date of this rule.

(c) The district shall provide written updates to the department every three (3) months after submission of the initial NOI letter. The updates shall include the following:

(1) Updated list of names and mailing addresses of district members, including the following:

(A) Additional persons included in the district and requesting coverage under this rule since the last update.

(B) Changes in ownership of any systems, including the names of the new and former owners.

(2) Updated map containing the most recent information required under section 4(e)(2) of this rule.

(d) The update required by subsection (c) must be signed by the head of the governing body of the district. *(Water Pollution Control Board; 327 IAC 15-14-5)*

327 IAC 15-14-6 General permit rule boundary

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 6. On-site residential sewage discharging disposal systems located within the boundaries of the Allen County on-site waste management district are regulated under this rule. *(Water Pollution Control Board; 327 IAC 15-14-6)*

327 IAC 15-14-7 General requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4; IC 13-18-12-9

Sec. 7. (a) The point source discharge of treated sewage from an on-site residential sewage discharging disposal system is prohibited unless:

(1) the local health department with jurisdiction over the system has issued an operating permit for the system as provided under IC 13-18-12-9(d); and

(2) all applicable requirements of this article and 327 IAC 5 have been met.

(b) Coverage commences under this rule according to the following:

(1) Upon receipt by the department of the initial NOI letter for discharges from an on-site residential sewage discharging disposal system included in the NOI letter.

(2) Upon receipt by the district of the request for inclusion and coverage under section 4 of this rule for owners of an on-site residential sewage discharging disposal system installed after the district sends the initial NOI letter to the department.

(Water Pollution Control Board; 327 IAC 15-14-7)

327 IAC 15-14-8 Discharge limits and monitoring and reporting requirements

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 8. (a) Under this rule, the permittee must meet the discharge and monitoring requirements listed in Table 1 as follows:

Table 1

The discharge shall be limited and monitored by the permittee as specified as follows:

Parameter	Daily Maximum	Daily Minimum	Units	Monitoring Frequency	Sample Type
Effluent flow	–	–	GPD	1 X Monthly	24-Hr. Total [1]
Temperature	Report	Report	°C	2 X Annually	Grab
$CBOD_5$	15	–	mg/l	2 X Annually	Grab
TSS	18	–	mg/l	2 X Annually	Grab
Ammonia-nitrogen	2	–	mg/l	2 X Annually	Grab
pH	9.0	6.0	s.u.	2 X Annually	Grab
Dissolved Oxygen [2]				2 X Annually	Grab
Winter [3]	–	5.0	mg/l		
Summer [4]	–	[5]	mg/l		
E. coli	235	–	colonies/100ml	1 X Monthly	Grab
Total residual chlorine [6]					
Contact tank	–	0.5	mg/l	1 X Monthly	Grab
Final	<0.06	–	mg/l	1 X Monthly	Grab

[1] Flows may be estimated.

[2] Dissolved oxygen must be monitored once during the winter monitoring period, and once during the summer monitoring period.

[3] Winter limitations apply from December 1 through April 30 of each year.

[4] Summer limitations apply from May 1 through November 30 of each year.

[5] During the summer monitoring period, the dissolved oxygen concentration shall not be less than fifty percent (50%) of saturation as determined by Table 2 as follows:

Table 2

No one (1) sample shall be less than 4.0 mg/l.

Temp. °C	18.0	18.5	19.0	19.5	20.0	20.5	21.0	21.5	22.0	22.5	23.0	23.5	24.0	24.5	25.0	25.5	26.0
D.O. mg/l	4.703	4.654	4.606	4.559	4.513	4.467	4.422	4.378	4.335	4.293	4.251	4.210	4.169	4.129	4.090	4.051	4.012

[6] If chlorine is used as a disinfectant, the residual prior to dechlorination shall be maintained at a minimum of 0.5 mg/l at all times. Dechlorination is required such that the concentration of residual chlorine does not exceed the limit of quantification of 0.06 mg/l.

(b) Samples and measurements required by this rule shall:
(1) be representative of the volume and nature of the monitored discharge flow;
(2) be taken at times that reflect the full range of effluent parameters normally expected to be present;
(3) be taken more than four (4) months apart unless approved by the commissioner;
(4) not be taken at times or in a manner to avoid showing elevated levels of any parameter; and
(5) be analyzed by a laboratory using approved methods.

(c) The analytical results of monitoring required by this rule shall be reported as follows:
(1) The homeowner shall submit to the district the required analytical results on or before the twenty-eighth day of the month following the month in which the samples were collected.
(2) The district shall submit to the department on a semi-annual basis the sampling results for all of the on-site residential sewage discharging disposal systems that are regulated under this rule.

(d) The discharge from the on-site residential sewage discharging disposal system shall not cause receiving waters, including the mixing zone, to contain substances (for example, foam), materials, floating debris, oil, scum, or other pollutants that:
(1) will settle to form putrescent or otherwise objectionable deposits;
(2) are in amounts sufficient to be unsightly or deleterious;
(3) produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
(4) are in amounts sufficient to be acutely toxic to or otherwise severely injure or kill aquatic life, other animals, plants, or humans; or
(5) are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.

(e) The discharge from the on-site residential sewage discharging disposal system shall not cause receiving waters outside the mixing zone to contain substances in concentrations that on the basis of available scientific data are believed to be sufficient to injure, be chronically toxic to, or be carcinogenic, mutagenic, or teratogenic to humans, animals, aquatic life, or plants.

(f) The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. *(Water Pollution Control Board; 327 IAC 15-14-8)*

327 IAC 15-14-9 Standard conditions
Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 9. (a) In addition to the conditions set forth in this rule, the standard conditions for a NPDES permit under 327 IAC 5 and the standard conditions for a NPDES general permit under this article apply to this rule.

(b) The district shall maintain the following records within the district office and make them available for inspection pursuant to section 10 of this rule:
(1) Monitoring reports required under section 8 of this rule for each system within the district.
(2) A copy of the operating permit issued by the local health department for each system within the district.
(3) Signed requests for inclusion in the district and coverage under this rule for each system within the district.
(Water Pollution Control Board; 327 IAC 15-14-9)

327 IAC 15-14-10 Inspection and enforcement
Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-14-10; IC 13-15-7; IC 13-18-3; IC 13-18-4; IC 13-30; IC 36-11-2-1; IC 36-11-5

Sec. 10. (a) The owner of an on-site residential sewage discharging disposal system shall allow the commissioner or an authorized representative, upon presentation of credentials, to enter upon the premises where an on-site residential sewage discharging disposal system is located to determine compliance with this rule and state water quality standards.

(b) The district shall allow the commissioner or an authorized representative, upon presentation of credentials, to enter the district office and 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(l).

(c) 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 15-14-10)*

327 IAC 15-14-11 Duration and renewal of coverage
Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-3-2
Affected: IC 13-18-4

Sec. 11. (a) Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences according to section 7(b) of this rule.

(b) To obtain renewal of coverage under this general permit rule, the district shall submit the information required under section 4 of this rule to the commissioner no later than ninety (90) days prior to the expiration of

coverage under this rule unless the commissioner determines that a later date is acceptable. *(Water Pollution Control Board; 327 IAC 15-14-11)*

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 July 9, 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 new rule 327 IAC 15-14 and amendments to rules 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 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 proposed 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 may be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 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 or (317) 232-6565 (TDD). 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, Room 1255 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Tim Method
Deputy Commissioner
Indiana Department of Environmental Management

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Proposed Rule
LSA Document #02-323

DIGEST

Amends 345 IAC 1-3-30 to restrict the movement of certain species of the family cervidae into the state. Adds 345 IAC 1-3-31 to restrict the movement of carcasses and parts thereof of certain species of the family cervidae into the state. Adds 345 IAC 1-3-32 to require full and honest information exchange and authorize penalties for violations. Amends 345 IAC 1-6-2 and 345 IAC 1-6-3 to clarify animal disease reporting requirements. Adds 345 IAC 2-7-2.4 and 345 IAC 2-7-2.5 to clarify interstate and intrastate movement requirements for all cervids. Amends 345 IAC 2-7-3 to clarify requirements for keeping records of cervid movements and identifying animals. Effective 30 days after filing with the secretary of state.

345 IAC 1-3-30
345 IAC 1-3-31
345 IAC 1-3-32
345 IAC 1-6-2
345 IAC 1-6-3
345 IAC 2-7-2.4
345 IAC 2-7-2.5
345 IAC 2-7-3

SECTION 1. 345 IAC 1-3-30, AS AMENDED AT 26 IR 345, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-30 Chronic wasting disease
Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 30. (a) ~~Chronic wasting disease (CWD) is not known to exist in the state. CWD has been diagnosed in captive and wild cervids in other states and Canadian provinces. CWD presents a health hazard to the animals of the state that could result in substantial damage to the domestic cervid industry in the state and the state's wild cervid population. Preventing the spread of CWD from cervids in other states is the best currently available method for addressing the CWD threat to animals in the state. The state veterinarian shall continue to evaluate the risks associated with CWD and the available methods for protecting animals in the state from CWD. The state veterinarian shall update the board on his findings. In the interim, because of the current CWD threat, the following provisions apply until May 1, 2003:~~

~~(1)~~ Notwithstanding any other provision of this rule, a person may not move, ~~a cervid into~~ **or cause to be moved, any of** the ~~state. A person may not move cervid~~ **following live animals, or** semen or ~~cervid~~ embryos **from the animals,** into the state:

~~(2) Notwithstanding subdivision~~ (1) **A member of** the ~~following apply: (A)~~ **cervus elaphus species (elk, wapiti, and red deer).**

(2) A member of the cervus nippon species (Sika deer, Japanese deer, Japanese Sika deer, spotted deer, and Japanese spotted deer).

(3) A member of the odocoileus hemionus species (mule deer).

(4) A member of the odocoileus virginianus species (whitetail deer).

(5) Hybrids of the species listed in this subsection.

(6) An animal of the family cervidae, if any member of its species has been diagnosed with CWD.

But, a person may **move live animals, semen, or embryos from these species under the conditions set forth in subsection (b).**

(b) A person may move or cause to be moved a live animal, semen, or embryos of the species listed in subsection (a) into the state by complying with one (1) of the following:

(1) A person may transport a ~~cervid, cervid~~ **live animal,** semen, ~~and cervid~~ **or** embryos directly through the state without stopping and unloading the animal, semen, or embryos in the state.

~~(B) Cervid semen and cervid embryos sent out of~~ **(2)** The **person obtains a pre-entry permit from the** state ~~for processing and storage may be brought back into~~ **veterinarian that authorizes** the ~~state if the following conditions are met:~~ **movement as follows:**

~~(i)~~ **(A)** The person must first apply to the state veterinarian for a pre-entry permit to ~~bring~~ **move** the ~~cervid~~ **animal,** semen, or embryos into the state.

(B) The state veterinarian may require from ~~the~~ **an** applicant **for a pre-entry permit and the applicant must provide** any information, **including supporting documentation,** that is relevant to evaluating the disease risk associated with the movement **and compliance with subsections (c) through (f).** The state veterinarian may require that the application for a permit be in writing and be submitted not less than ~~forty-eight (48)~~ **one hundred twenty (120)** hours prior to the movement date.

~~(ii) The cervid semen or embryos may not be moved into the state unless the state veterinarian issues a pre-entry permit for the movement.~~

~~(iii)~~ **(c)** The state veterinarian may issue a pre-entry permit to move ~~cervid semen~~ **a live animal** and ~~cervid~~ embryos **of the species listed in subsection (a)** into the state if the epidemiology as it relates to CWD indicates that the proposed movement is consistent with reasonable animal health precautions. ~~(C)~~ The state veterinarian ~~may permit~~ **must follow** the ~~movement of any~~ **principles in subsections (d) through (h) when issuing pre-entry permits.**

(d) Except as provided in subsections (e), (f), and (h), the state veterinarian must follow the following principles when issuing pre-entry permits for live animals and embryos:

(1) Each animal, ~~semen, or embryo into~~ **in** the ~~state for the purpose of research or to facilitate the diagnosis, treatment, prevention, or control of disease. (b) After May 1, 2003, a person may not transport into Indiana a cervid~~ **proposed movement must originate from an area** that ~~originates from a herd that is located~~ **meets all of the following conditions:**

(A) The principal animal health official in ~~a~~ **the** state ~~where~~ **of origin has authority to quarantine** CWD ~~has~~ **infected, CWD exposed, and CWD suspect animals.**

(B) State law in the state of origin requires that a diagnosis of CWD be reported to the principal animal health official of the state.

(C) The state of origin is engaged in surveillance for CWD in captive and pre-ranging cervids.

(D) CWD has not been diagnosed **in a captive or free-ranging cervid in the state** within the sixty (60) months immediately prior to the date of ~~transportation into Indiana unless one (1) of~~ the **proposed movement.**

(2) Each animal in the proposed movement must originate from a herd that meets all of the following ~~sets of~~ conditions: ~~are met:~~

~~(1) The animal originates from a herd that meets the following criteria:~~

(A) No animal in the herd and no animal that originated from the herd, **and no animal that has been traced to the herd** has ~~tested~~ **been diagnosed as** positive for CWD within the sixty (60) months immediately prior to the date of transportation into Indiana.

(B) The herd has been enrolled in or subject to an official state or federal surveillance program whereby the herd has been monitored for CWD for not less than sixty (60) consecutive months and the owner of the herd is in compliance with the surveillance program requirements. **The certification program information shall be disclosed when applying for an entry permit under this section and shall be included on the certificate of veterinary inspection required under section 4 of this rule.**

~~(2)~~ **(e)** The state veterinarian ~~issues a~~ **may issue a pre-entry** permit ~~to transport~~ **under this section for any of** the **following:**

(1) An animal ~~into Indiana~~ **if the animal has tested negative** for ~~the purpose of slaughter, research, or to facilitate the diagnosis, treatment, prevention, or control of disease. The state veterinarian shall maintain a list of states where~~ CWD **using a live animal test that** has been ~~diagnosed.~~ **approved by the United States Department of Agriculture and the state veterinarian.**

(2) Semen or embryos if the donor animal has tested negative for CWD using a test that has been approved by the United States Department of Agriculture and the state veterinarian.

(f) The state veterinarian may issue a pre-entry permit under this section to move a live animal of the species listed in subsection (a) into the state directly to slaughter if the following requirements are met:

(1) An official certificate of veterinary inspection is obtained for the animals on the shipment.

(2) Each animal is identified and the identification is recorded on the certificate of veterinary inspection.

(3) The permit requires a copy of the certificate of veterinary inspection to move with the animals and be presented to a state or federal official at the slaughtering plant.

(4) The permit requires that the animals be moved

directly to a slaughtering plant inspected by the board or the United States Department of Agriculture without stopping and unloading the animals elsewhere in the state.

(5) The permit requires that the state veterinarian be allowed to collect samples from each animal for testing for disease.

(6) The permit contains any other conditions the state veterinarian determines to be necessary to prevent, detect, and control disease.

(g) The state veterinarian may issue a pre-entry permit under this section to move semen from animals of the species listed in subsection (a) into the state if the following requirements are met:

(1) The semen donor is not a CWD positive, CWD suspect, or CWD exposed animal.

(2) The semen donor has not been kept on a premise where a CWD positive animal has been kept within the last sixty (60) months.

(3) The semen donor is not an offspring of a CWD positive animal.

(4) A veterinarian accredited under 9 CFR Subchapter J prepares a certificate of veterinary inspection for the semen donor and the shipment indicating that the provisions of this subsection are met and that the donor does not currently show any signs of a neurological disorder. The state veterinarian may require a copy of the certificate of veterinary inspection be submitted prior to issuing the pre-entry permit. The certificate must be prepared within the thirty (30) days prior to the shipment into the state.

(h) The state veterinarian may permit the movement of any animal, semen, or embryo into the state under conditions prescribed by the state veterinarian for the purpose of research or to facilitate the diagnosis, treatment, prevention, or control of disease. *(Indiana State Board of Animal Health; 345 IAC 1-3-30; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1338; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 345)*

SECTION 2. 345 IAC 1-3-31 IS ADDED TO READ AS FOLLOWS:

345 IAC 1-3-31 Chronic wasting disease; carcasses

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13: IC 15-2.1-16; IC 15-2.1-24

Sec. 31. (a) The provisions in this section supersede any conflicting provisions in 345 IAC 7-7. Except as provided in subsection (b), a person may not move into the state a carcass or any part thereof of the following animals:

(1) A member of the cervus elaphus species (elk, wapiti, and red deer).

(2) A member of the cervus nippon species (Sika deer, Japanese deer, Japanese Sika deer, spotted deer, and Japanese spotted deer).

(3) A member of the odocoileus hemionus species (mule deer).

(4) A member of the odocoileus virginianus species (whitetail deer).

(5) Hybrids of the species listed in this subsection.

(6) An animal of the family cervidae, if any member of its species has been diagnosed with CWD.

But, semen and embryos authorized for entry under section 30 of this rule may be moved into the state.

(b) Notwithstanding the prohibition in subsection (a), the following apply:

(1) A person may transport a carcass or parts directly through the state without stopping and unloading the carcass or parts in the state.

(2) A person may move the following parts into the state:

(A) Deboned meat.

(B) Carcasses or parts of carcasses with the head or spinal column attached if they are delivered within seventy-two (72) hours after entry to a meat processor inspected under IC 15-2.1-24 for processing.

(C) Antlers, including antlers attached to skull caps, if the skull cap is cleaned of all brain and muscle tissue.

(D) Hides.

(E) Upper canine teeth, also known as "buglers", "whistlers", or "ivories".

(F) Heads if they are delivered to a taxidermist licensed by the Indiana department of natural resources within seventy-two (72) hours after entry.

(G) Finished taxidermist mounts.

(3) A person licensed as a disposal plant or collection service under IC 15-2.1-16 may move carcasses and parts into the state if the carcasses and parts are moved directly to a licensed disposal plant.

(4) Samples taken for disease control purposes may be moved directly to a diagnostic laboratory.

(5) The state veterinarian may permit the movement of any carcass or part into the state for the purpose of research or to facilitate the diagnosis, treatment, prevention, or control of disease.

(c) A meat plant accepting live animals for slaughter under section 30 of this rule or carcasses under subsection (b)(2)(B) and a taxidermist accepting carcasses under subsection (b)(2)(F) must dispose of discarded tissue from the animals at a landfill permitted by the Indiana department of environmental management or through a renderer or collection service licensed under IC 15-2.1-16. *(Indiana State Board of Animal Health; 345 IAC 1-3-31)*

SECTION 3. 345 IAC 1-3-32 IS ADDED TO READ AS FOLLOWS:

345 IAC 1-3-32 Duties of applicants and shippers; violations; penalties

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13; IC 15-2.1-18-9; IC 15-2.1-21-6; IC 15-2.1-21-14

Sec. 32. (a) A person applying for a permit under this rule and any person moving animals into the state under this rule must comply with the following:

(1) The person must provide all information, including supporting documentation, requested by a board representative that is evaluating a permit request or compliance with this rule.

(2) All information provided to board representatives must be complete and accurate.

(3) The person must comply with all relevant provisions of this rule.

(b) Knowingly or intentionally providing false or misleading information to any board representative is a violation of IC 15-2.1-18-9, IC 15-2.1-21-6, and this rule.

(c) Knowingly or intentionally failing to comply with the provisions of this rule is a violation of IC 15-2.1-21-6.

(d) Failing to comply with any provision of this rule is a violation of this rule. The state veterinarian may impose civil penalties under IC 15-2.1-21-14 for any violation of this rule.

(e) The state veterinarian may deny a request for a permit because the provisions of this rule have not been met or have been violated.

(f) The state veterinarian may take any action authorized under IC 15-2.1 or other laws to enforce the provisions of this rule. *(Indiana State Board of Animal Health; 345 IAC 1-3-32)*

SECTION 4. 345 IAC 1-6-2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-6-2 Individual and veterinarian responsibility

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13; IC 15-2.1-18-10

Sec. 2. A diagnostic laboratory, veterinarian, owner, or custodian ~~must report~~ **that receives information indicating** a clinical diagnosis of any of the following reportable diseases in an animal **or article must report that information** to the state veterinarian within two (2) business days of **receiving** the ~~diagnosis.~~ **information:**

(1) Anthrax (Bacillus anthracis).
(2) Aujezsky's disease (Pseudorabies).
(3) Avian mycoplasmosis (Mycoplasma gallisepticum) in turkeys.
(4) Bovine tuberculosis (Mycobacterium bovis).
(5) Brucellosis (Brucella abortus, brucella suis, caprine and ovine brucellosis).
(6) Equine infectious anemia (EIA).
(7) Foreign animal diseases.
(8) Fowl typhoid (Salmonella gallinarum).
(9) Paratuberculosis (Johne's disease, Mycobacterium paratuberculosis).
(10) Pullorum disease (Salmonella pullorum).
(11) Rabies.
(12) Transmissible spongiform encephalopathies, including the following:
(A) Chronic wasting disease.
(B) Scrapie.
(C) Bovine spongiform encephalopathy.
(13) Vesicular diseases, including the following:
(A) Foot-and-mouth disease.
(B) Vesicular stomatitis.
(C) Swine vesicular disease.
(D) Vesicular exanthema.

(Indiana State Board of Animal Health; 345 IAC 1-6-2; filed Jul 23, 1992, 2:00 p.m.: 15 IR 2568; filed Oct 11, 1996, 2:00 p.m.: 20 IR 740; filed Jun 17, 1998, 9:03 a.m.: 21 IR 4205; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:00 a.m.: 25 IR 1607)

SECTION 5. 345 IAC 1-6-3, AS AMENDED AT 25 IR 1607, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-6-3 Laboratory responsibility

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13; IC 15-2.1-18-10

Sec. 3. For the purpose of participating in the United States Department of Agriculture, National Animal Health Reporting System, a diagnostic laboratory must report a diagnosis of any of the following reportable diseases in an animal ~~located in~~ **or article from** Indiana **or whose owner is from Indiana** to the state veterinarian within two (2) business days of the diagnosis:

(1) Multiple species diseases as follows:
(A) Anthrax (Bacillus anthracis).
(B) Aujezsky's disease (Pseudorabies).
(C) Bluetongue.
(D) Bovine tuberculosis (Mycobacterium bovis).
(E) Brucellosis (Brucella abortus, brucella suis, caprine and ovine brucellosis).
(F) Contagious bovine pleuropneumonia (Mycoplasma mycoides mycoides).
(G) Foot-and-mouth disease (all FMD virus types).
(H) Echinococcosis/hydatidosis.
(I) Heartwater (Cowdria ruminantium).
(J) Leptospirosis.
(K) Lumpy skin disease.
(L) New World screwworm (Cochliomyia hominivorax).
(M) Old World screwworm (Chrysomya bezziana).
(N) Paratuberculosis (Johne's disease, Mycobacterium paratuberculosis).
(O) Peste des petits ruminants.
(P) Q Fever (Coxiella burnetti).
(Q) Rabies.

(R) Rift valley fever.
(S) Rinderpest.
(T) Transmissible spongiform encephalopathies, including the following:
(i) Chronic wasting disease.
(ii) Scrapie.
(iii) Bovine spongiform encephalopathy.
(U) Trichinellosis (Trichinella spiralis).
(V) Vesicular stomatitis (VS viruses Indiana, New Jersey, or not typed).
(2) Cattle diseases as follows:
(A) Bovine anaplasmosis (Anaplasma marginale, A. centrale).
(B) Bovine babesiosis (Babesia bovis, B. bigemina).
(C) Bovine cysticercosis (Cysticercus bovis metacestode stage of Taenia saginata).
(D) Bovine genital campylobacteriosis (Campylobacter fetus venerealis).
(E) Dermatophilosis (Dermatophilus congolensis).
(F) Enzootic bovine leukosis (BLV).
(G) Haemorrhagic septicaemia (Pasteurella multocida, B/Asian or E/African serotypes).
(H) Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis (IBR/IPV).
(I) Malignant catarrhal fever (Bovine malignant catarrh, wildebeest associated).
(J) Theileriosis (Theileria annulata, T. parva).
(K) Trichomonosis (Tritrichomonas (Trichomonas) foetus).
(L) Trypanosomosis (Trypanosoma congolense, T. vivax, T. brucei brucei).
(3) Sheep and goat diseases as follows:
(A) Caprine and ovine brucellosis (excluding B. ovis).
(B) Caprine arthritis/encephalitis (CAE).
(C) Contagious agalactia (Mycoplasma agalactiae, M. capricolum capricolum, M. putrefaciens, M. mycoides mycoids, M. mycoides mycoides (LC)).
(D) Contagious caprine pleuropneumonia (Mycoplasma capricolum capripneumoniae).
(E) Enzootic abortion of ewes (Ovine Psittacosis, Chlamydia psittaci).
(F) Ovine pulmonary adenomatosis.
(G) Maedi-visna/ovine progressive pneumonia.
(H) Nairobi sheep disease.
(I) Ovine epididymitis (Brucella ovis infection).
(J) Salmonellosis (Salmonella abortusovis).
(K) Sheep pox and goat pox.
(4) Equine diseases as follows:
(A) African horse sickness.
(B) Contagious equine metritis (Tylorella equigenitalis).
(C) Dourine (Trypanosoma equiperdum).
(D) Epizootic lymphangitis (Histoplasma farciminosum).
(E) Equine encephalomyelitis (Eastern and Western).
(F) Equine infectious anemia (EIA).
(G) Equine influenza (virus type A).
(H) Equine piroplasmosis (Babesiosis, Babesia (Piroplasma) equi, B. caballi).
(I) Equine rhinopneumonitis (1 and 4).
(J) Equine viral arteritis (EVA).
(K) Glanders (Pseudomonas mallei).
(L) Horse mange.
(M) Horse pox.
(N) Japanese encephalitis.
(O) Surra (Trypanosoma evansi).
(P) Venezuelan equine encephalomyelitis.
(5) Swine diseases as follows:
(A) Atrophic rhinitis of swine (Bordetella bronchiseptica, Pasteurella multocida).
(B) African swine fever.
(C) Classical swine fever.
(D) Enterovirus encephalomyelitis.
(E) Porcine brucellosis (Brucella suis).
(F) Porcine cysticercosis (Cistercus cellulosae metacestode stage of Taenia solium).
(G) Porcine reproductive and respiratory syndrome (PRRS).
(H) Swine vesicular disease.
(I) Transmissible gastroenteritis (TGE).
(6) Avian diseases as follows:
(A) Avian chlamydiosis (Psittacosis and Ornithosis, Chlamydia psittaci).
(B) Avian infectious bronchitis.
(C) Avian infectious laryngotracheitis.
(D) Avian influenza.
(E) Avian mycoplasmosis (Mycoplasma gallisepticum).
(F) Avian tuberculosis (Mycobacterium avian).
(G) Duck virus hepatitis.
(H) Duck virus enteritis.
(I) Fowl cholera (Pasturella multocida).
(J) Fowl pox.
(K) Fowl typhoid (Salmonella gallinarum).
(L) Infectious bursal disease (Gumboro disease).
(M) Marek's disease.
(N) Newcastle disease.
(O) Pullorum disease (Salmonella pullorum).
(7) Fish diseases as follows:
(A) Viral haemorrhagic septicaeimia.
(B) Spring viraemia of carp.
(C) Infectious haematopoietic necrosis.
(D) Epizootic haematopoietic necrosis.
(E) Oncorhynchus masou virus disease.

(Indiana State Board of Animal Health; 345 IAC 1-6-3; filed Jul 23, 1992, 2:00 p.m.: 15 IR 2568; filed Oct 11, 1996, 2:00 p.m.: 20 IR 740; filed Jun 17, 1998, 9:03 a.m.: 21 IR 4205; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:00 a.m.: 25 IR 1607)

SECTION 6. 345 IAC 2-7-2.4 IS ADDED TO READ AS FOLLOWS:

345 IAC 2-7-2.4 Interstate movement
Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13

Sec. 2.4. A person moving a cervid into the state must comply with the requirements in this article and 345 IAC 1-3. *(Indiana State Board of Animal Health; 345 IAC 2-7-2.4)*

SECTION 7. 345 IAC 2-7-2.5 IS ADDED TO READ AS FOLLOWS:

345 IAC 2-7-2.5 Intrastate movement
Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13

Sec. 2.5. A person moving a cervid within the state must meet the following requirements:

(1) The animal must be identified.

(2) The requirements in this article concerning tuberculosis control must be met.

(3) The requirements in this article concerning brucellosis control must be met.

(Indiana State Board of Animal Health; 345 IAC 2-7-2.5)

SECTION 8. 345 IAC 2-7-3, AS AMENDED AT 26 IR 347, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

345 IAC 2-7-3 Herd registration
Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13; IC 15-2.1-18-9; IC 15-2.1-18-11

Sec. 3. (a) The owner of a cervid located in Indiana must meet the following requirements:

(1) The owner shall register with the state veterinarian each location where his or her cervids are kept.

(2) ~~Every~~ **Each** animal in the herd must be uniquely identified **at the earliest of the following events:**

(A) At the time the animal is moved onto the premises.

(B) At the time the animal is moved off of the premises.

(C) At the time the animal is held for testing, vaccination, or veterinary care of any kind.

(D) At the time the animal is held for semen, embryo, antler, or other collection from the animal.

Animals that have existing identification do not need to be reidentified upon the occurrence of these events if the existing identification meets the criteria for identification prescribed by the state veterinarian and the existing identification is recorded in the herd inventory. The state veterinarian shall prescribe the methods by which cervids shall be identified.

(3) The owner must keep a complete, accurate, and current herd inventory. A herd inventory shall include the following:

(A) A record of each animal that is part of the herd, ~~and~~ its identification**, the date the animal was identified, and the event triggering its identification.**

(B) A record of each animal that is added to the herd, including the date the animal is added and the source of the animal. If the source of the animal is from outside the owner's herd, the name and address of the source.

(C) A record of each animal that is removed from the herd, ~~including~~ **the cause for removal (sale, escape, death by accident, or death by other means),** the date removed, and the name and address of the animal's destination.

(4) Upon request of the state veterinarian, the owner or custodian of the animals must do the following:

(A) Provide the state veterinarian access to or a copy of the written herd inventory.

(B) Present each animal in the herd to the state veterinarian for inspection and verification of identification.

(C) Provide access to any animal in the herd for testing, identification, or evaluation.

(5) Upon the death of any animal in the herd for any reason the owner shall immediately notify the state veterinarian. The state veterinarian may inspect any dead cervid and take tissues or other material necessary or helpful for detecting ~~CWD.~~ **disease.** The owner shall dispose of the remaining carcass as directed by the state veterinarian. **The state veterinarian may require that the owner identify the carcass in a particular manner. The owner must allow the state veterinarian to collect samples from any animal sent to slaughter.**

(6) The herd must be enclosed in a perimeter fence that is made from materials that will prevent cervids from entering or leaving through the structure, has no openings that will allow ingress or egress, and measures at least eight (8) feet from the ground to the top of the fence at all parts of the structure. The state veterinarian may approve a perimeter fence enclosing smaller cervids that is lower than eight (8) feet if the fence is likely to contain the animals.

(b) The state veterinarian may conduct an epidemiologic evaluation of any cervid herd, including testing any animal if it furthers the goal of animal disease surveillance and control. The state veterinarian may consider all relevant factors, including the length of time the herd has been under a CWD surveillance program, the herd's health history, the potential effects of any additions to the herd, and the potential effect of wild cervids on the herd when evaluating herds under this subsection.

(c) The requirements in this section do not apply to a person possessing a dead wild cervid taken pursuant to a hunting permit issued by the Indiana department of natural resources. *(Indiana State Board of Animal Health; 345 IAC 2-7-3; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 347)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on July 10, 2003 at 9:40 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed amendments to rules concerning health requirements to move cervids into the state and to keep cervids

in the state relating to the prevention and control of chronic wasting disease. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh
Indiana State Veterinarian
Indiana State Board of Animal Health

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Proposed Rule
LSA Document #03-9

DIGEST

Amends 345 IAC 1-3-22 to allow a person to move certain dogs and cats into the state with a rabies vaccination administered within three years. Amends 345 IAC 1-5-1 to make clear that an animal vaccinated by a veterinarian licensed in another state is legally vaccinated for rabies in Indiana. Effective 30 days after filing with the secretary of state.

345 IAC 1-3-22
345 IAC 1-5-1

SECTION 1. 345 IAC 1-3-22 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-22 Rabies vaccination required for dogs, cats, and ferrets

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 22. (a) **Before a person may move** a dog, cat, or ferret ninety (90) days of age or older **into the state, the animal** must ~~have been~~ **be** vaccinated against rabies by a licensed and accredited veterinarian **as follows:**

(1) Ferrets must be vaccinated within the ~~three hundred sixty-five (365) days immediately preceding~~ **twelve (12) months prior to** the animal entering ~~Indiana.~~ **the state.**

(2) Dogs and cats must be vaccinated within one (1) of the following time frames:

(A) Within the twelve (12) months prior to entering the state in the following circumstances:

(i) The animal has not previously been vaccinated against rabies.

(ii) The animal was previously vaccinated against rabies and the manufacturer of the vaccine used recommends a booster within one (1) year as designated on the rabies vaccine label and package insert.

(iii) The animal has, within the last twelve (12) months, been bitten by a wild animal or a domestic animal of unknown rabies status.

(B) Within the thirty-six (36) months prior to entering the state if:

(i) none of the circumstances in clause (A) apply; and

(ii) the animal was previously vaccinated against rabies and the manufacturer of the vaccine used recommends a booster within three (3) years as designated on the rabies vaccine label and package insert.

~~But~~ **(b)** A dog, cat, or ferret ~~imported~~ **moved into the state** for ~~the~~ immediate delivery to or use by **a** research ~~and~~ **or** teaching ~~facilities~~ **facility** is exempt **from the requirements in subsection (a).** The state veterinarian shall determine if animals are exempt under this section.

~~(b)~~ **(c)** No one may transport into ~~Indiana~~ **the state** an animal that has been exposed to a rabid animal within the ~~three hundred sixty-five (365) days immediately preceding~~ **twelve (12) months prior to** the animal entering ~~Indiana.~~ **the state.** *(Indiana State Board of Animal Health; Reg 76-1, Title VII, Sec 2; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 134; filed Jan 8, 1986, 2:52 p.m.: 9 IR 996; filed Mar 23, 2000, 4:24 p.m.: 23 IR 1913; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

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

345 IAC 1-5-1 Rabies vaccination

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-3-13; IC 15-2.1-6

Sec. 1. (a) For the purpose of administering IC 15-2.1-6 and this rule, an animal is deemed to be vaccinated for rabies only when the following provisions are met:

(1) The animal is vaccinated by a veterinarian that is:

(A) licensed to practice veterinary medicine; ~~in Indiana;~~ and

(B) accredited by the United States Department of Agriculture under 9 CFR, Subchapter J.

(2) The vaccine used must be licensed and approved by the United States Department of Agriculture. The dosage and administration of the vaccine used must be in accordance with this rule and the manufacturers' specifications described on the vaccine's label and package insert.

(b) The veterinarian performing a rabies vaccination of an animal shall do the following:

(1) Complete a vaccination certificate or computerized record, in triplicate, on each animal being vaccinated for rabies that shall include the following information:

(A) The name and address of the animal's owner.

(B) The species, sex, and age of the animal vaccinated.

(C) The date the animal was vaccinated.

(D) The product name and lot number of the vaccine used.

(E) The date the animal must be revaccinated under section 2 of this rule.

(F) The number of the tag issued if a tag is issued under subdivision (3).

(G) The name of the veterinarian completing the vaccination and his or her Indiana veterinary license number.

(2) The rabies vaccination certificate completed under subdivision (1) shall be distributed as follows:

(A) One (1) copy of the certificate or computerized record shall be given to the owner or custodian of the animal being vaccinated for rabies.

(B) One (1) copy of the certificate or computerized record shall be forwarded to the county health officer or the officer's designated agent upon the county health officer's request, or as the state veterinarian otherwise directs, within thirty (30) days of the vaccination.

(C) One (1) copy of the certificate or computerized record shall be retained by the veterinarian vaccinating such animal covering the period of immunization.

(3) A veterinarian that vaccinates a dog, cat, or ferret shall furnish to the owner or custodian of the animal a rabies vaccination identification tag that contains the following:

(A) The veterinarian's or clinic's name and telephone number.

(B) A unique identification number.

(c) The owner or custodian of an animal vaccinated for rabies shall keep a copy of the certificate and tag required to be issued under subsection (b) until such time as the animal must be revaccinated under section 2 of this rule. The board recommends that the owner or custodian of a dog affix the rabies vaccination tag to the collar or harness of the dog and that it be worn at all times. Nothing in this rule shall prevent a local unit of government from requiring that rabies vaccination tags be worn at all times.

(d) Animals that have been vaccinated for rabies are subject to all quarantine provisions that may be imposed by state or local regulations. The final determination of an animal's rabies vaccination status shall be made by the state veterinarian. *(Indiana State Board of Animal Health; Reg 57-2, Title 1; filed Jun 4, 1958, 3:30 p.m.: Rules and Regs. 1959, p. 284; filed Jan 20, 1988, 4:05 p.m.: 11 IR 1740; filed Oct 23, 1989, 5:00 p.m.: 13 IR 383; filed Jun 14, 1995, 3:30 p.m.: 18 IR 2759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Oct 1, 2001, 11:10 a.m.: 25 IR 374) NOTE: Originally adopted by the Indiana State Livestock Sanitary Board. Name changed by Acts 1969, Ch. 81, Sec. 1.*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on July 10, 2003 at 9:45 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed amendments to rules concerning rabies vaccination requirements for dogs and cats moving into the state. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Indiana State Board of Animal Health

TITLE 357 INDIANA PESTICIDE REVIEW BOARD

Proposed Rule
LSA Document #02-332

DIGEST

Adds 357 IAC 1-11 to establish certification and licensing requirements for all applicators that use any pesticide as part of a mosquito abatement operation conducted on publicly accessible areas and establish registration requirements for technicians using pesticides under the supervision of the certified and licensed applicators. Effective 30 days after filing with the secretary of state.

357 IAC 1-11

SECTION 1. 357 IAC 1-11 IS ADDED TO READ AS FOLLOWS:

Rule 11. Community-Wide Mosquito Abatement Pesticide Applicators and Technicians

357 IAC 1-11-1 Definitions
Authority: IC 15-3-3.6-3; IC 15-3-3.6-4
Affected: IC 15-3-3.6-8.1

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

(1) "Category 8" means the public health pest control certification and license category referenced in 355 IAC 4-1-3(14), which includes pesticide applicators who use or supervise the use of pesticides in mosquito abatement operations.

(2) "Commercial applicator license" means the license issued annually by the state chemist to an individual who has met the requirements established in IC 15-3-3.6-8.1, including the following licenses:

(A) Applicator for hire.

(B) Applicator not for hire.

(C) Public applicator.

(3) "Community-wide mosquito abatement" means any pesticide application activities, including mosquito

adulticiding and larviciding, conducted wholly or in part on publicly accessible property. The term does not include pesticide applications performed for the control of mosquitoes solely on a single-family residence.

(4) "Direct supervision" means one (1) of the following:

(A) The supervision and oversight procedures for noncertified applicators as required in 355 IAC 4-2.

(B) The supervising certified applicator is:

(i) present at the pesticide application site in close proximity to and within reasonable line of sight of the noncertified applicator; and

(ii) operating under conditions that permit direct voice contact with the noncertified applicator.

(C) For employees of a governmental agency, the supervising certified applicator:

(i) has provided the noncertified applicator with written instructions covering site-specific precautions to prevent injury to persons or the environment or damage to property at the pesticide application site; and

(ii) is operating under conditions that permit direct voice contact with the noncertified applicator.

(5) "Publicly accessible property" means public or private property to which the public or patrons have a reasonable expectation of relatively unrestricted access.

(6) "Registered technician" means a noncertified person who, having met the requirements of 355 IAC 4-2-8, is registered by the state chemist and thereby is authorized to engage in pesticide use and related activities while working under the direct supervision of a certified and licensed applicator.

(7) "State chemist" means the Indiana state chemist or his appointed agent.

(Indiana Pesticide Review Board; 357 IAC 1-11-1)

357 IAC 1-11-2 Applicator certification and licensing

Authority: IC 15-3-3.6-3; IC 15-3-3.6-4
Affected: IC 15-3-3.6-2

Sec. 2. (a) Except as provided in section 3 of this rule, a person may not use or supervise the use of any pesticide for community-wide mosquito abatement activities without having obtained a commercial applicator license in Category 8 from the state chemist.

(b) Completing the certification requirements as a commercial applicator (IC 15-3-3.6-2(7)) in Category 8 shall be a qualifying requirement for each of the licenses referenced in section 1(2) of this rule.

(c) A person may satisfy the Category 8 certification requirements by either:

(1) completing the requirements established in 355 IAC 4-1 for a Category 8 applicator; or

(2) completing the requirements established in 355 IAC 4-1 for a Category 7a applicator and providing proof to the state chemist of practical community-wide mosquito abatement experience within the last five (5) years previous to the effective date of this rule.

(Indiana Pesticide Review Board; 357 IAC 1-11-2)

357 IAC 1-11-3 Direct supervision of noncertified applicators

Authority: IC 15-3-3.6-3; IC 15-3-3.6-4
Affected: IC 15-3-3.6

Sec. 3. (a) A person who has not obtained a commercial applicator license may use a pesticide if the person is working under the direct supervision of a certified and licensed applicator employed by the business, agency, or organization that also employs the person.

(b) An applicator using pesticides for community-wide mosquito abatement activities is subject to all of the site awareness and direct supervision provisions of 355 IAC 4-2, except as described in section 1(4)(C) of this rule. *(Indiana Pesticide Review Board; 357 IAC 1-11-3)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on July 8, 2003 at 9:00 a.m., at the Office of the Indiana State Chemist, Purdue University, 175 South University Street, Room A151, West Lafayette, Indiana the Indiana Pesticide Review Board will hold a public hearing on a proposed new rule to establish certification and licensing requirements for all applicators that use any pesticide as part of a mosquito abatement operation conducted on publicly accessible areas and to establish registration requirements for technicians using pesticides under the supervision of the certified and licensed applicators. Copies of these rules are now on file at the Office of the State Chemist, Purdue University, 175 South University Street, West Lafayette, Indiana and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

David E. Scott
Secretary
Indiana Pesticide Review Board

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

Proposed Rule
LSA Document #03-61

DIGEST

Amends 405 IAC 1-17-1 to modify the reimbursement methodology for state-owned intermediate care facilities for the mentally retarded (ICFs/MR) to apply retrospective rate-setting principles with an annual cost-settlement. Amends 405 IAC 1-

17-2 to delete the reference to market area limitation. Amends 405 IAC 1-17-3 to remove the central office financial reporting requirements. Amends 405 IAC 1-17-4 to remove the 10 percent reduction in current rate if there is a delay in filing of the annual financial report. Amends 405 IAC 1-17-5 to remove the nine month base rate reporting requirement. Amends 405 IAC 1-17-6 to change the rate effective date from the first day of the fourth month following the provider's reporting year end to the first day of the month following the providers reporting year end. Amends 405 IAC 1-17-7 to remove the requirement to base forecasted data on a minimum eighty percent occupancy. Amends 405 IAC 1-17-9 to apply a retrospective payment system with annual settlement and to remove the market area limitation, private pay rate limitation and requested rate limitation. Effective 30 days after filing with the secretary of state.

405 IAC 1-17-1	**405 IAC 1-17-5**
405 IAC 1-17-2	**405 IAC 1-17-6**
405 IAC 1-17-3	**405 IAC 1-17-7**
405 IAC 1-17-4	**405 IAC 1-17-9**

SECTION 1. 405 IAC 1-17-1 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-1 Policy; scope

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15-13-3; IC 24-4.6-1-101

Sec. 1. (a) This rule sets forth procedures for payment for services rendered to Medicaid recipients by duly certified, state-owned intermediate care facilities for the mentally retarded (ICF/MR). All payments referred to within this rule for the provider groups and levels of care are contingent upon the following:

(1) Proper and current certification.

(2) Compliance with applicable state and federal statutes and regulations.

(b) The procedures described in this rule set forth methods of reimbursement that promote quality of care, efficiency, economy, and consistency. These procedures recognize level and quality of care, establish effective accountability over Medicaid expenditures, provide for a regular review mechanism for rate changes, compensate providers for reasonable, allowable costs incurred by a prudent businessperson, and allow incentives to encourage efficient and economic operations. The system of payment outlined in this rule is a ~~prospective~~ **retrospective** system **using interim rates** predicated on a reasonable, cost-related basis, **in conjunction with a final settlement process.** Cost limitations are contained in this rule which establish parameters regarding the allowability of costs and define reasonable allowable costs.

(c) Retroactive repayment will be required by providers when an audit verifies overpayment due to discounting, intentional misrepresentation, billing or payment errors, or misstatement of historical financial or historical statistical data which caused a rate higher than would have been allowed had the data been true and accurate. Upon discovery that a provider has received overpayment of a Medicaid claim from the office, the provider must complete the appropriate Medicaid billing adjustment form and reimburse the office for the amount of the overpayment.

(d) The office may implement Medicaid rates prospectively without awaiting the outcome of the administrative appeal process. However, any action by the office to recover an overpayment from previous rate reimbursements, either through deductions of future payments or otherwise, shall await the completion of the provider's administrative appeal within the office, providing the provider avails itself of the opportunity to make such an appeal. Interest shall be assessed in accordance with IC 12-15-13-3. *(Office of the Secretary of Family and Social Services; 405 IAC 1-17-1; filed Sep 1, 1998, 3:25 p.m.: 22 IR 83; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822)*

SECTION 2. 405 IAC 1-17-2 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-2 Definitions

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 2. (a) As used in this rule, "all-inclusive rate" means a per diem rate which, at a minimum, reimburses for all nursing care, room and board, supplies, and ancillary therapy services within a single, comprehensive amount.

(b) As used in this rule, "annual, historical, or budget financial report" refers to a presentation of financial data, including accompanying notes, derived from accounting records and intended to communicate the provider's economic resources or obligations at a point in time, or the changes therein for a period of time in compliance with the reporting requirements of this rule which shall constitute a comprehensive basis of accounting.

(c) As used in this rule, "budgeted/forecasted data" means financial and statistical information that presents, to the best of the provider's knowledge and belief, the expected results of operation during the rate period.

(d) As used in this rule, "cost center" means a cost category delineated by cost reporting forms prescribed by the office.

(e) As used in this rule, "office" means the office of Medicaid policy and planning.

(f) As used in this rule, "desk audit" means a review of a written audit report and its supporting documents by a qualified auditor, together with the auditor's written findings and recommendations.

(g) As used in this rule, "field audit" means a formal official

verification and methodical examination and review, including the final written report of the examination of original books of accounts by auditors.

(h) As used in this rule, "forms prescribed by the office" means forms provided by the office or substitute forms which have received prior written approval by the office.

(i) As used in this rule, "general line personnel" means management personnel above the department head level who perform a policy making or supervisory function impacting directly on the operation of the facility.

(j) As used in this rule, "generally accepted accounting principles" means those accounting principles as established by the American Institute of Certified Public Accountants.

(k) As used in this rule, "ICF/MR" means intermediate care facilities for the mentally retarded.

(l) As used in this rule, "like levels of care" means care provided in a ~~state-operated~~ **state-owned** ICF/MR.

~~(m) As used in this rule, "market area limitation (MAL)" means a rate ceiling for all Medicaid rates established by the office that is calculated on allowable costs using forecasted data submitted by providers when requesting rate review.~~

~~(n)~~ **(m)** As used in this rule, "ordinary patient related costs" means costs of services and supplies that are necessary in delivery of patient care by similar providers within the state.

~~(o)~~ **(n)** As used in this rule, "patient/recipient care" means those Medicaid program services delivered to a Medicaid enrolled recipient by a certified Medicaid provider.

~~(p)~~ **(o)** As used in this rule, "reasonable allowable costs" means the price a prudent, cost conscious buyer would pay a willing seller for goods or services in an arm's-length transaction, not to exceed the limitations set out in this rule.

~~(q)~~ **(p)** As used in this rule, "unit of service" means all patient care at the appropriate skill level included in the established per diem rate required for the care of an inpatient for one (1) day (twenty-four (24) hours). *(Office of the Secretary of Family and Social Services; 405 IAC 1-17-2; filed Sep 1, 1998, 3:25 p.m.: 22 IR 83; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822)*

SECTION 3. 405 IAC 1-17-3 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-3 Accounting records; retention schedule; audit trail; cash basis; segregation of accounts by nature of business and by location

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 3. (a) The basis of accounting used under this rule is a comprehensive basis of accounting other than generally accepted accounting principles. However, generally accepted accounting principles shall be followed in the preparation and presentation of all financial reports and all reports detailing proposed change of provider transactions unless otherwise prescribed by this rule.

(b) Each provider must maintain financial records for a period of three (3) years after the date of submission of financial reports to the office. The cash basis of accounting shall be used in all data submitted to the office. The provider's accounting records must establish an audit trail from those records to the financial reports submitted to the office.

(c) In the event that a field audit visit indicates that the provider's records are inadequate to support data submitted to the office, and the auditor is unable to complete the audit and issue an opinion, the provider shall be given, in writing, a list of the deficiencies and allowed sixty (60) days from the date of receipt of this notice to correct the deficiencies. In the event the deficiencies are not corrected within the sixty (60) day period, the office shall not grant any rate increase to the provider until the cited deficiencies are corrected and certified to the office by the provider. However, the office may:

(1) make appropriate adjustments to the applicable cost reports of the provider resulting from inadequate records;

(2) document such adjustments in a finalized exception report; and

(3) incorporate such adjustments in prospective rate calculations under section 1(d) of this rule.

(d) If a provider has business enterprises other than those reimbursed by Medicaid under this rule, the revenues, expenses, and statistical and financial records for such enterprises shall be clearly identifiable from the records of the operations reimbursed by Medicaid. If a field audit establishes that records are not maintained so as to clearly identify Medicaid information, none of the commingled costs shall be recognized as Medicaid allowable costs and the provider's rate shall be adjusted to reflect the disallowance effective as of the date of the most recent rate change.

~~(e) When multiple facilities or operations are owned by a single entity with a central office, the central office records shall be maintained as a separate set of records with costs and revenues separately identified and appropriately allocated to individual facilities. Each central office entity shall file an annual financial report and budget financial report coincidental with the time period for any type of rate review for any individual facility that receives any central office allocation. Allocation of central office costs shall be reasonable, conform to generally accepted accounting principles, and be consistent between years. Any change of central office allocation bases must be approved by the office prior to the changes being implemented.~~

~~Proposed changes in allocation methods must be submitted to the office at least ninety (90) days prior to the reporting period to which the change applies. Such costs are allowable only to the extent that the central office is providing services related to patient care and the provider can demonstrate that the central office costs improved efficiency, economy, or quality of recipient care. The burden of demonstrating that costs are patient related lies with the provider.~~ *(Office of the Secretary of Family and Social Services; 405 IAC 1-17-3; filed Sep 1, 1998, 3:25 p.m.: 22 IR 84; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822)*

SECTION 4. 405 IAC 1-17-4 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-4 Financial report to office; annual schedule; prescribed form; extensions

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 4. (a) Each provider shall submit an annual financial report to the office not later than ninety (90) days after the close of the provider's reporting year. The annual financial report shall coincide with the fiscal year used by the provider to report federal income taxes for the operation unless the provider requests in writing that a different reporting period be used. Such a request shall be submitted within sixty (60) days after the initial certification of a provider. This option may be exercised only one (1) time by a provider. If a reporting period other than the tax year is established, audit trails between the periods are required, including reconciliation statements between the provider's records and the annual financial report.

(b) The provider's annual financial report shall be submitted using forms prescribed by the office. All data elements and required attachments shall be completed so as to provide full financial disclosure and shall include the following as a minimum:

(1) Patient census data.
(2) Statistical data.
(3) Ownership and related party information.
(4) Statement of all expenses and all income.
(5) Detail of fixed assets and patient related interest bearing debt.
(6) Schedule of Medicaid and private pay charges; private pay charges shall be lowest usual and ordinary charge on the last day of the reporting period.
(7) Certification by the provider that the data are true, accurate, related to patient care, and that expenses not related to patient care have been clearly identified.
(8) Certification by the preparer, if different from the provider, that the data were compiled from all information provided to the preparer by the provider and as such are true and accurate to the best of the preparer's knowledge.

(c) Extension of the ninety (90) day filing period shall not be granted unless the provider substantiates to the office circumstances that preclude a timely filing. Requests for extensions shall be submitted to the office, prior to the date due, with full and complete explanation of the reasons an extension is necessary. The office shall review the request for extension and notify the provider of approval or disapproval within ten (10) days of receipt. If the request for extension is disapproved, the report shall be due twenty (20) days from the date of receipt of the disapproval from the office.

~~(d) Failure to submit an annual financial report in the time limit required shall result in the following actions:~~
~~(1) No rate review requests shall be accepted or acted upon by the office until the delinquent report is received.~~
~~(2) When an annual financial report is thirty (30) days past due, and an extension has not been granted, the rate then currently being paid to the provider shall be reduced by ten percent (10%), effective on the first day of the month following the thirtieth day the annual financial report is past due, and shall so remain until the first day of the month after the delinquent annual financial report is received by the office. Reimbursement lost because of the penalty cannot be recovered by the provider.~~
(Office of the Secretary of Family and Social Services; 405 IAC 1-17-4; filed Sep 1, 1998, 3:25 p.m.: 22 IR 85; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822)

SECTION 5. 405 IAC 1-17-5 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-5 New provider; initial financial report to office; criteria for establishing initial rates; supplemental report

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 5. (a) Rate requests to establish initial ~~interim~~ rates for a new operation or a new type of certified service shall be filed by completing the budget financial report form and submitting it to the office on or before thirty (30) days after notification of the certification date or establishment of a new service or new operation. The budget financial report shall reflect the forecasted data of operating for the first twelve (12) months and shall be subject to appropriate reasonableness tests. Initial ~~interim~~ rates shall be effective upon certification, or the date that a service is established, whichever is later.

(b) The methodology, set out in this rule, used to compute rates for active providers shall be followed to compute initial ~~interim~~ rates for new providers, except that historical data are not available.

~~(c) Since an initial interim rate is established based upon forecasted financial data only, the provider shall file a nine (9) month financial report within sixty (60) days following the end of the first nine (9) months of operation, together with fore-~~

~~casted data for twelve (12) months of operation. This twelve (12) month period of forecasted data shall start on the first day of the tenth month of certified operation of the facility. The nine (9) months of historical financial data and the twelve (12) months of forecasted data shall be used to determine the provider's base rate. The base rate shall be effective from the first day of the tenth month of certified operation until the next regularly scheduled annual review. An annual financial report need not be submitted until the provider's first fiscal year end that occurs after the rate effective date of a base rate. In determining the base rate, limitations and restrictions otherwise outlined in this rule, except the annual rate limitation, shall apply. For purposes of this subsection, in determining the nine (9) months of the historical financial report, if the first day of certification falls on or before the fifteenth day of a calendar month, then that calendar month shall be considered the provider's first month of operation. If the first day of certification falls after the fifteenth day of a calendar month, then the immediately succeeding calendar month shall be considered the provider's first month of certified operation.~~

~~(d) The base rate may be in effect for longer or shorter than twelve (12) months of forecasted data. In such cases, the various applicable limitations shall be proportionately increased or decreased to cover the actual time frame, using a twelve (12) month period as the basis for the computation.~~

~~(e) Extension of the sixty (60) day filing period shall not be granted unless the provider substantiates to the office circumstances that preclude a timely filing. Requests for extensions shall be submitted to the office, prior to the date due, with full and complete explanation of the reasons an extension is necessary. The office shall review the request and notify the provider of approval or disapproval within ten (10) days of receipt. If the extension is disapproved, the report shall be due twenty (20) days from the date of receipt of the disapproval from the office.~~

~~(f) In the event the provider fails to submit nine (9) months of historical financial data and the twelve (12) months of forecasted data as required in subsection (c), the following action shall be taken. When submission of the nine (9) months of historical financial data and the twelve (12) months of forecasted data is thirty (30) days past due, and an extension has not been granted, the initial rate shall be reduced by ten percent (10%), effective on the first day of the tenth month after certification and shall so remain until the first day of the month after receipt of the report by the office.~~ *(Office of the Secretary of Family and Social Services; 405 IAC 1-17-5; filed Sep 1, 1998, 3:25 p.m.: 22 IR 85; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822)*

SECTION 6. 405 IAC 1-17-6 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-6 Active providers; rate review; annual request; additional requests; requests due to change in law

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 6. (a) As a normal practice, rates shall be reviewed once each year using the annual financial report as the basis of the review. The rate effective date shall be the first day of the ~~fourth~~ month following the provider's reporting year end, provided the annual financial report is submitted within ninety (90) days of the end of the provider's reporting period. If the provider requests that the **interim** rate be reviewed, a budget financial report covering the twelve (12) month period immediately following the expected rate effective date shall be prepared by the provider and submitted with the annual financial report.

(b) A provider shall not be granted an additional **interim** rate review until the review indicated in subsection (a) has been completed. A provider may request no more than one (1) additional **interim** rate review during its budget reporting year when the provider can reasonably demonstrate the need for a change in rate based on more recent historical and forecasted data. This additional **interim** rate review shall be completed in the same manner as the annual **interim** rate review, using all other limitations in effect at the time the annual **interim** review took place.

(c) To request the additional **interim** review, the provider shall submit, on forms prescribed by the office, a minimum of six (6) months of historical data of which at least four (4) months must be subsequent to the fiscal year end of the annual financial report. In addition, a budget financial report covering the twelve (12) month period immediately following the expected rate effective date shall be submitted. Any new rate resulting from this additional **interim** review shall be effective on the first day of the month following the submission of data to the office.

(d) The office may consider changes in federal or state law or regulation during a calendar year to determine whether a significant rate increase is mandated. This review will be considered separately by the office and will not be considered as an additional **interim** rate review. *(Office of the Secretary of Family and Social Services; 405 IAC 1-17-6; filed Sep 1, 1998, 3:25 p.m.: 22 IR 86; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822)*

SECTION 7. 405 IAC 1-17-7 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-7 Request for rate review; budget component; occupancy level assumptions; effect of inflation assumptions

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 7. Under this rate setting system, emphasis is placed on proper planning, budgeting, and cost control by the provider. To establish consistency in the submission and review of forecasted costs, the following apply:

(1) Each **interim** rate review request shall include a budget financial report. If a budget financial report is not submitted, the **interim** rate review will not result in an increase in Medicaid rates but may result in a rate decrease based on historical or annual financial reports submitted.

(2) All budget financial reports shall be submitted using forms prescribed by the office. All forecasted data and required attachments shall be completed to provide full financial disclosure and will include as a minimum the following:

(A) Patient census data.

(B) Statistical data.

(C) Ownership and related party information.

(D) Statement of all expenses and all income.

(E) Detail of fixed assets and patient related interest bearing debt.

(F) Schedule of Medicaid and private pay charges; charges shall be the lowest usual and ordinary charge on the rate effective date of the rate review.

(G) Certification by the provider that forecasted data has been prepared in good faith, with appropriate care by qualified personnel, using appropriate accounting principles and assumptions, and that the process to develop the forecasted data uses the best information that is reasonably available and is consistent with the plans of the provider. The certification shall state that all expenses not related to patient care have been clearly identified or removed.

(H) Certification by the preparer, if the preparer is different from the provider, that the forecasted data were compiled from all information provided to the preparer and that the preparer has read the forecasted data with its summaries of significant assumptions and accounting policies and has considered them to be not obviously inappropriate.

(3) ~~Forecasted data shall be based on a census figure of not less than eighty percent (80%).~~ The provider shall adjust patient census data based on the highest of the following:

~~(A) Eighty percent (80%) of bed days available. Budget financial reports submitted to the office at less than eighty percent (80%) occupancy will not be considered as meeting the filing requirements of this section.~~

~~(B)~~ **(A)** Historical patient days for the most recent historical period unless the provider can justify the use of a lower figure for the patient days.

~~(C)~~ **(B)** Forecasted patient days for the twelve (12) month budget period.

(4) The provider and the office shall recognize and adjust forecasted data accordingly for the inflationary or deflationary effect on historical data for the period between the midpoint of the historical or annual financial report time period and the midpoint of the budget financial report. Forecasted data may be adjusted based upon reasonably anticipated rates of inflation.

(Office of the Secretary of Family and Social Services; 405 IAC 1-17-7; filed Sep 1, 1998, 3:25 p.m.: 22 IR 86; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822)

SECTION 8. 405 IAC 1-17-9 IS AMENDED TO READ AS FOLLOWS:

405 IAC 1-17-9 Criteria limiting rate adjustment granted by office

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-1-15; IC 12-15-21-2
Affected: IC 12-13-7-3; IC 12-15

Sec. 9. The Medicaid reimbursement system is based on recognition of the provider's allowable costs. ~~The payment rate is subject to several limitations. Rates will be established at the lowest of the four (4) limitations listed as follows:~~

~~(1) A market area limitation (MAL) applies to all providers covered by this rule. The limitation shall be computed on a statewide basis using forecasted data submitted by providers for rate reviews. The market area limitation is an amount which shall be one hundred thirty percent (130%) of the average allowable cost, weighted by beds that are designated for like levels of care. The average allowable cost for like levels of care shall be maintained by the office, and a revision shall be made to this rate limitation four (4) times per year effective on March 1, June 1, September 1, and December 1.~~

~~(2) The calculated rate is the sum of the allowed per diem costs.~~

~~(3) In no instance shall the approved Medicaid rate be higher than the rate paid to that provider by the general public for the same type of services.~~

~~(4) Should the rate calculations produce a rate higher than the reimbursement rate requested by the provider, the approved rate shall be the rate requested by the provider.~~

All state-owned intermediate care facilities for the mentally retarded (ICFs/MR) will be reimbursed with a retrospective payment system. The annual financial reports filed by the state-owned ICFs/MR will be used to determine the actual cost per day for services. A retroactive settlement will be determined for the time period covered by the annual financial report. The total allowable costs will be divided by the actual client days to determine the actual per diem rate. The variance between the actual per diem rate and the interim per diem rates based on the projected budget and paid during the report period will be multiplied by the paid client days to arrive at the annual settlement. *(Office of the Secretary of Family and Social Services; 405 IAC 1-17-9; filed Sep 1, 1998, 3:25 p.m.: 22 IR 87; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on June 27, 2003 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Office of the Secretary of Family and

Social Services will hold a public hearing on proposed amendments to rules concerning rate-setting criteria for state-owned intermediate care facilities for the mentally retarded. 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.

John Hamilton
Secretary
Office of the Secretary of Family and Social Services

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Proposed Rule
LSA Document #02-321

DIGEST

Adds 410 IAC 6-8.2 to establish the requirements pertaining to the disposition of excremental and sewage matter through the design, installation, construction, maintenance, and operation of commercial facility, residential, cluster, and experimental and alternative technology on-site sewage systems. Repeals 410 IAC 6-8.1 and 410 IAC 6-10. Effective 30 days after filing with the secretary of state.

410 IAC 6-8.1
410 IAC 6-8.2
410 IAC 6-10

SECTION 1. 410 IAC 6-8.2 IS ADDED TO READ AS FOLLOWS:

Rule 8.2. On-Site Sewage Systems

410 IAC 6-8.2-1 Applicability
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 1. The definitions in this rule apply throughout this rule. *(Indiana State Department of Health; 410 IAC 6-8.2-1)*

410 IAC 6-8.2-2 "Alternative technology on-site system" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 2. "Alternative technology on-site system" means an on-site system that includes the following:
(1) A component, equipment, secondary treatment device, or high strength waste device not described in Technical Specification for On-Site Sewage Systems, 2003 Edition, for which sufficient research documentation, field performance documentation, or data for use in Indiana has been documented demonstrating that it meets department standards.
(2) An alternative technology soil absorption field defined in section 3 of this rule.
(Indiana State Department of Health; 410 IAC 6-8.2-2)

410 IAC 6-8.2-3 "Alternative technology soil absorption field" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 3. "Alternative technology soil absorption field" means any soil absorption field technology or design not described in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapters 6 and 7 for which sufficient research, field performance, or data for use in Indiana has been documented demonstrating that it meets department standards. *(Indiana State Department of Health; 410 IAC 6-8.2-3)*

410 IAC 6-8.2-4 "Bedroom" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 4. "Bedroom" means any room in a residence that is used for the purpose of sleeping and contains an area of forty-five (45) square feet or more and at least one (1) operable window or exterior door approved for emergency egress or rescue. *(Indiana State Department of Health; 410 IAC 6-8.2-4)*

410 IAC 6-8.2-5 "Cluster on-site system" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 5. "Cluster on-site system" means an on-site system shared by two (2) or more residences, two (2) or more commercial facilities, or any combination thereof. *(Indiana State Department of Health; 410 IAC 6-8.2-5)*

410 IAC 6-8.2-6 "Commercial facility" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 6. "Commercial facility" means any building or place not used exclusively as a residence or residential outbuilding. A commercial facility includes, but is not limited to:
(1) an office building;
(2) a manufacturing facility;
(3) a single structure used or intended to be used for permanent or seasonal human habitation for sleeping three (3) or more families (apartment, multiplex, townhouse, or condominium);
(4) a motel;
(5) a restaurant;
(6) a regulated facility; or

(7) any grouping of residences served by a cluster on-site system.

(Indiana State Department of Health; 410 IAC 6-8.2-6)

410 IAC 6-8.2-7 "Commercial facility on-site system" defined

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 7. "Commercial facility on-site system" means an on-site system for a commercial facility. *(Indiana State Department of Health; 410 IAC 6-8.2-7)*

410 IAC 6-8.2-8 "Construction" defined

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 8. "Construction" means, but is not limited to:

(1) earth-moving operations;

(2) excavation of an existing grade for a foundation or footings;

(3) delivery of construction materials to the property; or

(4) delivery of manufactured housing.

(Indiana State Department of Health; 410 IAC 6-8.2-8)

410 IAC 6-8.2-9 "Department" defined

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 9. "Department" means the Indiana state department of health. *(Indiana State Department of Health; 410 IAC 6-8.2-9)*

410 IAC 6-8.2-10 "Design daily flow" defined

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 10. "Design daily flow" means the assigned peak daily flow of sewage, in gallons per day, from a residence or commercial facility as calculated from Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 5, Section I, Design Daily Flow of Sewage. *(Indiana State Department of Health; 410 IAC 6-8.2-10)*

410 IAC 6-8.2-11 "Disturbance or alteration" defined

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 11. "Disturbance or alteration" means the disturbance or alteration of a soil absorption field site and includes, but is not limited to, the following:

(1) The addition of fill.

(2) The cutting, scraping, or removal of soil.

(3) Compaction of soil at the site resulting in densic material.

(4) Erosion or sedimentation.

(5) The removal of tree root balls.

(Indiana State Department of Health; 410 IAC 6-8.2-11)

410 IAC 6-8.2-12 "Experimental technology on-site system" defined

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 12. "Experimental technology on-site system" means an on-site system that includes the following:

(1) A component, equipment, secondary treatment device, or high strength waste device not described in Technical Specification for On-Site Sewage Systems, 2003 Edition, for which sufficient research, field performance, or data for use in Indiana has not been documented demonstrating that it meets department standards.

(2) An experimental technology soil absorption field defined in section 13 of this rule.

(Indiana State Department of Health; 410 IAC 6-8.2-12)

410 IAC 6-8.2-13 "Experimental technology soil absorption field" defined

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 13. "Experimental technology soil absorption field" means any soil absorption field technology or design not described in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapters 6 and 7 for which sufficient research, field performance, or data for use in Indiana has not been documented demonstrating that it meets department standards. *(Indiana State Department of Health; 410 IAC 6-8.2-13)*

410 IAC 6-8.2-14 "Fill" defined

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 14. "Fill" is characterized by one (1) or more of the following:

(1) No soil horizons.

(2) Depositional stratification created by the movement of soil by man.

(3) A soil horizon that has been covered.

(4) Soil structure that has been modified or altered.

(5) Materials not indigenous to a soil horizon, such as cinders, refuse, or construction materials.

(Indiana State Department of Health; 410 IAC 6-8.2-14)

410 IAC 6-8.2-15 "Health officer" defined

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3; IC 16-20

Sec. 15. "Health officer" means the health officer of a local health department as referred to in IC 16-20. *(Indiana State Department of Health; 410 IAC 6-8.2-15)*

410 IAC 6-8.2-16 "High strength waste" defined

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 16. "High strength waste" means septic tank effluent quality in excess of two hundred fifty (250) milligrams per liter for biochemical oxygen demand or total suspended solids. *(Indiana State Department of Health; 410 IAC 6-8.2-16)*

410 IAC 6-8.2-17 "High strength waste device" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 17. "High strength waste device" means any biological, chemical, or physical process or system for treating high strength waste, after primary treatment in a septic tank, for discharge to a secondary treatment device or to a soil absorption field. *(Indiana State Department of Health; 410 IAC 6-8.2-17)*

410 IAC 6-8.2-18 "Local health department" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 18. "Local health department" means a department organized by a county or city executive with a board, a health officer, and an operational staff to provide health services to a county, city, or multiple county unit. *(Indiana State Department of Health; 410 IAC 6-8.2-18)*

410 IAC 6-8.2-19 "On-site system" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 19. "On-site system" means:
(1) all equipment and devices necessary for proper on-site conduction, collection, storage, and treatment of sewage; and
(2) absorption of sewage in soil;
from a residence or commercial facility. *(Indiana State Department of Health; 410 IAC 6-8.2-19)*

410 IAC 6-8.2-20 "On-site system approval letter" or "approval letter" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 20. "On-site system approval letter" or "approval letter" means written approval from the department for the construction of a new on-site system, repair, or the replacement or expansion of a soil absorption field. *(Indiana State Department of Health; 410 IAC 6-8.2-20)*

410 IAC 6-8.2-21 "On-site system construction permit" or "construction permit" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 21. "On-site system construction permit" or "construction permit" means written approval from a local health department for the construction of a new on-site system, repair, or the replacement or expansion of a soil absorption field. *(Indiana State Department of Health; 410 IAC 6-8.2-21)*

410 IAC 6-8.2-22 "On-site system failure" or "failure" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 22. "On-site system failure" or "failure" means an on-site system that exhibits one (1) or more of the following:
(1) Soil absorption field refuses to accept sewage at the rate of application, thereby interfering with the normal use of plumbing fixtures or resulting in the discharge of effluent to the ground surface or to surface waters.
(2) Failure of, or damage to, any component of an on-site system, thereby interfering with the normal use of plumbing or resulting in the discharge of effluent to the ground surface or to surface waters.
(3) Effluent discharged from the on-site system causing contamination of a potable water supply, ground water, or surface water.
(Indiana State Department of Health; 410 IAC 6-8.2-22)

410 IAC 6-8.2-23 "On-site system, new" or "new on-site system" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 23. "On-site system, new" or "new on-site system" means the construction of an on-site system to serve a new residence or new commercial facility where the residence or commercial facility will not be connected to a wastewater treatment plant or to an existing on-site system. *(Indiana State Department of Health; 410 IAC 6-8.2-23)*

410 IAC 6-8.2-24 "On-site system operating permit" or "operating permit" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 24. "On-site system operating permit" or "operating permit" means written renewable approval by a local health department or department, whichever has authority, for the continued use of an on-site system. *(Indiana State Department of Health; 410 IAC 6-8.2-24)*

410 IAC 6-8.2-25 "On-site system repair" or "repair" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 25. "On-site system repair" or "repair" means the repair or replacement of any on-site system component with a like component other than the replacement or expansion of a soil absorption field. *(Indiana State Department of Health; 410 IAC 6-8.2-25)*

410 IAC 6-8.2-26 "Owner" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 26. "Owner" means the deed holder of record. *(Indiana State Department of Health; 410 IAC 6-8.2-26)*

410 IAC 6-8.2-27 "Person" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 27. "Person" means any individual, partnership, co-partnership, corporation, company, firm, association, society, holding company, trust, trustee, estate, school corporation, school city, school town, school district, any unit of government, or any other legal entity, its or their successors or assigns. *(Indiana State Department of Health; 410 IAC 6-8.2-27)*

410 IAC 6-8.2-28 "Plan submittal" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 28. "Plan submittal" means all information required for the local health department or department to review the design, location, construction, maintenance, and operation of a proposed on-site system. A plan submittal includes, but is not limited to, an application, written site evaluation report, property plat, and on-site system plan. *(Indiana State Department of Health; 410 IAC 6-8.2-28)*

410 IAC 6-8.2-29 "Regulated facility" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 29. "Regulated facility" means any facility regulated by law, including, but not limited to, the following:
(1) A school facility.
(2) A child care facility.
(3) A long term care facility.
(4) An acute care facility.
(5) A correctional facility.
(6) A state facility.
(7) A mobile home park
(8) A campground.
(9) An agricultural labor camp.
(Indiana State Department of Health; 410 IAC 6-8.2-29)

410 IAC 6-8.2-30 "Residence" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 30. "Residence" means a single structure used or intended to be used for permanent or seasonal human habitation for sleeping one (1) or two (2) families. *(Indiana State Department of Health; 410 IAC 6-8.2-30)*

410 IAC 6-8.2-31 "Residential on-site system" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 31. "Residential on-site system" means an on-site system for a residence or a residential outbuilding. *(Indiana State Department of Health; 410 IAC 6-8.2-31)*

410 IAC 6-8.2-32 "Residential outbuilding" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 32. "Residential outbuilding" means a building, for the private use of the owner, located on the property of a residence and not used or intended to be used for permanent or seasonal human habitation or sleeping. *(Indiana State Department of Health; 410 IAC 6-8.2-32)*

410 IAC 6-8.2-33 "Sanitary vault privy" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 33. "Sanitary vault privy" means a device, using a watertight vault, for the collection of human excrement. It does not mean a composting toilet or an incinerating toilet. *(Indiana State Department of Health; 410 IAC 6-8.2-33)*

410 IAC 6-8.2-34 "Secondary treatment device" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 34. "Secondary treatment device" means any biological, chemical, or physical process or system for improving sewage effluent quality after primary treatment in a septic tank and prior to discharge to a soil absorption field. *(Indiana State Department of Health; 410 IAC 6-8.2-34)*

410 IAC 6-8.2-35 "Sewage" or "wastewater" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 35. "Sewage" or "wastewater" means all human excrement and water-carried waste derived from ordinary living processes. *(Indiana State Department of Health; 410 IAC 6-8.2-35)*

410 IAC 6-8.2-36 "Soil" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 36. "Soil" means natural, nonfilled, mineral or organic matter on the surface of the earth that shows the effects of genetic and environmental factors. These factors include climate (water and temperature effects), micro-organisms, macro-organisms, and topography acting on a parent material over time. *(Indiana State Department of Health; 410 IAC 6-8.2-36)*

410 IAC 6-8.2-37 "Soil absorption field" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 37. "Soil absorption field" means the portion of the on-site system into which effluent discharges for absorption

by the soil. *(Indiana State Department of Health; 410 IAC 6-8.2-37)*

410 IAC 6-8.2-38 "Soil absorption field replacement" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 38. "Soil absorption field replacement" means the replacement or expansion of a soil absorption field. *(Indiana State Department of Health; 410 IAC 6-8.2-38)*

410 IAC 6-8.2-39 "Soil scientist" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3; IC 25-31.5

Sec. 39. "Soil scientist" means an individual registered as a professional soil scientist with the Indiana registry of soil scientists (IRSS) as provided for under IC 25-31.5. *(Indiana State Department of Health; 410 IAC 6-8.2-39)*

410 IAC 6-8.2-40 "Temporary sewage holding tank" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 40. "Temporary sewage holding tank" means a watertight tank temporarily used to receive and store sewage pending its delivery to an approved treatment facility. *(Indiana State Department of Health; 410 IAC 6-8.2-40)*

410 IAC 6-8.2-41 "Wastewater treatment plant" defined
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 13-11-2-258; IC 16-19-3

Sec. 41. "Wastewater treatment plant" means a system of treatment works as defined in IC 13-11-2-258 installed to treat sewage, industrial wastes, and other wastes delivered by a system of sewers, whether owned or operated by the state, a municipality, or a person, firm, or corporation. The term does not include on-site systems. *(Indiana State Department of Health; 410 IAC 6-8.2-41)*

410 IAC 6-8.2-42 Authority
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 42. (a) Local health departments have authority for the following:
(1) Residential on-site systems, except on-site systems described in subsection (b)(3) and (b)(4) unless the department has delegated plan review and approval under the provisions of subsection (c)(2).
(2) Residential temporary sewage holding tanks.
(3) Operating permits for the following:
(A) Residential on-site systems.
(B) Residential experimental and alternative technology on-site systems.
(C) Commercial facility on-site systems for which plan review and permit issuance has been delegated to the local health department under subsection (c)(1).

(b) The department has authority for the following:
(1) Commercial facility on-site systems.
(2) Commercial facility temporary sewage holding tanks.
(3) Plan review and approval for residential experimental and alternative technology on-site systems for those counties that have not met the requirements of subsection (c).
(4) On-site systems requiring variable manifold sizing or variable hole spacing.
(5) Operating permits for commercial facility on-site systems unless plan review and permit issuance has been delegated to the local health department under subsection (c)(1).

(c) The department may delegate to local health departments or revoke, in writing, plan review, approval, and permit issuance for the following:
(1) Commercial facility on-site systems with design daily flows of seven hundred fifty (750) gallons per day or less when the department provides design criteria for each on-site system site.
(2) Residential experimental and alternative technology on-site systems, when all of the following occur:
(A) Staff of the local health department have been trained to the satisfaction of the department in the plan review, approval, inspection, and operation of the experimental and alternative technology on-site system.
(B) The local health department complies with the requirements of the department for plan review, approval, and inspection.
(C) The requirements of subsection (d) have been met.
(3) On-site systems requiring variable manifold sizing or variable hole spacing when staff of the local health department have been trained to the satisfaction of the department in the design of this technology.

(d) Local health departments shall not issue a permit for an experimental or alternative on-site system for which operation and maintenance is required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 8 until local mechanisms and procedures have been established for:
(1) the oversight and documentation of operation and maintenance of experimental or alternative on-site systems; and
(2) enforcement of the operation and maintenance requirements of experimental or alternative on-site systems.

(e) Local health departments shall establish written procedures, approved by the local health board, for the following:

(1) Notification of the local health department by owners, or agents of owners, for the inspection of residential new on-site systems or soil absorption field replacement required in section 49(e)(1) of this rule.
(2) Inspection of on-site systems required in section 49(b) of this rule, and documentation of inspections required in section 49(h)(2) of this rule.
(3) Replacement or reconstruction of a residence of the same number or fewer bedrooms to an existing on-site system when the local health department determines a soil absorption field replacement is necessary.

(Indiana State Department of Health; 410 IAC 6-8.2-42)

410 IAC 6-8.2-43 General on-site system requirements

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 13-18-12-9; IC 13-18-19; IC 13-26; IC 14-33; IC 16-19-3

Sec. 43. (a) No person may cause or contribute to a health hazard or water pollution by disposing of any organic or inorganic matter from an on-site system into surface water, ground water, or onto the ground surface.

(b) The point source discharge of sewage, treated or untreated, from a residence or its associated sewage system to surface water, ground water, or the ground surface is prohibited, except as provided in IC 13-18-12-9.

(c) Any residence, residential outbuilding that generates sewage, or commercial facility that is not connected to a wastewater treatment plant shall comply with this rule.

(d) Any residence or residential outbuilding that generates sewage, not connected to a wastewater treatment plant, shall have an on-site system that is not in failure.

(e) A residential outbuilding may be connected to either of the following:
(1) A residential on-site system if it is not in failure.
(2) A separate on-site system that meets the requirements of this rule and is sized in accordance with Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 5, Section I.

(f) The design, location, construction, maintenance, and operation of an on-site system shall comply with this rule and all applicable local ordinances.

(g) Any commercial facility not connected to a wastewater treatment plant and does not have a point source discharge permit under IC 13-18-19 shall have an on-site system that is not in failure.

(h) Any residence, residential outbuilding, or commercial facility served by a sanitary vault privy shall have an on-site system that meets the requirements of this rule for any water-carried sewage generated by the residence, residential outbuilding, or commercial facility.

(i) The point source discharge of sewage, treated or untreated, from a commercial facility shall comply with 327 IAC 5.

(j) A commercial wastewater treatment facility that has a point source discharge permit from the Indiana department of environmental management (IDEM) under IC 13-18-19 is exempt from the requirements of this rule.

(k) Any commercial facility for which a permit for an on-site system has been issued pursuant to 327 IAC 3 and which is owned, operated, or maintained by an incorporated city or town, a conservancy district established pursuant to IC 14-33, or a regional sewer district established pursuant to IC 13-3, is exempt from the requirements of this rule. This section shall not be construed as an exemption for any commercial facility on-site system located on the premises of and serving only schools or municipal facilities.

(l) To determine if a person is subject to, or in violation of this rule, agents of the department or the local health department shall be permitted to enter upon all properties, at reasonable times, for any of the following reasons:
(1) Inspection of facilities, equipment, or records.
(2) Investigation of allegations.
(3) Determination of soil characteristics.
(4) Conduction of tests.
(5) Collect of samples.

(m) A recorded easement or other legally executed document, which grants permission for construction, access, and maintenance, shall be obtained from adjacent property owners for any portion of an on-site system located on property other than that from which the sewage originates.

(n) Written permission to use a legally established drainage improvement shall be obtained from the public agency with jurisdiction before an approval letter or permit from the department or local health department, whichever has authority, may be issued.

(o) An owner shall obtain an approval letter or permit from the department or local health department, whichever has authority, for the use of a privy. Privies shall conform to the department Bulletin SE 11, "The Sanitary Vault Privy", 1986 Edition.

(p) A soil absorption field site shall not be disturbed or altered, except as approved by the conditions of the approval letter or permit, between the time of collection of information for the written site evaluation report and commencement of construction of the on-site system.

(q) An on-site system may not receive water from any of the following:

(1) Roof drains.
(2) Foundation drains.
(3) Sump pumps.
(4) Swimming pool drains.
(5) Hot tub drains.
(6) Area drains.
(7) Floor drains.

(r) An on-site system may not be used for the disposal of chemical waste or chemical wastewater other than water softener or iron filter waste. For the purposes of this rule, the normal use of housekeeping cleaners and detergents do not constitute chemical waste. *(Indiana State Department of Health; 410 IAC 6-8.2-43)*

410 IAC 6-8.2-44 Application and plan submittal
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 44. (a) The owner or his agent shall submit to the department or local health department, whichever has authority, an application and a plan for construction of a new on-site system, repair, or replacement of a soil absorption field.

(b) An application shall include, but is not limited to, the following:
(1) Owner's name, address, and signature (or signature of agent representing the owner), and daytime telephone number.
(2) Name, address, and daytime telephone number of agent representing the owner, if applicable.
(3) Name, address, and daytime telephone number of professional engineer or registered architect, if applicable.
(4) Location of property.
(5) Parcel identification number.
(6) Designation of property as either a residence or commercial facility, and if the application is for a new on-site system, repair, or replacement of a soil absorption field.
(7) The design daily flow of the residence or commercial facility.

(c) A plan submittal shall comply with the requirements of the following:
(1) Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 2, Sections II and III for a new on-site system or replacement of a soil absorption field, and must address the demands and limitations of the site.
(2) Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 2, Section III, Sections B. 2. a. through g., B. 3. a., and B. 6. for an on-site system repair.
(3) Local ordinances, policies, and procedures.
(Indiana State Department of Health; 410 IAC 6-8.2-44)

410 IAC 6-8.2-45 Written site evaluation reports
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 45. (a) A written site evaluation report conducted in accordance with Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 2, Section II shall be provided for all sites proposed for a new on-site system or replacement of a soil absorption field. The written site evaluation report shall be reviewed as part of the plan submittal.

(b) For a commercial facility on-site system, and experimental and alternative technology on-site systems, a soil scientist as defined in section 39 of this rule shall provide the written site evaluation report.

(c) For residential on-site systems, other than experimental and alternative technology on-site systems, the written site evaluation report shall be provided by any of the following:
(1) A soil scientist as defined in section 39 of this rule.
(2) Staff of a local health department whose responsibilities include application and enforcement of this rule and who are proficient in the ability to observe, measure, and describe soil properties and landforms.

(d) The local health department may require that a soil scientist, as defined in section 39 of this rule, provide the written site evaluation report for a residential on-site system. *(Indiana State Department of Health; 410 IAC 6-8.2-45)*

410 IAC 6-8.2-46 On-site system construction permit; local health department
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3; IC 16-41-25-1

Sec. 46. (a) The owner or agent shall obtain a written construction permit signed by the health officer for construction of an on-site system prior to the following:
(1) The start of construction or the placement of a residence that will not be connected to a wastewater treatment plant at the time of initial occupancy.
(2) The start of any construction of a residential on-site system repair or soil absorption field replacement.
(3) The start of any construction, or the placement of a residence, that increases the design daily flow as defined in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 5, Section I. A.
(4) The start of construction of a residential outbuilding that will generate sewage, or the addition of plumbing to an existing residential outbuilding, when the outbuilding is not connected to a wastewater treatment plant.
(5) The start of construction of any commercial facility, repair of a commercial facility on-site system, replacement of a commercial facility soil absorption field, or any replacement, reconstruction, or expansion of a commercial facility where:
(A) plan review and permit issuance has been delegated by the department to the local health department; or
(B) permit issuance is required by local ordinance.

(b) The owner or agent shall obtain all necessary federal, state, and local permits and approvals before construction begins on an on-site system.

(c) Any proposed changes, alterations, or additions to a plan submittal for which a local health department has issued a permit shall be approved, in writing, by the local health department prior to the implementation of the changes.

(d) A construction permit issued by a local health department shall expire upon completion and final approval of construction of an on-site system, or within two (2) years after issuance, whichever comes first.

(e) A plan submittal for a residential on-site system, or for commercial facility on-site system delegated to a local health department, shall be reviewed and found in compliance with this rule and Technical Specification for On-Site Sewage Systems, 2003 Edition by the local health department prior to issuance of a written construction permit.

(f) The approval of a plat by the local plan commission or the county recorder does not constitute approval by the local health department for the construction of an on-site system.

(g) If an on-site system as described in this rule cannot be constructed, the local health department may not permit the construction of a new on-site system, repair, or replacement of a soil absorption field without the written approval of the department except as provided under sections 42(a) and 51(c) of this rule.

(h) The local health department may not permit the construction of a new on-site system, repair, or replacement of a soil absorption field containing experimental or alternative technology without the written approval of the department unless authority for plan review and approval is delegated to the local health department under section 42(c)(2) of this rule.

(i) In accordance with IC 16-41-25-1, the local health department shall issue or deny, in writing to the owner, a residential on-site system permit within forty-five (45) days of receipt of an application and complete plan submittal.

(j) Proposed residential on-site systems are exempt from Appendix C, Figure 3-4 of the Technical Specification for On-Site Sewage Systems, 2003 Edition if all of the following requirements are met:

(1) The subdivision plat for the property was approved and recorded by a local plan commission or county recorder prior to December 21, 1990.

(2) The suitability of the soil for a soil absorption field on the property is rated slight or moderate in accordance with the National Soil Survey Handbook, 1993, Part 620.08(b), Septic Tank Absorption Fields.

(3) The soil absorption field on the property is sized by the following minimum criteria:

Permeability Rating (inches per hour)	Size of Soil Absorption Field (square feet per bedroom)
2 to 6	250
1 to 2	330

(k) Proposed residential on-site systems will be granted an exemption from Appendix C, Figure 3-4, Technical Specification for On-Site Sewage Systems, 2003 Edition if all of the following requirements are met:

(1) The subdivision plat for the property was approved and recorded by a local plan commission or county recorder prior to December 21, 1990.

(2) The suitability of the soil for a soil absorption field on the property is rated severe, or is not rated, in accordance with the National Soil Survey Handbook, 1993, Part 620.08(b), Septic Tank Absorption Fields.

(3) The health officer of the county in which the property is located provides the following, in writing, to the department:

(A) Certification that the local health department reviewed and recommended approval of the subdivision plat to the local plan commission or county recorder, either verbally, in writing, or by other locally acceptable routine procedure, when the subdivision plat was originally approved.

(B) Certification that no properties in the subdivision currently have failures as defined in section 22 of this rule.

(C) All information required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 2, Sections II and III.

(Indiana State Department of Health; 410 IAC 6-8.2-46)

410 IAC 6-8.2-47 On-site system approval letter; department

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3; IC 25-31-1-2

Sec. 47. (a) The owner shall obtain an approval letter from the department for construction of a commercial facility on-site system prior to the following:

(1) The start of construction or placement of a building that will not be connected to a wastewater treatment plant at the time of initial occupancy.

(2) The start of construction of a commercial facility on-site system repair or soil absorption field replacement.

(3) The start of construction of any replacement, reconstruction, or expansion of a commercial facility that may increase water usage, except as provided in section 42(c)(1) of this rule.

(b) The owner shall obtain all necessary state and local permits and approvals before construction begins on an on-site system.

(c) Any proposed changes, alterations, or additions to a plan submittal for which an approval letter has already been issued shall be approved, in writing, by the department prior to the implementation of the changes, except as provided in section 42(c)(1) of this rule.

(d) An approval letter issued by the department, except for a regulated facility, shall expire upon completion of on-site system construction or within two (2) years of the effective date, whichever comes first.

(e) The owner shall submit an application and complete plan submittal for the construction of an on-site system to the department, except as provided in section 42(c)(1) of this rule, as follows:

(1) The application and plan submittal for a commercial facility on-site system shall be made at least ninety (90) days prior to the planned start of construction. The application shall be on a form provided by the department.

(2) The plan submittal shall include one (1) set of detailed construction plans and specifications certified and sealed by a professional engineer or registered architect currently registered in Indiana. Registered land surveyors may certify and seal plans only for sanitary sewers, storm sewers, and subsurface drains.

(f) A complete plan submittal for commercial facility on-site system shall be reviewed and found in compliance with of this rule and Technical Specification for On-Site Sewage Systems, 2003 Edition by the department prior to issuance of an approval letter, except as provided in section 42(c)(1) of this rule.

(g) The approval of a plat by the local plan commission or the county recorder does not constitute approval by the department for the construction of an on-site system. *(Indiana State Department of Health; 410 IAC 6-8.2-47)*

410 IAC 6-8.2-48 On-site system operating permit

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 13-15-1-2; IC 16-19-3

Sec. 48. (a) The owner may be required to obtain a written operating permit for use, inspection, and maintenance of an on-site system as provided for in section 42(a)(3) of this rule as follows:

(1) A written operating permit issued by the department shall be signed by the state health commissioner or his duly authorized representative.

(2) A written operating permit issued by a local health department shall be signed by the health officer.

(b) An operating permit shall be renewed as follows:

(1) At least biennially for on-site systems having components requiring scheduled inspection and maintenance.

(2) At least once every five (5) years for on-site systems not having components requiring scheduled inspection and maintenance.

(c) An operating permit shall identify all components of an on-site system requiring inspection and maintenance.

(d) An operating permit requiring scheduled inspection and maintenance shall contain the following:

(1) Name, address, and telephone number of the service company contracted to perform inspection and maintenance.

(2) Description of the operation and maintenance document or documents used for scheduled inspection and maintenance.

(e) The owner, or service company contracted to perform inspection and maintenance, shall provide the department or local health department, whichever has authority, with the following:

(1) Written documentation of all scheduled and unscheduled inspection and maintenance within one (1) month of the date performed.

(2) A copy of the inspection and maintenance contract.

(f) The department may require the owner of a commercial facility on-site system to obtain an operating permit pursuant to IC 13-15-1-2. *(Indiana State Department of Health; 410 IAC 6-8.2-48)*

410 IAC 6-8.2-49 Inspections

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 49. (a) The on-site system, when constructed, shall comply with the requirements of this rule, all local ordinances, and the requirements of the approval letter and permit.

(b) The local health department is responsible for inspections of the following:

(1) Residential on-site systems.

(2) Residential alternative technology on-site systems.

(3) Residential experimental technology on-site systems.

(4) Residential temporary sewage holding tanks.

(5) On-site systems delegated by the department.

(c) The on-site system design engineer or architect is responsible for the following:

(1) Inspection of commercial facility on-site system with design daily flow of seven hundred fifty (750) gallons per day or less for which plan review and permit issuance has not been delegated to the local health department under section 42(c)(1) of this rule.

(2) Inspection of commercial facility on-site systems with a design daily flow of greater than seven hundred fifty (750) gallons per day.

(3) Certification, in writing, to the department and local health department that the commercial facility on-site system is in compliance with this rule, all local ordinances, and the requirements of the approval letter and permit.

(d) The local health department, or design engineer or architect may not certify compliance with this rule, all local ordinances, and the requirements of the approval letter and permit based on a statement by an installer that the on-site system was installed as designed.

(e) Prior to the start of construction, the owner or agent shall notify the following:

(1) The local health department according to written procedures developed by the local health department.

(2) The department and professional engineer or registered architect at least seven (7), but no more than ten (10), working days prior to construction of a commercial facility on-site system for which the department has issued an approval letter.

(f) The installer of an on-site system shall:

(1) comply with written procedures established by the local health department for inspection of residential on-site systems that assure installation in compliance with this rule, all local ordinances, and the requirements of the on-site system permit; and

(2) not cover any portion of a commercial facility on-site system, prior to inspection, that would preclude the department, local health department, and design engineer or architect from making a determination that it is installed in compliance with this rule, all local ordinances, and the requirements of the approval letter and permit.

(g) The local health department may inspect commercial facility on-site systems for which an approval letter is issued by the department.

(h) Written documentation on inspections shall be maintained by the following:

(1) The department that issues an approval letter.

(2) The local health department that issues a permit.

(Indiana State Department of Health; 410 IAC 6-8.2-49)

410 IAC 6-8.2-50 Application denial; approval letter or permit revocation

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 50. (a) After review of an application and plan submittal, the department or the local health department, whichever has authority for plan review and approval, may deny approval for construction of a new on-site system, repair, or replacement of a soil absorption field. Reasons for denial include, but are not limited to, any of the following:

(1) False information was submitted in the application.

(2) The plan submittal does not comply with the requirements of this rule and local ordinances.

(3) The plan submittal does not address the demands and limitations of the on-site system site.

(4) The owner failed to respond to a written request for a revised plan submittal or for additional information within forty-five (45) calendar days.

(b) The department or the local health department, whichever has authority, may deny an application for construction of a new on-site system, repair, or replacement of a soil absorption field if:

(1) a sanitary sewer of a wastewater treatment plant is available within three hundred (300) feet of the property line of the affected property, or the estimated cost of sewer construction and connection does not exceed one hundred fifty percent (150%) of the estimated cost of an on-site system; and

(2) the sanitary sewer and the treatment facility of the wastewater treatment plant have adequate capacity as defined by the Indiana department of environmental management.

(c) If an application is denied, the owner shall be advised, in writing, of the basis for the denial, the right and procedure for appeal, and the deadline for appeal.

(d) The department may modify or revoke an approval letter, or the local health department may modify or revoke a permit, in writing, for construction of a new on-site system, repair, or replacement of a soil absorption field. Reasons for modification or revocation include, but are not limited to, any of the following:

(1) The soil absorption field site has been disturbed or altered after collection of information for the written site evaluation report.

(2) False information has been submitted to obtain the approval letter or permit.

(3) Information submitted in the written site evaluation report or plan submittal is found to be wrong.

(4) Errors or omissions are discovered after the approval letter or permit has been issued.

(5) It is found that the plan submittal is in violation of the requirements of this rule, local ordinances, or the conditions of the approval letter or permit.

(6) The owner or agent failed to notify the department, the local health department, and the design engineer or architect at least seven (7), but no more than ten (10), working days prior to construction of a commercial facility on-site system.

(7) The owner or agent failed to request an inspection by the:

(A) local health department, according to written procedures developed by the local health department; and
(B) department, local health department, and professional engineer or registered architect for a commercial facility on-site systems.
(8) It is determined that the installation of the on-site system is in violation of the requirements of this rule, local ordinances, or the conditions of the approval letter or permit.

(e) If a permit is revoked, the owner shall be advised, in writing, of the basis of the revocation, the right and procedure for appeal, and the deadline for appeal.

(f) If an approval letter or permit is revoked, construction may not proceed on the on-site system, and the residence or commercial facility it serves until a new approval letter or permit is issued.

(g) If an approval letter or permit has been revoked, the following shall occur for a new approval letter or permit to be issued:
(1) The owner shall provide, as required by the department or local health department, a new or revised site evaluation and plan submittal.
(2) The proposed plan submittal shall comply with the requirements of this rule, local ordinances, and requirements of the department for experimental or alternative on-site systems.
(Indiana State Department of Health; 410 IAC 6-8.2-50)

410 IAC 6-8.2-51 On-site system failure and correction
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 51. (a) The owner shall correct the failure of an on-site system or its components, whichever is applicable, within the time limit set by the local health department or the department.

(b) When replacement of the soil absorption field is required, requirements in this rule for application, plan submittal, approval letter or permit, and inspection shall be followed.

(c) Soil absorption field replacement for a residential on-site system shall be made in accordance with the application of optimum system design based on the site, and the best judgment of the local health department, except that:
(1) replacement of a soil absorption field cannot be contrary to section 43(a) and 43(b) of this rule; and
(2) no portion of a replacement soil absorption field can be constructed to a depth greater than forty-eight (48) inches below final grade.

(d) A local health department shall not issue a permit for repair of an on-site system or replacement of a soil absorption field using experimental or alternative technology without the written approval of the department unless section 42(c)(2) and 42(c)(3) of this rule applies. *(Indiana State Department of Health; 410 IAC 6-8.2-51)*

410 IAC 6-8.2-52 Temporary sewage holding tanks
Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 13-18-12-2; IC 16-19-3

Sec. 52. (a) An approval letter may be issued by the department, or a permit may be issued by a local health department, whichever has authority, for a temporary sewage holding tank only as follows:
(1) To provide time for an on-site system repair, replacement of a soil absorption field, or connection to a sanitary sewer.
(2) When soil wetness conditions exist that preclude the prompt installation of a soil absorption field:
(A) an approval letter issued by the department, or a permit issued by a local health department, whichever is applicable, shall be obtained for construction of an on-site system prior to the issuance of a temporary sewage holding tank approval letter or permit;
(B) the proposed absorption field site shall be staked out and protected from disturbance or alteration; and
(C) the temporary sewage holding tank approval letter, or permit, whichever is applicable, shall be valid for no more than one (1) year from the date of issuance.
(3) For commercial facilities, when temporary work site facilities are used during construction of a permanent structure that is to be served by an on-site system or wastewater treatment plant.
(4) When a connection is being secured to a sanitary sewer that is part of a conservancy district, sewer district, private utility or municipality, and the provisions of either subsection (d) or (e) have been met.

(b) The following requirements shall be met for all temporary sewage holding tanks:
(1) An approval letter and operating permit from the department, or a permit and operating permit from the local health department, whichever has authority, shall be obtained prior to the start of construction for new residences and new commercial facilities.
(2) An approval letter and operating permit from the department, or a permit and operating permit from the local health department, whichever has authority, shall be obtained prior to the use of a temporary sewage holding tank to abate a sewage discharge from a failing residential or commercial facility on-site system in conjunction with this requirement the department or local health department:
(A) may issue an order to pump and haul from an existing septic tank while the application for a tempo-

rary sewage holding tank is being submitted and processed; and

(B) whichever has authority, shall establish expiration dates for temporary sewage holding tank approval letters and permits issued under this subsection.

(3) An application and plan submittal shall be made to the department or the local health department, whichever has authority, prior to the issuance of an approval letter or permit required by section 44 of this rule.

(4) A copy of a contract with a licensed wastewater management business pursuant to 327 IAC 7.1 shall be submitted to the department or the local health department, whichever has authority. The contract shall stipulate the frequency of pumping, based on wastewater flow and tank capacity.

(5) Any outlets from a tank used as a temporary sewage holding tank shall be sealed and made watertight.

(6) The department or local health department, whichever has authority, may require a high water alarm. The alarm, switches, controls, and electrical wiring shall comply with the applicable sections of Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 5, Section VIII. D.

(7) The sewage from a temporary sewage holding tank shall be collected and disposed of in compliance with IC 13-18-12-2.

(8) Receipts shall be kept as proof the tank is being pumped, and made available, upon request, to the department or local health department, whichever has authority.

(c) Sanitary sewers, manholes, and pump stations shall not be used as temporary sewage holding tanks.

(d) The following requirements apply when a connection is being secured to a sanitary sewer that is part of a conservancy district, sewer district, private utility, or municipality (referred to as an "entity" in this section):

(1) The owner or agent shall submit written verification from the entity that a sewer connection will be available within two (2) years. For individual residences, a contract for construction of said sewer shall have been awarded to substantiate the availability of a sewer.

(2) The owner or agent shall obtain a written statement from the entity certifying that:

(A) the proposed project is not expected to cause overloading/bypassing in the collection system under dry weather conditions; and

(B) there is sufficient capacity in the treatment plant to adequately treat the flow and achieve the applicable National Pollutant Discharge Elimination System (NPDES) permit effluent limitations.

(3) For commercial facilities, the tank shall be sized for a holding capacity of at least three (3) days at the ninety percent (90%) level of the tank.

(4) For residences, the local health department shall specify the tank size.

(5) The temporary sewage holding tank approval letter or permit, and operating permit, shall be valid for no more than two (2) years from the date of issuance.

(e) The following requirements apply for commercial facilities, when a connection is being secured to a sanitary sewer that is part of a conservancy district, sewer district, private utility, or municipality is proposed, but where a contract for construction of said sewer has not yet been awarded:

(1) A site evaluation report shall be submitted demonstrating that the site is suitable for an on-site system.

(2) Plans, as described in Technical Specification for On-Site Sewage Systems, 2003 Edition, shall be submitted for the on-site system with the exception that detailed plan views, cross sections, and specifications for on-site system components are not required. If subsurface drainage is required, an adequate outlet shall be documented.

(3) The applicant shall submit a written timetable from the utility detailing the proposed schedule for sewer construction. The utility shall also certify that the proposed project is not expected to cause overloading/bypassing in the collection system under dry weather conditions, and there is sufficient capacity in the treatment plant to adequately treat the flow and achieve applicable NPDES permit effluent limitations.

(4) The tank shall be sized for three (3) days holding capacity at the ninety percent (90%) level of the tank.

(5) The proposed absorption field site shall be staked out and protected from disturbance or alteration.

(6) The temporary sewage holding tank approval letter or permit shall be valid for no more than two (2) years from the date of issuance.

(7) By the approval letter or permit expiration date, a connection to the utility sewer shall be completed, or the approved on-site system shall be constructed. If said utility sewer is under construction by that time, an extension of the holding tank approval letter or permit may be requested.

(f) The following requirements apply for commercial facilities, where temporary work site facilities are used during construction of a permanent structure that is to be served by an on-site system:

(1) An approval letter or permit for the construction of an on-site system to serve the permanent structure has been issued.

(2) The tank shall be sized for three (3) days holding capacity at the ninety percent (90%) level of the tank.

(3) The proposed absorption field site shall be staked out and protected from disturbance or alteration.

(Indiana State Department of Health; 410 IAC 6-8.2-52)

410 IAC 6-8.2-53 Experimental technology

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 53. (a) The department may approve the installation of experimental technology to permit development of new or more efficient sewage treatment or soil dispersal processes.

(b) The owner or agent proposing to install an experimental technology on-site system shall:

(1) comply with the requirements contained in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapters 1, 2, 3, 4, 8, and applicable sections of Chapters 5, 6, and 7; and

(2) file a restriction on the deed of the property, indicating that:

(A) the on-site system serving the property requires an operation and maintenance contract, when required by the department;

(B) the on-site system serving the property requires a set-aside area, when required by the department, pursuant to subsection (f);

(C) the soil absorption field set-aside area be protected from disturbance or alteration; and

(D) the replacement soil absorption field does not meet the soil or site requirements of this rule and the Technical Specification for On-Site Sewage Systems, 2003 Edition when these requirements cannot be met.

(c) The following information shall be provided to the department for review of an experimental technology:

(1) A description of operation of the experimental technology, including scientific and engineering principles upon which it is based.

(2) For an experimental technology soil absorption field:

(A) a description of the site criteria required for successful operation of the technology, including documentation of research and field performance applicable to soil and climatological conditions found in Indiana; and

(B) the design criteria for sizing the technology to meet all site and soil conditions required by the department.

(3) For secondary treatment devices and high strength waste devices:

(A) the design criteria for sizing the device to meet all waste flow characteristics; and

(B) procedures used for effluent sampling and analysis.

(4) Performance that the experimental technology is expected to meet.

(5) Life span of the materials used in the experimental technology.

(6) Criteria and requirements for operation and maintenance of the experimental technology over its life expectancy.

(7) A copy of any approvals from other states or government units and the statutes, codes, ordinances, and other regulatory documents under which the approval was granted.

(8) Research and development data, and data on field performance.

(9) Certifications (with test results), from independent testing laboratories. Information shall include the following:

(A) An affidavit certifying that research, certifying organizations, and principal investigators have no conflict of interest.

(B) A statement of the source or sources of compensation for services.

(C) A statement that research, certifying organizations, and principal investigators do not stand to gain financially from the sale of the experimental technology.

(10) Three (3) copies of the following:

(A) Owner notifications required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 8, Section II. A.

(B) Documentation required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 8, Section II. A.

(C) Product literature and pricing information.

(d) The department may require the effluent from secondary treatment devices be sampled and analyzed according to the requirements contained in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 8, Section III.

(e) The department may limit the number of on-site systems incorporating experimental technology until such time that sufficient data has been collected on the performance of the experimental technology.

(f) For a new residence containing an experimental technology soil absorption field, the department may require a set-aside area for an alternate means of soil dispersal:

(1) the set-aside area shall be included in the plan submittal required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 2, Sections II through V;

(2) the set-aside area must be of sufficient size and suitable soil conditions to allow for the construction of an on-site system that complies with the requirements of section 54 of this rule or Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapters 6 or 7; and

(3) the set-aside area must be protected from disturbance or alteration until released, in writing, by the department or local health department, whichever has jurisdiction, or until connection to a wastewater treatment plant is secured.

(g) For a commercial facility containing an experimental

technology soil absorption field, the department may require a set-aside area or contingency plan for an alternate means of soil dispersal:

(1) the set-aside area shall be included in the plan submittal required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 2, Sections II through V;

(2) a set-aside area for a commercial facility must comply with the requirements of subsection (h); and

(3) a contingency plan for a commercial facility must be approved by the department prior to design of the experimental technology on-site system.

(h) The requirement for a set-aside area for a soil absorption field replacement containing an experimental technology soil absorption field may be waived, the size may be reduced, or required soil conditions modified, in accordance with section 51(c) of this rule. If a set-aside area is required, the following must be met:

(1) Plans for the set-aside area shall be included in the plan submittal required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 2, Sections II through V.

(2) The set-aside area must be of sufficient size and suitable soil conditions, if possible, to allow for the construction of an on-site system that complies with the requirements of section 54 of this rule or Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapters 6 or 7.

(3) The set-aside area must be protected from disturbance or alteration until released, in writing, by the department or local health department, whichever has jurisdiction, or until connection to a wastewater treatment plant is secured.

(Indiana State Department of Health; 410 IAC 6-8.2-53)

410 IAC 6-8.2-54 Alternative technology

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 54. (a) The department may approve the installation of alternative technology sewage treatment or soil dispersal processes.

(b) The owner or agent proposing to install an alternative technology on-site system shall:

(1) comply with the requirements contained in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapters 1, 2, 3, 4, 5 (applicable sections), and 8; and

(2) file a restriction on the deed of the property, indicating that the:

(A) on-site system serving the property requires an operation and maintenance contract, when required by the department; and

(B) replacement soil absorption field does not meet the soil or site requirements of this rule and the Technical Specification for On-Site Sewage Systems, 2003 Edition, when these requirements cannot be met.

(Indiana State Department of Health; 410 IAC 6-8.2-54)

410 IAC 6-8.2-55 Ground water protection standards

Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-20-1-12
Affected: IC 13-18-17-5; IC 16-19-3

Sec. 55. In accordance with IC 13-18-17-5 and 327 IAC 2-11-1, et seq., ground water protection procedures required in Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 3, Section VI shall apply to on-site systems. *(Indiana State Department of Health; 410 IAC 6-8.2-55)*

410 IAC 6-8.2-56 Local health department compliance

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 56. (a) When local health departments propose, draft, or recommend adoption of, or changes to, a local ordinance for on-site systems, written confirmation shall be obtained from the department that the proposed ordinance, or changes to an ordinance, do not conflict with this rule and sewage disposal statutes before the ordinance is presented to the county commissioners.

(b) Local health departments shall obtain written approval from the department of procedures required in section 49(e)(1) and 49(f)(1) of this rule.

(c) Each local health department on-site system permit program is subject to review by the department. Such review may include, but not be limited to, the following:

(1) Review of permits issued.

(2) Review of on-site system inspections.

(3) Supporting documentation.

(d) Whenever the department determines that a local health department on-site system program is not in compliance with this rule, the department may require remedial action and a reasonable time period necessary for compliance.

(e) If a local health department fails to comply with a directive issued by the department under subsection (d), the department may require the local health department to submit plans, permits, and supporting documentation for department review. The department may further require that before the local health department issues any on-site system permit, a written release for such permit shall be obtained from the department. Such review may continue until the department is satisfied that ongoing compliance with this rule has been achieved.

(f) Each local health department shall submit to the department an annual report of on-site system permits issued and on-site systems installed as follows:

(1) The report shall be:
(A) submitted by February 15 of the year following the calendar year in which data is collected; and
(B) made on a form provided by the department or other format approved by the department.
(2) Data for new residences and commercial facilities shall be sorted by the following:
(A) Type of soil absorption field:
(i) with subsurface drainage; and
(ii) without subsurface drainage.
(B) Secondary treatment device manufacturer, if applicable, by:
(i) type of device; and
(ii) type of soil absorption field.
(3) Data for each soil absorption field replacement shall include the following:
(A) Existing soil absorption field:
(i) type;
(ii) year installed, if known;
(iii) year failed, if known; and
(iv) whether or not subsurface drainage was part of the on-site system, if known.
(B) Soil absorption field replacement:
(i) type;
(ii) whether or not subsurface drainage is part of the soil absorption field replacement; and
(iii) manufacturer and type of secondary treatment device, if applicable.
(4) Data for each on-site system repair shall include the following:
(A) Year on-site system was installed, if known.
(B) Component or components repaired.

(Indiana State Department of Health; 410 IAC 6-8.2-56)

410 IAC 6-8.2-57 Enforcement

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 57. (a) For residential and commercial facility on-site systems, the local health department may issue a written order to an owner in violation of this rule, local sewage ordinance, or any condition of a permit. The written order shall state the nature of the violation and a time limit for satisfactory correction.

(b) For commercial facility on-site systems, the department may issue a written order to an owner in violation of this rule, or any condition of an approval letter. The written order shall state the nature of the violation and a time limit for satisfactory correction.

(c) An owner or agent, upon receipt of an order, shall comply with the order and this rule.

(d) The department or local health department may issue an order to stop work when any of the following occur:
(1) Construction of an on-site system has started without the following:
(A) A permit from the local health department for a residence or a commercial facility where:
(i) plan review and permit issuance has been delegated by the department to the local health department; or
(ii) permit issuance is required by local ordinance.
(B) An approval letter from the department for a commercial facility, or experimental or alternative technology on-site system, except when plan review and permit issuance has been delegated by the department to the local health department.
(2) Construction of an on-site system is in violation of the permit, approval letter, this rule, or local sewage ordinance.
(3) Any other conditions exist that may result in the revocation of an approval letter or permit as listed in section 50(d) of this rule.

(e) A local health department may report to the department concerns involving septic or dose tank design, quality, construction, or performance pursuant to Technical Specification for On-Site Sewage Systems, 2003 Edition, Chapter 5, Sections IV, V, and VI. Concerns must be detailed in writing to the department.

(f) Enforcement of operation and maintenance provisions for experimental and alternative technology on-site system technologies shall be by the:
(1) local health department for permits issued under section 46 of this rule; and
(2) department for approval letters issued under section 47 of this rule.

(Indiana State Department of Health; 410 IAC 6-8.2-57)

410 IAC 6-8.2-58 Incorporation by reference

Authority: IC 16-19-3-4; IC 16-19-3-5
Affected: IC 16-19-3

Sec. 58. The following documents are incorporated by reference as a part of this rule:
(1) Technical Specification for On-Site Sewage Systems, 2003 Edition. Copies may be obtained by mailing a request to the Indiana State Department of Health, 2 North Meridian, Section 5-E, Indianapolis, Indiana 46204. This document is available for public review at the department.
(2) Bulletin SE 11, The Sanitary Vault Privy, 1986 Edition. Copies may be obtained by mailing a request to the Indiana State Department of Health, 2 North Meridian, Section 5-E, Indianapolis, Indiana 46204. This document is available for public review at the department.
(3) National Soil Survey Handbook, 1993, Part 620.08(b), Septic Tank Absorption Fields. Copies may be obtained

by mailing a request to the USDA-NRCS-NSSC, Federal Building, Room 152 - Mail Stop 35, 100 Centennial Mall North, Lincoln, Nebraska 68508-3866, or online at http://soils.usda.gov/procedures/handbook/main.htm. This document is available for public review at the department.

(Indiana State Department of Health; 410 IAC 6-8.2-58)

SECTION 2. THE FOLLOWING ARE REPEALED: 410 IAC 6-8.1; 410 IAC 6-10.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on July 1, 2003 at 1:00 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on proposed new rules to establish the requirements pertaining to the disposition of excremental and sewage matter through the design, installation, construction, maintenance, and operation of commercial facility, residential, cluster, and experimental and alternative technology on-site sewage systems. Repeals 410 IAC 6-8.1 and 410 IAC 6-10. Copies of these rules are now on file at the Consumer Protection Division of the Health Care Regulatory Services Commission, Indiana State Department of Health, 2 North Meridian Street, Fifth Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gregory A. Wilson, M.D.
State Health Commissioner
Indiana State Department of Health

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Proposed Rule
LSA Document #03-4

DIGEST

Amends 410 IAC 1-2.3-47 and 410 IAC 1-2.3-48 and adds 410 IAC 1-2.3-97.5 governing the reporting and control measures of communicable disease to add smallpox and complications related to vaccinations for smallpox. Effective 30 days after filing with the secretary of state.

410 IAC 1-2.3-47
410 IAC 1-2.3-48
410 IAC 1-2.3-97.5

SECTION 1. 410 IAC 1-2.3-47 IS AMENDED TO READ AS FOLLOWS:

410 IAC 1-2.3-47 Reporting requirements for physicians and hospital administrators

Authority: IC 16-41-2-1
Affected: IC 4-22-2-37.1; IC 16-21; IC 16-41-2-8; IC 25-22.5

Sec. 47. (a) It shall be the duty of each physician licensed under IC 25-22.5, and each administrator of a hospital licensed under IC 16-21, or the administrator's representative, to report all cases, and suspected cases of the diseases listed in subsection (d). Reporting of specimen results by a laboratory to health officials does not nullify the physician's or administrator's obligations to report said case.

(b) The report required by subsection (a) shall be made to the local health officer in whose jurisdiction the patient was examined at the time the diagnosis was made or suspected. If the patient is a resident of a different jurisdiction, the local health jurisdiction receiving the report shall forward the report to the local health jurisdiction where the patient resides. If a person who is required to report is unable to make a report to the local health officer within the time mandated by this rule, a report shall be made directly to the department within the time mandated by this rule.

(c) Any reports of diseases required by subsection (a) shall include the following:

(1) The patient's:
  (A) full name;
  (B) street address;
  (C) city;
  (D) zip code;
  (E) county of residence;
  (F) telephone number;
  (G) age or date of birth;
  (H) sex; and
  (I) race and ethnicity, if available.
(2) Date of onset.
(3) Diagnosis.
(4) Definitive diagnostic test results (for example, culture, IgM, serology, or Western Blot).
(5) Name, address, and telephone number of the attending physician.
(6) Other epidemiologically necessary information requested by the local health officer or the commissioner.
(7) Persons who are tested anonymously at a counseling and testing site cannot be reported using personal identifiers; rather, they are to be reported using a numeric identifier code. Age, race, sex, risk factors, and county of residence shall also be reported.
(8) Name, address, and telephone number of person completing report.

(d) The dangerous communicable diseases and conditions described in this subsection shall be reported within the time specified. Diseases or conditions that are to be reported immediately to the local health officer shall be reported by

telephone or other instantaneous means of communication on first knowledge or suspicion of the diagnosis. Diseases that are to be reported within seventy-two (72) hours shall be reported to the local health officer within seventy-two (72) hours of first knowledge or suspicion of the diagnosis by telephone, electronic data transfer, other confidential means of communication, or official report forms furnished by the department. During evening, weekend, and holiday hours, those required to report should report diseases required to be immediately reported to the after-hours duty officer at the local health department. If unable to contact the after-hours duty officer locally, or one has not been designated locally, those required to report shall file their reports with the after-hours duty officer at the department at (317) 233-1325 or (317) 233-8115.

DANGEROUS COMMUNICABLE DISEASES AND CONDITIONS

Disease	When to Report (from probable diagnosis)	Disease Intervention Methods (section in this rule)
Acquired immunodeficiency syndrome	See HIV Infection/Disease	Sec. 76
Animal bites	Within 24 hours	Sec. 52
Anthrax	Immediately	Sec. 53
Babesiosis	Within 72 hours	Sec. 54
Botulism	Immediately	Sec. 55
Brucellosis	Within 72 hours	Sec. 56
Campylobacteriosis	Within 72 hours	Sec. 57
Chancroid	Within 72 hours	Sec. 58
Chlamydia trachomatis, genital infection	Within 72 hours	Sec. 59
Cholera	Immediately	Sec. 60
Cryptosporidiosis	Within 72 hours	Sec. 61
Cyclospora	Within 72 hours	Sec. 62
Diphtheria	Immediately	Sec. 63
Ehrlichiosis	Within 72 hours	Sec. 64
Encephalitis, arboviral, Calif, EEE, WEE, SLE, West Nile	Immediately	Sec. 65
Escherichia coli, infection (including E. coli 0157:H7 and other enterohemorrhagic types)	Immediately	Sec. 66
Gonorrhea	Within 72 hours	Sec. 67
Granuloma inguinale	Within 72 hours	Sec. 68
Haemophilus influenzae invasive disease	Immediately	Sec. 69
Hansen's disease (leprosy)	Within 72 hours	Sec. 70
Hantavirus pulmonary syndrome	Immediately	Sec. 71
Hemolytic uremic syndrome, postdiarrheal	Immediately	Sec. 66
Hepatitis, viral, Type A	Immediately	Sec. 72
Hepatitis, viral, Type B	Within 72 hours	Sec. 73
Hepatitis, viral, Type B, pregnant woman (acute and chronic), or perinatally exposed infant	Immediately (when discovered at or close to time of birth)	Sec. 73
Hepatitis, viral, Type C (acute)	Within 72 hours	Sec. 74
Hepatitis, viral, Type Delta	Within 72 hours	Sec. 73
Hepatitis, viral, unspecified	Within 72 hours	
Histoplasmosis	Within 72 hours	Sec. 75
HIV infection/disease	Within 72 hours	Sec. 76
HIV infection/disease, pregnant woman, or perinatally exposed infant	Immediately (when discovered at or close to time of birth)	Sec. 76
Legionellosis	Within 72 hours	Sec. 77
Leptospirosis	Within 72 hours	Sec. 78
Listeriosis	Within 72 hours	Sec. 79
Lyme disease	Within 72 hours	Sec. 80
Lymphogranuloma venereum	Within 72 hours	Sec. 81
Malaria	Within 72 hours	Sec. 82
Measles (rubeola)	Immediately	Sec. 83
Meningitis, aseptic	Within 72 hours	Sec. 84

Meningococcal disease, invasive	Immediately	Sec. 85
Mumps	Within 72 hours	Sec. 86
Pertussis	Immediately	Sec. 88
Plague	Immediately	Sec. 89
Poliomyelitis	Immediately	Sec. 90
Psittacosis	Within 72 hours	Sec. 91
Q Fever	Immediately	Sec. 92
Rabies in humans or animals (confirmed and suspect animal with human exposure)	Immediately	Sec. 93
Rabies, postexposure treatment	Within 72 hours	Secs. 93 and 52
Rocky Mountain spotted fever	Within 72 hours	Sec. 94
Rubella (German measles)	Immediately	Sec. 95
Rubella congenital syndrome	Immediately	Sec. 95
Salmonellosis, other than typhoid fever	Within 72 hours	Sec. 96
Shigellosis	Immediately	Sec. 97
Smallpox (variola infection)	**Immediately**	**Sec. 97.5**
Adverse events or complications due to smallpox vaccination (vaccinia virus infection) or secondary transmission to others after vaccination. This includes accidental implantation at sites other than the vaccination site, secondary bacterial infections at vaccination site, vaccinia keratitis, eczema vaccinatum, generalized vaccinia, congenital vaccinia, progressive vaccinia, vaccinia encephalitis, death due to vaccinia complications, and other complications requiring significant medical intervention.	**Immediately**	**Sec. 97.5**
Staphylococcus aureus, Vancomycin resistance level of MIC ≥ 8 µg/mL	Immediately	Sec. 98
Streptococcus pneumoniae, invasive disease, and antimicrobial resistance pattern	Within 72 hours	Sec. 99
Streptococcus, Group A, invasive disease	Within 72 hours	Sec. 100
Streptococcus, Group B, invasive disease	Within 72 hours	Sec. 101
Syphilis	Within 72 hours	Sec. 102
Tetanus	Within 72 hours	Sec. 103
Toxic shock syndrome (streptococcal or staphylococcal)	Within 72 hours	Sec. 104
Trichinosis	Within 72 hours	Sec. 105
Tuberculosis, cases and suspects	~~Withing~~ **Within** 72 hours	Sec. 106
Tularemia	Immediately	Sec. 107
Typhoid fever, cases and carriers	Immediately	Sec. 108
Typhus, endemic (flea borne)	Within 72 hours	Sec. 109
Varicella, resulting in hospitalization or death	Within 72 hours	Sec. 110
Yellow fever	Within 72 hours	Sec. 111
Yersiniosis	Within 72 hours	Sec. 112

DANGEROUS BUT NOT COMMUNICABLE DISEASES AND CONDITIONS OF PUBLIC HEALTH SIGNIFICANCE

Disease and Condition	When to Report (from probable diagnosis)	Disease Intervention Methods
Pediatric venous blood lead > 10 µg/dl in children less than or equal to 6 years of age	Within 1 week	Sec. 87

(e) Reporting of HIV infection/disease shall include classification as defined in the CDC Morbidity and Mortality Weekly Report, Volume 41, No. RR-17, 1993 Revised Classification System for HIV Infection and Expanded Surveillance Case Definition for AIDS among Adolescents and Adults. Reporting of HIV infection/disease in children less than thirteen (13) years of age shall include classification as defined in the CDC Morbidity and Mortality Weekly Report, Volume 43, No. RR-12, 1994 Revised Classification System for Human Immunodeficiency Virus Infection in Children Less Than 13 Years of Age. Supplemental reports shall be provided by the physician when an individual's classification changes. The CD4+ T-lymphocyte count and percentage, or viral load count, or both, shall be included with both initial and supplemental reports.

(f) The department, under the authority of IC 4-22-2-37.1,

may adopt emergency rules to include mandatory reporting of emerging infectious diseases. Reports shall include the information specified in ~~section 47(c)~~ **subsection (c)** of this rule.

(g) Outbreaks of any of the following shall be reported immediately upon suspicion:

(1) Any disease required to be reported under this section.

(2) Diarrhea of the newborn (in hospitals or other institutions).

(3) Foodborne or waterborne diseases in addition to those specified by name in this rule.

(4) Streptococcal illnesses.

(5) Conjunctivitis.

(6) Impetigo.

(7) Nosocomial disease within hospitals and health care facilities.

(8) Influenza-like illness.

(9) Unusual occurrence of disease.

(10) Any disease (that is, anthrax, plague, tularemia, Brucella species, smallpox, or botulinum toxin) or chemical illness that is considered a bioterrorism threat, importation, or laboratory release.

(h) Failure to report constitutes a Class A infraction as specified by IC 16-41-2-8. *(Indiana State Department of Health; 410 IAC 1-2.3-47; filed Sep 11, 2000, 1:36 p.m.: 24 IR 339)*

SECTION 2. 410 IAC 1-2.3-48 IS AMENDED TO READ AS FOLLOWS:

410 IAC 1-2.3-48 Laboratories; reporting requirements

Authority: IC 16-41-2-1
Affected: IC 16-41-2-8

Sec. 48. (a) Each director, or the director's representative, of a medical laboratory in which examination of any specimen derived from the human body yields microscopic, bacteriologic, immunologic, serologic, or other evidence of infection by any of the organisms or agents listed in ~~section 48(d) of this rule~~ **subsection (d)** shall report such findings and any other epidemiologically necessary information requested by the department. HIV serologic results of tests performed anonymously in conjunction with the operation of a counseling and testing site registered with the department shall not be identified by name of patient, but by a numeric identifier code; for appropriate method to report such results, see subsection (b).

(b) The report required by subsection (a) shall, at a minimum, include the following:

(1) Name, date, results of test performed, the laboratory's normal limits for that test, and the laboratory's interpretation of the test results.

(2) Name of person and date of birth or age from whom specimen was obtained.

(3) Name, address, and telephone number of attending physician, hospital, clinic, or other specimen submitter.

(4) Name, address, and telephone number of the laboratory performing the test.

(c) This subsection does not preclude laboratories from testing specimens, which, when submitted to the laboratory, are identified by a numeric identifier code and not by name of patient. If testing of such a specimen, identified by numeric code, produces results that are required to be reported under this rule, the laboratory shall submit a report that includes the following:

(1) Numeric identifier code, date, and results of tests performed.

(2) Name and address of attending physician, hospital, clinic, or other.

(3) Name and address of the laboratory performing the test.

(d) Laboratory findings demonstrating evidence of the following infections, diseases, or conditions shall be reported at least weekly to the department:

(1) Arboviruses, including, but not limited to, the following:
  (A) St. Louis.
  (B) California group.
  (C) Eastern equine.
  (D) Western equine.
  (E) West Nile.
  (F) Japanese B.
  (G) Yellow fever.

(2) Babesia species.

(3) Bacillus anthracis.

(4) Bordetella pertussis.

(5) Borrelia burgdorferi.

(6) Brucella species.

(7) Calymmatobacterium granulomatis.

(8) Campylobacter species.

(9) Chlamydia psittaci.

(10) Chlamydia trachomatis.

(11) Clostridium botulinum.

(12) Clostridium perfringens.

(13) Clostridium tetani.

(14) Corynebacterium diphtheriae.

(15) Coxiella burnetii.

(16) Cryptococcus neoformans.

(17) Cryptosporidium parvum.

(18) Cyclospora cayetanensis.

(19) Ehrlichia chaffeensis.

(20) Ehrlichia phagocytophila.

(21) Enteroviruses (coxsackie, echo, polio).

(22) Escherichia coli infection (including E. coli 0157:H7 and other enterohemorrhagic types).

(23) Francisella tularensis.

(24) Haemophilus ducreyi.

(25) Hantavirus.

(26) Hepatitis viruses:
  (A) anti-HAV IgM;
  (B) HbsAg or HbeAg or anti-HBc IgM;

(C) RIBA or RNA or Anti-HCV, or any combination;
(D) Delta.
(27) Haemophilus influenzae, invasive disease.
(28) Histoplasmosis capsulatum.
(29) HIV and related retroviruses.
(30) Influenza.
(31) Kaposi's sarcoma (biopsies).
(32) Legionella species.
(33) Leptospira species.
(34) Listeria monocytogenes.
(35) Measles virus.
(36) Mumps virus.
(37) Mycobacterium tuberculosis.
(38) Neisseria gonorrhoeae.
(39) Neisseria meningitidis, invasive.
(40) Pediatric blood lead tests (capillary and venous) equal to or greater than 10 µg/dl on children less than or equal to six (6) years of age.
(41) Plasmodium species.
(42) Pneumocystis carinii.
(43) Rabies virus (animal or human).
(44) Rickettsia species.
(45) Rubella virus.
(46) Salmonella species.
(47) Shigella species and antimicrobial resistance pattern.
(48) Smallpox (variola) virus.
~~(48)~~ **(49)** Staphylococcus aureus, Vancomycin resistance equal to or greater than 8 µg/mL.
~~(49)~~ **(50)** Streptococcus pneumoniae, invasive disease, and antimicrobial resistance pattern.
~~(50)~~ **(51)** Streptococcus Group A (Streptococcus pyogenes), invasive disease.
~~(51)~~ **(52)** Streptococcus Group B, invasive disease.
~~(52)~~ **(53)** Treponema pallidum.
~~(53)~~ **(54)** Trichinella spiralis.
~~(54)~~ **(55)** Vibrio species.
~~(55)~~**(56)** Yersinia species, including pestis, enterocolitica, and pseudotuberculosis.

(e) Laboratories may also report to the local health officer, but any such local report shall be in addition to reporting to the department. A laboratory may report by electronic data transfer, telephone, or other confidential means of communication. In lieu of electronic data transfer or reporting by telephone, a laboratory may submit a legible copy of the laboratory report, provided that the information specified in subsection (b) appears thereon. Whenever a laboratory submits a specimen, portion of a specimen, or culture to the department laboratory resource center for confirmation, phage typing, or other service, these reporting requirements will be deemed to have been fulfilled, provided that the minimum information specified in subsection (b) accompanies the specimen or culture.

(f) Laboratories shall submit all isolates of the following organisms to the department's microbiology laboratory for further evaluation:

(1) Haemophilus influenzae, invasive disease.
(2) Neisseria meningitidis, invasive disease.
(3) E. coli 0157:H7 or sorbital-negative E. coli isolates.
(4) Staphylococcus aureus, Vancomycin resistance equal to or greater than 8 µg/mL.
(5) Mycobacterium tuberculosis.
(6) Listeria monocytogenes.
(7) Salmonella from any site.

(g) Quarterly report the total number of blood lead test (capillary and venous) performed on children six (6) ~~or less~~ years of age **or less.**

(h) Reporting by a laboratory, as required by this section, shall not:
(1) constitute a diagnosis or a case report; and
(2) be considered to fulfill the obligation of the attending physician or hospital to report.

~~(i) Failure to report constitutes a Class A infraction as specified by IC 16-41-2-8.~~ *(Indiana State Department of Health; 410 IAC 1-2.3-48; filed Sep 11, 2000, 1:36 p.m.: 24 IR 342)*

SECTION 3. 410 IAC 1-2.3-97.5 IS ADDED TO READ AS FOLLOWS:

410 IAC 1-2.3-97.5 Smallpox; specific control measures
Authority: IC 16-41-2-1
Affected: IC 16-41-2; IC 16-41-9

Sec. 97.5. The control measures for smallpox are to:
(1) begin an investigation immediately by the department in conjunction with the local health officer to determine the possible sources of infection;
(2) trace contacts of the known case; and
(3) determine the extent of the outbreak.
(Indiana State Department of Health; 410 IAC 1-2.3-97.5)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on July 2, 2003 at 2:00 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on proposed amendments governing the reporting and control measures of communicable disease to add smallpox and complications related to vaccinations for smallpox. Copies of these rules are now on file at the Indiana State Department of Health, 2 North Meridian Street, Information Services and Policy Commission, Third Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gregory A. Wilson, M.D.
State Health Commissioner
Indiana State Department of Health

TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

Proposed Rule
LSA Document #03-20

DIGEST

Amends 804 IAC 1.1-1-1 to revise the definition of degree in a design discipline. Effective 30 days after filing with the secretary of state.

804 IAC 1.1-1-1

SECTION 1. 804 IAC 1.1-1-1 IS AMENDED TO READ AS FOLLOWS:

804 IAC 1.1-1-1 Definitions and abbreviations
Authority: IC 25-4-1-3; IC 25-4-2
Affected: IC 25-4-1-8

Sec. 1. (a) NCARB Appendix A, Circular of Information #1, Table of Equivalents for Education, Training, and Experience will be used by the board as a guide. The following definitions apply throughout this rule:

(1) "Accredited degree program" means a program leading to a professional degree which is accredited by the NAAB or the LAAB or certified equivalent by NCARB or CLARB guidelines.

(2) "Act" means IC 25-4 creating a board to regulate the practice of architecture and the practice of landscape architecture in Indiana.

(3) "Applicant" means an individual whose application has been received by the board for registration as an architect or a landscape architect.

(4) "Approved department, school, or college of architecture or landscape architecture" means a department, school, or college with an architecture or landscape architecture professional degree program recognized by the board at the time of an applicant's graduation.

(5) "Architect" means a person registered under IC 25-4-1 and this article and thereby entitled to use the title architect and engage in the practice of architecture in Indiana.

(6) "A.R.E." means the architect registration examination prepared by NCARB.

(7) "Board" means the board of registration for architects and landscape architects.

(8) "CLARB" means the Council of Landscape Architectural Registration Boards.

(9) "Council record–CLARB" means a detailed, authenticated record of an applicant's activities and accomplishments, factual data of education, training, practice, character, examination, and registration.

(10) "Council record–NCARB" means a detailed, authenticated record of an applicant's education, training, experience, examination, registration, and character. Council record prepared by NCARB.

(11) "Degree in a design discipline", as used in IC 25-4-1-8, means ~~the study of the design of buildings and structures for human occupancy. The courses required to obtain the degree must include the application of recognized standards to promote the health and safety of the users or occupants of the buildings or structures. An example of such degree in a design discipline includes pre-professional bachelor degree in architecture.~~ **a preprofessional bachelor degree with a major in architecture such as would admit the applicant to an accredited professional master of architecture degree program of four (4) semesters or shorter.**

(12) "EESA" means a program approved by NCARB known as Education Evaluation Services for Architects.

(13) "IDP" means Intern Development Program.

(14) "LAAB" means the Landscape Architectural Accreditation Board.

(15) "LARE" means the landscape architect registration examination prepared by CLARB.

(16) "Landscape architect" means a person registered under IC 25-4-2 and this article and thereby entitled to use the title landscape architect and engage in the practice of landscape architecture in Indiana.

(17) "NAAB" means the National Architectural Accrediting Board.

(18) "NCARB" means the National Council of Architectural Registration Boards.

(19) "Professional examination" means the former architects registration examination prepared by NCARB.

(20) "Qualifying test" means the examination formerly prepared by NCARB to qualify applicants without an accredited architectural degree for admission to the professional examination.

(21) "Registrant" means a registered architect or landscape architect, unless the context clearly indicates otherwise, whose qualifications have been examined by the board and a certificate of registration granted.

(22) "Valid certificate" means a certificate of registration held by an individual that is current and in good standing. A certificate shall have the effect of a license to practice architecture in Indiana, subject to IC 25-4-1. A certificate shall have the effect of a license to use the title landscape architect in Indiana subject to IC 25-4-1.

~~(22)~~ **(23)** "Week" means a thirty-five (35) hour work week. (No more than thirty-five (35) hours shall be counted toward requirements in any given calendar week.)

~~(23)~~ **(24)** "Year" means fifty (50) calendar weeks not including vacation.

~~(24) "Valid certificate" means a certificate of registration held by an individual that is current and in good standing. A certificate shall have the effect of a license to practice architecture in Indiana, subject to IC 25-4-1. A certificate shall have the effect of a license to use the title landscape architect in Indiana subject to IC 25-4-1.~~

(b) When the masculine pronoun is used, it shall include the

feminine. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-1-1; filed Mar 25, 1980, 9:15 a.m.: 3 IR 949; filed Jan 8, 1982, 10:10 a.m.: 5 IR 387; filed Apr 26, 1983, 9:31 a.m.: 6 IR 1075; filed Nov 14, 1985, 8:39 a.m.: 9 IR 752; filed Oct 28, 1998, 3:35 p.m.: 22 IR 756; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; filed Jan 24, 2002, 12:05 p.m.: 25 IR 1903)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on July 9, 2003 at 9:45 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 12, Indianapolis, Indiana the Board of Registration for Architects and Landscape Architects will hold a public hearing on proposed amendments to revise the definition of degree in a design discipline. 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 820 STATE BOARD OF COSMETOLOGY EXAMINERS

Proposed Rule
LSA Document #03-21

DIGEST

Amends 820 IAC 4-1-11 to revise the graduation requirements for a manicurist student in a cosmetology school. Amends 820 IAC 6-1-3 to bring the requirements for the certificate of completion into conformity with the distance learning continuing education requirements and procedures. Adds 820 IAC 6-3 to establish distance learning continuing education requirements and procedures for cosmetology professionals, continuing education educators, and courses. Effective 30 days after filing with the secretary of state.

820 IAC 4-1-11
820 IAC 6-1-3
820 IAC 6-3

SECTION 1. 820 IAC 4-1-11 IS AMENDED TO READ AS FOLLOWS:

820 IAC 4-1-11 Graduation defined
Authority: IC 25-8-3-23
Affected: IC 25-8-5-4; IC 25-8-9-3

Sec. 11. A student shall be deemed to have graduated from a cosmetology school (having completed the educational requirements established by IC 25-8-9-3(3)) when all of the following have occurred:

(1) When one (1) of the following education requirements have been completed:

(A) At least the one thousand five hundred (1,500) hours as required by 820 IAC 4-4-4.

(B) At least the ~~three~~ **four** hundred ~~(300)~~ **fifty (450)** hours as required by 820 IAC 4-4-5.

(C) At least the three hundred (300) hours as required by 820 IAC 4-4-6.

(D) At least the three hundred (300) hours as required by 820 IAC 4-4-7.

(E) At least the seven hundred (700) hours as required by 820 IAC 4-4-7.1.

(F) At least the one thousand (1,000) hours as required by 820 IAC 4-4-7.2.

(2) The student has passed all required examinations.

(3) All money owed by the student to the school has been paid.

(State Board of Cosmetology Examiners; 820 IAC 4-1-11; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1406, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 570; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1489; filed May 4, 2001, 11:16 a.m.: 24 IR 2685; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)

SECTION 2. 820 IAC 6-1-3 IS AMENDED TO READ AS FOLLOWS:

820 IAC 6-1-3 Certificate of course completion
Authority: IC 25-8-3-23
Affected: IC 25-8-15-6

Sec. 3. The certificate of course completion required under IC 25-8-15-6 shall indicate the following:

(1) Name, address, and signature of the approved cosmetology educator **and provider.**

(2) Name, address, and signature of the instructor.

~~(2)~~ **(3)** Name, address, and license number of the attendee.

~~(3)~~ **(4)** Title of the course.

~~(4)~~ **(5)** Course location.

~~(5)~~ **(6)** Date of the course.

~~(6)~~ **(7)** Number of continuing education credit hours completed.

(State Board of Cosmetology Examiners; 820 IAC 6-1-3; filed Jul 18, 1996, 8:45 a.m.: 19 IR 3467; readopted filed Jul 18, 2002, 12:21 p.m.: 25 IR 4221)

SECTION 3. 820 IAC 6-3 IS ADDED TO READ AS FOLLOWS:

Rule 3. Distance Learning Continuing Education

820 IAC 6-3-1 "Distance education" defined
Authority: IC 25-1-4-3.2; IC 25-8-15-11; IC 25-8-16-4
Affected: IC 25-8-15; IC 25-8-16

Sec. 1. (a) "Distance education" means a course in which instruction does not take place in a traditional classroom setting but rather through other media where educator and student are separated by distance and sometimes by time.

(b) Methods of distance learning education include, but are not limited to, the following:

(1) Education by correspondence.

(2) Video instruction.

(3) Internet education.

(c) A provider means an individual or company that creates and delivers continuing education by distance learning methods. *(State Board of Cosmetology Examiners; 820 IAC 6-3-1)*

876 IAC 6-3-2 Distance education courses and providers

Authority: IC 25-1-4-3.2; IC 25-8-15-11; IC 25-8-16-4
Affected: IC 25-8-15-4; IC 25-8-16

Sec. 2. (a) The state board of cosmetology examiners (board) must approve continuing education courses offered by a distance learning method and the provider of the distance learning method.

(b) A licensee must complete the distance education course within one (1) year of the date of enrollment.

(c) Course subjects allowed under IC 25-8-15-4, 820 IAC 6-2-2, and 820 IAC 6-2-3 may be taken through distance learning. However, only fifty percent (50%) of continuing education courses may be taken through distance learning.

(d) The board must approve a distance education course if the board determines to its satisfaction the following:

(1) The distance education course serves to protect the public by contributing to the maintenance and improvement of the quality of the services provided by the cosmetology professional to the public.

(2) An appropriate and complete application has been filed and approved by the board.

(3) The distance education course meets the content requirements as prescribed in 820 IAC 6-2-2 and 820 IAC 6-2-3.

(4) The distance education course meets all other requirements as prescribed in the statutes and rules, which govern the operation of approved courses.

(State Board of Cosmetology Examiners; 820 IAC 6-3-2)

876 IAC 6-3-3 Approval of distance education course and provider

Authority: IC 25-1-4-3.2; IC 25-8-15-11; IC 25-8-16-4
Affected: IC 25-8-15; IC 25-8-16

Sec. 3. In order for a distance education course to be approved for credit, the cosmetology educator shall submit the following information:

(1) For course design, the following:

(A) A plan for submitting substantial changes in the course to the state board of cosmetology examiners (board). Substantial changes include, but are not limited to, the following:

(i) Expanded or reduced course content.

(ii) Change in the time allotments for portions of the course.

(iii) Change or redirect learning objectives.

(iv) Change of instructor.

(v) Change in course delivery method.

(B) A course may provide a test and the participant must score at least a seventy-five percent (75%) to pass and receive credit for the class. A test must have multiple choice and/or fill-in questions with at least twenty (20) questions per two (2) hours of instruction. True/false and essay questions are not allowed. If a test is not used, an alternate plan must be submitted and approved by the board for what constitutes successful completion of the course.

(2) For course delivery, the following:

(A) Names and qualifications for cosmetology educator, provider, and instructor of the course offered by distance learning methods. Submit their credentials, including any specific training for teaching via the specified delivery method as well as a plan for their continued professional development.

(B) An identity affirmation statement is required. The licensee is required to sign the statement before any certificate of completion for distance learning is issued.

(C) A plan for sufficient security to:

(i) ensure against fraudulent practices;

(ii) protect licensee identification information; and

(iii) verify that the student enrolled in the course is the one who completes the course and any required tests.

(3) For licensee support services, information about the course, if applicable, including the following:

(A) Broadcasts and distance site locations.

(B) Faculty contact information.

(C) Course outline and learning objectives.

(D) Testing and grading information.

(E) Guidelines regarding what constitute successful completion of the course.

(F) Homework assignments and deadlines.

(G) Fees and refunds.

(H) Prerequisites for the course.

(I) List of required student materials.

(J) A list of other support services made available to the students.

(4) For evaluation and assessment, an evaluation form, which solicits licensee feedback on:

(A) the delivery approach;

(B) the equipment;

(C) suggestions for class improvement; and

(D) their overall satisfaction with the course.

It is required that every licensee in a distance education course be given an evaluation form at the conclusion of the course.

(State Board of Cosmetology Examiners; 820 IAC 6-3-3)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on July 21, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 12, Indianapolis, Indiana the State Board of Cosmetology Examiners will hold a public hearing on proposed amendments to revise the graduation requirements for a manicurist student in a cosmetology school, to bring the requirements for the certificate of completion into conformity with the distance learning continuing education requirements and procedures, to establish distance learning continuing education requirements and procedures for distance learning continuing education providers. 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 #02-245

DIGEST

Amends 876 IAC 3-5-1 to remove the continuing education requirement that each licensee or certificate holder retain evidence of a Uniform Standards of Professional Appraisal Practice course until 24 months after the end of the last renewal period. Amends 876 IAC 3-5-1.5 to revise the mandatory continuing education courses required every renewal cycle and to establish Uniform Standards of Professional Appraisal Practice continuing education credit shall only be awarded when an Appraiser Qualification Board certified Uniform Standards of Professional Appraisal Practice instructor teaches the course. Amends 876 IAC 3-5-7 to revise the minimum requirements for instructors used by an approved real estate appraiser continuing education provider. Amends 876 IAC 3-6-4 to require that an appraisal review of an Indiana licensed residential, certified residential, or certified general appraiser or any other licensed appraiser comply with the Uniform Standards of Professional Appraisal Practice. Partially effective 30 days after filing with the secretary of state and partially effective January 2, 2004.

876 IAC 3-5-1 **876 IAC 3-5-7**
876 IAC 3-5-1.5 **876 IAC 3-6-4**

SECTION 1. 876 IAC 3-5-1 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-5-1 Continuing education requirements
Authority: IC 25-34.1-3-8
Affected: IC 25-1-11; IC 25-34.1

Sec. 1. (a) As a prerequisite to renewal of a real estate appraiser license or certification, excluding a trainee license during the first five (5) years of licensure, the licensee or certificate holder shall satisfactorily complete twenty-eight (28) classroom hours of continuing education within that two (2) year renewal period from a real estate appraiser continuing education course provider approved by the board. However, a licensee or certificate holder initially licensed during the first year of a two (2) year renewal period shall be required to complete only fourteen (14) classroom hours of continuing education, and a licensee or certificate holder initially licensed during the second year of a two (2) year renewal period shall not be required to obtain any hours of continuing education.

(b) After holding a trainee's license for a five (5) year period, a trainee is required to satisfactorily complete the continuing education requirement in each following renewal cycle:

(1) If the five (5) year period ends in the first year of a two (2) year renewal cycle, the trainee will be required to complete fourteen (14) hours of continuing education for the remainder of that renewal period.

(2) If the five (5) year period ends in the second year of two (2) year renewal cycle, the trainee shall not be required to obtain any hours of continuing education for that renewal cycle.

(c) The following criteria applies to determine the number of hours:

(1) A classroom hour of instruction is defined as fifty (50) minutes of each sixty (60) minute hour segment.

(2) Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two (2) hours.

(3) No more than eight (8) hours of continuing education may be acquired during any one (1) day.

(4) Credit for the classroom hour requirement may be obtained from approved providers which may include organizations of the following types:

(A) Colleges or universities.

(B) Community or junior colleges.

(C) Real estate appraisal or real estate related organizations.

(D) State or federal agencies or commissions.

(E) Proprietary schools.

(F) Other providers approved by the board.

(G) Providers approved by the Appraiser Qualification Board of the Appraisal Foundation.

(5) Credit may be granted for education offerings which cover real estate appraisal and related topics which are consistent with the following continuing education requirements:

(A) Ad valorem taxation.
(B) Arbitrations.
(C) Business courses related to real estate appraisal.
(D) Construction estimating.
(E) Ethics and standards of professional practice.
(F) Land use planning, zoning, and taxation.
(G) Litigation.
(H) Management, leasing, brokerage, and timesharing.
(I) Property development.
(J) Real estate appraisal (valuations or evaluations).
(K) The Uniform Standards of Professional Appraisal Practice.
(L) Real estate financing and investment.
(M) Real estate law.
(N) Real estate litigation.
(O) Real estate appraisal-related computer applications.
(P) Real estate securities and syndication.
(Q) Real property exchange.

(d) Notwithstanding subsection (a), continuing education credit may be granted for participation, other than as a student in appraisal educational programs as follows:

(1) Teaching.
(2) Program development.
(3) Authorship of textbooks.

(e) A licensee is not entitled to continuing education credit for any classroom hours, which were used for required prelicensure education under 876 IAC 3-3.

(f) The continuing education requirement is to ensure that appraisers participate in educational programs that maintain and increase their skill, knowledge, and competency in real estate appraising.

(g) The board may verify any information concerning continuing education that is submitted by the licensee or certificate holder as evidence supporting the course information. The board may require licensees or certificate holders to provide information regarding the continuing education hours claimed on the individual's renewal. Failure to do so may lead to disciplinary action as provided for in IC 25-1-11.

(h) It is the responsibility of each licensee or certificate holder to retain evidence to support the courses taken for a period of twenty-four (24) months after the end of the renewal period for which the renewal application is submitted to the board. ~~Evidence of a Uniform Standards of Professional Appraisal Practice course shall be retained until twenty-four (24) months after the end of the last renewal period for which it may be applied.~~ These records shall include one (1) or more of the following:

(1) Course attendance verification by the sponsor.
(2) Certificates of course completion.
(3) Continuing education attendance history by employer or third party.
(4) Other evidence of support and justification.

(Indiana Real Estate Commission; 876 IAC 3-5-1; filed Sep 24, 1992, 9:00 a.m.: 16 IR 747; filed Dec 8, 1993, 4:00 p.m.: 17 IR 779; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2123; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1764, eff Jan 1, 1998 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #97-65 was filed Dec 24, 1997.]; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2705, eff Jan 2, 2002; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238)

SECTION 2. 876 IAC 3-5-1.5 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-5-1.5 Mandatory continuing education courses; approved providers

Authority: IC 25-34.1-3-8
Affected: IC 25-1-11; IC 25-34.1-3-9; IC 25-34.1-8

Sec. 1.5. (a) Every renewal cycle, the following continuing education requirements must be met:

(1) Seven (7) hours of Uniform Standards of Professional Appraisal Practice. ~~and~~
(2) Four (4) hours consisting of all of the following:
(A) Statute concerning disciplining appraisers, IC 25-1-11.
(B) Statute concerning appraiser licensing laws, IC 25-34.1-8, IC 25-34.1-3-8, and IC 25-34.1-3-9.
(C) Administrative rules governing appraiser licensing laws, ~~876 IAC 3,~~ **this article,** excluding 876 IAC 3-6-2 and 876 IAC 3-6-3.

(b) Case studies, which may include references to appropriate provisions of the Uniform Standards of Professional Appraisal Practice, may be used in the courses required in subsection (a)(2).

(c) In addition to meeting the requirements in subsection (a)(1), an instructor for the seven (7) hours of Uniform Standards of Professional Appraisal Practice course required by subsection (a)(1) must be:

(1) an Appraiser Qualification Board certified Uniform Standards of Professional Appraisal Practice instructor; and
(2) a state certified residential or certified general real estate appraiser.

However, if the course is taught by two (2) or more instructors, only one (1) is required to be a state certified residential or certified general real estate appraiser.

~~(c)~~ **(d)** The continuing education hours required by subsection

(a)(2) must be from a continuing education provider approved under this rule and therefore may not be obtained under sections 9 through 11 of this rule. *(Indiana Real Estate Commission; 876 IAC 3-5-1.5; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2707, eff Jan 2, 2002; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238)*

SECTION 3. 876 IAC 3-5-7 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-5-7 Instructors

Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 7. **(a)** Each instructor used by an approved real estate appraiser continuing education provider must possess at least one (1) of the following minimum requirements:

(1) Is a licensed or certified real estate appraiser or licensed real estate broker and has a bachelor's degree with a major or minor in real estate from an accredited college or university. Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3) for each course that they teach.

(2) Is a licensed or certified real estate appraiser or licensed real estate broker and has a bachelor's degree from an accredited college or university and a minimum of two (2) years of experience in real estate appraising. Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3) for each course that they teach.

(3) Is a licensed or certified real estate appraiser and a minimum of five (5) years of experience as a real estate appraiser. An instructor qualified under this subsection may not teach any course that contains subject matter that is beyond his or her licensed ability to appraise. Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3) for each course that they teach.

(4) Has two (2) years of experience as a qualified instructor or professor in the business, finance, or economics department of an accredited college or university.

(5) Has an Indiana real estate broker's license and a minimum of five (5) years of experience as a real estate broker. Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in 876 IAC 3-6-2 and 876 IAC 3-6-3) for each course that they teach.

(b) In addition to meeting the requirements in subsection (a), an instructor for the seven (7) hours of Uniform Standards of Professional Appraisal Practice course required by section 1.5(a)(1) of this rule must be:

(1) an Appraiser Qualification Board certified Uniform Standards of Professional Appraisal Practice instructor; and

(2) a state certified residential or certified general real estate appraiser.

However, if the course is taught by two (2) or more instructors, only one (1) is required to be a state certified residential or certified general real estate appraiser. *(Indiana Real Estate Commission; 876 IAC 3-5-7; filed Dec 8, 1993, 4:00 p.m.: 17 IR 780; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1765; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238)*

SECTION 4. 876 IAC 3-6-4 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-6-4 Supervision of licensed residential, certified residential, and certified general appraisers

Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 4. (a) When an Indiana licensed residential, certified residential, or certified general appraiser assists another licensed appraiser in the performance of a real estate appraisal, each is subject to the Uniform Standards of Professional Appraisal Practice, as adopted in this rule, and the appraiser assisting as well as the appraiser being assisted must clearly indicate on the appraisal report the extent of significant professional assistance provided by each signatory to the report. Absent a statement to the contrary, each signatory will be mutually responsible for the content of the report.

(b) When an Indiana licensed residential, certified residential, or certified general appraiser in the performance of an appraisal review of an Indiana licensed residential, certified residential, or certified general appraiser or any other licensed appraiser, the reviewer must comply with the Uniform Standards of Professional Appraisal Practice ~~Statement on Appraisal Standards No. 1 (SMT-1),~~ as adopted in this rule. *(Indiana Real Estate Commission; 876 IAC 3-6-4; filed Sep 24, 1992, 9:00 a.m.: 16 IR 749; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238)*

SECTION 5. **SECTIONS 2 and 4 of this document take effect January 2, 2004.**

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on June 26, 2003 at 10:30 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 remove the continuing education requirement that each licensee or certificate holder retain evidence of a Uniform Standards of Professional Appraisal Practice course until 24 months after the end of the last renewal period; to revise the mandatory continuing education courses required every renewal cycle and to establish Uniform Standards of Professional Appraisal

Practice continuing education credit shall only be awarded when an Appraiser Qualification Board certified Uniform Standards of Professional Appraisal Practice instructor teaches the course; to revise the minimum requirements for instructors used by an approved real estate appraiser continuing education provider; and to require that an appraisal review of an Indiana licensed residential, certified residential, or certified general appraiser or any other licensed appraiser comply with the Uniform Standards of Professional Appraisal Practice. 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 #03-42

DIGEST

Amends 876 IAC 1-4-1 to update the statutory reference to the seller's disclosure form. Amends 876 IAC 1-4-2 to revise the residential sales disclosure form. Partially effective 30 days after filing with the secretary of state and partially effective January 1, 2004.

876 IAC 1-4-1
876 IAC 1-4-2

SECTION 1. 876 IAC 1-4-1 IS AMENDED TO READ AS FOLLOWS:

876 IAC 1-4-1 Residential real estate sales disclosure
Authority: IC 32-21-5-7
Affected: IC 32-21-5-7

Sec. 1. (a) This rule establishes the seller's residential real estate sales disclosure form provided for in ~~IC 24-4.6-2-7.~~ **IC 32-21-5-7.**

(b) The form appears in section 2 of this rule. *(Indiana Real Estate Commission; 876 IAC 1-4-1; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824)*

SECTION 2. 876 IAC 1-4-2, AS AMENDED AT 26 IR 789, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

876 IAC 1-4-2 Residential sales disclosure; form
Authority: IC 32-21-5-7
Affected: IC 32-21-5

Sec. 2. The following is the seller's residential real estate sales disclosure form:

SELLER'S RESIDENTIAL REAL ESTATE SALES DISCLOSURE
State Form 46234 (R/1293)

Date (*month, day, year*)

Seller states that the information contained in this Disclosure is correct to the best of Seller's CURRENT ACTUAL KNOWLEDGE as of the above date. The prospective buyer and the owner may wish to obtain professional advice or inspections of the property and provide for appropriate provisions in a contract between them concerning any advice, inspections, defects, or warranties obtained on the property. The representations in this form are the representations of the owner and are not the representations of the agent, if any. This information is for disclosure only and is not intended to be a part of any contract between the buyer and the owner. Indiana law ~~(IC 24-4.6-2)~~ **(IC 32-21-5)** generally requires sellers of 1–4 unit residential property to complete this form regarding the known physical condition of the property. An owner must complete and sign the disclosure form and submit the form to a prospective buyer before an offer is accepted for the sale of the real estate.

Property address (*number and street, city, state, ZIP code*)

1. The following are in the conditions indicated:

A. APPLIANCES	None/Not Included	Defective	Not Defective	Do Not Know
Built-in Vacuum System				
Clothes Dryer				
Clothes Washer				
Dishwasher				
Disposal				
Freezer				
Gas Grill				
Hood				
Microwave Oven				
Oven				
Range				
Refrigerator				
Room Air Conditioner(s)				
Trash Compactor				

C. WATER & SEWER SYSTEM	None/Not Included	Defective	Not Defective	Do Not Know
Cistern				
Septic Field/Bed				
Hot Tub				
Plumbing				
Aerator System				
Sump Pump				
Irrigation Systems				
Water Heater/Electric				
Water Heater/Gas				
Water Heater/Solar				
Water Purifier				
Water Softener				
Well				
Other Sewer System (Explain)				

TV Antenna/Dish				
Other:				

	Yes	No	Do Not Know
Are the improvements connected to a public water system?			
Are the improvements connected to a public sewer system?			
Are there any additions that may require improvements to the sewage disposal system?			
If yes, have the improvements been completed on the sewage disposal system?			
Are the improvements connected to a private/community water system?			
Are the improvements connected to a private/community sewer system?			

B. ELECTRICAL SYSTEM	None/Not Included	Defective	Not Defective	Do Not Know
Air Purifier				
Burglar Alarm				
Ceiling Fan(s)				
Garage Door Opener Controls				
Inside Telephone Wiring and Blocks/Jacks				
Intercom				
Light Fixtures				
Sauna				
Smoke/Fire Alarm(s)				
Switches and Outlets				
Vent Fan(s)				
60/100/200 Amp Service (Circle one)				

NOTE: "Defect" means a condition that would have a significant adverse effect on the value of the property that would significantly impair the health or safety of future occupants of the property, or that if not repaired, removed, or replaced would significantly shorten or adversely affect the expected normal life of the premises.

D. HEATING & COOLING SYSTEM	None/Not Included	Defective	Not Defective	Do Not Know
Attic Fan				
Central Air Conditioning				
Hot Water Heat				
Furnace Heat/Gas				
Furnace Heat/Electric				
Solar House-Heating				
Woodburning Stove				
Fireplace				
Fireplace Insert				
Air Cleaner				
Humidifier				
Propane Tank				
Other Heating Source				

2. ROOF	YES	NO	DO NOT KNOW
Age, if known: _____ Years			
Does the roof leak?			
Is there present damage to the roof?			
Is there more than one roof on the house? If so, how many layers? _____			

3. HAZARDOUS CONDITIONS	YES	NO	DO NOT KNOW
Have there been or are there any hazardous conditions on the property, such as methane gas, lead paint, radon gas in house or well, radioactive material, landfill, mineshaft, expansive soil, toxic materials, mold, other biological contaminants, asbestos insulation, or PCB's? Explain:			

4. OTHER DISCLOSURES	YES	NO	DO NOT KNOW
Do improvements have aluminum wiring?			
Are there any foundation problems with the improvements?			
Are there any encroachments?			
Are there any violations of zoning, building codes, or restrictive covenants?			
Is the present use a nonconforming use? Explain:			
Is the access to your property via a private road? **Is the access to your property via a public road?** **Is access to your property via an easement?**			
Have you received any notices by any governmental or quasi-governmental agencies affecting this property? Are there any structural problems with the building?			
Have any substantial additions or alterations been made without a required building permit?			
Are there moisture and/or water problems in the basement, crawl space area, or any other area?			
Is there any damage due to wind, flood, termites, or rodents?			
Have any improvements been treated for wood destroying insects?			
Are the furnace/woodstove/chimney/flue all in working order?			
Is the property in a flood plain?			

	Do you currently pay flood insurance?			
	Does the property contain underground storage tank(s)?			
	Is the homeowner a licensed real estate salesperson or broker?			
	Is there any threatened or existing litigation regarding the property?			
	Is the property subject to covenants, conditions, and/or restrictions of a homeowner's association?			
	Is the property located within one (1) mile of an airport?			

E. ADDITIONAL COMMENTS AND/OR EXPLANATIONS: (Use additional pages if necessary).

The information contained in this Disclosure has been furnished by the Seller, who certifies to the truth thereof, based on the Seller's CURRENT ACTUAL KNOWLEDGE. A disclosure form is not a warranty by the owner or the owner's agent, if any, and the disclosure form may not be used as a substitute for any inspections or warranties that the prospective buyer or owner may later obtain. At or before settlement, the owner is required to disclose any material change in the physical condition of the property or certify to the purchaser at settlement that the condition of the property is substantially the same as it was when the disclosure form was provided. Seller and Purchaser hereby acknowledge receipt of this Disclosure by signing below:

Signature of Seller	Date	Signature of Buyer	Date
Signature of Seller	Date	Signature of Buyer	Date

The seller hereby certifies that the condition of the property is substantially the same as it was when the Seller's Disclosure form was originally provided to the Buyer.

Signature of Seller	Date	Signature of Seller	Date

(Indiana Real Estate Commission; 876 IAC 1-4-2; filed Jun 1, 1994, 5:00 p.m.: 17 IR 2352; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2787; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Oct 28, 2002, 12:01 p.m.: 26 IR 789)

SECTION 3. **SECTION 2 of this document takes effect January 1, 2004.**

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on June 26, 2003 at 10:40 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 update the statutory reference to the seller's disclosure form and to revise the residential sales disclosure form revise the residential sales disclosure form. 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

Readopted Rules

Readopted Rules

TITLE 68 INDIANA GAMING COMMISSION

Notice of Intent
LSA Document #03-132

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. In January 2002, pursuant to IC 4-22-2.5, the Indiana gaming commission initiated the process to readopt rules in LSA Document #01-418. Pursuant to IC 4-22-2.5-4, the Indiana gaming commission received a written request to separately consider 68 IAC 4. Pursuant to IC 4-22-2.5-4(b)(2), the Indiana gaming commission must now follow the procedure for adoption of administrative rules under IC 4-22-2 with respect 68 IAC 4. Pursuant to IC 4-22-2.5-5 and Executive Order 02-22, 68 IAC 4 will expire on January 1, 2004, unless readopted. Effective 30 days after filing with the secretary of state.

OVERVIEW: The Indiana gaming commission will separately consider the following rules:

68 IAC 4 CORPORATIONS

The Indiana gaming commission intends to adopt and/or readopt rules involving the commission's oversight of publicly traded corporations. The Indiana gaming commission intends to readopt the existing provisions of 68 IAC 4 with consideration given to the request for separate consideration that was received as well as other written comments that may be received in response to this notice. The written request for separate consideration received by the Indiana gaming commission pursuant to IC 4-22-2.5-4 stated that the Indiana gaming commission should consider adding rules or amending 68 IAC 4 to include the type of higher corporate governance standards that are being considered by other regulatory bodies. Questions or comments about this separate readoption may be directed by mail to the Indiana Gaming Commission, South Tower, Suite 950, 115 West Washington Street, Indianapolis, Indiana 46204; or by electronic mail to jchelf@igc.state.in.us. Statutory authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3; IC 4-33-4-5; IC 4-33-4-21.

TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY

Notice of Intent
LSA Document #03-112

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. Effective 30 days after filing with the secretary of state.

OVERVIEW: Rules to be readopted without changes are as follows:

540 IAC 1-1-1 Applicability
540 IAC 1-1-2 "Academic period" defined
540 IAC 1-1-5 "Administrative account" defined
540 IAC 1-1-8 "Authority" defined
540 IAC 1-1-10 "Board" defined
540 IAC 1-1-15 "Program administrator" defined
540 IAC 1-1-18 "Trustee" defined
540 IAC 1-2 Program Administrator's Duties
540 IAC 1-3-1 Eligibility
540 IAC 1-4-1 Eligibility
540 IAC 1-4-2 Number of beneficiaries
540 IAC 1-8-8 Contribution adjustments
540 IAC 1-10-2 Distribution of benefits
540 IAC 1-11 Investment Policies
540 IAC 1-12-1 Separate accounting
540 IAC 1-12-3 Security for a loan
540 IAC 1-12-4 Board policies

Questions or comments on the readoption may be directed by mail to the Indiana Education Savings Authority, ATTENTION: Susan Loftus, Executive Director, One North Capitol, Suite 444, Indianapolis, Indiana or by electronic mail to sloftus@tos.state.in.us. Statutory authority: IC 21-9-4-7.

TITLE 210 DEPARTMENT OF CORRECTION

Proposed Rule
LSA Document #03-54

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. Effective 30 days after filing with the secretary of state.

210 IAC 7

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

210 IAC 7 OFFENDER HEALTH CARE CO-PAYMENT PROCEDURES

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2003 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 1, Indianapolis, Indiana the Department of Correction 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:

Department of Correction
ATTENTION: Diane Mains
Indiana Government Center-South, Room E334
302 West Washington Street
Indianapolis, Indiana 46204.

Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E334 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Diane Mains
Department of Correction

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Proposed Rule
LSA Document #03-56

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. Effective 30 days after filing with the secretary of state.

511 IAC 1-6-2	**511 IAC 5-3-2**
511 IAC 1-6-3	**511 IAC 6-7-2**
511 IAC 1-6-4	**511 IAC 6-7-4**
511 IAC 4-4-3	**511 IAC 6-7-7**
511 IAC 4-4-4	**511 IAC 6-8-1**
511 IAC 5-1-1	**511 IAC 6-8-2**
511 IAC 5-1-3	**511 IAC 6-8-3**
511 IAC 5-1-4	**511 IAC 6-8-5**
511 IAC 5-1-4.5	**511 IAC 6-8-6**
511 IAC 5-3-1	**511 IAC 6.1-5-3.5**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

511 IAC 1-6-2	Transfer at request of parents or student
511 IAC 1-6-3	Determination of better accommodation
511 IAC 1-6-4	Relation to state board rule on special education
511 IAC 4-4-3	Organization; cooperative agreement
511 IAC 4-4-4	Membership; participation; services to nonpublic educational units
511 IAC 5-1-1	Definitions
511 IAC 5-1-3	Authority to grant diploma
511 IAC 5-1-4	Testing centers and procedures
511 IAC 5-1-4.5	Time limit
511 IAC 5-3-1	Definitions
511 IAC 5-3-2	Completion of Core 40
511 IAC 6-7-2	Minimum standards; academic honors diploma
511 IAC 6-7-4	Semester requirements; waiver
511 IAC 6-7-7	Correspondence courses; credit
511 IAC 6-8-1	Definitions
511 IAC 6-8-2	Waiver to implement nonstandard courses and curriculum programs
511 IAC 6-8-3	Application procedures; implementation of proposed courses or programs
511 IAC 6-8-5	Relationship with performance-based accreditation
511 IAC 6-8-6	Appeal to the board
511 IAC 6.1-5-3.5	Middle level curriculum

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2003 at 9:00 a.m., at the Department of Education, 151 West Ohio Street, James Whitcomb Riley Conference Room (Room 119), Indianapolis, Indiana the Indiana State Board of Education 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:

Mr. Jeffery P. Zaring
State Board Administrator
Indiana Department of Education
Room 229, State House
Indianapolis, Indiana 46204.

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 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

Proposed Rule
LSA Document #03-43

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. Effective 30 days after filing with the secretary of state.

804 IAC 1.1-3-2

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

804 IAC 1.1-3-2 Cost of examination

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 9, 2003 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 12, Indianapolis, Indiana the State Board of Registration for Architects and Landscape Architects 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:
Indiana Professional Licensing Agency
ATTENTION: Staff Counsel
302 West Washington Street, Room E034
Indianapolis, Indiana 46204-2700
or by e-mail at mdavis@pla.state.in.us.

Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E034 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 888 INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

Proposed Rule
LSA Document #03-77

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. Effective 30 days after filing with the secretary of state.

888 IAC 1.1-10-1 **888 IAC 1.1-10-3**
888 IAC 1.1-10-2 **888 IAC 1.1-10-4**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

888 IAC 1.1-10-1	Continuing education requirements for veterinarians and veterinary technicians
888 IAC 1.1-10-2	Continuing education reporting
888 IAC 1.1-10-3	Application for approval
888 IAC 1.1-10-4	Standards for approval

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on August 27, 2003 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 2, Indianapolis, Indiana the Health Professions Bureau 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:
Health Professions Bureau
Indiana Board of Veterinary Medical Examiner
402 West Washington Street, Room W041
Indianapolis, Indiana 46204
E-mail: hpb8@hpb.state.in.us

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 Hayes
Executive Director
Health Professions Bureau

60 Day Requirement (IC 4-22-2-19)

TITLE 357 INDIANA PESTICIDE REVIEW BOARD

LSA Document #02-292

May 1, 2003

Chairman
c/o George Angelone
Administrative Rules Oversight Committee
302 Statehouse
Indianapolis, Indiana 46204

RE: 357 IAC 1-10

Dear Mr. Chairman:

In 1975 Ind. Code 15-3-3.6-6.4 and Ind. Code 15-3-3.6-24 became law. These sections provided that the Indiana Pesticide Review Board may adopt rules prescribing policies and procedures relating to the use and application of pesticides and may adopt rules governing the storage and disposal of pesticides or pesticide containers. A variety of rules regarding pesticide use, application, and storage have been adopted and amended by the board since that time.

During 2002 it was determined that there was a need to develop additional pesticide use, storage and disposal regulations to support and remain consistent with the ground water protection provisions established by the Water Pollution Control Board and the Indiana Department of Environmental Management in their community public water supply system wellhead protection program rule. The Indiana Pesticide Review Board worked cooperatively with the Indiana Department of Environmental Management to develop 357 IAC 1-10 to address this need.

The Indiana Pesticide Review Board adopted 357 IAC 1-10, a rule to establish pesticide use, application, storage and disposal requirements near community public water supply wells on February 26, 2003. Currently the rule has been reviewed by the Attorney General's office and is being considered for final rule promulgation.

Under Ind. Code 4-22-2-19 an agency that adopts a rule must begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule. In the case of this rule we could not comply with this statute because the general rulemaking statute that authorizes this rule was effective many, many years ago. The necessity for this rule did not arise until this past year when the board became aware of the need for it and took immediate action.

While the board believes that the circumstances of the adoption of this rule do not fall within the intent of Ind. Code 4-22-2-19, the board is providing this written notification to the committee explaining why this rule could not be adopted within the timeframe specified in Ind. Code 4-22-19.

If you need additional information please contact David Scott at (765) 494-1587 or scottde@purdue.edu.

Sincerely,

David E. Scott, Secretary
Indiana Pesticide Review Board

cc: Gordon White, Office of the Indiana Attorney General

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #02-142

April 28, 2003

Chairman
c/o George Angelone
Administrative Rules Oversight Committee
302 Statehouse
Indianapolis, Indiana 46204

RE: 410 IAC 6-2.1; LSA Document # 02-142

Dear Mr. Chairman:

The Indiana State Department of Health is in the process of modifying the current rules for the health, safety, and operation of public and semi-public swimming pools. The proposed changes to the rules involve reorganization of the content as well changes in the content. Traditionally, when amending a rule that requires significant changes, the department uses a method of repealing the current rule and replacing it with a new rule rather than striking large portions of the current rule and adding large amounts of new text. That method was used in this case.

Statutory authority for adoption of this swimming pool rule has been in place for many years. Under Ind. Code 4-22-2-19, promulgation of rules require beginning the rulemaking process within sixty (60) days of the enactment of such statutory authority unless an exception applies. The rulemaking process did not begin for these rules within sixty (60) days of the effective date of the statutory authority. Rules were already in place pursuant to the statutory authority enacted many years ago. Ind. Code 4-22-2-19(a)(2) excepts rules from the application of the sixty (60) day requirement if they are amending existing rules. Our proposed rules do not fall under the amendment exception as the proposed rules will replace the current rules and is not strictly amendment format, but the department's intention is to amend the current rules.

The department is providing this written notification to the committee to explain why this rule could not comply with the timeframe specified in Ind. Code 4-22-2-19(c)(1). The department's rulemaking action to update and amend the current rule was undertaken as soon as practicable once changes in the current rule were needed.

If you need additional information please contact Burton Garten at (317) 233-7874.

Sincerely,

Veronica Hibbler, Chief Legal Counsel
Office of Legal Affairs

TITLE 872 INDIANA BOARD OF ACCOUNTANCY

LSA Document #02-213

March 12, 2003

The Honorable Senator Luke Kenley, Chairperson
Administrative Rules Oversight Committee
c/o Ms. Susan Kennel
Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789

Dear Chairman Kenley:

On behalf of the Indiana Professional Licensing Agency, Indiana Board of Accountancy, I am submitting this memorandum to the Administrative Rules Oversight Committee ("AROC") pursuant to IC 4-22-2-19(c)(2) because the agency did not institute the rulemaking process within sixty (60) days after the effective date of the statute that authorizes the rule.

Pursuant to IC 25-2.1-2-15(9), effective July 1, 2001, the Indiana Board of Accountancy may adopt rules under IC 4-22-2 governing the administration and enforcement of IC 25-2.1 and the conduct of licensees, including substantial equivalency. The Board reviewed other states' requirements for nonlicensee owners as well as the Uniform Accountancy Act and Rules. The Board is now prepared to propose administrative rules to establish the requirements for substantial equivalency under IC 25-2.1-4-10.

If you have any further concerns or require additional information, please do not hesitate to contact me at 317-232-5954 or email me at mdavis@pla.state.in.us.

Sincerely,

Medana C. Davis
Staff Counsel

TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD
#00-236(APCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING SULFUR DIOXIDE (SO_2) EMISSION LIMITATIONS IN LAKE COUNTY

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to sulfur dioxide (SO_2) emission limitations in Lake County, Indiana. By this notice, IDEM is soliciting public comment on the draft rule language. In this draft rule, the requirements in the table in 326 IAC 7-4-1.1 have been divided into separate sections for each company for clarity and ease of future rule actions. The new rule, 326 IAC 7-4.1, will replace 326 IAC 7-4-1.1, which will be repealed. Additionally, IDEM has identified changes that are required to correct and update information associated with the Lake County table in 326 IAC 7-4-1.1. Such changes may include providing updates to company names, updates to emission limits currently in permits, deletion of companies that are already covered by the natural gas limits, or other corrections or updates. Due to changes in section numbers, references to citations in other parts of this article have also been updated. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: November 1, 2000, Indiana Register (24 IR 554).

CITATIONS AFFECTED: 326 IAC 7-1.1-1; 326 IAC 7-1.1-2; 326 IAC 7-2-1; 326 IAC 7-4-1.1; 326 IAC 7-4.1.

AUTHORITY: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Pursuant to Section 107 of the Clean Air Act (CAA), portions of Lake County are currently designated as a primary nonattainment area for the National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO_2). There are numerous sources in Lake County that emit SO_2, including steel mills, an oil refinery, and other industrial processes. These companies have SO_2 limits established in 326 IAC 7-4-1.1.

Air quality in Lake County has improved significantly in the past two decades and SO_2 levels measured at the two monitors in Lake County nonattainment area have been no more than 60% of the air quality standard for at least ten years. Although air quality monitoring shows attainment, U.S. EPA requires the state to provide modeling that demonstrates attainment throughout the county in order to seek redesignation of Lake County to attainment status for SO_2. Because the emission limits in the current rule are both outdated and do not demonstrate attainment, it is necessary to revise the emission limits in the rule so that air quality modeling will show attainment of the standard throughout the entire county.

IDEM has spent the past several years working with SO_2 sources in Lake County to update and correct model inputs, including updated emission rates, source closures, hours of operations, and other information for inclusion into the modeling.

To redesignate an area to attainment, modeling must show attainment of the air quality standard. An analysis of the various modeling scenarios conducted indicates site-specific strategies that focus on individual sources will be more effective than the implementation of broad countywide limits. The SO_2 rules for Lake County at 326 IAC 7-4-1.1 establish emission limitations for SO_2 sources in the county. Although emission rates are specified for several SO_2 sources in Lake County, those sources whose SO_2 emissions have been specifically identified as likely causing exceedances of the NAAQS include BP Products North America Inc. (formerly BP Amoco), Carmeuse Lime (formerly Marblehead Lime), ISG Indiana Harbor Inc. (formerly LTV Steel), Ispat Inland Inc. (formerly Inland Steel), Unilever, and U.S. Steel-Gary Works (formerly USX). IDEM has been working with the affected companies, the public and U.S. EPA Region V to develop a control strategy that can demonstrate protection of the SO_2 ambient standards in the area.

The emission limits in this draft rule will achieve attainment of the SO_2 air quality standard. However, the department seeks comment from affected sources on these limits and specific suggestions, as necessary, for alternative limits that also achieve attainment of the air quality standard. The department is committed to working with affected sources prior to final adoption of the rule to develop such alternative limits.

Since the last time the rule was amended, certain companies listed in the table in 326 IAC 7-4-1.1 are now operating under new permits, variances, or other agency actions. These agency actions may include new or updated information or emission limits. It is IDEM's intent to update the rule to reflect the current information in these documents.

The types of changes made in this draft rule include the following:

• The format has been changed from the Table in 326 IAC 7-4-1.1(c) to separate sections for each company under a new rule, 326 IAC 7-4.1.

• Specific changes to emission limits have been made to be consistent with permitted limits or to demonstrate attainment through modeling with the SO2 air quality standard. Facilities with emission limit changes from the current rule include: BP Products North America Inc. (formerly AMOCO), Carmeuse Lime (formerly Marblehead Lime), Cerestar USA (formerly AMAIZO), ISG Indiana Harbor Inc. (formerly LTV Steel), Ispat Inland Inc. (formerly Inland Steel), Methodist Hospital, Safety Kleen Oil Recovery Company, Rhodia (formerly Stauffer), and U.S. Steel-Gary Works (formerly USX).

• Emission limits in pounds per hour have been added for all facilities.

• New facilities that were previously part of a facility listed in the Table in 326 IAC 7-4-1.1 have been added. These include: Indiana Harbor Coke Company and Cokenergy (both affiliated with Ispat Inland Inc.)

• Closed facilities have been removed. These facilities include: C & A Wallcovering, East Chicago Incinerator, Kaiser, Lehigh Portland Cement, and U.S. Reduction.

• Units that burn only natural gas and facilities with natural gas only units listed are subject to the natural gas emission limit in 326 IAC 7-4.1-1 and are no longer listed individually in the rule. Facilities removed from the rule for this purpose include: ASF-Keystone (formerly American Steel-Hammond), Ferro Corporation (formerly Keil Chemical), Horace Mann School, Huhtamaki Foods (formerly Keyes Fibre), Premiere Candy, Resco Products (formerly Harbison Walker), Silgan Containers Corporation (formerly American Can Company), and U.S. Gypsum.

• Facility names have been updated. Changes to facility names not already mentioned include: National Recovery Systems (formerly National Briquette), SCA Tissue North America LLC (formerly Georgia Pacific), and Unilever (formerly Lever Brothers).

• Equipment inventories have been updated, either adding or deleting units.

• Source codes for each facility have been added.
• Other minor corrections and clarifications have been made, such as correcting unit descriptions.

IDEM is proposing to repeal 326 IAC 7-4-1.1 and replace it with a new rule, 326 IAC 7-4.1. This recodification is due, in part, to the extensive changes necessary to update the language. It will also allow the requirements to be separated in sections by company making it easier to address company-specific amendments in future rulemakings. Updates to citations have been made in 326 IAC 7-1.1-1, 326 IAC 7-1.1-2, and 326 IAC 7-2-1 for consistency.

IDEM seeks comment from interested parties on this rulemaking, including ways to achieve the SO_2 emission reductions required to demonstrate attainment.

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from November 1, 2000, through November 30, 2000, 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 party by the comment period deadline:

R. M. Zavoda, LTV Steel Company, (LTV)

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

Comment: IDEM should appropriately incorporate the current sulfur dioxide limitations in 326 IAC 7-4-1.1(c)(14)(A)(ii) and 326 IAC 7-4-1.1(c)(14)(A)(iv) in the modeling scenarios being conducted in development of this rulemaking effort. IDEM should provide the results of new modeling runs when they are available. (LTV)

Response: IDEM has worked with companies identified in the rulemaking to be sure the associated modeling includes the correct information. IDEM will provide the results of new modeling runs as they become available.

Comment: IDEM should pursue redesignation of Lake County to a sulfur dioxide attainment area. (LTV)

Response: IDEM concurs. Revisions to the emission limits in this rule are an essential step in the development of a petition for redesignation.

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:

#00-236(APCB) Sulfur Dioxide Emission Limitations in Lake County
Christine Pedersen
c/o Administrative Assistant, Rules Development Section
Air Programs Branch
Office of Air 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 tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana, Monday through Friday, between 8:15 a.m. and 4:45 p.m.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, 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 Development Section at (317) 233-0430.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by July 2, 2003.

Additional information regarding this action may be obtained from Chris Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027, press 0, and ask for 3-6868 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 7-1.1-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 7-1.1-1 Applicability
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12
Affected: IC 13-15; IC 13-17

Sec. 1. All facilities with a potential to emit twenty-five (25) tons per year or ten (10) pounds per hour of sulfur dioxide shall comply with the limitations in section 2 of this rule and the compliance test methods in 326 IAC 7-2. The above facilities shall also comply with the sulfur dioxide emission limitations and other requirements pursuant to 326 IAC 2, 326 IAC 7-4, **326 IAC 7-4.1,** and 326 IAC 12. *(Air Pollution Control Board; 326 IAC 7-1.1-1; filed Aug 28, 1990, 4:50 p.m.: 14 IR 52; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2368; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1600)*

SECTION 2. 326 IAC 7-1.1-2 IS AMENDED TO READ AS FOLLOWS:

326 IAC 7-1.1-2 Sulfur dioxide emission limitations
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12
Affected: IC 13-15; IC 13-17

Sec. 2. (a) Sulfur dioxide emissions from fuel combustion facilities shall be limited as follows, unless specified otherwise in 326 IAC 7-4, **326 IAC 7-4.1,** or in a construction permit issued pursuant to 326 IAC 2:

(1) Six and zero-tenths (6.0) pounds per million **British thermal units** (Btu) for coal combustion.
(2) One and six-tenths (1.6) pounds per million Btu for residual oil combustion.
(3) Five-tenths (0.5) pound per million Btu for distillate oil combustion.

(b) For facilities combusting coal and oil simultaneously, the sulfur dioxide emission limitation shall be six and zero-tenths (6.0) pounds per million Btu. For facilities combusting oil and any fuel other than coal simultaneously, the sulfur dioxide emission limitation shall be the limitation specified in subsection (a)(2) or (a)(3), depending on the type of oil combusted. For the purposes of this subsection, simultaneous combustion of coal and oil shall include those periods of startup, shutdown, and flame stabilization required under normal facility operations. *(Air Pollution Control Board; 326 IAC 7-1.1-2; filed Aug 28, 1990, 4:50 p.m.: 14 IR 52; filed Apr 22, 1997, 2:00 p.m.: 20 IR 2369; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1600)*

SECTION 3. 326 IAC 7-2-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 7-2-1 Reporting requirements; methods to determine compliance
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-14-8; IC 13-15; IC 13-17

Sec. 1. (a) As used in this article, "weighing factor" means the daily quantity of coal bunkered or megawatt generation or other appropriate measure of the output of a combustion source.

(b) As used in this article, "rolling weighted average sulfur dioxide

emission rate" means the summation of the average sulfur dioxide emission rate times the daily weighing factor divided by the summation of the weighing factors.

(c) Owners or operators of sources or facilities subject to 326 IAC 7-1.1, ~~or~~ 326 IAC 7-4, **or 326 IAC 7-4.1** shall submit to the commissioner the following reports based on fuel sampling and analysis data obtained in accordance with procedures specified under 326 IAC 3-7:

(1) Fuel combustion sources with total coal-fired heat input capacity greater than or equal to one thousand five hundred (1,500) million British thermal units (Btus) per hour shall submit quarterly reports of the thirty (30) day rolling weighted average sulfur dioxide emission rate in pounds per million Btus. Records of the daily average coal sulfur content, coal heat content, weighing factor, and daily average sulfur dioxide emission rate in pounds per million Btus shall be submitted to the department in the quarterly report and maintained by the source owner or operator for a period of at least two (2) years.

(2) Fuel combustion sources with total coal-fired heat input capacity greater than one hundred (100) and less than one thousand five hundred (1,500) million Btus per hour shall submit quarterly reports of the calendar month average coal sulfur content, coal heat content, and sulfur dioxide emission rate in pounds per million Btus and the total monthly coal consumption.

(3) All other fuel combustion sources shall submit reports of calendar month average sulfur content, heat content, fuel consumption, and sulfur dioxide emission rate in pounds per million Btus upon request.

(d) Compliance or noncompliance with the emission limitations contained in 326 IAC 7-1.1, ~~or~~ 326 IAC 7-4, **or 326 IAC 7-4.1** may be determined by a stack test conducted in accordance with 326 IAC 3-6 utilizing procedures outlined in 40 CFR 60*, Appendix A, Method 6, 6A, 6C, or 8.

(e) Fuel sampling and analysis data shall be collected pursuant to the procedures specified in 326 IAC 3-7-2 or 326 IAC 3-7-3 for coal combustion or 326 IAC 3-7-4 for oil combustion, and these data may be used to determine compliance or noncompliance with the emission limitations contained in 326 IAC 7-1.1, ~~or~~ 326 IAC 7-4, **or 326 IAC 7-4.1.** Computation of calculated sulfur dioxide emission rates from fuel sampling and analysis data shall be based on the emission factors contained in U.S. EPA publication AP-42, "Compilation of Air Pollutant Emission Factors" (September 1988)*, unless other emission factors based on site-specific sulfur dioxide measurements are approved by the commissioner and the U.S. EPA. Fuel sampling and analysis data shall be collected as follows:

(1) For coal-fired fuel combustion sources with heat input capacity greater than or equal to one thousand five hundred (1,500) million Btus per hour, compliance or noncompliance shall be determined using a thirty (30) day rolling weighted average sulfur dioxide emission rate in pounds per million Btus unless a shorter averaging time or alternate averaging methodology is specified for a source under this article.

(2) For all other combustion sources, compliance or noncompliance shall be determined using a calendar month average sulfur dioxide emission rate in pounds per million Btus unless a shorter averaging time or alternate averaging methodology is specified for a source under this article.

(f) A determination of noncompliance pursuant to either the method specified in subsection (d) or (e) shall not be refuted by evidence of compliance pursuant to the other method.

(g) Upon written notification of a facility owner or operator to the department, continuous emission monitoring data collected and reported pursuant to 326 IAC 3-5 may be used as the means for determining compliance with the emission limitations in this article. Upon such notification, the other requirements of this rule shall not apply.

***These documents are incorporated by reference.** Copies ~~of the Code of Federal Regulations (CFR) and AP-42 referenced~~ may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 ~~Copies of pertinent sections are also~~ **or are** available **for review and copying** at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, ~~Room 1001,~~ Indianapolis, Indiana 46204. *(Air Pollution Control Board; 326 IAC 7-2-1; filed Aug 28, 1990, 4:50 p.m.: 14 IR 52; filed Jan 30, 1998, 4:00 p.m.: 21 IR 2078; errata filed Feb 9, 1999, 4:06 p.m.: 22 IR 2006; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; errata filed Nov 7, 2001, 3:00 p.m.: 25 IR 813; errata filed Dec 12, 2002, 3:30 p.m.: 26 IR 1565)*

SECTION 4. 326 IAC 7-4.1 IS ADDED AS FOLLOWS:

Rule 4.1. Lake County Sulfur Dioxide Emission Limitations

326 IAC 7-4.1-1 Lake County sulfur dioxide emission limitations
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. All fossil fuel-fired combustion sources and facilities subject to 326 IAC 7-1.1 located in Lake County shall burn natural gas only unless an alternate sulfur dioxide emission limit is provided in this rule. A facility subject to 326 IAC 7-1.1, but not located at a source specifically listed in this rule, may burn distillate oil with sulfur dioxide emissions limited to three-tenths (0.3) pound per million British thermal units (mmBtu) if the fuel combustion unit has a maximum capacity of less than twenty (20) mmBtu per hour actual heat input. *(Air Pollution Control Board; 326 IAC 7-4.1-1)*

326 IAC 7-4.1-2 Sampling and analysis protocol
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 2. Cerestar USA, BP Products North America Inc., Ispat Inland Inc., ISG Indiana Harbor Inc., Carmeuse Lime, and U.S. Steel-Gary Works shall submit a sampling and analysis protocol to the department by December 31, 1988. The protocol shall contain a description of planned procedures for sampling of sulfur-bearing fuels and materials, for analysis of the sulfur content, and for any planned direct measurement of sulfur dioxide emissions vented to the atmosphere. The protocol shall specify the frequency of sampling, analysis, and measurement for each fuel and material and for each facility. The department shall incorporate the protocol into the source's operation permit per procedures specified in 326 IAC 2. The department may revise the protocol as necessary to establish acceptable sampling, analysis, and measurement procedures and frequency. The department may also require that a source conduct a stack test at any facility listed in this section within thirty (30) days of written notification by the department. *(Air Pollution Control Board; 326 IAC 7-4.1-2)*

326 IAC 7-4.1-3 Associated Box sulfur dioxide emission limitations
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 3. Associated Box, Source Identification Number 00303 shall comply with the sulfur dioxide emission limits for the Space Heating Boiler of three-hundredths (0.03) pound per million British thermal units and one hundred sixty-five thousandths (0.165) pound per hour. *(Air Pollution Control Board; 326 IAC 7-4.1-3)*

326 IAC 7-4.1-4 BP Products North America Inc. sulfur dioxide emission limitations
Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 4. (a) BP Products North America Inc., Source Identification Number 00003 shall comply with the sulfur dioxide emission limits in pounds per million British thermal units (Btu) and pounds per hour and other requirements as follows:

Facility Description	Emission Limit lbs/mmBtu	Emission Limit lbs/hour
(1) No. 1 Power Station Boilers 2, 3, 4, 5, 6, and 7:		
(A) Boiler 2	0.033	7.92
(B) Boilers 3 and 4	0.033 each	17.49 total
(C) Boilers 5, 6, and 7	0.033 each	26.24 total
(2) No. 1 Power Station Boiler 8	0.033	7.92
(3) No. 3 Power Station Boilers 1, 2, 3, 4, and 6	0.033 each	18.98 each
(4) No. 11 Pipe Still:		
(A) H-1X Heater	0.033	8.25
(B) H-2 Vacuum Heater	0.033	1.49
(C) H-3 Vacuum Heater	0.033	1.82
(D) H-101, 102, 103, and 104 Coker Preheaters	0.033 each	6.60 total
(E) H-200 Crude Charge	0.033	8.23
(F) H-300 Furnace	0.033	5.94
(5) No. 12 Pipe Still:		
(A) H-1A, H-1B Preheaters, and H-2 Vacuum Heater	0.033 each	21.78 total
(B) H-1CN, and H-1CS Crude Preheaters	0.033 each	7.92 total
(C) H-1CX	0.033	13.53
(6) No. 2 Isomerization H-1 Feed Heater Furnace	0.034	6.46
(7) No. 3 Ultraformer:		
(A) H-1 Feed Heater Furnace	0.033	7.92
(B) H-2 Feed Heater Furnace	0.034	6.29
(C) F-7 Furnace	0.035	0.81
(8) No. 4 Ultraformer:		
(A) F-1 Ultraformer Furnace, F-8A and F-8B Reboilers	0.033 each	13.00 total
(B) F-2 Preheat Furnace	0.033	9.44
(C) F-3 No. 1 Reheat Furnace	0.033	7.99
(D) F-4, F-5, and F-6 Reheat Furnaces	0.033 each	9.41 total
(E) F-7 Furnace	0.033	1.72
(9) Aromatic Recovery Unit F-200A and F-200B Furnace	0.035 each	17.47 total
(10) Blending Oil Desulfurization Furnace F-401	0.034	1.19
(11) Catalytic Refining Unit:		
(A) F-101 Feed Preheater	0.04	2.88
(B) F-102a Stripper Reboiler	0.04	2.40
(12) FCU 500		750.00
(13) FCU 600		437.50
(14) Wastewater Sludge Fluid Bed Incinerator	0.05 pounds per ton feed material	0.78
(15) Catalytic Feed Hydrotreating Unit:		
(A) F-801 A/B Preheater Furnace	0.035	2.33
(B) F-801 C Preheater Furnace	0.035	2.1
(16) Beavon-Stretford Tail Gas Unit		53.10
(17) Sodium Bisulfite Tail Gas Unit		9.0
(18) Sulfur Recovery Unit Incinerator	0.033	1.25
(19) F-1 Berry Lake Distillate Heater	0.033	0.43

(20) F-2 Steiglitz Park Residual Heater	0.033	0.90
(21) Distillate Desulfurization Units WB-301 and WB-302	0.033 each	4.24 total
(22) Hydrogen Unit B-1	0.033	12.09

(b) BP Products North America Inc. shall do the following:

(1) Maintain daily records of fuel type, average sulfur content for each fuel type, average fuel gravity for each fuel type, and total fuel usage for each type for the No. 1 Power Station, the No. 3 Power Station, the F-2 Steiglitz Park Residual Heater, the No. 11 Pipe Still, and the No. 12 Pipe Still.

(2) Maintain daily records of fuel type, average sulfur content, and average fuel gravity for each facility specified in this subdivision with sulfur dioxide emission limitations less than four-hundredths (0.04) pound per million Btu.

(3) Maintain records of daily calculated coke burn and sulfur content of the oil feed for the FCU 500 and FCU 600 and of Claus Train sulfur production, average hydrogen sulfide to sulfur dioxide ratio, fuel gas burned at the incinerator, and total sulfur content of the Tail Gas Unit effluent.

(4) Submit a report to the department within thirty (30) days after the end of each calendar quarter containing the average daily sulfur dioxide emission rate for the facilities specified in subdivisions (1) through (3). BP Products North America Inc. shall also submit to the department the total daily fuel usage for each fuel type for the No. 1 Power Station, the No. 3 Power Station, the F-2 Steiglitz Park Residual Heater, the No. 11 Pipe Still, and the No. 12 Pipe Still and the total daily calculated sulfur dioxide emissions from the FCU 500 and FCU 600 in the quarterly report required under this subdivision.

(Air Pollution Control Board; 326 IAC 7-4.1-4)

326 IAC 7-4.1-5 Bucko Construction sulfur dioxide emission limitations

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

Sec. 5. Bucko Construction, Source Identification Number 00179 shall comply with the sulfur dioxide emission limits for the Rotary Dryer of seven-hundredths (0.07) pound per ton and seventeen and five-tenths (17.5) pounds per hour. *(Air Pollution Control Board; 326 IAC 7-4.1-5)*

326 IAC 7-4.1-6 Carmeuse Lime sulfur dioxide emission limitations

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

Sec. 6. (a) Carmeuse Lime, Source Identification Number 00112 shall comply with the sulfur dioxide emission limits for Rotary Kilns 1 through 5 as follows:

(1) When three (3) or fewer kilns are in operation at the same time, the operating kilns are not to exceed:

(A) two and ninety-four thousandths (2.094) pounds of SO_2 per ton;

(B) forty-eight (48) pounds per hour per operating kiln; and

(C) one hundred forty-four (144) pounds per hour for up to three (3) operating kilns.

(2) When four (4) kilns are in operation at the same time, the operating kilns are not to exceed:

(A) one and seven hundred forty-five thousandths (1.745) pounds of SO_2 per ton;

(B) forty (40) pounds per hour per operating kiln; and

(C) one hundred sixty (160) pounds per hour for the four (4) operating kilns.

(3) When five (5) kilns are in operation at the same time, the operating kilns are not to exceed:

(A) one and four hundred eighty-three thousandths (1.483) pounds of SO_2 per ton;

(B) thirty-four (34) pounds per hour per operating kiln; and

(C) one hundred seventy (170) pounds per hour for the five (5) operating kilns.

(4) The production limit is not to exceed five hundred fifty (550) tons per day for each rotary kiln.

(b) Sulfur dioxide emissions shall be vented from the kilns/kiln gas filter systems at the following heights above grade:

(1) For Kiln No. 1, a stack height of seventy-nine and one-tenth (79.1) feet.

(2) For Kiln No. 2, a stack height of eighty-five and nine-tenths (85.9) feet.

(3) For Kiln No. 3, a stack height of eighty-six and zero-tenths (86.0) feet.

(4) For Kiln No. 4, a stack height of ninety-four and four-tenths (94.4) feet.

(5) For Kiln No. 5, a stack height of eighty-seven and four-tenths (87.4) feet.

(Air Pollution Control Board; 326 IAC 7-4.1-6)

326 IAC 7-4.1-7 Cerestar USA sulfur dioxide emission limitations

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

Sec. 7. (a) Cerestar USA, Source Identification Number 00203 shall comply with the sulfur dioxide emission limits for Boilers 6, 7, 8, and 10 of one and fifty-seven hundredths (1.57) pounds per million British thermal units and seven hundred eighty-four (784) pounds per hour for all four (4) boilers.

(b) Cerestar USA shall:

(1) maintain records of average sulfur content, fuel oil usage, and boiler operating load for each hour in which any boiler operates on fuel oil; and

(2) submit a report to the department within thirty (30) days after the end of each calendar quarter containing the records listed in subdivision (1) and a calculation of the total sulfur dioxide emissions from Boilers 6, 7, 8, and 10 for each hour.

(Air Pollution Control Board; 326 IAC 7-4.1-7)

326 IAC 7-4.1-8 Cokenergy Inc. sulfur dioxide emission limitations

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

Sec. 8. Cokenergy Inc., Source Identification Number 00383 shall comply with the sulfur dioxide emission limit in pounds per hour for the heat recovery coke carbonization waste gas stack, identified as Stack ID 201, combined with the sixteen (16) vents from the Indiana Harbor Coke Company of a twenty-four (24) hour average emission rate of one thousand six hundred fifty-six (1,656) pounds per hour. *(Air Pollution Control Board; 326 IAC 7-4.1-8)*

326 IAC 7-4.1-9 Horace Mann School sulfur dioxide emission limitations

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

Sec. 9. Horace Mann School, Source Identification Number 00108 shall comply with the sulfur dioxide emission limits for the three (3) boilers of six and zero-tenths (6.0) pounds per million British thermal units (Btu) each and forty-two and zero-tenths (42.0) pounds per hour each. *(Air Pollution Control Board; 326 IAC 7-4.1-9)*

326 IAC 7-4.1-10 Indiana Harbor Coke Company sulfur dioxide emission limitations

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

Sec. 10. (a) Indiana Harbor Coke Company (IHCC), Source Identification Number 00382 shall comply with the sulfur dioxide emission limits in pounds per million British thermal units and pounds per hour as follows:

Facility Description	Emission Limit lbs/ton	Emission Limit lbs/hour
(1) IHCC Coal Carbonization Charging	0.0068 each	1.57 total
(2) IHCC Coal Carbonization Pushing	0.0084	1.96
(3) IHCC Coal Carbonization Quenching	0.0053	1.232 total
(4) IHCC Coal Carbonization Thaw Shed	0.0006 lbs/1,000 cubic feet natural gas	0.015
(5) IHCC Vent Stacks (16 total) in combination with Cokenergy's heat recovery coke carbonization waste gas stack identified as Stack ID 201		1,656 total for a 24 hour average

(b) The coke ovens shall recycle the gases emitted during the coking process and utilize it as the only fuel source for the ovens during normal operations. The gases shall not be routed directly to the atmosphere unless they first pass through the common tunnel afterburner. A maximum of nineteen percent (19%) of the coke oven waste gases leaving the common tunnel shall be allowed to be vented to the atmosphere on a twenty-four (24) hour basis and fourteen percent (14%) on an annual basis. *(Air Pollution Control Board; 326 IAC 7-4.1-10)*

326 IAC 7-4.1-11 ISG Indiana Harbor Inc. sulfur dioxide emission limitations

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

Sec. 11. (a) ISG Indiana Harbor Inc., Source Identification Number 00318 shall comply with the sulfur dioxide emission limits in pounds per million British thermal units (Btu) and pounds per hour and other requirements as follows:

Facility Description	Emission Limit lbs/mmBtu	Emission Limit lbs/hour
(1) Utility Boilers 5, 6, 7, 8, and 9: (A) Total actual heat input from fuel oil and desulfurized coke oven gas usage at all boilers combined shall not exceed nine hundred ninety-three (993) million Btu per hour. (B) Boilers shall be fired on fuel oil, blast furnace gas, desulfurized coke oven gas, and natural gas only. (C) Fuel oil burned shall not exceed one and three-tenths percent (1.3%) sulfur and one and thirty-five hundredths (1.35) pounds per million Btu.	0.297 each	646.4 total
(2) Hot Strip Mill Slab Heat Reheat Furnaces 1, 2, and 3	1.254 each	535.1 each
(3) Sinter Plant Windbox	1.0 pound per ton	240
(4) Blast Furnace Stoves:		
(A) No. 3 Blast Furnace Stove	0.290	140.94
(B) No. 4 Blast Furnace Stove	0.290	127.89
(5) Reladling and Desulfurization Baghouse	0.057 pound per ton	30.40
(6) Number 4 Blast Furnace EC Baghouse	0.18 pound per ton	69.9
(7) Number 3 Blast Furnace Slag Pits		14.48
(8) Number 4 Blast Furnace Slag Pits		14.48

(b) ISG Indiana Harbor Inc. shall:

(1) maintain records of the total coke oven gas, blast furnace gas, fuel oil, and natural gas usage for each day at each facility listed in subsection (a)(1) through (a)(4);

(2) maintain records of the average sulfur content and heating value for each day for each fuel type used during the calendar quarter; and

(3) submit to the department within thirty (30) days of the end of each calendar quarter the calculated sulfur dioxide emission rate in pounds per million Btu for each facility for each day during the calendar quarter and the total fuel usage for each type at each facility for each day.

(Air Pollution Control Board; 326 IAC 7-4.1-11)

326 IAC 7-4.1-12 Ispat Inland Inc. sulfur dioxide emission limitations

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

Sec. 12. (a) Ispat Inland Inc., Source Identification Number 00316 shall comply with the sulfur dioxide emission limits in pounds per million British thermal units (Btu) or pounds per hour as follows:

Facility Description	Emission Limit lbs/mmBtu	Emission Limit lbs/hour
(1) No. 1 Blast Furnace Stoves	0.080 total	11.92 total
(2) No. 2 Blast Furnace Stoves	0.080 total	12.4 total
(3) No. 5 and 6 Blast Furnace Stoves	0.140 each	41.02 each

(4) No. 7 Blast Furnace Stoves	0.200 total	166 total
(5) A and B Blast Furnace Stoves	0.138 each	33.396 each
(6) No. 5 Boilerhouse	0.200	268.2
(7) No. 2AC Boilers 207, 208, 209, and 210		15.873 total
(8) No. 2AC Boilers 211, 212, and 213	0.070 each	56.0 each
(9) No. 3AC Boilers 301, 302, 303, and 304	0.198 each	39.600 each
(10) No. 3AC Boiler 305	0.198	45.540
(11) No. 4AC Boilers 401, 402, 403, 404, and 405:		890.23 total
(A) Stack 1 (Boilers 401 and 402) and Stack 2 (Boilers 403 and 404)	1.5 per stack	
(B) Stack 3 (Boiler 405)	1.0	
(C) Sulfur dioxide emissions from Stacks 1, 2, and 3 shall be limited in accordance with the following equation in units of pounds per million Btu: $(\text{Stack 1} + \text{Stack 2})/2 + 0.425 \times \text{Stack 3} \leq 1.6$ If any one (1) of Boilers 401 through 405 is not operating for a given calendar day, the pounds per million Btu for Stack 3 for the purposes of the equation in this clause is twenty-four hundredths (0.24) pounds per million Btu.		
(D) Ispat Inland Inc. shall maintain and operate sulfur dioxide continuous emission monitoring systems (CEMS) in Stacks 1, 2, and 3. CEMS data shall be used to determine compliance and to determine the sulfur dioxide emission rate in pounds per million Btu for the report required under subsection (b)(3). The CEMS shall be operated in accordance with the procedures specified in 326 IAC 3-5, and records of hourly emissions data shall be maintained and made available to the department upon request.		
(12) No. 4 Slabber Pits 1 through 18	0.285	51.300 total
(13) No. 4 Slabber Pits 19 through 45	0.285	85.500 total
(14) 100″ Plate Mill Reheat Furnace	0.851	148.925
(15) Lime Plant	0.460	33.30 total
(16) Anneal 3, 4	0.000	0.000
	Emission Limit lbs/ton	Emission Limit lbs/hour
(17) EAF Shop Ladle Metal Baghouse	0.107	11.909
(18) Pigging Ladle Facility	0.020	4.000
(19) Sinter Plant Windbox	1.000	180.000
(20) No. 7 Blast Furnace Canopy	0.200	45.800
(21) No. 7 BF Casthouse Baghouse	0.200	45.800
(22) No. 2 BOF 10 Furnace Stack	0.070	19.250
(23) No. 2 BOF 20 Furnace Stack	0.070	19.250
(24) No. 2 BOF Secondary Vent	0.014	6.440
(25) No. 2 BOF Charge Aisle and HMS Baghouse	0.151	69.460
(26) No. 2 BOF Ladle Metal Baghouse	0.025	11.500
(27) No. 4 BOF HMS Baghouse S and N	0.151 each	36.391 each
(28) No. 4 BOF Secondary Vent	0.001	0.535
(29) No. 4 BOF Scrubber Stack	0.001	0.535
(30) No. 5 Blast Furnace Casthouses 1 and 2	0.220 total	15.730 total
(31) No. 6 Blast Furnace Casthouse 1	0.220	15.730

(b) Ispat Inland Inc. shall:

(1) maintain records of the total blast furnace gas, fuel oil, and natural gas usage for each day at each facility listed in this section;

(2) maintain records of the average sulfur content and heating value for each day for each fuel type used during the calendar quarter and of the operational status of 2AC Station Boilers 207, 208, 209, 210, 211, 212, and 213, 4AC Station Boilers 401, 402, 403, 404, and 405; and

(3) submit to the department within thirty (30) days of the end of each calendar quarter the calculated sulfur dioxide emission rate in pounds per million Btu for each facility for each day during the calendar quarter, the total fuel usage for each type of fuel used at each facility for each day, and any violations of subdivisions (7) and (8).

(Air Pollution Control Board; 326 IAC 7-4.1-12)

326 IAC 7-4.1-13 Methodist Hospital sulfur dioxide emission limitations

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

Sec. 13. Methodist Hospital, Source Identification Number 00114

shall comply with the sulfur dioxide emission limits for Boiler 1 of one hundred fifty-two thousandths (0.152) pounds per million British thermal units (Btu) and four and eight hundred sixty-four thousandths (4.864) pounds per hour. *(Air Pollution Control Board; 326 IAC 7-4.1-13)*

326 IAC 7-4.1-14 National Recovery Systems sulfur dioxide emission limitations

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

Sec. 14. National Recovery Systems, Source Identification Number 00323 shall comply with the sulfur dioxide emission limits for the Dryer of three-tenths (0.3) pounds per million British thermal units and two and seven hundred-thousandths (2.700) pounds per hour. *(Air Pollution Control Board; 326 IAC 7-4.1-14)*

326 IAC 7-4.1-15 NIPSCO Dean H. Mitchell Generating Station sulfur dioxide emission limitations

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

Sec. 15. (a) NIPSCO Dean H. Mitchell Generating Station, Source Identification Number 00117 shall comply with the sulfur dioxide emission limits for Boilers 4, 5, 6, and 11 in pounds per million British thermal units (Btu) and pounds per hour as follows:

(1) Operation under either subdivision (2)(B) or (2)(C) shall only be allowed provided that a nozzle is in the stack serving boiler numbers 4 and 5 such that the stack diameter is restricted to eight and three-tenths (8.3) feet.

(2) Sulfur dioxide emissions for boilers operating under the scenarios listed in this subdivision shall be measured as a daily weighted average by the continuous emissions monitoring systems (CEMS) required in subsection (b)(2). NIPSCO Dean H. Mitchell Generating Station may operate under any one (1) of the following scenarios:

(A) Boiler numbers 4, 5, 6, and 11 may operate simultaneously under the following conditions:

(i) One (1) of boiler numbers 4 or 5 may operate on coal if the other boiler is operated on natural gas or is not operating. Sulfur dioxide emissions from the stack serving boiler numbers 4 and 5 shall be limited to one and five-hundredths (1.05) pounds per million Btu and one thousand three hundred thirteen (1,313.0) pounds per hour.

(ii) Boiler numbers 6 and 11 may operate simultaneously on coal. Sulfur dioxide emissions from the stack serving boiler numbers 6 and 11 shall be limited to one and five-hundredths (1.05) pound per million Btu and two thousand four hundred seventy-five (2,475.0) pounds per hour.

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

(i) Sulfur dioxide emissions from the stack serving boiler numbers 4 and 5 shall be limited to seventy-seven hundredths (0.77) pound per million Btu and one thousand nine hundred twenty-five (1,925.0) pounds per hour.

(ii) Sulfur dioxide emissions from the stack serving boiler numbers 6 and 11 shall be limited to seventy-seven hundredths (0.77) pound per million Btu and one thousand eight hundred fifteen (1,815.0) pounds per hour.

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

(i) Sulfur dioxide emissions from the stack serving boiler numbers 4 and 5 shall be limited to one and five-hundredths (1.05) pounds per million Btu and two thousand six hundred twenty-five (2,625.0) pounds per hour.

(ii) Sulfur dioxide emissions from the stack serving boiler numbers 6 and 11 shall be limited to one and five-hundredths (1.05) pounds per million Btu and two thousand four hundred seventy-five (2,475.0) pounds per hour.

(3) NIPSCO Dean H. Mitchell Generating Station shall maintain a daily log of the following for boiler numbers 4, 5, 6, and 11:

(A) Fuel type.

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

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

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

(b) NIPSCO Dean H. Mitchell Generating Station shall comply with the following:

(1) The diameter of the stack serving Boilers 6 and 11 shall be restricted to eight and three-tenths (8.3) feet.

(2) Beginning May 31, 1992, NIPSCO Dean H. Mitchell Generating Station shall maintain and operate CEMS in the stacks serving Boilers 4, 5, 6, and 11. The CEMS shall be operated in accordance with the procedures specified in 326 IAC 3-4 and 326 IAC 3-5, with the exception of the three (3) hour block period reporting requirements under 326 IAC 3-5-7. Records of daily average emissions data shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

(3) NIPSCO Dean H. Mitchell Generating Station shall submit a written report to the department within thirty (30) days after the end of each calendar quarter. The report shall contain the daily weighted average emission rate in units of pounds per million Btu as measured by the CEMS for each stack venting emissions from those boilers specified in subdivision (2). The hourly gross megawatt power production from the units connected to each stack may be used as the weighting factor in determining the daily weighted average. Records of the hourly gross megawatt power production shall be maintained for a minimum of five (5) years and shall be made available to the department and U.S. EPA upon request.

(Air Pollution Control Board; 326 IAC 7-4.1-15)

326 IAC 7-4.1-16 Rhodia sulfur dioxide emission limitations

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

Sec. 16. (a) Rhodia, Source Identification Number 00242 shall comply with the sulfur dioxide emission limits for the Spent Acid Regeneration Unit 4 of seven hundred eighty-two (782) pounds per hour.

(b) Rhodia shall operate a continuous emission monitoring system (CEMS) in each stack serving Unit 4. Rhodia shall submit a report to the department within thirty (30) days after the end of each calendar quarter. The report shall contain the following information:

(1) Three (3) hour average sulfur dioxide emission rate in pounds per hour as measured by the CEMS from Unit 4 for each three (3) hour period during the calendar quarter in which the average emissions exceed the allowable rates specified in subsection (a)(1).

(2) The daily average emission rate in units of pounds per ton as determined from CEMS and production data for Unit 4 for each day of the calendar quarter.

(Air Pollution Control Board; 326 IAC 7-4.1-16)

326 IAC 7-4.1-17 Safety-Kleen Oil Recovery Company sulfur dioxide emission limitations

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

Sec. 17. Safety-Kleen Oil Recovery Company, Source Identification Number 00301 shall comply with the sulfur dioxide emission limits in pounds per million British thermal units (mmBtu) and pounds per hour, and other requirements as follows:

(1) Boilers SB-801, SB-820, SB-821, SB-822, and SB-823 shall use natural gas only.

(2) Process Heater H-201, with a capacity of twenty-seven and three-tenths (27.3) mmBtu per hour, shall use a combination of natural gas, #2 fuel oil equivalent, and off-gases. Process Heater H-301, with a capacity of twenty and zero-tenths (20.0) mmBtu per hour, shall use a combination of natural gas and #2 fuel oil equivalent. Process Heater H-302, with a capacity of fifteen and one-tenth (15.1) mmBtu per hour, shall use natural gas only. The combined sulfur dioxide emissions from these three (3) process heaters shall not exceed fourteen (14) pounds per hour and sixty (60) tons per year.

(3) Process Heater H-401, with a capacity of fifteen and three-tenths (15.3) mmBtu per hour, shall use a combination of natural gas, #2 fuel oil equivalent, and off-gases. Process Heater H-402, with a capacity of eleven and seven-tenths (11.7) mmBtu per hour, shall use a combination of natural gas and #2 fuel oil equivalent. Process Heater H-404, with a capacity of nine and zero-tenths (9.0) mmBtu per hour, shall use natural gas only. The combined sulfur dioxide emissions from these three (3) process heaters shall not exceed ten and eight-tenths (10.8) pounds per hour and forty-seven and three-tenths (47.3) tons per year.

(4) Process Heater H-406 shall use natural gas only.

(5) Safety-Kleen shall submit a report to the department within thirty (30) days after the end of each calendar quarter. The report shall contain the following information:

(A) Fuel sampling and analysis on a daily basis of sulfur content of:

(i) #2 fuel oil equivalent; and

(ii) off-gases.

(B) Fuel consumption on a daily basis.

(Air Pollution Control Board; 326 IAC 7-4.1-17)

326 IAC 7-4.1-18 SCA Tissue North America LLC sulfur dioxide emission limitations

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

Sec. 18. SCA Tissue North America LLC, Source Identification Number 00106, shall comply with the sulfur dioxide emission limits for Boiler 1 of one and two-tenths (1.2) pounds per million British thermal units and eighty-seven and twenty-four hundredths (87.24) pounds per hour. *(Air Pollution Control Board; 326 IAC 7-4.1-18)*

326 IAC 7-4.1-19 State Line Energy, LLC sulfur dioxide emission limitations

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

Sec. 19. State Line Energy, LLC, Source Identification Number 00210 shall comply with the sulfur dioxide emission limits in pounds per million British thermal units (Btu) and pounds per hour as follows:

(1) The Auxiliary Emergency Generator shall be limited to three-tenths (0.3) pounds per million Btu and one and thirty-five hundredths (1.35) pounds per hour.

(2) Boiler 3 shall be limited to one and two-tenths (1.2) pounds per million Btu and two thousand two hundred four and four-tenths (2,204.4) pounds per hour.

(3) Boiler 4 shall be limited to one and two-tenths (1.2) pounds per million Btu and three thousand five hundred thirty-eight and eight-tenths (3,538.8) pounds per hour.

(Air Pollution Control Board; 326 IAC 7-4.1-19)

326 IAC 7-4.1-20 Unilever sulfur dioxide emission limitations

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

Sec. 20. Unilever, Source Identification Number 00229 shall comply with the sulfur dioxide emission limits in pounds per million British thermal units (Btu) and pounds per hour as follows:

(1) Boilers 3 and 4 shall be limited to one and fifty-two hundredths (1.52) pounds per million Btu each and one hundred twenty-five and three-tenths (125.3) pounds per hour each.

(2) Power House Boiler No. 1 shall be limited to five-tenths (0.5) pounds per million Btu and sixty (60) pounds per hour for a total of six hundred ninety-five (695) hours per year at full capacity.

(3) Sulfonation Process shall be limited to three and one-tenth (3.1) pounds per ton process material and eight and two hundred seventy-seven thousandths (8.277) pounds per hour.

(4) American Hydrotherm Boiler No. 2 shall be limited to fifteen-hundredths (0.15) pound per million Btu and one and eighty-three hundredths (1.83) pounds per hour.

(Air Pollution Control Board; 326 IAC 7-4.1-20)

326 IAC 7-4.1-21 U. S. Steel-Gary Works sulfur dioxide emission limitations

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

Sec. 21. (a) U. S. Steel-Gary Works, Source Identification Number 00121 shall comply with the following sulfur dioxide emission limitations when the coke oven gas desulfurization facility is not operating during the following periods:

Facility Description	Emission Limit lbs/mmBtu	Emission Limit lbs/hour
(1) During January through December:		
(A) Turboblower Boiler House:		
(i) Boiler No. 4A:		
(AA) During periods when combusting coke oven gas	**1.080**	**263.5**
(BB) During periods when not combusting coke oven gas	**0.0006**	**0.1464**
(ii) Boiler No. 6	**0.115**	**81.7**

(B) Number 2 Coke Plant Boiler House:		
(i) Boiler Nos. 1, 2, 3, and 7	**0.0006 each**	**0.353 total**
(ii) Boiler No. 6	**0.9524**	**160.95**
(iii) Boiler No. 8	**1.270**	**316.2**
(C) Coke Battery Underfiring:		
(i) Nos. 2 and 3	**1.270 each**	**251.5 each**
(ii) Nos. 5 and 7	**1.270 each**	**146.1 each**
(D) Blast Furnace Stove Stacks:		
(i) Nos. 4 and 6	**0.115**	**40.3 each**
(ii) No. 8	**0.115**	**37.4**
(iii) No. 13:		
(AA) During periods when any stove is combusting blast furnace gas	**0.110**	**93.5**
(BB) During periods when no stoves are combusting blast furnace gas	**0.0006**	**0.51**
(E) Number 3 Sinter Plant Windbox Gas Cleaning Systems	**1.8**	**270.0**
(F) Coke Oven Gas Desulfurization Facility Tail Gas Incinerator	**2.444**	**22.0**
(G) Plate Mill Furnaces:		
(i) During periods when combusting coke oven gas:		
(AA) Continuous Reheat Furnace Nos. 1 and 2	**0.468**	**187.2 total**
(BB) Batch Reheat Furnace Nos. 5 and 7	**0.496**	**19.84 total**
(CC) Batch Reheat Furnace Nos. 6 and 8	**0.496**	**37.2 total**
(ii) During periods when not combusting coke oven gas:		
(AA) Continuous Reheat Furnace Nos. 1 and 2	**0.0006 total**	**0.24 total**
(BB) Batch Reheat Furnace Nos. 5 and 7	**0.0006 total**	**0.024 total**
(CC) Batch Reheat Furnace Nos. 6 and 8	**0.0006 total**	**0.045 total**
(H) Number 4 Boiler House Boiler Nos. 1, 2, and 3:		
(i) During periods when Blast Furnace No. 13 Stoves are combusting blast furnace gas:		
(AA) When three (3) boilers are operating	**0.115**	**172.5 total**
(BB) When two (2) boilers are operating	**0.173**	**172.5 total**
(CC) When one (1) boiler is operating	**0.345**	**172.5 total**
(ii) During periods when Blast Furnace No. 13 Stoves are not combusting blast furnace gas:		
(AA) When three (3) boilers are operating	**0.18**	**270.0 total**
(BB) When two (2) boilers are operating	**0.27**	**270.0 total**
(CC) When one (1) boiler is operating	**0.54**	**270.0 total**
	Emission Limit lbs/ton	**Emission Limit lbs/hour**
(I) No. 2 Q-BOP Hot Metal Desulf Baghouse	**0.05**	**26.325**
(J) No. 1 BOP Desulfurization	**0.05**	**22.84**
(2) During specified periods:		
(A) Number 2 Coke Plant Boiler House Boiler Nos. 4 and 5:		
(i) During periods when Blast Furnace No. 13 is combusting blast furnace gas and Turboblower Boiler House Boiler No. 4A and all Plate Mill Furnaces are not combusting coke oven gas:		
(AA) January through April	**0.8475**	**286.5 total**
(BB) May through October	**1.183**	**400.0 total**
(CC) November through December	**0.905**	**306.0 total**
(ii) During periods when Blast Furnace No. 13 is combusting blast furnace gas and Turboblower Boiler House Boiler No. 4A or any Plate Mill Furnace are combusting coke oven gas:		
(AA) January through April	**0.592**	**200.0 total**
(BB) May through October	**1.095**	**370.0 total**
(CC) November through December	**0.716**	**242.0 total**
(iii) During periods when Blast Furnace No. 13 is not combusting blast furnace gas and Turboblower Boiler House Boiler No. 4A or all Plate Mill Furnaces are not combusting coke oven gas:		

(AA) January through April	**0.512**	**173.0 total**
(BB) May through October	**1.139**	**385.0 total**
(CC) November through December	**0.704**	**238.0 total**
(iv) During periods when Blast Furnace No. 13 is not combusting blast furnace gas and Turboblower Boiler House Boiler No. 4A and any Plate Mill Furnace are combusting coke oven gas:		
(AA) January through April	**0.683**	**231.0 total**
(BB) May through October	**1.139**	**385.0 total**
(CC) November through December	**0.575**	**194.4 total**
(B) 84-inch Hot Strip Mill Waste Heat Boiler Nos. 1 and 2:		
(i) During periods when 84-inch Hot Strip Mill Continuous Reheat Furnace Nos. 1, 2, 3, or 4 are combusting coke oven gas	**0.0006 each**	**0.1356 each**
(ii) During periods when 84-inch Hot Strip Mill Continuous Reheat Furnace Nos. 1, 2, 3, and 4 are not combusting coke oven gas:		
(AA) When either Waste Heat Boiler No. 1 or 2 is operating	**1.143**	**258.3**
(BB) The remaining Waste Heat Boiler is limited to:		
(aa) January through April	**0.779**	**176.0**
(bb) May through October	**0.885**	**200.0**
(cc) November through December	**0.557**	**126.0**
(C) 84-inch Hot Strip Mill Continuous Reheat Furnace Nos. 1, 2, 3, and 4:		
(i) During periods when not combusting coke oven gas	**0.0006 total**	**1.44 total**
(ii) During periods when combusting coke oven gas and any Plate Mill Furnace is combusting coke oven gas:		
(AA) January through April:		
(aa) When four (4) furnaces are operating	**0.197**	**472.0 total**
(bb) When three (3) furnaces are operating	**0.262**	**472.0 total**
(cc) When two (2) or fewer furnaces are operating	**0.393**	**472.0 total**
(BB) May through October:		
(aa) When four (4) furnaces are operating	**0.243**	**583.0 total**
(bb) When three (3) furnaces are operating	**0.324**	**583.0 total**
(cc) When two (2) or fewer furnaces are operating	**0.486**	**583.0 total**
(CC) November through December:		
(aa) When four (4) furnaces are operating	**0.179**	**430.0 total**
(bb) When three (3) furnaces are operating	**0.239**	**430.0 total**
(cc) When two (2) or fewer furnaces are operating	**0.358**	**430.0 total**
(iii) During periods when combusting coke oven gas and none of the Plate Mill Furnaces are combusting coke oven gas:		
(AA) January through April:		
(aa) When four (4) furnaces are operating	**0.263**	**630.0 total**
(bb) When three (3) furnaces are operating	**0.350**	**630.0 total**
(cc) When two (2) or fewer furnaces are operating	**0.525**	**630.0 total**
(BB) May through October:		
(aa) When four (4) furnaces are operating	**0.291**	**698.0 total**
(bb) When three (3) furnaces are operating	**0.388**	**698.0 total**
(cc) When two (2) or fewer furnaces are operating	**0.582**	**698.0 total**
(CC) November through December:		
(aa) When four (4) furnaces are operating	**0.224**	**537.0 total**
(bb) When three (3) furnaces are operating	**0.298**	**537.0 total**
(cc) When two (2) or fewer furnaces are operating	**0.448**	**537.0 total**
(D) Turboblower Boiler House Boiler Nos. 1, 2, 3, and 5:		
(i) During periods when any Plate Mill Furnace and Turboblower Boiler House Boiler No. 4A is combusting coke oven gas:		
(AA) January through April:		
(aa) When four (4) boilers are operating	**0.288**	**472.5 total**
(bb) When three (3) boilers are operating	**0.384**	**472.5 total**
(cc) When two (2) or fewer boilers are operating	**0.576**	**472.5 total**

(BB) May through October:		
(aa) When four (4) boilers are operating	**0.3475**	**570.0 total**
(bb) When three (3) boilers are operating	**0.4634**	**570.0 total**
(cc) When two (2) or fewer boilers are operating	**0.695**	**570.0 total**
(CC) November through December:		
(aa) When four (4) boilers are operating	**0.1116**	**183.2 total**
(bb) When three (3) boilers are operating	**0.149**	**183.2 total**
(cc) When two (2) or fewer boilers are operating	**0.2235**	**183.2 total**
(ii) During periods when any Plate Mill Furnace is combusting coke oven gas and Turboblower Boiler House Boiler No. 4A is not combusting coke oven gas:		
(AA) January through April:		
(aa) When four (4) boilers are operating	**0.3955**	**648.75 total**
(bb) When three (3) boilers are operating	**0.5274**	**648.75 total**
(cc) When two (2) or fewer boilers are operating	**0.791**	**648.75 total**
(BB) May through October:		
(aa) When four (4) boilers are operating	**0.5259**	**862.5 total**
(bb) When three (3) boilers are operating	**0.7012**	**862.5 total**
(cc) When two (2) or fewer boilers are operating	**1.0518**	**862.5 total**
(CC) November through December:		
(aa) When four (4) boilers are operating	**0.2085**	**342.0 total**
(bb) When three (3) boilers are operating	**0.278**	**342.0 total**
(cc) When two (2) or fewer boilers are operating	**0.417**	**342.0 total**
(iii) During periods when no Plate Mill Furnace is combusting coke oven gas and Turboblower Boiler House Boiler No. 4A is combusting coke oven gas:		
(AA) January through April:		
(aa) When four (4) boilers are operating	**0.5285**	**866.7 total**
(bb) When three (3) boilers are operating	**0.7046**	**866.7 total**
(cc) When two (2) or fewer boilers are operating	**1.057**	**866.7 total**
(BB) May through October:		
(aa) When four (4) boilers are operating	**0.6982**	**1,145.1 total**
(bb) When three (3) boilers are operating	**0.931**	**1,145.1 total**
(cc) When two (2) or fewer boilers are operating	**1.270**	**1,145.1 total**
(CC) November through December:		
(aa) When four (4) boilers are operating	**0.1541**	**252.7 total**
(bb) When three (3) boilers are operating	**0.2054**	**252.7 total**
(cc) When two (2) or fewer boilers are operating	**0.3082**	**252.7 total**
(iv) During periods when no Plate Mill Furnace is combusting coke oven gas and Turboblower Boiler House Boiler No. 4A is not combusting coke oven gas:		
(AA) January through April:		
(aa) When four (4) boilers are operating	**0.5216**	**855.5 total**
(bb) When three (3) boilers are operating	**0.6955**	**855.5 total**
(cc) When two (2) or fewer boilers are operating	**1.0433**	**855.5 total**
(BB) May through October:		
(aa) When four (4) boilers are operating	**0.900**	**1,476.0 total**
(bb) When three (3) boilers are operating	**1.200**	**1,476.0 total**
(cc) When two (2) or fewer boilers are operating	**1.270**	**1,476.0 total**
(CC) November through December:		
(aa) When four (4) boilers are operating	**0.2519**	**413.1 total**
(bb) When three (3) boilers are operating	**0.3359**	**413.1 total**
(cc) When two (2) or fewer boilers are operating	**0.5038**	**413.1 total**
(E) Coal Car Bottom Thaw Shed:		
(i) January through April	**1.270**	**31.8**
(ii) May through October	**0.0**	**0.0**
(iii) November through December	**1.270**	**15.8**
(F) No. 13 Blast Furnace Casthouse, when No. 13 Blast Furnace is combusting blast furnace gas	**0.6 pound per ton**	**270**

(b) The following sulfur dioxide emission limitations shall apply when the coke oven gas desulfurization facility is operating:

Facility Description	Emission Limit lbs/mmBtu	Emission Limit lbs/hour
(1) Turboblower Boiler House:		
(A) Boilers Nos. 1, 2, 3, and 5	0.427	700.0 total
(B) Boiler No. 4A	0.260	63.5
(C) Boiler No. 6	0.115	81.7
(2) Number 4 Boiler House Boiler Nos. 1, 2, and 3	0.310	465.0 total
(3) Number 2 Coke Plant Boiler House:		
(A) Boiler Nos. 1 and 2	0.0006 each	0.162 total
(B) Boiler No. 3	0.260	40.6
(C) Boiler Nos. 4 and 5	0.260 each	87.9 total
(D) Boiler No. 6	0.260	44.0
(E) Boiler No. 7	0.260	42.1
(F) Boiler No. 8	0.260	64.7
(4) Coke Battery Number 2, 3, 5, and 7 Underfiring:		
(A) Nos. 2 and 3	0.260	51.5 each
(B) Nos. 5 and 7	0.260	29.9 each
(5) Blast Furnace Stove Stacks:		
(A) Nos. 4 and 6	0.115	40.3 each
(B) No. 8	0.115	37.4
(C) No. 13	0.110	93.5
(6) 84-inch Hot Strip Mill:		
(A) Waste Heat Boiler Nos. 1 and 2	0.260	58.8 each
(B) Continuous Reheat Furnaces Nos. 1, 2, 3, and 4	0.182	436.5 total
(7) Plate Mill Furnaces:		
(A) Continuous Reheat Furnace Nos. 1 and 2	0.260	104.0 total
(B) Batch Reheat Furnace Nos. 5 and 7	0.260	10.4 total
(C) Batch Reheat Furnace Nos. 6 and 8	0.260	19.5 total
(8) Coal Car Bottom Thaw Shed	0.260	6.5
(9) Number 3 Sinter Plant Windbox Gas Cleaning Systems		200
(10) Coke Oven Gas Desulfurization Facility Tail Gas Incinerator		295
(11) No. 13 Blast Furnace Casthouse	0.6	270
(12) No. 2 Q-BOP Hot Metal Desulf Baghouse	0.05	26.325
(13) No. 1 BOP Desulfurization	0.05	22.84

(c) U. S. Steel-Gary Works shall comply with additional sulfur dioxide emission requirements as follows:

(1) For any production period for which the coke oven gas desulfurization operation is not desulfurizing coke oven gas, U.S. Steel shall make available to the department, upon request, process and fuel use information pertaining to all sulfur dioxide emission points. The information shall include, at a minimum, for each facility, process or combustion unit identified in this section, the following:

(A) Identification of the applicable limit.

(B) The amount and type of each fuel used for each facility for each calendar day of operation.

(C) The operating scenario chosen for the U. S. Steel-Gary Works.

(D) The hourly sulfur dioxide emission rate calculated by dividing the total daily sulfur dioxide emissions in pounds of sulfur dioxide per day by twenty-four (24) hours.

(E) The total twenty-four (24) hour emission rate from each emission point.

(F) Descriptive information on the procedures or methods that were used to achieve compliance with each sulfur dioxide limit.

(2) U. S. Steel shall provide to the department, in the monthly compliance exception report, the actual hours during which the coke oven gas facility was not operating.

(3) Record keeping requirements as follows:

(A) U.S. Steel-Gary Works shall maintain records of the total coke oven gas, blast furnace gas, fuel oil, and natural gas usage for each day at each facility listed in this rule.

(B) U.S. Steel-Gary Works shall maintain records of the average sulfur content and heating value for each day for each fuel type used during the calendar quarter and of the actual heat input for the 84-inch Hot Strip Mill and Plate Mill Furnaces.

(C) U.S. Steel-Gary Works shall submit to the department within thirty (30) days of the end of each calendar quarter the calculated sulfur dioxide emission rate in pounds per million British thermal units (Btu), and in pounds per hour, for each combustion unit, furnace, boiler or process operation at each

facility for each day for all facilities listed in this rule. For each combustion unit, furnace, boiler or process operation at each facility for each day during the calendar quarter, U.S. Steel shall submit to the department within thirty (30) days of the end of the calendar quarter, the actual fuel usage for each day, and any violations of the limitations established in this rule.

(4) The following facilities shall burn natural gas and shall be limited to three-tenths (0.3) pound per million Btu:

(i) Number 1 BOP shop ladle preheaters/dryers.

(ii) Number 2 Q BOP shop ladle preheaters/dryers.

(Air Pollution Control Board; 326 IAC 7-4.1-21)

SECTION 5. 326 IAC 7-4-1.1 IS REPEALED.

Notice of First Meeting/Hearing

These rules are not scheduled for hearing at this time. When the public hearing is scheduled, it will be noticed in the Change of Notice section of the Indiana Register.

Additional information regarding this action may be obtained from Chris Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027, press 0, and ask for 3-6868 (in Indiana).

Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana and are open for public inspection.

TITLE 327 WATER POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD
#03-128(WPCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING E. COLI CRITERIA AND IMPLEMENTATION PROCEDURES

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to 327 IAC 2, water quality standards, and 327 IAC 5, NPDES and pretreatment programs concerning E. coli criteria and implementation procedures. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

CITATIONS AFFECTED: 327 IAC 2; 327 IAC 5.

AUTHORITY: IC 13-18-2-1; IC 13-18-3-1; IC 13-18-3-2; IC 3-18-3-11; IC 13-18-4.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

This rulemaking will review and consider additions and modifications to Title 327 concerning E. coli criteria and implementation procedures. Federal rules require states to develop, adopt, and implement ambient water quality criteria for bacteria in order to protect against excessive risk to humans of gastrointestinal illnesses in waters used for recreational activities.

In 1990, Indiana adopted E. coli bacteriological criteria for all waters with 125 cfu/100ml (colony forming units) as a monthly average, and a single sample daily maximum value of 235 cfu/100 ml. The 1997 Great Lakes Basin rulemaking continued to apply the 125/235 E. coli criteria to the Great Lakes Basin portion of the state. These criteria only apply for the months of April through October.

Among the issues that this rulemaking may consider include the following:

A. Recreation use designation and associated criteria.

(1) Adoption of different risk levels.

(2) Adoption of a secondary contact use designation.

(3) Clarification or change of state definition of "full body contact" to U.S. EPA's definition of "primary contact recreation."

In May 2002, U.S. EPA released a draft implementation guidance document for the 1986 ambient water quality criteria for bacteria. This guidance would allow states to use different risk levels for primary contact recreation use. Specifically the draft guidance will allow the states to use risk levels ranging from eight (8) illnesses per thousand (1,000) swimmers to fourteen (14) illnesses per thousand (1,000) swimmers. It is unclear whether the guidance when finalized will allow the range to extend to fourteen (14) illnesses per thousand (1,000) swimmers; U.S. EPA may restrict the range from eight (8) to ten (10) illness per thousand (1,000) swimmers. Currently U.S. EPA expects to issue the final guidance in May 2003. (The current version of the draft guidance may be accessed at http://www.epa.gov/waterscience/standards/bacteria; see page 82 for a table containing the risk levels and the associated criteria.) It should be noted that the risk levels used by U.S. EPA are based only on studies on adult humans age eighteen (18) and older and not on children; additionally the risk levels were based only on gastrointestinal illnesses. IDEM is seeking input into the factors IDEM should use to classify water bodies into categories with different risk-based criteria. Factors might include frequency of use, type of use, physical factors limiting access, public input, downstream impacts and bacterial persistence in the water body.

B. Consideration of other organisms or approaches in addition to E. coli to protect against pathogen borne illnesses.

Other organisms could be used as indicators of the presence of pathogens in surface waters.

C. Consistent application of the E. coli criteria throughout the state.

Rules for dischargers within the Great Lakes Basin require the E. coli criteria to be applied end of pipe with no mixing zone. Outside the Great Lakes Basin, IDEM is required to apply the E. coli criteria after consideration of a mixing zone.

D. Change in the definition of "recreational season" and adoption of year-round disinfection requirements instead of only seasonal requirements.

Indiana currently requires wastewater treatment facilities to disinfect their discharges to meet the E. coli criteria only during the "recreational season" defined as the months of April through October. The one (1) current exception is for dischargers on the Ohio River where Ohio River Valley Water Sanitation Commission (ORSANCO) requirements are such that year round disinfection is required. Historically, E. coli and other fecal coliforms were thought to have a very limited ability to survive outside the intestinal tract once they were released into the environment. Thus, the seasonal disinfection requirements were thought to be protective of human health during the recreational season and also would not result in impacts during the recreational season from the periods when disinfection was not occurring. Recent studies from Purdue University scientists and other researchers have indicated that E. coli may have a longer life span in the environment than previously thought raising questions as to whether the definition of recreational season needs to be revised and the criteria applied year-round.

E. Implementation of E. coli criteria.

U.S. EPA's 2002 draft guidance document allows for greater

flexibility in implementing bacteriological criteria. The guidance recommends using both a daily maximum and monthly average for bathing beaches but seems to allows for more flexibility for other waters used for primary contact recreation. Indiana currently applies the 125 cfu/100 ml monthly average and 235 cfu/100 ml daily maximum criteria to all waters. (See 327 IAC 2-1-6(d) and 327 IAC 2-1.5-8(e).) IDEM might consider alternative ways to determine compliance with the E. coli criteria, such as allowing a certain percentage of samples to exceed the criteria. IDEM may also consider how the criteria apply during wet weather.

F. Establishment of technology-based effluent limits.

When establishing permit limits, IDEM is required to include the more stringent of the applicable water quality-based limit or the technology-based limit. IDEM has included water quality-based limits for E. coli in permits since 1990; because these have been considered to be fairly stringent, IDEM has not considered how a technology-based limit would apply. However, due to a recent court ruling, IDEM now has to consider whether a mixing zone is appropriate for dischargers outside the Great Lakes basin when establishing water quality-based limits. If a mixing zone is granted, it may be that the water quality-limit is no longer very stringent. Therefore, IDEM is considering establishing a technology-based limit (based on best conventional technology) and determining whether that would be more stringent than the water quality-based limit.

G. Other E. coli testing methodologies.

There are other testing methodologies for E. coli available in addition to the one cited in the current rules. Should IDEM allow the use of other testing methodologies for E. coli?

H. E. coli effluent limits for waste stabilization lagoons.

In the past, the office of water quality has granted a waiver from E. coli limits to minor municipal waste water treatment plants whose treatment consists of a waste stabilization lagoon (WSL) system. The waiver was based on 327 IAC 5-10-6(a), where disinfection is not required for multi-celled waste stabilization ponds. The assumption in the past has been that waste stabilization ponds with greater than ninety (90) days retention time are adequately designed for the natural attrition of bacteria. Current evidence, both national studies and accumulated effluent data from WSL's, does not support the assumption that a ninety (90) day retention period is sufficient to ensure a natural attrition of bacteria. An automatic waiver is also inconsistent with OWQ's current Reasonable Potential to Exceed (RPE) policy in the non-Great Lakes System and with the RPE rule in the Great Lakes System.

Alternatives to be Considered within the Rulemaking

IDEM is interested in input regarding the above E. coli issues. An alternative to each of these issues is to leave existing rules unchanged.

Applicable Federal Law

The Clean Water Act and U.S. EPA regulations require states to adopt water quality standards for waters within the state. 33 U.S.C. § 1251(a)(2); 33 U.S.C. § 1313; 40 CFR § 131; 40 CFR § 132. A water quality standard consists of: (1) the use(s) to be made of (designated for) the waters; (2) the criteria adopted to protect those uses; and (3) an antidegradation policy to protect existing uses and high quality waters. States adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In the recreational context, this means that water quality standards must provide for recreation in and on the water. If a state wishes to change a designated use or the water quality criteria associated with that use, it must follow the procedures set forth in 33 U.S.C. § 1313; 40 CFR § 131 and 40 CFR § 132 (for waters located within the Great Lakes system).

Several provisions of the Clean Water Act and U.S. EPA regulations also apply to the establishment of effluent limitations in NPDES permits. These include requirements to issue permits with conditions necessary to ensure compliance with water quality standards and technology-based limitations, as well as provisions relating to antidegradation and antibacksliding. Applicable provisions of federal law include: 33 U.S.C. § 1311; 33 U.S.C. § 1313; 33 U.S.C. § 1342; 40 CFR § 133; 40 CFR § 122.44; 40 CFR § 131.12; and 40 CFR § 132.

Potential Fiscal Impact

There are issues proposed in this notice where there will either be a neutral cost (for example, establishment of technology-based effluent limits), cost savings (for example, implementation of less stringent E. coli criteria), and potential cost increase (for example, E. coli effluent limits for waste stabilization lagoons and year-round disinfection).

Public Participation and Workgroup Information

An external workgroup has been established to discuss issues involved in this rulemaking. The workgroup is a cross-section of stakeholders and IDEM staff.

The workgroup meetings are ongoing. The workgroup has met on November 19, 2002, January 15, 2003, March 28, 2003, and May 7, 2003. The minutes from these meetings, calendar of future meetings, and other information regarding this workgroup can be viewed at IDEM's triennial Web site at http://in.gov/idem/water/planbr/wqs/review/trirev.html.

If you wish to provide comments to the workgroup on the rulemaking, attend meetings, or have suggestions related to the workgroup process, please contact Kiran Verma, Rules Section, Office of Water Quality at (317) 234-0986 or (800) 451-6027 (in Indiana). Please provide your name, phone number, and e-mail address, if applicable, where you can be contacted. The public is also encouraged to submit comments and questions to members of the workgroup who represent their particular interests in the rulemaking.

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:

#03-128(WPCB) E. coli Criteria and Implementation Procedures
Larry Wu, Chief
Rules Development Section
Office of Water 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 twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (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, faxed, or hand delivered by July 30, 2003.

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).

Mary Ellen Gray
Deputy Assistant Commissioner
Office of Water Quality

TITLE 327 WATER POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD
#03-129(WPCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING WATER QUALITY ISSUES SUITABLE FOR FAST TRACK RULEMAKING

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the amendment of rules in Title 327 concerning water quality standards, methods, and implementation procedures. This rulemaking has been named "fast track" because the regulatory issues involve minimal controversy allowing the rulemaking to proceed along a fast track. It is contemplated that at junctures during the rulemaking process some of the initially identified fast track issues may need more discussion and, therefore, would need to be reserved for a separate rulemaking. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

CITATIONS AFFECTED: 327 IAC 1; 327 IAC 2-1; 327 IAC 2-1.5; 327 IAC 2-4; 327 IAC 5-2.

AUTHORITY: IC 13-13-5-1; 13-13-5-2; IC 13-14-8; 13-14-9; 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 13-18-4-3.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

Under 40 CFR 131.20, states with approved NPDES programs are required to review their water quality standards at least once every three (3) years. Through the triennial review process, IDEM separated the many water quality issues into several rulemakings, including this one, for fast track issues. An external triennial review steering committee helped identify needed rule changes based on best science, updates of existing rules, and technical corrections and clarifications that have a reasonable potential of minimal controversy.

A workgroup began meeting in December 2002 to discuss the issues identified by the steering committee and select the issues that would be appropriate candidates for the fast track rulemaking approach. The workgroup narrowed the issues to those in 327 IAC 1; 327 IAC 2-1; 327 IAC 2-1.5, 327 IAC 2-4, and 327 IAC 5-2 (rules within Articles 1, 2, and 5). The issues selected include: dissolved metals for aquatic life criteria; free cyanide aquatic life criteria; general narrative criteria; narrative criteria for whole effluent toxicity; site specific modifications; Article 5 implementation procedures; and bioaccumulative chemicals of concern (BCCs).

Alternatives to be Considered within the Rulemaking

The issues selected by the workgroup as candidates for this rulemaking were placed into the following categories: changes to existing rules based on best science; updates of existing rules; clarifications of existing rules; and technical corrections to the Great Lakes system rules. For most of the issues, the changes to the rules that would be necessary to resolve the issue are straightforward. Therefore, IDEM has also identified necessary rule changes for most of the issues and in some cases has included draft rule language. IDEM is interested in receiving comment on whether the candidate issues should be included in the fast track rulemaking and whether the proposed rule changes and draft rule language are appropriate. IDEM is also interested in any other issues that may be candidates for the fast track rulemaking. An alternative to each of the issues would be to leave existing rules unchanged.

Category: Best Science

The purpose of the following proposed changes is to update existing non-Great Lakes system rules based on best science. The issues in this category were addressed for the Great Lakes system during that rulemaking and are now included in the Great Lakes system rules adopted in 1997. While there are several rule provisions that could be updated based on best science, only those that the workgroup thought could be changed with minimal controversy were chosen for this rulemaking:

(1) Dissolved Metals Aquatic Life Criteria: Change the aquatic life criteria for the non-Great Lakes system from acid soluble metals to dissolved metals. In 1993, USEPA released a memorandum recommending that dissolved metals be used to set and measure compliance with water quality standards instead of total recoverable metals. IDEM believes that the aquatic life criteria for the non-Great Lakes system should be changed to reflect USEPA's recommendation. To incorporate dissolved metals aquatic life criteria, the following changes are proposed:

(A) 327 IAC 2-1-6(a)(3): Delete this subdivision. This subdivision will no longer be necessary so it may be removed from the rules.

(B) 327 IAC 2-1-6, Table 1: Each aquatic life criterion for a metal in Table 1 will have to be multiplied by a conversion factor to calculate the dissolved metal criterion. IDEM is still considering how best to incorporate this calculation into the rules.

(C) 327 IAC 2-1-6, Table 2: Recalculate Table 2 based on dissolved metals.

(D) 327 IAC 5-2-11.1(d): Replace the rule language in this subsection with the following: "Water quality-based effluent limitations in an NPDES permit for metals calculated from a dissolved water quality criterion contained in 327 IAC 2-1-6(a)(2) Table 1, or subsequently developed under the procedures contained under 327 IAC 2-1-8, shall be expressed in the permit as the total recoverable metals fraction unless all approved analytical methods for the metal inherently measure only its dissolved form, such as hexavalent chromium.".

(E) 327 IAC 5-2-11.1(e): Delete this subsection. This subsection will no longer be necessary so it may be removed from the rules.

(F) 327 IAC 5-2-11.1: Add a new subsection that addresses dissolved metals translators. The subsection could be similar to that in the Great Lakes system rules at 327 IAC 5-2-11.6(c)(2) except that the dissolved metals translator would be used to translate a dissolved metals criterion to a total recoverable metals criterion. The total recoverable metals criterion would then be used to calculate a total recoverable metals wasteload allocation.

(2) Free Cyanide Aquatic Life Criteria: Change the aquatic life criteria for cyanide for the non-Great Lakes system from total cyanide to free cyanide. EPA has decided that free cyanide should be used to set and measure compliance with water quality standards because it has been determined that most of the toxicity attributable to cyanide is due to free cyanide (rather than cyanide that is bound to other substances). IDEM believes that the aquatic life criteria for cyanide for the non-Great Lakes system should be changed to reflect USEPA's recommendation. To incorporate free cyanide aquatic life criteria, the following changes are proposed:

(A) 327 IAC 2-1-6(a)(2) Table 1: Under the "Other Substances" category in Table 1, add free cyanide and move the aquatic life criteria from total cyanide to free cyanide.

(B) 327 IAC 5-2-11.1: Add a new subsection similar to 327 IAC 5-2-11.6(f).

(3) Site-Specific Methodologies: Adopt site-specific methodologies into the non-Great Lakes system rules similar to those in the Great Lakes system rules at 327 IAC 2-1.5-16. The latest methodologies for calculating site-specific aquatic life, human health, and wildlife criteria and values were adopted into the Great Lakes system rules in 1997. The site-specific methodologies adopted in 1997 are well established and are the best methods currently available. However, these methodologies will require some revision considering that the methodologies for developing aquatic life, human health, and wildlife criteria are different in the Great Lakes system and non-Great Lakes system.

(4) Site-Specific Criteria: Adopt into the rules all site-specific criteria modifications that have been approved by IDEM.

(5) Bioaccumulative Chemicals of Concern (BCCs): Adopt the definition of a BCC and the list of BCCs in the Great Lakes system rules at 327 IAC 2-1.5-6 into the non-Great Lakes system rules. USEPA included a definition of a BCC as part of the Great Lakes Water Quality Guidance. IDEM believes that the definition of a BCC for the non-Great Lakes system should be changed to reflect USEPA's definition. To incorporate the new definition of a BCC, the following changes are proposed:

(A) 327 IAC 2-1: Add a new section identical to 327 IAC 2-1.5-6.

(B) 327 IAC 2-1-6(a)(2) Table 1: Delete the notations for BCCs and substances that are bioconcentrating and of concern. The notations may be removed because a list of BCCs will be included in a new section.

Category: Updates of Existing Rule Language

The purpose of the following proposed changes is to update references to the most current version or edition, to remove rule language that is no longer necessary, and to consolidate and update definitions in 327 IAC 2-1-9 and 327 IAC 2-1.5-2:

(1) Incorporations by Reference: Update the incorporations by reference in 327 IAC 1, 327 IAC 2, and 327 IAC 5 to the most current version or edition.

(2) Approved Analytical Procedures and Test Methods: The provisions concerning approved analytical procedures and test methods in 327 IAC 2-1-8, 327 IAC 2-1.5-10, 327 IAC 2-4-3, 327 IAC 5-2-13, and 327 IAC 5-2-15 should be updated to remove references to "Standard Methods for the Examination of Water and Wastewater" and add references to 40 CFR 136 if not already included in the rule. Other changes may be necessary to make these provisions consistent.

(3) 327 IAC 2-1-5: Replace "This determination will be made using Low-Flow Characteristics of Indiana Streams, 1983, United States Department of the Interior, Geological Survey, or any additional information compiled on a comparable basis." with "This determination will be made using Low-Flow Characteristics of Indiana Streams, 1996, United States Department of the Interior, Geological Survey, or any additional information compiled on a comparable basis.".

(4) 327 IAC 2-1.5-8(k): Delete this subsection and Table 8-11. This subsection was included in the Great Lakes system rules as a reference. Since the Great Lakes system rulemaking, IDEM has calculated (where possible) Tier I criteria or Tier II values for the substances listed in the table that were not included in the Great Lakes system rules.

(5) 327 IAC 2-1.5-8(l): Delete this subsection and Table 8-12. This subsection was included in the Great Lakes system rules to prompt IDEM to develop criteria or values for the substances listed in 327 IAC 2-1-6 that did not have criteria or values available at the time of the rulemaking. Tier I criteria or Tier II values for the substances in Table 8-12 have subsequently been calculated (where possible) and are available via the IDEM Web site.

(6) Definitions: There are terms that are defined differently in 327 IAC 2-1-9, 327 IAC 2-1.5-2, and 327 IAC 5-1.5. IDEM is proposing to apply a consistent definition to these terms. There are also terms that need to be added to the list of definitions in 327 IAC 2-1-9 based on the proposal to include narrative criteria for whole effluent toxicity in the rules for the non-Great Lakes system. Additionally, there are definitions in 327 IAC 2-1-9 and 327 IAC 2-1.5-2 that need to be updated to be consistent with the Indiana Code. The following changes are proposed to update definitions:

(A) 327 IAC 2-1-9: Replace the definition of the following terms in this section with the corresponding definition in 327 IAC 2-1.5-2: acute toxicity, bioconcentration, bioconcentration factor, carcinogen, chronic toxicity, final acute value, LC_{50}, lowest observed adverse effect level (LOAEL), and no observed adverse effect level (NOAEL). The definitions for these terms in 327 IAC 2-1.5-2 are based on the Water Quality Guidance for the Great Lakes System at 40 CFR 132.2.

(B) 327 IAC 2-1-9(4): Replace the definition of bioaccumulative chemical of concern with a reference to the section in 327 IAC 2-1 where the proposed new definition will be included. IDEM is proposing a new definition of bioaccumulative chemical of concern, and this definition, along with a list of bioaccumulative chemicals of concern, will be included in a separate section. See (5) under the Best Science category.

(C) 327 IAC 2-1-9(24): Delete the definition of limit of quantification. This term is not used in Article 2 so it may be removed from the definitions section.

(D) 327 IAC 2-1-9(29): Delete the definition of mean acute value. This term is only used in the existing definition of final acute value in 327 IAC 2-1-9(14).

(E) 327 IAC 2-1-9: Add the definition of genus mean acute value in 327 IAC 2-1.5-2(37) to this section. This term is included in the proposed new definition of final acute value.

(F) 327 IAC 2-1-9: Add the definition of species mean acute value in 327 IAC 2-1.5-2(74) to this section. This term is included in the proposed new definition of final acute value.

(G) 327 IAC 2-1-9(32): Replace the term "n-octanol/water partition coefficient (Kow)" and its definition with the term "octanol-water partition coefficient" and its definition in 327 IAC 2-1.5-2(61). The definition in 327 IAC 2-1.5-2 is an updated version.

(H) 327 IAC 2-1-9(25): Delete the definition of log Kow. This term will be included in the proposed new definition of octanol-water partition coefficient.

(I) 327 IAC 2-1-9(35): Replace the definition of point source with the following: ""Point source" has the meaning set forth in 327 IAC 5-1.5-40.". The definition in 327 IAC 5-1.5-40 includes added specificity based on the definition in 40 CFR 122.2.

(J) 327 IAC 2-1-9(45): Replace the definition of toxic substances with the definition in 327 IAC 2-1.5-2(84). The definition in 327 IAC 2-1.5-2 is an updated version.

(K) 327 IAC 2-1-9(50): Replace the definition of zone of initial dilution with the definition in 327 IAC 2-1.5-2(94). The definition in 327 IAC 2-1.5-2 takes into consideration those cases where a one-to-one (1:1) dilution is not available directly after the end of the pipe.

(L) 327 IAC 2-1-9: Add the definition of the following terms in 2-1.5-2 to this section: acute toxic unit (TUa), chronic toxic unit (TUc), inhibition concentration 25 (IC_{25}), and no observed effect concentration (NOEC). The definitions of these terms are required if narrative criteria for whole effluent toxicity are added to 327 IAC 2-1-6(a). See (2) under the Clarifications of Existing Rules category.

(M) 327 IAC 2-1-9(12): Replace the definition of discharge-induced mixing with the following: ""Discharge-induced mixing" or "DIM" means mixing initiated by the use of submerged, high rate diffuser outfall structures (or the functional equivalent) which provide turbulent initial mixing and will minimize organism exposure time.". This proposed change will make this definition consistent with IC 13-18-4-8.

(N) 327 IAC 2-1.5-2(63): Replace the definition of outstanding national resource waters with the following: ""Outstanding national resource water" has the meaning set forth in IC 13-18-3-2(d).".

(O) 327 IAC 2-1.5-2(64): Replace the definition of outstanding state resource waters with the following: ""Outstanding state source water" has the meaning set forth in IC 13-18-3-2(e).".

Category: Clarifications of Existing Rules

The purpose of the following proposed changes is to clarify how an existing requirement of the rules is to be implemented:

(1) Narrative Criteria: Adopt the narrative criteria in the Great Lakes system rules at 327 IAC 2-1.5-8(b) into the non-Great Lakes system rules at 327 IAC 2-1-6(a). The narrative criteria for the Great Lakes system are based on those for the non-Great Lakes system at 327 IAC 2-1-6(a) with minor modifications and the addition of narrative criteria for whole effluent toxicity. IDEM believes that the same minor modifications should be made to the narrative criteria for the non-Great Lakes system in addition to adding narrative criteria for whole effluent toxicity. The addition of narrative criteria for whole effluent toxicity is discussed in (2).

(2) Whole Effluent Toxicity: The non-Great Lakes system rules are not clear on how whole effluent toxicity should be addressed in NPDES permits. Procedures for calculating numeric criteria for whole effluent toxicity are included in the aquatic life methodologies at 327 IAC 2-1-8.2 and 2-1-8.3. These procedures are intended to provide a means to calculate site-specific criteria based on whole effluent toxicity that would apply alternatively or in addition to aquatic life criteria for individual pollutants. The procedures are not completely consistent with IDEM's current practice for implementing whole effluent toxicity. Narrative criteria for whole effluent toxicity with a numeric interpretation are included in the Great Lakes system rules. Implementation procedures for whole effluent toxicity are also included in the Great Lakes system rules. These criteria and implementation procedures are consistent with IDEM's current practice for implementing whole effluent toxicity for the non-Great Lakes system. The following changes are proposed to clarify how whole effluent toxicity will be addressed for the non-Great Lakes system:

(A) Narrative Criteria for Whole Effluent Toxicity: Adopt the narrative criteria for whole effluent toxicity in the Great Lakes system rules at 327 IAC 2-1.5-8(b)(1)(E)(ii) and 327 IAC 2-1.5-8(b)(2)(A)(iv) into the non-Great Lakes system rules at 327 IAC 2-1-6(a).

(B) 327 IAC 5-2-11.1(b): Add a subdivision specifying that for acute whole effluent toxicity, 1.0 TU_a will be applied directly to the undiluted discharge, or, if dilution by discharge-induced mixing is allowed, 0.3 TU_a will be applied outside the discharge-induced mixing zone.

(C) 327 IAC 5-2-11.1(b)(2): Replace "The CAC and the TLSC will be applied outside of the mixing zone." with "The CAC, the chronic whole effluent toxicity (WET) criterion, and the TLSC will be applied outside of the mixing zone.".

(D) 327 IAC 5-2-11.1(i): Delete this subsection. This subsection will no longer be necessary because the definitions of acute and chronic toxic units will be included in 327 IAC 2-1-9 which is incorporated in Article 5 under 327 IAC 5-1.5-1.

(3) Application of Temperature Criteria: Include a provision in the Great Lakes system and non-Great Lakes system rules concerning where to measure for compliance with temperature criteria. Such a provision currently only exists for the Lake Michigan temperature criteria at 327 IAC 2-1.5-8(c)(4)(D)(i). A similar provision is needed at 327 IAC 2-1.5-8(c)(4) and 327 IAC 2-1.5-8(d)(2) for other waterbodies in the Great Lakes system. A similar provision is also needed at 327 IAC 2-1-6(b)(4) and 327 IAC 2-1-6(c)(3) for waterbodies in the non-Great Lakes system. IDEM is seeking comment on what should be included in the provision.

(4) Alternate Mixing Zones: In the Great Lakes system rules, water quality criteria for aquatic life, human health and wildlife apply outside an alternate mixing zone if an alternate mixing zone demonstration is conducted and approved under 327 IAC 5-2-11.4(b)(4). Most of the requirements for an alternate mixing zone demonstration are incorporated in 327 IAC 5-2-11.4(b)(4). However, some of the requirements for an alternate mixing zone for an acute aquatic life criterion are included in other portions of the rules. The terms "alternate mixing zone" and "discharge-induced mixing zone" are also used interchangeably in some portions of the rules. The purpose of the following changes is to apply the term "alternate mixing zone" consistently throughout the rules and to move all requirements for an alternate mixing zone for an acute aquatic life criterion into 327 IAC 5-2-11.4(b)(4):

(A) 327 IAC 2-1.5-8(b)(1)(E)(i) and (ii): Replace "discharge-induced mixing zone" with "alternate mixing zone".

(B) 327 IAC 5-2-11.4(b)(2)(A)(i)(AA): Replace "alternative mixing zone" with "alternate mixing zone".

(C) 327 IAC 5-2-11.4(b)(2)(A)(i)(BB): Replace "alternative mixing zone" with "alternate mixing zone".

(D) 327 IAC 5-2-11.4(b)(2)(A)(ii)(AA): Replace "unless an alternative mixing zone is demonstrated as appropriate in a mixing

zone demonstration conducted pursuant to subdivision (4)." with "unless a mixing zone demonstration is conducted and approved under subdivision (4), in which case the chronic criteria or value shall be met outside the alternate mixing zone.".

(E) 327 IAC 5-2-11.4(b)(2)(A)(ii)(BB): Replace "unless an alternative mixing zone is demonstrated as appropriate in a mixing zone demonstration conducted pursuant to subdivision (4), in which case 1.0 TU_c shall be met outside the discharge-induced mixing zone." with "unless a mixing zone demonstration is conducted and approved under subdivision (4), in which case 1.0 TU_c shall be met outside the alternate mixing zone.".

(F) 327 IAC 5-2-11.4(b)(3)(B)(i): Replace "the final acute value (FAV) shall not be exceeded in the undiluted discharge unless the discharger utilizes a submerged, high rate diffuser outfall structure (or the functional equivalent) that provides turbulent initial mixing and minimizes organism exposure time; and a mixing zone demonstration is conducted and approved under subdivision (4), in which case the CMC shall be met outside the discharge-induced mixing zone." with "the CMC shall not be exceeded outside the zone of initial dilution and the final acute value (FAV) shall not be exceeded in the undiluted discharge unless a mixing zone demonstration is conducted and approved under subdivision (4), in which case the CMC shall be met outside the alternate mixing zone.". This proposed change moves the requirement for a submerged, high rate diffuser (or the functional equivalent) and the requirement to meet the CMC outside the discharge-induced mixing zone to subdivision (4). See (I) and (J). This proposed change also adds "the CMC shall not be exceeded outside the zone of initial dilution" to this item. This addition will make this item consistent with 327 IAC 2-1.5-8(b)(1)(E)(i) and 327 IAC 5-2-11.4(c).

(G) 327 IAC 5-2-11.4(b)(3)(B)(ii): Replace "unless the discharger utilizes a submerged, high rate diffuser outfall structure (or the functional equivalent) that provides turbulent initial mixing and minimizes organism exposure time; and a mixing zone demonstration is conducted and approved under subdivision (4), in which case 0.3 TU_a shall be met outside the discharge-induced mixing zone." with "unless a mixing zone demonstration is conducted and approved under subdivision (4), in which case 0.3 TU_a shall be met outside the alternate mixing zone.". This proposed change moves the requirement for a submerged, high rate diffuser (or the functional equivalent) and the requirement to meet the acute whole effluent toxicity criterion outside the discharge-induced mixing zone to subdivision (4). See (I) and (J).

(H) 327 IAC 5-2-11.4(b)(4)(A): Add an item to this clause specifying that sources discharging to streams and seeking an alternate mixing zone for an acute aquatic life criterion or value or an acute whole effluent toxicity (WET) criterion must define the location at which discharge-induced mixing ceases.

(I) 327 IAC 5-2-11.4(b)(4): Add a clause to this subdivision specifying that in no case shall a mixing zone for an acute aquatic life criterion or value or acute whole effluent toxicity criterion be granted unless the discharger utilizes a submerged, high rate diffuser outfall structure (or the functional equivalent) that provides turbulent initial mixing and minimizes organism exposure time.

(J) 327 IAC 5-2-11.4(b)(4): Add a clause to this subdivision specifying that in no case shall a mixing zone for an acute aquatic life criterion or value or acute whole effluent toxicity criterion be granted that exceeds the area where discharge-induced mixing occurs.

(5) 327 IAC 5-2-11.1(b): Add a subdivision to this subsection specifying that water quality-based effluent limitations for intermittent or controlled discharges may be calculated using stream flows other than those specified in this subsection if these alternate stream flows will ensure compliance with water quality criteria. The Great Lakes system rules include a similar provision at 327 IAC 5-2-11.4(b)(3)(A)(iii). Including this provision in the non-Great Lakes system rules will clarify IDEM's ability to calculate water quality-based effluent limitations for intermittent or controlled discharges on a case-by-case basis using alternate stream flows.

(6) 327 IAC 5-2-11.4(b)(3)(A)(i)(AA): Replace "For an acute aquatic life criterion or value or an acute aquatic WET criterion, when a high rate diffuser is used, the one (1) day, ten (10) year stream design flow ($Q_{1,10}$)." with "For an acute aquatic life criterion or value, the one (1) day, ten (10) year stream design flow ($Q_{1,10}$) or for an acute aquatic WET criterion, when a high rate diffuser is used, the one (1) day, ten (10) year stream design flow ($Q_{1,10}$).". This change is intended to clarify that for an acute aquatic life criterion or value, the $Q_{1,10}$ applies whether or not a high rate diffuser is used.

(7) Changes Based on USEPA and IDEM Memorandum of Agreement: As part of USEPA approving Indiana's Great Lakes system rules, Indiana was required to enter into a Memorandum of Agreement (MOA) with USEPA ("Addendum to the National Pollutant Discharge Elimination System Memorandum of Agreement Between the State of Indiana and the United States Environmental Protection Agency Region 5 Concerning Indiana's Great Lakes Water Quality Standards and Implementation Procedures Rulemaking," signed by USEPA July 28, 2000). The MOA specifies how IDEM must interpret several provisions in the Indiana rules. IDEM believes that the following issues addressed in the MOA should be addressed as part of this rulemaking so that the rules are consistent with the requirements of the MOA:

(A) 327 IAC 5-2-11.5(b)(1)(B)(ii): Replace "An alternate method of determining the monthly PEQ may be used if the applicant demonstrates that this alternate method results in a monthly PEQ representative of actual conditions at the facility." with "An alternate method of determining the monthly average may be used if the applicant demonstrates that this alternate method results in a monthly average representative of actual conditions at the facility. The monthly average determined under this item shall then be used to determine the monthly PEQ using the procedure in item (i).".

(B) 327 IAC 5-2-11.5(b)(3)(B)(iii): Delete the rule language after the first sentence. This item would then include only the following language: "The permittee has demonstrated, through a biological assessment, that there are no acute or chronic effects on aquatic life in the receiving water.".

(C) 327 IAC 5-2-11.5(g): Specify that this subsection is only applicable to situations where the intake and outfall points are located on the same body of water as defined in 327 IAC 5-2-11.5(b)(4)(B). The MOA addresses other issues with this subsection that may also need to be addressed through rulemaking. However, IDEM believes that the other issues are not appropriate for this rulemaking.

(D) 5-2-11.6(g)(4): Add the following sentence to the end of this subdivision: "For each mass limit developed under this subdivision, the NPDES permit shall include a corresponding concentration limit.".

(E) 5-2-11.6(h)(7)(A)(iii): Replace the language in this item with the following: "Monitoring necessary to monitor the progress toward the goal. This shall include, but is not limited to, the

following: (AA) Semi-annual monitoring of potential sources of the pollutant. (BB) Quarterly monitoring for the pollutant in the influent of the wastewater treatment system.".

Category: Technical Corrections to the Great Lakes System Rules

The purpose of the following proposed changes is to correct technical mistakes in the Great Lakes system rules that were discovered after the rules became effective:

(1) 327 IAC 2-1.5-8, Table 8-1: Modify Table 8-1 so that the criteria conversion factor for cadmium is based on hardness. The appropriate hardness based conversion factor is included in the most recent USEPA update to the cadmium aquatic life criteria (EPA 822-R-01-001) noticed in the Federal Register April 12, 2001 (66 FR 18935).

(2) 327 IAC 5-2-11.4(c): Move the dissolved metals translator provisions from 5-2-11.6(c)(2) to 327 IAC 5-2-11.4(c) and include the dissolved metals translator in the wasteload allocation equations. In accordance with the USEPA guidance document "The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit from a Dissolved Criterion," EPA 823-B-96-007, June 1996, Appendix A, a dissolved metals translator is applied to a dissolved metals criterion to calculate a total recoverable metals criterion. The total recoverable metals criterion is then used in the wasteload allocation equation to calculate a total recoverable metals wasteload allocation. The rules currently apply a dissolved metals translator to a dissolved metals wasteload allocation which is inconsistent with USEPA guidance. The language in 5-2-11.6(c)(2) should also be changed to reflect that a dissolved metals translator is applied to a dissolved metals criterion.

(3) 327 IAC 5-2-11.4(c)(1)(B): Replace "WQC_a = The criterion maximum concentration (CMC) or secondary acute value (SAV) or three-tenths (0.3) TU_a for WET." with "WQC_a = The criterion maximum concentration (CMC) or secondary acute value (SAV) or, if a mixing zone demonstration for acute WET is conducted and approved under subsection (b)(4), three-tenths (0.3) TU_a for WET.".

(4) 327 IAC 5-2-11.4(c)(1)(E): Replace "Q_w = The portion of the receiving waterbody allocated for mixing pursuant to subsection (b)." with "Q_w = The portion of the receiving waterbody allocated for mixing pursuant to subsection (b). If C_b is greater than the water quality criterion or value, a value of zero (0) shall be used for Q_w.". If the background concentration exceeds a water quality criterion or value, the wasteload allocation for that criterion or value, calculated using the wasteload allocation equations in 327 IAC 5-2-11.4(c), will be less than the criterion or value. In these cases, IDEM believes that it is appropriate for the wasteload allocation to equal the criterion. The proposed rule language is intended to allow this to occur.

(5) 327 IAC 5-2-11.4(c)(1)(H): Replace "Q_z = The zone of initial dilution." with "Q_z = The portion of the receiving waterbody allocated for mixing in the zone of initial dilution. For discharges into tributaries that exhibit appreciable flows relative to their volumes, $Q_z = Q_e$ or the $Q_{1,10}$, whichever is less. For discharges into the open waters of Lake Michigan, $Q_z = Q_e$. If C_b is greater than WQC_a, a value of zero (0) shall be used for Q_z.". The zone of initial dilution is defined in 327 IAC 2-1.5-2(94) as an area and not a volume of water. The proposed rule language is intended to define the volume of the receiving waterbody that is available to dilute the effluent in the zone of initial dilution. Additionally, if the background concentration exceeds WQC_a, the wasteload allocation for WQC_a, calculated using the wasteload allocation equations in 327 IAC 5-2-11.4(c) associated with the zone of initial dilution, will be less than WQC_a. In these cases, IDEM believes that it is appropriate for the wasteload allocation to equal WQC_a. The proposed rule language is also intended to allow this to occur.

(6) 5-2-11.5(b)(1)(B)(i): Replace "When monthly average data are available, at least three (3) data points over the period of a month" with "When monthly average data are available, at least two (2) data points over the period of a month".

(7) 327 IAC 5-2-11.6(c)(2): Move this subdivision to 327 IAC 5-2-11.4(c) and change the language to reflect that a dissolved metals translator is applied to a dissolved metals criterion.

(8) 327 IAC 5-2-11.6(c)(2), Table 11.6-1: Modify Table 11.6-1 so that the criteria conversion factor for cadmium is based on hardness and move this table to 327 IAC 5-2-11.4(c). The appropriate hardness based conversion factor is included in the most recent USEPA update to the cadmium aquatic life criteria (EPA 822-R-01-001) noticed in the Federal Register April 12, 2001 (66 FR 18935).

(9) 327 IAC 5-2-11.6(c)(4)(A) and (B) Remove references to subdivision (2) since it is proposed to move subdivision (2) to 327 IAC 5-2-11.4(c).

(10) 327 IAC 5-2-11.6(c)(4) and (5): The current procedure for calculating water quality-based effluent limitations is not complete with regards to whole effluent toxicity. IDEM is seeking comment on potential procedures for calculating water quality-based effluent limitations for whole effluent toxicity.

(11) 327 IAC 5-2-11.6(c)(5): Add a clause specifying that monthly average water quality-based effluent limitations may not exceed a wasteload allocation unless calculated using a facility-specific coefficient of variation (CV) and a value for n based on permit conditions. Using the default values for CV and n, the current procedure would allow a monthly average water quality-based effluent limitation to exceed the wasteload allocation in some cases. This should only be allowed if a facility-specific CV and a value for n based on permit conditions are used.

Applicable Federal Law

Under section 303(c) of the Clean Water Act (33 U.S.C. 1313(c)), Indiana is required to review, and as appropriate, modify and adopt water quality standards. Additional requirements for water quality standards applicable to waters of the Great Lakes basin are set forth in Section 118 of the CWA (33 U.S.C. 1268). These laws are implemented at the federal level by 40 CFR 131 and 132.

Potential Fiscal Impact

There are issues proposed in this notice (for example, alternatives (2) listed under Best Science and (1) listed under Updates to Existing Rule Language) where there will be either a neutral or cost savings. It is not anticipated that there will be a significant fiscal impact for the regulated community due to these enumerated fast track issues.

Public Participation and Workgroup Information

An external workgroup has been established to discuss issues involved in this rulemaking. The workgroup began meeting in December 2002. To date, there have been three (3) meetings. The workgroup has been primarily focused on framing the issues to be solved by the rulemaking. The workgroup is made up of a cross-section of stakeholders, interested parties, and IDEM staff. Information on past workgroup meetings and scheduling and agendas of future meetings is available on the IDEM Web site at http://www.IN.gov/idem/water/planbr/wqs/review/fasttrk.html.

If you wish to provide comments to the workgroup on the rulemaking, attend meetings, obtain any additional information on the workgroup, or submit suggestions related to the workgroup process, please contact MaryAnn Stevens, Rules Section, Office of Water Quality at (317) 232-8635 or (800) 451-6027 (in Indiana). Please provide your name, phone number, and e-mail address, if applicable,

where you can be contacted. The public is also encouraged to submit comments and questions to members of the workgroup who represent their particular interests in the rulemaking.

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 rulemaking.

(2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#03-129(WPCB) [Fast Track]
MaryAnn Stevens, Senior Rulewriter
Rules Section
Office of Water 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 twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana. Comments also may 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 Office of Water Quality, Rules Section at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with another sent through the postal system.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by July 30, 2003.

Additional information regarding this rulemaking action may be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 or technical information concerning fast track may be obtained from John Elliott, Permits Section, 317-233-0703 or David Kallander, Water Quality Section, 317-233-2472 or (800) 451-6027 (in Indiana).

Tim Method
Deputy Commissioner
Indiana Department of Environmental Management

TITLE 327 WATER POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD
#03-130(WPCB)

DEVELOPMENT OF A NEW RULE CONCERNING A STREAMLINED PROCESS FOR OBTAINING A VARIANCE FROM THE WATER QUALITY CRITERIA FOR MERCURY

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the development of a new rule to address the need for a variance from the existing water quality standards for mercury in wastewater discharges permitted under the National Pollutant Discharge Elimination System (NPDES) program. If a variance process for mercury were to be established through rulemaking, it would not be available for new or recommencing dischargers within the Great Lakes Basin. It would, however, be available for use by existing dischargers within the Basin. The mercury variance would also be available to new and existing dischargers outside the area of GLI authority. Note that the term "GLI" refers to the Great Lakes Initiative rules that apply to dischargers within the Great Lakes Basin. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

CITATIONS AFFECTED: 327 IAC 5-3.5.

AUTHORITY: IC 13-13-5-1; 13-13-5-2; IC 13-14-8; 13-14-9; 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 13-18-4-3.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

Mercury is a toxic metal that has high bioconcentration and bioaccumulation rates when in the form of methylmercury. Water quality criteria treat all mercury as if it is in the form of methylmercury, the most common organic mercury compound in the environment. The water quality-based effluent limitations for mercury are based on total mercury within the GLI and acid soluble mercury outside the GLI.

Method 1631, Revision E is a new mercury analytical method approved by U.S. EPA in October 2002 that can measure the concentration of mercury at a level below Indiana's existing aquatic life, human health, and wildlife water quality criteria. Prior to the availability of this method, laboratory analysis could only measure mercury at a level well above these water quality criteria. With the use of Method 1631, compliance assessment indicates that the majority of wastewater discharging facilities in Indiana will not be able to consistently meet their NPDES permit limits for mercury.

In order for wastewater discharging facilities not in compliance with the mercury standard to be considered in compliance with their NPDES permits, they would need to apply under the current rules for an individual variance from the standard. Development of a rule that would allow for a streamlined process for obtaining a variance from the existing mercury water quality-based effluent limit is being considered because compliance problems result from the lack of economically viable, end-of-pipe, treatment options and the widespread existence of mercury in the environment. This rulemaking would establish the conditions under which a variance could be granted and requirements for mercury minimization in wastewater discharges.

Alternatives to be Considered within the Rulemaking

Consideration of a rulemaking for a variance from water quality-based effluent limits for mercury is part of the overall triennial review of water quality standards required under 40 CFR 131.20. Under these federal regulations, states with approved NPDES programs are required to review their water quality standards at least once every three (3) years. Through the triennial review process, IDEM decided to separate out a mercury rulemaking to address the specific issues of mercury compliance and the inability of many dischargers in Indiana to comply with the water quality-based effluent limit for mercury. Therefore, a workgroup began meeting in September 2002 to develop an appropriate mercury approach.

IDEM is seeking any other suggested alternatives in addition to the following that have thus far been identified by the workgroup:

(1) Establish a rule that streamlines the process to obtain a variance to the NPDES permit limit for mercury that a discharger could receive if it meets certain conditions of having assessed the sources of mercury in its discharge, has eliminated or minimized those sources to the maximum extent possible through a pollutant minimization program, and has provided proof that there is no other economically manageable treatment option.

(2) Maintain the existing process whereby a discharger applies for an individual variance from the mercury standard if unable to meet the mercury standard.

(3) Do no rulemaking concerning mercury but allow individual dischargers that cannot meet the NPDES permit limit to enter into the compliance process with a schedule established in an agreed order with IDEM until such time as mercury compliance is achieved.

(4) Place in the NPDES permits, for at least one permit cycle, a requirement to monitor mercury rather than a mercury discharge limit.

(5) Directly regulate direct and indirect dischargers of mercury.

(6) A combination of these alternatives.

The workgroup, to date, has been reviewing data as to how other states have been dealing with the mercury problem, especially other Region 5 states. The workgroup has not yet concluded what would be the most effective means to deal with the problem in Indiana.

Applicable Federal Law

Federal law mandates standards for water quality under 40 CFR 131. The state adopted these standards at 327 IAC 2-1 and 327 IAC 2-1.5. Specifically, the standards for mercury in water are at 327 IAC 2-1-6 (non-GLI) and 327 IAC 2-1.5-8 (GLI). Unfortunately, these standards cannot be met by most existing sources in Indiana. Legally, if the dischargers cannot meet the standards, they may apply to IDEM for a variance from the rules under 327 IAC 2-1-8.8 (non-GLI) and 327 IAC 2-1.5-17 (GLI). The commissioner makes a determination on the variance application in accordance with 327 IAC 5-3-4.1. No federal law directs states to deal in any specified manner with mercury in wastewater discharges.

In exploring possibilities to bring dischargers into compliance with Indiana's laws, it is important to understand the legal authority with which rules can be made and what language the rules contain. All authority for water quality standards comes first from the federal Water Pollution Control Act (33 U.S.C. 1251-1387). These standards are then codified in the Code of Federal Regulations (CFR). Indiana must adopt its own water quality standards, but they can be no less stringent than standards found in federal law.

In addition, the state has the authority to issue variances under IC 13-14-8-9. The water pollution control board has further interpreted the statute for new and existing non-GLI sources under 327 IAC 2-1-8.8 and for issuing variances to existing GLI sources under 327 IAC 2-1.5-17.

The state's rules must be at least as stringent as the federal rules, as stated in 40 CFR 131.4; therefore, any new variance language must be as stringent as standards set forth in 327 IAC 2-1 and 327 IAC 2-1.5.

Potential Fiscal Impact

The most often stated cost associated with mercury treatment is that "end-of-pipe treatment" could be as much as ten million dollars ($10,000,000) per pound of mercury removed. This cost is an estimate based on data used by the state of Ohio during its variance rulemaking for mercury. IDEM received the following cost estimates from respondents to an earlier first notice of rulemaking concerning mercury:

(1) At a flow of ten million (10,000,000) gallons per day and assuming a seventy-five percent (75%) removal efficiency of total mercury using ion exchange, the annualized cost would be one hundred thirty-six million dollars ($36,000,000) per pound of mercury removed.

(2) The overall annualized cost of mercury removal utilizing the control methodology identified as feasible (though not capable of attaining the water quality-based effluent limit (WQBEL)) would cost one hundred sixty-five million dollars ($165,000,000) per year per thirty (30) pounds of mercury removed.

Without a streamlined variance alternative, permit holders will have to submit individual variance application. This process can be resource and time intensive for the mercury discharging facility, the interested public, and IDEM. Processing numerous individual mercury variances would detract from other important work required of permit holders, the public, and IDEM. A streamlined variance process by rule could reduce the cost, time, and resources that every affected facility would need to expend on the analysis of the options to reduce mercury levels and their associated costs.

Other options to a variance include relying on the compliance process to establish an agreed order with a compliance schedule for each mercury discharger not in compliance with permit limits; however, this process can be time consuming for both IDEM staff and the discharger.

IDEM is interested in receiving comments containing additional specific cost and effectiveness analyses regarding the following:

(1) Mercury treatment and removal.

(2) Pollution prevention methods to keep mercury out of the wastewater.

(3) Targeted remediation efforts to remove mercury that is in the sewer system.

(4) The costs to prepare an individual variance application for mercury and the cost savings that might be realized with a streamlined application process.

Public Participation and Workgroup Information

An external workgroup has been established and began meeting in September 2002 to discuss issues involved in this rulemaking. The workgroup has held several meeting that primarily focused on framing the issue to be solved by the rulemaking and reviewing data from other states on the issue of mercury. The workgroup is made up of a cross section of stakeholders, interested parties, and IDEM staff. Information on past workgroup meetings and scheduling and agendas of future meetings is available on the IDEM Web site at http://www.IN.gov/idem/water/planbr/wqs/review/mercury.html.

If you wish to provide comments to the workgroup on the rulemaking, attend meetings, obtain any additional information on the workgroup, or submit suggestions related to the workgroup process, please contact MaryAnn Stevens, Rules Section, Office of Water Quality at (317) 232-8635 or (800) 451-6027 (in Indiana). Please provide your name, phone number, and e-mail address, if applicable, where you can be contacted. The public is also encouraged to submit comments and questions to members of the workgroup who represent

their particular interests in the rulemaking. Any person that submitted comments to an earlier first notice of rulemaking concerning mercury is encouraged to resubmit those comments if they are still relevant to the topic of this first notice.

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 a rule concerning a process for a streamlined mercury variance.

(2) The submission of suggestions for the development of draft rule language.

(3) Specific cost and effectiveness analyses for mercury treatment, removal, pollution prevention, or variance preparation.

(4) Resubmission of relevant comments made to earlier first notices concerning mercury variance (01-135(WPCB) published at 24 IR 2593 or 02-138(WPCB) published at 25 IR 2863).

Mailed comments should be addressed to:

#03-130(WPCB) [Mercury]
MaryAnn Stevens, Senior Rulewriter
Rules Section
Office of Water 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 twelfth floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Room 1255, Indianapolis, Indiana. Comments also may 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 Office of Water Quality, Rules Section at (317) 233-8903. Please note that we are not able to take electronic (e-mail) submission of formal comments at this time.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by July 30, 2003.

Additional information regarding this rulemaking action may be obtained from MaryAnn Stevens, Rules Section, Office of Water Quality, (317) 232-8635 or (800) 451-6027 (in Indiana) or technical information concerning mercury may be obtained from Steve Roush, Industrial Permit Section, Office of Water Quality, (317) 232-8706 or (800) 451-6027 (in Indiana).

Tim Method
Deputy Commissioner
Indiana Department of Environmental Management

INDIANA FAMILY AND SOCIAL SERVICES ADMINISTRATION
Notice of Changes in Medicaid Transfer Penalty Provisions

Effective July 1, 2003, the Indiana Family and Social Services Administration (FSSA) Program Policy Manual for Cash Assistance, Food Stamps, and Health Coverage will be revised to reflect changes in the way FSSA calculates the Medicaid penalty for the transfer of assets for less than fair market value. The following revisions will be made:

(1) For transfers of income-producing real property on and after July 1, 2003, $6,000 of the equity value can be transferred without penalty if the property produces at least $360 a year in income. If a transfer is otherwise violative for real property that produces at least $360 per year in income, the uncompensated value is the equity over $6,000. If the property does not produce at least $360 per year in income, the entire equity is the uncompensated value. This change is consistent with federal law (42 U.S.C. 1396p(c), which specifies that the transfer penalty applies to resources that are considered non-exempt by the Supplemental Security Income (SSI) program. The SSI program exempts $6,000 of the value of income-producing property, if the property produces annual income that equals or exceeds 6% of the value of the property. In addition to the penalty for transferring the property, a penalty will also be imposed for the transfer of the income that the individual would have received if the property had not been transferred, as required by 405 IAC 2-3-1.1.

(2) Effective July 1, 2003, expenses for nursing home services that are incurred during a transfer penalty period will not be considered as allowable medical expenses in an individual's eligibility determination or in calculating an individual's nursing home liability in the post-eligibility calculation for transfer penalties that have ended.

(3) For transfers of assets for less than fair market value on and after July 1, 2003, the penalty period will begin in the month following the transfer, instead of the month of the transfer.

(4) Certain multiple transfers that take place on and after July 1, 2003, will be added together in calculating the penalty period. For multiple transfers that occur in consecutive months, the total cumulative value of the transfers will be considered one transfer for purposes of calculating the penalty. The penalty period will begin in the month following the last transfer.

The FSSA Program Policy Manual for Cash Assistance, Food Stamps, and Health Coverage is available online at http://www.in.gov/fssa/families/manual.html. The manual can be viewed at the local offices of the Division of Family and Children, or can be purchased by contacting the Bureau of Family Resources, Division of Family and Children at 317/232-4923.

OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

On May 28, 2002, the Marion Superior Court Order in Cause No. 49D05-0109-CP-1480 enjoining the Family and Social Services Administration from implementing LSA Document #01-22(F), published at 25 IR 60, was reversed by the Indiana Supreme Court in *Indiana Family and Social Services Administration et al. v. Walgreen Co.*, 769 N.E. 2d 158. The purpose of this notice is to update the history line and remove reference to this injunction, which is no longer in effect, from 405 IAC 5-24-4 and 405 IAC 5-24-6 (LSA Document #01-372), published at 25 IR 2726.

OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES
OFFICE OF MEDICAID POLICY AND PLANNING
PUBLIC NOTICE REGARDING CHANGES IN STATEWIDE METHODS AND STANDARDS FOR SETTING PAYMENT RATES FOR MEDICAL SCHOOL FACULTY PHYSICIANS

In accordance with the public notice requirements established at 42 CFR 447.205, the Indiana Family and Social Services Administration, Office of Medicaid Policy and Planning (OMPP), gives notice of changes to the methods and standards governing Medicaid reimbursement methodology for services provided by medical school faculty physicians.

The OMPP may adjust the RBRVS fee schedule as necessary to make Physician Faculty Access to Care Adjustments ("supplemental payments") for services provided by medical school faculty physicians to Medicaid recipients in order to maintain adequate access to primary and specialty physician services as required by 42 CFR 447.204. The office may make supplemental payments as follows: (1) subject to 42 CFR 447.10, supplemental payments will be made for services provided by full-time medical school faculty physicians, and (2) the supplemental payments will be made on a quarterly basis in an amount which when combined with other payments under the plan does not exceed the faculty physicians' usual and customary charges.

This payment methodology is expected to result in Medicaid program expenditures (both state and federal dollars) of approximately $39 million per state fiscal year.

Copies of the proposed state plan amendment and this public notice will be on file beginning June 1, 2003, and open for public inspection by contacting the Director of the local office of the Division of Family and Children, except in Marion County. The

inspection material will be maintained for viewing in Marion County at the Office of Medicaid Policy and Planning, 402 West Washington Street, Room W382, and will be available from 8:30 a.m. to 4:30 p.m., Monday through Friday. Written comments from any source regarding these changes should be sent to the Office of Medicaid Policy and Planning, 402 West Washington Street, Room W382, Indianapolis, IN 46204 to the attention of Pat Nolting. Written comments received will also be available for public review.

John Hamilton
Office of Family and Social Services

INDIANA FIRE AND BUILDING SERVICES DEPARTMENT

Title:	**Enforcement date of the 2003 Fire Code**
Identification Number:	**DFBS 01-2003**
Date Originally Adopted:	
Dates Revised:	**NA**
Other Policies Repealed or Amended:	**NA**
Brief Description of Subject Matter:	Policy on enforcement of effective date of 2003 Indiana Fire Code
Citations Affected:	**675 IAC 22-2.2, 675 IAC 22-2.3**

This nonrule policy statement has been adopted pursuant Indiana Code 4-22-7-7 and does not have the effect of law or represent a formal decision or final action of the Indiana Fire and Building Services Department. This nonrule policy statement interprets, supplements, or implements a statute or rule; or specifies a policy that the Indiana Department of Fire and Building Services relies upon to enforce a statute or rule, conduct an audit or investigation to determine compliance with a statute or rule, or impose a sanction for violation of a statute or rule. This nonrule policy statement shall be used in conjunction with applicable laws. It does not replace laws, and if it conflicts with these laws, the laws shall control. The Fire and Building Services Department may put a revision to this nonrule policy statement into effect once the revised nonrule policy statement is made available for public inspection and copying. The Department of Fire and Building Services will submit revisions to the Indiana Register for publication.

I. BACKGROUND

The 2003 Indiana Fire Code is based on the 2000 International Fire Code, a model code document. The 2000 International Fire Code was written to be adopted and enforced in conjunction with the 2000 International Building Code, the 2000 International Mechanical Code and the 2000 International Fuel Gas Code. In the code adoption process, the Fire Prevention and Building Safety Commission, the state entity that has the authority to adopt fire safety and building laws in Indiana, simultaneously adopted all four model codes, with amendments, so as to preserve the intended inter-relationship among them. Pursuant to Indiana law, rules adopted by the Commission become effective thirty (30) days after filing with the office of the Secretary of State. During the filing process for the 2003 Indiana Fire Code, 2003 Indiana Building Code, 2003 Indiana Mechanical Code and 2003 Indiana Fuel Gas Code, the 2003 Indiana Fire Code was filed with the office of the Secretary of State on April 17, 2003, and the 2003 Indiana Building Code, 2003 Indiana Mechanical Code and 2003 Indiana Fuel Gas Code were filed with the office of the Secretary of State on April 21, 2003. The filing process resulted in the 2003 Indiana Fire Code achieving an effective date of May 17, 2003, and the other 3 codes achieving an effective date of May 21, 2003.

II. POLICY

In order to maintain the necessary inter-relationship among the four codes, the Office of the State Fire Marshal and the Office of the State Building Commissioner have determined that they will adopt a policy of enforcing the 2003 Indiana Fire Code as though it achieved an effective date of May 21, 2003. The purpose of this policy is to ensure that the innumerable provisions of the 2003 Indiana Fire Code that are parallel or complementary to the provisions of the 2003 Indiana Building Code, the 2003 Indiana Mechanical Code and the 2003 Indiana Fuel Gas Code are appropriately enforced.

DEPARTMENT OF STATE REVENUE
Departmental Notice #2
June 1, 2003
Prepayment of Sales Tax on Gasoline

This document is not a "statement" required to be published in the Indiana Register under IC 4-22-7-7. However, under IC 6-2.5-7-14, the Department is required to publish the prepayment rate in the June and December issues of the Indiana Register. The purpose of this notice is to inform each refiner, terminal operator, and qualified distributor known to the Department to be required to collect prepayments of sales tax on gasoline of the "prepayment rate" effective for the next six-month period. A prepayment rate is calculated twice a year by the Department and is effective for the period January 1 through June 30, or, July 1 through December 31, as appropriate.

The prepayment rate is defined by IC 6-2.5-7-1 as the product of:

1) the statewide average retail price per gallon of gasoline (excluding the Indiana gasoline tax, the federal gasoline tax, and the Indiana gross retail tax); multiplied by

2) the state gross retail tax rate [6%]; multiplied by

3) ninety percent (90%); and then

4) rounded to the nearest one-tenth of one cent ($0.001)

The prepayment rate of sales tax on gasoline for the six – (6) month period beginning July 1, 2003, is six and six-tenths cents ($.066) per gallon.

Using the most recent retail price of gasoline available (as required by IC 6-2.5-7-14(b)), the Department has determined the statewide average retail price per gallon of gasoline to be one dollar and twenty-two and three tenths cents ($1.223). The most recent retail price of gasoline available was based on data contained in the May 2003 Petroleum Marketing Monthly as published by the Energy Information Agency.

The prepayment rates for periods beginning July 1, 1994 are set out below:

Period			Rate Per Gallon
July 1, 1994	to	December 31, 1994	2.9 cents
January 1, 1995	to	June 30, 1995	3.7 cents
July 1, 1995	to	December 31, 1995	3.3 cents
January 1, 1996	to	June 30, 1996	3.3 cents
July 1, 1996	to	December 31, 1996	3.4 cents
January 1, 1997	to	June 30, 1997	4.0 cents
July 1, 1997	to	December 31, 1997	3.9 cents
January 1, 1998	to	June 30, 1998	4.0 cents
July 1, 1998	to	December 31, 1998	2.9 cents
January 1, 1999	to	June 30, 1999	3.0 cents
July 1, 1999	to	December 31, 1999	2.4 cents
January 1, 2000	to	June 30, 2000	3.6 cents
July 1, 2000	to	December 31, 2000	4.6 cents
January 1, 2001	to	June 30, 2001	4.9 cents
July 1, 2001	to	December 31, 2001	4.9 cents
January 1, 2002	to	June 30, 2002	4.9 cents
July 1, 2002	to	December 31, 2002	3.2 cents
January 1, 2003	to	June 30, 2003	5.3 cents
July 1, 2003	to	December 31, 2003	6.6 cents

Indiana Department of State Revenue
Kenneth L. Miller
Commissioner

DEPARTMENT OF STATE REVENUE

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LETTER OF FINDINGS NUMBER: 97-0284
Adjusted Gross Income Tax
For Tax Years 1992 through 1994

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. Adjusted Gross Income Tax – Unitary (Combined) Filing Status

Authority: *Mobil Oil Corporation v. Commissioner of Taxes of Vermont*, 445 U.S. 425, 100 S.Ct. 1223 (1980); *Exxon Corp. v. Department of Revenue of Wisconsin*, 447 U.S. 207, 100 S.Ct. 2109 (1980); *ASARCO, Inc. v. Idaho State Tax Commission*, 458 U.S. 307, 102 S.Ct. 3103 (1982); *F.W. Woolworth v. Taxation and Revenue Department of New Mexico*, 458 U.S. 354, 102 S.Ct. 3128 (1982); *Allied-Signal, Inc. v. Director, Division of Taxation*, 504 U.S. 768, 112 S.Ct. 2251 (1992); 45 IAC 3.1-1-153(b), (c)

Taxpayer protests the Department's determination that taxpayer's subsidiary's distributive partnership share should have been classified as non-business income because the subsidiary did not enjoy a unitary relationship with a certain partnership in which it held a fifty percent (50%) partnership interest.

II. Adjusted Gross Income Tax – Net Operating Loss Deductions

Authority: Ind. Code § 6-3-2-2.6; 26 USCA § 172; Treasury Regulation Section 1.172-4(a)(3)

Taxpayer protests the Department's application of taxpayer's net operating losses for the tax year ending 1993.

STATEMENT OF FACTS

At the time of the audit, taxpayer was an out-of-state corporation principally engaged in the exploration for, and the production, transportation, and sale of crude oil and natural gas in the United States and foreign countries; and, the manufacture, purchase, transportation and marketing of petroleum and selected chemical products. For federal income tax purposes, taxpayer filed consolidated tax returns with its Parent and all of its wholly owned subsidiaries. Taxpayer's Parent acted as a holding company, and taxpayer acted as the operating parent.

For Indiana gross income and adjusted gross income tax purposes, taxpayer filed separate tax returns through tax year ending 1992. Beginning in tax year 1993, taxpayer began to file on a consolidated basis with its subsidiary (hereinafter, the "Subsidiary"). The Subsidiary was formed in 1989 for the purpose of holding a fifty percent (50%) interest in a partnership. The partnership was a refining and marketing joint-venture located in the Middle-West United States, which owned a refinery, product terminals, lubricant terminals, and a lube oil blending and packaging plant (hereinafter, the "Partnership"). The Subsidiary had no other sources of income other than its distributive share from its partnership interest.

The Department of Revenue conducted an audit for the years in question and determined that the Subsidiary did not enjoy a unitary relationship with the Partnership. As such, the Department determined that the Subsidiary's distributive share of partnership income should have been excluded from taxpayer's consolidated income and apportionment calculations and allocated to Indiana pursuant to 45 IAC 3.1-1-153(c).

Taxpayer declined to schedule an administrative hearing with the Department or send additional documentation in support of its argument. Therefore, the Department issues this Letter of Findings based on its best understanding of the facts as provided by the auditor and the taxpayer's original protest letter.

I. Adjusted Gross Income Tax – Unitary (Combined) Filing Status

DISCUSSION

Taxpayer argues that the Department erred in finding that taxpayer's Subsidiary did not enjoy a unitary relationship with the Partnership. The Department determined that the Subsidiary's corporate activities and the Partnership's activities did not constitute a unitary business under established standards because the Subsidiary was a holding company whose sole corporate activity was to hold a fifty percent (50%) interest in the Partnership.

45 IAC 3.1-1-153 specifically addresses the manner in which to treat a corporate partner with respect to partnership income. This regulation is also determinative of how to determine whether or not a unitary relationship exists. 45 IAC 3.1-1-153(b) reads in part that if a

> "corporate partner's activities and the partnership's activities constitute a unitary business under established standards, disregarding ownership requirements, the business income of the unitary business attributable to Indiana shall be determined by a three (3) factor formula consisting of property, payroll, and sales of the corporate partner and its share of the partnership's factors..."

(Alternatively, 45 IAC 3.1-1-153(c) sets forth the means by which one attributes partnership income in those situations where the corporate partner's activities and the partnership's activities *do not* demonstrate a unitary business relationship.) This section further indicates that to establish the existence of a unitary operation, the taxpayer must demonstrate that the relationship itself and the partnership meet the established characteristics of a unitary relationship.

The Supreme Court over the years has developed a three-part test in determining whether a unitary relationship exists: common ownership, common management, and common use or operation. *See, e.g., Mobil Oil Corporation v. Commissioner of Taxes of Vermont*, 445 U.S. 425, 100 S.Ct. 1223 (1980); *Exxon Corp. v. Department of Revenue of Wisconsin*, 447 U.S. 207, 100 S.Ct. 2109 (1980); *ASARCO, Inc. v. Idaho State Tax Commission*, 458 U.S. 307, 102 S.Ct. 3103 (1982); *F.W. Woolworth v. Taxation and Revenue Department of New Mexico*, 458 U.S. 354, 102 S.Ct. 3128 (1982); *Allied-Signal, Inc. v. Director, Division of Taxation*, 504 U.S. 768, 112 S.Ct. 2251 (1992). To establish a unitary relationship, taxpayer must demonstrate at the very least that a corporate partner has operational control of the partnership or that management of the partnership is centralized with management of the corporation.

Here, the information in taxpayer's file shows that during the audit period, the Subsidiary held a fifty percent (50%) interest in the Partnership. The Subsidiary's only corporate activity was holding the interest in the Partnership. The Subsidiary performed no administrative or management functions for the Partnership. Given the appearance of the Subsidiary's limited role in the operations of the Partnership, taxpayer would have to show that the Subsidiary was given an unusual amount of control from the other partners to prove that the Subsidiary and the Partnership enjoyed a unitary relationship. Taxpayer submitted no evidence evincing that such control was given to taxpayer by the other partners. As taxpayer has failed to meet the first prong of the three-part test, taxpayer has failed to establish that it enjoyed a unitary relationship with the Partnership.

FINDING

Taxpayer's protest is denied.

II. Adjusted Gross Income Tax – Net Operating Loss Deductions

DISCUSSION

During the audit period, taxpayer carried forward certain net operating losses (NOLs) to reduce (or eliminate) its reportable Indiana adjusted gross income. The auditor determined that taxpayer had misapplied its NOL deduction for tax year ending 1993.

The auditor further determined that the correct way to apply the NOL was to apply it first to taxpayer's positive Indiana allocated income for the tax year ending 1993, and then apply any residual amounts to the tax year ending 1994. Taxpayer protests the auditor's application.

Indiana treatment of net operating losses is governed by the provisions of the federal law concerning corporate net operating losses. IC 6-3-2-2.6. Pursuant to IC 6-3-2-2.6, Indiana allows a corporation or nonresident person to reduce their adjusted gross income tax with a deduction as allowed under the Internal Revenue Code (IRC) Section 172. Section 172 of the IRC states in part:

(a) Deduction Allowed -- There shall be allowed as a deduction for the taxable year an amount equal to the aggregate of (1) the net operating loss carryovers to such year, plus (2) the net operating loss carrybacks to such year. For purposes of this subtitle, the term "net operating loss deduction" means the deduction allowed by this subsection.

(b) Net Operating Loss Carrybacks and Carryovers—

(1) Years to Which Loss May Be Carried --

(A) General Rule - Except as otherwise provided in this paragraph, a net operating loss for any taxable year --

(i) shall be net operating loss carryback to each of the 3 taxable years preceding the taxable year of such loss, and

(ii) shall be net operating loss carryover to each of the 15 taxable years following the taxable year of the loss.

Treasury Regulation Section 1.172-4(a)(3) states that the loss carrybacks and carryovers "are considered to be applied in reduction of the taxable (or net) income in the order of the taxable years from which such losses are carried over or carried back, beginning with the loss for the earliest taxable year." In the instant case, the NOL should be carried back or forward to the applicable year and not applied to current income.

FINDING

Taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

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LETTER OF FINDINGS NUMBER: 98-0415
Individual Income Tax
For the Tax Period: 1994

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. Individual Income Tax – Farm Rental Income/Documentation

Authority: IC 6-3-1-3.5, IC 6-8.1-5-4, IC 6-8.1-5-1, I.R.C. §62

The Taxpayer protests the Department's disallowance of certain expenses pertaining to its farm rental income.

II. Individual Income Tax – Dividend Income/Documentation

Authority: IC 6-3-1-3.5, IC 6-8.1-5-4, IC 6-8.1-5-1, I.R.C. §61, I.R.C. §62

The Taxpayer protests the Department's inclusion of dividend income.

STATEMENT OF FACTS

An investigation was conducted by the Audit Division of the Indiana Department of Revenue. Taxpayer was assessed as a shareholder for adjustments made to two companies, which are wholly owned by Taxpayer. The investigation also found that Taxpayer's Farm Rental Income was underreported on his federal Schedule E (Supplemental Income or Loss) when certain expenses were disallowed on his federal Form 4835 (Farm Rental Income). More facts supplied as necessary.

I. Individual Income Tax – Farm Rental Income/Documentation

DISCUSSION

Taxpayer was assessed income tax on adjustments made to his Farm Rental Income. The assessment was based on Taxpayer's federal Schedule E (Supplemental Income and Loss) which included net farm rental income as computed on federal Form 4835. The Department disallowed certain expenses reported by Taxpayer on Form 4835 in computing the income.

The computation of Indiana Adjusted Gross Income for individuals begins with the definition provided in Section 62 of the Internal Revenue Code. IC 6-3-1-3.5. I.R.C. § 62 defines adjusted gross income to include gross income minus certain deductions, including "Deductions Attributable to Rents and Royalties", which are the only deductions relevant in this matter. I.R.C. § 62(a)(4) states:

Deductions Attributable to Rents and Royalties – The deductions allowed by part VI (sec. 161 and following), by section 212

(relating to expenses for production of income), and by section 611 (relating to depletion) which are attributable to property held for the production of rents and royalties.

The auditor disallowed various expenses because Taxpayer failed to demonstrate they were attributable to the farm rental income. IC 6-8.1-5-4 states

(a) Every person subject to a listed tax must keep books and records so that the department can determine the amount, if any, of the person's liability for that tax by reviewing those books and records. The records referred to in this subsection include all source documents necessary to determine the tax, including invoices, register tapes, receipts, and canceled checks.

Taxpayer claims that the auditor disallowed the expenses in error but does not provide any documentation to show otherwise. Pursuant to IC 6-8.1-5-1(b): "[t]he 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 proposes assessment is wrong rests with the person against whom the proposes assessment is made." Thus, Taxpayer's argument that the expenses were disallowed in error fails.

Taxpayer also claims that the expenses were disallowed during the investigation but were subsequently allowed in an audit for a different period. Taxpayer's argument is without merit. The facts and circumstances relating to each audit period are unique and viewed independently. Taxpayer has the burden of providing the documentation necessary to verify the expenses pursuant to IC 6-8.1-5-4.

FINDING

The Taxpayer's protest is respectfully denied.

II. Individual Income Tax – Dividend Income/Documentation

Taxpayer claims that certain dividend income which was added during the investigation is not income above that previously reported. Taxpayer was assessed Indiana Adjusted Gross Income Tax on underreported shareholder income received by Taxpayer. The underreported income was found when the Department audited two companies wholly owned by Taxpayer.

The computation of Indiana Adjusted Gross Income for individuals begins with the definition provided in Section 62 of the Internal Revenue Code. IC 6-3-1-3.5.. I.R.C. § 62 defines adjusted gross income to include gross income minus certain deductions, none of which are relevant in this matter. The definition of gross income includes dividends. I.R.C.§ 61.

IC 6-8.1-5-4 states

(b) Every person subject to a listed tax must keep books and records so that the department can determine the amount, if any, of the person's liability for that tax by reviewing those books and records. The records referred to in this subsection include all source documents necessary to determine the tax, including invoices, register tapes, receipts, and canceled checks.

Also, "[t]he 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 proposes assessment is wrong rests with the person against whom the proposes assessment is made." IC 6-8.1-5-1(b). Taxpayer provides no evidence whatsoever to show that assessment is in error.

FINDING

The Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

01990320.LOF

LETTER OF FINDINGS NUMBER: 99-0320
Adjusted Gross Income Tax
For Years 1996 and 1997

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 – Adequate Documentation

Authority: 45 IAC 15-5-4; IC § 6-8.1-5-1; IC § 6-8.1-5-4

Taxpayer protests the proposed assessments of Indiana's adjusted gross income tax.

STATEMENT OF FACTS

Taxpayer is an employee in a beauty salon. In the course of taxpayer's employment taxpayer received unreported tip income for the tax years at issue. A departmental audit assessed the taxpayer eight percent (8%) tip income subject to adjusted gross income tax that should have been reported by taxpayer. The taxpayer did not produce documents, only arguments. Taxpayer and her representative filed a protest, claiming the documents and/or taxpayer's position would be presented at the hearing. Taxpayer did not provide documentation after several written requests and after returning the file to the auditor.

I. Adjusted Gross Income Tax – Adequate Documentation

DISCUSSION

At hearing, taxpayer's representative protests the increase in income from services and the tips, arguing that the taxpayer's employer operates on a different model than the typical hair styling salon resulting in limited tip income. Taxpayer's representative states he has available for inspection, documents supporting his contention that the taxpayer did not earn tip income in the amount of eight percent (8%). Taxpayer's representative further states that the assessment is in error because the auditor treated each employee of the business exactly the same. Said records were not provided within the time period, nor has taxpayer provided any indications that said records will be produced.

This issue for decision is whether the taxpayer received unreported tip income during 1996 and 1997 in the amounts determined by the department. Tips are includable in gross income as compensation for services rendered under IRS Code Section 6053.

Taxpayer receives fifty percent (50%) of service receipts as wage income. The auditor doubled the wage income to arrive at service income and computed eight percent (8%) of the service income as tip income. In her 1996 and 1997 Federal and State income tax returns, taxpayer reported no tip income:

Taxpayer maintained no records from which her tip income could be determined. In the notice of deficiency, the auditor reconstructed the taxpayer's tip income by multiplying her gross sales by 8%, the percentage of tip income shown in Federal Code Sec.6053 (c)(3)(A)(i). The 8% rate is available only for the audit period.

Because the Taxpayer did not maintain any records of her tip income, the Department is authorized to compute taxpayer's tip income in accordance with a method that, in the auditor's opinion, clearly reflects such income. Taxpayer bears the burden of proving that the auditor's determination is erroneous. Taxpayer presented absolutely no evidence to refute the department's determination of her tip income.

To support its belief that the notice of deficiency is arbitrary, taxpayer has not provided additional evidence to refute the assessment. The department finds that the department's determination must be sustained.

Taxpayer was negligent in failing to maintain accurate records of her tip income as required by section 6001of the Internal Revenue Code, and she presented no evidence to justify her conduct.

Taxpayer does not cite any statute, regulation, or case law for the proposition that the auditor was required to accept taxpayer's assertions as to the nature of the transactions without any supporting documentation. Nor has taxpayer asserted any argument as to why the Department's assessment should be reduced or abated. Pursuant to the above statute and the requirements of IC § 6-8.1-5-1 and 45 IAC 15-5-4, taxpayer has failed to establish a basis for reversal of this assessment.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

01990321.LOF

LETTER OF FINDINGS NUMBER: 99-0321
Adjusted Gross Income Tax
For Years 1996 and 1997

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ISSUES

I. Adjusted Gross Income Tax – Adequate Documentation

Authority: 45 IAC 15-5-4; IC § 6-8.1-5-1; IC § 6-8.1-5-4

Taxpayer protests the proposed assessments of Indiana's adjusted gross income tax.

STATEMENT OF FACTS

Taxpayer is an employee in a beauty salon. In the course of taxpayer's employment taxpayer received unreported tip income for the tax years at issue. A departmental audit assessed the taxpayer eight percent (8%) tip income subject to adjusted gross income tax that should have been reported by taxpayer. The taxpayer did not produce documents, only arguments. Taxpayer and her representative filed protest, claiming the documents and/or taxpayer's position would be presented at the hearing. Taxpayer did not provide documentation after several written requests and after returning the file to the auditor.

I. Adjusted Gross Income Tax – Adequate Documentation

DISCUSSION

At hearing, taxpayer's representative protests the increase in income from services and the tips, arguing that the taxpayer's

employer operates on a different model than the typical hair styling salon resulting in limited tip income. Taxpayer's representative states he has available for inspection, documents supporting his contention that the taxpayer did not earn tip income in the amount of eight percent (8%). Taxpayer's representative further states that the assessment is in error because the auditor treated each employee of the business exactly the same. Said records were not provided within the time period, nor has taxpayer provided any indications that said records will be produced.

This issue for decision is whether the taxpayer received unreported tip income during 1996 and 1997 in the amounts determined by the department. Tips are includable in gross income as compensation for services rendered under IRS Code Section 6053.

Taxpayer receives fifty percent (50%) of service receipts as wage income. The auditor doubled the wage income to arrive at service income and computed eight percent (8%) of the service income as tip income. In her 1996 and 1997 Federal and State income tax returns, taxpayer reported no tip income:

Taxpayer maintained no records from which her tip income could be determined. In the notice of deficiency, the auditor reconstructed the taxpayer's tip income by multiplying her gross sales by 8%, the percentage of tip income shown in Federal Code Sec.6053 (c)(3)(A)(i). The 8% rate is available only for the audit period.

Because the Taxpayer did not maintain any records of her tip income, the Department is authorized to compute taxpayer's tip income in accordance with a method that, in the auditor's opinion, clearly reflects such income. Taxpayer bears the burden of proving that the auditor's determination is erroneous. Taxpayer presented absolutely no evidence to refute the department's determination of her tip income.

To support its belief that the notice of deficiency is arbitrary, taxpayer has not provided additional evidence to refute the assessment. The department finds that the department's determination must be sustained.

Taxpayer was negligent in failing to maintain accurate records of her tip income as required by section 6001of the Internal Revenue Code, and she presented no evidence to justify her conduct.

Taxpayer does not cite any statute, regulation, or case law for the proposition that the auditor was required to accept taxpayer's assertions as to the nature of the transactions without any supporting documentation. Nor has taxpayer asserted any argument as to why the Department's assessment should be reduced or abated. Pursuant to the above statute and the requirements of IC § 6-8.1-5-1 and 45 IAC 15-5-4, taxpayer has failed to establish a basis for reversal of this assessment.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

01990322.LOF

LETTER OF FINDINGS NUMBER: 99-0322
Adjusted Gross Income Tax
For Years 1996 and 1997

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ISSUES

I. Adjusted Gross Income Tax – Adequate Documentation

Authority: 45 IAC 15-5-4; IC § 6-8.1-5-1; IC § 6-8.1-5-4

Taxpayer protests the proposed assessments of Indiana's adjusted gross income tax.

STATEMENT OF FACTS

Taxpayer is an employee in a beauty salon. In the course of taxpayer's employment taxpayer received unreported tip income for the tax years at issue. A departmental audit assessed the taxpayer eight percent (8%) tip income subject to adjusted gross income tax that should have been reported by taxpayer. The taxpayer did not produce documents, only arguments. Taxpayer and her representative filed protest, claiming the documents and/or taxpayer's position would be presented at the hearing. Taxpayer did not provide documentation after several written requests and after returning the file to the auditor.

I. Adjusted Gross Income Tax – Adequate Documentation

DISCUSSION

At hearing, taxpayer's representative protests the increase in income from services and the tips, arguing that the taxpayer's employer operates on a different model than the typical hair styling salon resulting in limited tip income. Taxpayer's representative states he has available for inspection, documents supporting his contention that the taxpayer did not earn tip income in the amount of eight percent (8%). Taxpayer's representative further states that the assessment is in error because the auditor treated each

employee of the business exactly the same. Said records were not provided within the time period, nor has taxpayer provided any indications that said records will be produced.

This issue for decision is whether the taxpayer received unreported tip income during 1996 and 1997 in the amounts determined by the department. Tips are includable in gross income as compensation for services rendered under IRS Code Section 6053.

Taxpayer receives fifty percent (50%) of service receipts as wage income. The auditor doubled the wage income to arrive at service income and computed eight percent (8%) of the service income as tip income. In her 1996 and 1997 Federal and State income tax returns, taxpayer reported no tip income:

Taxpayer maintained no records from which her tip income could be determined. In the notice of deficiency, the auditor reconstructed the taxpayer's tip income by multiplying her gross sales by 8%, the percentage of tip income shown in Federal Code Sec.6053 (c)(3)(A)(i). The 8% rate is available only for the audit period.

Because the Taxpayer did not maintain any records of her tip income, the Department is authorized to compute taxpayer's tip income in accordance with a method that, in the auditor's opinion, clearly reflects such income. Taxpayer bears the burden of proving that the auditor's determination is erroneous. Taxpayer presented absolutely no evidence to refute the department's determination of her tip income.

To support its belief that the notice of deficiency is arbitrary, taxpayer has not provided additional evidence to refute the assessment. The department finds that the department's determination must be sustained.

Taxpayer was negligent in failing to maintain accurate records of her tip income as required by section 6001of the Internal Revenue Code, and she presented no evidence to justify her conduct.

Taxpayer does not cite any statute, regulation, or case law for the proposition that the auditor was required to accept taxpayer's assertions as to the nature of the transactions without any supporting documentation. Nor has taxpayer asserted any argument as to why the Department's assessment should be reduced or abated. Pursuant to the above statute and the requirements of IC § 6-8.1-5-1 and 45 IAC 15-5-4, taxpayer has failed to establish a basis for reversal of this assessment.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

01990323.LOF

LETTER OF FINDINGS NUMBER: 99-0323
Adjusted Gross Income Tax
For Years 1996 and 1997

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ISSUES

I. Adjusted Gross Income Tax – Adequate Documentation

Authority: 45 IAC 15-5-4; IC § 6-8.1-5-1; IC § 6-8.1-5-4

Taxpayer protests the proposed assessments of Indiana's adjusted gross income tax.

STATEMENT OF FACTS

Taxpayer is an employee in a beauty salon. In the course of taxpayer's employment taxpayer received unreported tip income for the tax years at issue. A departmental audit assessed the taxpayer eight percent (8%) tip income subject to adjusted gross income tax that should have been reported by taxpayer. The taxpayer did not produce documents, only arguments. Taxpayer and her representative filed protest, claiming the documents and/or taxpayer's position would be presented at the hearing. Taxpayer did not provide documentation after several written requests and after returning the file to the auditor.

I. Adjusted Gross Income Tax – Adequate Documentation

DISCUSSION

At hearing, taxpayer's representative protests the increase in income from services and the tips, arguing that the taxpayer's employer operates on a different model than the typical hair styling salon resulting in limited tip income. Taxpayer's representative states he has available for inspection, documents supporting his contention that the taxpayer did not earn tip income in the amount of eight percent (8%). Taxpayer's representative further states that the assessment is in error because the auditor treated each employee of the business exactly the same. Said records were not provided within the time period, nor has taxpayer provided any indications that said records will be produced.

This issue for decision is whether the taxpayer received unreported tip income during 1996 and 1997 in the amounts determined by the department. Tips are includable in gross income as compensation for services rendered under IRS Code Section 6053.

Taxpayer receives fifty percent (50%) of service receipts as wage income. The auditor doubled the wage income to arrive at service income and computed eight percent (8%) of the service income as tip income. In her 1996 and 1997 Federal and State income tax returns, taxpayer reported no tip income:

Taxpayer maintained no records from which her tip income could be determined. In the notice of deficiency, the auditor reconstructed the taxpayer's tip income by multiplying her gross sales by 8%, the percentage of tip income shown in Federal Code Sec.6053 (c)(3)(A)(i). The 8% rate is available only for the audit period.

Because the Taxpayer did not maintain any records of her tip income, the Department is authorized to compute taxpayer's tip income in accordance with a method that, in the auditor's opinion, clearly reflects such income. Taxpayer bears the burden of proving that the auditor's determination is erroneous. Taxpayer presented absolutely no evidence to refute the department's determination of her tip income.

To support its belief that the notice of deficiency is arbitrary, taxpayer has not provided additional evidence to refute the assessment. The department finds that the department's determination must be sustained.

Taxpayer was negligent in failing to maintain accurate records of her tip income as required by section 6001of the Internal Revenue Code, and she presented no evidence to justify her conduct.

Taxpayer does not cite any statute, regulation, or case law for the proposition that the auditor was required to accept taxpayer's assertions as to the nature of the transactions without any supporting documentation. Nor has taxpayer asserted any argument as to why the Department's assessment should be reduced or abated. Pursuant to the above statute and the requirements of IC § 6-8.1-5-1 and 45 IAC 15-5-4, taxpayer has failed to establish a basis for reversal of this assessment.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

01990324.LOF

LETTER OF FINDINGS NUMBER: 99-0324
Adjusted Gross Income Tax
For Years 1996 and 1997

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ISSUES

I. Adjusted Gross Income Tax – Adequate Documentation

Authority: 45 IAC 15-5-4; IC § 6-8.1-5-1; IC § 6-8.1-5-4

Taxpayer protests the proposed assessments of Indiana's 0adjusted gross income tax.

STATEMENT OF FACTS

Taxpayer is an employed owner of a beauty salon. In the course of taxpayer's employment taxpayer received unreported tip income for the tax years at issue. A departmental audit assessed the taxpayer eight percent (8%) tip income subject to adjusted gross income tax that should have been reported by taxpayer because the taxpayer had no tip diaries, no appointment books, computer lists, or other information to document tips. Taxpayer and her representatives filed protest, claiming the documents and/or taxpayer's position would be presented at the hearing. Taxpayer did not provide documentation after several written requests and after returning the file to the auditor.

I. Adjusted Gross Income Tax – Adequate Documentation

DISCUSSION

At hearing, taxpayer's representative protests the increase in income from services and the tips, arguing that the taxpayer operates on a different model than the typical hair styling salon resulting in limited tip income. Taxpayer's representative states he has available for inspection, documents supporting his contention that the taxpayer did not earn tip income in the amount of eight percent (8%). Taxpayer's representative further states that the assessment is in error because the auditor treated each employee of the business exactly the same. Said records were not provided within the time period, nor has taxpayer provided any indications that said records will be produced.

This issue for decision is whether the taxpayer received unreported tip income during 1996 and 1997 in the amounts determined by the department. Tips are includable in gross income as compensation for services rendered under IRS Code Section 6053.

Taxpayer receives fifty percent (50%) of service receipts as wage income. The auditor doubled the wage income to arrive at service income and computed eight percent (8%) of the service income as tip income. In her 1996 and 1997 Federal and State income tax returns, taxpayer reported no tip income.

Taxpayer maintained no records from which her tip income could be determined. In the notice of deficiency, the auditor reconstructed the taxpayer's tip income by multiplying her gross sales by 8%, the percentage of tip income shown in Federal Code Sec.6053 (c)(3)(A)(i). The 8% rate is available only for the audit period.

Because the Taxpayer did not maintain any records of her tip income, the Department is authorized to compute taxpayer's tip income in accordance with a method that, in the auditor's opinion, clearly reflects such income. Taxpayer bears the burden of proving that the auditor's determination is erroneous. Taxpayer presented absolutely no evidence to refute the department's determination of her tip income.

To support its belief that the notice of deficiency is arbitrary, taxpayer has not provided additional evidence to refute the assessment. The department finds that the department's determination must be sustained.

Taxpayer was negligent in failing to maintain accurate records of her tip income as required by section 6001of the Internal Revenue Code, and she presented no evidence to justify her conduct.

Taxpayer does not cite any statute, regulation, or case law for the proposition that the auditor was required to accept taxpayer's assertions as to the nature of the transactions without any supporting documentation. Nor has taxpayer asserted any argument as to why the Department's assessment should be reduced or abated. Pursuant to the above statute and the requirements of IC § 6-8.1-5-1 and 45 IAC 15-5-4, taxpayer has failed to establish a basis for reversal of this assessment.

However, the Hearing Officer found that the auditor also assessed tax on 8% tip income from unreported services that was generated from services performed by other hair stylists in the amount of $16,756.91 and $16,842.81 in 1996 and 1997 respectively. The service income, however, had already been included and taxed for each individual. The tips on the amount listed above are to be removed from the assessment.

FINDING

Taxpayer's protest is partially sustained and partially denied.

DEPARTMENT OF STATE REVENUE

01990325.LOF

LETTER OF FINDINGS NUMBER: 99-0325
Adjusted Gross Income Tax
For Years 1996 and 1997

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ISSUES

I. Adjusted Gross Income Tax – Adequate Documentation

Authority: 45 IAC 15-5-4; IC § 6-8.1-5-1; IC § 6-8.1-5-4

Taxpayer protests the proposed assessments of Indiana's adjusted gross income tax.

STATEMENT OF FACTS

Taxpayer is an employee in a beauty salon. In the course of taxpayer's employment taxpayer received unreported tip income for the tax years at issue. A departmental audit assessed the taxpayer eight percent (8%) tip income subject to adjusted gross income tax that should have been reported by taxpayer. The taxpayer did not produce documents, only arguments. Taxpayer and his representative filed a protest, claiming the documents and/or taxpayer's position would be presented at the hearing. Taxpayer did not provide documentation after several written requests and after returning the file to the auditor.

I. Adjusted Gross Income Tax – Adequate Documentation

DISCUSSION

At hearing, taxpayer's representative protests the increase in income from services and the tips, arguing that the taxpayer's employer operates on a different model than the typical hair styling salon resulting in limited tip income. Taxpayer states he has available for inspection, documents supporting his contention that the taxpayer did not earn tip income in the amount of eight percent (8%). Taxpayer's representative further states that the assessment is in error because the auditor treated each employee of the business exactly the same. Said records were not provided within the time period, nor has taxpayer provided any indications that said records will be produced.

This issue for decision is whether the taxpayer received unreported tip income during 1996 and 1997 in the amounts determined by the department. Tips are includable in gross income as compensation for services rendered under IRS Code Section 6053.

Taxpayer maintained no records from which her tip income could be determined. In the notice of deficiency, the auditor reconstructed the taxpayer's tip income by multiplying her gross sales by 8%, the percentage of tip income shown in Federal Code Sec.6053 (c)(3)(A)(i). The 8% rate is available only for the audit period.

Because the Taxpayer did not maintain any records of her tip income, the Department is authorized to compute taxpayer's tip income in accordance with a method that, in the auditor's opinion, clearly reflects such income. Taxpayer bears the burden of proving that the auditor's determination is erroneous. Taxpayer presented a copy of the Federal Tax Returns indicating the taxpayer reported $1,473 and $1,109 in tips in 1996 and 1997 respectively. No other evidence to refute the department's determination of her tip income was provided.

The department finds that the department's determination must be sustained for the balance of tips not reported.

Taxpayer was negligent in failing to maintain accurate records of her tip income as required by section 6001of the Internal Revenue Code, and she presented no evidence to justify her conduct.

Taxpayer does not cite any statute, regulation, or case law for the proposition that the auditor was required to accept taxpayer's assertions as to the nature of the transactions without any supporting documentation. Taxpayer has, however, produced into evidence the filing of the Federal Income Tax Returns that indicate a partial filing of tip income. The Department will adjust the tip income by $1,473 and $1,109 for 1996 and 1997 respectively. Pursuant to the above statute and the requirements of IC § 6-8.1-5-1 and 45 IAC 15-5-4, taxpayer has failed to establish a basis for reversal of the balance of the assessment.

FINDING

Taxpayer's protest is partially denied.

DEPARTMENT OF STATE REVENUE

01990332.LOF

LETTER OF FINDINGS NUMBER: 99-0332
Adjusted Gross Income Tax
For Years 1996 and 1997

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ISSUES

I. Adjusted Gross Income Tax – Adequate Documentation

Authority: 45 IAC 15-5-4; IC § 6-8.1-5-1; IC § 6-8.1-5-4

Taxpayer protests the proposed assessments of Indiana's adjusted gross income tax.

STATEMENT OF FACTS

Taxpayer is an employee in a beauty salon. In the course of taxpayer's employment taxpayer received unreported tip income for the tax years at issue. A departmental audit assessed the taxpayer eight percent (8%) tip income subject to adjusted gross income tax that should have been reported by taxpayer. The taxpayer did not produce documents, only arguments. Taxpayer and her representative filed protest, claiming the documents and/or taxpayer's position would be presented at the hearing. Taxpayer did not provide documentation after several written requests and after returning the file to the auditor.

I. Adjusted Gross Income Tax – Adequate Documentation

DISCUSSION

At hearing, taxpayer's representative protests the increase in income from services and the tips, arguing that the taxpayer's employer operates on a different model than the typical hair styling salon resulting in limited tip income. Taxpayer's representative states he has available for inspection, documents supporting his contention that the taxpayer did not earn tip income in the amount of eight percent (8%). Taxpayer's representative further states that the assessment is in error because the auditor treated each employee of the business exactly the same. Said records were not provided within the time period, nor has taxpayer provided any indications that said records will be produced.

This issue for decision is whether the taxpayer received unreported tip income during 1996 and 1997 in the amounts determined by the department. Tips are includable in gross income as compensation for services rendered under IRS Code Section 6053.

Taxpayer receives fifty percent (50%) of service receipts as wage income. The auditor doubled the wage income to arrive at service income and computed eight percent (8%) of the service income as tip income. In her 1996 and 1997 Federal and State income tax returns, taxpayer reported no tip income:

Taxpayer maintained no records from which her tip income could be determined. In the notice of deficiency, the auditor reconstructed the taxpayer's tip income by multiplying her gross sales by 8%, the percentage of tip income shown in Federal Code Sec.6053 (c)(3)(A)(i). The 8% rate is available only for the audit period.

Because the Taxpayer did not maintain any records of her tip income, the Department is authorized to compute taxpayer's tip income in accordance with a method that, in the auditor's opinion, clearly reflects such income. Taxpayer bears the burden of

proving that the auditor's determination is erroneous. Taxpayer presented absolutely no evidence to refute the department's determination of her tip income.

To support its belief that the notice of deficiency is arbitrary, taxpayer has not provided additional evidence to refute the assessment. The department finds that the department's determination must be sustained.

Taxpayer was negligent in failing to maintain accurate records of her tip income as required by section 6001of the Internal Revenue Code, and she presented no evidence to justify her conduct.

Taxpayer does not cite any statute, regulation, or case law for the proposition that the auditor was required to accept taxpayer's assertions as to the nature of the transactions without any supporting documentation. Nor has taxpayer asserted any argument as to why the Department's assessment should be reduced or abated. Pursuant to the above statute and the requirements of IC § 6-8.1-5-1 and 45 IAC 15-5-4, taxpayer has failed to establish a basis for reversal of this assessment.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

01990348.LOF

LETTER OF FINDINGS NUMBER: 99-0348
Adjusted Gross Income Tax
For Years 1996 and 1997

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ISSUES

I. Adjusted Gross Income Tax – Adequate Documentation

Authority: 45 IAC 15-5-4; IC § 6-8.1-5-1; IC § 6-8.1-5-4

Taxpayer protests the proposed assessments of Indiana's adjusted gross income tax.

STATEMENT OF FACTS

Taxpayer is an employee in a beauty salon. In the course of taxpayer's employment taxpayer received unreported tip income for the tax years at issue. A departmental audit assessed the taxpayer eight percent (8%) tip income subject to adjusted gross income tax that should have been reported by taxpayer. The taxpayer did not produce documents, only arguments. Taxpayer and her representative filed protest, claiming the documents and/or taxpayer's position would be presented at the hearing. Taxpayer did not provide documentation after several written requests and after returning the file to the auditor.

I. Adjusted Gross Income Tax – Adequate Documentation

DISCUSSION

At hearing, taxpayer's representative protests the increase in income from services and the tips, arguing that the taxpayer's employer operates on a different model than the typical hair styling salon resulting in limited tip income. Taxpayer's representative states he has available for inspection, documents supporting his contention that the taxpayer did not earn tip income in the amount of eight percent (8%). Taxpayer's representative further states that the assessment is in error because the auditor treated each employee of the business exactly the same. Said records were not provided within the time period, nor has taxpayer provided any indications that said records will be produced.

This issue for decision is whether the taxpayer received unreported tip income during 1996 and 1997 in the amounts determined by the department. Tips are includable in gross income as compensation for services rendered under IRS Code Section 6053.

Taxpayer receives fifty percent (50%) of service receipts as wage income. The auditor doubled the wage income to arrive at service income and computed eight percent (8%) of the service income as tip income. In her 1996 and 1997 Federal and State income tax returns, taxpayer reported no tip income:

Taxpayer maintained no records from which her tip income could be determined. In the notice of deficiency, the auditor reconstructed the taxpayer's tip income by multiplying her gross sales by 8%, the percentage of tip income shown in Federal Code Sec.6053 (c)(3)(A)(i). The 8% rate is available only for the audit period.

Because the Taxpayer did not maintain any records of her tip income, the Department is authorized to compute taxpayer's tip income in accordance with a method that, in the auditor's opinion, clearly reflects such income. Taxpayer bears the burden of proving that the auditor's determination is erroneous. Taxpayer presented absolutely no evidence to refute the department's determination of her tip income.

To support its belief that the notice of deficiency is arbitrary, taxpayer has not provided additional evidence to refute the assessment. The department finds that the department's determination must be sustained.

Taxpayer was negligent in failing to maintain accurate records of her tip income as required by section 6001of the Internal Revenue Code, and she presented no evidence to justify her conduct.

Taxpayer does not cite any statute, regulation, or case law for the proposition that the auditor was required to accept taxpayer's assertions as to the nature of the transactions without any supporting documentation. Nor has taxpayer asserted any argument as to why the Department's assessment should be reduced or abated. Pursuant to the above statute and the requirements of IC § 6-8.1-5-1 and 45 IAC 15-5-4, taxpayer has failed to establish a basis for reversal of this assessment.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

01990349.LOF

LETTER OF FINDINGS NUMBER: 99-0349
Adjusted Gross Income Tax
For Years 1996 and 1997

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 – Adequate Documentation

Authority: 45 IAC 15-5-4; IC § 6-8.1-5-1; IC § 6-8.1-5-4

Taxpayer protests the proposed assessments of Indiana's adjusted gross income tax.

STATEMENT OF FACTS

Taxpayer is an employee in a beauty salon. In the course of taxpayer's employment taxpayer received unreported tip income for the tax years at issue. A departmental audit assessed the taxpayer eight percent (8%) tip income subject to adjusted gross income tax that should have been reported by taxpayer. The taxpayer did not produce documents, only arguments. Taxpayer and her representative filed protest, claiming the documents and/or taxpayer's position would be presented at the hearing. Taxpayer did not provide documentation after several written requests and after returning the file to the auditor.

I. Adjusted Gross Income Tax – Adequate Documentation

DISCUSSION

At hearing, taxpayer's representative protests the increase in income from services and the tips, arguing that the taxpayer's employer operates on a different model than the typical hair styling salon resulting in limited tip income. Taxpayer's representative states he has available for inspection, documents supporting his contention that the taxpayer did not earn tip income in the amount of eight percent (8%). Taxpayer's representative further states that the assessment is in error because the auditor treated each employee of the business exactly the same. Said records were not provided within the time period, nor has taxpayer provided any indications that said records will be produced.

This issue for decision is whether the taxpayer received unreported tip income during 1996 and 1997 in the amounts determined by the department. Tips are includable in gross income as compensation for services rendered under IRS Code Section 6053.

Taxpayer receives fifty percent (50%) of service receipts as wage income. The auditor doubled the wage income to arrive at service income and computed eight percent (8%) of the service income as tip income. In her 1996 and 1997 Federal and State income tax returns, taxpayer reported no tip income:

Taxpayer maintained no records from which her tip income could be determined. In the notice of deficiency, the auditor reconstructed the taxpayer's tip income by multiplying her gross sales by 8%, the percentage of tip income shown in Federal Code Sec.6053 (c)(3)(A)(i). The 8% rate is available only for the audit period.

Because the Taxpayer did not maintain any records of her tip income, the Department is authorized to compute taxpayer's tip income in accordance with a method that, in the auditor's opinion, clearly reflects such income. Taxpayer bears the burden of proving that the auditor's determination is erroneous. Taxpayer presented absolutely no evidence to refute the department's determination of her tip income.

To support its belief that the notice of deficiency is arbitrary, taxpayer has not provided additional evidence to refute the assessment. The department finds that the department's determination must be sustained.

Taxpayer was negligent in failing to maintain accurate records of her tip income as required by section 6001of the Internal Revenue Code, and she presented no evidence to justify her conduct.

Taxpayer does not cite any statute, regulation, or case law for the proposition that the auditor was required to accept taxpayer's

assertions as to the nature of the transactions without any supporting documentation. Nor has taxpayer asserted any argument as to why the Department's assessment should be reduced or abated. Pursuant to the above statute and the requirements of IC § 6-8.1-5-1 and 45 IAC 15-5-4, taxpayer has failed to establish a basis for reversal of this assessment.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

01990353.LOF

LETTER OF FINDINGS NUMBER: 99-0353
Adjusted Gross Income Tax
For Years 1996 and 1997

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 – Adequate Documentation

Authority: 45 IAC 15-5-4; IC § 6-8.1-5-1; IC § 6-8.1-5-4

Taxpayer protests the proposed assessments of Indiana's adjusted gross income tax.

STATEMENT OF FACTS

Taxpayer is an employee in a beauty salon. In the course of taxpayer's employment taxpayer received unreported tip income for the tax years at issue. A departmental audit assessed the taxpayer eight percent (8%) tip income subject to adjusted gross income tax that should have been reported by taxpayer. The taxpayer did not produce documents, only arguments. Taxpayer and her representative filed protest, claiming the documents and/or taxpayer's position would be presented at the hearing. Taxpayer did not provide documentation after several written requests and after returning the file to the auditor.

I. Adjusted Gross Income Tax – Adequate Documentation

DISCUSSION

At hearing, taxpayer's representative protests the increase in income from services and the tips, arguing that the taxpayer's employer operates on a different model than the typical hair styling salon resulting in limited tip income. Taxpayer's representative states he has available for inspection, documents supporting his contention that the taxpayer did not earn tip income in the amount of eight percent (8%). Taxpayer's representative further states that the assessment is in error because the auditor treated each employee of the business exactly the same. Said records were not provided within the time period, nor has taxpayer provided any indications that said records will be produced.

This issue for decision is whether the taxpayer received unreported tip income during 1996 and 1997 in the amounts determined by the department. Tips are includable in gross income as compensation for services rendered under IRS Code Section 6053.

Taxpayer receives fifty percent (50%) of service receipts as wage income. The auditor doubled the wage income to arrive at service income and computed eight percent (8%) of the service income as tip income. In her 1996 and 1997 Federal and State income tax returns, taxpayer reported no tip income:

Taxpayer maintained no records from which her tip income could be determined. In the notice of deficiency, the auditor reconstructed the taxpayer's tip income by multiplying her gross sales by 8%, the percentage of tip income shown in Federal Code Sec.6053 (c)(3)(A)(i). The 8% rate is available only for the audit period.

Because the Taxpayer did not maintain any records of her tip income, the Department is authorized to compute taxpayer's tip income in accordance with a method that, in the auditor's opinion, clearly reflects such income. Taxpayer bears the burden of proving that the auditor's determination is erroneous. Taxpayer presented absolutely no evidence to refute the department's determination of her tip income.

To support its belief that the notice of deficiency is arbitrary, taxpayer has not provided additional evidence to refute the assessment. The department finds that the department's determination must be sustained.

Taxpayer was negligent in failing to maintain accurate records of her tip income as required by section 6001of the Internal Revenue Code, and she presented no evidence to justify her conduct.

Taxpayer does not cite any statute, regulation, or case law for the proposition that the auditor was required to accept taxpayer's assertions as to the nature of the transactions without any supporting documentation. Nor has taxpayer asserted any argument as to why the Department's assessment should be reduced or abated. Pursuant to the above statute and the requirements of IC § 6-8.1-5-1 and 45 IAC 15-5-4, taxpayer has failed to establish a basis for reversal of this assessment.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

01990596.LOF

LETTER OF FINDINGS NUMBER: 99-0596
Adjusted Gross Income Tax
For the Tax Periods: 1995, 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

I. Adjusted Gross Income Tax – Distributive Shares

Authority: IC 6-3-2-1, IC 6-3-2-2, 45 IAC 3.1-1-62

The Taxpayer protests the assessment of adjusted gross income tax on distributive shares.

STATEMENT OF FACTS

Taxpayer was assessed Indiana adjusted gross income tax on distributive shares from a Subchapter-S corporation after the company failed to file Indiana IT-20S returns or Withholding Forms WH-18 for the years of 1994 through 1996. The corporation processed ferrous metals primarily for use in the steel and automotive industries. Taxpayer's Indiana operation broke up iron runoff scrap from steel mills. More facts will be supplied as necessary.

I. Adjusted Gross Income Tax – Distributive Shares

DISCUSSION

Taxpayer was assessed Indiana adjusted gross income tax on distributive shares from a Subchapter-S corporation. Taxpayer does not agree with the apportionment of income calculations using the three-factor formula. Taxpayer states that the corporation uses separate accounting for each operating location and maintains separate books.

A tax is imposed on the adjusted gross income of corporations which is derived from sources within Indiana. IC 6-3-2-1. Also, IC 6-3-2-2(b) states in relevant part:

> Except as provided in subsection (*l*), if business income of a corporation or nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, then the income derived from sources within this state shall be determined by multiplying the business income derived from sources both within and without the state of Indiana by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three (3).

Taxpayer argues that the three-factor apportionment does not fairly represent Taxpayer's income from Indiana sources. Taxpayer states that separate books of accounting were kept for all of their business locations. Taxpayer provided a review of the separate accounting of the Indiana operations showing a loss for 1994. Taxpayer states that IC 6-3-2-2(l) provides for such a situation. IC 6-3-2-2(l) states:

> If 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 taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable:
>
> (1) separate accounting;
>
> (2) the exclusion of any one (1) or more of the factors'
>
> (3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources with the state of Indiana; or
>
> (4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

However, 45 IAC 3.1-1-62 clarifies IC 6-3-2-2(l), it states:

> Special Formulas for Division of Income. All corporations doing business in more than one state shall use the allocation and apportionment provisions described in Regulations 6-3-2-2(b)-(k) *[45 IAC 3.1-1-37- 45 IAC 3.1-1-61]* unless such provisions do not result in a division of income which fairly represents the taxpayer's income for Indiana sources. In such case the taxpayer must request in writing or the Department may require the use of a more equitable formula for determining Indiana income. (*Emphasis added).* However, the Department will depart from use of the standard formula only if the use of such formula works a hardship or injustice upon the taxpayer, which results in an arbitrary division of income, or in other respects does not fairly attribute income to this state or other states. It is anticipated that these situations will arise only in limited and unusual circumstances (which ordinarily will be unique and nonrecurring) when the standard apportionment provisions produce incongruous results.

Taxpayer states that 45 IAC 3.1-1-62 provides an opportunity for Taxpayer to present an alternative to the apportionment method if the apportionment method does not fairly represent Taxpayer's Indiana operations. They state the use of a more equitable formula is appropriate since the imposition of a tax upon Taxpayer who incurs a loss from Indiana operations before applying any

selling and administrative expenses creates a hardship upon Taxpayer by assessing an income tax on operations that generated no economic benefit. Taxpayer states that the three-factor apportionment does result in an arbitrary division of income when the Department ignores the true results of the Indiana operations represented by separate accounting records.

Nevertheless, both IC 6-3-2-2 and 45 IAC 3.1-1-62 make clear that Taxpayer must request in writing for a different apportionment method and, it will be allowed ordinarily only in unique and nonrecurring circumstances. Taxpayer has not provided any documentation demonstrating that the Department approved any deviation from the standard formula of apportionment. Furthermore, Taxpayer has not provided a compelling reason to deviate from the apportionment formula. Taxpayer only requested the special apportionment method after he was assessed as a result of not filing tax returns. Consequently, Taxpayer was properly assessed for the periods in question.

FINDING

Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

01990606.LOF

LETTER OF FINDINGS NUMBER: 99-0606
Adjusted Gross Income Tax
For the Tax Periods: 1995, 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

I. Adjusted Gross Income Tax – Distributive Shares

Authority: IC 6-3-2-1, IC 6-3-2-2, 45 IAC 3.1-1-62

The Taxpayer protests the assessment of adjusted gross income tax on distributive shares.

STATEMENT OF FACTS

Taxpayer was assessed Indiana adjusted gross income tax on distributive shares from a Subchapter-S corporation after the company failed to file Indiana IT-20S returns or Withholding Forms WH-18 for the years of 1994 through 1996. The corporation processed ferrous metals primarily for use in the steel and automotive industries. Taxpayer's Indiana operation broke up iron runoff scrap from steel mills. More facts will be supplied as necessary.

I. Adjusted Gross Income Tax – Distributive Shares

DISCUSSION

Taxpayer was assessed Indiana adjusted gross income tax on distributive shares from a Subchapter-S corporation. Taxpayer does not agree with the apportionment of income calculations using the three-factor formula. Taxpayer states that the corporation uses separate accounting for each operating location and maintains separate books.

A tax is imposed on the adjusted gross income of corporations which is derived from sources within Indiana. IC 6-3-2-1. Also, IC 6-3-2-2(b) states in relevant part:

> Except as provided in subsection (*l*), if business income of a corporation or nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, then the income derived from sources within this state shall be determined by multiplying the business income derived from sources both within and without the state of Indiana by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three (3).

Taxpayer argues that the three-factor apportionment does not fairly represent Taxpayer's income from Indiana sources. Taxpayer states that separate books of accounting were kept for all of their business locations. Taxpayer provided a review of the separate accounting of the Indiana operations showing a loss for 1994. Taxpayer states that IC 6-3-2-2(l) provides for such a situation. IC 6-3-2-2(l) states:

> If 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 taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable:
>
> (1) separate accounting;
>
> (2) the exclusion of any one (1) or more of the factors'
>
> (3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources with the state of Indiana; or
>
> (4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

However, 45 IAC 3.1-1-62 clarifies IC 6-3-2-2(l), it states:

Special Formulas for Division of Income. All corporations doing business in more than one state shall use the allocation and apportionment provisions described in Regulations 6-3-2-2(b)-(k) *[45 IAC 3.1-1-37- 45 IAC 3.1-1-61]* unless such provisions do not result in a division of income which fairly represents the taxpayer's income for Indiana sources. In such case the taxpayer must request in writing or the Department may require the use of a more equitable formula for determining Indiana income. (*Emphasis added).* However, the Department will depart from use of the standard formula only if the use of such formula works a hardship or injustice upon the taxpayer, which results in an arbitrary division of income, or in other respects does not fairly attribute income to this state or other states. It is anticipated that these situations will arise only in limited and unusual circumstances (which ordinarily will be unique and nonrecurring) when the standard apportionment provisions produce incongruous results.

Taxpayer states that 45 IAC 3.1-1-62 provides an opportunity for Taxpayer to present an alternative to the apportionment method if the apportionment method does not fairly represent Taxpayer's Indiana operations. They state the use of a more equitable formula is appropriate since the imposition of a tax upon Taxpayer who incurs a loss from Indiana operations before applying any selling and administrative expenses creates a hardship upon Taxpayer by assessing an income tax on operations that generated no economic benefit. Taxpayer states that the three-factor apportionment does result in an arbitrary division of income when the Department ignores the true results of the Indiana operations represented by separate accounting records.

Nevertheless, both IC 6-3-2-2 and 45 IAC 3.1-1-62 make clear that Taxpayer must request in writing for a different apportionment method and, it will be allowed ordinarily only in unique and nonrecurring circumstances. Taxpayer has not provided any documentation demonstrating that the Department approved any deviation from the standard formula of apportionment. Furthermore, Taxpayer has not provided a compelling reason to deviate from the apportionment formula. Taxpayer only requested the special apportionment method after he was assessed as a result of not filing tax returns. Consequently, Taxpayer was properly assessed for the periods in question.

FINDING

Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0120000066.LOF

LETTER OF FINDINGS NUMBER: 00-0066
Adjusted Gross Income Tax
For the Tax Periods: 1995, 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

I. Adjusted Gross Income Tax – Distributive Shares

Authority: IC 6-3-2-1, IC 6-3-2-2, 45 IAC 3.1-1-62

The Taxpayer protests the assessment of adjusted gross income tax on distributive shares.

STATEMENT OF FACTS

Taxpayer was assessed Indiana adjusted gross income tax on distributive shares from a Subchapter-S corporation after the company failed to file Indiana IT-20S returns or Withholding Forms WH-18 for the years of 1994 through 1996. The corporation processed ferrous metals primarily for use in the steel and automotive industries. Taxpayer's Indiana operation broke up iron runoff scrap from steel mills. More facts will be supplied as necessary.

I. Adjusted Gross Income Tax – Distributive Shares

DISCUSSION

Taxpayer was assessed Indiana adjusted gross income tax on distributive shares from a Subchapter-S corporation. Taxpayer does not agree with the apportionment of income calculations using the three-factor formula. Taxpayer states that the corporation uses separate accounting for each operating location and maintains separate books.

A tax is imposed on the adjusted gross income of corporations which is derived from sources within Indiana. IC 6-3-2-1. Also, IC 6-3-2-2(b) states in relevant part:

Except as provided in subsection (*l*), if business income of a corporation or nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, then the income derived from sources within this state shall be determined by multiplying the business income derived from sources both within and without the state of Indiana by a

fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three (3).

Taxpayer argues that the three-factor apportionment does not fairly represent Taxpayer's income from Indiana sources. Taxpayer states that separate books of accounting were kept for all of their business locations. Taxpayer provided a review of the separate accounting of the Indiana operations showing a loss for 1994. Taxpayer states that IC 6-3-2-2(l) provides for such a situation. IC 6-3-2-2(l) states:

> If 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 taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable:
>
> (1) separate accounting;
>
> (2) the exclusion of any one (1) or more of the factors'
>
> (3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources with the state of Indiana; or
>
> (4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

However, 45 IAC 3.1-1-62 clarifies IC 6-3-2-2(l), it states:

> Special Formulas for Division of Income. All corporations doing business in more than one state shall use the allocation and apportionment provisions described in Regulations 6-3-2-2(b)-(k) *[45 IAC 3.1-1-37- 45 IAC 3.1-1-61]* unless such provisions do not result in a division of income which fairly represents the taxpayer's income for Indiana sources. In such case the taxpayer must request in writing or the Department may require the use of a more equitable formula for determining Indiana income. (*Emphasis added).* However, the Department will depart from use of the standard formula only if the use of such formula works a hardship or injustice upon the taxpayer, which results in an arbitrary division of income, or in other respects does not fairly attribute income to this state or other states. It is anticipated that these situations will arise only in limited and unusual circumstances (which ordinarily will be unique and nonrecurring) when the standard apportionment provisions produce incongruous results.

Taxpayer states that 45 IAC 3.1-1-62 provides an opportunity for Taxpayer to present an alternative to the apportionment method if the apportionment method does not fairly represent Taxpayer's Indiana operations. They state the use of a more equitable formula is appropriate since the imposition of a tax upon Taxpayer who incurs a loss from Indiana operations before applying any selling and administrative expenses creates a hardship upon Taxpayer by assessing an income tax on operations that generated no economic benefit. Taxpayer states that the three-factor apportionment does result in an arbitrary division of income when the Department ignores the true results of the Indiana operations represented by separate accounting records.

Nevertheless, both IC 6-3-2-2 and 45 IAC 3.1-1-62 make clear that Taxpayer must request in writing for a different apportionment method and, it will be allowed ordinarily only in unique and nonrecurring circumstances. Taxpayer has not provided any documentation demonstrating that the Department approved any deviation from the standard formula of apportionment. Furthermore, Taxpayer has not provided a compelling reason to deviate from the apportionment formula. Taxpayer only requested the special apportionment method after he was assessed as a result of not filing tax returns. Consequently, Taxpayer was properly assessed for the periods in question.

FINDING

Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0120000067.LOF

LETTER OF FINDINGS NUMBER: 00-0067
Adjusted Gross Income Tax
For the Tax Periods: 1995, 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.

ISSUES

I. Adjusted Gross Income Tax – Distributive Shares

Authority: IC 6-3-2-1, IC 6-3-2-2, 45 IAC 3.1-1-62

The Taxpayer protests the assessment of adjusted gross income tax on distributive shares.

STATEMENT OF FACTS

Taxpayer was assessed Indiana adjusted gross income tax on distributive shares from a Subchapter-S corporation after the company failed to file Indiana IT-20S returns or Withholding Forms WH-18 for the years of 1994 through 1996. The corporation processed ferrous metals primarily for use in the steel and automotive industries. Taxpayer's Indiana operation broke up iron runoff scrap from steel mills. More facts will be supplied as necessary.

I. Adjusted Gross Income Tax – Distributive Shares

DISCUSSION

Taxpayer was assessed Indiana adjusted gross income tax on distributive shares from a Subchapter-S corporation. Taxpayer does not agree with the apportionment of income calculations using the three-factor formula. Taxpayer states that the corporation uses separate accounting for each operating location and maintains separate books.

A tax is imposed on the adjusted gross income of corporations which is derived from sources within Indiana. IC 6-3-2-1. Also, IC 6-3-2-2(b) states in relevant part:

> Except as provided in subsection (*l*), if business income of a corporation or nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, then the income derived from sources within this state shall be determined by multiplying the business income derived from sources both within and without the state of Indiana by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three (3).

Taxpayer argues that the three-factor apportionment does not fairly represent Taxpayer's income from Indiana sources. Taxpayer states that separate books of accounting were kept for all of their business locations. Taxpayer provided a review of the separate accounting of the Indiana operations showing a loss for 1994. Taxpayer states that IC 6-3-2-2(l) provides for such a situation. IC 6-3-2-2(l) states:

> If 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 taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable:
>
> (1) separate accounting;
>
> (2) the exclusion of any one (1) or more of the factors'
>
> (3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources with the state of Indiana; or
>
> (4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

However, 45 IAC 3.1-1-62 clarifies IC 6-3-2-2(l), it states:

> Special Formulas for Division of Income. All corporations doing business in more than one state shall use the allocation and apportionment provisions described in Regulations 6-3-2-2(b)-(k) *[45 IAC 3.1-1-37- 45 IAC 3.1-1-61]* unless such provisions do not result in a division of income which fairly represents the taxpayer's income for Indiana sources. In such case the taxpayer must request in writing or the Department may require the use of a more equitable formula for determining Indiana income. (*Emphasis added).* However, the Department will depart from use of the standard formula only if the use of such formula works a hardship or injustice upon the taxpayer, which results in an arbitrary division of income, or in other respects does not fairly attribute income to this state or other states. It is anticipated that these situations will arise only in limited and unusual circumstances (which ordinarily will be unique and nonrecurring) when the standard apportionment provisions produce incongruous results.

Taxpayer states that 45 IAC 3.1-1-62 provides an opportunity for Taxpayer to present an alternative to the apportionment method if the apportionment method does not fairly represent Taxpayer's Indiana operations. They state the use of a more equitable formula is appropriate since the imposition of a tax upon Taxpayer who incurs a loss from Indiana operations before applying any selling and administrative expenses creates a hardship upon Taxpayer by assessing an income tax on operations that generated no economic benefit. Taxpayer states that the three-factor apportionment does result in an arbitrary division of income when the Department ignores the true results of the Indiana operations represented by separate accounting records.

Nevertheless, both IC 6-3-2-2 and 45 IAC 3.1-1-62 make clear that Taxpayer must request in writing for a different apportionment method and, it will be allowed ordinarily only in unique and nonrecurring circumstances. Taxpayer has not provided any documentation demonstrating that the Department approved any deviation from the standard formula of apportionment. Furthermore, Taxpayer has not provided a compelling reason to deviate from the apportionment formula. Taxpayer only requested the special apportionment method after he was assessed as a result of not filing tax returns. Consequently, Taxpayer was properly assessed for the periods in question.

FINDING

Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0420000462.LOF

LETTER OF FINDINGS NUMBER: 00-0462
Gross Retail Tax
For Tax Year 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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Gross Retail Tax – Credit

Authority: IC 6-2.5-3-4

Taxpayer protests the Department denying credit for sales tax paid.

II. Gross Retail Tax – Use Tax Paid to Another State

Authority: *Minneapolis Star and Tribune Company v. Minnesota Commissioner of Revenue*, 460 U.S. 575, 103 S.Ct. 1365 (1983); *Tyler Pipe Industries, Inc. v. Washington State Department of Revenue*, 483 U.S. 232, 107 S.Ct. 2810 (1987); *Allied Steel Company v. Larey*, 246 Ark. 1009, 440 S.W.2d 567 (1969); *Weeks Dredging & Contracting, Inc. v. Mississippi State Tax Commission*, 521 So.2d 884 (Miss. 1988); *Terrebonne Parish Sales and Use Tax Department v. Callais Cablevision, Inc.*, 433 So.2d 820 (La.App. 1st Cir. 1983); IC 6-2.5-3-2; IC 6-2.5-3-5; 45 IAC 2.2-3-16; 68 Am.Jur. 2d, *Sales and Use Tax* § 188 (1993); OAC § 5739.02

Taxpayer protests the assessment of tax on several purchases on which taxpayer contends it paid tax to other taxing jurisdictions.

III. Gross Retail Tax – Lump Sum Contract

Authority: IC 6-2.5-1-1; 45 IAC 2.2-1-1; 45 IAC 2.2-3-9(d)(1); 45 IAC 2.2-4-22(e); 45 IAC 2.2-4-26(a); 50 IAC 4.2.4.10

Taxpayer protests the imposition of tax on materials used in improvements to taxpayer's real property.

IV. Gross Retail Tax – Duplicates

Authority: None

Taxpayer protests duplicate assessments of Indiana use tax on taxpayer's construction in progress account.

V. Gross Retail Tax – Duplicates

Authority: None

Taxpayer protests duplicate assessments of Indiana use tax on certain capital purchases.

VI. Gross Retail Tax – Credit for Overpayment of Use Tax

Authority: None

Taxpayer protests overpayment credits not given by the Audit Division.

VII. Gross Retail Tax – Software Licensing Agreements

Authority: IC 6-2.5-3-2(a); *Sales Tax Information Bulletin #8* (May 1983); *Sales Tax Information Bulletin #8* (February 1990)

Taxpayer protests the imposition of use tax on its software licensing agreements.

VIII. Gross Retail Tax – Sample Projection Methodology

Authority: *Floral Trade Council of Davis, California v. United States*, 16 CIT 1014; (CIT 1992); IC 6-2.5-3-2; IC 6-2.5-4-6; IC 6-2.5-4-10(a); IC 6-2.5-4-11; 45 IAC 2.2-3-27

Taxpayer protests the sample projection methodology used in the audit report.

STATEMENT OF FACTS

Taxpayer operates a riverboat casino in Indiana. The casino has offered daily gaming sessions to patrons since opening. The pavilion area where the patrons board the riverboat includes a gift shop, a bar, and several restaurants. Taxpayer later opened a hotel and an auditorium.

The Indiana Department of Revenue ("Department") conducted an audit for the tax year in question, and assessed additional use tax. The taxpayer filed a timely protest and a hearing was held. Additional facts will be supplied as necessary.

I. Gross Retail Tax – Credit

DISCUSSION

Taxpayer protests assessment of use tax on items contained in four invoices on which taxpayer claims sales tax has already been paid. Taxpayer argues credit should be given for the amount of sales tax paid on the invoices. Taxpayer has submitted further information as part of this protest. If this new information shows that sales tax has already been paid on this item, the same tax should not be paid again. IC 6-2.5-3-4. The Audit Division will need to review this information.

FINDING

Taxpayer's protest is sustained pending verification by the Audit Division.

II. Gross Retail Tax – Use Tax Paid to Another State

DISCUSSION

Taxpayer also protests the assessment of use tax on several purchases for which no credit was given for taxes paid to other states. IC 6-2.5-3-2 provides for the imposition of use tax on the [s]torage, use, or consumption of tangible personal property in Indiana, if the property was acquired in a retail transaction..." Indiana allows a credit for payment of taxes paid to other taxing jurisdictions at the time of purchase. This credit is found in IC 6-2.5-3-5(a), which provides in pertinent part: "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." *See also* 45 IAC 2.2-3-16.

A use tax ordinarily serves to complement the sales tax of a state by eliminating the incentive to make major purchases in states with lower sales taxes; it requires the resident who shops out-of-state to pay a use tax equal to the sales tax he saved by buying out-of-state. *Minneapolis Star and Tribune Company v. Minnesota Commissioner of Revenue*, 460 U.S. 575, 581-582, 103 S.Ct. 1365, 1370 (1983); 68 Am.Jur. 2d, *Sales and Use Tax* § 188 (1993). However, to alleviate or eliminate the potential multiple taxation that results when two or more states have jurisdiction to tax parts of the same chain of commercial events, most states which impose sales and use taxes provide a credit against their own sales or use taxes for sales or use taxes paid to another state. *Tyler Pipe Industries, Inc. v. Washington State Department of Revenue*, 483 U.S. 232, 245 n. 13, 107 S.Ct. 2810, 2819 n. 13 (1987).

Taxpayer argues that it is entitled to a credit against Indiana's use tax because it paid sales tax on its purchases to Ohio. The Audit Division argues that taxpayer is not entitled to the use tax credit in Indiana because the sales tax paid by taxpayer to Ohio was not owed to Ohio. Referencing an Ohio statute which exempts Ohio purchases from sales tax when they are shipped outside of Ohio, the Audit Division argues that, because the tangible personal property at issue was shipped to Indiana, the purchases were exempted from Ohio sales tax. Therefore, because the sales taxes at issue were exempted by Ohio, the sales taxes paid by taxpayer to Ohio were not owed there, and do not constitute a tax for which Indiana is bound to give a use tax credit. In other words, according to Audit, a taxpayer's erroneous payment of sales taxes to one taxing authority negates its entitlement to a credit for use taxes from another taxing authority.

There is ample authority from other states to support the Audit Division's interpretation of IC 6-2.5-3-5. *See, e.g., Allied Steel Company v. Larey*, 246 Ark. 1009, 440 S.W.2d 567 (1969), where the Arkansas Department of Revenue denied the use tax credit claimed for the Oklahoma use tax because the Oklahoma tax was paid before taxpayer became liable for it; *Weeks Dredging & Contracting, Inc. v. Mississippi State Tax Commission*, 521 So.2d 884 (Miss. 1988), where the Mississippi court concluded that a plain reading of the Mississippi use tax credit statute implied a requirement that the tax paid in another state be properly imposed before credit was due to prevent a taxpayer from paying even the most patently improper tax assessments in another state, gain an exemption in Mississippi, then gain a refund in the taxing state*; Terrebonne Parish Sales and Use Tax Department v. Callais Cablevision, Inc.*, 433 So.2d 820 (La.App. 1st Cir. 1983), where use tax credit was denied to taxpayer because the taxes for which a credit was sought were not legally owed to the other taxing authorities.

According to the Ohio Administrative Code, when tangible personal property is sold within the state of Ohio and the vendor is obligated to deliver the property to a point outside of the state, or to deliver the property to the mails for transportation to a point outside of the state, the Ohio sales tax does not apply. In the instant case, taxpayer made numerous purchases from an Ohio vendor. As part of the contract, the Ohio vendor shipped the purchases, which consisted mainly of computer equipment and supplies, to taxpayer via carrier, *i.e.*, UPS, and charged taxpayer for the costs thereof. The copies of invoices that taxpayer submitted as part of its protest show that taxpayer and the Ohio vendor agreed to the shipping term of F.O.B. Cincinnati. However, the fact that the parties designated Cincinnati as the F.O.B. point is irrelevant in this analysis because according to Ohio law, the taxable event occurs at the location at which a taxpayer exercises rights of ownership and control over the property. *See*, *Central Transport, Inc. et al., v. Tracy*, 649 N.E.2d 1210, 1212 (1995)

In the instant case, the evidence on files establishes that taxpayer exercised its rights of ownership over the computer equipment in Indiana. Accordingly, taxpayer's purchases of the equipment, designated for delivery and ultimate consumption within the state of Indiana, was not subject to Ohio sales tax. Because, Ohio sales tax was not due and payable on taxpayer's purchases, taxpayer is not entitled to an Indiana credit under 45 IAC 2.2-3-16. Instead, taxpayer's purchases are subject to Indiana use tax under IC 6-2.5-3-2 because the purchases constitute tangible personal property used or consumed in Indiana.

FINDING

The taxpayer's protest is denied.

III. Gross Retail Tax – Lump Sum Contract

DISCUSSION

Taxpayer entered into contracts with several vendors for the installation of a brick structured sign located at the entryway to taxpayer's property, the installation of a clock and a sauna, and the seal coating and asphalt repair of its parking lot. Taxpayer argues that these were lump sum contracts for the improvement of real property. The Department, however, maintains (1) that the contracts for the installation of the sign and the clock constitute unitary transactions, and (2) the contract for the installation of the sauna constitutes a time and material contract.

A taxpayer 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. Under 45 IAC 2.2-4-22(e):

> ... 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 the 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.*

(Emphasis added).

Accordingly, the contractor will either pay the gross retail tax "up-front" when he initially purchases the construction materials or he will pay the gross retail tax in the form of use taxes when the materials are incorporated into the construction project. Either up-front or at the point where the materials are incorporated into the taxpayer's realty, in lump sum contracts between the taxpayer and its contractors, it is the contractors who are ultimately responsible for paying the tax on the construction materials. *See, e.g.*, 45 IAC 2.2-4-26(a) which provides that "[a] person [(*i.e.*, the contractor)] making a contract for the improvement to real estate whereby the material becoming a part of the improvement and the labor are quoted as one price is liable for the payment of sales tax on the purchase price of all material so used."

45 IAC 2.2-3-9(d)(1) provides that a contractor-retail merchant must collect gross state retail tax whenever he disposes of construction material by way of a time and material contract. A time and material contract is a contract in which a contractor "converts the construction material into realty on land he does not own and states separately the cost for the construction material and the cost for the labor and other charges..." *Id*.

Taxpayer has provided documentation to support its contention that the seal coating and asphalt repair of its parking lot was provided for under a lump sum contract for making improvements to taxpayer's realty. However, taxpayer's invoice for the sauna was billed as a time and material contract, and not a lump sum contract. As such, the materials required to complete the sauna are subject to gross state retail tax. *See* 45 IAC 2.2-3-9(d)(1).

We also consider taxpayer's clock to be tangible personal property rather than an improvement to realty. Because taxpayer's purchases are for tangible property and not improvements to realty, the sales and use tax regulations governing lump sum contracts are not applicable. Moreover, because the invoices for the sign and the clock provide no breakdown of material and installation charges, the transactions are deemed unitary transactions and the entire charge on the invoice of both the sign and the clock is subject to gross state retail tax. (*See* IC 6-2.5-1-1 and 45 IAC 2.2-1-1 which provide that a transaction involving a retail sale of property in conjunction with a service can be classified as a unitary transaction. That transaction is subject to Indiana sales tax on the entire charge.)

FINDING

Taxpayer's protest is sustained with regard to the contract governing the seal coating and asphalt repair; however, taxpayer's protest is denied with regard to the contracts for the installation of the sauna, the sign and the clock.

IV. Gross Retail Tax – Duplicates

DISCUSSION

Taxpayer protests the assessment of use tax on its construction in progress ("CIP") account. The CIP account was originally held out of state because taxpayer's development company, which coordinates the construction of the casinos, is located there. The account was later transferred to Indiana. During the audit, the detailed invoices for the transactions occurring on the CIP account were available only at the out of state. As such, an Indiana-based auditor traveled to that location to review the asset purchases. However, because a different auditor reviewed the same asset purchases at taxpayer's Indiana property, taxpayer believes that the asset purchases for the CIP account were assessed use tax twice - once by the auditor working at the out of state location, and once by the auditor working in Indiana.

In support of its argument, taxpayer submitted a copy of its capital purchase exception schedule listing the CIP account purchases that were reviewed by the Indiana-based auditor at taxpayer's development company's out of state office. *See* Taxpayer's Exhibit I. If this exhibit shows that use tax was assessed on taxpayer's CIP account, the same tax should not be assessed again. The Audit Division will need to review this information.

FINDING

Taxpayer's protest is sustained pursuant to audit verification as to whether or not the asset purchases on the CIP account were subjected to double taxation.

V. Gross Retail Tax – Duplicates

DISCUSSION

Taxpayer protests the assessment of tax on several capital purchases for which taxpayer claims that use tax accrued and was remitted to the Department. Taxpayer has provided documentation evincing that use tax was indeed paid on the purchases in question.

FINDING

Taxpayer's protest is sustained subject to verification by the Audit Division.

VI. Gross Retail Tax – Credit for Overpayment of Use Tax

DISCUSSION

Taxpayer claims that in the months of November and December of 1997, estimated use tax payments were made. The amounts paid were over and above the actual amount of use tax that was due on taxpayer's purchases. Taxpayer claims a credit should be given for these overpayments. Taxpayer has provided invoice documentation of the overpayments, as well as the actual use tax due on the transactions, in Exhibits T and U of its supplemental documentation.

FINDING

Taxpayer's protest is sustained subject to the Audit Division's verification.

VII. Gross Retail Tax – Software Licensing Agreements

DISCUSSION

Taxpayer protests the imposition of use tax on its purchases of software and software licensing agreements. Examples of the software and licensing agreements purchased and used include application manager, query, general ledger, payables ledger, income reporting, fixed assets purchase management, inventory control, journal processor, cross applications, purchasing/payables exchange, security access, and human resources/payroll, as well as a third party software system. The use tax was imposed pursuant to IC 6-2.5-3-2(a) which provides that "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..."

Taxpayer contends that the software and software licensing agreements are not subject to use tax because according to *Information Bulletin #8* (05/23/1983), *Sales Tax*, "a licensing arrangement whereby a licensee is entitled to limited use of a computer program for copying or other programming purposes is not subject to tax regardless whether the program is a custom program or pre-written program." However, the May 1983 Information Bulletin was revised in February of 1990. Within the February 1990, Sales Tax Information Bulletin #8, we find the following more relevant to the instant case:

> 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... are subject to tax irrespective of the fact that the program may require some modification for a purchaser's particular computer.

(Emphasis Added).

We wish to point out that Information Bulletin No. 8, dated May 23, 1983, also clarified the Department's position on software and software licensing systems. Page 2 of that Information Bulletin read in pertinent part as follows:

> 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.

The nature of the licensed software, as well as the terms of the agreements, strongly suggests taxpayer licensed a *standard* business application software package. The Department finds that the programs and licensing agreements at issue in this audit are the type of canned, pre-written business application software which is available to all—even though the software might have been "modified" subsequently to meet taxpayer's specific needs. But even "modified," in this context, is not synonymous with "customized." Software can be "modified" in many ways; however, only the "writing" and "rewriting" of source code represents the creation of "custom" software.

FINDING

Taxpayer's protest is denied.

VIII. Gross Retail Tax – Sample Projection Methodology

DISCUSSION

Taxpayer protests the methodology of the sample projection used by the auditor to arrive at use tax owed for the audit period. The auditor used a block sampling method for the period January 1, 1997 through December 31, 1997. After an analysis of the taxable expenses for 1997 was conducted by taxpayer, it was agreed that the sample period of June, 1997 would be used for a projection of the expense accounts for the entire year. The expense records for purchases from the check register of payables from June 1 through June 30, 1997 were examined at one hundred percent (100%) to determine sales and use tax liability. A percentage error was calculated as follows:

> The amount found as taxable from chosen accounts in the sample was used as the numerator. The denominator was the total amount of the sample less the amount of invoices that were not posted to accounts that were chosen to be examined by the audit. To arrive at an amount for a proposed assessment of sales and use tax, the determined percentage was applied to the total amount of the account balances chosen for the sample.
>
> *See* Audit Summary-Explanation of Adjustments, pg. 3.

Taxpayer protests the inclusion of six specific items in the use tax sample. These items will be addressed individually. Taxpayer also objects to the manner in which the error rate was calculated.

A. Extraordinary Items

In June 1997, taxpayer rented a large screen television as part of taxpayer's promotion for a major heavyweight title boxing match. According to taxpayer, because this item was a one-time rental, the expense should be removed from the calculation of the error rate and assessed separately as an extraordinary item. "Extraordinary expenses" generally will be excluded from sample populations to ensure the validity of the calculated error percentages.

The term "extraordinary expense" is not defined by our statutes or regulations. However, the Court of International Trade defines "extraordinary expense" as "unusual in nature and infrequent in occurrence." *Floral Trade Council of Davis, California v. United States*, 16 CIT 1014, 1016-17 (CIT 1992). Using the CIT's definition of the term as a guide, we first note that it is not far reaching that a casino would provide its patrons with the opportunity to view a boxing match. Casinos are popular venues for hosting prize fights. As such, it does not seem that a casino's providing pay-for-view boxing entertainment would be highly abnormal, unrelated or incidentally related to the casino's operations.

B. Use Tax Paid to Another State

Taxpayer revisits its earlier protest regarding the assessment of use tax on several purchases for which no credit was given for taxes paid to another state, *i.e.*, Ohio. According to taxpayer, the Audit Division erred in including in the calculation of error rate the transactions on which sales tax was paid to Ohio.

We have concluded already that because the transactions took place in interstate commerce and that taxpayer has not demonstrated that Ohio law required the payment of these taxes, the Ohio sales tax was not properly paid. As such, said transactions should be included in the calculation of error rate.

C. Royalties

Taxpayer protests the inclusion of the use tax assessed on what taxpayer characterizes as a license royalty paid to another entity for a specialty stud poker game. Under IC 6-2.5-3-2, use tax is imposed on the "[s]torage, use, or consumption of tangible personal property in Indiana, if the property was acquired in a retail transaction…", unless an exemption is granted. Taxpayer asserts that it paid "royalty fees" to use the poker game, but does not owe use tax on the tangible personal property because the "royalty fees" are intangibles. Thus, taxpayer believes there is no basis for imposing use tax; and, as such, said transaction should be removed from the calculation of the error rate.

Taxpayer attempts to characterize its payments for the poker game as royalties; however, these payments are a clear example of licensing fees. IC 6-2.5-4-10(a) states in relevant part that a person is a retail merchant making a retail transaction when he rents or leases tangible personal property to another person. In the instant case, paying licensing fees for the privilege of using a casino game is tantamount to the renting or leasing of tangible personal property. Although taxpayer is not acquiring ownership rights to the poker game, it is purchasing the right to use the game for a period of time. The Audit Division rightfully imposed use tax on the fees paid for the use of the poker game. No error occurred here.

D. Satellite Television Programming

Taxpayer was assessed use tax on its purchase of a live television programming feed of a major heavyweight boxing match transmitted by satellite from an out-of-state source. Taxpayer claims that because the satellite service originated from outside of Indiana, the transmission did not meet the definition of telecommunication services. Taxpayer further claims that the transaction was not subject to use tax, and therefore should not have been included in the error rate, because the satellite programming did not constitute tangible personal property.

However, IC 6-2.5-4-6 states that certain types of "telecommunication services" are taxable. For the purpose of IC 6-2.5-4-6, satellite transmissions are considered "telecommunication services". IC 6-2.5-4-6(a) states:

> As used in this section, 'telecommunication services' means the transmission of messages or information by or using wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. The term does not include 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.

In the instant case, taxpayer presented evidence at hearing establishing that it purchased the satellite feed for the boxing match directly from an out-of-state provider. Pursuant to the contract, the out-of-state provider was responsible for the delivery of the video and audio signal to taxpayer's communications satellite.

IC 6-2.5-4-11, which authorizes the taxation of certain cable television services, states in pertinent part: "A person is a retail merchant making a retail transaction when he furnishes local
cable television service or intrastate cable television service." The Department considers cable television services and satellite broadcast services to be similar. While the amount of property and facilities located within the state necessary to ensure cable program differs from that necessary to ensure satellite program, this difference does not affect the taxable consequences of sales of the respective programming services. The Department finds, therefore, that the provision of television programming services via satellite – from standard fare to pay-per-view programming – represents a taxable sales transaction under IC 6-2.5-4-6. While the

transaction is, and should have been, subject to sales tax as an enumerated service, the effect to taxpayer is as use tax and it is appropriate to consider it in the error rate.

E. Missing Invoice

Audit included one expense item in the sample period for which no invoice could be located. Since no invoice was available for examination, Audit assessed use tax on the purchase. Audit cites 45 IAC 2.2-3-27, which discusses documentation requirements:

The person who stores, uses or consumes tangible personal property in Indiana may avoid paying the use tax to the Department if such person retains for inspection by the Indiana Department of Revenue a receipt evidencing payment of the tax.

Taxpayer identified the contested expense as one purchase (for $324.48) from a particular vendor (Wal-Mart). Taxpayer contends that based upon a purchase spreadsheet that taxpayer attached as an exhibit to its protest letter, "it is reasonable to say that we did in fact pay the sales tax to Wal-Mart at the time of purchase." Taxpayer further contends that it must have paid sales tax on the Wal-Mart purchases because as an in-state vendor that is registered to do business in Indiana, Wal-Mart must have charged sales tax on the purchases. However, it is well-settled that the burden of proof is on the taxpayer. Absent additional evidence presented by taxpayer that taxpayer actually paid the sales tax, the Department cannot rule in its favor.

F. Duplicate Invoices

Taxpayer claims the auditor included duplicate invoices in the calculation of the error rate. Taxpayer has provided a list of these duplicated invoices. Subject to verification by the Audit Division, these invoices should be removed from the error rate calculation.

G. Method of Assessment

(a) Taxpayer first disagrees with the manner in which the use tax error rate was applied against the expense accounts. According to taxpayer, if an expense account was found to have no errors, that account should not have been used to assess additional use tax liability on other expense purchases. However, taxpayer is mistaken. If the Audit Division found no error in a particular account, the calculation for the account equaled "zero". Therefore, it makes no difference whether the Audit Division removes the account from the error rate or includes the account with a "zero" calculation. The result is the same.

(b) Taxpayer next disagrees with the manner in which the use tax error rate against the expense accounts was determined. Taxpayer points to its Exhibit W as proof that the Audit Division erred in determining the error rate. Taxpayer's Exhibit W is the Form AD-20-4 Workpaper that was created by the auditor. The exhibit shows that in calculating the error rate, the auditor used taxpayer's check register totals as the denominator in the formula for calculating the percentage rate of error. Taxpayer argues that the auditor should have used the monthly general ledger account balance totals as the denominator in the formula. We agree. However, the denominator should include the general ledger account balances for all of the examined expense accounts, whether or not a particular expense account was found to have use tax errors.

FINDING

Taxpayer's protest is denied on issues A, B, C, D, E, and G(a). Taxpayer's protest is sustained pending Audit Division verification on issue F. Taxpayer's protest is sustained on issue G(b) subject to taxpayer's ability to supply the Audit Division with the necessary documentation to correct the use tax error rate.

DEPARTMENT OF STATE REVENUE

04-20000468.LOF

LETTER OF FINDINGS NUMBER: 00-0468
Sales and Use Tax
For the Years 1997-1999

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.

ISSUES

I. Sales and Use Tax – Prepaid Telephone Calling Cards

Authority: IC 6-2.5-4-13; IC 6-2.5-2-1.

Taxpayer protests the Department's assessment of tax on prepaid telephone calling cards.

STATEMENT OF FACTS

The taxpayer operates two service stations in Indiana. In addition to gasoline and diesel fuel, the service stations also sell convenience store type items (e.g., cigarettes, grocery items, lottery tickets, etc.). The taxpayer's protest involves one of the items that it sells—namely, prepaid telephone cards.

I. Sales and Use Tax – Prepaid Telephone Calling Cards

DISCUSSION

Prepaid telephone cards are taxed as a retail sale in Indiana, as IC 6-2.5-4-13 makes clear:

A person is a retail merchant making a retail transaction when a person sells:

(1) a prepaid telephone calling card at retail;

(2) a prepaid telephone authorization number at retail;

(3) the reauthorization of a prepaid telephone calling card; or

(4) the reauthorization of a prepaid telephone authorization number.

The taxpayer, which began selling prepaid telephone calling cards in 1998, stated in its protest letter to the Department that

> [t]he taxpayer was not aware of the tax law requiring the sales of prepaid phone cards to be taxable, and were under the impression the tax was paid by the company when they purchased it and therefore not subject to sales tax.

In other words, the taxpayer's argument is that since it was unaware of the law that it therefore should not have to pay the tax that is due from its failure to properly collect and remit.

The taxpayer, as a retail merchant, has a *duty* to collect and remit sales tax to the State of Indiana:

> (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*. (*Emphasis added*)
>
> IC 6-2.5-2-1.

In summary: (1) the taxpayer is a retail merchant; (2) the taxpayer made retail sales of taxable items (prepaid telephone calling cards); and (3) the taxpayer failed to collect and remit the tax as required. Finally, the taxpayer's argument is that it was ignorant of the appropriate law.

Ignorance of Indiana's law is not a valid defense (45 IAC 15-11-2(b) echoes this principle when it notes, with regards to tax penalties, "[I]gnorance of the listed tax laws, rules and/or regulations is treated as negligence." And as quoted above, IC 6-2.5-2-1 states the taxpayer *shall* collect the tax for the state). Taxpayer cited no law that would excuse it from its duty to collect and remit the tax.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0220010170.LOF

LETTER OF FINDINGS NUMBER: 01-0170
Gross Income Tax
For the Years 1994 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 the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Service-Related Income Received from the Sale and Installation of Industrial Equipment – Gross Income Tax

Authority: U.S. Const. art. I, § 8; IC 6-2.1-3-3; IC 6-8.1-5-1(b); Indiana Dept. of Revenue v. Brown Boveri Corp., 439 N.E.2d 561 (Ind. 1982); Indiana Dept. of Revenue v. Surface Combustion Corp., 111 N.E.2d 50 (Ind. 1953); 45 IAC 1-1-100; 45 IAC 1-1-120; 45 IAC 1-1-120(1)(c); 45 IAC 1-1-120(d); 45 IAC 1-1-121(d)

Taxpayer argues that the audit erroneously subjected service-related income to Gross Income Tax.

II. Audit's Assessment Calculation – Gross Income Tax

Authority: IC 6-8.1-5-1(a); IC 6-8.1-5-1(b)

Taxpayer challenges the audit's method of calculating its tax liability arguing that the audit's methodology was inconsistent and unfair.

III. 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 maintains that it exercised the required business care and prudence in filing its tax returns. As a result, taxpayer argues that it is entitled to abatement of the ten percent negligence penalty.

STATEMENT OF FACTS

Taxpayer was an out-of-state entity engaged in the business of designing, manufacturing, and installing industrial air pollution equipment. That equipment included cooling towers, electrostatic precipitators, and industrial chimneys. Over a period of time, taxpayer was acquired by parent company and became a wholly-owned subsidiary of that parent company. In 1997, parent company

decided to discontinue taxpayer's business. A second parent company subsidiary was assigned to oversee the taxpayer's final affairs.

It was in that context that the Department conducted an audit of taxpayer's business records for 1994 through 1998. The Department's audit was completed in 2001 and resulted in an assessment of additional tax liability for those years. Taxpayer submitted a protest, an administrative hearing was held, and this Letter of Findings results.

DISCUSSION

I. Service-Related Income Received from the Sale and Installation of Industrial Equipment – Gross Income Tax

Taxpayer was paid to design, construct, and install certain types of industrial equipment. The equipment was installed at locations nationwide including locations within the state. The size and complexity of that equipment varied. For example, taxpayer constructed precipitators ranging from the size of a five-story building to the size of a large van. Taxpayer built 500 foot high natural draft cooling towers and also built much smaller mechanical cooling units. Taxpayer was paid for the materials used in construction of the equipment and for services related to the design, construction, installation, and testing of the equipment.

In addition, the audit determined that taxpayer received service-related income. According to the audit, the taxpayer received money for engineering, asbestos removal, water management, and other services.

However, taxpayer raises the issue of whether service related income attributable to its construction and installation activities is subject to the state's Gross Income Tax. In particular, taxpayer argues that the Interstate Commerce Clause, U.S. Const. art. I, § 8, precludes Indiana from taxing this income. The crux of taxpayer's argument is that the service-related income stemmed from the construction of equipment outside of Indiana and that the services rendered in conjunction with the construction of the equipment were integrally related to the out-of-state transaction. Any services taxpayer performed inside Indiana were so integrally related to the underlying interstate sales transaction, that the service income came within the protection provided by the Commerce Clause.

Taxpayer is correct in its assertion that Indiana is precluded from assessing the un-apportioned Gross Income Tax on income derived from out-of-state transactions. The constitutional protection is incorporated into IC 6-2.1-3-3 which states as follows:

> 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.

Taxpayer cites to Indiana Dept. of Revenue v. Brown Boveri Corp., 439 N.E.2d 561 (Ind. 1982) in support of the proposition that Indiana sales of its equipment were not subject to the Gross Income Tax. In Brown Boveri, plaintiff taxpayer was an out-of-state company which had entered into a contract with an Indiana manufacturer for the sale of an induction melting system. The parties' sales agreement was for the "turn-key" delivery of a system that would produce molten iron. "The system was pre-fabricated at [plaintiff taxpayer's] plant, broken down for shipment and reassembled at the [Indiana customer's] plant." Id. at 563. Plaintiff taxpayer conducted certain activities at the Indiana site because it "was necessary for [plaintiff taxpayer] to engage in various activities to guarantee proper planning and coordination of the project." Id.

The court disagreed with the Department's argument that plaintiff taxpayer's performance of activities within Indiana removed the transaction from the protection afforded interstate commerce. Id. at 564. The court found that the transaction between plaintiff taxpayer and the Indiana customer was "indeed interstate commerce such that taxation of gross income resulting therefrom [was] prohibited." Id. The transaction was for the "sale of a functioning system for a lump sum," in which "all of the component parts were pre-fabricated outside Indiana, disassembled for shipment, and then reassembled on the job site." Id. Plaintiff taxpayer's local activities did not take the sale of the melting system outside interstate commerce protection because "the local activities of [plaintiff taxpayer] were intrinsically related to and inherently part of the sale in interstate commerce." Id.

In addition, taxpayer cites to Indiana Dept. of Revenue v. Surface Combustion Corp., 111 N.E.2d 50 (Ind. 1953) for support of its contention that the sale of the industrial equipment to its Indiana customers took place within interstate commerce and the service-related proceeds were exempt from Gross Income Tax. In Surface Combustion, appellee taxpayer was an Ohio based furnace manufacturer. It sold furnaces to an Indiana customer, was assessed Gross Income Tax on the income derived from the sales, and brought an action seeking a refund of those taxes. The court determined that appellee taxpayer had constructed the furnaces at its Ohio facility. Thereafter, appellee taxpayer transported the smaller furnaces to the Indiana customer's site. The larger furnaces were assembled at the Ohio facility, disassembled, and shipped to the Indiana site; alternatively, the larger furnaces were only partially assembled at the Ohio facility before being "knocked down," transported and reassembled at the Indiana customer's site. In each case, the court found that the "parties contemplated and intended that the furnace... should be shipped and transported from appellee's plant at Toledo, Ohio to the customer's plant in Indiana...." Id. 53.

The court rejected the Department's contention that it was entitled to levy the Gross Income Tax against appellee taxpayer's income derived from the sale of the furnaces. The court found that, "the tax sought to be recovered was levied upon the gross receipts of appellee from interstate commerce transactions within and without the State of Indiana." Id. at 69. The court concluded that imposition of the tax "directly burdens, and interferes with, the free flow of such commerce between the State of Ohio and the State of Indiana and is invalid as being in conflict with Article I, of § 8 of the Constitution of the United States." Id.

The court found that the "thing" which the Indiana customer purchased from appellee in Ohio, was a "heat treating furnace complete in one functional unit." Id. at 62. In support of that conclusion, the court noted that, "There is no evidence that the furnaces

were made, built, fabricated, created or brought into existence in Indiana." Id. The Indiana installation work performed by appellee taxpayer consisted "only in the reassembling and installing the furnaces which had been purchased in the State of Ohio and taken apart for the convenience of shipment." Id. Appellee taxpayer's in-state services were "intrinsically related to and inherently a part of the sale; and because of their complexity their installation and testing was essential to the making of the sale." Id. The sales of the furnaces were "clearly sales of personal chattels in interstate commerce and the installation and reassembling where required, were inherently a part of, and a necessary incident to, the sale." Id.

Taxpayer maintains that the Department should follow the Indiana Supreme Court's precedent in Brown Boveri and Surface Combustion and conclude that its service income was so intrinsically related to the transfer of the industrial equipment from outside Indiana as to constitute a continuous interstate transaction entirely removed from the state's Gross Income Tax pursuant to IC 6-2.1-3-3.

Taxpayer is correct in its assertion that income derived from provision of in-state services may be beyond the reach of the Gross Income Tax. In regard to "Nontaxable in-shipments," the regulation states that, "As a general rule, income derived from sales made by nonresident sellers to Indiana buyers is not subject to gross income tax unless the seller was engaged in business activity within the state and such activity was connected with or facilitated the sales." 45 IAC 1-1-120. Specifically, the regulation exempts those sales "made by a nonresident where the product sold is, because of its size or weight, shipped in parts; and the seller, because of his special skill or expertise, assembles or installs the product at the buyer's place of business with no additional services rendered." 45 IAC 1-1-120(1)(c). Accordingly, when a vendor builds a piece of equipment out-of-state, ships the equipment into the state – either as a single unit or disassembled for ease of transport – and thereafter performs certain limited on-site services to install the equipment at the Indiana location, the state may not subject the transaction's service related proceeds to the unapportioned Gross Income Tax.

However, the regulation also recognizes that "Gross receipts from contracts entered into by nonresidents to furnish and install tangible personal property in Indiana are subject to gross income tax." 45 IAC 1-1-121(d).

Taxpayer argues that its income is derived from exempt in-shipments. The audit determined that the income was derived from essentially in-state transactions. 45 IAC 1-1-121(d) sets out the rule:

> The problem... is 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 project.

Therefore, if a hypothetical out-of-state vendor of air conditioning equipment contracted to provide a compressor to an Indiana customer, shipped the compressor into the state, and had its trained technicians connect the device to the Indiana customer's pipes and wires, the transaction would be a "sale" and the proceeds would not be subject to the Gross Income Tax. With perhaps the minor exception of certain loose parts, the compressor was shipped as a single unit, the compressor remained "personal property" after it was installed, and the compressor could have been sold to a different customer if the Indiana customer reneged on the deal. In addition, the out-of-state vendor performed no elaborate "installation, testing, construction" services within Indiana.

Taxpayer argues that it is in the same position as the hypothetical air conditioning vendor. In particular, taxpayer argues that its transfers of "lower-gas-flow precipitators and mechanical draft cooling towers" fall within the definition of "sales" set out in 45 IAC 1-1-121(d). Taxpayer cites to several Revenue Rulings which found variously that the provision of a "piece of equipment" the "sale and installation of pollution control equipment" were not subject to the state's Gross Income Tax. However, the cited Revenue Rulings are of little assistance because the Rulings are brief, conclusory statements that do not provide the guidance or analysis necessary to resolve the particular issue raised by taxpayer.

It is apparent that taxpayer's installation of large scale cooling towers, electrostatic precipitators, and various items of pollution control equipment qualifies it as a "contractor" under 45 IAC 1-1-100 and that its own activities are not analogous to the limited in-state service activities described in Brown Boveri and Surface Combustion. The installation of the large scale precipitators, cooling towers, and other pollution control equipment, were lengthy, complex projects in which the devices were first brought into being at the Indiana location. Unlike the out-of-state manufacturers in Brown Boveri and Surface Combustion, taxpayer did not simply construct this equipment outside the state, disassemble the devices for ease of transport, and then reassemble the equipment at the Indiana location. The sheer scale of taxpayer's projects – some of which took years to complete – belie the contention that

this equipment was constructed outside Indiana, disassembled, transported, and then simply reassembled at the Indiana location. In addition, it would seem apparent – given the complexity, scale, and specialization of these devices – that the taxpayer "perform[ed] additional services, such as installation, testing, construction" (45 IAC 1-1-121(d)) once the component parts were brought to the Indiana site.

It is possible that taxpayer entered into transactions for the provision and installation of certain equipment and that those transactions fell within the definition of a "sale" as set out in 45 IAC 1-1-121(d). A contract for taxpayer to supply an Indiana customer with a precipitator "the size of a large van" conceivably could have been a transaction similar to that of the hypothetical air conditioning manufacturer noted above. However, there are simply no conceivable circumstances under which the delivery of "500 foot high natural draft cooling towers" would have constituted the kind of "sale" envisioned under 45 IAC 1-1-121(d). Taxpayer has done nothing to identify a specific, potentially exempt "sale" and then to "tie" that particular transaction to the findings contained within the audit report. Taxpayer has provided no support for the proposition that the audit assessment should be rejected in toto because of the possibility that certain undefined 1994 through 1998 Indiana transactions may have fallen within the definition of an exempt "sale." Because taxpayer has not met its "burden of proving that the proposed assessment is wrong," (IC 6-8.1-5-1(b)), the Department is unable to grant the requested relief.

FINDING

Taxpayer's protest is respectfully denied.

II. Audit's Assessment Calculation – Gross Income Tax

Taxpayer argues that the audit's assessment of additional Gross Income Tax was fundamentally flawed because the audit "utilized an inconsistent methodology in ascertaining [taxpayer's] liability." According to taxpayer, the audit determined the amount of liability by reviewing sales and use tax reports and then comparing those reports to information listed on the taxpayer's tax returns. Thereafter – again, according to taxpayer – when information contained on the returns revealed a greater number than indicated on the sales and use tax reports, the audit adopted the number indicated on the returns. Conversely, when the information contained on the sales and use tax reports indicated a greater amount than that reported on the returns, the audit adopted the number indicated on the sales and use tax reports. In effect, the audit purportedly utilized whichever number resulted in the greater tax assessment. In addition, taxpayer argues that the audit's reliance on the sales and use tax reports is – in itself – problematic. Taxpayer explains that, "Sales tax is collected by the seller and then paid to the State of Indiana on a cash basis [while] Gross receipts are reported on an accrual basis when the sale is made."

The taxpayer offers no alternative assessment of its tax liability. Instead, the taxpayer asks the Department to reject the audit results because the results are "patently unfair to the taxpayer."

At the time of the audit, taxpayer's representatives – acting on behalf of the expired entity – were unable to provide the audit with complete financial records for the years at issue. From the information provided, it is evident that the audit had access to a limited number of sales and use tax records and that not all federal and state returns "were available or could be located." Accordingly, the audit indicated that the report was completed based upon "the best information available."

As noted in the audit report, the Department is entitled to make an assessment of taxes based upon "the best information available." IC 6-8.1-5-1(a) states that, "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." In addition, the statute places the burden of refuting such a proposed assessment on the taxpayer. "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." IC 6-8.1-5-1(b).

Taxpayer argues that the audit report "mix and match[ed]" the available information to produce the results that best suited the Department. However, taxpayer's bare assertion – that it is aggrieved by the audit methodology – is insufficient to establish that "the proposed assessment is wrong...." Taxpayer's representatives may be in the awkward position of having to establish the precise obligations of an entity which has undergone successive changes of ownership; however, taxpayer's representatives have offered no substantive, verifiable, superior, or reliable substitute for the audit's own conclusions.

The audit – faced with the responsibility of arriving at a determination of tax liabilities for a period spanning five years and six tax-reporting periods – arrived at a conclusion in spite of the fact that the audit had access to few existing records and in spite of the fact that taxpayer's own personnel, at the time of the audit, had very little understanding of taxpayer's past business or financial activities. There is simply no evidence that the audit's additional assessments were capricious, whimsical, or arbitrary. The Department must conclude that there is plainly no justification for setting aside the audit's conclusions because taxpayer has been unable to demonstrate that the assessments are quantifiably wrong, and because taxpayer has not been able to offer an alternative assessment which is demonstrably more reliable.

FINDING

Taxpayer's protest is respectfully denied.

III. Abatement of the Ten Percent Negligence Penalty

The audit concluded with the recommendation that a ten percent negligence penalty be assessed. Taxpayer argues that the

Department should exercise its discretion to abate the penalty because it "acted reasonably and with the requisite business care and prudence in filing its tax returns."

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...."

The Department is unable to agree with taxpayer's argument that its original returns represented a reasonable interpretation of the law and that, in preparing those original returns, it "exercised ordinary business care." Taxpayer raised the substantially identical issues with the Department following an earlier audit report. Although the taxpayer may have disagreed with the results of the earlier Letter of Findings which addressed those issues, taxpayer is not now entitled to assert that the issues were not addressed within the Letter of Findings or that it is unaware of the conclusions contained in that Letter of Findings. In addition, taxpayer is not now entitled to assert that the Letter of Finding's conclusions – sustaining taxpayer's protest in part and denying the protest in part – did not provide taxpayer with the specific guidance necessary for it to prepare its Indiana tax returns in a manner and to a degree which comported with the Indiana's Gross Income Tax law.

Further, the Department finds that the absence of adequate financial records can be interpreted as the lack of the "requisite business care and prudence" which would otherwise permit the Department to abate the penalty. Taxpayer's representative may be handicapped by the fact that taxpayer is not now a functioning business entity. Nonetheless, taxpayer was not a marginal "mom-and-pop" operation which unexpectedly vanished from the face of the earth. Taxpayer's substantial operations were absorbed by the parent company and a related entity was charged with the specific responsibility of winding down taxpayer's remaining business obligations including its outstanding tax liabilities. In its time, taxpayer was a substantial and sophisticated business operation having income, obligations, and contracts measured in the many-millions of dollars. The fact that the audit report had to be pieced together based upon vague, incomplete, and missing information is not evidence of the sort of "ordinary business care and prudence" expected of an "ordinary reasonable taxpayer" that would warrant abatement of the ten percent negligence penalty.

FINDING

Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0420010193P.LOF

LETTER OF FINDINGS NUMBER: 01-0193P
Use Tax
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(S)

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

II. Tax Administration – Interest

Authority: IC 6-8.1-10.2

Taxpayer protests the interest assessed.

STATEMENT OF FACTS

Taxpayer, in a letter dated April 25, 2001, requested an abatement of the penalty and interest assessed on an aircraft.

Taxpayer is a resident of Indiana who purchased an aircraft from a manufacturer in southern Florida on June 5, 1998. The Compliance Division – Aeronautics issued its Proposed Assessment on April 5, 2001 for the use tax, excise tax, registration fee, penalties, and interest. The taxpayer paid the assessment sans penalty and interest.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer asks that the Department waive the penalty because he did not purposely avoid his obligation to the state of Indiana.

Taxpayer states he relied on the counsel of his CPA and the aircraft manufacturer to see that all fees and registrations were in place.

Taxpayer failed to register his aircraft with the State although he was a resident. Taxpayer should have made himself aware of State requirements to register his plane at the time of purchase.

Taxpayer has not provided reasonable cause to allow the Department to waive the penalty.

FINDING

Taxpayer's protest is denied.

II. Tax Administration – Interest

DISCUSSION

Taxpayer asked the Department to waive the interest because he relied on the counsel of his CPA.

The Department has no authority to waive interest.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420020034.LOF

LETTER OF FINDINGS NUMBER: 02-0034
Sales Tax
Calendar Years 1998 & 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. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the negligence penalty.

STATEMENT OF FACTS

The negligence penalty was assessed on a sales tax assessment resulting from a Department audit conducted for the calendar years 1998 and 1999.

The taxpayer is a fast food purveyor. The taxpayer's commercial domicile is located out-of-state. The taxpayer has 26 locations in Indiana.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer requests the penalty assessment be waived based on the fact the taxpayer's error was unintentional. The error in the audit consisted of mislocated records needed to prove tax was paid.

45 IAC 15-11-2(b) states, "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 did not act with reasonable care in that the taxpayer was inattentive to tax duties. Inattention is negligence and negligence is subject to penalty. As such, the taxpayer's penalty protest is denied.

FINDING

The taxpayer's penalty protest is denied.

DEPARTMENT OF STATE REVENUE

4220020109.LOF

LETTER OF FINDINGS NUMBER: 02-0109
Motor Carrier/IFTA
For Tax Years 1998 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

I. Motor Carrier/IFTA – Audited Mileage and Fuel Calculations

Authority: IC 6-6-4.1-4; IC 6-8.1-5-1; IC 6-8.1-5-4; IFTA P510; IFTA R1210.100; IFTA R1210.200

Taxpayer protests the method used to calculate mileage and fuel tax.

STATEMENT OF FACTS

Taxpayer operated a hauling business. The business is no longer in operation. As the result of an audit, the Indiana Department of Revenue ("Department") issued proposed assessments for tax years 1999 and 2000. Due to the unavailability of sufficient records, the Department estimated mileage and fuel consumption. Taxpayer protests that the estimations were too high. Taxpayer did not attend the scheduled administrative hearing. Further facts will be provided as required.

I. Motor Carrier/IFTA – Audited Mileage and Fuel Calculations

DISCUSSION

Taxpayer operated a hauling business, which hauled a variety of loads for a variety of customers. The Department conducted a Motor Carrier and IFTA (International Fuel Tax Agreement) audit for the tax years 1998 through 2000. The Department found insufficient records to determine the amount of tax which should have been paid under IC 6-6-4.1-4 and IFTA. IC 6-6-4.1-4(a) states in part:

> A tax is imposed on the consumption of motor fuel by a carrier in its operations on highways in Indiana. The rate is the same rate per gallon as the rate per gallon at which special fuel is taxed under IC 6-6-2.5. The tax shall be paid quarterly by the carrier to the department on or before the last day of the month immediately following the quarter.

IC 6-8.1-5-4(a) states:

> Every person subject to a listed tax must keep books and records so that the department can determine the amount, if any, of the person's liability for that tax by reviewing those books and records. The records referred to in this subsection include all source documents necessary to determine the tax, including invoices, register tapes, receipts, and canceled checks.

Also, IFTA P510 states:

> Every licensee shall preserve the records for a period of four years from the due date of the return or the date filed, whichever is later. Such records shall be made available upon request by any member jurisdiction.

In its protest, taxpayer explains that some of its documentation was destroyed in a fire. The Department reviewed the available information to determine the amount, if any, of taxpayer's liability.

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 unpaid tax on the basis of the best information available to the department.

IFTA R1210.100 states in relevant part:

> In the event that any licensee…
>
> .015 fails to maintain records from which the licensee's true liability may be determined, the base jurisdiction shall, on the basis of the best information available to it, determine tax liability of the licensee for each jurisdiction. The base jurisdiction shall, after adding the appropriate penalties and interest, serve the assessment upon the licensee in the same manner as an audit assessment or in accordance with the laws of the base jurisdiction.

The Department determined that taxpayer had not reported the proper amount of tax due under IC 6-6-4.1-4. The Department then issued a proposed assessment of the unpaid tax on the basis of the best information available to the Department, as provided in IC 6-8.1-5-1(a) and IFTA R1210.100.

Taxpayer states in its protest that it disagrees with the Department's assessment and provided some documentation to support its position. Taxpayer also states in its protest that, "The State may have circumstantial evidence, but you have not proven we bought the fuel nor where we did such." 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.

IFTA R1210.200 states in relevant part:

> The assessment made by a jurisdiction pursuant to this procedure shall be presumed to be correct and, in any case where the validity of the assessment is questioned, the burden shall be on the licensee to establish a fair preponderance of evidence that the assessment is erroneous or excessive.

Prior to an administrative hearing being scheduled, the Department informed taxpayer that the submitted documentation was insufficient to prove the proposed assessment wrong. Taxpayer did not submit any further information and did not attend the scheduled administrative hearing. Taxpayer has not met its burden under IC 6-8.1-5-1(b) and IFTA R1210.200.

Therefore, taxpayer did not report the proper amount of tax due under IC 6-6-4.1-4 and did not have sufficient records available

to determine the proper amount due as required under IC 6-8.1-5-4(a) and IFTA P510. The Department issued the proposed assessment using the best information available, under IC 6-8.1-5-1(a) and IFTA R1210.100. Taxpayer has not met its burden of proving the proposed assessment wrong, as required under IC 6-8.1-5-1(b) and IFTA R1210.200.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420020240. LOF

LETTER OF FINDINGS NUMBER: 02-0240
Sales and Use Taxes
Calendar Years 1999 and 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. Sales Tax – Sales Tax Collected on Sales of Autos

Authority: 45 IAC 2.2-6-8; 45 IAC 6-8.1-5-1(a)

Taxpayer protests the sales tax on auto sales it did not make.

STATEMENT OF FACTS

Taxpayer was audited for calendar years 1999 and 2000. Upon audit it was discovered that the taxpayer failed to remit all of the sales tax collected. The audit was based upon the Bureau of Motor Vehicle's "Summary by Short Dealer" that lists the titles and the sales tax collected. Because the BMV sales tax did not agree with the sales tax remitted to the Indiana Department of Revenue, the difference was assessed in the audit. It is noted that specific car transactions were identified after the auditor presented his initial findings that limited the variance from year-end totals to specific transactions. The taxpayer's research also reduced the potential assessment.

A hearing was scheduled for June 3, 2002, which the taxpayer cancelled. Taxpayer had approximately fifty titles that it believes were assessed tax in error. A hearing was rescheduled for October 29, 2002. At hearing, the taxpayer was given additional time to review thirty-one titles it believed were not his.

On January 28, 2003, Taxpayers met with the hearing officer. Taxpayer states that $2,850.75 in tax was for sales it did not make. Taxpayer further states it called everyone possible and had written letters and can find no one who owns up to these sales.

The hearing officer has reviewed the contested titles and found that each listed the dealer's number, some appeared to have the same handwriting as those not contested, the certificates of title showed that title transferred to the taxpayer. Taxpayer and the hearing officer have not been able to verify that the sales were not made.

Based upon the letter of protest, the hearing officer tried to resolve the matter but was unable to determine from the information given that the assessments are in error. The burden of proof is upon the taxpayer and not the Department.

I. Sales Tax – Sales Tax Collected on Auto Sales

DISCUSSION

Taxpayer's audit was based upon information from the BMV's "Short Dealer" records. The audit assessed sales tax for items shown on the short dealer records that had no sales tax remitted to the Department of Revenue.

In reviewing the audit report and the file, it is noted that the assessment stems from BMV's "Short Dealer" records and the taxpayer had numerous opportunities to provide additional information. Taxpayer provided nothing to aid in the resolution of the audit because it could not prove that the sales were not made in the course of its business.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420020249.LOF

LETTER OF FINDINGS NUMBER: 02-0249
Sales Tax
Calendar Years 1998, 1999, and 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

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the negligence penalty.

STATEMENT OF FACTS

The negligence penalty was assessed on a sales tax assessment resulting from a Department audit conducted for the calendar years 1998, 1999, and 2000.

The taxpayer sells snowplows, mini-spreaders, and Del liftgates. These items are installed onto vehicles at the taxpayer's place of business. The taxpayer has one business location which is in northern Indiana.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer requests the penalty assessment be waived. The error in the audit was the result of the taxpayer not collecting sales tax on taxable sales.

45 IAC 15-11-2(b) states, "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 did not act with reasonable care in that the taxpayer was inattentive to tax duties. Inattention is negligence and negligence is subject to penalty. As such, the taxpayer's penalty protest is denied.

FINDING

The taxpayer's penalty protest is denied.

DEPARTMENT OF STATE REVENUE

0420020335.LOF

LETTER OF FINDINGS NUMBER: 02-0335
Use Tax
Calendar Years 1999, 2000, and 2001

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ISSUE(S)

I. Use Tax – Electric Utilities

Authority: 45 IAC 2.2-5-12 (f); 45 IAC 2.2-8-12 (f); IFB #55

Taxpayer protests tax on electricity purchased exempt.

STATEMENT OF FACTS

Taxpayer is a qualified bulk distributor of motor fuel from two locations in Indiana. They also operate several convenience stores in Indiana with sales of motor fuel through metered pumps, as well as sales of convenience items.

Upon audit, it was discovered that the taxpayer had two electric utility meters on which the utility company was charging no sales tax. Taxpayer protests the assessment on one of its utility meter (TC) purchases because it had been audited on numerous occasions and at no time was it advised that the exemption no longer was valid. Taxpayer protests the assessment for the audit period.

I. Use Tax – Electric Utilities

DISCUSSION

Taxpayer states that it was audited previously and never advised that the exemption was no longer valid. Taxpayer states that it can accept the fact that the exemption is no longer valid but protests the position that it was invalid for the audit period. Taxpayer states that the Indiana Department of Revenue never notified them or the electric company, that the exemption was no longer valid.

On October 15, 1985 the taxpayer filed a claim for refund for sales tax paid on an electric meter that it stated was used for an exempt purpose which was approved by the Department. The Department refunded the requested monies for 1984 and 1985.

Taxpayer's contention is that the Department issued an exemption in 1985 and has not notified them in writing that the exemption is no longer valid. The taxpayer filed a form ST-200 Sales Tax Exemption Application that was stamped approved by the Department on November 12, 1985. The taxpayer filed a claim for refund of tax on that meter for 1984 and 1985 at the time. The taxpayer has been audited since 1985 and states that there have been no adjustments to assess tax on this meter since exemption was granted sixteen years ago.

The Department determines what constitutes a valid exemption certificate as evidenced by 45 IAC 2.2-8-12 (f). In regard to the issuance of utility exemption certificates, the Department's Sales Tax Information Bulletin #55 (dated 5/31/89) details the procedure required for the taxpayer to purchase electricity exempt from tax at the time of purchase. A validated ST-109 form is required. The utility company is not allowed to accept any other exemption. Therefore, the 1985 photocopied ST-200 that the taxpayer provided to the utility company became invalid no later than 5/31/89. At that point, the utility purchases became subject to reporting of use tax under 45 IAC 2.2-3-4, the same as any other purchases on which tax was due and not remitted. The fact that the taxpayer has escaped taxation on this issue for approximately twelve years does not preclude assessment of the tax once the error is discovered.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

4120020337.LOF

LETTER OF FINDINGS NUMBER: 02-0337
International Registration Plan
For the Year 2000

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ISSUE

I. IRP Assessment

Authority: IC 6-8.1-5-4; IC 9-28-4-6; IRP 233; IRP 1500; Indiana 2000 IRP Information Handbook; IRP Audit Procedure Manual

Taxpayer challenged the adequacy of the Department of Revenue's audit of taxpayer's mileage records pursuant to the International Registration Plan.

STATEMENT OF FACTS

Taxpayer is in the trucking business. During the years considered, taxpayer was primarily involved in disposing of environmentally contaminated materials. Taxpayer operates its fleet of trucks from an Indiana location. The taxpayer's trucks also operate within Illinois.

The Department of Revenue (Department) conducted an International Registration Plan (IRP) audit of taxpayer's records. The audit concluded that taxpayer's records detailing the number of miles taxpayer's trucks operated within Indiana and Illinois were inadequate. Accordingly, the audit assessed a penalty in which 100 percent of the miles driven were allocated to Indiana.

The taxpayer submitted a protest of the assessment, and an administrative hearing was conducted. During that hearing, taxpayer indicated that it could now produce records which would correctly and accurately apportion the total number of miles its trucks had driven within Indiana and within Illinois. Taxpayer was provided an opportunity to assemble the missing information and produce those records for a supplemental audit. Thereafter, the supplemental audit was conducted resulting in a substantially reduced assessment.

This Letter of Findings is written to address taxpayer's remaining challenge to the original audit report, the supplemental audit, and the propriety of the 100 percent penalty assessment.

DISCUSSION

I. IRP Assessment

The IRP is a program for registering commercial vehicles – such as taxpayer's fleet of trucks – that operate within member jurisdictions including Indiana and Illinois. Under this program, taxpayer originally filed an apportioned registration application in Indiana because Indiana is the state in which taxpayer is based. The number of taxpayer's trucks and the miles traveled in Indiana and Illinois were listed on the application. Taxpayer paid the full registration fee, was issued an "apportioned" license plate for the fleet of vehicles, and the plate fees were apportioned between Indiana and Illinois based upon the aggregate mileage generated by all of taxpayer's trucks or tractors that were part of its apportioned fleet during the reporting period.

In 2002, the Department conducted an audit of taxpayer's records to determine if the reported operating miles comported with the number of miles taxpayer's fleet of trucks had actually operated during the year 2000. The audit's responsibility was to assure that the initial apportionment of the license fees between Indiana as the "base state" and Illinois correctly reflected the number of miles actually driven within those two jurisdictions.

Every registrant under the IRP is responsible for maintaining accurate source records. An acceptable source record is called an Individual Vehicle Mileage Record (IVMR). As specifically provided in Indiana 2000 IRP Information Handbook – provided to each registrant – "Your operational records must be documents that support the miles traveled in each jurisdiction, and the miles traveled." IRP Handbook p. 30.

The audit determined the taxpayer's records were inadequate, incomplete, inaccurate or entirely absent. The movements, mileage, and destinations of taxpayer's trucks could not be traced. The taxpayer had maintained IVMRs, but the information contained on the individual form was – in many cases – incomplete. For example, some of the IVMRs recorded total miles but no jurisdictional miles. Some of the IVMRs indicated an Illinois destination but did not record any miles within that state. Some of the IVMRs indicated an Indiana destination but did not record any miles within Indiana. Some of the IVMRs did not indicate the routes traveled. Other IVMRs did not specify the destination for each trip. Some of the IVMRs simply stated that the destination was "local" or "various."

Because the IVMRs were insufficient, the taxpayer was asked to provide supplementary information which documented the origins and destinations by city and state. The taxpayer attempted to assemble payroll information, customer invoices, load tickets, job numbers, and dispatch logs. The taxpayer was only able to provide incomplete, reconstructed, or speculative information which did not permit the audit to be properly completed; it was not possible to complete the IRP audit. Because the audit could not be completed, it was also not possible to determine if the taxpayer's initial reported mileage apportionment between Indiana and Illinois was correct. The resolution is provided for in the IRP regulations and – in this case – appeared especially well-warranted.

Pursuant to the audit, taxpayer was assessed a 100 percent penalty. "If adequate records are not available thirty days after notice is given, the registrant may be assessed the potential liability due to all jurisdictions or the registrant may be assessed 100 [percent] registration fees for the base jurisdiction." IRP Audit Procedure Manual 603. In effect, because the audit could not substantiate the miles driven within the two jurisdictions, taxpayer was reassessed the amount of license fees taxpayer would have paid if it had driven exclusively Indiana miles.

During the protest hearing, taxpayer maintained that – after substantial delay – it could now produce records which would allow an accurate apportionment of the Indiana and Illinois miles. Accordingly, taxpayer was specifically informed as to what records it would need to provide and was allowed 60 days in which to gather that information.

Taxpayer assembled its various records and submitted that information in order to permit a supplemental audit. However, the supplemental information taxpayer provided was itself incomplete and did not contain all the original records requested. Nonetheless, the supplemental audit was performed based on the available information.

IC 9-28-4-6 is the source document implementing the IRP provisions and requirements within this state.

(a) The department of state revenue, on behalf of the state, may enter into reciprocal agreements providing for the registration of vehicles on an apportionment or allocation basis with the proper authority of any state, any commonwealth, the District of Columbia, a state or province of a foreign country, or a territory or possession of either the United States or of a foreign country.

(b) To implement this chapter, the state may enter into and become a member of the International Registration Plan or other designation that may be given to a reciprocity plan developed by the American Association of Motor Vehicle Administrators.

(c) The department of state revenue may adopt rules under 4-22-2 to carry out and enforce the provisions of the International Registration Plan or any other agreement entered into under this chapter.

As a licensee within Indiana, a member jurisdiction of IRP, taxpayer is subject to IC 6-8.1-5-4 which states that, "Every person subject to a listed tax must keep books and records so that the department can determine the amount, if any, of the person's liability for that tax by reviewing those books and records."

In addition, IRP1500 states that, "Any registrant whose application for apportioned registration has been accepted shall preserve the records on which it is based for a period of three years after the close of the registration year. Such records shall be made available to the Commissioner at his request for audit as to accuracy of computation, payments, and assessments for deficiencies or allowances for credits during the normal business hours of the day." The IRP specifies which records each registrant must maintain; "'Operational Records' means documents supporting the total distance traveled in each jurisdiction and total distance traveled such as fuel reports, trip sheets and driver logs." IRP232.

Specifically, taxpayer is responsible for maintaining source documents which includes the following basic information.

The starting and ending dates of the trip.

The trip origin and destination by city and state.

The route of travel and/or the beginning and ending odometer or hubometer reading of the trip.

The total trip miles.

The mileage by jurisdiction.
The unit number or the vehicle identification number.
The vehicle fleet number.
The registrant's name.
The trailer unit number.
The driver's signature and/or name. IRP Handbook p. 30.

The nature of the specified information is clear, precise, and admits of no ambiguity. As stated in the Handbook, "IVMR's *must* contain the... basic information." Id. (*Emphasis in original*). During an audit, supplemental, recreated, or summarized information are not an acceptable substitute for the source documents. "Computer printouts and monthly reports such as fuel reports are merely recaps and are not acceptable at face value. These *must* be supported by an IVMR in order to be of any use during an audit." Id. (*Emphasis in original*).

Taxpayer's argument, that it was not required to record trip origins and destinations by city and state and that all was necessary to do was record either odometer readings or routes of travel together with a generalized breakdown in jurisdiction miles, is entirely fanciful and is unsupported by the rules cited or by simple, common sense. In addition, taxpayer's assertion that the audit carelessly lost or deliberately stole the missing records is equally far-fetched and does not warrant further discussion within this Letter of Findings.

The original audit was entirely justified in determining that the records presented at that time were inadequate; the audit was equally justified in imposing the 100 percent reassessment. Nonetheless, taxpayer was provided an additional opportunity to belatedly assemble information necessary to perform a supplemental audit and, despite the inadequacy of the after-assembled information, the original assessment was adjusted downward. Taxpayer has no basis whatsoever in challenging the results of the supplemental audit. Taxpayer may have been blithely unaware of the record keeping requirements imposed under IRP; such is no longer the case. If taxpayer was previously oblivious of these requirements, it now no longer is. The taxpayer is given notice that the Department will no longer accept or consider records which are incomplete, inadequate, or ambiguous.

FINDING

Taxpayer's challenge to the results of the original and supplemental audit is denied.

DEPARTMENT OF STATE REVENUE

0420020354.LOF

LETTER OF FINDINGS NUMBER: 02-0354
Gross Income and Sales/Use Tax
For the Years 1991-2000

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.

ISSUES

I. Sales and Use Tax – Calculation

Authority: IC 6-2.5-2-2

The taxpayer protests the method of calculating the tax due for 1991.

II. Tax Administration – Fraud Penalty

Authority: IC 6-8.1-10-4, IC 6-2.5-2-1(b), 45 IAC 15-5-7(3)

The taxpayer protests the imposition of the fraud penalty.

STATEMENT OF FACTS

The taxpayer owns and operates an automotive repair shop. The taxpayer is not incorporated and reports the business income on his individual income tax return. The taxpayer bills his customers separately for the service and parts, collecting sales tax from customers on the parts. The taxpayer paid sales tax when he purchased the parts. The taxpayer never registered with the state to collect sales tax or remitted the collected sales tax to the state. In an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," gave the taxpayer credit for sales taxes incorrectly paid when the taxpayer purchased the parts for resale to his customers. The audit also assessed sales tax on the parts the taxpayer sold to customers and use tax on tangible personal property used by the taxpayer. After the audit, the department assessed additional tax, interest and the fraud penalty. The taxpayer protested the calculation of the tax due for 1991 and the assessment of the fraud penalty.

I. Sales and Use Tax – Calculation

DISCUSSION

Due to a fire, the taxpayer only had sales tax records for the years 1999 and 2000. The taxpayer and department agreed to use the 1999 and 2000 records to develop percentages to be applied in determining the sales tax due for 1991-1998. To determine taxable

sales and purchases, these percentages were applied to the gross sales and cost of purchases taken off past tax returns. At the time of the audit, the taxpayer was able to provide copies of all tax returns other than 1991. The department used an average of sales and part purchases for the previous years to arrive at the taxable sales and purchases for 1991. After the audit, the taxpayer obtained a copy of the 1991 tax return from the IRS. The taxpayer presented the actual return at the hearing and requested that the tax due be recalculated based upon the actual figures on the tax return rather than the estimate used in the audit.

Pursuant to IC 6-2.5-2-2, the sales tax "is measured by the gross retail income received by a retail merchant in a retail unitary transaction." The taxpayer's production of the previously missing 1991 income tax return provides the means to compute the actual amount of the gross retail income subject to the income tax that was received by the taxpayer in 1991. It is preferable to determine the tax due from the actual 1991 income figures rather than from an estimate of taxpayer's 1991 income.

FINDING

The taxpayer's protest is sustained and the 1991 sales tax due will be recalculated based upon the 1991 tax return.

II. Tax Administration – Fraud Penalty

DISCUSSION

The taxpayer protests the imposition of the one hundred per cent (100%) fraud penalty.

The fraud penalty is imposed pursuant to IC 6-8.1-10-4 as follows:

If a person fails to file a return or to make a full tax payment with that return with the fraudulent intent of evading the tax, the person is subject to a penalty.

The Regulations set out five required elements for establishing fraud. These five elements are found at 45 IAC 15-5-7 (3) as follows:

(A) Misrepresentation of a material fact: A person must truthfully and correctly report all information required by the Indiana Code and the department's regulations. Any failure to correctly report such information is a misrepresentation of a material fact. Failure to file a return may be a misrepresentation.

(B) Scienter: This is a legal term meaning guilty knowledge or previous knowledge of a state of facts, such as evasion of tax, which it was a person's duty to guard against. A person must have actual knowledge of the responsibility of reporting the information under contention. However, the reckless making of statements without regard to their truth or falsity may serve as an imputation of scienter for purposes of proving fraud.

(C) Deception: Deception operates on the mind of the victim of the fraud. If a person's actions or failure to act causes the department to believe a given set of facts which are not true, the person has deceived the department.

(D) Reliance: Reliance also concerns the state of mind of the victim and is generally considered along with deception. If the person's actions, failure to act, or misrepresentations cause the department to rely on these acts to the detriment or injury of the department, the reliance requirement of fraud will be met.

(E) Injury: The fraud instituted upon the department must cause an injury. This can be satisfied simply by the fact that the misrepresentation(s) caused the department not to have collected the money which properly belongs to the state of Indiana.

The department and the taxpayer agree that the elements of misrepresentation of a material fact, deception, reliance, and injury are met in the taxpayer's situation. The issue to be determined is whether or not the taxpayer exhibited the element of scienter in his actions.

The taxpayer argues that he did not have the requisite scienter or guilty knowledge necessary for two reasons. First he thought that he didn't need to remit the collected taxes because he paid taxes when he purchased parts. Secondly, the taxpayer argues that the preparer of his income tax returns had a duty to inform the taxpayer of his obligation to remit the sales taxes that the taxpayer collected from consumers.

Scienter can be imputed to the taxpayer through his actions. It is common knowledge that taxes are monies used to fund government and must therefore be remitted to the government. The taxpayer clearly knew of sales taxes. He paid taxes when he purchased tangible personal property. His computer programs automatically billed sales tax. He collected and retained sales tax exemption certificates. The taxpayer knew to remit his income taxes to the state. He also knew to do planning so he would not have to remit withholding taxes to the state. The taxpayer's explanation that he didn't know he was obligated to remit collected sales taxes to the state defies credulity. Nor does the taxpayer offer any explanation for his collection and retention of the sales taxes.

Further, the taxpayer took his income tax information to a tax preparer that advertises a specialty in the preparation of income taxes for preparation of his income tax returns. A tax preparer that specializes in income taxes and is hired to prepare income taxes has no duty to inform taxpayers of obligations to pay other taxes. T he department has offices throughout the state, a web site, and publications to instruct merchants how to collect and remit sales tax.

Pursuant to IC 6-2.5-2-1 (b), merchants collect the sales tax as an agent for the state. At no time did the taxpayer own or have any personal right to the collected sales taxes. The taxpayer's actions indicate that he knew taxes were to be remitted to the state. The taxpayer's self enrichment through the retention of collected sales taxes constitutes fraud.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0920020357.LOF

LETTER OF FINDINGS NUMBER: 02-0357
County Innkeeper's Tax
For the Tax Periods: 1999 and 2000

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ISSUE

I. County Innkeeper's Tax – Markup for Long Distance Calls

Authority: IC 6-2.5-2-1, IC 6-9-8-2, IC 6-2.5-4-6, IC 6-2.5-4-4, *Greensburg Motel v. Dept. of State Revenue*, 629 N.E.2d 1302 (Ind. Tax 1994)

The Taxpayer protests the Department's assessment of County Innkeeper's tax on the markup of long distance telephone services offered to its guests.

STATEMENT OF FACTS

Taxpayer is in the business of providing guest accommodations for periods of less than 30 days. As part of its hotel operations, Taxpayer purchases telephone services from both a local carrier and a long distance carrier and passes these services through to its guests. The guests are not charged for local calls, however they are billed for long distance calls based on the length, location, and time of call. They are billed in a single un-segregated amount which includes Taxpayer's cost plus a markup.

During the audit, the auditor made adjustments after she determined that Taxpayer failed to include in taxable sales the long distance markup billed to the customer. More facts supplied as necessary.

I. County Innkeeper's Tax – Markup for Long Distance Calls

DISCUSSION

During the audit, the auditor found that Taxpayer failed to include in taxable sales the long distance markup for telephone calls billed to the customer. Taxpayer argues that the markup contains additional costs on which sales tax has been paid.

"An excise tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana." IC 6-2.5-2-1. In addition, a County Innkeeper's tax may be imposed. IC 6-9-8-2 states in relevant part:

(a) Each year a tax shall be levied on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any lodgings in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which lodgings are regularly furnished for a consideration.

(b) This tax shall be in addition to the state gross retail tax and use tax imposed on such persons by IC 6-2.5. … the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid and collected under IC 6-2.5.

IC 6-2.5-4-6 provides:

(a) As used in this section, "telecommunication services" means the transmission of messages or information by or using wire, cable, fiber-optics, laser, microwave, radio, satellite, or similar facilities. The term does not include 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.

(b) A person is a retail merchant making a retail transaction when the person:

(1) furnishes or sells an intrastate telecommunication service; and

(2) receives gross retail income from billings or statements rendered to customers.

(c) Notwithstanding subsection (b), a person is not a retail merchant making a retail transaction when:

(1) The person provides, installs, construct, services, or removes tangible personal property which is used in connection with the furnishing of the telecommunication services described in subsection (a); or

(2) The person furnishes or sells the telecommunication services described in subsection (a) to another person described in this section or in section 5 of this chapter.

It is clear Taxpayer does not transmit messages, but, rather simply purchases telecommunication services from the long distance carrier and, in turn, permits guest to access the telecommunication services for a fee. Taxpayer, as purchaser rather than a seller of intrastate telecommunication services, is required to pay sales/use tax on telecommunication services purchased pursuant to the above referenced IC 6-2.5-2-1 and IC 6-2.5-4-6.

The fee charged by Taxpayer to its guests for access to the telecommunications services is also subject to sales/use tax to be collected by Taxpayer as provided by IC 6-2.5-4-4 and 45 IAC 2.2-4-8. 45 IAC 2.2-4-8, interpreting IC 6-2.5-4-4, states that every person renting or furnishing rooms, lodgings or other accommodations for periods of less than thirty (30) days must collect the gross retail tax on the gross receipts from such transactions. It further states,

The gross receipts subject to tax include the amount which represents consideration for the rendition of these services which are essential to the furnishing of the accommodation, and those services which are regularly provided in furnishing the accommodation. Such amounts are subject to tax even when they are separately itemized on the statement or invoice.

Id.

In this case, Taxpayer's provision of access to telephone services for its guests is a service regularly provided in furnishing an accommodation by Taxpayer, hence, the fee for this is defined as gross receipts received from furnishing accommodations for periods of less than thirty (30) days and is subject to sales/use tax. While Taxpayer must pay sales/use tax to the telecommunications provider, they are not required to collect sales tax on the reimbursement of the long distance charge. However, the markup is considered to be a service charge that is in fact essential to and regularly provided in the furnishing of the accommodation. As such, the markup charge on long distance telephone calls is subject to the collection of sales tax.

Taxpayer contends that a portion of the markup consists of other costs such as call accounting software, special computers, telephone equipment and wiring which sales tax was also paid. They state that this is tax pyramiding and that only the markup minus these associated costs should be taxed.

In *Greensburg Motel v. Dept. of State Revenue*, 629 N.E.2d 1302 (Ind. Tax 1994), the taxpayer, who was a motel owner and operator, argued that tax pyramiding occurs in its industry because they are providing a taxable service and are not exempt from sales tax on their purchases of consumable items, non-consumable items, and utilities. The Court stated, "Not every purchase incorporated into service is exempt from sales tax."

While IC 6-2.5-4-6(c) explicitly excludes Taxpayer as a retail merchant making a retail transaction for providing telecommunications services, there is no such provision for Taxpayer with regards to the additional costs associated with the long distance service.

FINDING

The Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0420020358.LOF

LETTER OF FINDINGS NUMBER: 02-0358
Sales and Use Tax
For the Tax Periods: 1999 and 2000

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ISSUE

I. Sales Tax – Markup for Long Distance Calls

Authority: IC 6-2.5-2-1, IC 6-2.5-4-6, IC 6-2.5-4-4, *Greensburg Motel v. Dept. of State Revenue*, 629 N.E.2d 1302 (Ind. Tax 1994)

The Taxpayer protests the Department's assessment of sales tax on the markup of long distance telephone services offered to its guests.

STATEMENT OF FACTS

Taxpayer is in the business of providing guest accommodations for periods of less than 30 days. As part of its hotel operations, Taxpayer purchases telephone services from both a local carrier and a long distance carrier and passes these services through to its guests. The guests are not charged for local calls, however they are billed for long distance calls based on the length, location, and time of call. They are billed in a single un-segregated amount which includes Taxpayer's cost plus a markup.

During the audit, the auditor made adjustments after she determined that Taxpayer failed to include in taxable sales the long distance markup billed to the customer. More facts supplied as necessary.

I. Sales Tax – Markup for Long Distance Calls

DISCUSSION

During the audit, the auditor found that Taxpayer failed to include in taxable sales the long distance markup for telephone calls billed to the customer. Taxpayer argues that the markup contains additional costs on which sales tax has been paid.

"An excise tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana," IC 6-2.5-2-1. Also, IC 6-2.5-4-6 provides:

(a) As used in this section, "telecommunication services" means the transmission of messages or information by or using wire, cable, fiber-optics, laser, microwave, radio, satellite, or similar facilities. The term does not include 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.

(b) A person is a retail merchant making a retail transaction when the person:
(1) furnishes or sells an intrastate telecommunication service; and
(2) receives gross retail income from billings or statements rendered to customers.
(c) Notwithstanding subsection (b), a person is not a retail merchant making a retail transaction when:
(1) The person provides, installs, construct, services, or removes tangible personal property which is used in connection with the furnishing of the telecommunication services described in subsection (a); or
(2) The person furnishes or sells the telecommunication services described in subsection (a) to another person described in this section or in section 5 of this chapter.

It is clear Taxpayer does not transmit messages, but, rather simply purchases telecommunication services from the long distance carrier and, in turn, permits guest to access the telecommunication services for a fee. Taxpayer, as purchaser rather than a seller of intrastate telecommunication services, is required to pay sales/use tax on telecommunication services purchased pursuant to the above referenced IC 6-2.5-2-1 and IC 6-2.5-4-6.

The fee charged by Taxpayer to its guests for access to the telecommunications services is also subject to sales/use tax to be collected by Taxpayer as provided by IC 6-2.5-4-4 and 45 IAC 2.2-4-8. 45 IAC 2.2-4-8, interpreting IC 6-2.5-4-4, states that every person renting or furnishing rooms, lodgings or other accommodations for periods of less than thirty (30) days must collect the gross retail tax on the gross receipts from such transactions. It further states,

The gross receipts subject to tax include the amount which represents consideration for the rendition of these services which are essential to the furnishing of the accommodation, and those services which are regularly provided in furnishing the accommodation. Such amounts are subject to tax even when they are separately itemized on the statement or invoice.

Id.

In this case, Taxpayer's provision of access to telephone services for its guests is a service regularly provided in furnishing an accommodation by Taxpayer, hence, the fee for this is defined as gross receipts received from furnishing accommodations for periods of less than thirty (30) days and is subject to sales/use tax. While Taxpayer must pay sales/use tax to the telecommunications provider, they are not required to collect sales tax on the reimbursement of the long distance charge. However, the markup is considered to be a service charge that is in fact essential to and regularly provided in the furnishing of the accommodation. As such, the markup charge on long distance telephone calls is subject to the collection of sales tax.

Taxpayer contends that a portion of the markup consists of other costs such as call accounting software, special computers, telephone equipment and wiring which sales tax was also paid. They state that this is tax pyramiding and that only the markup minus these associated costs should be taxed.

In *Greensburg Motel v. Dept. of State Revenue*, 629 N.E.2d 1302 (Ind. Tax 1994), the taxpayer, who was a motel owner and operator, argued that tax pyramiding occurs in its industry because they are providing a taxable service and are not exempt from sales tax on their purchases of consumable items, non-consumable items, and utilities. The Court stated, "Not every purchase incorporated into service is exempt from sales tax."

While IC 6-2.5-4-6(c) explicitly excludes Taxpayer as a retail merchant making a retail transaction for providing telecommunications services, there is no such provision for Taxpayer with regards to the additional costs associated with the long distance service.

FINDING

The Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0420020359.LOF

LETTER OF FINDINGS NUMBER: 02-0359
Sales and Use Tax
For the Tax Periods: 1999 and 2000

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ISSUE

I. Sales Tax – Markup for Long Distance Calls

Authority: IC 6-2.5-2-1, IC 6-2.5-4-6, IC 6-2.5-4-4, *Greensburg Motel v. Dept. of State Revenue*, 629 N.E.2d 1302 (Ind. Tax 1994)

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STATEMENT OF FACTS

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During the audit, the auditor made adjustments after she determined that Taxpayer failed to include in taxable sales the long distance markup billed to the customer. More facts supplied as necessary.

I. Sales Tax – Markup for Long Distance Calls

DISCUSSION

During the audit, the auditor found that Taxpayer failed to include in taxable sales the long distance markup for telephone calls billed to the customer. Taxpayer argues that the markup contains additional costs on which sales tax has been paid.

"An excise tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana," IC 6-2.5-2-1. Also, IC 6-2.5-4-6 provides:

(a) As used in this section, "telecommunication services" means the transmission of messages or information by or using wire, cable, fiber-optics, laser, microwave, radio, satellite, or similar facilities. The term does not include 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.

(b) A person is a retail merchant making a retail transaction when the person:

(1) furnishes or sells an intrastate telecommunication service; and

(2) receives gross retail income from billings or statements rendered to customers.

(c) Notwithstanding subsection (b), a person is not a retail merchant making a retail transaction when:

(1) The person provides, installs, construct, services, or removes tangible personal property which is used in connection with the furnishing of the telecommunication services described in subsection (a); or

(2) The person furnishes or sells the telecommunication services described in subsection (a) to another person described in this section or in section 5 of this chapter.

It is clear Taxpayer does not transmit messages, but, rather simply purchases telecommunication services from the long distance carrier and, in turn, permits guest to access the telecommunication services for a fee. Taxpayer, as purchaser rather than a seller of intrastate telecommunication services, is required to pay sales/use tax on telecommunication services purchased pursuant to the above referenced IC 6-2.5-2-1 and IC 6-2.5-4-6.

The fee charged by Taxpayer to its guests for access to the telecommunications services is also subject to sales/use tax to be collected by Taxpayer as provided by IC 6-2.5-4-4 and 45 IAC 2.2-4-8. 45 IAC 2.2-4-8, interpreting IC 6-2.5-4-4, states that every person renting or furnishing rooms, lodgings or other accommodations for periods of less than thirty (30) days must collect the gross retail tax on the gross receipts from such transactions. It further states,

> The gross receipts subject to tax include the amount which represents consideration for the rendition of these services which are essential to the furnishing of the accommodation, and those services which are regularly provided in furnishing the accommodation. Such amounts are subject to tax even when they are separately itemized on the statement or invoice.

Id.

In this case, Taxpayer's provision of access to telephone services for its guests is a service regularly provided in furnishing an accommodation by Taxpayer, hence, the fee for this is defined as gross receipts received from furnishing accommodations for periods of less than thirty (30) days and is subject to sales/use tax. While Taxpayer must pay sales/use tax to the telecommunications provider, they are not required to collect sales tax on the reimbursement of the long distance charge. However, the markup is considered to be a service charge that is in fact essential to and regularly provided in the furnishing of the accommodation. As such, the markup charge on long distance telephone calls is subject to the collection of sales tax.

Taxpayer contends that a portion of the markup consists of other costs such as call accounting software, special computers, telephone equipment and wiring which sales tax was also paid. They state that this is tax pyramiding and that only the markup minus these associated costs should be taxed.

In *Greensburg Motel v. Dept. of State Revenue*, 629 N.E.2d 1302 (Ind. Tax 1994), the taxpayer, who was a motel owner and operator, argued that tax pyramiding occurs in its industry because they are providing a taxable service and are not exempt from sales tax on their purchases of consumable items, non-consumable items, and utilities. The Court stated, "Not every purchase incorporated into service is exempt from sales tax."

While IC 6-2.5-4-6(c) explicitly excludes Taxpayer as a retail merchant making a retail transaction for providing telecommunications services, there is no such provision for Taxpayer with regards to the additional costs associated with the long distance service.

FINDING

The Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0920020360.LOF

LETTER OF FINDINGS NUMBER: 02-0360
County Innkeeper's Tax
For the Tax Periods: 1999 and 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

I. County Innkeeper's Tax – Markup for Long Distance Calls

Authority: IC 6-2.5-2-1, IC 6-9-8-2, IC 6-2.5-4-6, IC 6-2.5-4-4, 45 IAC 2.2-4-8, *Greensburg Motel v. Dept. of State Revenue*, 629 N.E.2d 1302 (Ind. Tax 1994)

The Taxpayer protests the Department's assessment of County Innkeeper's Tax on the markup of long distance telephone services offered to its guests.

STATEMENT OF FACTS

Taxpayer is in the business of providing guest accommodations for periods of less than 30 days. As part of its hotel operations, Taxpayer purchases telephone services from both a local carrier and a long distance carrier and passes these services through to its guests. The guests are not charged for local calls, however they are billed for long distance calls based on the length, location, and time of call. They are billed in a single un-segregated amount which includes Taxpayer's cost plus a markup.

During the audit, the auditor made adjustments after she determined that Taxpayer failed to include in taxable sales the long distance markup billed to the customer. More facts supplied as necessary.

I. County Innkeeper's Tax – Markup for Long Distance Calls

DISCUSSION

During the audit, the auditor found that Taxpayer failed to include in taxable sales the long distance markup for telephone calls billed to the customer. Taxpayer argues that the markup contains additional costs on which sales tax has been paid.

"An excise tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana." IC 6-2.5-2-1. In addition, a County Innkeeper's tax may be imposed. IC 6-9-8-2 states in relevant part:

(a) Each year a tax shall be levied on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any lodgings in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which lodgings are regularly furnished for a consideration.

(b) This tax shall be in addition to the state gross retail tax and use tax imposed on such persons by IC 6-2.5. … the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid and collected under IC 6-2.5.

IC 6-2.5-4-6 provides:

(a) As used in this section, "telecommunication services" means the transmission of messages or information by or using wire, cable, fiber-optics, laser, microwave, radio, satellite, or similar facilities. The term does not include 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.

(b) A person is a retail merchant making a retail transaction when the person:

(1) furnishes or sells an intrastate telecommunication service; and

(2) receives gross retail income from billings or statements rendered to customers.

(c) Notwithstanding subsection (b), a person is not a retail merchant making a retail transaction when:

(1) The person provides, installs, construct, services, or removes tangible personal property which is used in connection with the furnishing of the telecommunication services described in subsection (a); or

(2) The person furnishes or sells the telecommunication services described in subsection (a) to another person described in this section or in section 5 of this chapter.

It is clear Taxpayer does not transmit messages, but, rather simply purchases telecommunication services from the long distance carrier and, in turn, permits guest to access the telecommunication services for a fee. Taxpayer, as purchaser rather than a seller of intrastate telecommunication services, is required to pay sales/use tax on telecommunication services purchased pursuant to the above referenced IC 6-2.5-2-1 and IC 6-2.5-4-6.

The fee charged by Taxpayer to its guests for access to the telecommunications services is also subject to sales/use tax to be collected by Taxpayer as provided by IC 6-2.5-4-4 and 45 IAC 2.2-4-8. 45 IAC 2.2-4-8, interpreting IC 6-2.5-4-4, states that every person renting or furnishing rooms, lodgings or other accommodations for periods of less than thirty (30) days must collect the gross retail tax on the gross receipts from such transactions. It further states,

The gross receipts subject to tax include the amount which represents consideration for the rendition of these services which are essential to the furnishing of the accommodation, and those services which are regularly provided in furnishing the accommodation. Such amounts are subject to tax even when they are separately itemized on the statement or invoice.

Id.

In this case, Taxpayer's provision of access to telephone services for its guests is a service regularly provided in furnishing an accommodation by Taxpayer, hence, the fee for this is defined as gross receipts received from furnishing accommodations for periods of less than thirty (30) days and is subject to sales/use tax. While Taxpayer must pay sales/use tax to the telecommunications provider, they are not required to collect sales tax on the reimbursement of the long distance charge. However, the markup is considered to be a service charge that is in fact essential to and regularly provided in the furnishing of the accommodation. As such, the markup charge on long distance telephone calls is subject to the collection of sales tax.

Taxpayer contends that a portion of the markup consists of other costs such as call accounting software, special computers, telephone equipment and wiring which sales tax was also paid. They state that this is tax pyramiding and that only the markup minus these associated costs should be taxed.

In *Greensburg Motel v. Dept. of State Revenue*, 629 N.E.2d 1302 (Ind. Tax 1994), the taxpayer, who was a motel owner and operator, argued that tax pyramiding occurs in its industry because they are providing a taxable service and are not exempt from sales tax on their purchases of consumable items, non-consumable items, and utilities. The Court stated, "Not every purchase incorporated into service is exempt from sales tax."

While IC 6-2.5-4-6(c) explicitly excludes Taxpayer as a retail merchant making a retail transaction for providing telecommunications services, there is no such provision for Taxpayer with regards to the additional costs associated with the long distance service.

FINDING

The Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0920020361.LOF

LETTER OF FINDINGS NUMBER: 02-0361
County Innkeeper's Tax
For the Tax Periods: 1999 and 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

I. County Innkeeper's Tax – Markup for Long Distance Calls

Authority: IC 6-2.5-2-1, IC 6-9-8-2, IC 6-2.5-4-6, IC 6-2.5-4-4, *Greensburg Motel v. Dept. of State Revenue*, 629 N.E.2d 1302 (Ind. Tax 1994)

The Taxpayer protests the Department's assessment of County Innkeeper's tax on the markup of long distance telephone services offered to its guests.

STATEMENT OF FACTS

Taxpayer is in the business of providing guest accommodations for periods of less than 30 days. As part of its hotel operations, Taxpayer purchases telephone services from both a local carrier and a long distance carrier and passes these services through to its guests. The guests are not charged for local calls, however they are billed for long distance calls based on the length, location, and time of call. They are billed in a single un-segregated amount which includes Taxpayer's cost plus a markup.

During the audit, the auditor made adjustments after she determined that Taxpayer failed to include in taxable sales the long distance markup billed to the customer. More facts supplied as necessary.

I. County Innkeeper's Tax – Markup for Long Distance Calls

DISCUSSION

During the audit, the auditor found that Taxpayer failed to include in taxable sales the long distance markup for telephone calls billed to the customer. Taxpayer argues that the markup contains additional costs on which sales tax has been paid.

"An excise tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana." IC 6-2.5-2-1. In addition, a County Innkeeper's tax may be imposed. IC 6-9-8-2 states in relevant part:

(a) Each year a tax shall be levied on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any lodgings in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which lodgings are regularly furnished for a consideration.

(b) This tax shall be in addition to the state gross retail tax and use tax imposed on such persons by IC 6-2.5. … the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid and collected under IC 6-2.5.

IC 6-2.5-4-6 provides:

(a) As used in this section, "telecommunication services" means the transmission of messages or information by or using wire, cable, fiber-optics, laser, microwave, radio, satellite, or similar facilities. The term does not include 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.

(b) A person is a retail merchant making a retail transaction when the person:

(1) furnishes or sells an intrastate telecommunication service; and

(2) receives gross retail income from billings or statements rendered to customers.

(c) Notwithstanding subsection (b), a person is not a retail merchant making a retail transaction when:

(1) The person provides, installs, construct, services, or removes tangible personal property which is used in connection with the furnishing of the telecommunication services described in subsection (a); or

(2) The person furnishes or sells the telecommunication services described in subsection (a) to another person described in this section or in section 5 of this chapter.

It is clear Taxpayer does not transmit messages, but, rather simply purchases telecommunication services from the long distance carrier and, in turn, permits guest to access the telecommunication services for a fee. Taxpayer, as purchaser rather than a seller of intrastate telecommunication services, is required to pay sales/use tax on telecommunication services purchased pursuant to the above referenced IC 6-2.5-2-1 and IC 6-2.5-4-6.

The fee charged by Taxpayer to its guests for access to the telecommunications services is also subject to sales/use tax to be collected by Taxpayer as provided by IC 6-2.5-4-4 and 45 IAC 2.2-4-8. 45 IAC 2.2-4-8, interpreting IC 6-2.5-4-4, states that every person renting or furnishing rooms, lodgings or other accommodations for periods of less than thirty (30) days must collect the gross retail tax on the gross receipts from such transactions. It further states,

> The gross receipts subject to tax include the amount which represents consideration for the rendition of these services which are essential to the furnishing of the accommodation, and those services which are regularly provided in furnishing the accommodation. Such amounts are subject to tax even when they are separately itemized on the statement or invoice.

Id.

In this case, Taxpayer's provision of access to telephone services for its guests is a service regularly provided in furnishing an accommodation by Taxpayer, hence, the fee for this is defined as gross receipts received from furnishing accommodations for periods of less than thirty (30) days and is subject to sales/use tax. While Taxpayer must pay sales/use tax to the telecommunications provider, they are not required to collect sales tax on the reimbursement of the long distance charge. However, the markup is considered to be a service charge that is in fact essential to and regularly provided in the furnishing of the accommodation. As such, the markup charge on long distance telephone calls is subject to the collection of sales tax.

Taxpayer contends that a portion of the markup consists of other costs such as call accounting software, special computers, telephone equipment and wiring which sales tax was also paid. They state that this is tax pyramiding and that only the markup minus these associated costs should be taxed.

In *Greensburg Motel v. Dept. of State Revenue*, 629 N.E.2d 1302 (Ind. Tax 1994), the taxpayer, who was a motel owner and operator, argued that tax pyramiding occurs in its industry because they are providing a taxable service and are not exempt from sales tax on their purchases of consumable items, non-consumable items, and utilities. The Court stated, "Not every purchase incorporated into service is exempt from sales tax."

While IC 6-2.5-4-6(c) explicitly excludes Taxpayer as a retail merchant making a retail transaction for providing telecommunications services, there is no such provision for Taxpayer with regards to the additional costs associated with the long distance service.

FINDING

The Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0420020362.LOF

LETTER OF FINDINGS NUMBER: 02-0362
Sales and Use Tax
For the Tax Periods: 1999 and 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

I. Sales Tax – Markup for Long Distance Calls

Authority: IC 6-2.5-2-1, IC 6-2.5-4-6, IC 6-2.5-4-4, *Greensburg Motel v. Dept. of State Revenue*, 629 N.E.2d 1302 (Ind. Tax 1994)

The Taxpayer protests the Department's assessment of sales tax on the markup of long distance telephone services offered to its guests.

STATEMENT OF FACTS

Taxpayer is in the business of providing guest accommodations for periods of less than 30 days. As part of its hotel operations, Taxpayer purchases telephone services from both a local carrier and a long distance carrier and passes these services through to its guests. The guests are not charged for local calls, however they are billed for long distance calls based on the length, location, and time of call. They are billed in a single un-segregated amount which includes Taxpayer's cost plus a markup.

During the audit, the auditor made adjustments after she determined that Taxpayer failed to include in taxable sales the long distance markup billed to the customer. More facts supplied as necessary.

I. Sales Tax – Markup for Long Distance Calls

DISCUSSION

During the audit, the auditor found that Taxpayer failed to include in taxable sales the long distance markup for telephone calls billed to the customer. Taxpayer argues that the markup contains additional costs on which sales tax has been paid.

"An excise tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana," IC 6-2.5-2-1. Also, IC 6-2.5-4-6 provides:

(a) As used in this section, "telecommunication services" means the transmission of messages or information by or using wire, cable, fiber-optics, laser, microwave, radio, satellite, or similar facilities. The term does not include 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.

(b) A person is a retail merchant making a retail transaction when the person:

(1) furnishes or sells an intrastate telecommunication service; and

(2) receives gross retail income from billings or statements rendered to customers.

(c) Notwithstanding subsection (b), a person is not a retail merchant making a retail transaction when:

(1) The person provides, installs, construct, services, or removes tangible personal property which is used in connection with the furnishing of the telecommunication services described in subsection (a); or

(2) The person furnishes or sells the telecommunication services described in subsection (a) to another person described in this section or in section 5 of this chapter.

It is clear Taxpayer does not transmit messages, but, rather simply purchases telecommunication services from the long distance carrier and, in turn, permits guest to access the telecommunication services for a fee. Taxpayer, as purchaser rather than a seller of intrastate telecommunication services, is required to pay sales/use tax on telecommunication services purchased pursuant to the above referenced IC 6-2.5-2-1 and IC 6-2.5-4-6.

The fee charged by Taxpayer to its guests for access to the telecommunications services is also subject to sales/use tax to be collected by Taxpayer as provided by IC 6-2.5-4-4 and 45 IAC 2.2-4-8. 45 IAC 2.2-4-8, interpreting IC 6-2.5-4-4, states that every person renting or furnishing rooms, lodgings or other accommodations for periods of less than thirty (30) days must collect the gross retail tax on the gross receipts from such transactions. It further states,

> The gross receipts subject to tax include the amount which represents consideration for the rendition of these services which are essential to the furnishing of the accommodation, and those services which are regularly provided in furnishing the accommodation. Such amounts are subject to tax even when they are separately itemized on the statement or invoice.

Id.

In this case, Taxpayer's provision of access to telephone services for its guests is a service regularly provided in furnishing an accommodation by Taxpayer, hence, the fee for this is defined as gross receipts received from furnishing accommodations for periods of less than thirty (30) days and is subject to sales/use tax. While Taxpayer must pay sales/use tax to the telecommunications provider, they are not required to collect sales tax on the reimbursement of the long distance charge. However, the markup is considered to be a service charge that is in fact essential to and regularly provided in the furnishing of the accommodation. As such, the markup charge on long distance telephone calls is subject to the collection of sales tax.

Taxpayer contends that a portion of the markup consists of other costs such as call accounting software, special computers, telephone equipment and wiring which sales tax was also paid. They state that this is tax pyramiding and that only the markup minus these associated costs should be taxed.

In *Greensburg Motel v. Dept. of State Revenue*, 629 N.E.2d 1302 (Ind. Tax 1994), the taxpayer, who was a motel owner and

operator, argued that tax pyramiding occurs in its industry because they are providing a taxable service and are not exempt from sales tax on their purchases of consumable items, non-consumable items, and utilities. The Court stated, "Not every purchase incorporated into service is exempt from sales tax."

While IC 6-2.5-4-6(c) explicitly excludes Taxpayer as a retail merchant making a retail transaction for providing telecommunications services, there is no such provision for Taxpayer with regards to the additional costs associated with the long distance service.

FINDING

The Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0120020462.LOF

LETTER OF FINDINGS NUMBER: 02-0462
Individual State Income Tax
For the Years 1998, 1999, and 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 the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Proposed Assessments of Individual Income Tax

Authority: IC 6-8.1-5-1(a); Portillo v. Comm'r Internal Revenue, 988 F.2d 27 (5th Cir. 1993); 2002 U.S. Master Tax Guide (CCH 2001); Internal Revenue Service – Small Bus/Self-Employed, http://www.irs.gov/businesses/small/article

Taxpayer argues that there is no evidence establishing he received taxable income during the years at issue.

II. Disclosure of Federal Tax Information

Authority: IC 6-8.1-1-1; IC 6-8.1-3-1(a); I.R.C. § 6013(a); I.R.C. § 6013(c) to (o); I.R.C. § 6013(d)

Taxpayer maintains that the information, purportedly establishing that he received taxable income, was wrongly obtained from the Internal Revenue Service.

III. Exclusion of Federal Tax Information

Authority: United States v. Janis, 428 U.S. 433 (1975); Mapp v. Ohio, 367 U.S. 643 (1961); Weeks v. United States, 232 U.S. 383 (1914); Kievela v. Dep't of Treasury, 536 N.W.2d 498 (Mich. 1995); Black's Law Dictionary (7th ed. 1999)

Taxpayer argues the information obtained from the Internal Revenue may not be used as the basis for the proposed assessments on the ground that the information is "Fruit of the Poisonous Tree."

STATEMENT OF FACTS

The Department of Revenue (Department) obtained information from the Internal Revenue Service indicating that taxpayer received taxable income during 1998, 1999, and 2000. Based on that information, the Department determined taxpayer owed state income taxes and sent taxpayer notices of "Proposed Assessment." Taxpayer disagreed with the Department's assessments and submitted a protest to that effect. An administrative hearing was conducted, and this Letter of Findings results.

DISCUSSION

I. Proposed Assessments of Individual Income Tax

Taxpayer states that there is no information substantiating the conclusion that he received taxable income during 1998, 1999, and 2000 and that the Department "plucked the number[s] out of thin air."

The Department received information indicating that five separate businesses – during one or more of the years at issue – had prepared and submitted nine copies of IRS Form 1099 to the federal government. The five businesses reported that taxpayer received income during 1998, 1999, and 2000. The Form 1099 "is filed by payers for each person to whom at least $10 in gross royalty payments, or $600 for rents or services in the course of a trade or business, was paid." 2002 U.S. Master Tax Guide para. 2565, p. 649 (CCH 2001). The Form 1099 is accompanied by a Form 1096 "which is similar to a cover letter" identifying the name of the filer. Internal Revenue Service – Small Bus/Self-Employed, (October 10, 2002) http://www.irs.gov/businesses/small/article.

Taxpayer cites to Portillo v. Comm'r Internal Revenue, 988 F.2d 27 (5th Cir. 1993), in support of his argument that the Department incorrectly assessed the additional income taxes. In that case, the court stated that, "A naked assessment without any foundation is arbitrary and erroneous." Id. at 29. An assessment of additional income taxes, resting entirely on the credibility of a single witness was a "naked assertion" and was "not sufficient support for a notice of deficiency." Id.

The Department based the notices of "Proposed Assessment" on the amount of income specified on the Form 1099s. There is nothing to indicate the information stated on the forms was incorrect. There is nothing to indicate that the calculations used in determining the amount of "State Taxable Income" were improperly or inaccurately performed. IC 6-8.1-5-1(a) states that 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."

Taxpayer has failed to establish that the amount of taxes listed on the notices of "Proposed Assessment" was erroneous. Taxpayer's assertion, that the Department "plucked the number[s] out of thin air," is incorrect. Unlike the "naked assessment" criticized in Portillo, the proposed assessments were not an "arbitrary and erroneous notice of deficiency" but were based on the unchallenged amounts of income specified on the Form 1099s. Portillo, 988 F.2d at 28.

FINDING

Taxpayer's protest is denied.

II. Disclosure of Federal Tax Information

Taxpayer challenges the proposed assessments on the ground that the information contained on the federal Form 1099s should not have been provided to the Department. According to taxpayer, because the information was wrongly disclosed to the state, the proposed assessments of additional income taxes cannot stand.

I.R.C. § 6013(a) states that, "Returns and return information shall be confidential" and that no person who has access to the information "shall disclose any return or return information obtained by him in any manner in connection with his service as such an officer or an employee or otherwise or under the provisions of this section." However, I.R.C. § 6013(c) to (o) allows the disclosure of taxpayer information under thirteen specific circumstances. Included among those specific exceptions, is I.R.C. § 6013(d) which states that, "Returns and return information... shall be open to inspection by, or disclosure to, any State agency, body, or commission, or its legal representative, which is charged under the laws of such State with responsibility for the administration of State tax laws for the purpose of, and only to the extent necessary in, the administration of such laws...."

Under IC 6-8.1-3-1(a), "The department [of revenue] has the primary responsibility for the administration, collection, and enforcement of the listed taxes." The term "listed tax" is defined at IC 6-8.1-1-1 which specifically includes "the adjusted gross income tax" as one of the Indiana's "listed taxes."

Because the Department is charged with the responsibility for administering, collecting, and enforcing Indiana's adjusted gross income tax laws, it was entitled to request and obtain the information contained on the Form 1099s. Under I.R.C. § 6013(d), the Internal Revenue Service was authorized to disclose the information on those forms to the designated state representative. There is no indication that the Department acted in derogation of its "primary responsibility" as set out in IC 6-8.1-3-1(a) in obtaining the challenged information or that the Internal Revenue exceeded its mandate under I.R.C. § 6013 by releasing that information to the state.

FINDING

Taxpayer's protest is denied.

III. Exclusion of Federal Tax Information

According to taxpayer, even if the Department had the authority to request the information contained on the Form 1099s, the information should be excluded from consideration because the information is "Fruit of the Poisonous Tree."

Taxpayer's argument is somewhat obscure. As best that can be determined, taxpayer maintains that the taxpayer's federal "IMF" (Individual Master File) contains mistaken information. Therefore, because the information reported on the Form 1099s came from the same source that encoded the information on the IMF, the Form 1099s are irretrievably tainted, and the 1099s should be excluded pursuant to the "Fruit of the Poisonous Tree" doctrine.

Taxpayer submitted one page of his federal IMF report. That one page contains information presented in cryptic form using various codes, acronyms, numbers, and enigmatic entries. The taxpayer also produced one page of the "IMF Filing Requirement Codes." According to taxpayer, reading the two documents in conjunction, reveals that the IMF page incorrectly designates taxpayer's profession.

Taxpayer seeks to preclude the Department from relying on the Form 1099s because the information contained is "Fruit of the Poisonous Tree." Taxpayer refers to the exclusionary rule that "evidence derived from an illegal search, arrest, or interrogation is inadmissible because the evidence... was tainted by the illegality." Black's Law Dictionary 679 (7th ed. 1999). In Weeks v. United States, 232 U.S. 383, 389 (1914), the court found that evidence seized in violation of the U.S. Const. amend. IV is not admissible in a federal criminal proceedings. In Mapp v. Ohio, 367 U.S. 643, 655 (1961), the Supreme Court held that the exclusionary rule also applies in state criminal proceedings. However, the courts have determined that the exclusionary rule does not apply in all civil proceedings. "Unless there is collusion between the agency that performed the illegal search and the agency seeking to admit the incriminating evidence, the evidence is admissible." Kievela v. Dep't of Treasury, 536 N.W.2d 498, 500 (Mich. 1995). *See also* United States v. Janis, 428 U.S. 433 (1975) (finding that the exclusionary rule did not apply to "federal civil proceedings of evidence unlawfully seized by a state criminal enforcement officer" stemming from an unpaid tax assessment).

Taxpayer's argument fails. The "Fruit of the Poisonous Tree" doctrine is inapplicable because the Form 1099s were not obtained by means of an illegal search, arrest, or seizure. Taxpayer may – or may not – have reason to question the accuracy of the information contained on the IMF, but his contention, that the Department obtained the Form 1099s in contravention of his U.S. Const. amend. IV rights, is entirely frivolous.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0120020471.LOF

LETTER OF FINDINGS NUMBER: 02-0471
Individual Adjusted Gross Income Tax
For the Years 1999, 2000, and 2001

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.

ISSUES

I. Administrative Hearing Denial

Authority: U.S. Const. amends. V, XIV; Ind. Const. art. 1, § 12; IC 6-8.1-5-1(a); IC 6-8.1-5-1(c); 45 IAC 15-5-2(c); Goldberg v. Kelly, 397 U.S. 254 (1970); Sniadach v. Family Finance Corp., 395 U.S. 337 (1969)

Taxpayer challenged the Department's authority to schedule an administrative hearing on his behalf.

II. Applicability and Imposition of Indiana Individual Income Tax

Authority: IC 6-2.1-1-16(a); IC 6-3-1-1 et seq.; 45 IAC 1.1-1-22; Commissioner v. Earl, 281 U.S. 111 (1930); Eisner v. Macomber, 252 U.S. 189 (1920); United States v. Connor, 898 F.2d 942 (3rd Cir. 1990); United States v. Koliboski, 732 F.2d 1328 (7th Cir. 1984); United States v. Romero, 640 F.2d 1014 (9th Cir. 1981); Connor v. United State, 303 F.Supp. 1187 (S.D. Tex. 1969); I.R.C. § 911; I.R.C. § 861; I.R.C. § 61(a); Treas. Reg. § 1.1-1(b)

Taxpayer argues that Indiana is without authority to impose a tax on his personal income.

STATEMENT OF FACTS

The Indiana Department of Revenue (Department) determined that taxpayer failed to pay income taxes for 1999, 2000, and 2001. Accordingly, the Department sent taxpayer notices of "Proposed Assessment" for those years. In response, taxpayer forwarded an "Administrative Notice of Debt Not Owed." The Department interpreted taxpayer's response as a tax protest. The taxpayer was contacted on October 10, 2002, for the purpose of scheduling a hearing in order to "permit the taxpayer an opportunity to present, facts, issues, and arguments in support of [his] position." The taxpayer declined to respond, and the Department again contacted taxpayer on December 2, 2002, asking him how he wished to proceed with his protest. Taxpayer declined to respond. On February 13, 2003, taxpayer was given notice that a hearing had been scheduled on his behalf for March 13, 2003. Taxpayer declined to participate but sent a letter indicating that he "denied" the hearing because he did "not wish to waive [his] Unalienable Rights granted by God are [sic] Creator and protected by both the United States and Indiana Constitutions." Accordingly, this Letter of Findings was based upon the arguments set out in taxpayer's initial protest letter and his subsequent correspondence.

DISCUSSION

I. Administrative Hearing Denial

Taxpayer argues that the administrative process – by which he was entitled to explain the basis for his protest – violates both his God-given rights and his rights under the Indiana and United States Constitutions.

Taxpayer was sent notices of "Proposed Assessment" pursuant to IC 6-8.1-5-1(a) which states that, "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."

An individual taxpayer is entitled to challenge this "Proposed Assessment." IC 6-8.1-5-1(c) states that the taxpayer, after receiving the assessments, "has sixty (60) days from the date the notice is mailed to pay the assessment or to file a written protest." Having filed a protest, "the department shall: (1) set the hearing at the department's earliest convenient time." IC 6-8.1-5-1(c). If the taxpayer determines that a hearing is not necessary, "The taxpayer may, in lieu of a hearing, submit written objections to the assessment." 45 IAC 15-5-2(c).

Taxpayer maintains that the administrative procedures deny his fundamental rights under the Indiana and United States Constitutions. Taxpayer does not specify as much, but he apparently argues the Department's hearing procedures violate the Due Process Clause of both the federal and state constitutions. (U.S. Const. amends. V, XIV; Ind. Const. art. 1, § 12). Under the Due Process Clause, the essential guarantee is that of fairness. Any procedure must be fundamentally fair to the individual in the resolution of the factual and legal basis for government actions which will potentially deprive the citizen of life, liberty, or property. *See* Goldberg v. Kelly, 397 U.S. 254 (1970); Sniadach v. Family Finance Corp., 395 U.S. 337 (1969).

Taxpayer has provided no basis for substantiating his argument that the Department's administrative hearing procedure violates his constitutional due process rights. To the contrary, taxpayer was plainly provided a full, fair opportunity to address the issues raised within his protest. There is no indication the available procedure was not "fundamentally fair."

FINDING

Taxpayer's protest is denied.

II. Applicability and Imposition of Indiana Individual Income Tax

Taxpayer states that he "took the trouble to actually read the tax laws and found that I am not liable for federal or state income

taxes." Taxpayer suggests that the state income tax laws do not apply to the income received by ordinary citizens such as himself. Specifically, taxpayer states that, "I am not a government employee, I have not operated as a corporation, not have I contracted for the federal income tax, nor have I volunteered for the federal or state income tax."

Taxpayer provides numerous case citations in support of his contentions. For example, taxpayer cites to Eisner v. Macomber, 252 U.S. 189 (1920), a case in which the Court addressed the issue of whether the U.S. Const. amend. XVI permitted the government to tax a taxpayer's stock dividends resulting from a corporation's accumulated profits. The Court held that the stock dividend did not involve the realization of a taxable gain but that the corporation's accumulated profits were simply capitalized or retained as surplus. Id. at 211. In effect, the taxpayer in Eisner had not yet realized a gain severed from and independent of the corporations' assets. Id. at 211-12. In reaching that decision, the Court stated that income is the "gain derived from capital, from labor, or from both combined." Id. at 201.

In addition, taxpayer cites to Connor v. United State, 303 F.Supp. 1187 (S.D. Tex. 1969). In particular, taxpayer points to the court's statement that, "Whatever may constitute income, therefore, must have the essential feature of gain to the recipient." In Connor, the district court found that the plaintiffs' receipt of insurance proceeds, in the form of rental payments, did not constitute taxable income and that the IRS had erroneously included the rental payments in the plaintiffs' gross income. Id. at 1188.

Taxpayer's case citations do not get him where he wants to go. The Eisner case simply stands for the proposition that unrealized corporate income does not constitute taxable corporate income. Taxpayer relies on this case to support the argument that only corporate income is taxable income. However, nowhere in this opinion does the Court address the question of whether individual income is or is not taxable. In Eisner, the Court was asked the question of what did or did not constitute corporate income; the Court answered that question.

Taxpayer's reliance on Connor is equally unavailing, because the issue of whether ordinary wages were or were not taxable income was not before the district court. The Connor court simply determined that the plaintiffs did not realize taxable income when their insurance company reimbursed them for the cost of renting accommodations when plaintiffs' original home was destroyed in a fire.

Taxpayer places special reliance on the Supreme Court's ruling found in Commissioner v. Earl, 281 U.S. 111 (1930). The particular quotation cited by taxpayer states that, "It is to be noted that by the language of the Act it is not salaries, wages or compensation for personal services that are to be included in gross income. That which is to be included is gains, profits, and income derived from salaries, wages or compensation for personal services." The above language is not the Supreme Court's language authored by Justice Holmes nor is language taken from the Court's opinion. Taxpayer quotes the language of one of the appellate counsel which – as customary in earlier printed opinions – was set out before the court rendered its opinion. The language represents appellate counsel's argument; it does not represent and is not part of the Court's decision.

Taxpayer argues that the Internal Revenue Code – on which Indiana's own adjusted gross income tax is based – exempts ordinary income. Taxpayer errs. I.R.C. § 61(a) states as follows:

> Except as otherwise provided in this subtitle, gross income means all income from whatever source derived, including (but not limited to) the following items:
>
> (1) Compensation for services, including fees, commissions, fringe benefits, and similar items;
> (2) Gross income derived from business;
> (3) Gains derived from dealings in property;
> (4) Interest;
> (5) Rents;
> (6) Royalties;
> (7) Dividends;
> (8) Alimony and separate maintenance payments;
> (9) Annuities;
> (10) Income from life insurance and endowment contracts;
> (11) Pensions.

As if the language in I.R.C § 61 was not sufficiently straightforward, Treas. Reg. § 1.1-1(b) provides that, "[i]n general, all citizens of the United States, wherever resident, and all resident alien individuals are liable to the income taxes imposed by the code whether the income is received from sources within or without the United States."

Taxpayer relies on I.R.C. §§ 861, 911 for the contention that only nonresident aliens and foreign corporation are liable for income taxes based on the privilege of receiving income from sources within the United States. Taxpayer's reliance is entirely misbegotten. I.R.C. §§ 861, 911 define the sources of income – United States and non-United States source income – for such purposes as the prevention of double taxation of income that is subject to tax by more than one country. These sections neither specify whether income is taxable nor do they determine or define gross income. Taxpayer's conclusion, that only income received by foreign corporations and nonresident aliens, is clearly contrary to well established legal precedent and common sense. There is not a single court decision which has ever determined that the wages of an ordinary, resident citizen are not subject to income tax.

"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" United States v. Koliboski, 732 F.2d 1328, 1329 n. 1 (7th Cir. 1984) (Emphasis in original). "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.... [Taxpayer] 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." United States v. Romero, 640 F.2d 1014, 1016 (9th Cir. 1981). "Every court which has ever considered the issue has unequivocally rejected the argument that wages are not income." United States v. Connor, 898 F.2d 942, 943 (3rd Cir. 1990).

Taxpayer argues that even if his income is subject to the federal income tax, nonetheless, that same income is not subject to Indiana's Gross Income tax. In support, taxpayer cites to IC 6-2.1-1-16 which states in its entirety:

> "Taxpayer" means any: (1) assignee; (2) receiver; (3) commissioner; (4) fiduciary; (5) trustee; (6) institution; (7) national bank; (8) bank; (9) consignee; (10) firm; (11) partnership; (12) joint venture; (13) pool; (14) syndicate; (15) bureau; (16) association; (17) cooperative association; (18) society; (19) club; (20) fraternity; (21) sorority; (22) lodge; (23) corporation; (24) municipal corporation; (25) political subdivision of the state of Indiana or the state of Indiana, to the extent engaged in private or proprietary activities or business; (26) trust; (27) limited liability company (other than a limited liability company that has a single member and is disregarded as an entity for federal income tax purposes); or (28) other group or combination acting as a unit.

Taxpayer correctly points out that a "private citizen" is not one of the enumerated categories of taxpayer as defined under IC 6-2.1-1-16. Indeed, 45 IAC 1.1-1-22 specifically states that, "[t]he term [taxpayer] does not include... an individual." Taxpayer can rest secure in the knowledge that he is not subject to Indiana Gross Income Tax. However, that determination is entirely pointless because no individual is *ever* subject to gross income tax. The state's gross income tax is imposed exclusively on business entities which are either resident or domiciliarys of Indiana or on non-resident business entities which nonetheless derive income from doing business within the state. IC 6-2.1-2.

Taxpayer's concern is – or should be – with the provisions of the individual adjusted gross income tax provisions as set out in IC 6-3-1-1 et seq. because that is the tax for which he was assessed.

Taxpayer's remaining misguided arguments are equally frivolous and the Department will not expend further resources in addressing them.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0120020566.LOF

LETTER OF FINDINGS NUMBER: 02-0566
Individual Adjusted Gross Income Tax
For the 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 the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Proposed Assessment – Indiana Individual Income Tax

Authority: IC 6-8.1-5-1(a); IC 6-8.1-5-1(b); IC 6-8.1-5-1(c)

Taxpayers argue that Department of Revenue acted outside of its authority in issuing a "Proposed Assessment" of additional Indiana income taxes.

II. Voluntary Compliance with the State's Adjusted Gross Income Tax

Authority: IC 6-8.1-11-2; Helvering v. Mitchell, 303 U.S. 391 (1938); United States v. Gerads, 999 F.2d 1255 (9th Cir. 1993); McLaughlin v. United States, 832 F.2d 986 (7th Cir. 1987); McKeown v. Ott, No. H 84-169, 1985 WL 11176 at *2 (N.D. Ind. Oct. 30, 1985)

Taxpayers maintain that the state's income tax is based on "voluntary compliance" and that they no longer volunteer to pay state income taxes.

STATEMENT OF FACTS

Taxpayers prepared and submitted a 2001 Income Tax Return. On that return, taxpayers reported that they had zero federal adjusted gross income and requested a refund of the amount of taxes previously withheld. Subsequently, the Department of Revenue (Department) concluded that taxpayers erred and sent taxpayers a notice of "Proposed Assessment." Thereafter, in September of

2002, the taxpayers submitted a protest challenging the proposed assessment of additional tax. The protest was assigned to the hearing officer in December of 2002. Taxpayers were offered the opportunity to explain further the basis for the protest during an administrative hearing but declined the opportunity to schedule a hearing. On February 4, 2003, taxpayers were informed that an administrative hearing had been scheduled on their behalf for March 4, 2003, and were invited to participate in the March 4 hearing or to suggest an alternative date and time for the hearing. Taxpayers forwarded correspondence to the effect that they would be unable to attend the scheduled hearing but were unwilling or unable to suggest an alternative date. In the absence of any verifiable, substantive reason for further delaying a timely resolution of the taxpayer's protest, this Letter of Findings was prepared which attempts to address the issues raised by taxpayers.

DISCUSSION

I. Proposed Assessment – Indiana Individual Income Tax

Taxpayers are much aggrieved by the notice of "Proposed Assessment." Taxpayers argue that there is no law which permits the Department to issue such an assessment, that they have already submitted a legitimate return, and that the Department is without authority to correct or amend the information submitted on that original return. As taxpayers state, "The state of Indiana cannot Legally take a taxpayer's LEGAL Indiana IT-40 based on Voluntary Compliance of Self Assessment and change it... we being LEGAL do not LEGALLY recognize the ILLEGAL 'PROPOSE ASSESSMENT,' that the Indiana Dept. of Revenue has sent us." (Emphasis in original).

The notice of proposed assessment was rendered pursuant to IC 6-8.1-5-1(a) which states that, "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 unpaid tax on the basis of the best information available to the department." (*Emphasis added*).

Taxpayers indicated on their 2001 Indiana return that they had received no adjusted gross income during the year. However, the W-2 forms attached to the 2001 return would – on their face – seem to indicate otherwise. Acting pursuant to IC 6-8.1-5-1(a), the Department was entitled to consider the information contained on the W-2 forms and to act accordingly. Taxpayers' arguments to the contrary, the Department was not only entitled to act on that information, but was required to do so. The statute is unambiguous; "The department shall make a proposed assessment of the unpaid tax...." Id.

Nonetheless, having received the notice of "Proposed Assessment," the taxpayers were authorized, under IC 6-8.1-5-1(c), to contest the notice. However, the taxpayers thereafter were required to demonstrate how the proposed assessment was incorrect. "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[s] against whom the proposed assessment is made." IC 6-8.1-5-1(b).

Despite having been afforded three months in which to explain the basis for challenging the original notice of proposed assessment, the taxpayers have failed to do so. There is no basis whatsoever for a determination that the notice of proposed assessment is either legally insufficient or factually incorrect.

FINDING

Taxpayers' protest is denied.

II. Voluntary Compliance with the State's Adjusted Gross Income Tax

Although denied the benefit of taxpayers' more detailed explanation, it would appear that taxpayers believe that Indiana's individual income tax is entirely voluntary. Having arrived at this conclusion, taxpayers decided that they no longer wish to "voluntarily" pay Indiana income taxes. As taxpayers state, "By what law, has the state of Indiana, the right to take a tax payer's, LEGAL IT-40 based on SELF ASSESSMENT by VOLUNTARY COMPLIANCE and changed it to meet the state of Indiana's wants???" (Emphasis in original).

Taxpayers' assertion is apparently based on IC 6-8.1-11-2 which states as follows:

> The general assembly makes the following findings: (3) The Indiana tax system is based largely on *voluntary compliance*. (4) The development of understandable tax laws and the education of taxpayers concerning the tax laws will improve *voluntary compliance* and the relationship between the state and taxpayers. (*Emphasis added*).

Taxpayers' conclusion is unsupported and wholly frivolous. In describing the nature of the complementary federal tax system, the Supreme Court has stated that, "In assessing income taxes the Government relies primarily upon the disclosure by the taxpayer of the relevant facts. This disclosure it requires him to make in his annual return. To ensure full and honest disclosure, to discourage fraudulent attempts to evade the tax, Congress imposes sanctions. Such sanctions may confessedly be either criminal or civil." Helvering v. Mitchell, 303 U.S. 391, 399 (1938).

Taxpayers' fundamental contention – that Indiana depends on its citizens' voluntary compliance with the tax laws – is undeniable. Indeed, the state also depends on its licensed drivers to drive on the right side of the road. However, that does not mean that failure to comply with the law is without predictable consequences. "Any assertion that the payment of income taxes is voluntary is without merit. It is without question that the payment of income taxes is not voluntary." United States v. Gerads, 999 F.2d 1255, 1256 (9th Cir. 1993). "The notion that the federal income tax is contractual or otherwise consensual in nature is not only utterly without foundation, but despite [appellant's] protestation to the contrary, has been repeatedly rejected by the courts." McLaughlin v. United States, 832 F.2d 986, 987 (7th Cir. 1987). "[A]rguments about who is a 'person' under the tax laws, the assertion that

'wages are not income', and maintaining that *payment of taxes is a purely voluntary function do not comport with common sense - let alone the law.*" McKeown v. Ott, No. H 84-169, 1985 WL 11176 at *2 (N.D. Ind. Oct. 30, 1985) (*Emphasis added*). Such arguments "have been clearly and repeatedly rejected by this and every other court to review them." Id. at *1.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420020599.LOF

LETTER OF FINDINGS NUMBER: 02-0599
Sales and Use Taxes
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.

II. Tax Administration – Interest

Authority: IC 6-8.1-10.1

Taxpayer protests the interest assessed.

STATEMENT OF FACTS

Taxpayer is a retailer of diesel fuel and wholesaler of gasoline, diesel fuel, grease, oil, and other petroleum products. The taxpayer made sales on which it failed to collect sales tax and for which it did not have a valid exemption certificate. The taxpayer was able to obtain a Special Sales/Use Tax Exemption Certificate (AD-70) from most of its customers. Sales tax was assessed in accordance with 45 IAC 2.2-8-12. Taxpayer also failed to self assess use tax for a rented forklift that is used in its warehouse, a pager, tires, repair parts, trailers and diesel fuel for its own use. Audit determined that the taxpayer had no use tax accrual system in place although it was previously audited.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer protests the penalty assessed and states that it had reasonable cause to believe that no tax was due on its transportation equipment.

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 failed to self-assess use tax on clearly taxable items and had no use tax accrual system in place. Taxpayer's tax liability increased more than sevenfold for the current audit period and the Taxpayer has not provided reasonable cause to allow the department to waive the penalty.

FINDING

Taxpayer's protest is denied.

II. Tax Administration – Interest

DISCUSSION

Taxpayer protests the interest assessed, however, the Department has no authority to waive interest.

FINDING

Taxpayer's protest is denied.

CONCLUSION

Taxpayer's protest is denied for issues I and II.

DEPARTMENT OF STATE REVENUE

0420020606.LOF

LETTER OF FINDINGS NUMBER: 02-0606
Sales and Use Tax
For Tax Periods: 1998-2000

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.

ISSUES

1. Sales and Use Tax – Free Distribution Newspapers

Authority: IC 6-8.1-5-1(b), IC 6-2.5-3-2(a), IC 6-2.5-5-31

The taxpayer protests the assessment of use tax on publications that it contends qualify for exemption as free distribution newspapers.

2. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2

The taxpayer protests the imposition of the ten percent (10%) penalty.

STATEMENT OF FACTS

The taxpayer is a publishing company that publishes and distributes free-of-charge apartment listings for major metropolitan areas throughout the United States. In particular, the taxpayer publishes listings for several cities throughout Indiana wherein various real estate management companies place advertisements. Each advertisement contains detail information on the types of apartment available (within a defined region), features available at the apartment complex itself, square footage, amenities, and contact information for the corresponding management office. Pictures of the apartment and maps for locating the apartments are frequently provided. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional sales and use tax, interest and penalty. The taxpayer protested and a hearing was held on the issues of use tax assessed on the taxpayer's publications and penalty. The taxpayer conceded that the racks used in the distribution of the publications were properly subject to the use tax.

1. Sales and Use Tax – Free Distribution Newspapers

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).

Pursuant to IC 6-2.5-3-2 (a), Indiana imposes an excise tax on tangible personal property stored, used, or consumed in Indiana. The department assessed use tax on the taxpayer's cost of printing, labor and materials utilized in the production of the guides. The taxpayer argues that pursuant to IC 6-2.5-5-31(d), these items qualify for exemption because they are used in the production of a free distribution newspaper. The issue to be determined is whether the taxpayer's publication is a free distribution newspaper.

The Indiana Code defines a "free distribution newspaper" at IC 6-2.5.5.31 as follows:

(a) As used in this section, "free distribution newspaper" means any community newspaper, shopping paper, shoppers' consumer paper, penny-saver, shopping guide, town crier, dollar stretcher, or other similar publication which:

(1) is distributed to the public on a community-wide basis, free of charge;

(2) is published at stated intervals of at least once a month;

(3) has continuity as to title and general nature of content from issue to issue;

(4) does not constitute a book, either singly or when successive issues are put together;

(5) contains advertisements from numerous unrelated advertisers in each issue;

(6) contains news of general or community interest, community notices, or editorial commentary by different authors, in each issue; and

(7) is not owned by, or under the control of, the owners or lessees of a shopping center, a merchant's association, or a business that sells property or services (other than advertising) whose advertisements for their sales of property or services constitute the predominant advertising in the publication.

(b) The term "free distribution newspaper" does not include mail order catalogs or other catalogs, advertising fliers, travel brochures, house organs, theater programs, telephone directories, restaurant guides, shopping center advertising sheets, and similar publications.

The department agrees that the taxpayer's publication meets many of the statutory requirements for classification as a free distribution newspaper. It is necessary, however, that the taxpayer's publication meet all the requirements. The statute requires that a free distribution newspaper contain "news of general or community interest, community notices, or editorial commentary by different authors, in each issue." The taxpayer argues that its publication meets this requirement by offering lists of Indianapolis phone numbers, a welcoming letter from the mayor, a moving checklist, apartment locator maps, a guide on how to use the guide, and a welcoming letter from the president of the Apartment Association of Indiana.

The few cited items listed in a several hundred page publication do not meet the statutory standard. They do not contain information on recent events of general interest or notices of specific events in the near future. There are no articles setting out the opinions of the publication's editors. The publications do not give any community information that is not more fully and easily accessible in the local phone book. The publication is marketed to persons looking for apartments and they are the only persons likely to read it. Someone interested in specific community events of general interest or analysis of an issue of general concern would not choose to read this publication in lieu of others readily available in any market.

Of all the examples given in the statute, this publication most closely resembles restaurant guides. The statute specifically states that restaurant guides are not free distribution newspapers. Neither is this publication.

FINDING

The taxpayer's protest is denied.

2. Tax Administration – Penalty

DISCUSSION

The taxpayer also protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Negligence is defined at 45 IAC 15-11-2(b) 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.

Although they were clearly subject to the tax, the taxpayer failed to self assess and remit use tax on the racks used in the distribution of the taxpayer's publication. This breach of the taxpayer's duty to use the reasonable care expected of an ordinary taxpayer constituted negligence. Therefore the negligence penalty properly applies in this instance.

FINDING

The taxpayer's protest to the imposition of the penalty is denied.

DEPARTMENT OF STATE REVENUE

0220030063P.LOF

LETTER OF FINDINGS NUMBER: 03-0063P
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 was audited for Calendar Year 1999. At audit, it was determined that the taxpayer failed to report Gross Income from Royalties from affiliated corporations that own and operate retail businesses in Indiana. The department issued a penalty billing.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer, in a letter dated January 17, 2003 merely states that the Indiana return was completed with reasonable care to the best of their ability and was consistent with prior years. Taxpayer requests the penalty be waived.

In reviewing the audit and taxpayer's account, it is noted that the taxpayer was not registered to do business in the State of Indiana until the audit was completed and no tax returns were filed.

The taxpayer has not provided reasonable cause to allow a penalty waiver.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0220030064P.LOF

LETTER OF FINDINGS NUMBER: 03-0064P
Gross Income Tax
For Calendar Year 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 penalties assessed.

STATEMENT OF FACTS

Taxpayer was assessed a penalty for failing to file and make payment by the due date of the return and a penalty for the underpayment of estimated income taxes. Taxpayer protests the proposed penalty assessments for the underpayment of estimated tax and the late penalty. Taxpayer's Calendar Year 2000 Return was filed on March 5, 2002 with a balance due in the amount of $17,784 that it remitted with the return. Taxpayer made no estimated payments throughout the year.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer protests the penalties assessed for the underpayment of estimated income taxes and the late payment of taxes. Taxpayer paid none of its prior year's estimated taxes by the due date of the return. Taxpayer filed its return and payment late, which generated a late payment penalty. Taxpayer made no quarterly estimated payments throughout the year and was assessed a penalty for the underpayment of estimated income taxes.

Taxpayer requests an abatement of the penalty and states it was not "deliberate or negligent" but based its tax liability upon the trial balance available at the time of filing an extension.

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. Taxpayer also failed to pay tax timely 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

0220030066P.LOF

LETTER OF FINDINGS NUMBER: 03-0066P
Indiana S Corporation Income Tax
For Calendar Year 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 filed its S Corporation return late and was assessed a late penalty. The original due date of the return was April 15, 2001. Taxpayer filed for a Federal Extension of time until September 17, 2001. The Department allows an additional thirty days. The Taxpayer's tax liability was nil.

Taxpayer filed a penalty protest dated November 27, 2002. Taxpayer filed its return on May 2, 2002.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer protests the penalty assessed and states that it filed its return late because it did not have the information available to correctly file the return. Taxpayer further states that it needed to review the correctness of the K-1. Therefore, it was impossible to file the return timely. Taxpayer requests abatement of the penalty for reasonable cause.

Taxpayer was assessed a penalty for the late filing of its tax return.

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 had an extended due date of September 17, 2001 but failed to file its tax return timely and has not provided reasonable cause to allow the department to waive the penalty.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420030067P.LOF

LETTER OF FINDINGS NUMBER: 03-0067P
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 all of its taxable purchases on which no sales tax had been charged.

Taxpayer requests abatement of the penalty due to major changes at its company.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer protests the penalty assessed and states that it had major changes during the audit period. Several positions were eliminated and the workload remaining did not leave time for procedural audits in accounting that would have shed light on the deficiency. It has issued written instructions for accounts payable, including an extensive list of items that it should pay use tax on.

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 had no use tax accrual system in place and has not provided reasonable cause to allow a waiver of the negligence penalty. Procedures should have been in place.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0220030079P.LOF

LETTER OF FINDINGS NUMBER: 03-0079P
Gross and Adjusted 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 filed its return with payment of $62,352 that included $2,398 in interest on September 12, 2002 and was assessed a late penalty. The original due date of the return was April 15, 2002.

Taxpayer's representative filed a penalty protest dated November 11, 2002. Taxpayer states that the penalty is a result of an unintentional error in the calculation of the Indiana gross receipts tax. The taxpayer further states that the appropriate calculation of the Indiana Income Tax base was overlooked and steps have been taken by them and its CPA firm to remedy this in the future periods. Taxpayer paid 32.64% of its tax by the due date of the return.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer protests the penalty assessed and states that the penalty was the result of an unintentional error.

Taxpayer was assessed a penalty for the late payment of its taxes.

Taxpayer failed to remit 67.36% of its tax 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 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

0120030080P.LOF

LETTER OF FINDINGS NUMBER: 03-0080P
Individual Income Tax
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.

II. Tax Administration – Interest

Authority: IC 6-8.1-10.1

Taxpayer protests the interest assessed.

STATEMENT OF FACTS

The Indiana Department of Revenue received W-2G information that the taxpayer had won money in riverboat gaming during 1999 and 2000. The Department billed the taxpayer on gambling income from Indiana plus penalty and interest. The taxpayer filed IT-40PNR returns. Taxpayer, in a letter dated February 7, 2003, requested an abatement of the penalty and interest assessed.

Taxpayer filed its returns late with a tax balance due of $862.92, $886.38, and $113.22 respectively for 1999, 2000, and 2001 after the Department advised her of her failure to file.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer, an Ohio full year resident, states that the casino was instructed to withhold the necessary tax and withheld it for Federal and the State of Ohio instead of the State of Indiana. Taxpayer further states it was not her intent not to pay her tax liability and the instructions for Form IT-40PNR does not specifically state that gambling income is excluded from the reciprocal agreement that exists between the State of Indiana and the State of Ohio.

Taxpayer filed Indiana returns upon notification that she should have reported Indiana gambling income to Indiana. Taxpayer has applied for a refund in her state of residence and is awaiting receipt.

Taxpayer could not have known that tax was due to the state of Indiana because she was not a resident of the State and the Riverboat did not correctly withhold tax.

FINDING

Taxpayer's protest is sustained.

II. Tax Administration – Interest

DISCUSSION

Taxpayer requests a waiver of the interest assessed, however, the Department has no authority to waive interest. Taxpayer's protest is denied.

CONCLUSION

Taxpayer's protest is sustained for Issue I. and denied for Issue II.

DEPARTMENT OF STATE REVENUE

0220030081P.LOF

LETTER OF FINDINGS NUMBER: 03-0081P
Gross and Adjusted Gross Income Tax
For Calendar 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 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 1997, 1998, and 1999. At audit, it was determined that the taxpayer had several audit adjustments, some of which resulted in refunds in prior years. The penalty addressed in the letter of findings pertains to the 1999 year only.

I. Tax Administration – Penalty

DISCUSSION

In a letter dated February 3, 2003 the taxpayer requests a penalty waiver because it consistently filed its returns with reasonable care and to the best of its ability.

In reviewing the audit, it is noted that the taxpayer filed an amended return to correct the supplemental net income tax. The taxpayer incorrectly calculated the supplemental net income tax using the adjusted gross income tax rather than the adjusted gross income. Taxpayer did not pay the penalty at the time of filing the return that increased its adjusted gross income by $825,104.

The taxpayer has not provided reasonable cause to allow a penalty waiver for that portion of the audit. The Department will waive the balance of the penalty assessment for 1999 to coincide with the waiver of prior years that were minimal.

FINDING

Taxpayer's protest is partially sustained and partially denied.

DEPARTMENT OF STATE REVENUE

0420030093P.LOF

LETTER OF FINDINGS NUMBER: 03-0093P
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 self-

assess use tax on clearly taxable items such as capital items, uniforms, janitorial supplies, miscellaneous auto parts, maintenance and repair items, and other miscellaneous purchases.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer protests the penalty assessed and states that it diligently reviews the invoices for proper sales and use tax and the tax due was not based upon willful neglect but an oversight in the system.

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 failed to remit use tax on clearly taxable items. Those items amounted to 81.61%, 68.13%, and 51.39% of unpaid tax for calendar years 1999, 2000, and 2001, respectively and the taxpayer has not provided reasonable cause to allow the department to waive the penalty.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0220030094P.LOF

LETTER OF FINDINGS NUMBER: 03-0094P
Adjusted Gross Income Tax
For Calendar Years 1998, 1999, and 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 penalties assessed.

II. Tax Administration – Interest

Authority: IC 6-8.1-10.1

Taxpayer protests the interest assessed.

STATEMENT OF FACTS

Taxpayer was audited for Calendar Years 1998, 1999, and 2000. Upon audit, it was discovered that the taxpayer made several errors and failed to timely reported the results of an RAR in 1998. Taxpayer was assessed a penalty upon audit for that failure and failure to correctly report gross income and the correct sales apportionment factor. Taxpayer was also assessed a penalty for the underpayment of estimated income taxes. Taxpayer made only one estimated payment during the audit period.

Taxpayer protests the proposed penalty and interest assessments for the underpayment of estimated tax and the audit penalty.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer protests the penalties and interest assessed for the underpayment of estimated income taxes and the penalty for failing to correctly report its tax liabilities.

Taxpayer was audited for 1998, 1999, and 2000 that generated an underpayment in tax upon which was assessed a penalty and interest. Based upon review of the audit, the assessment was minimal compared to the total paid.

Taxpayer made no quarterly estimated payments throughout the year and was assessed an additional penalty for the underpayment of estimated income taxes.

Taxpayer states that the Department did not properly recognize the timing of the EDGE credits. For that reason it kept taking the carryforward credits (in lieu of quarterly payments). Taxpayer states that (after years) the credit was acknowledged, a refund was generated, which made it look like it was underpaid. Taxpayer states he was the one that brought it to the attention of the auditor.

Taxpayer requests an abatement of the penalties.

For the audit period, the penalty is waived for taxpayer's failure to correctly report its gross and adjusted gross income.

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.

Taxpayer's argument that it kept taking carryforward credits in lieu of quarterly payments is in error. The 1996 return asked for a refund for the total amount in tax. Taxpayer was refunded interest to date of payment. Taxpayer had no carryforward credits available.

Taxpayer's audit penalty is waived. Taxpayer's underpayment penalty is denied because the taxpayer failed to make estimated payments in all years except 1998 in which it paid $1,000. Taxpayer has not provided reasonable cause to allow a penalty waiver.

FINDING

Taxpayer's protest is partially sustained and partially denied.

II. Tax Administration – Interest

DISCUSSION

Taxpayer protests the interest assessed because it seems high and not fair to the taxpayer under the circumstances.

Under IC 6-8.1-10.1 the Department has no authority to waive interest.

FINDING

Taxpayer's protest is denied

CONCLUSION

Taxpayer's protest is partially denied and partially sustained for Issue I and denied for Issue II.

DEPARTMENT OF STATE REVENUE

0420030100P.LOF

LETTER OF FINDINGS NUMBER: 03-0100P
Sales Tax
For the Periods February 2002 through 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.

II. Tax Administration – Interest

Authority: IC 6-8.1-10-1

Taxpayer protests the interest assessed.

STATEMENT OF FACTS

Taxpayer was assessed penalties for failing to file and pay its ST-103's timely.

Taxpayer registered with the Department more than a year after it began business in the State of Indiana and filed "zero" returns for the 2001 year. For the year at issue, the taxpayer filed returns indicating sales tax was due. All were filed late.

Taxpayer, in a letter dated October 25, 2002 requests that the department waive the penalties and interest because it had applied for a Retail Merchant Certificate that was issued on September 18, 2002.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer was assessed a ten percent (10%) penalty because it failed to file its returns and pay the tax collected timely.

Taxpayer states that it applied for its Retail Merchants Certificate that was not issued until September 18, 2002. Taxpayer further states it is currently up to date in paying its sales tax but failed to file previously because it was not familiar with the rules and regulations.

Department records indicate that the taxpayer has been in business since at least July 2001 but did not apply for its Retail Merchant Certificate until September 17, 2002. The returns with tax payment were filed shortly thereafter.

Taxpayer, upon opening its business, should have applied for its Retail Merchant Certificate timely which may have allowed it to file its ST103's timely. Taxpayer's filing and payment were clearly late and the Taxpayer has not provided reasonable cause to allow the penalty to be waived.

FINDING

Taxpayer's protest is denied.

II. Tax Administration – Interest

DISCUSSION

Taxpayer protests the interest assessed.

FINDING

The Department has no authority to waive interest.

DEPARTMENT OF STATE REVENUE

0220000389.SLOF

SUPPLEMENTAL LETTER OF FINDINGS NUMBER: 00-0389
Adjusted Gross Income Tax
For Tax Years 1996 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. Adjusted Gross Income – Throwback Sales

Authority: 45 IAC 3.1-1-64

Taxpayer protests imposition of adjusted gross income tax on out of state throwback sales.

II. Tax Administration – Negligence Penalty

Authority: 45 IAC 15-11-2

Taxpayer protests the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

Taxpayer manufactures mattresses with operations in several states. The Department conducted an audit for the tax years 1996 through 1998, and issued proposed assessments for those years. Taxpayer protested those assessments. The Department sustained taxpayer's protest in part and denied the protest in part. Taxpayer asked for and was granted a rehearing. Further facts will be supplied as needed.

I. Adjusted Gross Income – Throwback Sales

DISCUSSION

Taxpayer manufactures mattresses and has operations in several states. The Department conducted an audit for the tax years 1996 through 1998. As a result of this audit, the Department issued proposed assessments for adjusted gross income tax. One of the adjustments the Department made was to impose Indiana adjusted gross income tax on throwback sales taxpayer had in Arizona, Kansas and Minnesota. Taxpayer protested these adjustments. The Department sustained the protest for Arizona in 1997, Kansas in 1997 and 1998, and Minnesota for 1998, and denied the protest for Arizona in 1996 and 1998, Kansas in 1996, and Minnesota in 1996 and 1997.

The relevant regulation is 45 IAC 3.1-1-64, which states in relevant part:

Taxpayers are not subject to throwback on sales into states in which they are taxable under this regulation *[45 IAC 3.1-1-64]*.

Taxpayer requested a rehearing to clarify its position and to submit additional documentation in support of its protest. In the rehearing, taxpayer explained that it had an employee permanently based at its Arizona plant for all three years in question. Also, taxpayer explained that it had payroll in Kansas in 1996. Documentation was provided to support these explanations.

When combined with the information explained in the original Letter of Findings, taxpayer was taxable under 45 IAC 3.1-1-64 in: Arizona for 1996, 1997 and 1998; Kansas for 1996, 1997 and 1998; and Minnesota for 1998, and therefore was not subject to throwback on sales into those states for those years. Taxpayer's protest is sustained for Arizona for 1996, 1997 and 1998. Taxpayer's protest is sustained for Kansas for 1996, 1997 and 1998. Taxpayer's protest is sustained for Minnesota for 1998 and denied for Minnesota for 1996 and 1997.

FINDING

Taxpayer's protest is sustained in part and denied in part.

II. Tax Administration – Negligence Penalty

DISCUSSION

Taxpayer protests the imposition of a ten percent (10%) negligence penalty. Taxpayer did not protest the negligence penalty in the original Letter of Findings and the Department agreed to address the issue here for the first time. Taxpayer requests that all penalties be waived as it has acted in good faith at all times, and any remaining assessments are not the result of any willful disregard of Indiana's tax laws, or negligence on the part of taxpayer. Negligence is defined by 45 IAC 15-11-2(b), which states:

"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.

45 IAC 15-11-2(c) states in part:

The department shall waive the negligence penalty imposed under [IC 6-8.1-10-2.1] if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying our or failing to carry out a duty giving rise to the penalty imposed under this section.

While taxpayer's protest was substantially sustained on Issue I (regarding throwback sales), the protest has not been completely sustained. Also, there were additional adjustments made as a result of the audit, which taxpayer did not protest. Therefore, the negligence penalty is appropriate for the remaining assessments.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

03-20020577P
03-20020596P.SLOF

SUPPLEMENTAL LETTER OF FINDINGS NUMBERS: 02-0577P through 02-0596P
Indiana Withholding Tax
For Tax 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 the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-6; 45 IAC 15-11-2

Taxpayers protest the imposition of penalties associated with their failure to timely file with the Department Form WH-3 and state copies of Form W-2.

STATEMENT OF FACTS

The initial protest represented a consolidated appeal of proposed audit assessments. The issue: Taxpayers had filed Form WH-3 ("Annual Withholding Tax Reconciliation Return") and state copies of Form W-2 ("Wage and Tax Statement") late. For the 2001 tax year, in order to be considered "timely filed," taxpayers must have submitted Form WH-3 and state copies of Form W-2 (collectively, "the Information Returns") to the Department no later than February 28, 2002. The Information Returns submitted were postmarked March 14, 2002.

Pursuant to IC 6-8.1-10-6(b), the Department assessed penalties on taxpayers' failure to timely file their Information Returns. Taxpayers requested abatement of these penalties. The Department declined to do so. *(See Letter of Findings 02-0577P.LOF through 02-0596P.LOF.)* Taxpayers, pursuant to IC 6-8.1-5-1(f) and 45 IAC 15-5-5, then asked the Department to reconsider its original findings. The results of which now follow.

DISCUSSION

I. Tax Administration – Penalty

Taxpayers offered several rationales in support of their rehearing request. "We provide…new, additional, and sufficient information and reasons to warrant a rehearing in th[is] penalty appeals case…and to warrant the abatement of penalties that have been assessed…." Specifically, taxpayers contend that (1) the Department's findings contain both errors of omission and errors of commission, (2) new and relevant information exists, and (3) imposition of penalties represents an inequitable resolution of the issue and results in "undue hardship" to taxpayers' "marginally profitable" businesses. However, regardless of form or guise, the substance of taxpayer's arguments can be summarized as follows:

The IDR [Department] Letter of Findings implies that the taxpayers were willfully negligent in filing the Form WH-3 fourteen days late. This implication arises because if the taxpayers' late filing were not due to willful neglect, and if IDR Appeals had

properly applied Indiana Code Section 6-8.1-10-2.1(d), the appeal would have properly resulted in a waiving of the penalty for late filing of the Forms WH-3 as is provided by the Indiana Statute.

Law and Discussion

The liabilities at issue represent penalty assessments based on taxpayers' failure to timely file information returns. The language of IC 6-8.1-10-6 (b), which authorizes penalties for the late filing of "information returns," states:

> If a person fails to file an information return required by the department, a penalty of ten dollars ($10) for each failure to file a timely return, not to exceed twenty-five thousand dollars ($25,000) in any one (1) calendar year, is imposed.

The language cited by taxpayers, IC 6-8.1-10-2.1(d), imposes penalty liability on the "failure to file a return for any of the listed taxes." IC 6-8.1-10-2.1(a)(1). The penalty portion of the statute, IC 6-8.1-10-2.1(d), reads:

> If a person subject to the 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. (emphasis added.)

Unlike the language of IC 6-8.1-10-2.1(d) championed by taxpayer (penalty waiver required if taxpayer's failure to file "was due to reasonable cause and not due to willful neglect"), the language of IC 6-8.1-10-6(b) offers no "excuse" for similar behavior. Nevertheless, even if the "intent" requirement of IC 6-8.1-10-2.1(d) did apply to penalties imposed pursuant to IC 6-8.1-10-6(b), taxpayers' protest would still fail because, as the Department previously concluded, "*taxpayer[s] ha[ve] not provided reasonable cause for [their] failure to file.*"

Taxpayers' argument spotlights the Department's alleged failure to timely distribute "controlled" pre-printed Form WH-3. ("Controlled" refers to the manner of distribution; only the department may distribute a "controlled" form.) Taxpayers contend that since they failed to "timely receive" their Form WH-3 from the Department, they could not be held accountable for their failure to timely complete and file the required forms (i.e., Form WH-3 along with state copies of Form W-2) with the State. Taxpayers explain:

> It is not equitable for the IDR [Department] to benefit from its mistakes by collecting penalties that it caused or could have cured, but for the administrative delay of the Indiana Department of Revenue. Either the IDR failed to mail the Form WH-3 to the taxpayers or the IDR chosen delivery system, the U.S. Mail, did not deliver the form to the Illinois taxpayer. By Affidavit, the owner of the taxpayers avows that the Form WH-3 was never delivered to him. Within the time to timely file the Form WH-3 in question, the Illinois taxpayers requested a replacement Form WH-3. Since the IDR had designated the Form WH-3 a controlled document, it was necessary for the IDR to mail to the taxpayers a replacement form. The unnecessary and unreasonable mail delivery program to out of state taxpayers caused the replacement Form WH-3 to be filed 14 days late. … Had the taxpayers been allowed to quickly access or easily generate the Forms WH-3 from either a tax forms CD-ROM or via the Internet, these penalties would not have occurred.

Or more concisely: "The taxpayers were willing and able to file the Form WH-3, but were prevented from doing so because no form [WH-3] was delivered to their [taxpayers'] out of state offices."

According to its records, the Department mailed Form WH-3 to taxpayers on November 18, 2001. In February 2002, taxpayers discovered they had not received their Form WH-3. Taxpayers then contacted the Department "seeking the whereabouts of the original Form WH-3 and requested a replacement form. This telephone call was made in February [2002] before the due date of the Form WH-3…." In response, the Department "mail[ed] a replacement form [Form WH-3] which had been prepared by hand by Department personnel." Taxpayers assert that it was this delay by the Department that "caused" them to miss the filing deadlines.

Taxpayers are mistaken. The "cause" of taxpayers' failure to timely file their Information Returns was directly attributable to taxpayers' failure to recognize, in a timely manner, that their Indiana tax forms (Form WH-3) were "missing." Taxpayers' *inability* to marshal their Indiana tax forms in a time, place, and manner sufficient to ensure the forms were timely filed directly "caused" these assessments. And such "inability" represents negligence.

FINDING

Taxpayers' protests are denied.

Rules Affected by Volume 26

TITLE 10 OFFICE OF ATTORNEY GENERAL FOR THE STATE				
10 IAC 1.5-1-2				*ERR (26 IR 3046)
10 IAC 1.5-1-7				*ERR (26 IR 3046)
10 IAC 1.5-2-2				*ERR (26 IR 3046)
10 IAC 1.5-2-3				*ERR (26 IR 3046)
10 IAC 1.5-2-5				*ERR (26 IR 3046)
10 IAC 1.5-3-5				*ERR (26 IR 3046)
10 IAC 1.5-3-7				*ERR (26 IR 3046)
10 IAC 1.5-3-8				*ERR (26 IR 3046)
10 IAC 1.5-4-7				*ERR (26 IR 3046)
TITLE 11 CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL				
11 IAC 1-1-3.5	N	02-238	26 IR 420	*AROC (26 IR 883)
				26 IR 2300
11 IAC 2-5-4				*ERR (26 IR 35)
11 IAC 2-5-5	N	02-324	26 IR 1598	*AROC (26 IR 2134)
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**
TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION				
25 IAC 2-19	R	02-150	26 IR 86	*ARR (26 IR 3047)
25 IAC 2-20	R	02-150	26 IR 86	*ARR (26 IR 3047)
25 IAC 5	N	02-150	26 IR 67	*ARR (26 IR 3047)
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 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	*ARR (26 IR 2376)
45 IAC 18-1-2	R	02-40	25 IR 3238	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2313
				*AROC (26 IR 2472)
45 IAC 18-1-3	R	02-40	25 IR 3238	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2313
				*AROC (26 IR 2472)
45 IAC 18-1-4	R	02-40	25 IR 3238	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2313
				*AROC (26 IR 2472)
45 IAC 18-1-5	R	02-40	25 IR 3238	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2313
				*AROC (26 IR 2472)
45 IAC 18-1-6	R	02-40	25 IR 3238	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2313
				*AROC (26 IR 2472)
45 IAC 18-1-7	R	02-40	25 IR 3238	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2313
				*AROC (26 IR 2472)
45 IAC 18-1-8	R	02-40	25 IR 3238	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2313
				*AROC (26 IR 2472)
45 IAC 18-1-9	N	02-40	25 IR 3220	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2300
				*AROC (26 IR 2472)
45 IAC 18-1-10	N	02-40	25 IR 3220	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2301
				*AROC (26 IR 2472)
45 IAC 18-1-11	N	02-40	25 IR 3220	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2301
				*AROC (26 IR 2472)
45 IAC 18-1-12	N	02-40	25 IR 3220	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2301
				*AROC (26 IR 2472)
45 IAC 18-1-13	N	02-40	25 IR 3220	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2301
				*AROC (26 IR 2472)
45 IAC 18-1-14	N	02-40	25 IR 3221	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2301
				*AROC (26 IR 2472)
45 IAC 18-1-15	N	02-40	25 IR 3221	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2301
				*AROC (26 IR 2472)
45 IAC 18-1-16	N	02-40	25 IR 3221	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2302
				*AROC (26 IR 2472)
45 IAC 18-1-17	N	02-40	25 IR 3221	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2302
				*AROC (26 IR 2472)
45 IAC 18-1-18	N	02-40	25 IR 3221	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2302
				*AROC (26 IR 2472)
45 IAC 18-1-19	N	02-40	25 IR 3221	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2302
				*AROC (26 IR 2472)
45 IAC 18-1-20	N	02-40	25 IR 3221	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2302
				*AROC (26 IR 2472)
45 IAC 18-1-21	N	02-40	25 IR 3222	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2302
				*AROC (26 IR 2472)
45 IAC 18-1-22	N	02-40	25 IR 3222	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2302
				*AROC (26 IR 2472)

45 IAC 18-1-23	N	02-40	25 IR 3222	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2303** *AROC (26 IR 2472)
45 IAC 18-1-24	N	02-40	25 IR 3222	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2303** *AROC (26 IR 2472)
45 IAC 18-1-25	N	02-40	25 IR 3222	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2303** *AROC (26 IR 2472)
45 IAC 18-1-26	N	02-40	25 IR 3222	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2303** *AROC (26 IR 2472)
45 IAC 18-1-27	N	02-40	25 IR 3222	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2303** *AROC (26 IR 2472)
45 IAC 18-1-28	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2303** *AROC (26 IR 2472)
45 IAC 18-1-29	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2304** *AROC (26 IR 2472)
45 IAC 18-1-30	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2304** *AROC (26 IR 2472)
45 IAC 18-1-31	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2304** *AROC (26 IR 2472)
45 IAC 18-1-32	N	02-40	25 IR 3223	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2304** *AROC (26 IR 2472)
45 IAC 18-1-33	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-34	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-35	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-36	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-37	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-38	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-39	N	02-40	25 IR 3224	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2305** *AROC (26 IR 2472)
45 IAC 18-1-40	N	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2306** *AROC (26 IR 2472)
45 IAC 18-1-41	N	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2306** *AROC (26 IR 2472)
45 IAC 18-1-42	N	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2306** *AROC (26 IR 2472)
45 IAC 18-1-43	N	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2306** *AROC (26 IR 2472)
45 IAC 18-2-1	A	02-40	25 IR 3225	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2306** *AROC (26 IR 2472)
45 IAC 18-2-2	A	02-40	25 IR 3226	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-2-3	A	02-40	25 IR 3227	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-2-4	A	02-40	25 IR 3228	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-3-1	A	02-40	25 IR 3228	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-3-2	A	02-40	25 IR 3229	*CPH (25 IR 4129) *ARR (26 IR 2376) *AROC (26 IR 2472)
45 IAC 18-3-3	R	02-40	25 IR 3238	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2313** *AROC (26 IR 2472)
45 IAC 18-3-4	N	02-40	25 IR 3231	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2307** *AROC (26 IR 2472)
45 IAC 18-3-5	N	02-40	25 IR 3232	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2307** *AROC (26 IR 2472)
45 IAC 18-3-6	N	02-40	25 IR 3232	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2308** *AROC (26 IR 2472)
45 IAC 18-3-7	N	02-40	25 IR 3232	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2308** *AROC (26 IR 2472) *ERR (26 IR 2375)
45 IAC 18-3-8	N	02-40	25 IR 3233	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2308** *AROC (26 IR 2472)
45 IAC 18-4-1	A	02-40	25 IR 3233	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2309** *AROC (26 IR 2472)
45 IAC 18-4-2	A	02-40	25 IR 3234	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2309** *AROC (26 IR 2472)
45 IAC 18-5-2	A	02-40	25 IR 3235	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2310** *AROC (26 IR 2472)
45 IAC 18-6-1	R	02-40	25 IR 3238	*CPH (25 IR 4129) *ARR (26 IR 2376) **26 IR 2313** *AROC (26 IR 2472)

45 IAC 18-6-2	R	02-40	25 IR 3238	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2313
				*AROC (26 IR 2472)
45 IAC 18-6-3	A	02-40	25 IR 3235	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2310
				*AROC (26 IR 2472)
45 IAC 18-7	N	02-40	25 IR 3236	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				*AROC (26 IR 2472)
45 IAC 18-8	N	02-40	25 IR 3236	*CPH (25 IR 4129)
				*ARR (26 IR 2376)
				26 IR 2311
				*AROC (26 IR 2472)

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

50 IAC 2.3-1-1	A	01-305	25 IR 835	**26 IR 6**
	A	01-402	26 IR 86	*AROC (26 IR 183)
				*AROC (26 IR 184)
				26 IR 2314
	A	02-240	26 IR 88	**26 IR 2315**
50 IAC 2.3-1-2	A	01-366	25 IR 1200	*ARR (25 IR 3760)
				*AWR (26 IR 39)
	A	01-402	26 IR 87	*AROC (26 IR 183)
				*AROC (26 IR 184)
				26 IR 2314
50 IAC 3.1-1	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.1-2-1	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.1-2-5	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.1-2-6	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.1-2-7	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.1-2-8	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.1-2-9	R	01-367	25 IR 2550	**26 IR 328**
50 IAC 3.2	N	01-367	25 IR 2548	**26 IR 326**
				*ERR (26 IR 382)
50 IAC 12-16-30				*ERR (26 IR 793)
50 IAC 14-3-1				*ERR (26 IR 3046)
50 IAC 14-4-1				*ERR (26 IR 382)
				*ERR (26 IR 3046)
50 IAC 14-5-1				*ERR (26 IR 3046)
50 IAC 14-5-3				*ERR (26 IR 3046)
50 IAC 14-6-1				*ERR (26 IR 382)
50 IAC 14-7-1				*ERR (26 IR 382)
50 IAC 14-8-1				*ERR (26 IR 3046)
50 IAC 15-1-1.5	N	01-266		††**26 IR 1516**
50 IAC 15-1-2.5	N	01-266	25 IR 410	*AROC (25 IR 2591)
				26 IR 1516
50 IAC 15-1-2.6	N	01-266	25 IR 410	*AROC (25 IR 2591)
				26 IR 1516
50 IAC 15-1-3	R	01-266	25 IR 416	*AROC (25 IR 2591)
				26 IR 1522
50 IAC 15-1-5	R	01-266	25 IR 416	*AROC (25 IR 2591)
				26 IR 1522
50 IAC 15-1-6	N	01-266	25 IR 410	*AROC (25 IR 2591)
50 IAC 15-3-1	A	01-266	25 IR 410	*AROC (25 IR 2591)
				26 IR 1516
50 IAC 15-3-2	A	01-266	25 IR 410	*AROC (25 IR 2591)
				26 IR 1516
50 IAC 15-3-3	A	01-266	25 IR 411	*AROC (25 IR 2591)
				26 IR 1517
50 IAC 15-3-4	A	01-266	25 IR 411	*AROC (25 IR 2591)
				26 IR 1517
50 IAC 15-3-5	A	01-266	25 IR 411	*AROC (25 IR 2591)
				26 IR 1517
50 IAC 15-3-6	N	01-266	25 IR 411	*AROC (25 IR 2591)
				26 IR 1518
50 IAC 15-4-1	A	01-266	25 IR 412	*AROC (25 IR 2591)
				26 IR 1518
50 IAC 15-5-1	A	01-266	25 IR 413	*AROC (25 IR 2591)
				26 IR 1519
50 IAC 15-5-2	A	01-266	25 IR 414	*AROC (25 IR 2591)
				26 IR 1520
50 IAC 15-5-4	A	01-266	25 IR 414	*AROC (25 IR 2591)
				26 IR 1520
50 IAC 15-5-5	A	01-266	25 IR 414	*AROC (25 IR 2591)
				26 IR 1520
50 IAC 15-5-6	A	01-266	25 IR 415	*AROC (25 IR 2591)
				26 IR 1521
50 IAC 15-5-7	A	01-266	25 IR 415	*AROC (25 IR 2591)
				26 IR 1521
50 IAC 15-5-8	A	01-266	25 IR 415	*AROC (25 IR 2591)
				26 IR 1521
50 IAC 18	N	02-81	26 IR 1117	*AROC (26 IR 1263)
50 IAC 19	N	02-342	26 IR 2397	

TITLE 52 INDIANA BOARD OF TAX REVIEW

52 IAC 1	N	02-206	26 IR 89	**26 IR 2316**

TITLE 60 OVERSIGHT COMMITTEE ON PUBLIC RECORDS

60 IAC 2-1-1	A	02-261	26 IR 1118	**26 IR 2604**
60 IAC 2-1-2	R	02-261	26 IR 1121	**26 IR 2607**
60 IAC 2-1-3	R	02-261	26 IR 1121	**26 IR 2607**
60 IAC 2-2-1	A	02-261	26 IR 1118	**26 IR 2604**
60 IAC 2-2-2	A	02-261	26 IR 1118	**26 IR 2604**
60 IAC 2-2-3	A	02-261	26 IR 1119	**26 IR 2605**
60 IAC 2-2-3.1	N	02-261	26 IR 1120	**26 IR 2605**
60 IAC 2-2-4	A	02-261	26 IR 1120	**26 IR 2605**
60 IAC 2-2-5	A	02-261	26 IR 1120	**26 IR 2606**
60 IAC 2-2-5.1	N	02-261	26 IR 1121	**26 IR 2606**
60 IAC 2-2-6	R	02-261	26 IR 1121	**26 IR 2607**
60 IAC 2-2-7	R	02-261	26 IR 1121	**26 IR 2607**

TITLE 65 STATE LOTTERY COMMISSION

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 4-2-4	A	02-253	*ER (26 IR 42)
65 IAC 4-2-8	A	02-253	*ER (26 IR 43)
65 IAC 4-452	N	02-353	*ER (26 IR 1585)
65 IAC 4-453	N	02-350	*ER (26 IR 1580)
65 IAC 5-2-4	A	02-253	*ER (26 IR 43)
65 IAC 5-2-8	A	02-253	*ER (26 IR 43)
65 IAC 5-5-5	A	03-113	*ER (26 IR 3057)
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 5-15-10	N	03-14	*ER (26 IR 1946)
65 IAC 5-15-11	N	03-14	*ER (26 IR 1946)
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 6-2-3	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 6-3-2	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 3	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
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
68 IAC 10	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 11	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 12	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 13	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 14	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 15	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 16	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 17	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 18	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261
68 IAC 19	RA	01-418	25 IR 2589	*CPH (25 IR 3208)
				26 IR 1261

TITLE 71 INDIANA HORSE RACING COMMISSION

71 IAC 1-1-41.5	N	02-282	*ER (26 IR 394)
71 IAC 1.5-1-37.5	N	02-282	*ER (26 IR 394)
			*ERR (26 IR 793)
71 IAC 3-2-9	A	03-52	*ER (26 IR 2380)
71 IAC 3.5-2-9	A	03-52	*ER (26 IR 2380)
71 IAC 4-2-4	A	03-52	*ER (26 IR 2380)
71 IAC 4-2-5	A	03-52	*ER (26 IR 2381)
71 IAC 4-3-1	A	03-52	*ER (26 IR 2381)
71 IAC 4.5-2-4	A	03-52	*ER (26 IR 2381)
71 IAC 4.5-2-5	A	03-52	*ER (26 IR 2382)
71 IAC 4.5-3-1	A	03-52	*ER (26 IR 2382)
71 IAC 5.5-4-4	A	03-52	*ER (26 IR 2382)
71 IAC 5.5-5-3	A	02-250	*ER (26 IR 55)
71 IAC 6.5-1-4	A	02-250	*ER (26 IR 55)
71 IAC 7-1-15	A	03-52	*ER (26 IR 2383)
71 IAC 7-1-28	A	03-52	*ER (26 IR 2383)
71 IAC 7-1-37	R	03-52	*ER (26 IR 2388)
71 IAC 7.5-1-4	A	03-52	*ER (26 IR 2383)
71 IAC 7.5-1-14	N	03-52	*ER (26 IR 2383)
71 IAC 7.5-6-1	A	03-52	*ER (26 IR 2384)
71 IAC 7.5-10	N	02-250	*ER (26 IR 56)
71 IAC 8-1-1	A	03-52	*ER (26 IR 2384)
71 IAC 8-4-1	A	03-52	*ER (26 IR 2385)
71 IAC 8-6-2	N	03-52	*ER (26 IR 2385)
71 IAC 8.5-1-1	A	03-52	*ER (26 IR 2385)
71 IAC 8.5-3-1	A	03-52	*ER (26 IR 2386)
71 IAC 8.5-4-8	N	02-250	*ER (26 IR 57)
71 IAC 8.5-5-2	N	02-250	*ER (26 IR 57)
	N	03-52	*ER (26 IR 2386)
71 IAC 8.5-10-6	A	02-250	*ER (26 IR 58)
71 IAC 10-2-9	A	03-52	*ER (26 IR 2387)
71 IAC 12-2-15	A	02-251	*ER (26 IR 58)
	A	02-282	*ER (26 IR 394)
	A	03-52	*ER (26 IR 2387)
71 IAC 12-2-18	A	03-52	*ER (26 IR 2388)
71 IAC 12-2-19	A	02-251	*ER (26 IR 59)
			*ERR (26 IR 382)
71 IAC 12-2-20	A	02-282	*ER (26 IR 395)
71 IAC 13.5-3-3	A	03-25	*ER (26 IR 1952)
71 IAC 14.5-1-3	A	03-25	*ER (26 IR 1952)

TITLE 80 STATE FAIR COMMISSION

80 IAC 4-3-3	A	02-200	26 IR 420	
80 IAC 4-3-5	A	02-200	26 IR 420	
80 IAC 4-4	N	02-243	26 IR 2398	

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

105 IAC 9-1-1	A	03-17	26 IR 2400
105 IAC 9-1-2	A	03-17	26 IR 2400
105 IAC 9-2-1	A	02-231	26 IR 421
105 IAC 12-1-2	A	03-58	26 IR 3077
105 IAC 12-1-5	A	03-58	26 IR 3077
105 IAC 12-1-14.5	N	03-58	26 IR 3077
105 IAC 12-1-14.6	N	03-58	26 IR 3077
105 IAC 12-1-18	A	03-58	26 IR 3077
105 IAC 12-1-22	A	03-58	26 IR 3077
105 IAC 12-1-23	A	03-58	26 IR 3078
105 IAC 12-2-4	A	03-58	26 IR 3078
105 IAC 12-2-6	A	03-58	26 IR 3078
105 IAC 12-2-7	A	03-58	26 IR 3078
105 IAC 12-2-10	A	03-58	26 IR 3078
105 IAC 12-2-11	A	03-58	26 IR 3078
105 IAC 12-2-13	A	03-58	26 IR 3079
105 IAC 12-2-14	A	03-58	26 IR 3079
105 IAC 12-2-16	A	03-58	26 IR 3079
105 IAC 12-2-17	A	03-58	26 IR 3080
105 IAC 12-2-18	N	03-58	26 IR 3080
105 IAC 12-2-19	N	03-58	26 IR 3080
105 IAC 12-2-20	N	03-58	26 IR 3080
105 IAC 12-2-21	N	03-58	26 IR 3081
105 IAC 12-3-1	A	03-58	26 IR 3082
105 IAC 12-3-2	A	03-58	26 IR 3082
105 IAC 12-3-4	A	03-58	26 IR 3082
105 IAC 12-3-5	A	03-58	26 IR 3083
105 IAC 12-4-3	A	03-58	26 IR 3084
105 IAC 12-4-4	A	03-58	26 IR 3084
105 IAC 12-4-5	A	03-58	26 IR 3084

TITLE 135 INDIANA TRANSPORTATION FINANCE AUTHORITY

135 IAC 2	RA	02-175	25 IR 4219	**26 IR 882**
135 IAC 2-1-1	A	02-171	25 IR 4138	
135 IAC 2-2-1	A	02-171	25 IR 4140	
135 IAC 2-2-3	A	02-171	25 IR 4140	
135 IAC 2-2-5	A	02-171	25 IR 4140	
135 IAC 2-2-10	A	02-171	25 IR 4141	
135 IAC 2-2-12	A	02-171	25 IR 4141	
135 IAC 2-3-1	A	02-171	25 IR 4141	
135 IAC 2-3-2	A	02-171	25 IR 4141	
135 IAC 2-4-1	A	02-171	25 IR 4141	
135 IAC 2-4-4	A	02-171	25 IR 4142	
135 IAC 2-5-1	A	02-171	25 IR 4142	
135 IAC 2-5-2	A	02-171	25 IR 4142	
135 IAC 2-6-1	A	02-171	25 IR 4148	
135 IAC 2-7-1	A	02-171	25 IR 4148	
135 IAC 2-7-3	A	02-171	25 IR 4148	
135 IAC 2-7-7	A	02-171	25 IR 4148	
135 IAC 2-7-11	A	02-171	25 IR 4149	
135 IAC 2-7-15	A	02-171	25 IR 4149	
135 IAC 2-7-18	A	02-171	25 IR 4149	
135 IAC 2-7-19	R	02-171	25 IR 4151	

135 IAC 2-7-20	A	02-171	25 IR 4149	
135 IAC 2-7-23	A	02-171	25 IR 4149	
135 IAC 2-8-1	A	02-171	25 IR 4149	
135 IAC 2-8-3	A	02-171	25 IR 4150	
135 IAC 2-8-5	A	02-171	25 IR 4150	
135 IAC 2-8-7	A	02-171	25 IR 4150	
135 IAC 2-8-11	A	02-171	25 IR 4150	
135 IAC 2-10-1	A	02-171	25 IR 4151	
135 IAC 2-10-2	A	02-171	25 IR 4151	
135 IAC 3	RA	02-175	25 IR 4219	**26 IR 882**

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

170 IAC 4-1-26	A	02-44	25 IR 2751	**26 IR 328**
170 IAC 7-1.2				*ERR (26 IR 382)
170 IAC 7-1.3				*ERR (26 IR 382)
170 IAC 7-1.3-2				*ERR (26 IR 1565)
				*ERR (26 IR 2375)

TITLE 210 DEPARTMENT OF CORRECTION

210 IAC 1-6-1	A	02-259	26 IR 817	
210 IAC 1-6-2	A	02-259	26 IR 818	
210 IAC 1-6-3	R	02-259	26 IR 829	
210 IAC 1-6-4	A	02-259	26 IR 818	
210 IAC 1-6-5	A	02-259	26 IR 819	
210 IAC 1-6-6	A	02-259	26 IR 820	
210 IAC 1-6-7	A	02-259	26 IR 821	
210 IAC 1-10	N	02-259	26 IR 821	
210 IAC 5-1-1	A	02-259	26 IR 823	
210 IAC 5-1-2	A	02-259	26 IR 824	
210 IAC 5-1-3	A	02-259	26 IR 824	
210 IAC 5-1-4	A	02-259	26 IR 827	
210 IAC 6-1-1	A	02-173	25 IR 4152	**26 IR 1064**
210 IAC 6-2-1	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-2	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-3	A	02-173	25 IR 4152	**26 IR 1064**
210 IAC 6-2-4	A	02-173	25 IR 4152	**26 IR 1064**
210 IAC 6-2-5	A	02-173	25 IR 4152	**26 IR 1064**
210 IAC 6-2-6	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-7	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-8	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-9	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-10	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-11	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-12	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-2-13	A	02-173	25 IR 4152	**26 IR 1064**
210 IAC 6-3-1	A	02-173	25 IR 4152	**26 IR 1064**
210 IAC 6-3-2	A	02-173	25 IR 4153	**26 IR 1065**
210 IAC 6-3-3	A	02-173	25 IR 4153	**26 IR 1065**
210 IAC 6-3-4	A	02-173	25 IR 4154	**26 IR 1066**
210 IAC 6-3-5	A	02-173	25 IR 4155	**26 IR 1067**
210 IAC 6-3-6	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-3-7	RA	02-174	25 IR 4219	**26 IR 882**
210 IAC 6-3-8	RA	02-174	25 IR 4219	**26 IR 882**
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**
210 IAC 7	RA	03-54	26 IR 3147	

TITLE 240 STATE POLICE DEPARTMENT

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.l	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 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 307 INDIANA BOARD OF REGISTRATION FOR SOIL SCIENTISTS

307 IAC	N	03-32	26 IR 2652	

TITLE 312 NATURAL RESOURCES COMMISSION

312 IAC 2	RA	02-72	25 IR 3461	**26 IR 546**
312 IAC 2-4-1	A	02-236	26 IR 1126	
312 IAC 2-4-2	A	02-236	26 IR 1126	
312 IAC 2-4-4	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	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	02-2	25 IR 2553	**26 IR 8**
312 IAC 3-1-3	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	02-2	25 IR 2554	**26 IR 9**
312 IAC 3-1-18	A	02-2	25 IR 2554	**26 IR 9**
312 IAC 5-2-47	A	03-24	26 IR 2401	
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	02-162	25 IR 4165	**26 IR 1900**
	A	03-29	26 IR 2660	
312 IAC 5-13-2	A	03-24	26 IR 2401	
312 IAC 6	RA	02-331	26 IR 2133	
312 IAC 7	RA	02-331	26 IR 2133	
312 IAC 8-1-2	A	03-50	26 IR 3085	
312 IAC 8-1-4	A	03-50	26 IR 3085	
312 IAC 8-2-3	A	03-50	26 IR 3086	
312 IAC 8-2-6	A	03-50	26 IR 3088	
312 IAC 8-2-9	A	03-50	26 IR 3088	
312 IAC 8-2-11	A	03-50	26 IR 3088	
312 IAC 9	RA	02-331	26 IR 2133	
312 IAC 9-2-11	A	03-50	26 IR 3089	

312 IAC 9-2-13	A	02-68	25 IR 2751	**26 IR 1068**
312 IAC 9-6-1	A	02-318	26 IR 1966	
312 IAC 9-6-7	A	02-318	26 IR 1967	
312 IAC 9-10-4	A	02-232	26 IR 1602	
312 IAC 9-10-6	A	02-68	25 IR 2752	**26 IR 1069**
312 IAC 9-10-11	A	01-444	25 IR 2551	**26 IR 692**
312 IAC 9-11-14	A	02-322	26 IR 1603	
312 IAC 11-5-1	A	03-30	26 IR 2661	
312 IAC 12-3-2				*ERR (26 IR 1565)
312 IAC 14	RA	02-331	26 IR 2133	
312 IAC 15	RA	02-331	26 IR 2133	
312 IAC 16-3-2	A	02-73	25 IR 4156	**26 IR 1896**
312 IAC 16-3.5	N	02-73	25 IR 4158	**26 IR 1898**
312 IAC 16-4-1	A	02-73	25 IR 4158	**26 IR 1898**
312 IAC 16-4-2	A	02-73	25 IR 4159	**26 IR 1898**
312 IAC 16-4-5	A	02-73	25 IR 4159	**26 IR 1899**
312 IAC 18	RA	02-72	25 IR 3461	**26 IR 546**
312 IAC 18-3-8	A	02-202	26 IR 1123	
312 IAC 18-3-12	A	02-201	26 IR 1121	
312 IAC 20-2-1.7	N	03-12	26 IR 3084	
312 IAC 20-2-4.3	N	03-12	26 IR 3084	
312 IAC 20-2-4.7	N	03-12	26 IR 3085	
312 IAC 20-3-3	N	03-12	26 IR 3085	
312 IAC 20-5	N	02-329	26 IR 2658	
312 IAC 22.5				*ERR (26 IR 383)
312 IAC 24	RA	02-331	26 IR 2133	
312 IAC 25-1-45.5	N	02-104	25 IR 4160	*AROC (26 IR 1736)
312 IAC 25-1-60.5	N	02-104	25 IR 4160	*AROC (26 IR 1736)
312 IAC 25-4-43	A	02-104	25 IR 4160	*AROC (26 IR 1736)
312 IAC 25-4-47	A	02-104	25 IR 4161	*AROC (26 IR 1736)
312 IAC 25-4-85	A	02-104	25 IR 4162	*AROC (26 IR 1736)
312 IAC 25-4-93	A	02-104	25 IR 4163	*AROC (26 IR 1736)
312 IAC 25-6-12.5	N	02-104	25 IR 4164	*AROC (26 IR 1736)
312 IAC 25-6-76.5	N	02-104	25 IR 4164	*AROC (26 IR 1736)

TITLE 326 AIR POLLUTION CONTROL BOARD

326 IAC 1-1-3	A	02-337	26 IR 1997	
326 IAC 1-1-3.5	A	02-337	26 IR 1997	
326 IAC 1-2-65	A	02-337	26 IR 1997	
326 IAC 1-2-90	A	02-337	26 IR 1998	
326 IAC 1-4-1	A	02-88	25 IR 3240	**26 IR 1077**
	A	03-70	26 IR 3092	
326 IAC 1-5-2				*ERR (26 IR 1565)
326 IAC 2-2-13				*ERR (26 IR 1565)
	A	02-337	26 IR 1998	
326 IAC 2-2-16				*ERR (26 IR 1565)
	A	02-337	26 IR 1999	
326 IAC 2-3-1				*ERR (26 IR 1565)
	A	02-337	26 IR 2000	
326 IAC 2-6-1	A	01-249	24 IR 3700	*CPH (24 IR 4012)
326 IAC 2-6-2	A	01-249	24 IR 3700	*CPH (24 IR 4012)
326 IAC 2-6-3	A	01-249	24 IR 3702	*CPH (24 IR 4012)
326 IAC 2-6-4	A	01-249	24 IR 3703	*CPH (24 IR 4012)
				*ERR (26 IR 1566)
	A	02-337	26 IR 2005	
326 IAC 2-6-5	N	01-249	24 IR 3705	*CPH (24 IR 4012)
326 IAC 2-7-3				*ERR (26 IR 1566)
	A	02-337	26 IR 2006	
326 IAC 2-7-8				*ERR (26 IR 1566)
	A	02-337	26 IR 2006	
326 IAC 2-7-18				*ERR (26 IR 1566)
	A	02-337	26 IR 2007	
326 IAC 2-8-3				*ERR (26 IR 1566)
	A	02-337	26 IR 2008	
326 IAC 2-9-7				*ERR (26 IR 1566)
	A	02-337	26 IR 2009	
326 IAC 2-9-8				*ERR (26 IR 1566)
	A	02-337	26 IR 2010	
326 IAC 2-9-9				*ERR (26 IR 1566)
	A	02-337	26 IR 2012	
326 IAC 2-9-10				*ERR (26 IR 1566)
	A	02-337	26 IR 2013	
326 IAC 2-9-13				*ERR (26 IR 1566)
	A	02-337	26 IR 2014	
326 IAC 3-4-1				*ERR (26 IR 1566)
	A	02-337	26 IR 2016	
326 IAC 3-4-3				*ERR (26 IR 1566)
	A	02-337	26 IR 2016	
326 IAC 3-5-2				*ERR (26 IR 1566)
	A	02-337	26 IR 2017	
326 IAC 3-5-3				*ERR (26 IR 1567)
	A	02-337	26 IR 2019	
326 IAC 3-5-4				*ERR (26 IR 1567)
	A	02-337	26 IR 2019	
326 IAC 3-5-5				*ERR (26 IR 1567)
	A	02-337	26 IR 2020	
326 IAC 3-6-1				*ERR (26 IR 1567)
	A	02-337	26 IR 2022	
326 IAC 3-6-3				*ERR (26 IR 1567)
	A	02-337	26 IR 2022	
326 IAC 3-6-5				*ERR (26 IR 1567)
	A	02-337	26 IR 2023	
326 IAC 3-7-2				*ERR (26 IR 1567)
	A	02-337	26 IR 2024	
326 IAC 3-7-4				*ERR (26 IR 1567)
	A	02-337	26 IR 2025	
326 IAC 4-1-4.1	A	02-88	25 IR 3240	**26 IR 1077**
326 IAC 4-1-8				*ERR (26 IR 1567)
326 IAC 4-2-1	A	00-44	24 IR 2754	*CPH (25 IR 2542)
				*CPH (25 IR 3208)
				26 IR 1071
326 IAC 4-2-2	A	00-44	24 IR 2754	*CPH (25 IR 2542)
				*CPH (25 IR 3208)
				26 IR 1071
326 IAC 5-1-2				*ERR (26 IR 1567)
	A	01-407	26 IR 2026	*CPH (26 IR 2391)
326 IAC 5-1-4				*ERR (26 IR 1567)
	A	02-337	26 IR 2026	
326 IAC 5-1-5				*ERR (26 IR 1567)
	A	02-337	26 IR 2027	
326 IAC 6-1-1				*ERR (26 IR 383)
326 IAC 6-1-10.1	A	01-407	26 IR 1970	*CPH (26 IR 2391)
326 IAC 6-1-10.2	A	01-407	26 IR 1994	*CPH (26 IR 2391)
326 IAC 6-1-14	A	02-122	26 IR 98	*CPH (26 IR 811)
				26 IR 2318
326 IAC 6-2-3				*ERR (26 IR 1567)
326 IAC 6-4-5				*ERR (26 IR 1567)
326 IAC 6-5-7				*ERR (26 IR 1568)
326 IAC 6-6-2				*ERR (26 IR 1568)
326 IAC 6-6-4				*ERR (26 IR 1568)
326 IAC 7-2-1				*ERR (26 IR 1565)
	A	02-337	26 IR 2028	
326 IAC 7-4-10				*ERR (26 IR 1568)
	A	02-337	26 IR 2029	
326 IAC 7-4-14				*ERR (26 IR 1568)
326 IAC 8-1-2	A	01-251	25 IR 2754	**26 IR 1073**
326 IAC 8-1-4				*ERR (26 IR 1565)
	A	02-337	26 IR 2030	
326 IAC 8-2-9	A	02-88	25 IR 3241	**26 IR 1078**
326 IAC 8-4-6	A	02-337	26 IR 2032	
326 IAC 8-4-9				*ERR (26 IR 1568)
	A	02-337	26 IR 2035	
326 IAC 8-7-7				*ERR (26 IR 1568)
	A	02-337	26 IR 2036	
326 IAC 8-7-10				*ERR (26 IR 1568)
326 IAC 8-8.1-1				*ERR (26 IR 1568)
326 IAC 8-9-2				*ERR (26 IR 1568)
	A	02-337	26 IR 2037	
326 IAC 8-9-3				*ERR (26 IR 1568)
	A	02-337	26 IR 2037	

326 IAC 8-9-4				*ERR (26 IR 1568)
	A	02-337	26 IR 2038	
326 IAC 8-9-5				*ERR (26 IR 1568)
	A	02-337	26 IR 2040	
326 IAC 8-9-6				*ERR (26 IR 1568)
	A	02-337	26 IR 2042	
326 IAC 8-10-5				*ERR (26 IR 1568)
326 IAC 8-10-6				*ERR (26 IR 1568)
326 IAC 8-10-7				*ERR (26 IR 1568)
	A	02-337	26 IR 2044	
326 IAC 8-11-2				*ERR (26 IR 1568)
	A	02-337	26 IR 2044	
326 IAC 8-11-3				*ERR (26 IR 1568)
326 IAC 8-11-6				*ERR (26 IR 1568)
	A	02-337	26 IR 2046	
326 IAC 8-11-7				*ERR (26 IR 1569)
	A	02-337	26 IR 2050	
326 IAC 8-12-3				*ERR (26 IR 1569)
	A	02-337	26 IR 2050	
326 IAC 8-12-5				*ERR (26 IR 1569)
	A	02-337	26 IR 2052	
326 IAC 8-12-6				*ERR (26 IR 1565)
	A	02-337	26 IR 2053	
326 IAC 8-12-7	A	02-337	26 IR 2054	
326 IAC 8-13-5				*ERR (26 IR 1569)
	A	02-337	26 IR 2055	
326 IAC 9-1-1	A	00-44	24 IR 2777	*CPH (25 IR 2542)
				*CPH (25 IR 3208)
				26 IR 1072
326 IAC 9-1-2	A	00-44	24 IR 2777	*CPH (25 IR 2542)
				*CPH (25 IR 3208)
				26 IR 1072
326 IAC 10-1-2				*ERR (26 IR 1569)
	A	02-337	26 IR 2056	
326 IAC 10-1-4				*ERR (26 IR 1569)
	A	02-337	26 IR 2057	
326 IAC 10-1-5				*ERR (26 IR 1569)
	A	02-337	26 IR 2059	
326 IAC 10-1-6				*ERR (26 IR 1569)
	A	02-337	26 IR 2059	
326 IAC 10-3-1	A	02-54	26 IR 1134	*CPH (26 IR 2391)
326 IAC 10-3-3				*ERR (26 IR 1569)
326 IAC 10-4-1	A	02-54	26 IR 1134	*CPH (26 IR 2391)
326 IAC 10-4-2	A	02-54	26 IR 1136	*CPH (26 IR 2391)
326 IAC 10-4-3				*ERR (26 IR 1569)
326 IAC 10-4-4				*ERR (26 IR 1569)
326 IAC 10-4-8				*ERR (26 IR 1569)
326 IAC 10-4-9	A	02-54	26 IR 1142	*CPH (26 IR 2391)
326 IAC 10-4-10	A	02-54	26 IR 1148	*CPH (26 IR 2391)
326 IAC 10-4-12				*ERR (26 IR 1569)
326 IAC 10-4-13	A	02-54	26 IR 1152	*CPH (26 IR 2391)
326 IAC 10-4-14	A	02-54	26 IR 1155	*CPH (26 IR 2391)
326 IAC 10-4-15	A	02-54	26 IR 1156	*CPH (26 IR 2391)
326 IAC 11-3-4				*ERR (26 IR 1569)
	A	01-407	26 IR 2060	*CPH (26 IR 2391)
326 IAC 11-4-5	A	00-43	25 IR 2285	**26 IR 10**
326 IAC 11-5	R	99-177	25 IR 1984	**26 IR 10**
326 IAC 11-7-1	A	02-337	26 IR 2061	
326 IAC 13-1.1-1				*ERR (26 IR 1570)
	A	02-337	26 IR 2062	
326 IAC 13-1.1-8				*ERR (26 IR 1570)
	A	02-337	26 IR 2063	
326 IAC 13-1.1-10				*ERR (26 IR 1570)
	A	02-337	26 IR 2063	
326 IAC 13-1.1-13				*ERR (26 IR 1570)
	A	02-337	26 IR 2064	
326 IAC 13-1.1-14				*ERR (26 IR 1570)
	A	02-337	26 IR 2065	
326 IAC 13-1.1-16				*ERR (26 IR 1570)
	A	02-337	26 IR 2066	
326 IAC 13-2.1-3				*ERR (26 IR 1570)
326 IAC 13-3-1	A	02-88	25 IR 3242	**26 IR 1079**
326 IAC 13-3-2				*ERR (26 IR 1570)
326 IAC 13-3-5				*ERR (26 IR 1570)
326 IAC 13-3-6				*ERR (26 IR 1570)
326 IAC 14-1-1	A	02-337	26 IR 2066	
326 IAC 14-1-2	A	02-337	26 IR 2067	
326 IAC 14-1-4	R	02-337	26 IR 2099	
326 IAC 14-3-1				*ERR (26 IR 1570)
	A	02-337	26 IR 2067	
326 IAC 14-4-1				*ERR (26 IR 1571)
	A	02-337	26 IR 2067	
326 IAC 14-5-1				*ERR (26 IR 1571)
	A	02-337	26 IR 2068	
326 IAC 14-6-1				*ERR (26 IR 1571)
326 IAC 14-7-1				*ERR (26 IR 1571)
	A	02-337	26 IR 2068	
326 IAC 14-8-1	A	02-337	26 IR 2068	
326 IAC 14-8-3	A	02-337	26 IR 2069	
326 IAC 14-8-4	A	02-337	26 IR 2069	
326 IAC 14-8-5	A	02-337	26 IR 2069	
326 IAC 14-9-5	A	02-337	26 IR 2070	
326 IAC 14-9-7				*ERR (26 IR 1571)
326 IAC 14-9-8	A	02-337	26 IR 2071	
326 IAC 14-9-9				*ERR (26 IR 1571)
	A	02-337	26 IR 2071	
326 IAC 14-10-1				*ERR (26 IR 1571)
	A	02-337	26 IR 2072	
326 IAC 14-10-2				*ERR (26 IR 1571)
	A	02-337	26 IR 2074	
326 IAC 14-10-3				*ERR (26 IR 1571)
	A	02-337	26 IR 2076	
326 IAC 14-10-4				*ERR (26 IR 1571)
	A	02-337	26 IR 2078	
326 IAC 15-1-2				*ERR (26 IR 1565)
	A	02-337	26 IR 2080	
326 IAC 15-1-4				*ERR (26 IR 1571)
	A	02-337	26 IR 2083	
326 IAC 16-2-3				*ERR (26 IR 1571)
326 IAC 16-3-1				*ERR (26 IR 1571)
	A	02-337	26 IR 2084	
326 IAC 18-1-2				*ERR (26 IR 1572)
	A	02-337	26 IR 2084	
326 IAC 18-1-5				*ERR (26 IR 1572)
	A	02-337	26 IR 2086	
326 IAC 18-1-7				*ERR (26 IR 1572)
	A	02-337	26 IR 2087	
326 IAC 18-1-8	A	02-337	26 IR 2088	
326 IAC 18-2-2				*ERR (26 IR 1572)
	A	02-337	26 IR 2088	
326 IAC 18-2-3				*ERR (26 IR 1572)
	A	02-337	26 IR 2090	
326 IAC 18-2-6	A	02-337	26 IR 2096	
326 IAC 18-2-7	A	02-337	26 IR 2097	
326 IAC 19-1	R	00-44	24 IR 2791	*CPH (25 IR 2542)
				*CPH (25 IR 3208)
				26 IR 1073
326 IAC 20-25-1	A	02-55	26 IR 92	*CPH (26 IR 811)
				26 IR 2607
326 IAC 20-25-3	A	02-55	26 IR 92	*CPH (26 IR 811)
				26 IR 2607
326 IAC 20-25-4	A	02-55	26 IR 94	*CPH (26 IR 811)
				26 IR 2609
326 IAC 20-25-5	A	02-55	26 IR 94	*CPH (26 IR 811)
				26 IR 2610
326 IAC 20-25-7	A	02-55	26 IR 95	*CPH (26 IR 811)
				26 IR 2610
326 IAC 20-48	N	02-55	26 IR 95	*CPH (26 IR 811)
				26 IR 2611

326 IAC 20-49	N	02-336	26 IR 3090	
326 IAC 20-50	N	02-336	26 IR 3090	
326 IAC 20-51	N	02-336	26 IR 3090	
326 IAC 20-52	N	02-336	26 IR 3091	
326 IAC 20-53	N	02-336	26 IR 3091	
326 IAC 20-54	N	02-336	26 IR 3091	
326 IAC 20-55	N	02-336	26 IR 3091	
326 IAC 22-1-1				*ERR (26 IR 1572)
	A	02-337	26 IR 2098	
326 IAC 23-1-4	A	02-189	26 IR 2407	
326 IAC 23-1-5	A	02-189	26 IR 2408	
326 IAC 23-1-5.5	N	02-189	26 IR 2408	
326 IAC 23-1-6.5	N	02-189	26 IR 2408	
326 IAC 23-1-7.5	N	02-189	26 IR 2408	
326 IAC 23-1-7.6	N	02-189	26 IR 2408	
326 IAC 23-1-9	A	02-189	26 IR 2408	
326 IAC 23-1-10	A	02-189	26 IR 2409	
326 IAC 23-1-11	A	02-189	26 IR 2409	
326 IAC 23-1-11.5	N	02-189	26 IR 2409	
326 IAC 23-1-12.5	N	02-189	26 IR 2409	
326 IAC 23-1-17	A	02-189	26 IR 2409	
326 IAC 23-1-21	A	02-189	26 IR 2410	
326 IAC 23-1-21.5	N	02-189	26 IR 2410	
326 IAC 23-1-22	R	02-189	26 IR 2437	
326 IAC 23-1-23	R	02-189	26 IR 2437	
326 IAC 23-1-26.5	N	02-189	26 IR 2410	
326 IAC 23-1-27	A	02-189	26 IR 2410	
326 IAC 23-1-27.5	N	02-189	26 IR 2410	
326 IAC 23-1-31	A	02-337	26 IR 2099	
326 IAC 23-1-32.1	N	02-189	26 IR 2410	
326 IAC 23-1-32.2	N	02-189	26 IR 2411	
326 IAC 23-1-34	A	02-189	26 IR 2411	
326 IAC 23-1-34.5	N	02-189	26 IR 2411	
326 IAC 23-1-34.8	N	02-189	26 IR 2411	
326 IAC 23-1-37	R	02-189	26 IR 2437	
326 IAC 23-1-40	R	02-189	26 IR 2437	
326 IAC 23-1-42	R	02-189	26 IR 2437	
326 IAC 23-1-43	R	02-189	26 IR 2437	
326 IAC 23-1-44	R	02-189	26 IR 2437	
326 IAC 23-1-45	R	02-189	26 IR 2437	
326 IAC 23-1-46	R	02-189	26 IR 2437	
326 IAC 23-1-47	R	02-189	26 IR 2437	
326 IAC 23-1-48.5	N	02-189	26 IR 2411	
326 IAC 23-1-52	A	02-189	26 IR 2411	
326 IAC 23-1-52.5	N	02-189	26 IR 2411	
326 IAC 23-1-54.5	N	02-189	26 IR 2412	
326 IAC 23-1-55.5	N	02-189	26 IR 2412	
326 IAC 23-1-58.5	N	02-189	26 IR 2412	
326 IAC 23-1-58.7	N	02-189	26 IR 2412	
326 IAC 23-1-60.1	N	02-189	26 IR 2412	
326 IAC 23-1-60.5	N	02-189	26 IR 2412	
326 IAC 23-1-60.6	N	02-189	26 IR 2413	
326 IAC 23-1-61.5	N	02-189	26 IR 2413	
326 IAC 23-1-62.5	N	02-189	26 IR 2413	
326 IAC 23-1-62.6	N	02-189	26 IR 2413	
326 IAC 23-1-63	A	02-189	26 IR 2413	
326 IAC 23-1-64	A	02-189	26 IR 2414	
326 IAC 23-1-69.5	N	02-189	26 IR 2414	
326 IAC 23-1-69.6	N	02-189	26 IR 2414	
326 IAC 23-1-69.7	N	02-189	26 IR 2414	
326 IAC 23-1-71	N	02-189	26 IR 2414	
326 IAC 23-2-1	A	02-189	26 IR 2414	
326 IAC 23-2-3	A	02-189	26 IR 2415	
326 IAC 23-2-4	A	02-189	26 IR 2416	
326 IAC 23-2-5	A	02-189	26 IR 2418	
326 IAC 23-2-6	A	02-189	26 IR 2419	
326 IAC 23-2-6.5	N	02-189	26 IR 2419	
326 IAC 23-2-7	A	02-189	26 IR 2420	
326 IAC 23-2-8	A	02-189	26 IR 2421	
326 IAC 23-2-9	A	02-189	26 IR 2422	
326 IAC 23-3-1	A	02-189	26 IR 2422	
326 IAC 23-3-2	A	02-189	26 IR 2422	
326 IAC 23-3-3	A	02-189	26 IR 2423	
326 IAC 23-3-5	A	02-189	26 IR 2426	
326 IAC 23-3-7	A	02-189	26 IR 2426	
326 IAC 23-3-11	A	02-189	26 IR 2428	
326 IAC 23-3-12	A	02-189	26 IR 2428	
326 IAC 23-3-13	A	02-189	26 IR 2428	
326 IAC 23-4-1	A	02-189	26 IR 2429	
326 IAC 23-4-2	A	02-189	26 IR 2429	
326 IAC 23-4-3	A	02-189	26 IR 2429	
326 IAC 23-4-4	A	02-189	26 IR 2430	
326 IAC 23-4-5	A	02-189	26 IR 2431	
326 IAC 23-4-6	A	02-189	26 IR 2432	
326 IAC 23-4-7	A	02-189	26 IR 2434	
326 IAC 23-4-9	A	02-189	26 IR 2434	
326 IAC 23-4-11	A	02-189	26 IR 2435	
326 IAC 23-4-12	A	02-189	26 IR 2435	
326 IAC 23-4-13	A	02-189	26 IR 2435	
326 IAC 23-5	N	02-189	26 IR 2436	

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327 IAC 5-1-1.5	A	02-327	26 IR 3097	
327 IAC 5-2-9	A	00-136	26 IR 427	**26 IR 2613**
327 IAC 5-2.1	N	00-136	26 IR 427	**26 IR 2613**
327 IAC 5-4-6	A	01-96	26 IR 845	*CPH (26 IR 1113)
327 IAC 6.1-1-1	A	01-238	26 IR 1165	
327 IAC 6.1-1-3	A	01-238	26 IR 1166	
327 IAC 6.1-1-4	A	01-238	26 IR 1166	
327 IAC 6.1-1-5	A	01-238	26 IR 1167	
327 IAC 6.1-1-7	A	01-238	26 IR 1167	
327 IAC 6.1-2-3	A	01-238	26 IR 1167	
327 IAC 6.1-2-6	A	01-238	26 IR 1167	
327 IAC 6.1-2-7	A	01-238	26 IR 1167	
327 IAC 6.1-2-7.5	N	01-238	26 IR 1167	
327 IAC 6.1-2-8	A	01-238	26 IR 1168	
327 IAC 6.1-2-10	R	01-238	26 IR 1201	
327 IAC 6.1-2-12	R	01-238	26 IR 1201	
327 IAC 6.1-2-13	A	01-238	26 IR 1168	
327 IAC 6.1-2-14	A	01-238	26 IR 1168	
327 IAC 6.1-2-20.5	N	01-238	26 IR 1168	
327 IAC 6.1-2-28	A	01-238	26 IR 1169	
327 IAC 6.1-2-30	A	01-238	26 IR 1169	
327 IAC 6.1-2-31.5	N	01-238	26 IR 1169	
327 IAC 6.1-2-35	A	01-238	26 IR 1169	
327 IAC 6.1-2-42	A	01-238	26 IR 1169	
327 IAC 6.1-2-43	A	01-238	26 IR 1170	
327 IAC 6.1-2-54	A	01-238	26 IR 1170	
327 IAC 6.1-2-55	A	01-238	26 IR 1170	
327 IAC 6.1-2-55.5	N	01-238	26 IR 1170	
327 IAC 6.1-2-61	R	01-238	26 IR 1201	
327 IAC 6.1-3-1	A	01-238	26 IR 1170	
327 IAC 6.1-3-2	A	01-238	26 IR 1171	
327 IAC 6.1-3-3	A	01-238	26 IR 1172	
327 IAC 6.1-3-4	A	01-238	26 IR 1172	
327 IAC 6.1-3-7	A	01-238	26 IR 1172	
327 IAC 6.1-3-8	N	01-238	26 IR 1173	
327 IAC 6.1-4-1	A	01-238	26 IR 1173	
327 IAC 6.1-4-3	A	01-238	26 IR 1173	
327 IAC 6.1-4-4	A	01-238	26 IR 1174	
327 IAC 6.1-4-5	A	01-238	26 IR 1175	
327 IAC 6.1-4-5.5	N	01-238	26 IR 1175	
327 IAC 6.1-4-6	A	01-238	26 IR 1176	
327 IAC 6.1-4-7	A	01-238	26 IR 1177	
327 IAC 6.1-4-8	A	01-238	26 IR 1178	
327 IAC 6.1-4-9	A	01-238	26 IR 1179	
327 IAC 6.1-4-10	A	01-238	26 IR 1181	
327 IAC 6.1-4-11	A	01-238	26 IR 1182	

327 IAC 6.1-4-13	A	01-238	26 IR 1182	
327 IAC 6.1-4-16	A	01-238	26 IR 1184	
327 IAC 6.1-4-17	A	01-238	26 IR 1186	
327 IAC 6.1-4-18	A	01-238	26 IR 1187	
327 IAC 6.1-4-19	A	01-238	26 IR 1187	
327 IAC 6.1-5-1	A	01-238	26 IR 1187	
327 IAC 6.1-5-2	A	01-238	26 IR 1187	
327 IAC 6.1-5-3	A	01-238	26 IR 1188	
327 IAC 6.1-5-4	A	01-238	26 IR 1188	
327 IAC 6.1-6-1	A	01-238	26 IR 1189	
327 IAC 6.1-6-2	A	01-238	26 IR 1189	
327 IAC 6.1-6-3	A	01-238	26 IR 1190	
327 IAC 6.1-7-1	A	01-238	26 IR 1191	
327 IAC 6.1-7-2	A	01-238	26 IR 1191	
327 IAC 6.1-7-3	A	01-238	26 IR 1192	
327 IAC 6.1-7-4	A	01-238	26 IR 1193	
327 IAC 6.1-7-5	A	01-238	26 IR 1193	
327 IAC 6.1-7-6	A	01-238	26 IR 1194	
327 IAC 6.1-7-9	A	01-238	26 IR 1195	
327 IAC 6.1-7-10	A	01-238	26 IR 1195	
327 IAC 6.1-7-11	A	01-238	26 IR 1196	
327 IAC 6.1-7.5	N	01-238	26 IR 1197	
327 IAC 6.1-8-1	A	01-238	26 IR 1198	
327 IAC 6.1-8-2	A	01-238	26 IR 1199	
327 IAC 6.1-8-3	A	01-238	26 IR 1199	
327 IAC 6.1-8-4	A	01-238	26 IR 1199	
327 IAC 6.1-8-5	A	01-238	26 IR 1200	
327 IAC 6.1-8-6	A	01-238	26 IR 1200	
327 IAC 6.1-8-7	A	01-238	26 IR 1200	
327 IAC 6.1-8-8	A	01-238	26 IR 1201	
327 IAC 8-2-1	A	01-348	26 IR 101	*CPH (26 IR 812)
				26 IR 2808
327 IAC 8-2-5	A	01-348	26 IR 105	*CPH (26 IR 812)
				26 IR 2812
327 IAC 8-2-5.3	A	01-348	26 IR 107	*CPH (26 IR 812)
				26 IR 2814
327 IAC 8-2-6	R	01-348	26 IR 152	*CPH (26 IR 812)
327 IAC 8-2-8.5	A	01-348	26 IR 109	*CPH (26 IR 812)
				26 IR 2816
327 IAC 8-2-13	A	01-348	26 IR 110	*CPH (26 IR 812)
				26 IR 2817
327 IAC 8-2-29	R	01-348	26 IR 152	*CPH (26 IR 812)
				26 IR 2859
327 IAC 8-2-30	A	01-348	26 IR 110	*CPH (26 IR 812)
				26 IR 2817
327 IAC 8-2-31	A	01-348	26 IR 111	*CPH (26 IR 812)
				26 IR 2818
327 IAC 8-2-48	N	01-348	26 IR 111	*CPH (26 IR 812)
				26 IR 2818
327 IAC 8-2.1-3	A	01-348	26 IR 112	*CPH (26 IR 812)
				26 IR 2818
327 IAC 8-2.1-4	A	01-348	26 IR 114	*CPH (26 IR 812)
				26 IR 2821
327 IAC 8-2.1-6	A	01-348	26 IR 115	*CPH (26 IR 812)
				26 IR 2822
327 IAC 8-2.1-8	A	01-348	26 IR 121	*CPH (26 IR 812)
				26 IR 2828
327 IAC 8-2.1-16	A	01-348	26 IR 122	*CPH (26 IR 812)
				26 IR 2829
327 IAC 8-2.1-17	A	01-348	26 IR 126	*CPH (26 IR 812)
				26 IR 2833
327 IAC 8-2.5	N	01-348	26 IR 133	*CPH (26 IR 812)
				26 IR 2840
327 IAC 8-2.6	N	01-348	26 IR 146	*CPH (26 IR 812)
				26 IR 2854
327 IAC 15-2-3	A	01-95	26 IR 1615	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-2-6	A	01-95	26 IR 1615	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-2-8	A	01-95	26 IR 1615	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-2-9	A	01-95	26 IR 1615	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-3-1	A	01-95	26 IR 1616	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-3-2	A	01-95	26 IR 1616	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
	A	02-327	26 IR 3098	
327 IAC 15-3-3	A	01-95	26 IR 1617	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-5-1	A	01-95	26 IR 1617	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-5-2	A	01-95	26 IR 1617	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-5-3	A	01-95	26 IR 1618	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-5-4	A	01-95	26 IR 1619	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-5-5	A	01-95	26 IR 1620	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-5-6	A	01-95	26 IR 1621	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-5-6.5	N	01-95	26 IR 1622	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-5-7	A	01-95	26 IR 1625	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-5-7.5	N	01-95	26 IR 1627	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-5-8	A	01-95	26 IR 1628	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-5-10	A	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-5-11	R	01-95	26 IR 1646	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-5-12	N	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-6-1	A	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-6-2	A	01-95	26 IR 1629	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-6-4	A	01-95	26 IR 1632	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-6-5	A	01-95	26 IR 1635	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)
327 IAC 15-6-6	A	01-95	26 IR 1635	*CPH (26 IR 1961)
				*CPH (26 IR 2392)
				*CPH (26 IR 2645)

327 IAC 15-6-7	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)
327 IAC 15-6-7.3	N	01-95	26 IR 1641	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)
327 IAC 15-6-7.5	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)
327 IAC 15-6-8.5	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)
327 IAC 15-6-10	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)
327 IAC 15-6-11	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)
327 IAC 15-6-12	N	01-95	26 IR 1644	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645)
327 IAC 15-13	N	01-96	26 IR 847	*CPH (26 IR 1113)
327 IAC 15-14	N	02-327	26 IR 3098	

TITLE 329 SOLID WASTE MANAGEMENT BOARD

329 IAC 3.1-1-7	A	02-235	26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074)
329 IAC 3.1-4-1	A	02-235	26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074)
329 IAC 3.1-7-2	A	02-235	26 IR 1240	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074)
329 IAC 3.1-7-15				*ERR (26 IR 3046)
329 IAC 3.1-9-2	A	02-235	26 IR 1241	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074)
329 IAC 3.1-10-2	A	02-235	26 IR 1242	*CPH (26 IR 1962) *CPH (26 IR 2647) *CPH (26 IR 3074)
329 IAC 3.1-12-2				*ERR (26 IR 3046)
329 IAC 9-1-1	A	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-4	A	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-10.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-10.2	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-10.4	N	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-10.6	N	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-10.8	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-14	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-14.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-14.3	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-14.5	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-14.7	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-25	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-27	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-29.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-36	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-39.5	N	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-41	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-41.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-41.5	N	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-42.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-47	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-1-47.1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-2-1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-2-2	A	01-161	26 IR 1214	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-2.1-1	A	01-161	26 IR 1215	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-3-1	A	01-161	26 IR 1216	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-3-2	N	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-3.1-1	A	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-3.1-2	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-3.1-3	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-3.1-4	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)

329 IAC 9-4-3	A	01-161	26 IR 1220	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-4-4	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-5-1	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-5-2	A	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-5-3.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-5-3.2	N	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-5-4.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-5-4.2	N	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-5-5.1	A	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-5-6	A	01-161	26 IR 1226	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-5-7	A	01-161	26 IR 1227	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-6-1	A	01-161	26 IR 1229	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-6-2	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-6-2.5	N	01-161	26 IR 1230	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-6-3	A	01-161	26 IR 1234	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-6-4	A	01-161	26 IR 1234	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-6-5	A	01-161	26 IR 1235	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-7-1	A	01-161	26 IR 1235	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-7-2	A	01-161	26 IR 1236	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-7-4	A	01-161	26 IR 1237	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 9-7-6	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073)
329 IAC 10-1-4	A	00-185	26 IR 432	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-1-4.5	N	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-6	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-11	A	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-29	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-29.5	N	01-288	26 IR 1653	*CPH (26 IR 2647)
329 IAC 10-2-32	A	01-288	26 IR 1653	*CPH (26 IR 2647)
329 IAC 10-2-33	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-41	A	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-41.1	A	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-53	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-60	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-63.5	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-64	A	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-66.1	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-66.2	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-66.3	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-69	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-72.1	A	01-288	26 IR 1654	*CPH (26 IR 2647)
329 IAC 10-2-74	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-75	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-75.1	N	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-76	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-96	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-97.1	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-99	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-100	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-105.3	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-106	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-109	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-111.5	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-112	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-115	A	01-288	26 IR 1654	*CPH (26 IR 2647)
329 IAC 10-2-116	A	01-288	26 IR 1654	*CPH (26 IR 2647)
329 IAC 10-2-117	A	01-288	26 IR 1654	*CPH (26 IR 2647)
329 IAC 10-2-121.1	A	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-127	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-128	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-130	A	01-288	26 IR 1655	*CPH (26 IR 2647)
329 IAC 10-2-132.2	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073)
329 IAC 10-2-132.3	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073)

329 IAC 10-2-135.1	R	01-288	26 IR 1674	*CPH (26 IR 2647)
329 IAC 10-2-135.5	N	01-288	26 IR 1655	*CPH (26 IR 2647)
329 IAC 10-2-142.5	N	00-185	26 IR 437	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-2-147.2	N	00-185	26 IR 437	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-2-149	R	00-185	26 IR 511	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-2-158	A	00-185	26 IR 437	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-2-165.5	N	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-2-172.5	N	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-2-174	A	01-288	26 IR 1655	*CPH (26 IR 2647)
329 IAC 10-2-177	R	00-185	26 IR 511	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-2-179	R	01-288	26 IR 1674	*CPH (26 IR 2647)
329 IAC 10-2-181.2	N	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-2-181.5	N	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-2-181.6	N	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-2-187.5	N	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-2-197.1	A	01-288	26 IR 1656	*CPH (26 IR 2647)
329 IAC 10-2-199.1	R	01-288	26 IR 1674	*CPH (26 IR 2647)
329 IAC 10-2-201.1	R	01-288	26 IR 1674	*CPH (26 IR 2647)
329 IAC 10-2-203	R	00-185	26 IR 511	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-2-205	R	00-185	26 IR 511	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-3-1	A	00-185	26 IR 438	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-3-2	A	00-185	26 IR 439	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-3-3	A	00-185	26 IR 439	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-5-1	A	01-288	26 IR 1656	*CPH (26 IR 2647)
329 IAC 10-6-4	A	00-185	26 IR 440	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-7.1	R	01-288	26 IR 1674	*CPH (26 IR 2647)
329 IAC 10-7.2	N	01-288	26 IR 1656	*CPH (26 IR 2647)
329 IAC 10-8.1	R	01-288	26 IR 1674	*CPH (26 IR 2647)
329 IAC 10-8.2	N	01-288	26 IR 1657	*CPH (26 IR 2647)
329 IAC 10-9-2	A	01-288	26 IR 1659	*CPH (26 IR 2647)
329 IAC 10-9-4	A	01-288	26 IR 1659	*CPH (26 IR 2647)
329 IAC 10-10-1	A	00-185	26 IR 440	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-10-2	A	00-185	26 IR 440	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-11-2.1	A	00-185	26 IR 440	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-11-2.5	A	00-185	26 IR 441	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-11-5.1	A	00-185	26 IR 443	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-11-6	A	00-185	26 IR 443	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-12-1	A	00-185	26 IR 443	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-13-1	A	00-185	26 IR 445	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-13-5	A	00-185	26 IR 445	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-13-6	A	00-185	26 IR 446	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-14-1	A	00-185	26 IR 446	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-14-2	A	01-288	26 IR 1661	*CPH (26 IR 2647)
329 IAC 10-15-1	A	00-185	26 IR 447	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-15-2	A	00-185	26 IR 448	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-15-5	A	00-185	26 IR 449	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-15-8	A	00-185	26 IR 450	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-15-12	N	00-185	26 IR 451	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-16-1	A	00-185	26 IR 452	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-16-8	A	00-185	26 IR 453	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-16-12				*ERR (26 IR 3046)
329 IAC 10-17-2	A	00-185	26 IR 453	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-17-7	A	00-185	26 IR 454	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-17-9	A	00-185	26 IR 456	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-17-12	A	00-185	26 IR 457	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-17-18	A	00-185	26 IR 458	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-19-1	A	00-185	26 IR 458	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-20-3	A	00-185	26 IR 459	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-20-8	A	00-185	26 IR 460	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-20-11	A	00-185	26 IR 461	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-20-12	A	00-185	26 IR 462	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-20-13	A	00-185	26 IR 463	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-20-14.1	A	01-288	26 IR 1662	*CPH (26 IR 2647)
329 IAC 10-20-20	A	00-185	26 IR 463	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-20-24	A	00-185	26 IR 464	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-20-26	A	00-185	26 IR 464	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-20-28	A	00-185	26 IR 464	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-20-29	R	01-288	26 IR 1674	*CPH (26 IR 2647)
329 IAC 10-21-1	A	00-185	26 IR 465	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-21-2	A	00-185	26 IR 468	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-21-4	A	00-185	26 IR 474	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-21-6	A	00-185	26 IR 477	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-21-7	A	00-185	26 IR 479	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-21-8	A	00-185	26 IR 480	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-21-9	A	00-185	26 IR 481	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-21-10	A	00-185	26 IR 482	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-21-13	A	00-185	26 IR 484	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-21-15	A	00-185	26 IR 488	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-21-16	A	00-185	26 IR 488	*CPH (26 IR 2392)
				*CPH (26 IR 3073)

329 IAC 10-22-2	A	00-185	26 IR 493	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-22-3	A	00-185	26 IR 494	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-22-5	A	00-185	26 IR 494	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-22-6	A	00-185	26 IR 494	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-22-7	A	00-185	26 IR 495	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-22-8	A	00-185	26 IR 496	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-23-2	A	00-185	26 IR 496	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-23-3	A	00-185	26 IR 497	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-23-4	A	00-185	26 IR 498	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-24-4	A	00-185	26 IR 499	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-28-21	R	01-288	26 IR 1674	*CPH (26 IR 2647)
329 IAC 10-28-24	A	01-288	26 IR 1664	*CPH (26 IR 2647)
329 IAC 10-29-1	A	00-185	26 IR 499	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-30-4	A	00-185	26 IR 500	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-36-19	A	01-288	26 IR 1665	*CPH (26 IR 2647)
329 IAC 10-37-4	A	00-185	26 IR 501	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-39-1	A	00-185	26 IR 501	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-39-2	A	00-185	26 IR 502	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-39-3	A	00-185	26 IR 508	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-39-7	A	00-185	26 IR 509	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-39-9	A	00-185	26 IR 509	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 10-39-10	A	00-185	26 IR 510	*CPH (26 IR 2392)
				*CPH (26 IR 3073)
329 IAC 11-2-19.5	N	01-288	26 IR 1665	*CPH (26 IR 2647)
329 IAC 11-2-39	A	01-288	26 IR 1666	*CPH (26 IR 2647)
329 IAC 11-2-44	R	01-288	26 IR 1674	*CPH (26 IR 2647)
329 IAC 11-3-2	A	01-288	26 IR 1666	*CPH (26 IR 2647)
329 IAC 11-6-1	R	01-288	26 IR 1674	*CPH (26 IR 2647)
329 IAC 11-7	R	01-288	26 IR 1674	*CPH (26 IR 2647)
329 IAC 11-8-2	A	01-288	26 IR 1666	*CPH (26 IR 2647)
329 IAC 11-8-2.5	N	01-288	26 IR 1666	*CPH (26 IR 2647)
329 IAC 11-8-3	A	01-288	26 IR 1667	*CPH (26 IR 2647)
329 IAC 11-9-6	N	01-288	26 IR 1667	*CPH (26 IR 2647)
329 IAC 11-13-4	A	01-288	26 IR 1667	*CPH (26 IR 2647)
329 IAC 11-13-6	A	01-288	26 IR 1668	*CPH (26 IR 2647)
329 IAC 11-15-1	A	01-288	26 IR 1668	*CPH (26 IR 2647)
329 IAC 11-19-2	A	01-288	26 IR 1669	*CPH (26 IR 2647)
329 IAC 11-19-3	A	01-288	26 IR 1670	*CPH (26 IR 2647)
329 IAC 11-20-1	A	01-288	26 IR 1670	*CPH (26 IR 2647)
329 IAC 11-21-4	A	01-288	26 IR 1671	*CPH (26 IR 2647)
329 IAC 11-21-5	A	01-288	26 IR 1671	*CPH (26 IR 2647)
329 IAC 11-21-6	A	01-288	26 IR 1671	*CPH (26 IR 2647)
329 IAC 11-21-7	A	01-288	26 IR 1671	*CPH (26 IR 2647)
329 IAC 11-21-8	A	01-288	26 IR 1672	*CPH (26 IR 2647)
329 IAC 12-8-4	A	01-288	26 IR 1672	*CPH (26 IR 2647)
329 IAC 13-3-1	A	01-288	26 IR 1673	*CPH (26 IR 2647)

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

345 IAC 1-3-3	A	02-107	25 IR 4170	**26 IR 1523**
345 IAC 1-3-4	A	02-107	25 IR 4171	**26 IR 1524**
345 IAC 1-3-8	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 1-3-11	A	02-107	25 IR 4171	**26 IR 1524**
345 IAC 1-3-12	A	02-107	25 IR 4172	**26 IR 1525**
345 IAC 1-3-13	A	02-107	25 IR 4172	**26 IR 1525**
345 IAC 1-3-14	A	02-107	25 IR 4173	**26 IR 1526**
345 IAC 1-3-15	A	02-107	25 IR 4173	**26 IR 1527**
345 IAC 1-3-16	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 1-3-16.5	N	02-107	25 IR 4174	**26 IR 1527**
345 IAC 1-3-22	A	03-9	26 IR 3108	
345 IAC 1-3-30	A	01-413	25 IR 2774	**26 IR 345**
	A	02-323	26 IR 3102	
345 IAC 1-3-31	N	02-323	26 IR 3104	
345 IAC 1-3-32	N	02-323	26 IR 3104	
345 IAC 1-5-1	A	03-9	26 IR 3108	
345 IAC 1-6-2	A	02-323	26 IR 3105	
345 IAC 1-6-3	A	02-323	26 IR 3105	
345 IAC 2-7-1	A	01-413	25 IR 2775	**26 IR 346**
345 IAC 2-7-2.4	N	02-323	26 IR 3106	
345 IAC 2-7-2.5	N	02-323	26 IR 3107	
345 IAC 2-7-3	A	01-413	25 IR 2776	**26 IR 347**
	A	02-323	26 IR 3107	
345 IAC 2-7-4	A	01-413	25 IR 2777	**26 IR 348**
345 IAC 2-7-5	A	01-413	25 IR 2778	**26 IR 349**
345 IAC 3-5.1-1.2	A	02-107	25 IR 4175	**26 IR 1528**
345 IAC 3-5.1-1.5	A	02-107	25 IR 4176	**26 IR 1529**
345 IAC 3-5.1-2	A	02-107	25 IR 4176	**26 IR 1529**
345 IAC 3-5.1-3	A	02-107	25 IR 4176	**26 IR 1530**
345 IAC 3-5.1-3.5	N	02-107	25 IR 4177	**26 IR 1530**
345 IAC 3-5.1-4	A	02-107	25 IR 4177	**26 IR 1530**
345 IAC 3-5.1-6	A	02-107	25 IR 4177	**26 IR 1531**
345 IAC 3-5.1-7	A	02-107	25 IR 4178	**26 IR 1531**
345 IAC 3-5.1-8.5	A	02-107	25 IR 4179	**26 IR 1533**
345 IAC 3-5.1-8.7	A	02-107	25 IR 4180	**26 IR 1533**
345 IAC 3-5.1-8.8	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 3-5.1-8.9	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 3-5.1-9	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 3-5.1-10	A	02-107	25 IR 4181	**26 IR 1535**
345 IAC 3-5.1-12	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 3-5.1-14	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 3-5.1-15	R	02-107	25 IR 4182	**26 IR 1535**
345 IAC 7-5-1	A	02-126	25 IR 4182	**26 IR 1535**
345 IAC 7-5-2.1	N	02-126	25 IR 4183	**26 IR 1536**
345 IAC 7-5-2.5	A	02-126	25 IR 4183	**26 IR 1536**
345 IAC 7-5-3	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-4	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-5	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-6	A	02-126	25 IR 4184	**26 IR 1537**
345 IAC 7-5-7	A	02-126	25 IR 4184	**26 IR 1537**
345 IAC 7-5-8	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-9	A	02-126	25 IR 4184	**26 IR 1538**
345 IAC 7-5-11	A	02-126	25 IR 4185	**26 IR 1538**
345 IAC 7-5-15.1	A	02-126	25 IR 4185	**26 IR 1539**
345 IAC 7-5-16	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-16.1	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-21	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-22	A	02-126	25 IR 4186	**26 IR 1539**
345 IAC 7-5-24	A	02-126	25 IR 4186	**26 IR 1539**
345 IAC 7-5-25.7	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-26	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-27	R	02-126	25 IR 4187	**26 IR 1540**
345 IAC 7-5-28	A	02-126	25 IR 4186	**26 IR 1540**
345 IAC 7-7-1.5	N	01-377	25 IR 1991	*ARR (25 IR 3770)
			25 IR 4166	**26 IR 693**
345 IAC 7-7-2	A	01-377	25 IR 1991	*ARR (25 IR 3770)
			25 IR 4166	**26 IR 694**
345 IAC 7-7-3	A	01-377	25 IR 1992	*ARR (25 IR 3770)
			25 IR 4167	**26 IR 694**
345 IAC 7-7-3.5	N	01-377	25 IR 1993	*ARR (25 IR 3770)
			25 IR 4168	**26 IR 695**
345 IAC 7-7-4	A	01-377	25 IR 1993	*ARR (25 IR 3770)
			25 IR 4168	**26 IR 695**
345 IAC 7-7-5	A	01-377	25 IR 1993	*ARR (25 IR 3770)
			25 IR 4168	**26 IR 696**
345 IAC 7-7-6	R	01-377	25 IR 1994	*ARR (25 IR 3770)
			25 IR 4169	**26 IR 696**

345 IAC 7-7-7	A	01-377	25 IR 1994	*ARR (25 IR 3770)
			25 IR 4169	**26 IR 696**
345 IAC 7-7-8	R	01-377	25 IR 1994	*ARR (25 IR 3770)
			25 IR 4169	**26 IR 696**
345 IAC 7-7-9	R	01-377	25 IR 1994	*ARR (25 IR 3770)
			25 IR 4169	**26 IR 696**
345 IAC 7-7-10	A	01-377	25 IR 1994	*ARR (25 IR 3770)
			25 IR 4169	**26 IR 696**
345 IAC 8-2-1.1	A	01-392	25 IR 2758	**26 IR 329**
345 IAC 8-2-1.5	N	01-392	25 IR 2760	**26 IR 331**
345 IAC 8-2-1.7	N	01-392	25 IR 2760	**26 IR 331**
345 IAC 8-2-1.9	N	01-392	25 IR 2761	**26 IR 332**
345 IAC 8-2-2	A	01-392	25 IR 2762	**26 IR 333**
345 IAC 8-2-3	A	01-392	25 IR 2764	**26 IR 335**
345 IAC 8-2-3.5	N	01-392	25 IR 2766	**26 IR 337**
345 IAC 8-2-4	A	01-392	25 IR 2767	**26 IR 338**
345 IAC 8-3-1	A	01-392	25 IR 2769	**26 IR 340**
345 IAC 8-3-2	A	01-392	25 IR 2770	**26 IR 341**
345 IAC 8-3-3	N	01-392	25 IR 2770	
345 IAC 8-3-4	N	01-392	25 IR 2771	
345 IAC 8-3-9	N	01-392		**††26 IR 341**
				*ERR (26 IR 793)
345 IAC 8-3-10	N	01-392		**††26 IR 342**
				*ERR (26 IR 793)
345 IAC 8-4-1	A	01-392	25 IR 2771	**26 IR 342**
345 IAC 9-2.1-1	A	02-127	25 IR 4187	**26 IR 1540**
345 IAC 10-2.1-1	A	02-127	25 IR 4188	**26 IR 1541**

TITLE 357 INDIANA PESTICIDE REVIEW BOARD

357 IAC 1-10	N	02-292	26 IR 1243	**26 IR 2859**
				*AROC (26 IR 3149)
357 IAC 1-11	N	02-332	26 IR 3109	

TITLE 370 STATE EGG BOARD

370 IAC 1-1-1	A	01-419	26 IR 153	**26 IR 1542**
370 IAC 1-1-2	A	01-419	26 IR 153	**26 IR 1542**
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 1-2-1	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 1-3-1	A	01-419	26 IR 154	**26 IR 1543**
370 IAC 1-3-2	A	01-419	26 IR 154	**26 IR 1543**
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 1-4-1	A	01-419	26 IR 155	**26 IR 1544**
370 IAC 1-4-2	A	01-419	26 IR 155	**26 IR 1545**
370 IAC 1-4-3	A	01-419	26 IR 156	**26 IR 1545**
370 IAC 1-5-1	A	01-419	26 IR 156	**26 IR 1545**
370 IAC 1-6-1	A	01-419	26 IR 156	**26 IR 1545**
370 IAC 1-8-1	A	01-419	26 IR 156	**26 IR 1545**
370 IAC 1-9-1	A	01-419	26 IR 156	**26 IR 1545**
370 IAC 1-10-1	A	01-419	26 IR 156	**26 IR 1546**
370 IAC 1-10-2	A	01-419	26 IR 157	**26 IR 1546**

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

405 IAC 1-12-1	A	02-16	25 IR 2791	*NRA (25 IR 4128)
				26 IR 718
405 IAC 1-12-2	A	02-16	25 IR 2791	*NRA (25 IR 4128)
				26 IR 718
405 IAC 1-12-4	A	02-16	25 IR 2793	*NRA (25 IR 4128)
				26 IR 720
405 IAC 1-12-5	A	02-16	25 IR 2794	*NRA (25 IR 4128)
				26 IR 721
405 IAC 1-12-6	A	02-16	25 IR 2795	*NRA (25 IR 4128)
				26 IR 722
405 IAC 1-12-7	A	02-16	25 IR 2796	*NRA (25 IR 4128)
				26 IR 723
405 IAC 1-12-8	A	02-16	25 IR 2796	*NRA (25 IR 4128)
				26 IR 723
405 IAC 1-12-9	A	02-16	25 IR 2797	*NRA (25 IR 4128)
				26 IR 724
405 IAC 1-12-12	A	02-16	25 IR 2797	*NRA (25 IR 4128)
				26 IR 724
405 IAC 1-12-13	A	02-16	25 IR 2798	*NRA (25 IR 4128)
				26 IR 725
405 IAC 1-12-14	A	02-16	25 IR 2799	*NRA (25 IR 4128)
				26 IR 726
405 IAC 1-12-15	A	02-16	25 IR 2799	*NRA (25 IR 4128)
				26 IR 726
405 IAC 1-12-16	A	02-16	25 IR 2800	*NRA (25 IR 4128)
				26 IR 727
405 IAC 1-12-17	A	02-16	25 IR 2801	*NRA (25 IR 4128)
				26 IR 728
405 IAC 1-12-19	A	02-16	25 IR 2802	*NRA (25 IR 4128)
				26 IR 729
405 IAC 1-12-24	A	02-16	25 IR 2802	*NRA (25 IR 4128)
				26 IR 730
405 IAC 1-12-26	A	02-16	25 IR 2803	*NRA (25 IR 4128)
				26 IR 730
405 IAC 1-14.5-13	A	02-144	25 IR 3826	*NRA (26 IR 415)
				26 IR 1080
405 IAC 1-14.5-14	A	02-144	25 IR 3827	*NRA (26 IR 415)
				26 IR 1081
405 IAC 1-14.5-15	A	02-144	25 IR 3827	*NRA (26 IR 415)
				26 IR 1081
405 IAC 1-14.6-2	A	02-13	25 IR 2779	*NRA (26 IR 61)
				26 IR 707
	A	02-340	26 IR 2099	
405 IAC 1-14.6-4	A	02-13	25 IR 2782	*NRA (26 IR 61)
				26 IR 709
405 IAC 1-14.6-6	A	02-13	25 IR 2784	*NRA (26 IR 61)
				26 IR 712
	A	02-340	26 IR 2102	
405 IAC 1-14.6-7	A	02-13	25 IR 2785	*NRA (26 IR 61)
				26 IR 712
				*ERR (26 IR 2375)
	A	02-340	26 IR 2103	
405 IAC 1-14.6-9	A	02-13	25 IR 2786	*NRA (26 IR 61)
				26 IR 714
	A	02-340	26 IR 2104	
405 IAC 1-14.6-12	A	02-13	25 IR 2787	*NRA (26 IR 61)
				26 IR 715
405 IAC 1-14.6-16	A	02-13	25 IR 2788	*NRA (26 IR 61)
				26 IR 716
	A	02-340	26 IR 2105	
405 IAC 1-14.6-22	A	02-13	25 IR 2788	*NRA (26 IR 61)
				26 IR 716
	A	02-340	26 IR 2106	
405 IAC 1-16-2	A	02-214	26 IR 158	*NRA (2644)
				*AROC (26 IR 2695)
405 IAC 1-16-4	A	02-214	26 IR 159	*NRA (2644)
				*AROC (26 IR 2695)
405 IAC 1-17-1	A	03-61	26 IR 3111	
405 IAC 1-17-2	A	03-61	26 IR 3111	
405 IAC 1-17-3	A	03-61	26 IR 3112	
405 IAC 1-17-4	A	03-61	26 IR 3113	
405 IAC 1-17-5	A	03-61	26 IR 3113	
405 IAC 1-17-6	A	03-61	26 IR 3114	
405 IAC 1-17-7	A	03-61	26 IR 3114	
405 IAC 1-17-9	A	03-61	26 IR 3115	
405 IAC 1-18-2	A	02-121	25 IR 3243	*NRA (26 IR 61)
				26 IR 1079
405 IAC 1-18-3	R	02-121	25 IR 3243	*NRA (26 IR 61)
				26 IR 1080
405 IAC 1-19	N	02-184	26 IR 511	*NRA (26 IR 1960)
				26 IR 2865
405 IAC 1-20	N	02-184	26 IR 512	*NRA (26 IR 1960)
				26 IR 2866
405 IAC 2-3-1.2				*ERR (26 IR 35)

405 IAC 2-3-17	A	02-234	26 IR 516	*NRA (26 IR 1960)
				26 IR 2868
405 IAC 2-3-21	A	02-234	26 IR 517	*NRA (26 IR 1960)
				26 IR 2868
405 IAC 2-3-23	N	02-45	25 IR 2555	*NRA (25 IR 3804)
				26 IR 731
405 IAC 2-8-1	A	02-87	25 IR 2804	*NRA (26 IR 61)
				26 IR 731
405 IAC 2-8-1.1	N	02-87	25 IR 2805	*NRA (26 IR 61)
				26 IR 732
405 IAC 2-9				*ERR (26 IR 35)
405 IAC 2-10	N	02-145	25 IR 3829	*NRA (26 IR 415)
				26 IR 1547
405 IAC 4-1	RA	02-275	26 IR 544	**26 IR 1261**
405 IAC 4-1-1				*ERR (26 IR 383)
405 IAC 5-12-1	A	02-49	25 IR 2555	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
405 IAC 5-12-2	A	02-49	25 IR 2556	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
				26 IR 2861
405 IAC 5-12-3	A	02-49	25 IR 2556	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
				26 IR 2861
405 IAC 5-12-4	R	02-49	25 IR 2556	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
405 IAC 5-12-5	R	02-49	25 IR 2556	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
405 IAC 5-12-6	R	02-49	25 IR 2556	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
				26 IR 2862
405 IAC 5-12-7	A	02-49	25 IR 2556	*AROC (26 IR 884)
				*NRA (26 IR 1960)
				*ARR (26 IR 2625)
				*NRA (2644)
				26 IR 2862
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 5-14-2	A	02-140	25 IR 3823	*NRA (26 IR 61)
				*ARR (26 IR 384)
				*NRA (26 IR 809)
				*ARR (26 IR 1573)
				*NRA (26 IR 1960)
				26 IR 2862
	A	02-277	26 IR 864	**26 IR 2862**
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)
				*NRA (26 IR 1960)
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)
				*NRA (26 IR 1960)
				26 IR 2863
	A	02-277	26 IR 865	**26 IR 2863**
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)
				*NRA (26 IR 1960)
				26 IR 2863
405 IAC 5-14-6	A	02-140	25 IR 3824	*NRA (26 IR 61)
				*ARR (26 IR 384)
				*NRA (26 IR 809)
				*ARR (26 IR 1573)
				*NRA (26 IR 1960)
				26 IR 2863
	A	02-277	26 IR 865	**26 IR 2863**
405 IAC 5-14-10	R	02-277	26 IR 866	**26 IR 2865**
405 IAC 5-14-11	A	02-277	26 IR 865	**26 IR 2864**
405 IAC 5-14-15	A	02-277	26 IR 865	**26 IR 2864**
405 IAC 5-14-16	A	02-277	26 IR 866	**26 IR 2864**
405 IAC 5-14-17	A	02-277	26 IR 866	**26 IR 2864**
405 IAC 5-14-18	A	02-277	26 IR 866	**26 IR 2864**
405 IAC 5-19-1	A	01-301	25 IR 3811	*NRA (26 IR 809)
				26 IR 1901
405 IAC 5-19-3	A	02-207	26 IR 514	*NRA (2644)
405 IAC 5-24-4				*ERR (26 IR 35)
405 IAC 5-24-7	A	02-141	25 IR 3825	*NRA (26 IR 62)
				26 IR 732
405 IAC 5-24-13	N	02-207	26 IR 515	*NRA (2644)
405 IAC 5-31-4	A	02-207	26 IR 515	*NRA (2644)
405 IAC 5-34-1	A	02-214	26 IR 159	*NRA (2644)
				*AROC (26 IR 2695)
405 IAC 5-34-2	A	02-214	26 IR 159	*NRA (2644)
				*AROC (26 IR 2695)
405 IAC 5-34-3	A	02-214	26 IR 160	*NRA (2644)
				*AROC (26 IR 2695)
405 IAC 5-34-4	A	02-214	26 IR 160	*NRA (2644)
				*AROC (26 IR 2695)
405 IAC 5-34-4.1	N	02-214	26 IR 162	*NRA (2644)
				*AROC (26 IR 2695)
405 IAC 5-34-4.2	N	02-214	26 IR 162	*NRA (2644)
				*AROC (26 IR 2695)
405 IAC 5-34-5	A	02-214	26 IR 162	*NRA (2644)
				*AROC (26 IR 2695)
405 IAC 5-34-6	A	02-214	26 IR 162	*NRA (2644)
				*AROC (26 IR 2695)
405 IAC 5-34-7	A	02-214	26 IR 163	*NRA (2644)
				*AROC (26 IR 2695)
405 IAC 6-2-3	A	01-373	25 IR 3813	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 697
405 IAC 6-2-5	A	01-373	25 IR 3813	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 697
405 IAC 6-2-5.3	N	01-373	25 IR 3813	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 697
405 IAC 6-2-5.5	N	01-373	25 IR 3813	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 697
405 IAC 6-2-9	A	01-373	25 IR 3813	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 698
405 IAC 6-2-12	A	01-373	25 IR 3814	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 698
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 6-2-14	A	01-373	25 IR 3814	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 698
405 IAC 6-2-16.5	N	01-373	25 IR 3814	*AROC (25 IR 3885)
				*NRA (26 IR 61)
				26 IR 698

405 IAC 6-2-18	A	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 698**
405 IAC 6-2-20	A	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 698**
405 IAC 6-2-20.5	N	01-373	25 IR 3814	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 699**
405 IAC 6-2-21	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 699**
405 IAC 6-2-22.5	N	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 699**
405 IAC 6-3-2	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 699**
405 IAC 6-3-3	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 699**
405 IAC 6-4-2	A	01-373	25 IR 3815	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 699**
405 IAC 6-5-1	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 700**
405 IAC 6-5-2	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 700**
405 IAC 6-5-3	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 700**
405 IAC 6-5-4	A	01-373	25 IR 3816	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 701**
405 IAC 6-5-5	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 701**
405 IAC 6-5-6	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 701**
405 IAC 6-6-2	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 701**
405 IAC 6-6-3	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 701**
405 IAC 6-6-4	A	01-373	25 IR 3817	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 702**
405 IAC 6-8	N	01-373	25 IR 3818	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 702**
405 IAC 6-9	N	01-373	25 IR 3818	*AROC (25 IR 3885) *NRA (26 IR 61) **26 IR 702**
405 IAC 7	N	02-234	26 IR 518	*NRA (26 IR 1960) **26 IR 2869**

TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM

407 IAC 2-3-1				*ERR (26 IR 383)

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

410 IAC 1-2.3-47	A	03-4	26 IR 3131	
410 IAC 1-2.3-48	A	03-4	26 IR 3134	
410 IAC 1-2.3-97.5	N	03-4	26 IR 3135	
410 IAC 6-2	R	02-142	25 IR 4197	*CPH (26 IR 812) *AROC (26 IR 3149)
410 IAC 6-2.1	N	02-142	25 IR 4188	*CPH (26 IR 812) *AROC (26 IR 3149)
410 IAC 6-7.1				*ERR (26 IR 36)
410 IAC 6-7.2				*ERR (26 IR 36)
410 IAC 6-7.2-17	A	02-295	26 IR 2662	
410 IAC 6-7.2-29	A	02-295	26 IR 2662	
410 IAC 6-7.2-30	A	02-295	26 IR 2663	
410 IAC 6-8.1	R	02-321	26 IR 3131	
410 IAC 6-8.2	N	02-321	26 IR 3116	
410 IAC 6-10	R	02-321	26 IR 3131	
410 IAC 7-22	N	02-266	26 IR 1245	
410 IAC 15-1.5-4	A	02-43	26 IR 164	**26 IR 1550**
410 IAC 15-1.5-5	A	02-43	26 IR 166	**26 IR 1551**
410 IAC 16.2-1-0.5	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-1	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-2	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-2.1	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-2.2	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-3	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-3.5	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-5	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-6	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-6.5	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-7	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-8	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-9	R	02-89	25 IR 3276	**26 IR 1936**
410 IAC 16.2-1-10.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-10.2	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-11	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-12.5	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-14	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-14.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-14.2	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-15	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-15.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-15.2	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-15.3	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-16	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-17	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-18	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-18.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-18.2	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-19	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-19.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-20	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-21	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-22	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-22.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-22.2	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-23	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-24	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-25	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-26	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-26.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-27	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-27.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-28	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-29	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-29.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-30	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-31	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-31.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-32	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-32.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-32.2	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-33	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-34	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-35	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-36	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-37	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-38	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-39	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-39.1	R	02-89	25 IR 3277	**26 IR 1936**

410 IAC 16.2-1-41.1	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-42	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-44	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-45	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-46	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-47	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1-48	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-1.1	N	02-89	25 IR 3244	**26 IR 1902**
410 IAC 16.2-5-0.5	N	02-89	25 IR 3252	**26 IR 1911**
410 IAC 16.2-5-1.1	A	02-89	25 IR 3252	**26 IR 1912**
410 IAC 16.2-5-1.2	A	02-89	25 IR 3254	**26 IR 1914**
410 IAC 16.2-5-1.3	A	02-89	25 IR 3259	**26 IR 1919**
410 IAC 16.2-5-1.4	A	02-89	25 IR 3261	**26 IR 1921**
410 IAC 16.2-5-1.5	A	02-89	25 IR 3263	**26 IR 1923**
410 IAC 16.2-5-1.6	A	02-89	25 IR 3265	**26 IR 1925**
410 IAC 16.2-5-1.7	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-2	A	02-89	25 IR 3269	**26 IR 1929**
410 IAC 16.2-5-3	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-4	A	02-89	25 IR 3270	**26 IR 1929**
410 IAC 16.2-5-5	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-5.1	N	02-89	25 IR 3271	**26 IR 1931**
410 IAC 16.2-5-6	A	02-89	25 IR 3272	**26 IR 1932**
410 IAC 16.2-5-7	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-7.1	N	02-89	25 IR 3274	**26 IR 1933**
410 IAC 16.2-5-8	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-8.1	N	02-89	25 IR 3274	**26 IR 1934**
410 IAC 16.2-5-9	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-10	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-11	R	02-89	25 IR 3277	**26 IR 1936**
410 IAC 16.2-5-11.1	N	02-89	25 IR 3275	**26 IR 1935**
410 IAC 16.2-5-12	N	02-89	25 IR 3276	**26 IR 1935**

TITLE 412 INDIANA HEALTH FACILITIES COUNCIL

412 IAC 2				*ERR (26 IR 36)
				*ERR (26 IR 1572)
412 IAC 2-1-1	A	02-41	25 IR 4198	**26 IR 1937**
412 IAC 2-1-2.1	N	02-41	25 IR 4198	**26 IR 1937**
				*ERR (26 IR 2375)
412 IAC 2-1-2.2	N	02-41	25 IR 4198	**26 IR 1937**
				*ERR (26 IR 2375)
412 IAC 2-1-6	A	02-41	25 IR 4199	**26 IR 1937**
412 IAC 2-1-8	A	02-41	25 IR 4199	**26 IR 1938**
412 IAC 2-1-10	N	02-41	25 IR 4199	**26 IR 1938**
412 IAC 2-1-11	N	02-41	25 IR 4200	**26 IR 1939**
412 IAC 2-1-12	N	02-41	25 IR 4200	**26 IR 1939**
412 IAC 2-1-13	N	02-41	25 IR 4200	**26 IR 1939**
412 IAC 2-1-14	N	02-41	25 IR 4200	**26 IR 1939**

TITLE 431 COMMUNITY RESIDENTIAL FACILITIES COUNCIL

431 IAC 1.1-1-2				*ERR (26 IR 36)
431 IAC 7	N	02-211	26 IR 2108	

TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION

440 IAC 1-1.5	R	02-42	25 IR 3289	*NRA (26 IR 62)
				26 IR 745
440 IAC 1.5	N	02-42	25 IR 3277	*NRA (26 IR 62)
				26 IR 733
440 IAC 4-3-1	A	02-218	26 IR 519	*NRA (26 IR 2390)
				26 IR 2616
440 IAC 4.1-2-1	A	02-218	26 IR 519	*NRA (26 IR 2390)
				26 IR 2616
440 IAC 4.1-2-4	A	02-218	26 IR 520	*NRA (26 IR 2390)
				26 IR 2617
440 IAC 4.1-2-5	A	02-218	26 IR 521	*NRA (26 IR 2390)
				26 IR 2618
440 IAC 4.1-2-9	A	02-218	26 IR 521	*NRA (26 IR 2390)
				26 IR 2618
440 IAC 4.1-3	N	02-218	26 IR 522	*NRA (26 IR 2390)
				26 IR 2619
440 IAC 5-1-1	A	02-105	25 IR 3289	*NRA (26 IR 62)
				26 IR 745
440 IAC 5-1-2	A	02-105	25 IR 3290	*NRA (26 IR 62)
				26 IR 746
440 IAC 5-1-3.5	N	02-105	25 IR 3290	*NRA (26 IR 62)
				26 IR 747
440 IAC 6-2-2				*ERR (26 IR 1572)
440 IAC 9-2-10	N	02-106	25 IR 4201	*NRA (26 IR 1112)
				26 IR 1940
440 IAC 9-2-11	N	02-106	25 IR 4202	*NRA (26 IR 1112)
				26 IR 1941
440 IAC 9-2-12	N	02-106	25 IR 4203	*NRA (26 IR 1112)
				26 IR 1942
440 IAC 9-2-13	N	02-265	26 IR 867	

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

460 IAC 1-3-1	R	02-319	26 IR 2112	
460 IAC 1-3-2	R	02-319	26 IR 2112	
460 IAC 1-3-3	RA	02-262	26 IR 544	**26 IR 1261**
	R	02-319	26 IR 2112	
460 IAC 1-3-4	R	02-319	26 IR 2112	
460 IAC 1-3-5	R	02-319	26 IR 2112	
460 IAC 1-3-6	RA	02-262	26 IR 544	**26 IR 1261**
	R	02-319	26 IR 2112	
460 IAC 1-3-7	RA	02-262	26 IR 544	**26 IR 1261**
	R	02-319	26 IR 2112	
460 IAC 1-3-8	R	02-319	26 IR 2112	
460 IAC 1-3-9	R	02-319	26 IR 2112	
460 IAC 1-3-10	R	02-319	26 IR 2112	
460 IAC 1-3-12	RA	02-262	26 IR 544	**26 IR 1261**
	R	02-319	26 IR 2112	
460 IAC 1-3-13	R	02-319	26 IR 2112	
460 IAC 1-3-14	R	02-319	26 IR 2112	
460 IAC 1-3-15	R	02-319	26 IR 2112	
460 IAC 1-3.3	N	02-319	26 IR 2111	
460 IAC 1-8	N	01-337	25 IR 2557	**26 IR 350**
460 IAC 2-3-1	A	02-9	25 IR 2286	**26 IR 747**
460 IAC 2-3-2	A	02-9	25 IR 2286	**26 IR 747**
460 IAC 2-3-3	A	02-9	25 IR 2287	**26 IR 748**
460 IAC 3.5	RA	02-237	26 IR 2694	
460 IAC 5-1-13	A	02-151	26 IR 524	
460 IAC 6	N	02-46	25 IR 3832	**26 IR 749**
				*AROC (26 IR 883)
460 IAC 6-3-2.1	N	02-326	26 IR 2664	
460 IAC 6-3-5.1	N	02-326	26 IR 2665	
460 IAC 6-3-5.2	N	02-326	26 IR 2665	
460 IAC 6-3-6.1	N	02-326	26 IR 2665	
460 IAC 6-3-10.1	N	02-326	26 IR 2665	
460 IAC 6-3-15.1	N	02-326	26 IR 2665	
460 IAC 6-3-15.2	N	02-326	26 IR 2665	
460 IAC 6-3-18	A	02-326	26 IR 2666	
460 IAC 6-3-25	A	02-326	26 IR 2666	
460 IAC 6-3-29.5	N	02-326	26 IR 2666	
460 IAC 6-3-31	A	02-326	26 IR 2666	
460 IAC 6-3-32	A	02-326	26 IR 2666	
460 IAC 6-3-38.5	N	02-326	26 IR 2666	
460 IAC 6-3-38.6	N	02-326	26 IR 2667	
460 IAC 6-3-41.1	N	02-326	26 IR 2667	
460 IAC 6-3-52.1	N	02-326	26 IR 2667	
460 IAC 6-3-56	A	02-326	26 IR 2667	
460 IAC 6-4-1	A	02-326	26 IR 2667	
460 IAC 6-5-4	A	02-326	26 IR 2668	
460 IAC 6-5-7	A	02-326	26 IR 2669	
460 IAC 6-5-21	A	02-326	26 IR 2669	
460 IAC 6-5-32	N	02-326	26 IR 2669	
460 IAC 6-5-33	N	02-326	26 IR 2670	
460 IAC 6-5-34	N	02-326	26 IR 2670	
460 IAC 6-5-35	N	02-326	26 IR 2670	
460 IAC 6-5-36	N	02-326	26 IR 2670	
460 IAC 6-6-2	A	02-326	26 IR 2670	
460 IAC 6-6-3	A	02-326	26 IR 2670	

460 IAC 6-7-2	A	02-326	26 IR 2671	
460 IAC 6-7-3	A	02-326	26 IR 2671	
460 IAC 6-9-5	A	02-326	26 IR 2672	
460 IAC 6-9-7	N	02-326	26 IR 2673	
460 IAC 6-10-5	A	02-326	26 IR 2673	
460 IAC 6-10-8	A	02-326	26 IR 2674	
460 IAC 6-10-13	A	02-326	26 IR 2674	
460 IAC 6-13-2	A	02-326	26 IR 2675	
460 IAC 6-14-4	A	02-326	26 IR 2675	
460 IAC 6-17-3	A	02-326	26 IR 2675	
460 IAC 6-17-4	A	02-326	26 IR 2676	
460 IAC 6-19-6	A	02-326	26 IR 2676	
460 IAC 6-24-1	A	02-236	26 IR 2677	
460 IAC 6-24-2	A	02-326	26 IR 2677	
460 IAC 6-25-10	A	02-326	26 IR 2677	
460 IAC 6-29-4	A	02-326	26 IR 2678	
460 IAC 6-29-9	N	02-326	26 IR 2678	
460 IAC 6-35	N	02-326	26 IR 2678	
460 IAC 7	N	02-210	26 IR 525	*ARR (26 IR 1110)
			26 IR 1247	*AROC (26 IR 2472)
				26 IR 2870

TITLE 470 DIVISION OF FAMILY AND CHILDREN

470 IAC 3-4.1	R	02-298	26 IR 1719	
470 IAC 3-4.2	R	02-298	26 IR 1719	
470 IAC 3-4.7	N	02-298	26 IR 1675	
470 IAC 3.1-12-2	A	02-74	26 IR 167	*NRA (26 IR 1112)
				*AROC (26 IR 1264)
				26 IR 2320
470 IAC 3.1-12-7	N	02-74	26 IR 168	*NRA (26 IR 1112)
				*AROC (26 IR 1264)
				26 IR 2320
470 IAC 8.1-2-12	A	02-152	26 IR 530	
470 IAC 10.1-3-4	R	03-33	26 IR 2682	
470 IAC 10.1-3-4.1	R	03-33	26 IR 2682	
470 IAC 10.1-3-5	R	03-33	26 IR 2682	
470 IAC 10.2	N	03-33	26 IR 2680	
470 IAC 11.1-1-5	A	02-203	26 IR 169	*NRA (26 IR 1112)
				26 IR 2321

TITLE 511 INDIANA STATE BOARD OF EDUCATION

511 IAC 1-6-2	RA	03-56	26 IR 3147	
511 IAC 1-6-3	RA	03-56	26 IR 3147	
511 IAC 1-6-4	RA	03-56	26 IR 3147	
511 IAC 4-4-3	RA	03-56	26 IR 3147	
511 IAC 4-4-4	RA	03-56	26 IR 3147	
511 IAC 5-1-1	RA	03-56	26 IR 3147	
511 IAC 5-1-2	A	02-67	25 IR 2807	**26 IR 786**
511 IAC 5-1-3	RA	03-56	26 IR 3147	
511 IAC 5-1-3.5	A	02-67	25 IR 2807	**26 IR 787**
511 IAC 5-1-4	RA	03-56	26 IR 3147	
511 IAC 5-1-4.5	RA	03-56	26 IR 3147	
511 IAC 5-1-5	A	02-67	25 IR 2807	**26 IR 787**
511 IAC 5-1-6	A	02-67	25 IR 2807	**26 IR 787**
511 IAC 5-2-3	A	02-170	25 IR 4204	
511 IAC 5-2-4	A	02-170	25 IR 4205	
511 IAC 5-3-1	RA	03-56	26 IR 3147	
511 IAC 5-3-2	RA	03-56	26 IR 3147	
511 IAC 6-7-2	RA	03-56	26 IR 3147	
511 IAC 6-7-4	RA	03-56	26 IR 3147	
511 IAC 6-7-6.5	A	02-177	25 IR 4205	
511 IAC 6-7-7	RA	03-56	26 IR 3147	
511 IAC 6-8-1	RA	03-56	26 IR 3147	
511 IAC 6-8-2	RA	03-56	26 IR 3147	
511 IAC 6-8-3	RA	03-56	26 IR 3147	
511 IAC 6-8-5	RA	03-56	26 IR 3147	
511 IAC 6-8-6	RA	03-56	26 IR 3147	
511 IAC 6.1-1-11.5				*ERR (26 IR 36)
511 IAC 6.1-5-3.5	RA	03-56	26 IR 3147	
511 IAC 6.1-5.1-5	A	02-177	25 IR 4206	
	A	02-178	25 IR 4207	
511 IAC 6.1-5.1-8	A	02-274	26 IR 1252	
511 IAC 6.2-6-4	A	02-264	26 IR 1719	
511 IAC 6.2-6-6.1	N	02-264	26 IR 1720	
511 IAC 6.2-6-8	A	02-264	26 IR 1720	
511 IAC 6.2-6-12	A	02-264	26 IR 1720	
511 IAC 6.2-7	N	02-264	26 IR 1720	

TITLE 515 PROFESSIONAL STANDARDS BOARD

515 IAC 1-3	R	02-314	26 IR 1257	
515 IAC 1-4-1	A	02-75	25 IR 4207	**26 IR 2322**
515 IAC 1-4-2	A	02-75	25 IR 4208	**26 IR 2323**
515 IAC 1-6				*ERR (26 IR 36)
515 IAC 1-7	N	02-314	26 IR 1254	
515 IAC 3				*ERR (26 IR 37)
515 IAC 4	N	02-8	25 IR 2292	*ARR (25 IR 3183)
				*ARR (25 IR 3770)
515 IAC 5	N	02-80	25 IR 2808	**26 IR 2325**
515 IAC 8	N	03-10	26 IR 2437	
515 IAC 9	N	03-11	26 IR 2451	*CPH (26 IR 2648)

TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY

540 IAC 1-7-2	A	02-287	26 IR 1257	*CPH (26 IR 1593)
540 IAC 1-8-2	A	02-287	26 IR 1258	*CPH (26 IR 1593)
540 IAC 1-9-2.6	R	02-287	26 IR 1258	*CPH (26 IR 1593)
540 IAC 1-10-1	A	02-287	26 IR 1258	*CPH (26 IR 1593)

TITLE 550 BOARD OF TRUSTEES OF THE INDIANA STATE TEACHERS' RETIREMENT FUND

550 IAC 3-1-1	A	02-325	26 IR 2112	
550 IAC 3-1-2	A	02-325	26 IR 2113	
550 IAC 3-1-3	A	02-325	26 IR 2113	
550 IAC 3-2-1	A	02-325	26 IR 2113	
550 IAC 3-2-2	A	02-325	26 IR 2114	
550 IAC 5	N	02-325	26 IR 2114	
550 IAC 6	N	02-325	26 IR 2115	

TITLE 570 INDIANA COMMISSION ON PROPRIETARY EDUCATION

570 IAC 1-14	N	02-233	26 IR 867	

TITLE 575 STATE SCHOOL BUS COMMITTEE

575 IAC 1-1-4.6	N	02-315	26 IR 1723	

TITLE 610 DEPARTMENT OF LABOR

610 IAC 4-2-1	A	03-36	26 IR 2463	
610 IAC 4-2-11	R	03-36	26 IR 2464	
610 IAC 4-4	R	01-340	25 IR 891	*ARR (25 IR 3770)
				26 IR 370
				*AROC (26 IR 547)
610 IAC 4-6	N	01-340	25 IR 874	*ARR (25 IR 3770)
				26 IR 353
				*AROC (26 IR 547)
610 IAC 4-6-11	A	03-37	26 IR 2464	

TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION

655 IAC 1-1				*ERR (26 IR 383)
655 IAC 1-2.1	RA	02-128	25 IR 3883	*CPH (26 IR 416)
				26 IR 1262

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

675 IAC 12-3-13	N	02-90	25 IR 2573	**26 IR 1556**
675 IAC 12-3-14	N	02-90	25 IR 2574	**26 IR 1557**
675 IAC 12-3-15	N	02-90		**††26 IR 1558**
675 IAC 13-1-4	RA	03-48	26 IR 2693	
675 IAC 13-1-5	RA	03-48	26 IR 2693	
675 IAC 13-1-8	A	02-51	25 IR 2561	**26 IR 1095**
675 IAC 13-1-9.5	RA	03-48	26 IR 2693	
675 IAC 13-1-9.6	RA	03-48	26 IR 2693	

675 IAC 13-1-10	A	02-51	25 IR 2564	**26 IR 1098**
675 IAC 13-1-28	RA	03-48	26 IR 2693	
675 IAC 13-2.3	R	02-115	25 IR 3366	*ARR (26 IR 2376) **26 IR 2951**
675 IAC 13-2.4	N	02-115	25 IR 3291	*ARR (26 IR 2376) **26 IR 2975**
675 IAC 14-4.2-181.1	N	01-376		††**26 IR 11**
675 IAC 14-4.2-182.1	N	01-376	25 IR 1248	**26 IR 11**
675 IAC 14-4.2-185.1	N	01-376	25 IR 1248	**26 IR 11**
675 IAC 14-4.2-187	A	01-376	25 IR 1248	**26 IR 11**
675 IAC 14-4.2-187.1	N	01-376	25 IR 1248	**26 IR 12**
675 IAC 14-4.2-187.2	N	01-376	25 IR 1248	**26 IR 12**
675 IAC 14-4.2-187.3	N	01-376	25 IR 1248	**26 IR 12**
675 IAC 14-4.2-187.4	N	01-376	25 IR 1248	**26 IR 12**
675 IAC 14-4.2-190.1	N	01-376	25 IR 1249	**26 IR 12**
675 IAC 14-4.2-190.2	N	01-376	25 IR 1249	**26 IR 12**
675 IAC 14-4.2-190.3	N	01-376	25 IR 1249	**26 IR 12**
675 IAC 14-4.2-190.4	N	01-376	25 IR 1249	**26 IR 12**
675 IAC 14-4.2-190.5	N	01-376	25 IR 1249	**26 IR 13**
675 IAC 14-4.2-191.1	N	01-376	25 IR 1249	**26 IR 13**
675 IAC 14-4.2-191.2	N	01-376	25 IR 1249	**26 IR 13**
675 IAC 14-4.2-191.3	N	01-376	25 IR 1249	**26 IR 13**
675 IAC 14-4.2-191.4	N	01-376		††**26 IR 13**
675 IAC 14-4.2-191.5	N	01-376		††**26 IR 13**
675 IAC 14-4.2-192.1	N	01-376	25 IR 1250	**26 IR 13**
675 IAC 14-4.2-192.2	N	01-376	25 IR 1251	**26 IR 13**
675 IAC 14-4.2-192.3	N	01-376	25 IR 1250	**26 IR 14**
675 IAC 14-4.2-192.4	N	01-376	25 IR 1250	**26 IR 14**
675 IAC 14-4.2-192.5	N	01-376	25 IR 1250	**26 IR 14**
675 IAC 14-4.2-192.6	N	01-376	25 IR 1250	**26 IR 14**
675 IAC 14-4.2-193.1	N	01-376	25 IR 1251	**26 IR 14**
675 IAC 14-4.2-193.2	N	01-376	25 IR 1251	**26 IR 14**
675 IAC 14-4.2-193.3	N	01-376	25 IR 1251	**26 IR 14**
675 IAC 14-4.2-193.4	N	01-376	25 IR 1251	**26 IR 14**
675 IAC 14-4.2-193.5	N	01-376	25 IR 1251	**26 IR 14**
675 IAC 14-4.2-194.1	N	01-376	25 IR 1251	**26 IR 15**
675 IAC 14-4.2-194.2	N	01-376	25 IR 1251	**26 IR 15**
675 IAC 14-4.2-194.3	N	01-376	25 IR 1251	**26 IR 15**
675 IAC 14-4.2-194.4	N	01-376	25 IR 1252	**26 IR 15**
675 IAC 14-4.2-194.5	N	01-376	25 IR 1252	**26 IR 15**
675 IAC 14-4.2-194.6	N	01-376	25 IR 1252	**26 IR 15**
675 IAC 14-4.2-194.7	N	01-376	25 IR 1252	**26 IR 15**
675 IAC 17-1.5	R	01-376	25 IR 1255	**26 IR 19**
675 IAC 17-1.6	N	01-376	25 IR 1252	**26 IR 15**
675 IAC 18-1.3	R	02-116	25 IR 3381	*ARR (26 IR 2376) **26 IR 2967**
675 IAC 18-1.4	N	02-116	25 IR 3366	*ARR (26 IR 2376) **26 IR 2952**
675 IAC 20-2-17	A	02-52	25 IR 2566	**26 IR 1100**
675 IAC 20-2-20	A	02-52	25 IR 2566	**26 IR 1101**
675 IAC 20-2-24	A	02-52	25 IR 2567	**26 IR 1102**
675 IAC 20-2-26	A	02-52	25 IR 2567	**26 IR 1102**
675 IAC 20-3-5	A	02-52	25 IR 2568	**26 IR 1102**
675 IAC 20-3-6	A	02-52	25 IR 2568	**26 IR 1103**
675 IAC 20-3-7	A	02-52	25 IR 2569	**26 IR 1103**
675 IAC 21-1-1	A	01-430	25 IR 2031	*ARR (26 IR 38) **26 IR 1083**
675 IAC 21-1-1.5	N	01-430	25 IR 2031	*ARR (26 IR 38) **26 IR 1084**
675 IAC 21-1-2	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-1-2.1	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-1-3	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-1-3.1	A	01-430	25 IR 2032	*ARR (26 IR 38) **26 IR 1085**
675 IAC 21-1-4	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-1-6	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-1-7	A	01-430	25 IR 2033	*ARR (26 IR 38) **26 IR 1085**
675 IAC 21-1-8	R	01-430		††**26 IR 1095**
675 IAC 21-1-9	A	01-430	25 IR 2033	*ARR (26 IR 38) **26 IR 1086**
675 IAC 21-1-10	N	01-430	25 IR 2034	*ARR (26 IR 38) **26 IR 1086**
675 IAC 21-2	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-3-1	A	01-430	25 IR 2034	*ARR (26 IR 38) **26 IR 1087**
675 IAC 21-3-2	A	01-430	25 IR 2034	*ARR (26 IR 38) **26 IR 1087**
675 IAC 21-4-1	A	01-430	25 IR 2037	*ARR (26 IR 38) **26 IR 1090**
675 IAC 21-4-2	A	01-430	25 IR 2037	*ARR (26 IR 38) **26 IR 1090**
675 IAC 21-5-1	A	01-430	25 IR 2039	*ARR (26 IR 38) **26 IR 1092**
675 IAC 21-5-3	N	01-430	25 IR 2039	*ARR (26 IR 38) **26 IR 1092**
675 IAC 21-6	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-7	R	01-430	25 IR 2042	*ARR (26 IR 38) **26 IR 1095**
675 IAC 21-8	N	01-430	25 IR 2040	*ARR (26 IR 38) **26 IR 1093**
675 IAC 22-2.2	R	02-117	25 IR 3442	*ARR (26 IR 2376) **26 IR 3031**
675 IAC 22-2.2-14	A	02-53	25 IR 2569	**26 IR 1553**
675 IAC 22-2.3	N	02-117	25 IR 3382	*ARR (26 IR 2376) **26 IR 2968**
675 IAC 25	N	02-118	25 IR 3444	*ARR (26 IR 2376) **26 IR 3032**

TITLE 760 DEPARTMENT OF INSURANCE

760 IAC 1-5	R	01-399	25 IR 2582	*AROC (26 IR 183) *ARR (26 IR 38) **26 IR 26**
760 IAC 1-5.1	N	01-399	25 IR 2575	*AROC (26 IR 183) *ARR (26 IR 38) **26 IR 19**
760 IAC 1-14	R	01-399	25 IR 2582	*AROC (26 IR 183) *ARR (26 IR 38) **26 IR 26**
760 IAC 1-21-2	A	02-299	26 IR 1724	
760 IAC 1-21-5	A	02-299	26 IR 1724	
760 IAC 1-21-8	A	02-299	26 IR 1724	
760 IAC 1-59-1	A	02-124	26 IR 170	**26 IR 2326**
760 IAC 1-59-2	A	02-124	26 IR 170	**26 IR 2326**
760 IAC 1-59-3	A	02-124	26 IR 171	**26 IR 2327**
760 IAC 1-59-4	A	02-124	26 IR 171	**26 IR 2327**
760 IAC 1-59-5	A	02-124	26 IR 171	**26 IR 2327**
760 IAC 1-59-6	A	02-124	26 IR 172	**26 IR 2328**
760 IAC 1-59-7	A	02-124	26 IR 172	**26 IR 2329**
760 IAC 1-59-8	A	02-124	26 IR 173	**26 IR 2329**
760 IAC 1-59-9	A	02-124	26 IR 174	**26 IR 2330**
760 IAC 1-59-10	A	02-124	26 IR 174	**26 IR 2330**
760 IAC 1-59-11	A	02-124	26 IR 174	**26 IR 2330**
760 IAC 1-59-12	A	02-124	26 IR 175	**26 IR 2331**
760 IAC 1-59-13	R	02-124	26 IR 177	**26 IR 2333**
760 IAC 1-59-14	A	02-124	26 IR 175	**26 IR 2331**
760 IAC 1-68	N	02-137	26 IR 531	*AROC (26 IR 883) **26 IR 3035**

TITLE 762 INDIANA POLITICAL SUBDIVISION RISK MANAGEMENT COMMISSION

762 IAC 2	N	02-24	25 IR 2301	*ARR (25 IR 4114) **26 IR 27**

TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

804 IAC 1.1-1-1	A	03-20	26 IR 3136	
804 IAC 1.1-3-1	A	02-20	25 IR 3446	**26 IR 370**
				*ERR (26 IR 793)
804 IAC 1.1-3-2	RA	03-43	26 IR 3148	

TITLE 808 STATE BOXING COMMISSION

808 IAC 2-6-1	A	02-120	25 IR 4210	**26 IR 1104**

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 4-1-11	A	03-21	26 IR 3137	
820 IAC 4-4-5				*ERR (26 IR 1109)
820 IAC 4-4-14				*ERR (26 IR 1109)
820 IAC 6-1-3	A	03-21	26 IR 3137	
820 IAC 6-2-1				*ERR (26 IR 1109)
820 IAC 6-3	N	03-21	26 IR 3137	

TITLE 825 INDIANA GRAIN INDEMNITY CORPORATION

825 IAC 1	RA	02-176	25 IR 4220	**26 IR 1262**
825 IAC 1-1-5	R	02-179	25 IR 4211	
825 IAC 1-5-1	R	02-179	25 IR 4211	
825 IAC 1-5-2	R	02-179	25 IR 4211	

TITLE 828 STATE BOARD OF DENTISTRY

828 IAC 0.5-2-3	A	02-114	25 IR 3452	**26 IR 376**
828 IAC 0.5-2-4	A	02-114	25 IR 3453	**26 IR 376**
828 IAC 0.5-2-6	N	02-112	25 IR 3447	**26 IR 371**
828 IAC 1-3-1	R	02-113	25 IR 3452	**26 IR 375**
828 IAC 1-3-1.1	N	02-113	25 IR 3450	**26 IR 373**
				*ERR (26 IR 383)
828 IAC 1-3-1.5	N	02-113	25 IR 3451	**26 IR 374**
828 IAC 1-3-2	A	02-113	25 IR 3452	**26 IR 375**
828 IAC 1-3-3	A	02-113	25 IR 3452	**26 IR 375**
828 IAC 1-5-1	A	02-112	25 IR 3448	**26 IR 371**
828 IAC 1-5-1.5	N	02-112	25 IR 3448	**26 IR 371**
828 IAC 1-5-2	A	02-112	25 IR 3448	**26 IR 372**
828 IAC 1-5-2.5	N	02-112	25 IR 3449	**26 IR 372**
828 IAC 1-6-1	A	02-112	25 IR 3449	**26 IR 373**
828 IAC 1-7-1	A	02-114	25 IR 3453	**26 IR 376**
828 IAC 1-7-2	N	02-114	25 IR 3453	**26 IR 377**

TITLE 832 STATE BOARD OF FUNERAL AND CEMETERY SERVICE

832 IAC 2-1-2	A	02-147	26 IR 870	**26 IR 2622**

TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION

836 IAC 1-1-1	A	02-91	25 IR 2810	*CPH (25 IR 3807) **26 IR 2333**
836 IAC 1-1-2	N	02-91	25 IR 2812	*CPH (25 IR 3807) **26 IR 2335**
836 IAC 1-1-3	N	02-91	25 IR 2812	*CPH (25 IR 3807) **26 IR 2336**
836 IAC 1-2-1	A	02-91	25 IR 2813	*CPH (25 IR 3807) **26 IR 2337**
836 IAC 1-2-2	A	02-91	25 IR 2814	*CPH (25 IR 3807) **26 IR 2338**
836 IAC 1-2-3	A	02-91	25 IR 2815	*CPH (25 IR 3807) **26 IR 2339**
836 IAC 1-2-4	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**
836 IAC 1-3-5	A	02-91	25 IR 2818	*CPH (25 IR 3807) **26 IR 2342**
836 IAC 1-3-6	N	02-91	25 IR 2819	*CPH (25 IR 3807) **26 IR 2343**
836 IAC 1-8-1	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**
836 IAC 1-11-1	A	02-91	25 IR 2819	*CPH (25 IR 3807) **26 IR 2343**
836 IAC 1-11-2	A	02-91	25 IR 2820	*CPH (25 IR 3807) **26 IR 2344**
836 IAC 1-11-4	A	02-91	25 IR 2821	*CPH (25 IR 3807) **26 IR 2345**
836 IAC 1-11-5	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**
836 IAC 2	RA	01-40	24 IR 2580	
836 IAC 2-1-1	A	02-91	25 IR 2821	*CPH (25 IR 3807) **26 IR 2345**
836 IAC 2-2-1	A	02-91	25 IR 2824	*CPH (25 IR 3807) **26 IR 2348** *ERR (26 IR 2624)
836 IAC 2-7.1-1	A	02-91	25 IR 2826	*CPH (25 IR 3807) **26 IR 2350**
836 IAC 2-7.2	N	02-91	25 IR 2828	*CPH (25 IR 3807) **26 IR 2353**
836 IAC 2-12-1	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**
836 IAC 2-13-1	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**
836 IAC 2-14-5	A	02-91	25 IR 2833	*CPH (25 IR 3807) **26 IR 2357**
836 IAC 3	RA	01-40	24 IR 2580	
836 IAC 3-2-4	A	02-91	25 IR 2834	*CPH (25 IR 3807) **26 IR 2358**
836 IAC 3-2-5	A	02-91	25 IR 2835	*CPH (25 IR 3807) **26 IR 2360**
836 IAC 3-2-8	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**
836 IAC 3-3-4	A	02-91	25 IR 2836	*CPH (25 IR 3807) **26 IR 2360**
836 IAC 3-3-5	A	02-91	25 IR 2837	*CPH (25 IR 3807) **26 IR 2362**
836 IAC 3-3-8	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**
836 IAC 3-4-1	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**
836 IAC 4-1-1	A	02-91	25 IR 2838	*CPH (25 IR 3807) **26 IR 2362**
836 IAC 4-2-1	A	02-91	25 IR 2840	*CPH (25 IR 3807) **26 IR 2364**
836 IAC 4-2-2	A	02-91	25 IR 2841	*CPH (25 IR 3807) **26 IR 2365**
836 IAC 4-2-5	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**
836 IAC 4-3-2	A	02-91	25 IR 2841	*CPH (25 IR 3807) **26 IR 2366**
836 IAC 4-4-1	A	02-91	25 IR 2842	*CPH (25 IR 3807) **26 IR 2366**
836 IAC 4-5-2	A	02-91	25 IR 2843	*CPH (25 IR 3807) **26 IR 2367**
836 IAC 4-6.1	N	02-91	25 IR 2843	*CPH (25 IR 3807) **26 IR 2368**
836 IAC 4-7-2	A	02-91	25 IR 2844	*CPH (25 IR 3807) **26 IR 2368**
836 IAC 4-7-3.5	N	01-297	25 IR 499	**25 IR 2517**
836 IAC 4-7.1	N	02-91	25 IR 2844	*CPH (25 IR 3807) **26 IR 2369**
836 IAC 4-9-3	A	02-91	25 IR 2847	*CPH (25 IR 3807) **26 IR 2372**
836 IAC 4-10-1	R	02-91	25 IR 2848	*CPH (25 IR 3807) **26 IR 2372**

TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD

839 IAC 1-2-2.1	A	02-271	26 IR 874	**26 IR 2622**
839 IAC 1-2-5	A	02-271	26 IR 875	**26 IR 2623**
839 IAC 1-3-2	A	02-270	26 IR 871	*ARR (26 IR 1945)
839 IAC 1-4-5	A	02-270	26 IR 871	*ARR (26 IR 1945)
839 IAC 1-5-1	A	02-270	26 IR 872	*ARR (26 IR 1945)
839 IAC 1-5-1.5	N	02-270	26 IR 874	*ARR (26 IR 1945)

TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS

840 IAC 1-1-4	A	02-219	26 IR 540	**26 IR 1943**

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	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-1	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-2	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-3.1	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-4.1	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-5	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-6	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-7	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-8	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-9	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-10	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.1-11	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
844 IAC 4-4.5	N	02-12	25 IR 2302	*CPH (25 IR 2746) **26 IR 28**
844 IAC 4-5-1	R	02-12	25 IR 2308	*CPH (25 IR 2746) **26 IR 34**
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*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

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