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RELATION OF THE INDIANA REGISTER TO THE INDIANA ADMINISTRATIVE CODE

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

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

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

RETENTION SCHEDULE

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

- (1) 2005 Indiana Administrative Code (CD-ROM version).
- (2) Volumes 28 and 29 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 2004 Edition of the Indiana Administrative Code 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:
September 9, 2005	October 1, 2005	March 10, 2006	April 1, 2006
October 10, 2005	November 1, 2005	April 10, 2006	May 1, 2006
November 10, 2005	December 1, 2005	May 10, 2006	June 1, 2006
December 9, 2005	January 1, 2006	June 9, 2006	July 1, 2006
January 10, 2006	February 1, 2006	After July 1, 2006, publication dates will be determined on an individual document basis.	
February 10, 2006	March 1, 2006		

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 READOPTATION: 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		TITLE NUMBER	
AGENCY	TITLE NUMBER	AGENCY	TITLE NUMBER
Accountancy, Indiana Board of	872	†Human Service Programs, Interdepartmental Board for the Coordination of	490
Accounts, State Board of	20	†Industrial Board of Indiana	630
Adjutant General	270	Information Technology Oversight Commission, State	28
Administration, Indiana Department of	25	Inspector General, Office of the	42
†Administrative Building Council of Indiana	660	Insurance, Department of	760
†Aeronautics Commission of Indiana	110	Labor, Department of	610
†Aging and Community Services, Department on	450	Land Surveyors, State Board of Registration for	865
†Agricultural Development Corporation, Indiana	770	Law Enforcement Training Board	250
†Agricultural Experiment Station	350	Library and Historical Board, Indiana	590
†Agriculture, Commissioner of	340	†Library Certification Board	595
Agriculture, Commissioner of	375	Local Government Finance, Department of	50
†Air Pollution Control Board	325.1	Lottery Commission, State	65
Air Pollution Control Board	326	Manufactured Home Installer Licensing Board	879
†Air Pollution Control Board of the State of Indiana	325	†Medical and Nursing Distribution Loan Fund Board of Trustees, Indiana	580
Alcohol and Tobacco Commission	905	Medical Licensing Board of Indiana	844
Amusement Device Safety Board, Regulated	685	Mental Health and Addiction, Division of	440
Animal Health, Indiana State Board of	345	Meridian Street Preservation Commission	925
Architects and Landscape Architects, Board of Registration for	804	Motor Vehicles, Bureau of	140
Athletic Trainers Board, Indiana	898	†Natural Resources, Department of	310
Attorney General for the State, Office of	10	Natural Resources Commission	312
Auctioneer Commission, Indiana	812	Nursing, Indiana State Board of	848
Barber Examiners, Board of	816	Occupational Safety Standards Commission	620
Boiler and Pressure Vessel Rules Board	680	Optometric Legend Drug Prescription Advisory Committee, Indiana	857
Boxing Commission, State	808	Optometry Board, Indiana	852
Budget Agency	85	Parole Board	220
Chemist of the State of Indiana, State	355	†Personnel Board, State	30
Children's Health Insurance Program, Office of the	407	Personnel Department, State	31
Child Services, Department of	465	Pesticide Review Board, Indiana	357
Chiropractic Examiners, Board of	846	Pharmacy, Indiana Board of	856
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†Clemency Commission, Indiana	230	Podiatric Medicine, Board of	845
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Community Residential Facilities Council	431	Political Subdivision Risk Management Commission, Indiana	762
Consumer Protection Division of the Office of the Attorney General	11	Port Commission, Indiana	130
Controlled Substances Advisory Committee	858	Private Detectives Licensing Board	862
Coroners Training Board	207	Professional Standards, Advisory Board of the Division of	515
Correction, Department of	210	Proprietary Education, Indiana Commission on	570
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Dietitians Certification Board, Indiana	830	†Reciprocity Commission of Indiana	145
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†Environmental Management Board, Indiana	320	Teachers' Retirement Fund, Board of Trustees of the Indiana State	550
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Grain Indemnity Corporation, Indiana	825	†Vocational and Technical Education, Indiana Commission on	572
†Hazardous Waste Facility Site Approval Authority, Indiana	323	†Wage Adjustment Board	635
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Health Facilities Council, Indiana	412	†Watch Repairing, Indiana State Board of Examiners in	892
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†Highways, Department of	120	†Water Pollution Control Board	330.1
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Housing Finance Authority, Indiana	930		

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

NUMERICAL LIST

State Agencies

TITLE NUMBER

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

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

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- 205 Indiana Criminal Justice Institute
- 207 Coroners Training Board
- 210 Department of Correction
- 220 Parole Board
- †230 Indiana Clemency Commission
- 240 State Police Department
- 250 Law Enforcement Training Board
- 260 State Department of Toxicology
- 270 Adjutant General
- 280 Public Safety Training Board
- 290 State Emergency Management Agency

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

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- 405 Office of the Secretary of Family and Social Services
- 407 Office of the Children's Health Insurance Program
- 410 Indiana State Department of Health
- 412 Indiana Health Facilities Council
- 414 Hospital Council
- 415 Commission on Forensic Sciences
- †430 Developmental Disabilities Residential Facilities Council
- 431 Community Residential Facilities Council
- 440 Division of Mental Health and Addiction

TITLE NUMBER

- †450 Department on Aging and Community Services
- 460 Division of Disability, Aging, and Rehabilitative Services
- 465 Department of Child Services
- 470 Division of Family Resources
- †480 Violent Crime Compensation Division
- †490 Interdepartmental Board for the Coordination of Human Service Programs

EDUCATION AND LIBRARIES

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

LABOR AND INDUSTRIAL SAFETY

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

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- 710 Securities Division
- 750 Department of Financial Institutions
- 760 Department of Insurance
- 762 Indiana Political Subdivision Risk Management Commission
- †770 Indiana Agricultural Development Corporation

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

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

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

**TITLE 355 STATE CHEMIST OF THE STATE
OF INDIANA**

LSA Document #04-309(F)

DIGEST

Amends 355 IAC 4-2-2 and 355 IAC 4-2-8 to delete references to a turf pest control technician examination that no longer exists and to eliminate the requirement to have both an applicant's and his or her supervisor's signature on an application form to become a registered technician. Effective 30 days after filing with the Secretary of State.

355 IAC 4-2-2**355 IAC 4-2-8**

SECTION 1. 355 IAC 4-2-2 IS AMENDED TO READ AS FOLLOWS:

Rule 2. Site Awareness and Direct Supervision of Noncertified Applicators**355 IAC 4-2-2 Pesticide use by noncertified persons**

Authority: IC 15-3-3.6-4

Affected: IC 15-3-3.6-7

Sec. 2. ~~Pesticide~~ **Pesticides** may be used by a noncertified person working under the direct supervision of a certified applicator. All persons conducting use of pesticides for hire by aerial application shall be certified. (*State Chemist of the State of Indiana; Pesticide Use & Application Reg 2, Sec 2; filed Aug 3, 1976, 4:10 p.m.: Rules and Regs. 1977, p. 443; filed Apr 21, 1982, 3:45 p.m.: 5 IR 1192; filed Sep 20, 2001, 3:54 p.m.: 25 IR 376; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Aug 18, 2005, 4:30 p.m.: 29 IR 6*)

SECTION 2. 355 IAC 4-2-8 IS AMENDED TO READ AS FOLLOWS:

355 IAC 4-2-8 Technician registration requirements

Authority: IC 15-3-3.6-4

Affected: IC 15-3-3.6-12.1

Sec. 8. (a) To become a registered technician, an individual must do the following:

- (1) Pass the commercial applicator core examination described in ~~355 IAC 4-1-2.1 (b) or, if a turf technician, pass either the core examination or the registered technician examination described in 355 IAC 4-6-4.~~ **355 IAC 4-1-2.1.**
- (2) Submit an application on a form provided by the state chemist. ~~This form must be signed by both the applicant and the responsible certified applicator employed at the applicant's business location.~~
- (3) Submit the thirty dollar (\$30) technician registration fee.

(b) Registration shall remain in force from the date of passing the examination through December 31 of the fourth year

following the year during which the examination was passed unless revoked or suspended.

(c) The registration period may be extended indefinitely for an additional five (5) years if the registered technician accumulates at least eight (8) continuing registration credits by attending at least two (2) state chemist approved continuing registration programs while the registration is in force.

(d) Annual registration credentials shall expire on December 31 unless renewed by a payment of a thirty dollar (\$30) renewal fee by that date. Renewal after December 31 shall include a late fee of thirty dollars (\$30) as established by IC 15-3-3.6-12.1 in addition to the thirty dollar (\$30) renewal fee.

(e) The registration credential shall be in the possession of the registered technician at all times the technician is at a work site as defined in section 1(4) of this rule. (*State Chemist of the State of Indiana; 355 IAC 4-2-8; filed Sep 20, 2001, 3:54 p.m.: 25 IR 377; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Aug 18, 2005, 4:30 p.m.: 29 IR 6*)

LSA Document #04-309(F)

Notice of Intent Published: January 1, 2005; 28 IR 1198

Proposed Rule Published: March 1, 2005; 28 IR 1834

Hearing Held: April 12, 2005

Approved by Attorney General: July 20, 2005

Approved by Governor: August 18, 2005

Filed with Secretary of State: August 18, 2005, 4:30 p.m.

IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher

**TITLE 355 STATE CHEMIST OF THE STATE
OF INDIANA**

LSA Document #04-310(F)

DIGEST

Amends 355 IAC 4-5-1 through 355 IAC 4-5-3 to clarify activities authorized to be performed by individuals holding a Category 7b for hire applicator license or technician registration, to add a definition of termiticide, to clarify the type and scope of information required to be kept as part of the termiticide application records, and to add a requirement for applicators to file customer disclosure forms with the state chemist, and deletes the one year experience and termiticide application record submission requirement for licensing, redundant technician registration procedures that are addressed more accurately in another rule, and redundant noncertified applicator supervision requirements that are addressed more accurately in another rule. Repeals 355 IAC 4-5-4, 355 IAC 4-5-5, 355 IAC 4-5-6, and 355 IAC 4-5-11.

Effective 30 days after filing with the Secretary of State.

355 IAC 4-5-1 355 IAC 4-5-5
 355 IAC 4-5-2 355 IAC 4-5-6
 355 IAC 4-5-3 355 IAC 4-5-11
 355 IAC 4-5-4

SECTION 1. 355 IAC 4-5-1 IS AMENDED TO READ AS FOLLOWS:

355 IAC 4-5-1 Definitions

Authority: IC 15-3-3.6-4; IC 15-3-3.6-5
 Affected: IC 15-3-3.6-6

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

(a) ~~As used in this rule;~~ (1) "Category 7b licensed applicator for hire" means any licensed, certified individual who is:

- (A) employed by a licensed pesticide business to:
 - (i) use or to supervise the use of any pesticide; and
 - (ii) **perform related activities such as inspections** by the firm; and
- (B) for purposes of this rule, ~~is~~ certified in Category 7b.

~~(b) As used in this rule;~~ (2) "Registered technician" means an uncertified employee of a licensed business who, having met the requirements stated in ~~section 4 of this rule;~~ **355 IAC 4-2-8**, is registered by the state chemist ~~and thereby authorized to carry out responsibilities in the business use pesticides and perform related activities, such as inspections,~~ while working under the direct supervision of a licensed applicator for hire.

(3) "Termite control customer disclosure form" means a form approved by the state chemist and issued by a Category 7b licensed applicator for hire to a termite control customer for the purpose of disclosing to the customer all termiticide label directed procedures that were not performed as part of that termiticide application. This form is not:

- (A) required if all label directed procedures are performed as part of the initial termiticide use;
- (B) required if the termiticide is applied only as part of a reapplication to a structure previously treated by the applicator; and
- (C) valid unless signed by the termite control customer or his or her agent.

(4) "Termiticide" means any pesticide product registered with the state chemist when used for control, suppression, or prevention of termites. The term includes, but is not limited to, the following:

- (A) Liquid soil applied products.
- (B) Liquid wood applied products.
- (C) Bait products.
- (D) Foam products.
- (E) Granular products.

(State Chemist of the State of Indiana; 355 IAC 4-5-1; filed Feb 17, 1986, 3:00 p.m.: 9 IR 1570, eff Apr 1, 1986; filed Sep 10, 1999, 4:41 p.m.: 23 IR 302; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Aug 18, 2005, 4:30 p.m.: 29 IR 7)

SECTION 2. 355 IAC 4-5-2 IS AMENDED TO READ AS FOLLOWS:

355 IAC 4-5-2 Record keeping and supervision requirements for licensed applicators for hire

Authority: IC 15-3-3.6-4; IC 15-3-3.6-5
 Affected: IC 15-3-3.6-16.1

Sec. 2. Licensed applicators for hire shall be required to do the following:

(1) Develop records for all for hire termiticide applications performed by that licensed applicator or registered technician operating under that licensed applicator's direct supervision as described in 355 IAC 4-2.

(2) Ensure that the records required under this section include the following:

- (A) A copy of the contract, **service agreement, or other similar written documentation** for the treated structure. ~~The contract~~ **This written documentation as it relates to pricing** shall be declared confidential as provided for in IC 15-3-3.6-16.1.
- (B) A graph or diagram of the treated structure.
- (C) ~~Accurate structural~~ Dimensions of the treated structure. **This includes depth from grade to the top of the foundation footing if soil applied liquids are used.**
- (D) Treatment specifications, **if soil applied liquids are used.**
- (E) The U.S. Environmental Protection Agency product registration number for the ~~termiticide;~~ **termiticides** used.
- (F) ~~The dilution rate of the termiticide;~~ **termiticides if soil applied or wood applied liquids are used.**
- (G) ~~The total volume of termiticide use~~ **dilution dilutions if soil applied or wood applied liquids are used.**
- ~~(H) Explanation for any label directed treatment procedures that were not performed;~~ (H) A copy of the termite control customer disclosure form signed by the customer.
- (I) ~~The name and registration number~~ **numbers of all of the technician;** **technicians participating in the treatment.**
- (J) The name and license number of the applicator or supervisor if treatment was performed by a registered technician.
- (K) The day, month, and year of treatment.

(3) Keep and maintain the records required under this section for a period of five (5) years from the date of treatment.

(4) Provide the registered technicians under the licensed applicator's supervision with ~~written site-specific treatment instructions that include the following:~~

- ~~(A) A copy of the labels of all products to be used;~~ (A) **Direct supervision as required in 355 IAC 4-2.**
- (B) The information required in subdivision (2).

~~(5) Review and verify, by licensed applicator's signature, the site-specific treatment instructions required in subdivision (4) prior to the treatment;~~ (5) **Ensure that the termite control customer disclosure form, when required, is:**

- (A) issued to and signed by the customer or the customer's agent before making the termiticide application; and
- (B) filed with the state chemist within thirty (30) days of the date the termiticide was applied.

Final Rules

(State Chemist of the State of Indiana; 355 IAC 4-5-2; filed Feb 17, 1986, 3:00 p.m.: 9 IR 1570, eff Apr 1, 1986; filed Sep 10, 1999, 4:41 p.m.: 23 IR 303; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Aug 18, 2005, 4:30 p.m.: 29 IR 7)

SECTION 3. 355 IAC 4-5-3 IS AMENDED TO READ AS FOLLOWS:

355 IAC 4-5-3 Requirements for Category 7b applicator license for hire

Authority: IC 15-3-3.6-4; IC 15-3-3.6-5

Affected: IC 15-3-3.6

Sec. 3. To become ~~eligible to take the a licensed applicator for hire in Category 7b, certification examination as described in 355 IAC 4-1;~~ an individual must first complete ~~one (1)~~ of the following:

(1) An approved program at the Purdue University Structural Pest Control Training Center or other program the state chemist has reviewed and determined to be of comparable quality and scope.

(2) ~~One (1) year of experience as an active The Category 7b certified applicator or registered technician in Indiana or another state having a comparable and verifiable program and completion of the record submission process described in section 5 of this rule: certification and licensing procedures established in 355 IAC 4-0.5 and 355 IAC 4-1.~~

(State Chemist of the State of Indiana; 355 IAC 4-5-3; filed Feb 17, 1986, 3:00 p.m.: 9 IR 1570, eff Apr 1, 1986; filed Sep 10, 1999, 4:41 p.m.: 23 IR 303; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Aug 18, 2005, 4:30 p.m.: 29 IR 8)

SECTION 4. THE FOLLOWING ARE REPEALED: 355 IAC 4-5-4; 355 IAC 4-5-5; 355 IAC 4-5-6; 355 IAC 4-5-11.

LSA Document #04-310(F)

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IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher

TITLE 355 STATE CHEMIST OF THE STATE OF INDIANA

LSA Document #04-311(F)

DIGEST

Amends 355 IAC 4-6-1 and 355 IAC 4-6-3 to delete redundant licensed applicator for hire supervision requirements that

are addressed more accurately in another rule, to delete redundant technician registration procedures that are addressed more accurately in another rule, and to delete redundant uncertified applicator supervision requirements that are addressed more accurately in another rule. Repeals 355 IAC 4-6-2, 355 IAC 4-6-4, 355 IAC 4-6-6, and 355 IAC 4-6-10. Effective 30 days after filing with the Secretary of State.

355 IAC 4-6-1

355 IAC 4-6-2

355 IAC 4-6-3

355 IAC 4-6-4

355 IAC 4-6-6

355 IAC 4-6-10

SECTION 1. 355 IAC 4-6-1 IS AMENDED TO READ AS FOLLOWS:

355 IAC 4-6-1 Definitions

Authority: IC 15-3-3.6-5

Affected: IC 15-3-3.6

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

(1) “**Category 3b** licensed applicator for hire” means any licensed certified individual who is:

(A) employed by a licensed pesticide business to use or to supervise the use of any pesticide **intended to control turf pests** by the business; and

(B) for purposes of this rule, is certified in Category 3b.

(2) “**Registered technician**” means an ~~uncertified person who, having met the requirements of section 4 of this rule, is registered by the state chemist and thereby is authorized to engage in pesticide use and related activities for his or her employer while working under the direct supervision of a licensed applicator for hire.~~

(3) (2) “**Turf pest**” means any organism that inhabits or feeds upon the turf layer and root zone created by growing plants (usually grasses) and their matted roots and by so doing alters the vigor or appearance of the turf.

(State Chemist of the State of Indiana; 355 IAC 4-6-1; filed Jan 13, 1988, 4:47 p.m.: 11 IR 1760; filed Jan 9, 1992, 3:00 p.m.: 15 IR 702; filed Jan 5, 2000, 3:54 p.m.: 23 IR 1100; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Aug 18, 2005, 4:30 p.m.: 29 IR 8)

SECTION 2. 355 IAC 4-6-3 IS AMENDED TO READ AS FOLLOWS:

355 IAC 4-6-3 Requirements for Category 3b applicator license for hire

Authority: IC 15-3-3.6-5

Affected: IC 15-3-3.6

Sec. 3. To become a **Category 3b** licensed applicator for hire an individual must ~~do~~ **complete** the following:

(1) ~~Complete~~ One (1) of the following:

(A) A practical hands-on training program reviewed and approved by the state chemist.

(B) Ninety (90) days of experience as an active Category 3b certified applicator or registered technician in Indiana or

any state having a comparable and verifiable program as determined by the state chemist.

(C) ~~Completion of~~ A formal post high school two (2) year minimum turf program or a related program that includes turf production in its curriculum. An official transcript must be submitted to the state chemist for approval to qualify by this method.

(D) One (1) year of experience as an active licensed applicator **in any licensing category** in Indiana or in another state.

(2) ~~Complete~~ The examination process for **Category 3b** certification as described in ~~355 IAC 4-1-2.1~~ and **licensing procedures established in 355 IAC 4-0.5 and 355 IAC 4-1.**
(State Chemist of the State of Indiana; 355 IAC 4-6-3; filed Jan 13, 1988, 4:47 p.m.: 11 IR 1761; filed Jan 9, 1992, 3:00 p.m.: 15 IR 703; filed Jan 5, 2000, 3:54 p.m.: 23 IR 1101; readopted filed Nov 21, 2001, 10:17 a.m.: 25 IR 1269; filed Aug 18, 2005, 4:30 p.m.: 29 IR 8)

SECTION 3. THE FOLLOWING ARE REPEALED: 355 IAC 4-6-2; 355 IAC 4-6-4; 355 IAC 4-6-6; 355 IAC 4-6-10.

LSA Document #04-311(F)

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TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #04-319(F)

DIGEST

Amends 405 IAC 2-2-3 to require that a person have a disabling condition that has lasted or is expected to last for at least 12 months in order to qualify for Medicaid under the disabled category. Amends 405 IAC 2-9-5 to require that an individual have earned income that exceeds the \$65 per month earned income disregard in order to be considered employed for purposes of the Medicaid for Employees with Disabilities program. Effective 30 days after filing with the Secretary of State.

405 IAC 2-2-3 405 IAC 2-9-5

SECTION 1. 405 IAC 2-2-3 IS AMENDED TO READ AS FOLLOWS:

405 IAC 2-2-3 Disability determination

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

Affected: IC 12-13-7-3; IC 12-14-15-1; IC 12-15

Sec. 3. (a) The determination of whether an applicant or recipient is disabled according to the definition of disability prescribed in IC 12-14-15-1(2) is made by the Medicaid medical review team (MMRT) based upon the following principles:

(1) The determination of whether a condition appears reasonably certain to result in death or that ~~has lasted or~~ appears reasonably certain to last for a continuous period of at least ~~four (4) years~~ **twelve (12) months** without significant improvement is made on the basis of the expected duration of the condition. A condition ~~which that~~ is temporary (less than ~~four (4) years~~) **twelve (12) months** or transient does not fulfill this requirement. The expected duration of the condition does not preclude the possibility of future medical advances, changed diagnosis or prognosis, unforeseen recovery, or successful treatment subsequent to the initial prognosis.

(2) The determination of whether a condition substantially impairs the applicant's ability to perform labor or services or to engage in a useful occupation will be made based upon a consideration of the following:

(A) The applicant's functional limitations, as follows:

(i) Consideration is given to the applicant's significant physical functions and capacity ~~which that~~ affect vocational capacity, such as standing, walking, lifting, range of motion, strength, agility, and stamina.

(ii) Consideration is given to the individual's intellectual and sensory functions ~~which that~~ affect vocational capacity, such as sight, speech, hearing, reasoning, and following directions.

(iii) Consideration is given to the applicant's capacity for sustained activity on a regular basis.

(B) The applicant's age, as follows:

(i) An individual who is not engaged in a useful occupation solely because of age cannot be found disabled if the individual's impairment, education, and work experience would enable the individual to function in a useful capacity.

(ii) If the applicant is over fifty-five (55) years of age, the applicant's age may be considered a significant factor in the applicant's ability to engage in or adapt to a useful occupation.

(iii) If the applicant is under eighteen (18) years of age, the applicant's condition is evaluated in terms of how it affects the applicant's activities and restricts the applicant's physical, mental, emotional, and social growth, learning, and development.

(iv) A condition ~~which that~~ is likely to substantially impair a child's ability to become an independent and self-supporting adult is a basis for a finding of disability.

(C) The applicant's education and training, as follows:

(i) Consideration is given to the applicant's formal schooling and other training that contributes to the applicant's ability to meet vocational requirements.

(ii) Past work experience, daily activities, and hobbies are considered in determining and evaluating skills not acquired in a formal setting.

(iii) In determining whether these factors are vocationally significant, consideration is given to the time elapsed since the completion of education, training, or the exercise of acquired skills.

(iv) Lack of education and training is not of itself a basis for a finding of disability.

(D) The applicant's work experience, as follows:

(i) The applicant's inability to engage in the applicant's former occupation is not, in itself, a basis for a finding of disability.

(ii) Work performed fifteen (15) or more years ~~prior to~~ **before** an application is not considered vocationally relevant. Similarly, an individual who has no work experience or only sporadic work experience in the previous fifteen (15) years is considered to have no work experience relevant to the determination of disability.

(iii) The absence of work experience is not in itself a basis for a finding of disability.

(iv) If an applicant is physically or mentally unable to engage in any previous occupation but the applicant's remaining functional capacity and vocational capabilities are sufficient to meet the demands and adjustments required by a different occupation, the applicant is not considered disabled.

(b) Except as provided below, a redetermination of disability is required annually of each recipient at the time the county office does its complete redetermination of all factors of eligibility. Redeterminations of disability may be required more frequently or may be waived at the discretion of the MMRT based upon the condition of the recipient. (*Office of the Secretary of Family and Social Services; 405 IAC 2-2-3; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1015, eff Apr 1, 1984; errata, 7 IR 1254; filed Dec 21, 2000, 2:06 p.m.: 24 IR 1342; errata filed Apr 30, 2001, 3:27 p.m.: 24 IR 2709; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Jun 21, 2005, 3:00 p.m.: 29 IR 9*)
NOTE: Transferred from the Division of Family and Children (470 IAC 9.1-2-3) to the Office of the Secretary of Family and Social Services (405 IAC 2-2-3) by P.L. 9-1991, SECTION 131, effective January 1, 1992.

SECTION 2. 405 IAC 2-9-5 IS AMENDED TO READ AS FOLLOWS:

405 IAC 2-9-5 Employment requirements; continuing eligibility when employment ends

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-41-15

Affected: IC 12-15-2-6.5; IC 12-15-41

Sec. 5. (a) In order for an individual to be eligible for Medicaid for employees with disabilities, the individual must be engaged in a substantial and reasonable work effort. This means that the person must be either employed or self-employed, with

the intent of such work activity being ongoing. **The individual's monthly earned income must exceed the sixty-five dollar (\$65) earned income disregard described in section 2 of this rule.** Employment must be verifiable by pay stubs or other verification from an employer documenting that the income is subject to income tax and FICA withholding. Self-employment must be verified by the individual's income tax return or, in the case of a new business for which a tax return has not yet been filed, the personal business records of the individual.

(b) In order for a recipient of Medicaid for employees with disabilities to remain eligible when the definition of medically improved disability in section 7 of this rule is met, the recipient must be employed as defined in subsection (a) and must have monthly earnings as calculated under 405 IAC 2-5-1 that are equal to or greater than the federal minimum wage times forty (40), unless the provisions in subsection (c) are met.

(c) A recipient who is involuntarily not working can remain eligible for the Medicaid for employees with disabilities program for up to twelve (12) months if he or she meets all other program requirements and ~~is~~ either:

(1) ~~is~~ on temporary medical leave from his or her employment as defined in subsection (d); or

(2) maintains a connection to the workforce by participating in at least one (1) of the following activities:

(A) Enrollment in a vocational rehabilitation program.

(B) Enrollment or registration with the department of workforce development.

(C) Participation in a transition from school to work program.

(D) Participation with an approved provider of employment services.

(d) As used in this section, "temporary medical leave" means a leave from the place of employment due to health reasons when the employer is keeping a position open for the individual to return. If the employer is no longer holding a position open, the recipient must maintain a connection to the workforce as defined in subsection (c)(2) in order for coverage to continue under Medicaid for employees with disabilities.

(e) In order to remain eligible upon becoming unemployed, the recipient or his or her authorized representative must submit a written request for continued coverage to the local office of family and children no later than sixty (60) days after termination of employment. Attached to this written request must be verification that the recipient meets the requirements in subsection (c). On a quarterly basis thereafter, as long as the recipient continues to be unemployed and wishes coverage to continue, verification of his or her medical leave or workforce connection status must be provided to the local office of family and children. The quarterly verification must consist of a statement from the agency or service provider that documents the recipient's continued participation in an activity that constitutes connection to the workforce, or from the recipient's employer

stating he or she remains on a temporary involuntary medical leave.

(f) A recipient who voluntarily terminates his or her employment for any reason is not eligible for Medicaid for employees with disabilities. Eligibility for the other Medicaid categories will be pursued.

(g) A recipient who fails to submit the initial request for coverage continuation within the required sixty (60) day period or who fails to submit the quarterly verification report is no longer eligible for Medicaid for employees with disabilities. Eligibility for other Medicaid categories will be pursued. (*Office of the Secretary of Family and Social Services; 405 IAC 2-9-5; filed Jun 10, 2002, 2:21 p.m.: 25 IR 3119; errata filed Jun 28, 2002, 10:17 a.m.: 25 IR 3769; errata filed Aug 22, 2002, 3:14 p.m.: 26 IR 35; filed Jun 21, 2005, 3:00 p.m.: 29 IR 10*)

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TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #04-217(F)
 DIGEST

Amends 675 IAC 18-1.4, the 2003 Indiana Mechanical Code, to make numerous substantive and clarifying changes. Effective 30 days after filing with the Secretary of State.

675 IAC 18-1.4-10.5 **675 IAC 18-1.4-32.5**
675 IAC 18-1.4-11.5 **675 IAC 18-1.4-49.5**
675 IAC 18-1.4-32.3

SECTION 1. 675 IAC 18-1.4-10.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 18-1.4-10.5 Section 304.3; elevation of ignition source

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. 10.5. In the second sentence of Section 304.3, Elevation of ignition source, before “Group”, delete “use”. (*Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-10.5; filed Aug 30, 1:00 p.m.: 29 IR 11*)

SECTION 2. 675 IAC 18-1.4-11.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 18-1.4-11.5 Section 310; explosion venting

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. 11.5. Change the title of Section 310 to read “Explosion Control”. (*Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-11.5; filed Aug 30, 1:00 p.m.: 29 IR 11*)

SECTION 3. 675 IAC 18-1.4-32.3 IS ADDED TO READ AS FOLLOWS:

675 IAC 18-1.4-32.3 Section 607.5.4; corridors/smoke barriers

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. 32.3. Delete the text of Exception 2 in Section 607.5.4 and substitute “Smoke dampers shall not be required in duct penetration of smoke barriers in fully ducted heating, ventilating, and air conditioning systems.”. (*Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-32.3; filed Aug 30, 1:00 p.m.: 29 IR 11*)

SECTION 4. 675 IAC 18-1.4-32.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 18-1.4-32.5 Section 607.5.5.1; 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. 32.5. In the first sentence of Section 607.5.5.1, delete “and smoke” without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-32.5; filed Aug 30, 1:00 p.m.: 29 IR 11*)

SECTION 5. 675 IAC 18-1.4-49.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 18-1.4-49.5 Section 1403.2; flammable gases and liquids

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. 49.5. In the second sentence of Section 1403.2, delete “Use”. (*Fire Prevention and Building Safety Commission; 675 IAC 18-1.4-49.5; filed Aug 30, 1:00 p.m.: 29 IR 11*)

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TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #04-218(F)

DIGEST

Amends 675 IAC 25-1, the 2003 Indiana Fuel Gas Code, to make numerous substantive and clarifying changes. Effective 30 days after filing with the Secretary of State.

675 IAC 25-1-7.2	675 IAC 25-1-9.3
675 IAC 25-1-7.4	675 IAC 25-1-9.5
675 IAC 25-1-7.6	675 IAC 25-1-9.7
675 IAC 25-1-9.1	675 IAC 25-1-9.9

SECTION 1. 675 IAC 25-1-7.2 IS ADDED TO READ AS FOLLOWS:

675 IAC 25-1-7.2 Table 308.2

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. 7.2. In Table 308.2, delete “0.024” and insert “0.024 inch (24 gage)” in the left column in item numbers 3, 5, 7, and 8. (*Fire Prevention and Building Safety Commission; 675 IAC 25-1-7.2; filed Aug 29, 2005, 9:45 a.m.: 29 IR 12*)

SECTION 2. 675 IAC 25-1-7.4 IS ADDED TO READ AS FOLLOWS:

675 IAC 25-1-7.4 Figure 308.2(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. 7.4. Change the title of Figure 308.2(3) to read: “Masonry clearance reduction system”. (*Fire Prevention and Building Safety Commission; 675 IAC 25-1-7.4; filed Aug 29, 2005, 9:45 a.m.: 29 IR 12*)

SECTION 3. 675 IAC 25-1-7.6 IS ADDED TO READ AS FOLLOWS:

675 IAC 25-1-7.6 Section 403.11; plastic piping, joints, and fittings

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. 7.6. In Section 403.11, Plastic piping, joints and fittings, change the third sentence in item number 3 to read: “The stiffener shall be flush with the end of the pipe or tubing and shall extend at least to the outside end of the compression fitting when installed.”. (*Fire Prevention and Building Safety Commission; 675 IAC 25-1-7.6; filed Aug 29, 2005, 9:45 a.m.: 29 IR 12*)

SECTION 4. 675 IAC 25-1-9.1 IS ADDED TO READ AS FOLLOWS:

675 IAC 25-1-9.1 Section 503.5.3; masonry 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. 9.1. In Section 503.5.3, masonry chimneys, change, in the last sentence (after exception), the referenced section number to 503.6.5. (*Fire Prevention and Building Safety Commission; 675 IAC 25-1-9.1; filed Aug 29, 2005, 9:45 a.m.: 29 IR 12*)

SECTION 5. 675 IAC 25-1-9.3 IS ADDED TO READ AS FOLLOWS:

675 IAC 25-1-9.3 Table/Figure 503.6.6

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. 9.3. In the second row of Table/Figure 503.6.6, before 6/12 to 7/12, insert “over”. (*Fire Prevention and Building Safety Commission; 675 IAC 25-1-9.3; filed Aug 29, 2005, 9:45 a.m.: 29 IR 12*)

SECTION 6. 675 IAC 25-1-9.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 25-1-9.5 Section 503.6.9.1; Category I appliances

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. 9.5. In Section 503.6.9.1, Category I appliances, in Exception number 2, in the fifth line, delete “outlets” and insert “outlet” and, in the sixth line, delete “smallest” and insert “smaller”. (*Fire Prevention and Building Safety Commission; 675 IAC 25-1-9.5; filed Aug 29, 2005, 9:45 a.m.: 29 IR 12*)

SECTION 7. 675 IAC 25-1-9.7 IS ADDED TO READ AS FOLLOWS:

675 IAC 25-1-9.7 Section 503.7.5; roof penetrations

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. 9.7. In the third line of Section 503.7.5, Roof penetrations, delete “jacket” and insert “jack”. (*Fire Prevention and Building Safety Commission; 675 IAC 25-1-9.7; filed Aug 29, 2005, 9:45 a.m.: 29 IR 12*)

SECTION 8. 675 IAC 25-1-9.9 IS ADDED TO READ AS FOLLOWS:

675 IAC 25-1-9.9 Section 504.2.9; chimney and vent 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. 9.9. In Section 504.2.9, Chimney and vent locations, change, in item 4, the second line to read: given by Table

504.2(3). (*Fire Prevention and Building Safety Commission; 675 IAC 25-1-9.9; filed Aug 29, 2005, 9:45 a.m.: 29 IR 12*)

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TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #04-227(F)

DIGEST

Adds 675 IAC 15-1.1 through 675 IAC 15-1.7, Administrative Rules for Industrialized Building Systems and Mobile Structures. Repeals 675 IAC 15-1. Effective 30 days after filing with the Secretary of State.

675 IAC 15-1-1	675 IAC 15-1-17
675 IAC 15-1-2	675 IAC 15-1-19
675 IAC 15-1-3	675 IAC 15-1-20
675 IAC 15-1-5	675 IAC 15-1-21
675 IAC 15-1-6	675 IAC 15-1-22
675 IAC 15-1-7	675 IAC 15-1.1
675 IAC 15-1-8.1	675 IAC 15-1.2
675 IAC 15-1-10	675 IAC 15-1.3
675 IAC 15-1-11	675 IAC 15-1.4
675 IAC 15-1-12	675 IAC 15-1.5
675 IAC 15-1-13	675 IAC 15-1.6
675 IAC 15-1-14	675 IAC 15-1.7
675 IAC 15-1-16	

SECTION 1. 675 IAC 15-1.1 IS ADDED TO READ AS FOLLOWS:

Rule 1.1. Title; Purpose; Applicability; Definitions

675 IAC 15-1.1-1 Title; purpose; applicability

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2

Affected: IC 22-12; IC 22-15-4-4

Sec. 1. (a) This rule and 675 IAC 15-1.2 through 675 IAC 15-1.7 shall be known as Administrative Rules for Industrialized Building Systems and Mobile Structures.

(b) This rule and 675 IAC 15-1.2 through 675 IAC 15-1.7 applies to all industrialized building systems and mobile structures for sale, lease, or use in the state of Indiana with

the following exceptions:

- (1) A manufactured home.
- (2) An industrialized building system or mobile structure governed by an agreement made under IC 22-15-4-4.
- (3) Construction trailers.

(*Fire Prevention and Building Safety Commission; 675 IAC 15-1.1-1; filed Aug 18, 2005, 4:30 p.m.: 29 IR 13*)

675 IAC 15-1.1-2 Definitions

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2

Affected: IC 22-12-1; IC 25-4; IC 25-31; IC 32-1-6-2; IC 32-25-2-9; IC 36-7-2-9; IC 36-8-17

Sec. 2. (a) The definitions in IC 22-12-1 and this section apply throughout this rule and 675 IAC 15-1.2 through 675 IAC 15-1.7.

(b) "Building official" means the following:

- (1) The office of the state building commissioner.
- (2) The office of the state fire marshal.
- (3) The local building officials authorized under IC 36-7-2-9 and a local ordinance approved by the commission.
- (4) The fire department authorized under IC 36-8-17.

(c) "Class 1 structures" is defined as follows:

(1) "Class 1 structure" means any part of the following:

- (A) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:
 - (i) The public.
 - (ii) Three (3) or more tenants.
 - (iii) One (1) or more persons who act as the employees of another.

(B) A site improvement affecting access by persons with a physical disability to a building or structure described in clause (A).

(2) Subdivision (1)(A) includes a structure that contains three (3) or more condominium units (as defined in IC 32-25-2-9) or other units that:

- (A) are intended to be or are used or leased by the owner of the unit; and
- (B) are not completely separated from each other by an unimproved space.

(3) Subdivision (1)(A) does not include the following:

- (A) A building or structure that:
 - (i) is intended to be or is used only for an agricultural purpose on the land where it is located; and
 - (ii) is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or less consecutive months in a calendar year.
- (B) A Class 2 structure.
- (C) A vehicular bridge.
- (D) A structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:
 - (i) the structure; or
 - (ii) mechanical or electrical equipment located within and affixed to the structure.

(d) "Class 2 structure" is defined as follows:

- (1) “Class 2 structure” means any part of the following:
- (A) A building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.
 - (B) An outbuilding for a structure described in clause (A), such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.
- (2) Subdivision (1) does not include a vehicular bridge.
- (e) “Commission” means the fire prevention and building safety commission.
- (f) “Commissioner” means the state building commissioner.
- (g) “Component” means one (1) or more parts of a fabricated unit.
- (h) “Construction” means the fabrication of any part of an industrialized building system or mobile structure for use at another site.
- (i) “Construction trailer” means an industrialized building system or mobile structure sited at a construction site for the purpose of storing tools and materials related to the project being constructed.
- (j) “Design professional” means an architect or professional engineer who is registered under IC 25-4 or IC 25-31.
- (k) “Industrialized building system” means any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.
- (l) “Manufactured home” means a structure, transportable in one (1) or more sections, that:
- (1) in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length; or
 - (2) when erected on site:
 - (A) is three hundred twenty (320) or more square feet;
 - (B) is built on a permanent chassis;
 - (C) is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and
 - (D) includes the plumbing, heating, air conditioning, and electrical systems contained therein;
- except that the term shall include any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of

Housing and Urban Development and complies with the standards established under 24 U.S.C. 5401 et seq.

(m) “Manufacturer’s installation instructions” means instructions for the proper erection, assembly, or installation of an industrialized building system or mobile structure or component produced by the manufacturer.

(n) “Mobile home” means a dwelling unit of vehicular, portable design built before 1974 on a chassis and designed and intended to be:

- (1) moved from one (1) site to another; and
- (2) used without a permanent foundation.

(o) “Mobile structure” is defined as follows:

(1) “Mobile structure” means any part of a fabricated unit that is designed to be:

- (A) towed on its own chassis; and
- (B) connected to utilities for year-round occupancy or used as a Class 1 structure, a Class 2 structure, or another structure.

(2) The term includes the following:

- (A) Two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.
- (B) Two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.

(p) “Permanent foundation” means any structural system capable of transferring loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

(q) “Prototype” means an industrialized building system or mobile structure of original design that serves as a model for future industrialized building system or mobile structure product lines.

(r) “Quality control manual” means a manual prepared by a manufacturer for its manufacturing plants that outlines the manufacturer’s quality control program.

(s) “Seal of acceptance” means a certification issued by the office of the state building commissioner for an industrialized building system or a mobile structure.

(t) “Site construction” means the work undertaken to erect, assemble, or install any part or component of an industrialized building system or mobile structure at the site where it will be used or occupied, except the relocation of a mobile structure.

(u) “System” means an industrialized building system or a mobile structure.

(v) “System plan” means the:

- (1) drawings;

(2) specifications;
 (3) structural typical system plans;
 (4) quality control manual; or
 (5) manufacturer's installation instructions;
 submitted to the office of the state building commissioner. A system shall be based on one (1) completed width of structure and the number of stories.

(w) "Structural safety" means the continued capability of load bearing members of a building or structure to transmit actual and design live and dead loads to a foundation or other load-bearing members within the allowable working stresses of the materials or assembly of materials involved.

(x) "Structural/typical system plan" means structural or typical, or both, details submitted to supplement one (1) or more system plans and that are to be referenced by those system plans.

(y) "Third party inspection agency" means a person authorized by the commission to conduct inspections of and issue a seal of acceptance for industrialized building systems or mobile structures, or both.

(z) "Unit" means one (1) part of an industrialized building system or mobile structure that is one (1) part of the whole industrialized building system or mobile structure. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.1-2; filed Aug 18, 2005, 4:30 p.m.: 29 IR 13*)

SECTION 2. 675 IAC 15-1.2 IS ADDED TO READ AS FOLLOWS:

Rule 1.2. Administrative Rules for Industrialized Building Systems and Mobile Structures

675 IAC 15-1.2-1 Scope

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
 Affected: IC 22-12; IC 22-15-4

Sec. 1. The purpose of 675 IAC 15-1.1, this rule, and 675 IAC 15-1.3 through 675 IAC 15-1.7 is to establish administrative procedures and general provisions for the rules of the commission pertaining to industrialized building systems and mobile structures. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-1; filed Aug 18, 2005, 4:30 p.m.: 29 IR 15*)

675 IAC 15-1.2-2 Design release for manufacture; requirements

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4
 Affected: IC 22-12; IC 22-15

Sec. 2. It shall be unlawful for any person to commence production of an industrialized building system or mobile structure or cause the same to be done without first obtaining one (1) of the following from the office of the state building commissioner:

- (1) A system design release.
- (2) Prototype status.

(*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-2; filed Aug 18, 2005, 4:30 p.m.: 29 IR 15*)

675 IAC 15-1.2-3 Design release application requirements

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-2
 Affected: IC 22-12; IC 22-15

Sec. 3. (a) An application for a design release for an industrialized building system or mobile structure, including an application for a modification of a system plan governed by an existing design release, shall be submitted to the office of the state building commissioner.

(b) The application shall be submitted by:

- (1) the manufacturer;
 - (2) the design professional; or
 - (3) the third party inspection agency;
- on behalf of the manufacturer.

(c) The applicant shall use the forms and format specified by the office of the state building commissioner for the application. All plans, specifications, and other supporting documentation must also be submitted in the format specified by the office of the state building commissioner.

(d) The following information shall be included on the application:

- (1) The name and address, including city, state, and zip code, telephone number, facsimile number, and electronic mail address of the manufacturer, as well as the name of the authorized third party inspection agency, if utilized.
- (2) The name and address, including city, state, and zip code, telephone number, facsimile number, electronic mail address, and registration number of the design professional, if the completed structure will exceed thirty thousand (30,000) cubic feet.
- (3) An identification of the type of industrialized building system or mobile structure system based on the classification in section 6 of this rule.
- (4) The length of the unit produced; multiple lengths may be included.
- (5) A list and description of the components contained in the unit or units.
- (6) An indication of the use and occupancy.
- (7) The number of completed stories.
- (8) The number of units in the completed structure.
- (9) The completed width of the unit.
- (10) A description of the use of the structure in detail and types of materials stored, if any.
- (11) The name, address, including city, state, and zip code, telephone number, facsimile number, and electronic mail address for each manufacturer's facility producing under the design release.
- (12) Signatures and affirmations in compliance with section 4 of this rule.

(e) A quality control manual shall be submitted as required in section 15 of this rule. Submission of this quality control manual is not required if it has been previously submitted and released by the office of the state building commissioner and the quality control manual is not being revised.

(f) Plans and specifications accompanying the application shall be submitted as required in section 5 of this rule.

(g) The fee required by 675 IAC 15-1.6 shall be submitted with the application. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-3; filed Aug 18, 2005, 4:30 p.m.: 29 IR 15*)

675 IAC 15-1.2-4 Signatories to design release application
Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4
Affected: IC 22-12-1-3; IC 22-15

Sec. 4. (a) All design release applications must be signed by the manufacturer as follows:

(1) For a corporation, the signatory shall be a responsible corporate officer. For the purpose of this section, "responsible corporate officer" means a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy making or decision making functions for the corporation.

(2) For a partnership or sole proprietorship, the signatory shall be a general partner or the proprietor, respectively.

(3) Alternatively, a duly authorized representative of a signatory listed under subdivision (1) or (2) may be the signatory on the application. A person is a duly authorized representative only if:

(A) the authorization is made in writing by an individual described in subdivision (1) or (2);

(B) the authorization specifies either an individual or a position having responsibility in the industrialized building or mobile structures manufacturing facility of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for building and fire safety matters for the manufacturer; and

(C) the written authorization is submitted to the office of the state building commissioner, if requested.

(b) The manufacturer shall make the following affirmation on the application: I affirm, under penalty of perjury, that:

(1) the proposed industrialized building system or mobile structure will be fabricated in compliance with all applicable rules of the commission; and

(2) the construction of the proposed industrialized building system or mobile structure will not deviate from the plans and specifications submitted with the application and released by the office of the state building commis-

sioner except as authorized under section 11 of this rule.

(c) If a design professional is required by section 8 of this rule, the design professional shall make the following affirmation on the application: I affirm under penalty of perjury that:

(1) the information contained in the application is true, accurate, and complete;

(2) the plans and specifications submitted with the application:

(A) were either prepared by myself or under my direct supervision; and

(B) provided for the industrialized building system or mobile structure will meet all building laws as that term is defined by IC 22-12-1-3; and

(3) I will inspect the construction covered by the application at intervals appropriate to the stage of the fabrication to verify and ensure that the work is proceeding in accordance with the system release.

(*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-4; filed Aug 18, 2005, 4:30 p.m.: 29 IR 16*)

675 IAC 15-1.2-5 Plans; specifications; requirements.

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3

Affected: IC 22-12; IC 22-13-2-11; IC 22-15

Sec. 5. (a) All plans and specifications filed with an application for design release shall comply with this section.

(b) All plans and specifications and any supporting data shall be sufficiently clear and complete to show in detail that the proposed work will comply with the rules of the commission. They shall be in the English language and dimensions shall be in the English units of measurement (yards, feet, or inches).

(c) One (1) complete set of plans and specifications required by this section shall be filed for review.

(d) If a design professional is required by section 8 of this rule, the following requirements are applicable:

(1) The plans and specifications shall be prepared by a design professional who is competent to design the construction covered by the application.

(2) Each page of the plans and the title page of the specifications shall include the legible signature and seal of:

(A) the design professional described in subdivision (1); or

(B) a member of the design professional's technical or professional staff.

(e) Plans and specifications filed under this section shall include all of the following as applicable:

(1) Plans and specifications shall indicate the manufacturer's name, office address, and name and address of each manufacturing facility listed to fabricate the released system.

- (2) Dimensioned floor plans, drawn to scale, with room identification.
- (3) Wall elevations of all exterior walls.
- (4) Cross sections and details of walls, floors, and roof construction showing dimensions and materials.
- (5) Structural plans and elevations showing size and location of all structural members, truss design and frames (where applicable), connection details, and all stress calculations, if specifically required, to ensure structural safety.
- (6) Details showing how required structural and fire-resistive integrity are maintained where wall, floor, and ceiling penetrations are made for items such as electrical, plumbing, and communications systems.
- (7) Room finish schedule showing finishes for wall, ceiling, and floors in all rooms, stairways, and corridors.
- (8) Door schedule including the following:
 - (A) Materials.
 - (B) Size.
 - (C) Thickness.
 - (D) Hardware.
 - (E) Fire rating for all doors (if required).
- (9) Window schedule including the following:
 - (A) Light.
 - (B) Vent.
 - (C) Egress.
 - (D) Safety glazing.
 - (E) Hardware information, where applicable.
- (10) Construction specifications (may be on design drawings).
- (11) Electrical plans, diagrams, and details of electrical service equipment.
- (12) Plumbing plan including the following:
 - (A) Fixture location.
 - (B) Risers.
 - (C) Drains.
 - (D) Piping isometrics, including sizes and materials of piping.
- (13) Mechanical plans indicating location and sizes of equipment and sizes and materials of ducts.
- (14) Energy conservation design criteria, including the following:
 - (A) Exterior envelope components materials.
 - (B) "U" values of the envelope systems.
 - (C) "R" values of insulation materials.
 - (D) Size and type of apparatus.
 - (E) Equipment and system controls.
- (15) Accessibility for persons with a physical disability, including the following:
 - (A) Access to the buildings.
 - (B) Any interior ramps with slope dimensions.
 - (C) Restroom layouts indicating clearances.
 - (D) Grab bars.
 - (E) Door swings.
 - (F) Door sizes.
- (16) Fire protections systems, including the following:

- (A) Automatic sprinklers.
- (B) Fire pumps.
- (C) Detection and alarm systems.
- (D) Emergency power.
- (E) Communication systems.

(17) Additional information as may be needed to demonstrate that the proposed construction will comply with the rules of the commission.

(18) Data plate shall be located near the main electrical panel. If the industrialized building system or mobile structure does not contain an electrical panel, then the location shall be identified on the systems plans.

(f) Plans and specifications may be filed with the office of the state building commissioner by one (1) of the following methods:

(1) Plans and specifications may be bound in a loose-leaf binder, eight and one-half (8½) inch by eleven (11) inch format. All documents submitted shall be organized, indexed, and tabbed. All binders shall bear the manufacturer's name on the front and bound edge.

(2) Electronic mail (e-mail) by method of attaching the required documentation. Electronic filings shall be compatible with the software used by the office of the state building commissioner. The electronic documentation shall be organized, indexed, and tabbed.

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-5; filed Aug 18, 2005, 4:30 p.m.: 29 IR 16)

675 IAC 15-1.2-6 Applicable codes for design and construction

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2

Affected: IC 22-12; IC 22-15

Sec. 6. (a) An industrialized building system that is a Class 2 structure shall be affixed with a modular unit seal of acceptance and shall be designed and constructed in accordance with the Indiana Residential Code (675 IAC 14). Exceptions are as follows:

(1) Townhouse units are Class 1 structures, but shall be designed and constructed in accordance with the Indiana Residential Code (675 IAC 14).

(2) The Indiana Plumbing Code (675 IAC 16) may be used instead of the plumbing sections in the Indiana Residential Code (675 IAC 14).

(3) The Indiana Electrical Code (675 IAC 17) may be used instead of the electrical sections in the Indiana Residential Code (675 IAC 14).

(b) An industrialized building system that is a Class 1 structure shall be affixed with a modular unit seal of acceptance and shall be designed and constructed in accordance with the following:

(1) The Indiana Building Code (675 IAC 13).

(2) The Indiana Plumbing Code (675 IAC 16).

(3) The Indiana Electrical Code (675 IAC 17).

(4) The Indiana Mechanical Code (675 IAC 18).

(5) The Indiana Fuel Gas Code (675 IAC 25).

(6) The Indiana Energy Conservation Code (675 IAC 19).
Townhouse units are Class 1 structures, but shall be designed and constructed in accordance with the Indiana Residential Code (675 IAC 14).

(c) Mobile Structures that are Class 1 structures shall be affixed with a mobile unit seal of acceptance and shall be designed and constructed in accordance with the Indiana Mobile Structures Code (675 IAC 15-2). Exceptions are as follows:

(1) The Indiana Energy Conservation Code (675 IAC 19) may be used instead of the Indiana Mobile Structures Code for energy conservation requirements.

(2) A mobile structure shall comply with the accessibility requirements in 675 IAC 13-2.4-110.

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-6; filed Aug 18, 2005, 4:30 p.m.: 29 IR 17)

675 IAC 15-1.2-7 Alternate materials, methods, and designs

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4

Affected: IC 22-12; IC 22-15

Sec. 7. (a) This section does not authorize a variance from any rule adopted by the commission.

(b) The rules adopted by the commission do not prevent the use of:

- (1) materials;
- (2) methods of construction; or
- (3) design procedures;

if they are not specifically prohibited in the rules and if they are approved under subsection (c) or (d).

(c) The state fire marshal and the state building commissioner may, in the review of an application for a design release, consider as evidence of compliance with the rules adopted by the commission any evaluation report that:

(1) contains limitations, conditions, or standards for alternative materials, method of construction, or design procedures; and

(2) is published by an independent, nationally recognized testing laboratory or any of the following:

(A) Factory Mutual Loss Prevention Data Sheets and test reports (FM).

(B) International Organization for Standardization (ISO) (ISO standards listed by the American National Standards Institute).

(C) International Electrotechnical Commission (IEC) (IEC standards listed by the American National Standards Institute).

(D) Japan Industrial Standards (JIS) that are shown to be equivalent to ANSI standards.

(E) German Institute for Standards (Deutsches Institut für Normung) (DIN) that are shown to be equivalent to ANSI standards.

(F) French Standards Association (AFNOR) that are shown to be equivalent to ANSI standards.

(G) Canadian Standards Association (CSA) that are shown to be equivalent to ANSI standards.

(H) Swedish Institute for Technical Approval in Construction (SITAC) that are shown to be equivalent to ANSI standards.

(I) Swedish Standards (SIS) that are found to be equivalent to ANSI standards.

(J) BOCA Evaluation Services, Inc., Building Officials and Code Administrators International (BOCA) (research reports).

(K) Council of American Building Officials (CABO) (National Evaluation Services (NES) evaluation reports).

(L) ICBO Evaluation Services Inc., International Conference of Building Officials (ICBO) (ICBO Evaluation Service Inc. evaluation reports).

(M) SBCCI Public Safety Testing and Evaluation Services, Inc., Southern Building Code Congress International (SBCCI) (compliance reports).

(N) International Association of Plumbing and Mechanical Officials (IAPMO) (Directory of Research Recommendations).

(O) International Code Council (ICC) (evaluation reports).

(d) The state building commissioner and the state fire marshal may, in the review of an application for a design release, consider as evidence of compliance with 675 IAC 13-2.4-110 similar provisions of the Americans with Disabilities Accessibility Guidelines for Buildings and Facilities, 28 CFR 36, Appendix A in effect on July 1, 1997. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-7; filed Aug 18, 2005, 4:30 p.m.: 29 IR 18)*

675 IAC 15-1.2-8 Design professional

Authority: IC 22-13-2-2; IC 22-15-3-4

Affected: IC 22-15-3; IC 25-4; IC 25-31

Sec. 8. (a) A design professional shall be required to certify any Class 1 structures if the completed structure would exceed thirty thousand (30,000) cubic feet, including attic space.

(b) The office of the state building commissioner may require a design professional to certify engineered components to substantiate claims that the proposed construction will comply with the rules of the commission. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-8; filed Aug 18, 2005, 4:30 p.m.: 29 IR 18)*

675 IAC 15-1.2-9 Issuance of the design release

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4

Affected: IC 4-21.5-3-4; IC 4-21.5-3-7; IC 22-12-7-3; IC 22-12-7-12; IC 22-15

Sec. 9. (a) If an application for a design release has been properly submitted in accordance with section 3 of this rule,

the office of the state building commissioner shall review the application and its accompanying plans and specifications in conjunction with the office of the state fire marshal.

(b) If during this review, the office of the state building commissioner or the office of the state fire marshal conclude that additional information is needed to determine if the proposed system complies with the rules of the commission, the applicant may be requested to supply this additional information. If the applicant does not provide the requested additional information or documentation within thirty (30) days following the date of the request, the office of the state building commissioner may deny the application for a design release.

(c) If during this review, it is determined that there are minor omissions or items contrary to the rules of the commission, but that these minor omissions or contrary items would not adversely impact life safety, a conditional design release may be issued without the submission of corrected plans or specifications. Such conditions shall be binding.

(d) Before issuing a design release, the office of the state building commissioner will:

- (1) provide the office of the state fire marshal with the application, plans and specifications, and any other relevant information; and
- (2) obtain the written approval of the office of the state fire marshal for its issuance.

(e) If the office of the state building commissioner determines that the applicant has demonstrated that the construction will comply with all applicable building laws and the applicant has met all other applicable requirements, the design release will be issued.

(f) Under IC 22-12-7-3, the issuance or denial of a design release is governed by IC 4-21.5-3-4. Under IC 22-12-7-12, a decision to issue or deny a design release may be appealed to the commission under IC 4-21.5-3-7. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-9; filed Aug 18, 2005, 4:30 p.m.: 29 IR 18*)

675 IAC 15-1.2-10 Expiration of design release

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4
Affected: IC 22-12; IC 22-15

Sec. 10. (a) A design release shall not expire, except as provided in this section.

(b) If the rules of the commission applicable to the system for which the design release was issued are revised or replaced, a design release will expire on the effective date of this revision or replacement. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-10; filed Aug 18, 2005, 4:30 p.m.: 29 IR 19*)

675 IAC 15-1.2-11 Addenda to released system

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4
Affected: IC 22-12; IC 22-15

Sec. 11. (a) An addendum application shall be filed with the office of the state building commissioner for any proposed addition or revision to a released system plan, which could include any of the following:

- (1) A structural/typical system plan.
- (2) A quality control manual.
- (3) Specifications.
- (4) Manufacturer's installation instruction.

(b) All design, specification, or construction process changes that affect a released system plan shall be filed by the manufacturer in the same manner as required by section 3 of this rule.

(c) Signatures and affirmations in compliance with section 4 of the rule [section 4 of this rule] are required, if applicable.

(d) An addendum shall include any pertinent information as described in section 5 of this rule.

(e) A maximum of six (6) addenda may be made to a released system plan before the system plan must be resubmitted.

(f) The fees required by 675 IAC 15-1.6 shall be submitted with the application.

(g) The following revisions or changes do not require an addendum application to be filed:

- (1) A total length of up to four (4) feet may be added to, or deleted from, a released system floor plan without necessitating resubmittal and release. This change may be made anywhere within the floor plan provided all other applicable code requirements are met and such changes in length are addressed within the released manufacturer's installation instructions. Among these code requirements are the minimum for natural light, natural ventilation, and emergency egress requirements as well as established minimum room sizes.
- (2) Plumbing fixtures and bathrooms may be deleted from a released floor plan without necessitating resubmittal and release, provided the minimum code requirements are met by the resulting floor plan.

(*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-11; filed Aug 18, 2005, 4:30 p.m.: 29 IR 19*)

675 IAC 15-1.2-12 Prototype

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4
Affected: IC 22-12; IC 22-15

Sec. 12. (a) To obtain prototype status for a system, the manufacturer of a proposed prototype system shall submit the following to the office of the state building commissioner

at least ten (10) days before the commencement of the construction of the prototype:

(1) The following information:

- (A) Projected start and finish dates.
- (B) Model number.
- (C) Serial number.
- (D) Production plant location.
- (E) Third party inspection agency or name of inspector from the office of the state building commissioner.

(2) Payment of appropriate fees in accordance with 675 IAC 15-1.6.

(b) The manufacturer shall not conceal any major portion of work on the prototype system until that portion has been inspected by a representative of the office of the state building commissioner or an authorized third party inspection agency.

(c) A prototype system shall comply with all applicable rules of the commission.

(d) The prototype system shall not be moved from the place of manufacture until a design release for the prototype system has been obtained from the office of the state building commissioner and an Indiana seal of acceptance has been applied in accordance with 675 IAC 15-1.3. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-12; filed Aug 18, 2005, 4:30 p.m.: 29 IR 19*)

675 IAC 15-1.2-13 Maintenance of design release; plans and specifications

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4
Affected: IC 22-12; IC 22-15

Sec. 13. An application and a complete set of plans and specifications that conform exactly to the design that was released by the office of the state building commissioner shall be maintained in each manufacturing facility at all times for use by the office of the state building commissioner or the third party inspection agency, or both. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-13; filed Aug 18, 2005, 4:30 p.m.: 29 IR 20*)

675 IAC 15-1.2-14 Compliance with rules

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4
Affected: IC 22-12; IC 22-15

Sec. 14. The issuance of a design release does not relieve the manufacturer from compliance with all applicable rules of the commission even if items contrary to the rules of commission are shown in plans and specifications that have been filed with the office of the state building commissioner. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-14; filed Aug 18, 2005, 4:30 p.m.: 29 IR 20*)

675 IAC 15-1.2-15 Quality control program

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4
Affected: IC 22-12; IC 22-15

Sec. 15. (a) The manufacturer shall develop and implement a quality control program.

(b) As part of the quality control program, a quality control manual is required for each manufacturing facility producing industrialized building systems or mobile structures under a design release. The manual shall outline the manufacturer's program for quality control and compliance assurance within each manufacturing facility, including, but not limited to, the following:

- (1) A location map for the manufacturing facility.
- (2) A general facility layout diagram indicating the various stations or areas where industrialized buildings or mobile structures are to be produced as well as materials storage areas and office or administration areas.
- (3) A general description of the in-plant procedures of quality control, including who is performing the quality control and how routine quality control is performed.
- (4) A general description of what corrective actions are to be taken and who is responsible for the implementation of such corrections.
- (5) A general description of testing procedures and equipment used to perform test in areas, such as plumbing and electrical, to assure compliance with the released construction documents and the applicable rules of the commission.
- (6) A sample data plate as described in section 16 of this rule.
- (7) A statement certifying that an Indiana seal of acceptance issued by the office of the state building commissioner will not be attached to an industrialized building system or mobile structure that does not conform to the applicable rules of the commission.

(c) The quality control manual shall be submitted for review and release in accordance with section 3 of this rule.

(d) Any revisions to the quality control manual shall be submitted for review and release in accordance with section 11 of this rule.

(e) The manufacturer shall implement the released quality control program. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-15; filed Aug 18, 2005, 4:30 p.m.: 29 IR 20*)

675 IAC 15-1.2-16 Manufacturer's data plate

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 16. (a) The manufacturer's data plate shall be affixed on each completed industrialized building system or mobile structure in a permanent manner.

(b) The data plate shall be at least four (4) inches by six (6) inches and contain contrasting lettering.

(c) The data plate shall include the following:

- (1) The manufacturer's name and complete address and the complete address of the manufacturing point of origin, if different.
- (2) The serial number and model number.
- (3) The date of manufacture.
- (4) Electrical system, as follows:
 - (A) Size of main service panel.
 - (B) Phase.
 - (C) Voltage.
 - (D) Number of circuits.
- (5) Capacities and fuel used, if applicable, for the following:
 - (A) The water heater.
 - (B) The furnace.
 - (C) The air conditioner.
- (6) Testing pressure for the following:
 - (A) Potable water.
 - (B) Drainage, waste, and vent (DWV).
- (7) Design load requirement in pound per square foot (lbs./sq. ft.) as applicable for the following:
 - (A) The roof.
 - (B) The floor.
 - (C) Wind.
 - (D) Seismic.
- (8) Titles of building codes used for design and construction.
- (9) Page number or other identification where the installation instructions reference the connection of two (2) or more units.
- (10) Energy conservation and accessibility, if applicable.
- (11) Inspection authority identified.

(d) No additional information shall be on the data plate. If additional information is needed, it may be provided on a separate attachment. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-16; filed Aug 18, 2005, 4:30 p.m.: 29 IR 20*)

675 IAC 15-1.2-17 Responsibility; manufacturer

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
 Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 17. (a) A manufacturer may choose to use the services of a third party inspection agency to perform in-plant inspection and certify industrialized building systems or mobile structures instead of the office of the state building commissioner.

(b) If a manufacturer chooses to use the services of a third party inspection agency, the following information shall be submitted to the office of the state building commissioner within ten (10) working days of making the selection:

- (1) A termination letter, indicating termination date.
- (2) A list of all system plans affected.
- (3) The serial number of the last unit inspected.
- (4) Manufacturing facilities, if more than one (1) facility involved.

(c) If a manufacturer wishes to change from their current third party inspection agency to another third party inspection agency, or to the services of the office of the state building commissioner, the following information shall be submitted to the office of the state building commissioner within ten (10) working days of making the selection:

- (1) A termination letter, indicating termination date.
- (2) The name of the third party inspection agency hired and the effective date.
- (3) A list of all system plans affected.
- (4) A list of all seals of acceptances that will be transferred.
- (5) The serial number of the last unit inspected.
- (6) Manufacturing facilities, if more than one (1) facility involved.

(d) When a manufacturer chooses to use the services of the third party inspection agency, the third party inspection agency as well as the manufacturer shall be subject to periodic unannounced monitoring by the office of the state building commissioner. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-17; filed Aug 18, 2005, 4:30 p.m.: 29 IR 21*)

SECTION 3. 675 IAC 15-1.3 IS ADDED TO READ AS FOLLOWS:

Rule 1.3. In-Plant Inspection Enforcement and Indiana Seal of Acceptance Affixed for Industrialized Building Systems and Mobile Structures

675 IAC 15-1.3-1 Purpose

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
 Affected: IC 22-12; IC 22-13; IC 22-15; IC 25-4; IC 25-31

Sec. 1. The purpose of 675 IAC 15-1.1, 675 IAC 15-1.2, this rule, and 675 IAC 15-1.4 through 675 IAC 15-1.7 is to establish administrative procedures and general provisions for in-plant inspections and affixing the Indiana certification seal of acceptance for industrialized building systems and mobile structures. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-1; filed Aug 18, 2005, 4:30 p.m.: 29 IR 21*)

675 IAC 15-1.3-2 Scope

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
 Affected: IC 22-12; IC 22-13; IC 22-15; IC 25-4; IC 25-31

Sec. 2. The office of the state building commissioner shall administer and enforce the rules of the commission for the design and construction of all industrialized building systems and mobile structures. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-2; filed Aug 18, 2005, 4:30 p.m.: 29 IR 21*)

675 IAC 15-1.3-3 Inspections; required

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
 Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 3. An in-plant inspection shall be performed to determine that the industrialized building system or mobile structure was constructed in compliance with the rules of the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-3; filed Aug 18, 2005, 4:30 p.m.: 29 IR 21*)

675 IAC 15-1.3-4 Inspections; procedure

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 4. (a) In-plant inspections on an industrialized building system or mobile structure may be preformed [*sic., performed*] by the office of the state building commissioner or by an authorized third party inspection agency as set out in 675 IAC 15-1.5.

(b) Inspection frequency shall be based upon the implementation of the manufacturer's quality control program.

(c) The inspector shall perform an inspection on at least one (1) portion of each unit for sale or use in Indiana in order for such unit to qualify for a seal of acceptance.

(d) The office of the state building commissioner or an authorized third party inspection agency may inspect a phase of construction of every industrialized building system or mobile structure to verify the quality control program of the manufacturer.

(e) Construction materials and equipment in stock, which are used in the production of an industrialized building system or mobile structure, may be inspected periodically. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-4; filed Aug 18, 2005, 4:30 p.m.: 29 IR 22*)

675 IAC 15-1.3-5 In-plant inspection; travel

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12-7-7; IC 22-13; IC 22-15

Sec. 5. (a) Representatives of the office of the state building commissioner may travel for any purpose relative to enforcement of 675 IAC 15-1.1, 675 IAC 15-1.2, this rule, and 675 IAC 15-1.4 through 675 IAC 15-1.7.

(b) Manufacturers shall reimburse the office of the state building commissioner for actual expenses incurred in accordance with 675 IAC 15-1.6. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-5; filed Aug 18, 2005, 4:30 p.m.: 29 IR 22*)

675 IAC 15-1.3-6 Seal of acceptance; required

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 6. (a) No industrialized building system may be used within the state of Indiana without a seal of acceptance being affixed.

(b) No mobile structure shall be offered for sale or used within the state of Indiana without a seal of acceptance being affixed. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-6; filed Aug 18, 2005, 4:30 p.m.: 29 IR 22*)

675 IAC 15-1.3-7 Seal of acceptance

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 7. (a) Upon application, on a form provided by the office of the state building commissioner, the seal of acceptance will be available for purchase by the manufacturer.

(b) The seal of acceptance shall remain the property of the state of Indiana, office of the state building commissioner.

(c) The seal of acceptance shall be forwarded to the authorized representative of the office of the state building commissioner or the authorized third party inspection agency who shall retain control and responsibility for each seal of acceptance. The seal of acceptance shall be maintained in a secured location. Access to the seal of acceptance shall be limited to the authorized representative of the office of the state building commissioner or the authorized third party inspector. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-7; filed Aug 18, 2005, 4:30 p.m.: 29 IR 22*)

675 IAC 15-1.3-8 Seal of acceptance; reporting use

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 8. (a) The manufacturer shall certify in an affidavit that a seal of acceptance purchased from the office of the state building commission [*sic., commissioner*] was not affixed to an industrialized building system or mobile structure that did not comply with the rules of the commission.

(b) The manufacturer shall submit a monthly seal of acceptance report for the previous month. This report is required to be submitted even if the manufacturer did not apply any seals in the previous month. This report shall be submitted to the office of the state building commissioner on forms provided by the office of the state building commissioner.

(c) The manufacturer's monthly report shall be filed with the office of the state building commissioner no later than the tenth day of the following month.

(d) The manufacturer shall maintain a copy of the monthly reports for a minimum of five (5) years. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-8; filed Aug 18, 2005, 4:30 p.m.: 29 IR 22*)

675 IAC 15-1.3-9 Seal of acceptance; affixed

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 9. (a) The industrialized building system or mobile structure shall not leave the manufacturing facility before the seal of acceptance being affixed to each completed and released unit. The seal of acceptance shall be affixed to the electrical service panel door. In units without an electrical service panel, the seal of acceptance shall be affixed to the location indicated in the system plan.

(b) An industrialized building system or mobile structure bearing the seal of acceptance shall be conclusively deemed to comply with the requirements of all ordinances and regulations of any local unit of government which are applicable to an industrialized building system or mobile structure. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-9; filed Aug 18, 2005, 4:30 p.m.: 29 IR 22)*

675 IAC 15-1.3-10 Seal of acceptance; manufacturing ceasing production

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 10. A manufacturer that discontinues the manufacture of industrialized building systems or mobile structures shall return any unused seals of acceptance to the office of the state building commissioner. Unused seals of acceptance shall be returned immediately upon the ceasing of manufacturing. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-10; filed Aug 18, 2005, 4:30 p.m.: 29 IR 23)*

675 IAC 15-1.3-11 Seal of acceptance; damaged or missing

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 11. The office of the state building commissioner may replace a seal of acceptance if it becomes mutilated or damaged upon presentation of the following:

- (1)** The damaged seal.
- (2)** A written explanation as to how the seal of acceptance was mutilated or damaged.

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-11; filed Aug 18, 2005, 4:30 p.m.: 29 IR 23)

675 IAC 15-1.3-12 Seal of acceptance; unaccounted

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 12. (a) Seals of acceptance unaccounted for are not replaceable.

(b) A written explanation of the loss shall be forwarded by the manufacturer of the industrialized building system or mobile structure to the office of the state building commissioner.

(c) For industrialized building systems and mobile structure where the seal of acceptance has been lost, refer to section 11 of this rule. *(Fire Prevention and Building Safety*

Commission; 675 IAC 15-1.3-12; filed Aug 18, 2005, 4:30 p.m.: 29 IR 23)

SECTION 4. 675 IAC 15-1.4 IS ADDED TO READ AS FOLLOWS:

Rule 1.4. Certification of Industrialized Building Systems and Mobile Structures without Indiana Certification

675 IAC 15-1.4-1 Applicability

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15-4

Sec. 1. 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7 applies to industrialized building systems and mobile structures that are not certified in accordance with IC 22-15-4. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-1; filed Aug 18, 2005, 4:30 p.m.: 29 IR 23)*

675 IAC 15-1.4-2 Compliance with commission rules

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 2. Industrialized building systems and mobile structures that are to be certified in accordance with 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7 shall comply with or be made to comply with the current rules of the fire prevention and building safety commission for new construction before the Indiana seal of acceptance being affixed. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-2; filed Aug 18, 2005, 4:30 p.m.: 29 IR 23)*

675 IAC 15-1.4-3 Design release for certification; requirement

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 3. It shall be unlawful for any person to certify an industrialized building system or mobile structure or cause the same to be done without compliance with 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-3; filed Aug 18, 2005, 4:30 p.m.: 29 IR 23)*

675 IAC 15-1.4-4 Application

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 4. (a) An application shall be filed with the office of the state building commissioner for any existing industrialized building system or existing mobile structure seeking to be certified in Indiana.

(b) The industrialized building system or mobile structure shall be returned to a manufacturing facility, and the manufacturer shall submit:

- (1) proof to the office that the office has issued a construction design release in accordance with 675 IAC 15-1.2-9 for the industrialized building system or mobile structure to be certified; or
- (2) an application for a construction design release in accordance with 675 IAC 15-1.2-9 for the industrialized building system or mobile structure to be certified.

(c) The manufacturer shall pay the fees as set out in 675 IAC 15-1.6. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-4; filed Aug 18, 2005, 4:30 p.m.: 29 IR 23*)

675 IAC 15-1.4-5 Issuance of construction design release

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 5. If a construction design release has been properly requested under 675 IAC 15-1.2-9, the provisions of that section shall apply. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-5; filed Aug 18, 2005, 4:30 p.m.: 29 IR 24*)

675 IAC 15-1.4-6 In-plant inspection; required

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 6. (a) An in-plant inspection shall be preformed [*sic.*, performed] at the manufacturing facility. Personnel from the office of the state building commissioners office shall perform the in-plant inspection.

(b) The industrialized building system or mobile structure shall be partially dismantled to readily allow inspection of the following:

- (1) Exterior wall construction.
- (2) Interior load-bearing wall construction.
- (3) Roof/ceiling construction.
- (4) Floor construction.
- (5) Electrical service panel wall area.
- (6) Plumbing, including water distribution, draining, waste, and venting.

(c) The manufacturer shall pay the fees as required by 675 IAC 15-1.6. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-6; filed Aug 18, 2005, 4:30 p.m.: 29 IR 24*)

675 IAC 15-1.4-7 Quality control program

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 7. (a) The manufacturer shall develop and implement a quality control program for industrialized building systems or mobile structures that are to be certified by 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7.

(b) As part of the quality control program, a quality control manual shall be required for each manufacturing

facility that will participate in the certification program of uncertified industrialized building systems or mobile structures. The manual shall outline the manufacturer's program for quality control and compliance assurance within each manufacturing facility that participates, including, but not limited to, the following:

- (1) A location map for the manufacturing facility.
- (2) A general facility layout diagram indicating where the dismantling will be performed.
- (3) A general description of the various stations or areas where quality control will be performed.
- (4) A general description of the in-plant procedures of quality control, including who is performing the quality control and how routine quality control is performed.
- (5) A general description of testing and equipment used to perform tests in areas, such as plumbing and electrical, to assure compliance with the released construction documents and the applicable rules of the commission.
- (6) A sample data plate as described in section 7 of this rule.
- (7) A statement certifying that an Indiana seal of acceptance issued by the office of the state building commissioner will not be attached to an industrialized building system or mobile structure that does not comply with the requirements of 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7 or the applicable rules of the commission.

(c) The quality control manual shall be submitted for review and released in accordance with 675 IAC 15-1.2-3.

(d) Any revisions to the quality control manual shall be submitted for review and released in accordance with 675 IAC 15-1.2-11.

(e) The manufacturer shall implement the released quality control program. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-7; filed Aug 18, 2005, 4:30 p.m.: 29 IR 24*)

675 IAC 15-1.4-8 Data plate

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 8. (a) The manufacturer's data plate shall be affixed on each industrialized building system or mobile structure that is certified by 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7.

(b) The manufacturer's data plate shall state what areas of reconstruction the manufacturer performed.

(c) The data plate shall be at least four (4) inches by six (6) inches and contain contrasting lettering. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-8; filed Aug 18, 2005, 4:30 p.m.: 29 IR 24*)

675 IAC 15-1.4-9 Seal of acceptance

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2

Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 9. The provisions of 675 IAC 15-1.3 shall apply to the seals of acceptance that are to be affixed to industrialized building systems and mobile structures that are certified under 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-9; filed Aug 18, 2005, 4:30 p.m.: 29 IR 25*)

SECTION 5. 675 IAC 15-1.5 IS ADDED TO READ AS FOLLOWS:

Rule 1.5. Third Party Inspection Agency Authorization

675 IAC 15-1.5-1 Purpose; applicability

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-4-3

Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 1. The purpose of 675 IAC 15-1.1 through 675 IAC 15-1.4, this rule, and 675 IAC 15-1.6 through 675 IAC 15-1.7 is to establish administrative procedures and general provisions for third party inspection agency authorization. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.5-1; filed Aug 18, 2005, 4:30 p.m.: 29 IR 25*)

675 IAC 15-1.5-2 Application process

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-4-3

Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 2. (a) A person that wishes to become a third party inspection agency shall submit an application to the office of the state building commissioner.

(b) An application shall contain the following:

- (1) The company name.
- (2) The complete mailing address, including city, state, and zip code.
- (3) The physical address if mailing address is different.
- (4) The telephone number.
- (5) The facsimile number.
- (6) An electronic mail (e-mail) address.
- (7) An organizational chart of showing the names of managerial and technical personnel responsible for in-plant inspections, including any person who is retained by contractual agreement.
- (8) A document certifying that the third party inspection agency will comply with all applicable rules of the commission and the Indiana Code.
- (9) A resume for each person named on the organizational chart, including contract employees. The resume shall include the following:
 - (A) The name of the person.
 - (B) Academic and professional qualifications.
 - (C) Experience in related areas and specific duties with the company.

(D) Other states where the person is registered.

(E) Certifications obtained and expiration dates.

(F) Any other pertinent information.

(10) A list of manufacturers and the number of years experience the third party inspection agency has in performing inspections.

(11) For each manufacturer, a list of the third party inspection agency's current status.

(c) The person shall pay the fees in accordance with 675 IAC 15-1.6. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.5-2; filed Aug 18, 2005, 4:30 p.m.: 29 IR 25*)

675 IAC 15-1.5-3 Qualifications

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-4-3

Affected: IC 22-12; IC 22-13; IC 22-15; IC 25-4; IC 25-31

Sec. 3. (a) At least one (1) of the officers of the third party inspection agencies must be a design professional in accordance with IC 25-4 or IC 25-31.

(b) The manager or chief executive officer shall have a minimum of five (5) years experience in building code enforcement or compliance control of building systems.

(c) A third party inspection agency must have a training program in place to assure that all employees and contractors are adequately trained with respect to their specific job as it relates to the rules adopted by the fire prevention and building safety commission. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.5-3; filed Aug 18, 2005, 4:30 p.m.: 29 IR 25*)

675 IAC 15-1.5-4 Conflict of interest

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-4-3

Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 4. (a) The third party inspection agency shall include an affidavit that the third party inspection agency is independent in that it does not have any actual or potential conflict of interest and is not affiliated with or influenced or controlled by any of the following:

- (1) A manufacturer of industrialized building systems or mobile structures.
- (2) A manufacturer, vendor, or supplier of products or equipment used in the production of industrialized building systems or mobile structures.

(b) A third party agency shall be deemed to be free of conflicting affiliation, influences, and control if it demonstrates that:

- (1) it has no managerial affiliation with any manufacturers of industrialized building systems or mobile structures;
- (2) it has no managerial affiliation with producers, suppliers, or vendors of products or equipment used in the construction of industrialized building systems or mobile structures and is not engaged in the sale or promotion of any such product or material;

(3) the result of the third party inspection agency's work does not accrue a financial benefit to the third party inspection agency by way of stock ownership of any producers, suppliers, or vendors of the products involved; and

(4) the third party inspection agency's directors or other management personnel, inspectors, or employees shall receive no stock option or other financial benefit from any manufacturer of industrialized building systems or mobile structures or producer, supplier, or vendor of products or equipment used in the construction of an industrialized building system or mobile structure.

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.5-4; filed Aug 18, 2005, 4:30 p.m.: 29 IR 25)

675 IAC 15-1.5-5 Third party inspection agency; approval process

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-4-3

Affected: IC 4-21.5-3-4; IC 4-21.5-3-7; IC 22-12; IC 22-13; IC 22-15

Sec. 5. (a) The fire prevention and building safety commission grants approval as an authorized third party inspection agency for a period of one (1) calendar year.

(b) An authorized representative from the third party inspection agency may be required to attend the fire prevention and safety commission meeting during the approval process.

(c) A written order regarding the decision of the commission shall be sent to the third party inspection agency.

(d) Upon authorization by the fire prevention and building safety commission, the third party inspection agency is an authorized representative of the office of the state building commissioner and acts on behalf of the office of the state building commissioner.

(e) The third party inspection agency shall assure that all industrialized building systems and mobile structures are certified in compliance with the rules of the commission.

(f) An order granting or denying the application shall be issued following the requirements of IC 4-21.5-3-4. If a petition for review is subsequently granted under IC 4-21.5-3-7, the order shall be deemed a preliminary determination.

(g) It shall be the responsibility of the third party inspection agency to keep all information on file with the office of the state building commissioner current. A change in information shall be reported in writing to the office of the state building commissioner within ten (10) working days of the change. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.5-5; filed Aug 18, 2005, 4:30 p.m.: 29 IR 26)*

675 IAC 15-1.5-6 Third party inspection agency; renewal of authorization

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-4-3

Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 6. (a) An application for renewal for a third party inspection agency shall be filed with the office of the state building commissioner thirty (30) days before the expiration of authorization.

(b) A renewal application shall be filed in accordance with section 2 of this rule.

(c) If there are no changes to the original application submitted as set out in section 2 of this rule, the third party inspection agency shall be required to submit a letter requesting a renewal.

(d) Fees for a renewal shall be paid in accordance with 675 IAC 15-1.6.

(e) If the third party inspection agency fails to renew their authorization, the third party inspection agency may no longer perform in-plant inspections or certify industrialized building systems or mobile structures. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.5-6; filed Aug 18, 2005, 4:30 p.m.: 29 IR 26)*

SECTION 6. 675 IAC 15-1.6 IS ADDED TO READ AS FOLLOWS:

Rule 1.6. Schedule of Fees for Industrialized Building Systems and Mobile Structures

675 IAC 15-1.6-1 General

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2

Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 1. (a) Payment for fees is accepted by one (1) of the following methods:

- (1) Cash, exact amount.
- (2) Check.
- (3) Money order.
- (4) Cashier's check.
- (5) Bank certified check.
- (6) Credit card.

(b) Checks shall be made payable to Department of Fire and Building Services Fund. Credit card payments will be processed in the same manner.

(c) The state building commissioner may authorize the refunding of any fee specified in 675 IAC 15-1.1 through 675 IAC 15-1.5, this rule, and 675 IAC 15-1.7 that was paid or collected in error.

(d) Incorrect fees that are received in the office of the state building commissioner may be returned. A statement stating the reason for the return of the fees shall be given.

(e) Travel fees and mileage will be charged on the following:

- (1) All out-of-state trips.
- (2) In-state travel for reinspections and audits.

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-1; filed Aug 18, 2005, 4:30 p.m.: 29 IR 26)

675 IAC 15-1.6-2 Construction design release fees

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 2. Fees for construction design release shall be as follows:

- (1) System plan review, including structural/typical system:
 - (A) filing fee \$30
 - (B) residential, add-a-room, or duplex \$320¹
 - (C) commercial \$505^{1,2}
- (2) Addenda, including structural/typical system:
 - (A) filing fee \$30
 - (B) residential, add-a-room, or duplex \$85¹
 - (C) commercial \$105^{1,2}

Notes:

¹Includes only the original floor plan. A fifty dollar (\$50) fee is charged for each additional floor plan. Crawlspace or basement plans are considered a floor plan.

²Includes two (2) units as a completed structure. A fifty dollar (\$50) fee is charged for each additional module unit. (Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-2; filed Aug 18, 2005, 4:30 p.m.: 29 IR 27)

675 IAC 15-1.6-3 Penalty fees

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 3. (a) In accordance with 675 IAC 15-1.2-3, it shall be unlawful for production of an industrialized building system or mobile structure to begin without first obtaining a construction design release.

(b) The following fees are applicable if production is started before the issuance of a design release:

- (1) System plan review, including structural/typical systems:
 - (A) filing fee \$60
 - (B) residential, add-a-room, or duplex \$640³
 - (C) commercial \$1,010^{3,4}
- (2) Addenda, including structural/typical systems:
 - (A) filing fee \$60
 - (B) residential, add-a-room, or duplex \$170³
 - (C) commercial \$210^{3,4}

Notes:

³Includes only the original floor plan. A one hundred dollar (\$100) fee is charged for each additional floor plan. Crawlspace or basement plans are considered a floor plan.

⁴Includes two (2) units as a completed structure. A one hundred dollar (\$100) fee is charged for each additional module unit.

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-3; filed Aug 18, 2005, 4:30 p.m.: 29 IR 27)

675 IAC 15-1.6-4 Prototype fees

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 4. (a) Obtaining prototype status does not relieve the manufacturer from compliance with 675 IAC 15-1.2-3.

(b) The prototype filing fees shall be as follows:

- (1) Completed width of structure up to and including 12 feet \$70
- (2) Completed width of structure up to and including 24 feet \$85
- (3) Completed width of structure up to and including 36 feet \$105
- (4) Completed width of structure exceeding 36 feet \$130

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-4; filed Aug 18, 2005, 4:30 p.m.: 29 IR 27)

675 IAC 15-1.6-5 Inspection fee

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 5. Inspection fees shall be as follows:

- (1) In-state inspection for certification under 675 IAC 15-1.5 \$65 per hour/per person
- (2) In-state reinspection \$65 per hour/per person
- (3) Out-of-state inspection or reinspection \$65 per hour/per person

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-5; filed Aug 18, 2005, 4:30 p.m.: 29 IR 27)

675 IAC 15-1.6-6 Seal of acceptance fee

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 6. The Indiana seal of acceptance fee shall be sixty-five dollars (\$65) per label. (Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-6; filed Aug 18, 2005, 4:30 p.m.: 29 IR 27)

675 IAC 15-1.6-7 Third party inspection agency authorization fees

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 7. Third party inspection authorization fees shall be as follows:

- (1) Original application for Indiana third party inspection authorization \$830
- (2) Yearly third party inspection authorization renewal \$550

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-7; filed Aug 18, 2005, 4:30 p.m.: 29 IR 27)

675 IAC 15-1.6-8 Third party inspection agency audit fees

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 8. Audit fees shall be as follows:

- (1) In-state audit \$65 per hour/per person
(2) Out-of-state audit \$65 per hour/per person
(*Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-8; filed Aug 18, 2005, 4:30 p.m.: 29 IR 27*)

675 IAC 15-1.6-9 Mileage fee

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 9. Mileage charge for in-state and out-of-state travel will be charged at the current rate established by policy by the department of administration, travel division. Mileage is based on roundtrip travel from the employee's base station. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-9; filed Aug 18, 2005, 4:30 p.m.: 29 IR 28*)

675 IAC 15-1.6-10 Travel fee

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 10. Lodging expense and meals (per diem) for in-state and out-of-state travel will be charged at the current rate established by policy by the department of administration, travel division. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-10; filed Aug 18, 2005, 4:30 p.m.: 29 IR 28*)

675 IAC 15-1.6-11 Returned check fee

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 11. This section is applicable to all fees prescribed in 675 IAC 15-1.1 through 675 IAC 15-1.5, this rule, and 675 IAC 15-1.7. There will be an additional surcharge of thirty-five dollars (\$35) for any returned check. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-11; filed Aug 18, 2005, 4:30 p.m.: 29 IR 28*)

SECTION 7. 675 IAC 15-1.7 IS ADDED TO READ AS FOLLOWS:

Rule 1.7. Sanctions Regarding Design Release, Seals of Acceptance and Third Party Inspection Agencies**675 IAC 15-1.7-1 Purpose**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 4-21.5-4; IC 22-12-6-7; IC 22-13; IC 22-15

Sec. 1. The purpose of 675 IAC 15-1.1 through 675 IAC 15-1.6 and this rule is to establish sanctions regarding design releases, seals of acceptance, and third party inspection agencies. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.7-1; filed Aug 18, 2005, 4:30 p.m.: 29 IR 28*)

675 IAC 15-1.7-2 Sanctions; design release

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 4-21.5-4; IC 22-12-6-7; IC 22-13; IC 22-15

Sec. 2. (a) Under IC 22-12, the office of the state building commissioner may impose a sanction concerning any type of design release previously issued. Available sanctions are the following:

- (1) Revocation.
- (2) Suspension.
- (3) Censure.
- (4) Reprimand.
- (5) Probation.

(b) The office of the state building commissioner may impose an appropriate sanction whenever one (1) or more of the following exists:

- (1) The office of the state building commissioner determines that the design release was obtained by fraudulent or misleading statements or information including information on plans and specifications.
- (2) Circumstances have materially changed since a design release was granted so that if the sanction is not imposed, public health, safety, or welfare will be adversely affected.
- (3) The construction done subsequent to the issuance of a design release is contrary to the rules of the commission.
- (4) A check paying an applicable fee is returned for any reason.
- (5) The design release was issued in error on the basis of incorrect information or in violation of a rule of the commission or a building law.

(c) The order imposing a sanction shall be issued under the requirements of IC 4-21.5-3-6. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative procedure shall be conducted by the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.7-2; filed Aug 18, 2005, 4:30 p.m.: 29 IR 28*)

675 IAC 15-1.7-3 Sanctions; seal of acceptance

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 4-21.5-4; IC 22-12-6-7; IC 22-12-7; IC 22-13; IC 22-15

Sec. 3. (a) Under IC 22-12-7, the office of the state building commissioner may impose a sanction concerning seal of acceptance previously issued. Available sanctions are the following:

- (1) Revocation.
- (2) Suspension.
- (3) Censure.
- (4) Reprimand.
- (5) Probation.

(b) The office of the state building commissioner may impose an appropriate sanction whenever one (1) or more of the following exists:

- (1) The office of the state building commissioner determines that the certification label was obtained by fraudulent or misleading statements or information including information on the design release or plans and specifications.

- (2) The construction did not comply with the rules of the commission.
- (3) The certification label was affixed to an industrialized building system or mobile structure for which a design release was not obtained.
- (4) A check paying an applicable fee is returned for any reason.

(c) The order imposing a sanction shall be issued under the requirements of IC 4-21.5-3-6. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.7-3; filed Aug 18, 2005, 4:30 p.m.: 29 IR 28*)

675 IAC 15-1.7-4 Sanctions; third party inspection agency

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2
Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 4-21.5-4; IC 22-12-6-7; IC 22-12-7; IC 22-13; IC 22-15

Sec. 4. (a) Under IC 22-12-7, the office of the state building commissioner may impose a sanction concerning the authorization of any third party inspection agency that it has previously granted. Available sanctions are the following:

- (1) Revocation.
- (2) Suspension.
- (3) Censure.
- (4) Reprimand.
- (5) Probation.

(b) The office of the state building commissioner may investigate any authorized third party inspection agency in accordance with 675 IAC 15-1.1 through 675 IAC 15-1.6 and this rule.

(c) The office of the state building commissioner may impose an appropriate sanction whenever one (1) or more of the following exists:

- (1) The office of the state building commissioner determines that the authorization was obtained by the applicant by fraudulent or misleading statements or information.
- (2) That circumstances have materially changed since an authorization was issued so that, if the sanction is not imposed, public health, safety, or welfare will be adversely affected.
- (3) Does not comply with the rules of the commission.
- (4) A check paying an applicable fee is returned for any reason.

(d) The order imposing a sanction shall be issued under the requirements of IC 4-21.5-3-6. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.7-4; filed Aug 18, 2005, 4:30 p.m.: 29 IR 29*)

SECTION 8. THE FOLLOWING ARE REPEALED: 675 IAC 15-1-1; 675 IAC 15-1-2; 675 IAC 15-1-3; 675 IAC 15-1-5; 675 IAC 15-1-6; 675 IAC 15-1-7; 675 IAC 15-1-8.1; 675 IAC 15-1-10; 675 IAC 15-1-11; 675 IAC 15-1-12; 675 IAC 15-1-13; 675 IAC 15-1-14; 675 IAC 15-1-16; 675 IAC 15-1-17; 675 IAC 15-1-19; 675 IAC 15-1-20; 675 IAC 15-1-21; 675 IAC 15-1-22.

LSA Document #04-227(F)

Notice of Intent Published: September 1, 2004; 27 IR 4047

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Filed with Secretary of State: August 18, 2005, 4:30 p.m.

IC 4-22-7-5(c) Notice from Secretary of State Regarding Documents Incorporated by Reference: None Received by Publisher

**TITLE 327 WATER POLLUTION CONTROL
BOARD**

LSA Document #04-13(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #04-13(F), printed at 28 IR 3184:

- (1) In 327 IAC 8-2-4.2(a)(1)(D), on page 24 of the original document (28 IR 3196), delete “D-3697-92*” and insert “D 3697-92*”.
- (2) In 327 IAC 8-2-4.2(a)(11)(D), on page 25 of the original document (28 IR 3196), delete “200.7,*” and insert “200.7* or”.
- (3) In 327 IAC 8-2-4.2, on page 27 of the original document (28 IR 3197), at (3) in the list under “*Methods referenced in this section may be obtained as follows:”, delete “D-3697-92,” and insert “D 3697-92,”, delete “D1179-93B,” and insert “D 1179-93B,”, delete “D3223-91,” and insert “D 3223-91,”, delete “D3867-90A,” and insert “D 3867-90A,”, delete “D3867-90B,” and insert “D 3867-90B,”, delete “D3859-93A,” and insert “D 3859-93A,”, and delete “D3859-93B,” and insert “D 3859-93B,”.
- (4) In 327 IAC 8-2.6-1(e), on page 111 of the original document (28 IR 3248), delete “serve” and insert “served”.

Filed with Secretary of State: August 22, 2005, 2:55 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 327 WATER POLLUTION CONTROL
BOARD**

LSA Document #04-106

Under IC 4-22-2-40, LSA Document #04-106, printed at 28 IR
2162, is recalled.

**TITLE 675 FIRE PREVENTION AND BUILDING
SAFETY COMMISSION**

LSA Document #04-196

Under IC 4-22-2-40, LSA Document #04-196, printed at 28 IR
1029, is recalled.

Notice of Withdrawal

TITLE 327 WATER POLLUTION CONTROL BOARD

LSA Document #04-267(WPCB)

LSA Document #04-267(WPCB), printed at 28 IR 681, is
withdrawn.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-238(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 056.
Effective August 18, 2005.

SECTION 1. The name of this pull-tab game is "Pull-Tab Game Number 056, Blooming Cherries".

SECTION 2. Pull-tab tickets for pull-tab game number 056 shall sell for one dollar (\$1) per ticket.

SECTION 3. Pull-tab game number 056 is a criss-cross game.

SECTION 4. A pull-tab ticket in pull-tab game number 056 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 056 shall consist of the following possible play symbols:

- (1) A picture of a bunch of cherries
CHERRIES
- (2) A picture of a diamond
DIAMOND
- (3) A picture of a gold bar
GOLD BAR
- (4) A picture of a stylized number seven
SEVEN
- (5) A picture of an orange
ORANGE
- (6) A picture of three (3) bars
BAR-BAR-BAR

Matching Play Symbol in Criss-Cross Winning Combination

2 – CHERRIES [*sic.*] + 1 – BELL
2 – CHERRIES + 1 – BAR – BAR – BAR
2 – CHERRIES + 1 – ORANGE
2 – CHERRIES + 1 – SEVEN
2 – CHERRIES + 1 – GOLD BAR
2 CHERRIES + 1 DIAMOND
3 CHERRIES

SECTION 7. A total of approximately one million eight hundred thousand (1,800,000) pull-tab tickets will be initially available for pull-tab game number 056. The odds of winning a prize in pull-tab game 056 are approximately 1 in 5.84. 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

- (7) A picture of a bell
BELL
- (8) A picture of a heart
HEART
- (9) A picture of an eight ball
8 BALL
- (10) A picture of a star
STAR

SECTION 5. A line on a pull-tab ticket in pull-tab game number 056 is not a criss-cross winning combination unless all of the following are true:

- (1) The play symbols and play symbol captions appear in one (1) of the following combinations:
 - (A) Three (3) matching play symbols and play symbol captions representing cherries are exposed in a row; or
 - (B) Two (2) matching play symbols and play symbol captions representing cherries and one (1) play symbol and play symbol caption representing a diamond, a gold bar, a seven, an orange, three bars, or a bell are exposed in a row.
- (2) The play symbols and play symbol captions in the row are consistent with those specified in SECTION 4 of this rule [*document*].
- (3) The three (3) play symbols and play symbol captions in the line are bisected by a red arrow.
- (4) The prize amount appears on the right side of the line in yellow ink.

SECTION 6. Subject to SECTION 5 of this rule [*document*], the holder of a valid pull-tab ticket for pull-tab game number 056 containing a criss-cross winning combination is entitled to a prize the amount and the approximate number of which are as follows for each one million eight hundred thousand (1,800,000) pull-tab tickets in pull-tab game number 056:

Prize Amount	Approximate Number of Prizes
\$1	198,264
\$2	61,617
\$3	32,148
\$10	8,037
\$20	2,679
\$30	2,679
\$200	2,679

number 056 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 1-800-955-5886.

LSA Document #05-238(E)

Filed with Secretary of State: August 18, 2005, 4:30 p.m.

Emergency Rules

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-239(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 040.
Effective August 18, 2005.

SECTION 1. The name of this pull-tab game is "Pull-Tab Game Number 040, Wild Money".

SECTION 2. Pull-tab tickets for pull-tab game number 040 shall sell for fifty cents (\$0.50) per ticket.

SECTION 3. Pull-tab game number 040 is a match 3 game.

SECTION 4. A pull-tab ticket in pull-tab game number 040 shall contain fifteen 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 040 shall consist of the following possible play symbols:

- (1) A picture of a dollar sign
DOLLAR SIGN
- (2) A picture of a moneybag
MONEY BAG
- (3) A picture of a money clip
MONEY CLIP
- (4) A picture of a stack of coins
COINS
- (5) A picture of a bill over a stylized word "WILD"
WILD
- (6) A picture of a gold bar
GOLD BAR
- (7) A picture of a diamond
DIAMOND
- (8) A picture of a bell
BELL

SECTION 5. A row on a pull-tab ticket in pull-tab game number 040 which contains three (3) play symbols and play symbol captions is not a match 3 winning row unless all of the following are true:

- (1) The play symbols and play symbol captions appear in one (1) of the following combinations:
 - (A) Three (3) matching play symbols and play symbol captions representing dollar signs, coins, moneybag, or money clip are exposed in a row; or
 - (B) Two (2) matching play symbols and play symbol captions and one (1) play symbol of a picture of a bill with the stylized word "WILD" and the play symbol caption "WILD" are exposed in a row.
- (2) The play symbols and play symbol captions in the row are consistent with those specified in SECTION 4 of this document.
- (3) The three (3) play symbols and play symbol captions in

the row are bisected by a pink arrow.

(4) 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 document, the holder of a valid pull-tab ticket for pull-tab game number 040 containing a match winning row is entitled to a prize the amount and the approximate number of which are as follows:

Matching Play Symbol Captions	Prize Amount	Approximate Number of Prizes
Wild symbol + 2 matches	\$.50	230,394
3 coins	\$1	53,580
3 money clips	\$3	13,395
3 moneybags	\$15	2,679
3 dollar signs	\$125	2,679

SECTION 7. A total of approximately one million eight hundred thousand (1,800,000) pull-tab tickets will be initially available for pull-tab game number 040. The odds of winning a prize in pull-tab game 040 are approximately 1 in 5.95. 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 040 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 #05-239(E)

Filed with Secretary of State: August 18, 2005, 4:30 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-240(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 774. Effective August 18, 2005.

SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 774, \$100,000 Player's Club".

SECTION 2. Scratch-off tickets in scratch-off game number 774 shall sell for five dollars (\$5) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 774 shall contain forty-five (45) play symbols and play symbol captions arranged among three (3) separate and independent games all concealed under a spot of latex material.

(b) The game play data area located in the upper left side of each scratch-off ticket in scratch-off game 774 shall be labeled “ROULETTE”. Twelve (12) play symbols and play symbol captions shall be arranged in pairs representing numbers and prize amounts all surrounding one (1) play symbol and play symbol caption representing a number. The center of the game play data area shall be labeled “YOUR NUMBER”.

(c) The game play data area located in the lower right side of each scratch-off ticket in scratch-off game 774 shall be labeled “7-11”. Twelve (12) play symbols and play symbol captions shall appear *[sic., in]* a matrix of four (4) rows labeled “ROLL 1”, “ROLL 2”, “ROLL 3”, and “ROLL 4”, respectively, and three (3) unlabeled columns.

(d) The game play data area located in the lower left side of each scratch-off ticket in scratch-off game 774 shall be labeled “SLOTS”. Twenty (20) play symbols and play symbol captions shall appear *[sic., in]* a matrix of five (5) rows labeled “PULL 1”, “PULL 2”, “PULL 3”, “PULL 4”, and “PULL 5”, respectively, and four (4) unlabeled columns.

(e) The play symbols and play symbol captions in the area labeled “ROULETTE” of scratch-off game number 774, 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
ELVN
- (12) 12
TWLV
- (13) 13
THRTN
- (14) 14
FORTN

- (15) 15
FIFTN
- (16) 16
SIXTN
- (17) 17
SVNTN
- (18) 18
EGHTN
- (19) 19
NINTN
- (20) 20
TWTY

(f) The play symbols and play symbol captions in the area labeled “7-11” of scratch-off game number 774, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) A picture of a die with the number 1
ONE
- (2) A picture of a die with the number 2
TWO
- (3) A picture of a die with the number 3
THR
- (4) A picture of a die with the number 4
FOR
- (5) A picture of a die with the number 5
FIV
- (6) A picture of a die with the number 6
SIX

(g) The play symbols and play symbol captions in the area labeled “SLOTS” on each ticket in scratch-off game number 774, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) A picture of a clump of cherries
CHY
- (2) A picture of an orange
ORG
- (3) A picture of a slice of melon
MEL
- (4) A picture of a banana
BAN
- (5) A picture of a star
STA
- (6) A picture of a lemon
LEM
- (7) A picture of a horseshoe
SHO
- (8) A picture of a bar
BAR
- (9) A picture of a “7”
SVN
- (10) A picture of a crown
CRN
- (11) A picture of a diamond

Emergency Rules

DMD

(12) A picture of a pineapple

PNA

(13) A picture of a “\$”

MON

(14) A picture of a four-leafed clover

CLO

(h) The play symbols representing prize amounts shall consist of the following possible play symbols:

(1) \$1.00

ONE

(2) \$2.00

TWO

(3) \$3.00

THREE

(4) \$4.00

FOUR

(5) \$5.00

FIVE

(6) \$10.00

TEN

(7) \$15.00

FIFTEEN

(8) \$20.00

TWENTY

(9) \$25.00

TWY FIVE

(10) \$30.00

THIRTY

(11) \$50.00

FIFTY

(12) \$75.00

SVTY FIVE

(13) \$100

ONE HUN

(14) \$200

TWO HUN

(15) \$500

FIV HUN

(16) \$1,000

ONE THOU

(17) \$5,000

FIVE THOU

(18) \$10,000

TEN THOU

(19) \$50,000

FTY THOU

(20) \$100,000

HUN THOU

SECTION 4. (a) The holder of a ticket in scratch-off game number 774 shall remove the latex material covering the forty-five (45) play symbols and play symbol captions.

(b) If, in the “ROULETTE” game, the play symbol and

play symbol caption in the “YOUR NUMBER” area matches one (1) of the surrounding play symbols and play symbol captions, the holder is entitled to a prize of the paired prize amount.

(c) If, in the “7-11” game, the numbers on the play symbols representing pictures of dice in one (1) or more rows total seven (7) or eleven (11), the holder is entitled to the corresponding prize amounts.

(d) If, in the “SLOTS” game, if *[sic.]* three (3) matching play symbols and play symbol captions are exposed in one (1) or more rows, the holder is entitled to a prize in the amount corresponding prize amounts.

(e) The winning play symbols, prize amounts, and number of winners in scratch-off game number 774 are as follows:

Winning Play Symbols	Prize Amount	Approximate Number of Winners
2–\$2.00 + 1–\$1.00	\$5	90,000
5–\$1.00	\$5	60,000
1–\$5.00	\$5	60,000
5–\$1.00 + 1–\$5.00	\$10	60,000
2–\$5.00	\$10	60,000
1–\$1.00 + 2–\$2.00 + 1–\$5.00	\$10	60,000
1–\$10.00	\$10	60,000
5–\$3.00	\$15	30,000
3–\$5.00	\$15	30,000
2–\$4.00 + 3–\$2.00 + 1–\$1.00	\$15	30,000
1–\$15.00	\$15	30,000
5–\$2.00 + 4–\$10.00	\$50	18,750
5–\$10.00	\$50	18,750
2–\$20.00 + 1–\$10.00	\$50	12,500
1–\$50.00	\$50	12,500
14–\$5.00 + 1–\$30.00	\$100	2,500
10–\$10.00	\$100	1,250
2–\$25.00 + 1–\$50.00	\$100	1,250
2–\$50.00	\$100	1,250
4–\$15.00 + 2–\$20.00	\$100	1,250
4–\$25.00	\$100	1,250
1–\$100	\$100	1,250
5–\$100	\$500	125
4–\$100 + 2–\$50.00	\$500	125
3–\$100 + 1–\$200	\$500	125
1–\$500	\$500	125
10–\$100	\$1,000	25
5–\$200	\$1,000	25
10–\$75.00 + 5–\$50.00	\$1,000	20
2–\$500	\$1,000	20
1–\$1,000	\$1,000	20
5–\$1,000 + 1–\$5,000	\$10,000	10

Emergency Rules

10-\$1,000	\$10,000	3
2-\$5,000	\$10,000	3
1-\$10,000	\$10,000	2
2-\$50,000	\$100,000	3
1-\$100,000	\$100,000	3

SECTION 5. (a) There shall be approximately three million (3,000,000) scratch-off tickets initially available in scratch-off game number 774.

(b) The odds of winning a prize in scratch-off game number 774 are approximately 1 in 4.66.

(c) All reorders of tickets for scratch-off game number 774 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. Game end dates and last day to claim prizes will be available on the commission's Web site, www.hoosierlottery.com, from the commission's toll-free customer service 800-955-6886, or from any retailer of lottery tickets.

LSA Document #05-240(E)

Filed with Secretary of State: August 18, 2005, 4:30 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-241(E)

DIGEST

Temporarily adds rules concerning instant game number 773. Effective August 18, 2005.

SECTION 1. The name of this instant game is "Instant Game Number 773, Crazy Aces".

SECTION 2. Instant tickets in instant game number 773 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 773 shall contain twenty-four (24) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. The twenty-four (24) play symbols and play symbol captions shall be arranged in two (2) side-by-side matrixes of four (4) rows and three (3) columns. The rows shall constitute eight (8) separate and independent games labeled "GAME 1", "GAME 2", "GAME 3", "GAME 4", "GAME 5", "GAME

6", "GAME 7", and "GAME 8", respectively. The columns in each matrix shall be labeled "YOUR CARD", "DEALER'S CARD", and "PRIZE", respectively.

(b) The play symbols and play symbol captions, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

(1)	2 TWO
(2)	3 THR
(3)	4 FOR
(4)	5 FIV
(5)	6 SIX
(6)	7 SVN
(7)	8 EGT
(8)	9 NIN
(9)	10 TEN
(10)	J JCK
(11)	Q QUN
(12)	K KNG
(13)	A ACE

(c) The play symbols and play symbol captions of prize amounts shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$3.00
THREE
- (4) \$4.00
FOUR
- (5) \$5.00
FIVE
- (6) \$10.00
TEN
- (7) \$20.00
TWENTY
- (8) \$25.00
TWY FIVE
- (9) \$40.00

Emergency Rules

FORTY
 (10) \$50.00
 FIFTY
 (11) \$100
 ONE HUN
 (12) \$400
 FOR HUN
 (13) \$500
 FIV HUN
 (14) \$10,000
 TEN THOU
 (15) \$20,000
 TWY THOU

SECTION 4. (a) The holder of an instant ticket in instant game number 773 shall remove the latex material covering the twenty-four (24) 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 in one (1) or more rows, the holder is entitled to the corresponding prize amounts. If a play symbol representing a picture of an "ACE" is exposed in the "YOUR CARD" area in one (1) or more rows, the holder is entitled to double the corresponding prize amounts. Play symbols and play symbol captions representing playing cards are valued in descending order with aces as the high cards.

(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 773 are as follows:

Matched Play Symbols	Prize Amount	Approximate Number of Winners
1 – \$2.00	\$2	252,000
1 – \$1.00 + ACE	\$4	126,000
1 – \$4.00	\$4	75,600
5 – \$1.00	\$5	25,200
1 – \$5.00	\$5	25,200
6 – \$1.00 + 2 – \$2.00	\$10	25,200
1 – \$5.00 + ACE	\$10	3,150
5 – \$1.00 + 1 – \$5.00	\$10	3,150
1 – \$10.00	\$10	6,300
2 – \$1.00 + 6 – \$3.00	\$20	12,600
1 – \$10.00 + ACE	\$20	3,150
1 – \$20.00	\$20	3,150
8 – \$5.00	\$40	3,150
4 – \$10.00	\$40	2,100
1 – \$40.00	\$40	2,100
4 – \$5.00 + 4 – \$20.00	\$100	1,260
1 – \$50.00 + ACE	\$100	630
2 – \$25.00 + 1 – \$50.00	\$100	630
1 – \$100	\$100	630

4 – \$25.00 + 2 – \$50.00 + 2 – \$100	\$400	210
1 – \$400	\$400	105
1 – \$500 + ACE	\$1,000	42
4 – \$50.00 + 2 – \$400	\$1,000	42
1 – \$10,000	\$10,000	3
1 – \$20,000	\$20,000	4

SECTION 5. (a) There shall be approximately three million (3,000,000) instant tickets initially available in instant game number 773.

(b) The odds of winning a prize in instant game number 773 are approximately 1 in 4.41.

(c) All reorders of tickets for instant game number 773 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 773 is August 31, 2006.

SECTION 7. This rule [document] shall expire on September 30, 2006.

LSA Document #05-241(E)

Filed with Secretary of State: August 18, 2005, 4:30 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-242(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 772. Effective August 18, 2005.

SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 772, Bonus Bucks".

SECTION 2. Scratch-off tickets in scratch-off game number 772 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 772 shall contain twenty-two (22) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. One (1) play symbol and play symbol caption shall appear in the area labeled "WINNING NUMBER". Twenty (20) play symbols and play symbol captions shall appear in the area labeled "YOUR NUMBERS" and be arranged in pairs

representing numbers or pictures and prize amounts. One (1) play symbol and play symbol caption shall appear in the box labeled “BONUS”.

(b) The play symbols and play symbol captions in instant game number 772, 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
ELVN
- (12) 12
TWLV
- (13) 13
THRTN
- (14) 14
FORTN
- (15) 15
FIFTN
- (16) 16
SIXTN
- (17) 17
SVNTN
- (18) 18
EGHTN
- (19) 19
NINTN
- (20) 20
TWTY
- (21) A picture of a moneybag with a \$
WIN \$50
- (22) A picture of a pot of gold
GOLD
- (23) A picture of a stack of currency
BILLS
- (24) A picture of a stack of coins
COINS

(25) A picture of a vault
VAULT

(c) The play symbols representing prize amounts shall consist of the following possible play symbols:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$3.00
THREE
- (4) \$4.00
FOUR
- (5) \$5.00
FIVE
- (6) \$10.00
TEN
- (7) \$20.00
TWENTY
- (8) \$25.00
TWY FIVE
- (9) \$100
ONE HUN
- (10) \$250
TWO FTY
- (11) \$500
FIVE HUN
- (12) \$1,000
ONE THOU
- (13) \$25,000
TWY FIVE THOU

SECTION 4. The holder of a ticket in scratch-off game number 772 shall remove the latex material covering the twenty-two (22) play symbols and play symbol captions. If one (1) or more of “YOUR NUMBERS” matches one (1) “WINNING NUMBER”, the holder is entitled to the prize amount paired with the matched number. If the play symbol of a picture of a moneybag with a “\$” is paired with a play symbol representing a prize amount in the “YOUR NUMBERS” area, the holder is automatically entitled to fifty dollars (\$50). The prize amounts and number of winners in scratch-off game number 772 are as follows:

Matched Play Symbols	Prize Amount	Approximate Number of Winners
1 – \$2.00	\$2	300,000
2 – \$1.00 + 1 – \$2.00	\$4	180,000
1 – \$4.00	\$4	60,000
1 – \$2.00 + 1 – \$3.00	\$5	45,000
1 – \$5.00	\$5	15,000
5 – \$2.00	\$10	22,500
10 – \$1.00	\$10	7,500
5 – \$1.00 + 1 – \$5.00	\$10	7,500
1 – \$10.00	\$10	7,500

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2 – \$10.00	\$20	7,500
5 – \$1.00 + 1 – \$5.00 + 1 – \$10.00	\$20	3,750
1 – \$20.00	\$20	3,750
Money bag with \$ (\$50 auto win)	\$50	7,500
10 – \$10.00	\$100	1,500
5 – \$20.00	\$100	1,000
2 – \$25.00 + Money bag with \$ (\$50 auto win)	\$100	1,000
5 – \$10.00 + Money bag with \$ (\$50 auto win)	\$100	1,000
1 – \$250	\$250	250
10 – \$20.00 + Money bag with \$ (\$50 auto win)	\$250	250
1 – \$500	\$500	250
10 – \$100	\$1,000	50
1 – \$1,000	\$1,000	50
1 – \$25,000	\$25,000	6

SECTION 5. (a) There shall be approximately three million (3,000,000) scratch-off tickets initially available in scratch-off game number 772.

(b) The odds of winning a prize in scratch-off game number 772 are approximately 1 in 4.46.

(c) All reorders of tickets for scratch-off game number 772 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 scratch-off game number 772 is August 31, 2006.

SECTION 7. This document expires September 30, 2006.

LSA Document #05-242(E)

Filed with Secretary of State: August 18, 2005, 4:30 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-243(E)

DIGEST

Temporarily adds rules concerning instant game number 771. Effective August 18, 2005.

SECTION 1. The name of this instant game is “Instant Game Number 771, 3 Times Lucky”.

SECTION 2. Instant tickets in instant game number 771 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each instant ticket in instant game number 771 shall contain ten (10) play symbols and play symbol captions all concealed under a large spot of latex material. Nine (9) play symbols and play symbol captions shall appear in a matrix of three (3) rows and three (3) columns. One (1) play symbol and play symbol caption shall appear in a box labeled “PRIZE”.

(b) The play symbols and play symbol captions, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIVE
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN

(c) The play symbols and play symbol captions representing prize amounts shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$3.00
THREE
- (4) \$5.00
FIVE
- (5) \$7.00
SEVEN
- (6) \$17.00
SEVENTEEN
- (7) \$50.00
FIFTY
- (8) \$77.00
SVTSVN
- (9) \$777
SVNHNSVSV
- (10) \$3,000
THR THOU

SECTION 4. The holder of a ticket in instant game number 771 shall remove the latex material covering the ten (10) play symbols and play symbol captions. If three (3) play symbols of "3" are exposed in a row, column, or diagonal, the holder is entitled to the prize in the "PRIZE" area. The prize amounts and number of winners in instant game number 771 are as follows:

Winning Play Prize Play Symbol	Prize Amount	Approximate Number of Winners
\$1.00	\$1	480,000
\$2.00	\$2	320,000
\$3.00	\$3	96,000
\$5.00	\$5	48,000
\$7.00	\$7	16,000
\$17.00	\$17	16,000
\$50.00	\$50	9,000
\$77.00	\$77	2,000
\$777	\$777	100
\$7,777	\$7,777	60

SECTION 5. (a) There shall be approximately five million (5,000,000) instant tickets initially available in instant game number 771.

(b) The odds of winning a prize in instant game number 771 are approximately 1 in 4.86.

(c) All reorders of tickets for instant game number 771 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 771 is August 31, 2006.

SECTION 7. This rule [document] shall expire September 30, 2006.

LSA Document #05-243(E)

Filed with Secretary of State: August 18, 2005, 4:30 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-245(E)

DIGEST

Amends 65 IAC 5-12-2 through 65 IAC 5-12-6 and 65 IAC 5-12-9 through 65 IAC 5-12-12.5 concerning the Hoosier Lottery Powerball draw game. Effective August 28, 2005.

65 IAC 5-12-2
65 IAC 5-12-3
65 IAC 5-12-4
65 IAC 5-12-5
65 IAC 5-12-6
65 IAC 5-12-9

65 IAC 5-12-10
65 IAC 5-12-11
65 IAC 5-12-11.5
65 IAC 5-12-12
65 IAC 5-12-12.5

SECTION 1. 65 IAC 5-12-2 IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-12-2 Definitions

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 2. (a) The definitions in this section shall apply throughout this rule.

(b) "Board" means an area of the play slip identified by an alphabetic character which contains two (2) panels of numbered squares to be marked by the player containing, respectively, ~~fifty-three (53)~~ **fifty-five (55)** squares numbered one (1) through ~~fifty-three (53)~~ **fifty-five (55)** and forty-two (42) squares numbered one (1) through forty-two (42).

(c) "Grand prize" means the prize awarded pursuant to section 8 of this rule.

(d) "Match 5 Bonus Prize" means the bonus prize available when the grand prize has reached a record level, as determined by MUSL, and monetary bonus prizes have been declared by the MUSL Powerball member lotteries pursuant to section 6(f) of this rule. The Match 5 Bonus Prize does not include the original amount won for matching the Powerball first set numbers.

(e) "MUSL" means an association of lottery commissions, state agencies, and other political subdivisions which are authorized to conduct lottery games.

(f) "MUSL Powerball receipts" means all receipts of MUSL Powerball member lotteries from the sale of Powerball tickets.

(g) "Panel" means the sections of each board on a play slip with the top panel containing ~~fifty-three (53)~~ **fifty-five (55)** numbered squares and the bottom panel containing forty-two (42) numbered squares.

(h) "Pari-mutuel prize" means a prize equal to the total amount of the prize pool available for prizes of that type divided by the total number of ~~winners of draw tickets containing the Powerball winning numbers~~ **winners of draw tickets containing the Powerball winning numbers** that ~~prize from were sold~~ among all MUSL Powerball member lotteries.

(i) "Play" means the six (6) numbers that appear as a single numbered selection on a valid lottery ticket for a Powerball selection event in the manner defined in section 4(b) of this rule.

(j) "Player" means an eligible person who participates in a Powerball selection event by purchasing an [sic., a] ~~on-line~~ **draw** ticket with one (1) or more plays.

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(k) "Play slip" means a commission approved form containing one (1) or more boards that is used by a player to mark one (1) or more plays in Hoosier Lottery Powerball.

(l) "Powerball" means a game conducted by a MUSL product group of which the commission is a member and which may include the Power Play promotion.

(m) "Powerball first set numbers" means the first five (5) numbers in a play pursuant to section 4(b)(1) of this rule.

(n) "Powerball second set number" means the last number in a play pursuant to section 4(b)(2) of this rule.

(o) "Powerball selection event" means a drawing or other selection event conducted to determine the Powerball winning numbers.

(p) "Powerball winning numbers" means the six (6) numbers selected in a Powerball selection event that entitle the holders of **on-line draw** tickets containing those numbers to prizes set forth in section 9 of this rule.

(q) "Power Play number" means the number selected in a Power Play selection event.

(r) "Power Play option" means the purchase of an option to multiply a set prize won in a Powerball selection event during the Power Play promotion.

(s) "Power Play selection event" means a separate, random drawing or other selection event to determine the Power Play number from among a series of numbers set forth in section 12.5 of this rule.

(t) "Power Play promotion" means a promotional extension of the Hoosier Lottery Powerball **on-line draw** game as set forth in section 12.5 of this rule.

(u) "Quick pick" means a play randomly selected by a commission-approved terminal.

(v) "Retailer" means a person, other than a state agency or political subdivision, who sells lottery tickets on behalf of the commission pursuant to a retailer contract.

(w) "Set prize" means any secondary prize in the Powerball **on-line draw** game (not the grand prize) and any prize arising out of the Power Play promotion. (*State Lottery Commission; 65 IAC 5-12-2; emergency rule filed Oct 24, 1997, 12:35 p.m.: 21 IR 1016, eff Nov 2, 1997; emergency rule filed Mar 2, 2001, 4:08 p.m.: 24 IR 2094; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Aug 23, 2002, 1:29 p.m.: 26 IR 44, eff Oct 6, 2002; emergency rule filed Aug 19, 2005, 2:30 p.m.: 29 IR 41, eff Aug 28, 2005*)

SECTION 2. 65 IAC 5-12-3 IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-12-3 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 3. The price of an on-line ticket in the Hoosier Lottery Powerball **on-line draw** game shall be one dollar (\$1) for each play represented on the **on-line draw** ticket. (*State Lottery Commission; 65 IAC 5-12-3; emergency rule filed Oct 24, 1997, 12:35 p.m.: 21 IR 1016, eff Nov 2, 1997; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Aug 23, 2002, 1:29 p.m.: 26 IR 45, eff Oct 6, 2002; emergency rule filed Aug 19, 2005, 2:30 p.m.: 29 IR 42, eff Aug 28, 2005*)

SECTION 3. 65 IAC 5-12-4 IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-12-4 Procedure for playing

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 4. (a) An on-line ticket for the Hoosier Lottery Powerball **on-line draw** game may represent one (1) or more plays and shall be purchased by one (1) of the following methods:

(1) The player may submit a completed play slip which contains one (1) or more hand marked boards to an authorized **on-line draw** retailer who shall generate the **on-line draw** ticket.

(2) The player may orally advise an authorized **on-line draw** retailer of the numbers contained in the player's plays, and the **on-line draw** retailer shall generate the **on-line draw** ticket.

(3) The player may request a quick pick of one (1) of the following types from an authorized **on-line draw** retailer who shall generate an *[sic.]* **on-line a draw** ticket:

(A) The player may specify the Powerball first set numbers and request a quick pick for the Powerball second set number; or

(B) The player may request a quick pick for the Powerball first set numbers and specify the Powerball second set number; or

(C) The player may request a quick pick for both the Powerball first set numbers and the Powerball second set number.

(4) The player may purchase a ticket from a player-activated terminal.

(b) Each play in Hoosier Lottery Powerball shall consist of the following:

(1) Five (5) different numbers from one (1) to ~~forty-three (43)~~ **fifty-five (55)** constituting the Powerball first set numbers.

(2) One (1) number from one (1) to forty-two (42), which may be the same as a number in the Powerball first set numbers for that play, constituting the Powerball second set number.

(c) ~~An on-line A draw~~ ticket is the only valid proof of a play and the only valid receipt for claiming a prize in Powerball. A play slip shall have no pecuniary or prize value and shall not constitute evidence of purchase of ~~an on-line a draw~~ ticket or a play.

(d) Unless otherwise indicated on the ~~on-line draw~~ ticket, ~~an on-line a draw~~ ticket in Hoosier Lottery Powerball is effective for the next scheduled Powerball selection event. Subject to the restrictions of 65 IAC 5-2-10, the commission may offer multi-draw ~~on-line draw~~ tickets for Hoosier Lottery Powerball which are effective for the following numbers of Powerball selection events:

- (1) Two (2).
- (2) Three (3).
- (3) Four (4).
- (4) Five (5).
- (5) Six (6).
- (6) Seven (7).
- (7) Eight (8).**
- (8) Nine (9).**
- ~~(7) (9)~~ Ten (10).

(e) Sales of ~~on-line draw~~ tickets for Hoosier Lottery Powerball shall be suspended prior to the time of each Powerball selection event at a time determined by the director.

(f) Sales of ~~on-line draw~~ tickets for a Powerball selection event containing a particular play may be suspended if the total liability of the commission for winning ~~on-line draw~~ tickets containing that play would exceed an amount established by the director. No person shall be entitled to purchase ~~an on-line a draw~~ ticket containing any particular play if such play has been suspended, and neither the commission, the director, nor any employee of the commission shall be liable for the inability of any person to purchase ~~an on-line a draw~~ ticket containing a particular play.

(g) If a play slip is used to select a player's plays for a Powerball selection event, the play slip must have been approved by the commission and completed by hand. The play slip will be scanned by the ~~on-line draw~~ terminal or keyed in by hand by the retailer.

(h) The director may, in the director's sole discretion, authorize the generation of ~~on-line draw~~ entry tickets or coupons from terminals with respect to certain purchases of Hoosier Lottery Powerball ~~on-line draw~~ tickets.

(i) Notwithstanding 65 IAC 5-2-7 and 65 IAC 5-2-10, ~~an on-line a draw~~ ticket for Hoosier Lottery Powerball may not be canceled by a retailer. *(State Lottery Commission; 65 IAC 5-12-4; emergency rule filed Oct 24, 1997, 12:35 p.m.: 21 IR 1016, eff Nov 2, 1997; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Aug 23, 2002, 1:29 p.m.: 26 IR 45, eff Oct 6, 2002; emergency rule filed Aug 19, 2005, 2:30 p.m.: 29 IR 42, eff Aug 28, 2005)*

SECTION 4. 65 IAC 5-12-5 IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-12-5 Payment options

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 5. (a) Players are required to select a payment option for distribution of the grand prize amount at the time they become entitled to receive the jackpot prize. The following payment options are available:

- (1) A single lump sum payment representing the total cash in the grand prize pool or the guaranteed grand prize amount, if any.
- (2) Thirty (30) ~~annual installments until the total graduated payments equal the annuitized value of the grand prize pool or the guaranteed that increase annually at a rate to be determined by the Powerball member lotteries. The initial payment shall be in cash followed by twenty-nine (29) annual payments funded by an annuity purchased with the remaining cash in the grand prize amount; if any. pool.~~

(b) If the player fails to select a payment option, the grand prize shall be paid in annual payments as set forth in subsection (a)(2). *(State Lottery Commission; 65 IAC 5-12-5; emergency rule filed Oct 24, 1997, 12:35 p.m.: 21 IR 1017, eff Nov 2, 1997; emergency rule filed Mar 1, 2000, 7:50 a.m.: 23 IR 1666, eff Apr 30, 2000; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Aug 23, 2002, 1:29 p.m.: 26 IR 46, eff Oct 6, 2002; emergency rule filed Aug 19, 2005, 2:30 p.m.: 29 IR 43, eff Aug 28, 2005)*

SECTION 5. 65 IAC 5-12-6 IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-12-6 Amount of prize pools

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 6. (a) The prize pool for all prizes in Hoosier Lottery Powerball shall be equal to fifty percent (50%) of sales for the Powerball selection event.

(b) The grand prize pool for each Powerball selection event shall consist of the sum of the following amounts:

- (1) Any amounts carried over from prior Powerball selection events as described in section 10(b) of this rule or from prior games conducted by MUSL pursuant to MUSL rules for such games.
- (2) ~~Sixty-five Sixty and three five thousand three seven hundred seventy-eight seventy-one ten-thousandths percent (65.3378%)~~ **(60.5771%)** of the allocable prize pool for the particular Powerball selection event until the amount of the grand prize pool is sufficient to fund the annuitized value of the grand prize guaranteed by MUSL for the particular Powerball selection event.
- (3) After the grand prize guaranteed by MUSL, if any, is funded, ~~sixty-two fifty-eight and seven one thousand two five hundred forty-three forty ten-thousandths percent (62.7243%)~~ **(58.1540%)** of the allocable prize pool for the particular Powerball selection event until the prize reserve accounts described in section 7 of this rule have been funded in the amounts designated therein.

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(4) After the prize reserve accounts described in section 7 of this rule have been funded to the designated amounts, any amounts in excess of the above required funding amounts, except as set forth in subsection 6(f) [subsection (f)].

(c) The set prize pool for each Powerball selection event shall consist of the sum of the following amounts:

(1) Any amounts carried over from prior Powerball selection events as described in section 10(b) of this rule or from prior games conducted by MUSL pursuant to MUSL rules for such games.

(2) ~~Thirty-four~~ **Thirty-nine** and ~~six~~ **four** thousand ~~six~~ **two** hundred ~~twenty-two~~ **ten** thousandths ~~twenty-nine~~ **thousandths** percent (~~34.6622%~~) (**39.4229%**) [sic.] of the allocable prize pool for the particular Powerball selection event. ~~8.9218~~

(d) Unless otherwise specified by MUSL, the guaranteed grand prize amount for a Powerball selection event shall be ~~ten~~ **fifteen** million dollars (~~\$10,000,000~~) (**\$15,000,000**).

(e) If grand prize amounts are guaranteed pursuant to section 11(f) of this rule, the percentage of the prize pool allocated to the grand prize pool may be modified with respect to a particular Powerball selection event in order to permit funding of additional reserve accounts.

(f) If the grand prize is projected to reach an annuitized amount that MUSL, in its discretion, determines to be a new record level, the maximum amount to be allocated from the grand prize pool toward the next drawing shall be the previous

record level plus twenty-five million dollars (\$25,000,000) (annuitized) or such other amount as set by MUSL. Any amount of the of the [sic.] grand prize pool which exceeds the twenty-five million dollar (\$25,000,000) (annuitized) increase shall be added to the Match 5 Bonus Prize pool. The Match 5 Bonus Prize pool is hereby created and shall accumulate until MUSL confirms that at least one (1) ~~on-line~~ **draw** ticket containing all six (6) of the Powerball winning numbers was issued with respect to a Powerball selection event, at which time the Match 5 Bonus Prize pool shall be divided equally among the number of plays matching all five (5) of the Powerball first set numbers. In the event there are no plays matching all five (5) of the Powerball first set numbers in such a Powerball selection event, the Match 5 Bonus Prize pool shall be divided equally among the plays matching four (4) Powerball first set numbers and the Powerball second set number. (State Lottery Commission; 65 IAC 5-12-6; emergency rule filed Oct 24, 1997, 12:35 p.m.: 21 IR 1017, eff Nov 2, 1997; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Aug 23, 2002, 1:29 p.m.: 26 IR 46, eff Oct 6, 2002; emergency rule filed Aug 19, 2005, 2:30 p.m.: 29 IR 43, eff Aug 28, 2005)

SECTION 6. 65 IAC 5-12-9 IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-12-9 Allocation of prize pool

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 9. The prize pool for each Powerball selection event shall be allocated to the prizes as follows:

Number of Matching Numbers	Prize Payment	Prize Pool % Allocated to Prize
Match 5 Powerball first set numbers and 1 Powerball second set number	Grand Prize	65.3378%* 60.5771%*
Match 5 Powerball first set numbers	\$100,000 \$200,000	6.8035% 11.2246%
Match 4 Powerball first set numbers and 1 Powerball second set number	\$5,000 \$10,000	1.9913% 3.4221%
Match 4 Powerball first set numbers	\$100	1.6328% 1.4031%
Match 3 Powerball first set numbers and 1 Powerball second set number	\$100	1.8718% 1.6768%
Match 3 Powerball first set numbers	\$7	5.3720% 4.8125%
Match 2 Powerball first set numbers and 1 Powerball second set number	\$7	2.0090% 1.8781%
Match 1 Powerball first set number and 1 Powerball second set number	\$4	6.4577% 6.3049%
Match 1 Powerful second set number	\$3	8.5241% 8.7008%

*Pursuant to section 6(f) of this rule, if MUSL determines that the grand prize has reached a new record level, the prize pool percentage allocated to the grand prize shall be reduced to that percentage needed to fund the maximum grand prize increase as

determined by MUSL, with the remainder funding the Match 5 Bonus Prize pool. (State Lottery Commission; 65 IAC 5-12-9; emergency rule filed Oct 24, 1997, 12:35 p.m.: 21 IR 1018, eff Nov 2, 1997; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR

1268; emergency rule filed Aug 23, 2002, 1:29 p.m.: 26 IR 47, eff Oct 6, 2002; emergency rule filed Aug 19, 2005, 2:30 p.m.: 29 IR 44, eff Aug 28, 2005)

SECTION 7. 65 IAC 5-12-10 IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-12-10 Prize amounts

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 10. (a) The grand prize shall be a pari-mutuel prize paid to holders of valid ~~on-line draw~~ tickets for the particular Powerball selection event which contain the winning Powerball first set numbers and the winning Powerball second set number in accordance with the payment option selected by the holder pursuant to section 5 of this rule.

(b) The grand prize pool and the set prize pool shall be carried forward to subsequent Powerball selection events if all or a portion of such pools are not awarded in the current Powerball selection event. If MUSL gives effect to section 6(f) of this rule but no ~~on-line draw~~ tickets containing all six (6) of the Powerball winning numbers were issued for the associated Powerball selection event, the prize money allocated to the Match 5 Bonus Prize pool shall be carried forward to the Match 5 Bonus Prize pool for the following drawing.

(c) If the total of the set prizes awarded in a Powerball selection event would exceed the set prize pool, then the amount needed to fund the prizes shall be drawn from the following sources in the following order:

- (1) The amount allocated to the set prizes and carried forward from previous draws, if any.
- (2) An amount from the set prize reserve account, if available, not to exceed twenty-five million dollars (\$25,000,000) per Powerball selection event.

(d) If the sources set forth in subsection (c) are depleted and there still are not sufficient funds to pay the prizes for a particular Powerball selection event, then the highest set prize shall become a pari-mutuel prize. If the amount of the highest set prize, when paid as a pari-mutuel prize, is less than or equal to the next highest set prize and there are still not sufficient funds to pay the remaining set prizes, then the next highest set prize shall become a pari-mutuel prize. If necessary under the same test set forth in the preceding sentence, each succeeding set prize level shall be converted to a pari-mutuel prize, in order, until all set prizes become pari-mutuel. If all set prizes are converted to pari-mutuel prizes, the money available from the funding sources listed in subsection (c) shall be divided among the winning plays in proportion to the allocations in section 9 of this rule.

(e) The Match 5 Bonus Prize pool shall be divided equally among the number of plays matching all five (5) Powerball first set numbers in the event MUSL has given effect to section 6(f)

of this rule and one (1) or more Powerball ~~on-line draw~~ tickets were issued containing all six (6) of the Powerball winning numbers determined in a Powerball selection event. (State Lottery Commission; 65 IAC 5-12-10; emergency rule filed Oct 24, 1997, 12:35 p.m.: 21 IR 1019, eff Nov 2, 1997; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Aug 23, 2002, 1:29 p.m.: 26 IR 47, eff Oct 6, 2002; emergency rule filed Aug 19, 2005, 2:30 p.m.: 29 IR 45, eff Aug 28, 2005)

SECTION 8. 65 IAC 5-12-11 IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-12-11 Payment of prizes

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30; IC 4-30-15-1

Sec. 11. (a) The grand prize or any portion thereof shall be paid in accordance with the player's selected payment option as follows:

(1) A player who selects the lump sum, cash payment option shall receive a pari-mutuel share of a cash payment consisting of the greater of the total cash in the grand prize pool or the guaranteed minimum as defined in subsection (f).

(2) A player who fails to select an option or selects the annual payment option shall receive a pari-mutuel prize of thirty (30) ~~equal annual graduated~~ payments, the first of which shall be in cash with the remaining twenty-nine (29) payments from the greater of:

(A) an annuity purchased by MUSL for the guaranteed prize amount as defined in subsection (f) of this rule less the amount of the first payment; or

(B) an annuity purchased by MUSL for the total cash held in the grand prize pool less the first payment.

The annuity payments shall be graduated increasing on an annual basis at a rate to be determined by the Powerball member lotteries.

(3) If the cash value of an annuity for the grand prize is less than two hundred fifty thousand dollars (\$250,000), the commission may, in its sole discretion, pay each prize in a single lump sum.

(b) Set prizes or any portions thereof shall be paid in a single lump sum.

(c) The initial installment of a grand prize to be paid in annual installments over time shall not be paid until the fifteenth calendar day following the Powerball selection event from which the grand prize was awarded.

(d) If a valid ~~on-line draw~~ ticket for Hoosier Lottery Powerball contains more than one (1) play entitled to a prize, the prize amounts for the winning plays shall be added together for purposes of claiming the prizes and determining whether the total prize amounts may be claimed from a retailer pursuant to 65 IAC 3-4-4.

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(e) Annuitized payments of the jackpot amount or any portion thereof may be rounded down to the nearest thousand to facilitate the purchase of an appropriate funding mechanism. Breakage (the remainder after rounding) shall be paid to the winner or winners in the first prize payment. Prizes, which under this rule may become single payment, pari-mutuel prizes, shall be rounded down so that the prizes may be paid in multiples of whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the appropriate prize pool for the next Powerball selection event.

(f) MUSL may offer guaranteed grand prize amounts or minimum increases in grand prize amounts between Powerball selection events when MUSL finds that such would be in the best interest of the game. Changes in the allocation of prize money shall be designed to retain the approximate prize pool allocation percentages set forth in this rule over a one (1) year period.

(g) The commission shall pay to MUSL all amounts required under the rules of MUSL to fund prizes in Hoosier Lottery Powerball, and such amounts shall be removed for this purpose from the administrative trust fund created by IC 4-30-15-1. MUSL shall have the ultimate obligation to pay prizes awarded in Hoosier Lottery Powerball and shall purchase any annuity or investment that is used to fund a prize paid over time in Hoosier Lottery Powerball.

(h) The commission shall not pay or arrange for the payment of, and no retailer shall pay a prize in respect of, any Hoosier Lottery Powerball ~~on-line draw~~ ticket that was not purchased from a retailer under contract with the commission.

(i) Except as provided herein and in section 11.5 of this rule, prizes shall not be accelerated. MUSL, upon petition to the commission from the estate of a deceased winner, may accelerate the remaining payments of such a prize by distributing to the estate the securities or the cash representing the present value of the remaining payments in lieu of continuing annual payments. The method and timing of the sale of any security being held to fund the remaining payments are solely within the commission's discretion. (*State Lottery Commission; 65 IAC 5-12-11; emergency rule filed Oct 24, 1997, 12:35 p.m.: 21 IR 1019, eff Nov 2, 1997; emergency rule filed Jun 10, 1999, 5:13 p.m.: 22 IR 3119; emergency rule filed Mar 1, 2000, 7:50 a.m.: 23 IR 1666, eff Apr 30, 2000; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Aug 23, 2002, 1:29 p.m.: 26 IR 48, eff Oct 6, 2002; emergency rule filed Aug 19, 2005, 2:30 p.m.: 29 IR 45, eff Aug 28, 2005*)

SECTION 9. 65 IAC 5-12-11.5 IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-12-11.5 Election to receive lump sum, cash payment

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 11.5. (a) With respect to a player who first becomes entitled to a prize after October 21, 1998, such player shall have sixty (60) days from the day the player becomes entitled to receive the grand prize or a share thereof to elect to receive a lump sum, cash payment. The election must be in writing and on a form authorized by the commission. If an election is not made by the close of commission business on the sixtieth day after the player becomes entitled to the grand prize, the grand prize shall be paid in annual payments. An election under this subsection cannot be revoked, withdrawn, or otherwise modified. The commission shall not be responsible for differences in the advertised or estimated grand prize or the amount paid to the player due to changes in the price of securities occurring between the selection event and the payment dates.

(b) With respect to a player who:

(1) first became entitled to a prize on or before October 21, 1998; and

(2) at the time the Hoosier Lottery Powerball ~~on-line draw~~ ticket was purchased, selected the annual payment option or failed to select a payment option;

such player shall have from July 1, 1999, through December 31, 2000, within which to change the payment option and elect to receive a lump sum, cash payment equal to the present value of the remaining annual payments. The election must be in writing and on a form authorized by the commission. An election under this subsection cannot be revoked, withdrawn, or otherwise modified. The lump sum payment shall be in an amount equal to the proceeds MUSL can obtain by selling the financial instruments held by MUSL to fund the remaining prize payments, less any fees incurred by MUSL in the sale of the financial instruments. The method and timing of the sale transaction are solely within MUSL's discretion. If an election is not made by the close of commission business on December 31, 2000, the grand prize shall continue to be paid in annual installments.

(c) If a grand prize is claimed by a group that selected the annual payment option, all members of the group must agree to seek a change in the payment option in order to secure an election under this subsection.

(d) The commission shall provide notice to all players eligible for the elections set forth in this section. (*State Lottery Commission; 65 IAC 5-12-11.5; emergency rule filed Jun 10, 1999, 5:13 p.m.: 22 IR 3120; emergency rule filed Mar 1, 2000, 7:50 a.m.: 23 IR 1667, eff Apr 30, 2000; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Aug 19, 2005, 2:30 p.m.: 29 IR 46, eff Aug 28, 2005*)

SECTION 10. 65 IAC 5-12-12 IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-12-12 Odds of winning

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 12. (a) The odds of winning the grand prize in a

Powerball selection event by matching five (5) Powerball first set numbers and one (1) Powerball second set number are approximately ~~1:120,526,700.000000~~: **1:146,107,962.0000**.

(b) The odds of winning a prize of ~~one two~~ hundred thousand dollars (~~\$100,000~~) (**\$200,000**) in a Powerball selection event by matching five (5) Powerball first set numbers and no Powerball second set number are approximately ~~1:2,939,677.317073~~: **1:3,563,608.8293**.

(c) The odds of winning a prize of ~~five ten~~ thousand dollars (~~\$5,000~~) (**\$10,000**) in a Powerball selection event by matching four (4) Powerball first set numbers and one (1) Powerball second set number are approximately ~~1:502,194.875000~~: **1:584,431.8480**.

(d) The odds of winning a prize of one hundred dollars (\$100) in a Powerball selection event by matching four (4) Powerball first set numbers and no Powerball second set number are approximately ~~1:12,248.655488~~: **1:14,254.4353**.

(e) The odds of winning a prize of one hundred dollars (\$100) in a Powerball selection event by matching three (3) Powerball first set numbers and one (1) Powerball second set number are approximately ~~1:10,684.997340~~: **1:11,927.1806**.

(f) The odds of winning a prize of seven dollars (\$7) in a Powerball selection event by matching three (3) Powerball first set numbers and no Powerball second set number are approximately ~~1:260.609691~~: **1:290.9068**.

(g) The odds of winning a prize of seven dollars (\$7) in a Powerball selection event by matching two (2) Powerball first set numbers and one (1) Powerball second set number are approximately ~~1:696.847653~~: **1:745.4488**.

(h) The odds of winning a prize of four dollars (\$4) in a Powerball selection event by matching one (1) of the Powerball first set numbers and one (1) Powerball second set number are approximately ~~1:123.884027~~: **1:126.8849**.

(i) The odds of winning a prize of three dollars (\$3) in a Powerball selection event by matching no Powerball first set numbers and one (1) Powerball second set number are approximately ~~1:70.388652~~: **1:68.9592**.

(j) **The overall odds of winning a prize in a Powerball selection event are 1:36.6066.** (*State Lottery Commission; 65 IAC 5-12-12; emergency rule filed Oct 24, 1997, 12:35 p.m.: 21 IR 1020, eff Nov 2, 1997; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Aug 23, 2002, 1:29 p.m.: 26 IR 49, eff Oct 6, 2002; emergency rule filed Aug 19, 2005, 2:30 p.m.: 29 IR 46, eff Aug 28, 2005*)

SECTION 11. 65 IAC 5-12-12.5 IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-12-12.5 Power Play promotion

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 12.5. (a) The Power Play promotion shall be available in association with the Hoosier Lottery Powerball ~~on-line draw~~ game commencing March 4, 2001, and concluding upon the determination of the director. The Power Play promotion will be conducted in accordance with the Hoosier Lottery Powerball rules except that players may purchase the Power Play option for the chance to multiply set prizes won as a result of a Powerball selection event by a number ranging from two (2) to five (5). The Powerball grand prize and the Match 5 Bonus Prize shall not be eligible for multiplication under the Power Play promotion.

(b) At the time of purchasing a Hoosier Lottery Powerball ~~on-line draw~~ ticket from an authorized retailer, a player may purchase the Power Play option for one dollar (\$1) per play for each play on the Hoosier Lottery Powerball ~~on-line draw~~ ticket.

(c) At the time of each Powerball selection event, MUSL shall conduct a Power Play selection event under the supervision of security and an independent auditor which shall result in the selection of the Power Play number from among the following series of numbers: 2, 2, 2, 2, 3, 3, 3, 3, 4, 4, 4, 4, 5, 5, 5, 5, and 5. **The MUSL Powerball member lotteries may, from time to time, change one (1) or more of the foregoing numbers for special promotion purposes.**

(d) ~~On-line Draw~~ tickets that contain the Power Play option and one (1) or more plays eligible for Powerball set prizes (but not the grand prize) identified in section 9 of this rule shall be entitled to a total set prize calculated by multiplying each set prize by the Power Play number.

(e) The prize pool for Power Play set prizes shall consist of up to ~~forty-eight~~ **forty-nine** and ~~one-half~~ **three-tenths** percent (~~48.5%~~) (**49.3%**) of Power Play sales incurred between Power Play selection events after Powerball prize reserve accounts are funded to the amounts set by MUSL. The prize pool percentage allocated to Power Play set prizes shall be carried forward to subsequent Power Play selection events if all or a portion of such percentage is not required to pay the set prizes for the current Power Play selection event. Any amount remaining in the prize pool for Power Play set prizes at the end of the Hoosier Lottery Powerball ~~on-line draw~~ game shall be carried forward to a replacement ~~on-line draw~~ game or expended in a manner directed by MUSL or in accordance with state law.

(f) An additional one and one-half percent (1.5%) of Power Play sales incurred between Power Play selection events may be collected and placed in prize reserve accounts until the prize reserve accounts meet the amounts designated by MUSL.

(g) If, with respect to a single Powerball selection event and associated Power Play selection event, the total of the Powerball

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set prizes without the Power Play option and the Powerball set prizes multiplied by the Power Play number exceeds the percentage of the prize pools allocated to the set prizes, then the amount needed to fund those combined set prizes shall be drawn from the following sources in the following order:

- (1) The amount allocated to the set prizes and carried forward from previous Powerball selection events and Power Play selection events, if any.
- (2) The amounts allocated to the Power Play set prize reserve accounts, if any.
- (3) An amount from the Powerball set prize reserve account, if available, not to exceed twenty-five million dollars (\$25,000,000) per selection event.

(h) If the sources set forth in subsection (g) are depleted and there still are not sufficient funds to pay the set prizes for a particular Powerball selection event and associated Power Play selection event, then the highest set prize, including the multiplied set prize, shall become a pari-mutuel prize. If the amount of the highest set prize, when paid as a pari-mutuel prize, is less

than or equal to the next highest set prize and there are still not sufficient funds to pay the remaining prizes, then the next highest set prize, including the multiplied set prize, shall become a pari-mutuel prize. If necessary under the same test set forth in the preceding sentence, each succeeding set prize level shall be converted to a pari-mutuel prize, in order, until all set prizes become pari-mutuel. If all set prizes are converted to pari-mutuel prizes, the money available from the funding sources listed in subsection (g) shall be divided among the winning plays in proportion to their respective prize percentages.

(i) Power Play set prizes which become pari-mutuel may be rounded down so that they can be paid in multiples of whole dollars. Breakage resulting from rounding shall be carried forward to the prize pool for the next Power Play selection event.

(j) All Power Play set prizes shall be paid in single, lump sum payments determined by multiplying the Powerball set prize by the number selected in the Power Play selection event as follows:

		Power Play Multiplier and Set Prize Amount			
	Powerball Set Prize Amount	5	4	3	2
Match 5 + 0	\$100,000	\$500,000	\$400,000	\$300,000	\$200,000
	\$200,000	\$1,000,000	\$800,000	\$600,000	\$400,000
Match 4 + 1	\$5,000	\$25,000	\$20,000	\$15,000	\$10,000
	\$10,000	\$50,000	\$40,000	\$30,000	\$20,000
Match 4 + 0	\$100	\$500	\$400	\$300	\$200
Match 3 + 1	\$100	\$500	\$400	\$300	\$200
Match 3 + 0	\$7	\$35	\$28	\$21	\$14
Match 2 + 1	\$7	\$35	\$28	\$21	\$14
Match 1 + 1	\$4	\$20	\$16	\$12	\$8
Match 0 + 1	\$3	\$15	\$12	\$9	\$6

When the Powerball set prizes become pari-mutuel, the Powerball set prize amounts will be less than the amount shown, in which case the Power Play set prizes shall be a multiple of the new Powerball set prize amount.

(k) Power Play set prizes shall not be paid until the commission receives notification to pay from MUSL.

(l) The odds of various Power Play numbers being selected in a Power Play selection event and the resulting impact on the Powerball set prizes are:

- (1) The odds of increasing a set prize in a Powerball selection event by a multiple of five (5) through a Power Play are approximately ~~1:2.5~~ **1:4**.
- (2) The odds of increasing a set prize in a Powerball selection event by a multiple of four (4) through a Power Play are approximately ~~1:5~~ **1:4**.
- (3) The odds of increasing a set prize in a Powerball selection event by a multiple of three (3) through a Power Play are approximately ~~1:5~~ **1:4**.

(4) The odds of increasing a set prize in a Powerball selection event by a multiple of two (2) through a Power Play are approximately ~~1:5~~ **1:4**.

(m) The Power Play shall not apply to the grand prize or the portion of the prize attributable to the Match 5 Bonus Prize described in section 6(f) of this rule. (*State Lottery Commission; 65 IAC 5-12-12.5; emergency rule filed Mar 2, 2001, 4:08 p.m.: 24 IR 2094; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; emergency rule filed Aug 23, 2002, 1:29 p.m.: 26 IR 49, eff Oct 6, 2002; emergency rule filed Aug 19, 2005, 2:30 p.m.: 29 IR 47, eff Aug 28, 2005*)

SECTION 12. SECTIONS 1 through 12 [sic., 11] of this document take effect August 28, 2005.

LSA Document #05-245(E)

Filed with Secretary of State: August 19, 2005, 2:30 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #05-247(E)

DIGEST

Amends 65 IAC 5-16-4, 65 IAC 5-16-5, 65 IAC 5-16-6, 65 IAC 5-16-7, and 65 IAC 5-16-8 concerning the draw game 50/50 Raffle. Effective September 1, 2005.

65 IAC 5-16-4**65 IAC 5-16-7****65 IAC 5-16-5****65 IAC 5-16-8****65 IAC 5-16-6**

SECTION 1. 65 IAC 5-16-4, AS ADDED AT 28 IR 2142, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-16-4 Procedure for playing

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 4. (a) A 50/50 Raffle ticket may be purchased by requesting a play, and the retailer shall generate the 50/50 Raffle ticket from the terminal.

(b) Each play for 50/50 Raffle shall consist of the set of four (4) sequential eight (8) digit numbers.

(c) A 50/50 Raffle ticket is the only valid proof of a play and the only valid receipt for claiming a prize in 50/50 Raffle. A play slip shall have no pecuniary or prize value and shall not constitute evidence of purchase of a 50/50 Raffle ticket or a play.

(d) ~~One (1)~~ 50/50 Raffle selection ~~event~~ **events** shall be conducted on ~~a date~~ **dates** announced in advance by the director. There is no multiple draw opportunity in 50/50 Raffle.

(e) Sales of 50/50 Raffle tickets shall be suspended prior to the time of ~~the a~~ 50/50 Raffle selection event at a time determined by the director.

(f) Neither the commission, the director, nor any employee of the commission shall be liable for the inability of any person to purchase a 50/50 Raffle ticket containing a particular play.

(g) The director may, in the director's sole discretion, authorize the generation of draw entry tickets or promotional prizes from terminals with respect to certain purchases of 50/50 Raffle tickets. (*State Lottery Commission; 65 IAC 5-16-4; emergency rule filed Feb 24, 2005, 12:00 p.m.: 28 IR 2142, eff Mar 1, 2005; emergency rule filed Aug 26, 2005, 2:45 p.m.: 29 IR 49, eff Sep 1, 2005*)

SECTION 2. 65 IAC 5-16-5, AS ADDED AT 28 IR 2142, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-16-5 Prize amount and determination of winner

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 5. One (1) prize equal to fifty percent (50%) of the sales pool shall be paid to the player presenting the 50/50 Raffle ticket containing the 50/50 Raffle winning number in ~~the a~~ 50/50 Raffle selection event. (*State Lottery Commission; 65 IAC 5-16-5; emergency rule filed Feb 24, 2005, 12:00 p.m.: 28 IR 2142, eff Mar 1, 2005; emergency rule filed Aug 26, 2005, 2:45 p.m.: 29 IR 49, eff Sep 1, 2005*)

SECTION 3. 65 IAC 5-16-6, AS ADDED AT 28 IR 2143, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-16-6 Determination of winning number

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 6. The commission shall conduct ~~the~~ 50/50 Raffle selection ~~event~~ **events** from among only those eight (8) digit numbers printed on 50/50 Raffle tickets purchased **after the commencement of a new 50/50 Raffle but** prior to the **suspension of play for the related** selection event. The selection event shall be under the supervision of security personnel and an independent auditor. (*State Lottery Commission; 65 IAC 5-16-6; emergency rule filed Feb 24, 2005, 12:00 p.m.: 28 IR 2143, eff Mar 1, 2005; emergency rule filed Aug 26, 2005, 2:45 p.m.: 29 IR 49, eff Sep 1, 2005*)

SECTION 4. 65 IAC 5-16-7, AS ADDED AT 28 IR 2143, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-16-7 Payment of prize

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30; IC 4-30-16-1

Sec. 7. ~~The A~~ 50/50 Raffle prize shall be paid in a single, lump sum payment less federal and state income withholding taxes and statutory offsets. (*State Lottery Commission; 65 IAC 5-16-7; emergency rule filed Feb 24, 2005, 12:00 p.m.: 28 IR 2143, eff Mar 1, 2005; emergency rule filed Aug 26, 2005, 2:45 p.m.: 29 IR 49, eff Sep 1, 2005*)

SECTION 5. 65 IAC 5-16-8, AS ADDED AT 28 IR 2143, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

65 IAC 5-16-8 Odds of winning

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 8. The odds of winning ~~the a~~ prize in a 50/50 Raffle are one (1) in the number of 50/50 Raffle tickets purchased for the **related** 50/50 Raffle selection event. (*State Lottery Commission; 65 IAC 5-16-8; emergency rule filed Feb 24, 2005, 12:00 p.m.: 28 IR 2143, eff Mar 1, 2005; emergency rule filed Aug 26, 2005, 2:45 p.m.: 29 IR 49, eff Sep 1, 2005*)

SECTION 6. **SECTION [sic., SECTIONS] 1 through 5 of this document shall become effective September 1, 2005.**

Emergency Rules

LSA Document #05-247(E)

Filed with Secretary of State: August 26, 2005, 2:45 p.m.

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #05-227(E)

DIGEST

Temporarily amends 312 IAC 9-3, governing exotic mammals, to clarify the taking and possession of species of exotic mammals under the authority of IC 14-22-2-6(a). Effective August 11, 2005.

SECTION 1. (a) This SECTION of this document is supplemental to 312 IAC 9-3.

(b) A person must not take, as defined by IC 14-8-2-278, an exotic mammal that is a species from any of the following families of mammals:

- (1) **Bradypodidae** (tree sloth).
- (2) **Bovidae** (buffalo, gazelle, sheep, and antelope).
- (3) **Camelidae** (camel and llama).
- (4) **Canidae** (fox, jackal, and wild dog).
- (5) **Cebidae** (marmoset).
- (6) **Cercopithecidae** (baboon and monkey).
- (7) **Cervidae** (deer).
- (8) **Dasypodidae** (armadillo).
- (9) **Elephantidae** (elephant).
- (10) **Equidae** (wild ass and zebra).
- (11) **Felidae** (cat).
- (12) **Giraffidae** (giraffe and okapi).
- (13) **Hippopotamidae** (hippopotamus).
- (14) **Hyaenidae** (hyaena).
- (15) **Lorisidae** (potto and bushbaby).
- (16) **Macropodidae** (kangaroo and wallaby).
- (17) **Manidae** (pangolin).
- (18) **Mustelidae** (otter, weasel, polecat, and badger).
- (19) **Myrmecophagidae** (anteater).
- (20) **Orycteropodidae** (aardvark).
- (21) **Pongidae** (chimpanzee, bonobo, and gorilla).
- (22) **Procaviidae** (hyrax).
- (23) **Procyonidae** (ringtail cat and coatimundi).
- (24) **Protelidae** (aardwolf).
- (25) **Rhinocerotidae** (rhinocerus).
- (26) **Suidae** (pig, boar, and hog).
- (27) **Tapiridae** (tapir).
- (28) **Tayassuidae** (javelina and peccary).
- (29) **Tragulidae** (chevrotain).
- (30) **Ursidae** (bear).
- (31) **Viverridae** (civet, genet, and mongoose).
- (32) **A hybrid or genetically altered mammal of any of these families.**

(c) A person may not possess an exotic mammal that is in a family listed in subsection (b) except as otherwise provided

by statute or by this article.

(d) A person may not release an exotic mammal into the wild in Indiana that is in a family listed in subsection (b) except as otherwise provided by statute or by this article. A person must report the escape of any exotic mammal listed in subsection (b) to a conservation officer within twenty-four (24) hours.

LSA Document #05-227(E)

Filed with Secretary of State: August 11, 2005, 10:00 a.m.

TITLE 68 INDIANA GAMING COMMISSION

LSA Document #05-107

The Indiana Gaming Commission gives notice that the date of the public hearing for LSA Document #05-107, printed at 28 IR 3627, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on **November 8, 2005**, at 9:00 a.m., at the Indiana Gaming Commission, 115 West Washington Street, South Tower, Suite 950, Indianapolis, Indiana, the Indiana Gaming Commission will hold a public hearing on proposed rules to add a rule and amend other rules regarding calculation of the graduated wagering tax following a transfer of a controlling interest in an owner's license or operating agent contract.*

These changes will impose costs on regulated entities. The Commission is unable to predict the number of future transfers of ownership interest that will be subject to this rule or what the specific impact amounts will be. However, these changes are necessary to maintain the graduated wagering tax schedule for each riverboat owner's license or operating agent contract. These changes will not add any new costs to small businesses.

Copies of these rules are now on file at the Indiana Gaming Commission, 115 West Washington Street, South Tower, Suite 950, Indianapolis, Indiana and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Ernest E. Yelton
Executive Director
Indiana Gaming Commission

public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their view concerning the proposed new rule 326 IAC 3-8. 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 Christine Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027, press 0, and ask for ext. 3-6868 (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
Indianapolis, Indiana 46204*

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

Copies of these rules are now on file at the Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana and are open for public inspection.

Kathryn A. Watson, Chief
Air Programs Branch
Office of Air Quality

TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #05-85(SWMB)

The Solid Waste Management Board (board) gives notice that the date of the public hearing for consideration of preliminary adoption of LSA Document #05-85(SWMB), printed at 28 IR 2821, the General Motors Fort Wayne Assembly Plant F019 delisting rule, has been changed. The hearing will be now held on October 18, 2005, at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana. If the date or location of this hearing is changed again, it will be noticed in the Change in Notice of Public Hearing section of the Indiana Register. The corrected 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 **October 18, 2005**, at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington*

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #04-182(APCB)

The Air Pollution Control Board gives notice that the date of the public hearing for consideration of preliminary adoption of LSA Document #04-182(APCB), printed at 28 IR 3057, 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, and IC 13-14-9, notice is hereby given that on **December 7, 2005**, at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed new rule 326 IAC 8.*

The purpose of this hearing is to receive comments from the

Change in Notice of Public Hearing

Street, Conference Center Room A, Indianapolis, Indiana, the Solid Waste Management Board will hold a public hearing on proposed new rules at 329 IAC 3.1-6-7.

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 Steve Mojonier, Rules, Planning and Outreach Section, Office of Land Quality, (317) 233-1655 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 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
Assistant Commissioner
Office of Land Quality

Notice of Intent to Adopt a Rule

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

LSA Document #05-251

Under IC 4-22-2-23, the Department of Local Government Finance intends to adopt a rule concerning the following:

OVERVIEW: To amend 50 IAC 3.2 regarding the assessment of mobile homes assessed under IC 6-1.1-7, other than mobile homes subject to the preferred valuation method under IC 6-1.1-4-39(b), in conformance with P.L.214-2005 (HEA 1120-2005). Written comments should be addressed to Amber Merlau St. Amour, Staff Attorney, Department of Local Government Finance, Indiana Government Center-North, 100 North Senate Avenue, Room N1058(B), Indianapolis, IN 46204. Statutory authority: IC 6-1.1-31-1; IC 6-1.1-31-7 (P.L.214-2005, SECTION 15 (HEA 1120-2005, SECTION 15)).

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Amber Merlau St. Amour
Staff Attorney
Department of Local Government Finance
Indiana Government Center-North
100 North Senate Ave., Room N1058(B)
Indianapolis, IN 46204
(317) 233-4361
astamour@dlgf.in.gov

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

LSA Document #05-252

Under IC 4-22-2-23, the Department of Local Government Finance intends to adopt a rule concerning the following:

OVERVIEW: To amend 50 IAC 4.2 regarding the assessment of computer application software in conformance with P.L.214-2005 (HEA 1120-2005). Written comments should be addressed to Amber Merlau St. Amour, Staff Attorney, Department of Local Government Finance, Indiana Government Center-North, 100 North Senate Avenue, Room N1058(B), Indianapolis, IN 46204. Statutory authority: IC 6-1.1-31-1; IC 6-1.1-31-7 (P.L.214-2005, SECTION 15 (HEA 1120-2005, SECTION 15)).

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Amber Merlau St. Amour
Staff Attorney
Department of Local Government Finance
Indiana Government Center-North
100 North Senate Ave., Room N1058(B)
Indianapolis, IN 46204
(317) 233-4361
astamour@dlgf.in.gov

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

LSA Document #05-253

Under IC 4-22-2-23, the Department of Local Government Finance intends to adopt a rule concerning the following:

OVERVIEW: To repeal 50 IAC 13 regarding land valuation because 50 IAC 13 is inconsistent with 50 IAC 2.3 which incorporates by reference the Real Property Assessment Manual and Real Property Assessment Guidelines. Written comments should be addressed to Amber Merlau St. Amour, Staff Attorney, Department of Local Government Finance, Indiana Government Center-North, 100 North Senate Avenue, Room N1058(B), Indianapolis, IN 46204. Statutory authority: IC 6-1.1-31-1.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Amber Merlau St. Amour
Staff Attorney
Department of Local Government Finance
Indiana Government Center-North
100 North Senate Ave., Room N1058(B)
Indianapolis, IN 46204
(317) 233-4361
astamour@dlgf.in.gov

TITLE 68 INDIANA GAMING COMMISSION

LSA Document #05-269

Under IC 4-22-2-23, the Indiana Gaming Commission intends to adopt a rule concerning the following:

OVERVIEW: Adds a new rule regarding emergency drop procedures. Adds a new rule regarding electronic key systems. Adds a new rule regarding electronic gaming devices. Adds a new rule regarding ticket procedures. Amends 68 IAC 11 in order to update existing regulations to conform to changes in industry standards and changes in regulatory necessity. Repeals 68 IAC 2-6. Public comments are invited. Questions concerning the proposed rule may be directed to: (317) 233-0046 or sbrodnan@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 4-33-4-6.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Susan Brodnan
Deputy General Counsel
Indiana Gaming Commission
115 West Washington Street
South Tower, Suite 950
Indianapolis, IN 46204
(317) 233-0046
sbrodnan@igc.state.in.us

Notice of Intent to Adopt a Rule

TITLE 68 INDIANA GAMING COMMISSION

LSA Document #05-271

Under IC 4-22-2-23, the Indiana Gaming Commission intends to adopt a rule concerning the following:

OVERVIEW: Adds a new rule to define the term “gaming agent”. Adds a new rule to define the term “commission agent”. Amends 68 IAC 1-9-1, 68 IAC 1-9-3, 68 IAC 1-16-1, 68 IAC 2-3-9.1, 68 IAC 2-3-9.2, 68 IAC 8-1-1, 68 IAC 9-4-1, 68 IAC 11-4-1, 68 IAC 11-6-1, 68 IAC 11-7-1, 68 IAC 14-3-1, 68 IAC 14-4-1, 68 IAC 15-1-1, 68 IAC 15-2-1, 68 IAC 15-4-1, 68 IAC 15-6-1, 68 IAC 15-9-1, 68 IAC 17-1-1, 68 IAC 17-2-1, and 68 IAC 18-1-1 to remove existing definitions of the term “commission agent” and eliminate references to the Indiana State Police. Amends 68 IAC 1-14 to address changes in the enforcement structure of the Commission and modify the procedure for reimbursing the enforcement functions of the Commission. Public comments are invited. Questions concerning the rule may be directed to the Indiana Gaming Commission at the following telephone number: (317) 233-0046, or e-mailed to aklinger@igc.state.in.us or lbailey@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.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Andrew Klinger
Staff Attorney
Indiana Gaming Commission
South Tower, Suite 950
115 W. Washington Street
Indianapolis, Indiana 46204
(317) 233-0046
aklinger@igc.state.in.us

TITLE 68 INDIANA GAMING COMMISSION

LSA Document #05-272

Under IC 4-22-2-23, the Indiana Gaming Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 68 IAC 15 to address current regulatory issues, technology advancements, and changes in industry standards related to the accounting records and procedures of riverboat casino operations including (1) transaction reporting, (2) cash reserve requirements, (3) token and chip inventories, (4) the wagering and admission taxes, (5) audit procedures, (6) internal audit procedures, (7) tips and gratuities, (8) main bank responsibilities, (9) electronic gaming device fills, (10) ticket-in / ticket-out gaming devices, (11) live gaming fills and credits, (12) manually paid jackpots, and (13) found cash. Public comments are invited. Questions concerning the rule may be directed to the Indiana Gaming Commission at the

following telephone number: (317) 233-0046, or e-mailed to aklinger@igc.state.in.us or lbailey@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.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Andrew Klinger
Staff Attorney
Indiana Gaming Commission
South Tower, Suite 950
115 W. Washington Street
Indianapolis, Indiana 46204
(317) 233-0046
aklinger@igc.state.in.us

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

LSA Document #05-258

Under IC 4-22-2-23, the Indiana Department of Transportation intends to adopt a rule concerning the following:

OVERVIEW: Adds 105 IAC 14. The Indiana Department of Transportation, working with the Indiana Finance Authority intends to add rules concerning the toll rate structure on the Indiana Toll Road. Public comments are invited. Comments should be directed to the Small Business Regulatory Coordinator. Statutory authority: IC 8-9.5-8-8; IC 8-15-2-14(j); IC 8-23-2-6.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Chris Kiefer
100 N. Senate Avenue, Room N751
Indianapolis, Indiana 46204
(317) 233-3601
ckiefer@indot.state.in.us

TITLE 135 INDIANA FINANCE AUTHORITY

NOTE: Under P.L.235-2005, SECTION 213, the name of the Indiana Transportation Finance Authority is changed to the Indiana Finance Authority, effective May 15, 2005.

LSA Document #05-257

Under IC 4-22-2-23, the Indiana Finance Authority intends to adopt a rule concerning the following:

OVERVIEW: Amends 135 IAC 2. The Indiana Finance Authority, working with the Indiana Department of Transportation, intends to amend rules for the Indiana East-West Toll Road published currently at 135 IAC 2. The Authority intends to amend the current toll rate structure on the Indiana Toll Road and amend certain terms and phrases and other provisions of the

current rules to reflect current law, usage, and circumstance. Public comments are invited. Comments should be directed to the Small Business Regulatory Coordinator. Statutory authority: IC 8-9.5-8-9; IC 8-15-2-14; IC 8-15-2-17; IC 8-15-2-17.2.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Mr. Brad L. Moore
One North Capitol, Suite 900
Indianapolis, Indiana 46204
(317) 233-6796
bmoore@idfa.in.gov

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #05-248

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 312 IAC 16-5-4 to authorize the director of the Department of Natural Resources to grant a variance from the requirement to install an intermediate string of casing from the surface to a point fifty (50) feet below the mine floor, whether drilled through a pillar or not. Such variance is authorized under specific circumstances upon receipt of a written application for variance from a person proposing to drill a well for oil and gas purposes on land underlain by an inactive underground mine or within the permit boundaries of an active underground mine. Also amends 312 IAC 16-5-5 to correct an administrative code citation. Public questions and comments may be sent to the Division of Hearings, Natural Resources Commission, 402 West Washington Street, Room W272, Indianapolis, Indiana 46204, by e-mail at jkane@nrc.in.gov, or by telephone at (317) 232-4699. Statutory authority: IC 14-10-2-4; IC 14-37-3.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Brock A. Mayes
Department of Natural Resources
Division of Reclamation
R.R. #2 Box 129
Jasonville, Indiana 47438
(812) 665-2207
bmayes@reclamation.dnr.state.in.us

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #05-261

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 312 IAC 9 concerning hunting of white-tailed deer and the taking, possessing, and releasing of exotic mammals. Prohibits the taking and releasing of the exotic mammals described in this rule. Adds a provision to possess exotic mammals under a permit. Questions concerning the proposed rule amendments may be directed to (317) 232-4699 or jkane@nrc.in.gov. Statutory authority: IC 14-10-2-4; IC 14-22-2-4; IC 14-22-2-6; IC 14-22-6-1; IC 14-22-32-6.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Gregg McCollam
Assistant Director
Division of Fish and Wildlife
Department of Natural Resources
402 W. Washington Street, Room W273
Indianapolis, Indiana 46204
(317) 233-9382
gmccollam@dnr.in.gov

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #05-262

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 312 IAC 9-3 to establish a special youth deer hunting season. Questions concerning the proposed rule amendments may be directed to (317) 232-4699 or jkane@nrc.in.gov. Statutory authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-12.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Gregg McCollam
Assistant Director
Division of Fish and Wildlife
Department of Natural Resources
402 W. Washington Street, Room W273
Indianapolis, Indiana 46204
(317) 233-9382
gmccollam@dnr.in.gov

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #05-263

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 312 IAC 5-7-5 that establishes special watercraft speed zones on Ohio River embayments in Switzerland County by making the entirety of Turtle Creek Bay

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an idle speed zone. Public questions and comments may be sent to the Division of Hearings, Natural Resources Commission, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, IN 46204; (317) 233-3322; slucas@nrc.in.gov. Statutory authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-7-3; IC 14-29-1-8.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Stephen L. Lucas
Division of Hearings
Natural Resources Commission
Indiana Government Center-South
402 West Washington Street, Room W272
Indianapolis, IN 46204
(317) 233-3322
slucas@nrc.in.gov

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #05-264

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 312 IAC 9, which establishes watercraft restrictions on waterways owned by public utilities, by adding a new section to govern watercraft operations on Sullivan Lake in Sullivan County. Public questions and comments may be sent to the Division of Hearings, Natural Resources Commission, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, IN 46204; (317) 233-3322; slucas@nrc.in.gov. Statutory authority: IC 14-10-2-4; IC 14-11-2-1; IC 14-15-7-3; IC 14-29-1-8.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Stephen L. Lucas
Division of Hearings
Natural Resources Commission
Indiana Government Center-South
402 West Washington Street, Room W272
Indianapolis, IN 46204
(317) 233-3322
slucas@nrc.in.gov

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #05-274

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 312 IAC 11-5-2 that governs lawful

nonconforming uses for structures subject to licensure under IC 14-26-2 (commonly known as the "Lakes Preservation Act"). Provides greater specificity to the processes used to evaluate lawful nonconforming uses. Specifies that the person claiming a lawful nonconforming use has the burden for establishing conformity and provides two years for the submission of documentation. Specifies that the department of natural resources has the burden for establishing that a lawful nonconforming use should be terminated if the department contends it is a nuisance or has been abandoned. Clarifies that a temporary structure can qualify as a lawful nonconforming use and acknowledges that the seasonal removal of a structure does not constitute abandonment. Effective January 1, 2007. Public questions or comments may be sent to the Division of Hearings, Natural Resources Commission, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, IN 46204; (317) 233-3322; slucas@nrc.in.gov. Statutory authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Stephen L. Lucas
Division of Hearings
Natural Resources Commission
Indiana Government Center-South
402 West Washington Street, Room W272
Indianapolis, IN 46204
(317) 233-3322
slucas@nrc.in.gov

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #05-256

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

OVERVIEW: Amends 410 IAC 21-3 to add additional health care providers as persons required to report to the registry and add hearing loss conditions to those birth problems that must be reported. Written comments may be submitted to the Indiana State Department of Health, Community and Family Health Services Commission, 2 North Meridian Street, #8C, Indianapolis, Indiana 46204. Statutory authority: IC 16-38-4-7.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Nancy Meade, R.D., M.P.H.
Indiana State Department of Health
2 North Meridian Street
Indianapolis, Indiana 46204
(317) 233-7827
nmeade@isdh.in.gov

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TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #05-259

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

OVERVIEW: The rule will amend the definition of bloodborne pathogens, add a definition of HCV, and update the sterilization requirements for equipment and environmental surfaces. Written comments may be submitted to the Indiana State Department of Health, Information Services and Policy Commission, 2 North Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-41-11-9.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Robert Teclaw
Indiana State Department of Health
2 North Meridian Street, 5K
Indianapolis, Indiana 46204
(317) 233-7807
rteclaw@isdh.in.gov

TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION

LSA Document #05-249

Under IC 4-22-2-23, the Board of Firefighting Personnel Standards and Education intends to adopt a rule concerning the following:

OVERVIEW: The proposed rule will amend 655 IAC 1, the general administrative rule, for the purpose of making changes to the Board's certification requirements, processes and procedures, and making conforming section changes. Statutory authority: IC 22-12-7-7; IC 22-14-2-7.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Mara J. Snyder, Director
Legal and Code Services
Indiana Department of Homeland Security
302 W. Washington Street, Rm. E243
Indianapolis, IN 46204
(317) 233-5341
msnyder@dhs.in.gov

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #05-260

Under IC 4-22-2-23, the Indiana State Department of Health intends to adopt a rule concerning the following:

OVERVIEW: The rule will amend 410 IAC 17 to revise the requirements and procedures for home health agencies, add requirements for home health aide registration upon change in employment, increase the annual license fee, and make changes for compliance with P.L.212-2005. Questions or comments concerning the proposed rules may be directed to: Indiana State Department of Health, Health Care Regulatory Services Commission, 2 N. Meridian Street, Indianapolis, Indiana 46204. Statutory authority: IC 16-27-1-7; IC 16-27-1.5-4.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Terry Whitson
Indiana State Department of Health
2 North Meridian Street, 5A
Indianapolis, Indiana 46204
(317) 233-7022
twhitson@isdh.in.gov

TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #05-265

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

OVERVIEW: To amend 760 IAC 1-38.1 regarding definitions, order of benefits, terms of policies, medical expenses, and to update the rule consistent with the most recent model adopted by the National Association of Insurance Commissioners. Written comments may be submitted to the Indiana Department of Insurance, Attn: Amy Strati, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204 or e-mail to astrati@doi.state.in.us. Statutory authority: IC 27-1-3-7.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Amy Strati
Chief Counsel
Department of Insurance
311 W. Washington Street
Indianapolis, IN 46204
(317) 232-0143
astrati@doi.state.in.us

Notice of Intent to Adopt a Rule

TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #05-266

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

OVERVIEW: To amend 760 IAC 1-60 regarding the Indiana Patient's Compensation Fund surcharge rates for fellowships, part time, and locum tenen physicians. Written comments may be submitted to the Indiana Department of Insurance, Attn: Amy Strati, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204 or e-mail to astrati@doi.state.in.us. Statutory authority: IC 34-18-5-2.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Amy Strati
Chief Counsel
Department of Insurance
311 W. Washington Street
Indianapolis, IN 46204
(317) 232-0143
astrati@doi.state.in.us

TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #05-275

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

OVERVIEW: To amend 760 IAC 1-40, Agent Prelicensing Study Programs, in regards to instructor qualifications and to achieve consistency with the uniformity initiatives of the National Association of Insurance Commissioners. Written comments may be submitted to the Indiana Department of Insurance, Attn: Amy Strati, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204 or e-mail to astrati@doi.state.in.us. Statutory authority: IC 27-1-3-7; IC 27-1-15.6-32; IC 27-1-15.6-33.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Amy Strati
Chief Counsel
Department of Insurance
311 W. Washington Street
Indianapolis, IN 46204
(317) 232-0143
astrati@doi.state.in.us

TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #05-276

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

OVERVIEW: To amend 760 IAC 1-27 regarding examination and license fees. Written comments may be submitted to the Indiana Department of Insurance, Attn: Amy Strati, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204 or e-mail to astrati@doi.state.in.us. Statutory authority: IC 27-1-15.6-32; IC 27-1-25-14; IC 27-1-27-4.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Amy Strati
Chief Counsel
Department of Insurance
311 W. Washington Street
Indianapolis, IN 46204
(317) 232-0143
astrati@doi.state.in.us

TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS

LSA Document #05-270

Under IC 4-22-2-23, the Indiana State Board of Health Facility Administrators intends to adopt a rule concerning the following:

OVERVIEW: Amends 840 IAC 1-1-6 concerning the licensure examination to address the number of examination attempts and the time frame an applicant has to pass the licensure examination. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, ATTENTION: Board Director, Indiana Government Center-South, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204 or by electronic mail at jellerbrook@pla.in.gov. Statutory authority: IC 25-19-1-4; IC 25-19-1-8.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Jayma Ellerbrook
Indiana Professional Licensing Agency
Indiana Government Center-South
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
(317) 234-2051
jellerbrook@pla.in.gov

**TITLE 105 INDIANA DEPARTMENT OF
TRANSPORTATION**

Proposed Rule
LSA Document #05-161

DIGEST

Adds 105 IAC 13 to establish a formal procedure for relocations of utility facilities by providing for an exchange of information between the users of state highway right-of-way, transportation contractors and the Department. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Business

Indiana Code 4-22-2.1-5 requires an agency to submit to the Legislative Services Agency and the Indiana Economic Development Corporation a statement of the economic impact of any proposed rule with an economic impact on small businesses. The IEDC is required to review the rule and submit written comments to the agency no later than seven days before the public hearing. The proposed rule, as mandated by SEA 513-2005, is primarily the product of a Task Force which included the groups to be affected by the rule, specifically representatives of utilities, highway contractors, design consultants and the department. The analysis of the rule by the Task Force and the department found no adverse economic impact on small business. Therefore the department did not submit a statement of economic impact to the Legislative Services Agency and the Indiana Economic Development Corporation.

105 IAC 13

SECTION 1. 105 IAC 13 IS ADDED TO READ AS FOLLOWS:

ARTICLE 13. UTILITY RELOCATIONS ON CONSTRUCTION CONTRACTS

Rule 1. General Provisions

105 IAC 13-1-1 Purpose of rule

Authority: IC 8-23-2-5; IC 8-23-2-6
Affected: IC 8-1-26

Sec. 1. (a) The department is authorized to manage the public rights-of-way of state highways. The purpose of this rule is to establish a formal procedure for highway improvement projects that involve the relocation of utility facilities by providing for the exchange of information and the implementation of their respective responsibilities among the department, utilities, and the contractor.

(b) This rule is not intended to modify liability under IC 8-1-26. (*Indiana Department of Transportation; 105 IAC 13-1-1*)

105 IAC 13-1-2 Applicability

Authority: IC 8-23-2-5; IC 8-23-2-6
Affected: IC 8-23-2

Sec. 2. (a) This rule applies to improvement projects, as defined in section 3(8) of this rule, that have utility facilities within the limits of the improvement project when the design process:

- (1)** is begun after the effective date of this rule; or
- (2)** has commenced before the effective date of the rule if the:

- (A)** affected utility has been afforded the notice and response times set out in this rule; and
- (B)** notices provided were in substantial compliance with notification requirements of this rule.

(b) The department may require a utility to comply with a shortened process or expedited schedule where an emergency exists that could affect public safety or the structural or functional integrity of the highway facility.

(c) Whenever the rule requires information, documents, or other notices to be delivered or provided to the department, it shall mean to the department's highway-utility manager unless the department has directed the utility in writing to a specific representative or office. (*Indiana Department of Transportation; 105 IAC 13-1-2*)

105 IAC 13-1-3 Definitions

Authority: IC 8-23-2-5; IC 8-23-2-6
Affected: IC 8-1-9-2

Sec. 3. The following definitions apply throughout this article:

- (1)** "Authorized representative" means the person named by the utility as their official contact person.
- (2)** "Business day" means any calendar day of the year exclusive of Saturday, Sunday, and state declared holidays.
- (3)** "Compensable work" means utility facility alteration or relocation work for which the department will reimburse the utility facility owner under Indiana law.
- (4)** "Contractor" means the person or entity that enters into an improvement project contract with the department, including subcontractors and suppliers.
- (5)** "Day" means any calendar day of the year. If more than one (1) day, the term includes any consecutive day or days of any year or years.
- (6)** "Department" means the Indiana department of transportation (INDOT) or any consultant or local agency acting on behalf of the department.
- (7)** "Highway" means any roadway:
 - (A)** under the jurisdiction of the department; or
 - (B)** where a department-administered project is planned.
- (8)** "Improvement" or "improvement project" means the

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construction, reconstruction, rehabilitation, and process incidental to building, fabricating, or bettering any:

- (A) state, United States, or interstate route;
- (B) projects within the state parks or other roadways the department is required by statute to build and maintain;
- (C) local project administered by the department and federally funded; and
- (D) project on the state highway system administered by a local authority.

The term shall not include routine maintenance.

(9) “Initial notice” means a written notice denoted as an “Initial Notice” that is:

- (A) prepared by the department for an improvement project; and
- (B) mailed to the utility under section 4(c) of this rule.

(10) “Letting date” means the date the department receives and opens bids for an improvement.

(11) “Mail” means a written transmittal sent to the addressee by U.S. mail or other approved means.

(12) “Major project” means an improvement that:

- (A) due to scope or complexity typically involves a long term design process of more than twelve (12) months; or
- (B) is otherwise designated by the department as a major project.

(13) “Minor project” means an improvement that:

- (A) due to scope or complexity typically involves a short term design process of less than twelve (12) months; or
- (B) is otherwise designated by the department as a minor project.

(14) “Noncompensable work” means utility facility alteration or relocation work that the utility owner must carry out without cost to the department.

(15) “Project plan” means the plans for the improvement project suitable for the design of utility facility alterations or relocations that the department sends to the utility.

(16) “Ready for contract” means the date when the highway project design process will be complete with plans and specifications ready to advertise for bids for construction. This date is subject to change depending on the actual design progress.

(17) “Utility” means the owner of a utility as defined in IC 8-1-9-2(a). The term includes cable television systems.

(18) “Work plan” means a plan of the utility to carry out utility facility alteration or relocation work to accommodate an improvement project of the department.

(Indiana Department of Transportation; 105 IAC 13-1-3)

105 IAC 13-1-4 Identification and notification

Authority: IC 8-23-2-5; IC 8-23-2-6

Affected: IC 8-1-26

Sec. 4. (a) Each utility shall submit the:

- (1) name;

- (2) street address;
- (3) mailing address;
- (4) phone number;
- (5) fax number; and
- (6) e-mail address;

of its authorized representative to the department in January of each year. If the authorized representative changes, the department shall be notified within thirty (30) days.

(b) The department shall make a reasonable effort to do the following:

(1) Determine what utility facilities are located within the right-of-way of a proposed improvement project, which shall include, but not be limited to, the following:

- (A) Researching permit files.
- (B) Reviewing map files maintained by the department.
- (C) Field investigation.
- (D) Contact with one-call locating services.
- (E) Through contacts with local governmental units.

(2) Identify each utility determined in subdivision (1) by name.

(c) The department shall mail to the identified utility the initial notice of the proposed improvement project.

(d) The notification shall include the following:

- (1) The name or route number, or both, of the highway.
- (2) The geographical limits of the improvement.
- (3) A general description of the work to be done.
- (4) An estimated date that an approved work plan will be needed.
- (5) The anticipated ready for contract date.

The designer and other contact information shall be provided, if available. The anticipated schedule shall be updated with each submission from the department.

(e) Within thirty (30) days of the receipt of the initial notice, the utility shall do the following:

(1) Respond by mail to the department to:

- (A) describe the type and location of any and all utility facilities it has in the vicinity of the proposed improvement; or
- (B) advise that it has no facilities in the vicinity of the proposed improvement.

(2) Provide the department with detailed location information for all its buried utilities in the vicinity of the proposed improvement including horizontal location within an accuracy of plus or minus two (2) feet and approximate depths. Unless the department and the utility mutually agree on some other format or timetable for exchange of this information, the utility will do the following:

- (A) Mark the locations in the field in a manner as prescribed in IC 8-1-26.

(B) Notify the department at least two (2) business days before commencing the placement of the markings.

(C) Complete the placement of the markings within thirty (30) days of receipt of the initial notice.

The department will be responsible for measuring and recording the locations of the field markings.

(f) The department will list and identify the locations of all known utility facilities, on one (1) or more plan sheets. *(Indiana Department of Transportation; 105 IAC 13-1-4)*

105 IAC 13-1-5 Verification of existing facilities

Authority: IC 8-23-2-5; IC 8-23-2-6

Affected: IC 8-23-2

Sec. 5. (a) The department shall mail each utility a copy of the plan identified in section 4(f) of this rule that shows all existing utility facilities known to the department that are:

- (1) within the right-of-way; or
 - (2) in the vicinity of;
- the improvement project.

(b) Each utility shall do the following:

- (1) Review the accuracy of the plan as to the existing utility facilities.
- (2) Detail any inaccuracies by written reply to the department within thirty (30) days of receipt.
- (3) Reply whether or not the information is accurate.

Failure to reply, however, within the allotted time shall be deemed verification that the plans are accurate. *(Indiana Department of Transportation; 105 IAC 13-1-5)*

105 IAC 13-1-6 Project and work plans

Authority: IC 8-23-2-5; IC 8-23-2-6

Affected: IC 4-21.5-3

Sec. 6. (a) In conjunction with the mailing in section 5(a) of this rule or as a separate mailing later, the department shall prepare preliminary plans that shall be mailed to the involved utilities. Each utility shall do the following:

- (1) Review the submitted preliminary plans.
- (2) Indicate any conflicts between its facility or facilities and the proposed improvement project in writing to the department within:
 - (A) sixty (60) days of receipt for major projects; or
 - (B) thirty (30) days of receipt for minor projects.
- (3) Reply whether or not there are conflicts.

Failure to timely reply, however, shall be deemed an indication of no conflicts. In the event of conflicts, the utility may recommend design changes for the improvement project to minimize utility costs or delays. The department will review the recommended changes and implement the changes where appropriate.

(b) Upon completion of the preliminary plan development, the department will proceed with the development of

final plans for the improvement project. The department shall mail to the utility a copy of the preliminary final plans for the improvement project, generally before those plans are complete, but which shall have sufficient detail to allow the preparation of the utility relocation work plan. The utility shall use the plans to develop and provide to the department its work plan. A work plan shall be submitted:

- (1) whether or not any actual relocation is required; and
- (2) within:

(A) sixty (60) days of receipt for a minor project; and

(B) one hundred twenty (120) days for a major project.

Upon a utility's request or on its own initiative, if the department determines there is a potential for conflict between work plans, the department will schedule a meeting, which the utilities are required to attend, to coordinate the work. An additional thirty (30) days will be allowed to furnish the work plan if coordination is required with another utility or utilities. Additional time may be allowed by the department for unusually complex or extensive relocations, but not more than one hundred eighty (180) days.

(c) The work plan shall include the following:

- (1) A narrative description of what work will be required.
- (2) Whether the work is dependent on work:

(A) by another utility; or

(B) to be done by the department or contractor; with a description of the work.

(3) Whether the utility is willing to consider allowing the contractor to do the needed work as part of the highway contract.

(4) The earliest date when the utility could begin to implement the work plan and the number of calendar days that will be required to complete the work.

(5) The expected lead time in calendar days:

(A) to obtain any required permits; and

(B) required for obtaining materials and scheduling work crews.

(6) A drawing showing the proposed location of the relocated facilities.

(d) For compensable work, in addition to the items specified in subsection (c), the work plan shall include an estimate of cost for utility facilities relocation including appropriate credits for betterments and documentation of easements and compensable land rights. A highway/utility agreement or subordination agreement, if required, or both, shall be executed at this time.

(e) The department shall review the work plan to ensure the following:

- (1) Compatibility with department permit requirements.
- (2) The highway improvement plans and construction schedule.
- (3) Reasonableness of the following:

(A) The relocation scheme.

(B) The cost for compensable work.

If the work plan submitted by the utility is not compatible or reasonable, the department shall notify the utility by mail as soon as practicable. The utility shall submit a revised work plan within thirty (30) days of receipt of the notice by the department. The department shall review the revised work plan, and, if the work plan is still not compatible or reasonable, the department will prepare an alternative work plan for submission to the utility. Within thirty (30) days of receipt by the utility of the alternative plan, the utility may accept the alternative plan or request, in writing, specific changes. The department shall review any changes requested to the alternative plan. The department shall adopt a final alternative plan that considers the interests of the utility, contractor, and public, to assure safety and reliability and avoid the imposition of unnecessary and unreasonable costs. The final work plan adopted by the department will be considered a final agency action, subject to appeal under IC 4-21.5-3.

(f) The department shall notify the utility by mail as soon as practicable whether its work plan or alternative plan is approved. (*Indiana Department of Transportation; 105 IAC 13-1-6*)

105 IAC 13-1-7 Construction

Authority: IC 8-23-2-5; IC 8-23-2-6

Affected: IC 8-23-2

Sec. 7. (a) The department shall notify the utility, by mail, not less than thirty (30) days before the utility is required to begin the implementation of the approved work plan. The utility shall acknowledge the notification by mail within fifteen (15) days.

(b) The department will include or reference a copy of each work plan in the highway contract.

(c) If the utility's approved work plan is dependent on work by the contractor, the contractor shall do the following:

- (1) Provide the department and the utility a good faith notice not less than fifteen (15) days before the contractor's work is expected to be complete and ready for the utility to implement its work plan.
- (2) Follow up with a confirmation notice to the department and the utility not less than three (3) business days before the contractor's work will be completed so that the utility may implement the work plan.

(d) The utility shall notify the department and contractor, if identified, as follows:

- (1) At least five (5) days before beginning fieldwork within the right-of-way.
- (2) When the work is complete.

The notifications may be verbal, but must be confirmed by written notice within five (5) days of starting and completing the work, respectively. (*Indiana Department of Transportation; 105 IAC 13-1-7*)

105 IAC 13-1-8 Work plan revisions

Authority: IC 8-23-2-5; IC 8-23-2-6

Affected: IC 8-23-2

Sec. 8. (a) If, before the letting date of the highway improvement project, the department's project plan is changed so that additional utility relocation or adjustment work is found necessary:

- (1) the department shall furnish a revised project plan under section 6 of this rule; and
- (2) the utility shall provide the department with a revised work plan under section 6 of this rule, except that the time allowed for the utility to submit the revised work plan after receipt of the revised project plan shall not exceed sixty (60) days.

Revisions to the highway project plan shall be identified to the utility.

(b) If, after the letting date of the highway improvement project, additional utility relocation or adjustment work is found necessary, the department shall provide notice to the utility to prepare an expedited work plan as soon as practicable for submission to the department.

(c) A utility may submit a revised work plan that must be considered by the department if more than one (1) year has passed since the department approved the utility's work plan but not after the highway project ready for contract date. The department may require the utility to proceed with the previously approved work plan. (*Indiana Department of Transportation; 105 IAC 13-1-8*)

105 IAC 13-1-9 Responsibilities

Authority: IC 8-23-2-5; IC 8-23-2-6

Affected: IC 8-1-26

Sec. 9. (a) The utility, contractor, and department shall perform the duties imposed by the approved work plan, contract, and this rule within the time frames specified.

(b) Factors that shall excuse a utility from meeting the deadlines in their approved work plan include the following:

- (1) The alteration or relocation was impacted by any of the following:
 - (A) Significantly differing site conditions.
 - (B) Unexpected impacts of other utilities.
 - (C) Other unforeseen circumstances that could not have been reasonably anticipated through due diligence.
 - (D) A force majeure event.
- (2) Occurrence of severe weather or other factors beyond the control of the utility directly affecting the work plan

completion.

(3) The final project plans differ substantially from the plans provided the utility under section 6(b) of this rule.

(4) If the utility's facility is discovered during the process required by IC 8-1-26, has not been previously identified as being within the project limits, and the utility can show the following:

(A) The facility was installed after the date the department identified the affected utilities under section 4(b) of this rule.

(B) A proper permit was obtained for the installation of the facility from the department.

(c) If a utility's work plan requires adjustment due to the occurrence of one (1) or more factors enumerated in subsection (b), the department and the utility shall proceed as directed in section 8(b) of this rule. (*Indiana Department of Transportation; 105 IAC 13-1-9*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 27, 2005 at 10:00 a.m., at the Indiana Government Center-North, 100 North Senate Avenue, Room N755, Bay Window Conference Room, Indianapolis, Indiana the Indiana Department of Transportation will hold a public hearing on proposed new rules related to utility facility relocations on certain construction projects.

The Department of Transportation is required to adopt these rules by IC 8-23-2-5. Since the proposed rule merely formalizes activities that are already being performed by affected parties, no adverse economic impact is anticipated. It is believed that no small business will be subject to this rule; however, if affected, since these duties are already being performed and this rule merely formalizes the process, no additional costs are anticipated.

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N730 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Richard K. Smutzer
Chief Engineer
Indiana Department of Transportation

TITLE 140 BUREAU OF MOTOR VEHICLES

Proposed Rule
LSA Document #05-237

DIGEST

Adds 140 IAC 7-4 to establish standards for operator's licenses under IC 9-24-9 and identification cards for nondrivers

under IC 9-24-16. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Business Subject This Rule:

The Bureau of Motor Vehicles estimates that no small businesses will be directly affected by this rule, as driver licenses and identification cards are issued to individuals, not to businesses. Although the rule will apply to individuals who own or work for small businesses, the standards will be substantially similar to those applied by the Bureau for more than two years and will not increase the regulatory burden on small businesses or individuals.

Estimated Annual Average Administrative Costs That Small Businesses Will Incur:

The Bureau estimates that there will no additional administrative costs to small businesses as a result of this rule. The administrative burden of demonstrating identity and residency will only fall on individual applicants and will be the cost of complying with standards for identification that are substantially similar to those currently in place.

Estimated Total Annual Economic Impact on Small Businesses:

The Bureau estimates that there will be no additional economic impact on small businesses as a result of this rule.

Justification of Requirements or Costs on Small Businesses Where Rule Is Not Expressly Required by Law:

There are no additional requirements or costs on small businesses. The standards are necessary to implement the requirements of Indiana Code for applicants for licenses and identification cards.

Supporting Data, Studies, or Analyses:

The Bureau did not rely on any studies in reaching this estimate.

Regulatory Flexibility Analysis or Alternative Methods:

The Bureau considers these standards necessary to comply with the requirements of state and federal law and considers these standards to be the least restrictive practicable measures under current law.

Explanation of Preliminary Determination:

The Bureau's current standards have been challenged in court, and both citizens and administrators need clear standards to ensure the orderly administration of the requirements of state and federal law.

Supporting Data, Studies, or Analyses:

The Bureau did not rely on any studies in reaching this conclusion. However, it considered its past experience and the requirements of state and federal law.

140 IAC 7-4

SECTION 1. 140 IAC 7-4 IS ADDED TO READ AS FOLLOWS:

Rule 4. Identity Documents Required**140 IAC 7-4-1 Definitions**

Authority: IC 9-14-2-2

Affected: IC 9-24-9; IC 9-24-16

Sec. 1. (a) The words and phrases used in this rule shall have the meaning given to them in this section unless the context clearly indicates a different meaning.

(b) “Bureau” means the bureau of motor vehicles. Although the bureau of motor vehicles commission is a separate legal entity, for purposes of this rule, it and its branches are incorporated in the definition of bureau.

(c) “Commissioner” means the commissioner of the bureau of motor vehicles of the state of Indiana.

(d) “Primary document” means a document used to:

- (1) identify an individual; and
- (2) verify his or her date of birth and citizenship.

(e) “Proof of residency” means documents used in verifying an individual’s place of residence.

(f) “Resident” means a person who is presently domiciled in Indiana with intent to reside in this state permanently.

(g) “Secondary document” means a document used in addition to primary documents for identity purposes.

(h) “State” means any of the United States of America.

(i) “Valid” means not expired and authentic. (*Bureau of Motor Vehicles; 140 IAC 7-4-1*)

140 IAC 7-4-2 License, permit, and identification card qualifications

Authority: IC 9-14-2-2

Affected: IC 9-24-9; IC 9-24-16

Sec. 2. (a) The bureau shall require documentation as part of the application for an Indiana:

- (1) driver’s license;
- (2) learner/driver education permit; and
- (3) identification card.

(b) To receive a first time Indiana driver’s license or driver education/learner permit, an applicant is required to provide:

- (1) one (1) document from the primary group, one (1) document from the secondary group, one (1) document from the proof of residency group, and proof of a valid Social Security number; or
- (2) two (2) documents from the primary group, one (1) document from the proof of residency group, and proof of a valid Social Security number.

(c) To receive a first time Indiana identification card, an applicant is required to provide:

- (1) one (1) document from the primary group, one (1) document from the secondary group, and one (1) document from the proof of residency group; or
- (2) two (2) documents from the primary group, and one (1) document from the proof of residency group.

(d) To receive a duplicate Indiana driver’s license or learner/driver education permit, an applicant is required to provide one (1) document from the primary group, one (1) document from the secondary group, verification of the Social Security number on the bureau’s record, and, if the applicant’s address has changed since the license or permit was issued or renewed, one (1) document from the proof of residency group.

(e) To amend an Indiana driver’s license, learner/driver education permit, or identification card, an applicant is required to provide a license, learner/driver education permit, or identification card to amend and acceptable documentation to support the changes to be made on the license, permit, or identification card. If an applicant cannot provide a driver’s license, learner/driver education permit, or identification card to amend, the applicant must present the documentation required to obtain a duplicate license, permit, or identification card.

(f) To renew an Indiana driver’s license, learner/driver education permit, or identification card, an applicant is required to surrender a current Indiana driver’s license, learner/driver education permit, or identification card and to provide verification of the Social Security number on the bureau’s record.

(1) If the applicant does not possess a current Indiana driver’s license, permit, or identification card, he or she is required to present documentation as a first time applicant.

(2) When renewing an Indiana driver’s license or learner/driver education permit, an identification card is only considered secondary documentation.

(3) An applicant presenting an Indiana driver’s license, learner/driver education permit, or identification card that has been expired more than ten (10) years must provide documentation as if applying for a first time license, permit, or identification card.

(*Bureau of Motor Vehicles; 140 IAC 7-4-2*)

140 IAC 7-4-3 Bureau of motor vehicles documentation list

Authority: IC 9-14-2-2

Affected: IC 9-24-9-2; IC 9-24-16

Sec. 3. (a) The bureau shall require documentation as part of the application for an Indiana driver’s license, learner/driver education permit, and identification card.

Only original documents or certified facsimiles from the issuing agency will be accepted. The bureau reserves the right to refuse any identification presented that appears fraudulent or unreliable. Altered and expired documents will not be accepted. Documents presented to the bureau for identification purposes will be kept confidential. All documents must contain the applicant's name and must be in the English language or contain an English translation. The commissioner or the commissioner's designee may accept reasonable alternate documents to satisfy the requirements of this rule and IC 9.

(b) Primary group-acceptable United States documents are as follows:

- (1) United States birth certificate with authenticating stamp or seal containing the applicant's date of birth, place of birth, and parent's names, issued by:
 - (A) a county department or county board of health from the applicant's state of birth;
 - (B) a state department or state board of health from the applicant's state of birth; or
 - (C) a verified delayed birth certificate.
- (2) Certificate of naturalization/citizenship.
- (3) Certification of report of birth (form DS-1350).
- (4) U.S. consular report of birth (form FS-240).
- (5) Birth certificates issued by United States territories, including American Samoa, Guam, Puerto Rico, and Virgin Islands.
- (6) U.S. military/merchant marine identification card with photo.
- (7) U.S. passport.
- (8) U.S. veterans universal access identification card with photo.

(c) Primary group-acceptable immigration documents are as follows:

- (1) Valid foreign passport with photo with a visa that includes a valid form I-94 indicating the authorized duration of stay in the United States.
- (2) Valid foreign passport with a current visa that states "Upon Endorsement serves as Temporary I-551 evidencing Permanent Residence for 1-year".
 - (A) Canadian passports are not required to have a visa or a form I-94.
 - (B) Applicants from the Federated States of Micronesia, Palau, and the Republic of the Marshall Islands are not required to present a visa but must submit a form I-94.
 - (C) Passports with I-94 indicating F-1/F-2 status must provide a valid form I-20 ("Certificate of Eligibility"). For these applicants, the form I-20 serves as a secondary document.
 - (D) Passports with I-94 indicating J-1/J-2 status must be submitted with a valid form DS-2019 ("Certificate of Eligibility"). For these applicants, the form DS-2019

serves as a secondary document.

- (3) Authorization for parole of an alien into the United States (form I-512).
- (4) Employment authorization card (I-688B).
- (5) Employment authorization card (I-766).
- (6) Form I-94 stamped with "Section 207" refugee status.
- (7) Form I-94 stamped with "Section 208" asylum status.
- (8) Permanent resident card (I-551).
- (9) Temporary I-551 stamp on a passport.
- (10) Temporary resident card (I-688).
- (11) Travel document (I-131).
- (12) An I-797 "Notice of Action" indicating an applicant's approval may be used to extend the validity of an original primary document.

(d) Secondary group-acceptable documents are as follows:

- (1) Certified academic transcripts from schools in the United States and its territories.
- (2) School report cards dated within twelve (12) months of application.
- (3) School identification card with photo or yearbook photo within three (3) years of application.
- (4) An identification card with photo issued by a foreign consulate.
- (5) An identification card with photo issued by the federal government.
- (6) An Indiana identification card.
- (7) Driver's license, identification card, or permit with photo issued by another state.
- (8) Original driving record from another state.
- (9) Valid form I-20 with a valid form I-94 and a F-1/F-2 status in passport.
- (10) Valid form DS-2019 with a valid form I-94 and a J-1/J-2 status in passport.
- (11) Indiana county presentence investigation report with clerk stamp or seal.
- (12) Indiana gun permit.
- (13) Indiana probation identification card with photo, name, and date of birth.
- (14) Letter from probation officer, caseworker, or social worker on official letterhead, certified with stamp or seal, with the applicant's name and signature of the probation officer, caseworker, or social worker.
- (15) Prison release documentation.
- (16) U.S. district court presentence investigation report with stamp or seal.
- (17) Valid banking card or MasterCard, Visa, American Express, or Discover card issued in the name of the applicant with his or her signature.
- (18) Bank statement issued within sixty (60) days of application.
- (19) Form W-2 (federal or state) or Form 1099 with the applicant's name and address.
- (20) Computer-generated pay check stub with applicant's

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name and address.

- (21) Valid employee identification card with photo.
- (22) Valid Indiana professional license.
- (23) Valid insurance card.
- (24) Medicare or Medicaid card.
- (25) U.S. military discharge or DD214 separation papers.
- (26) U.S. Uniformed Services Card.
- (27) Divorce decree certified by court of law with stamp or seal.
- (28) Application of marriage or record of marriage that is certified with stamp or seal.
- (29) Applicants under eighteen (18) years of age making application for an Indiana identification card may present acceptable Social Security documentation as his or her secondary document.

(e) Any document from the list in the primary or secondary group may be used as proof of Indiana residency along with the following documents, as long as the document contains the applicant's name and residential address. A post office box is not an acceptable residential address.

- (1) Child support check stub from the Indiana family and social services administration with name and address of the applicant.
- (2) Change of address confirmation (form CNL107) from the U.S. Postal Service listing the applicant's old and new address.
- (3) Bill or benefit statement issued within sixty (60) days of application.
- (4) Indiana driver's license, identification card, or permit with photo.
- (5) Indiana surveyor report.
- (6) Indiana residency affidavit.
- (7) Voter registration card.
- (8) Valid Indiana vehicle or watercraft title or registration.

(f) Under IC 9-24-9-2, each application for a license or permit must require a Social Security number. Acceptable documents to verify an applicant's Social Security number are the following:

- (1) Social Security card.
- (2) Social Security card bearing the legend "Valid for Work Only with DHS Authorization".
- (3) Social Security card bearing the legend "Not Valid for Employment".
- (4) Letter verifying the applicant's Social Security number issued in the applicant's name and signed and stamped by the Social Security Administration.
- (5) Numident report stamped and issued in the applicant's name by the Social Security Administration.

(Bureau of Motor Vehicles; 140 IAC 7-4-3)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October

24, 2005 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing on proposed standards for operator's licenses and identification cards for nondrivers.

This proposed rule does not impose any requirement or costs on a regulated entity not expressly required by state or federal law.

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

David J. Certo
Chief Legal Counsel
Bureau of Motor Vehicles

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Proposed Rule
LSA Document #05-93

DIGEST

Adds 410 IAC 27 to establish rules pertaining to the operation and management of birthing centers as well as establishing minimum licensing qualifications and establishing requirements for sanitation standards, staff qualifications, necessary emergency equipment, procedures to provide emergency care, quality assurance standards, and infection control, to prescribe the operating policies, supervision, and maintenance of medical records, to establish procedures for the issuance, renewal, denial, and revocation of licenses while addressing the form and content of the license and the collection of an annual license fee, and to address procedures and standards for inspections. Effective 30 days after filing with the Secretary of State.

410 IAC 27

SECTION 1. 410 IAC 27 IS ADDED TO READ AS FOLLOWS:

ARTICLE 27. BIRTHING CENTERS

Rule 1. Definitions

410 IAC 27-1-1 Applicability

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 1. The definitions in this rule apply throughout this article. *(Indiana State Department of Health; 410 IAC 27-1-1)*

410 IAC 27-1-2 "Authenticate" defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 2. “Authenticate” means the author or responsible individual has reviewed the clinical content of the order and validated an entry in the record by:

- (1) a full signature, including first initial, last name, and discipline;**
 - (2) written initials if full signature appears on the same page; or**
 - (3) a unique identifier such as a number or computer key.**
- (Indiana State Department of Health; 410 IAC 27-1-2)*

410 IAC 27-1-3 “Birthing center” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-18-2-36.5; IC 16-21-1

Sec. 3. “Birthing center” has the meaning set forth in IC 16-18-2-36.5. *(Indiana State Department of Health; 410 IAC 27-1-3)*

410 IAC 27-1-4 “Center” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 4. “Center” means a birthing center. *(Indiana State Department of Health; 410 IAC 27-1-4)*

410 IAC 27-1-5 “Certified nurse midwife” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 25-23-1-13.1

Sec. 5. “Certified nurse midwife” means a person licensed to practice as a nurse midwife under IC 25-23-1-13.1. *(Indiana State Department of Health; 410 IAC 27-1-5)*

410 IAC 27-1-6 “Commissioner” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 6. “Commissioner” means the state health commissioner or the state health commissioner’s designee. *(Indiana State Department of Health; 410 IAC 27-1-6)*

410 IAC 27-1-7 “Council” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-18-2-84; IC 16-21-1

Sec. 7. “Council” has the meaning set forth in IC 16-18-2-84(1). *(Indiana State Department of Health; 410 IAC 27-1-7)*

410 IAC 27-1-8 “Department” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 8. “Department” means the Indiana state department of health. *(Indiana State Department of Health; 410 IAC 27-1-8)*

410 IAC 27-1-9 “Division” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 9. “Division” means the division of acute care of the department. *(Indiana State Department of Health; 410 IAC 27-1-9)*

410 IAC 27-1-10 “Governing body” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 10. “Governing body” means:

- (1) board of trustees;**
- (2) governing board;**
- (3) board of directors; or**
- (4) other body or individual responsible for governing a birthing center.**

(Indiana State Department of Health; 410 IAC 27-1-10)

410 IAC 27-1-11 “Health care provider” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-18-2-163; IC 16-21-1

Sec. 11. “Health care provider” has the meaning set forth in IC 16-18-2-163. *(Indiana State Department of Health; 410 IAC 27-1-11)*

410 IAC 27-1-12 “Health care worker” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 12. “Health care worker” means a person who provides services whether as an individual health care provider, volunteer, or student at or employee of a center. *(Indiana State Department of Health; 410 IAC 27-1-12)*

410 IAC 27-1-13 “Licensed health professional” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 25-23-1-27.1

Sec. 13. “Licensed health professional” has the meaning set forth in IC 25-23-1-27.1. *(Indiana State Department of Health; 410 IAC 27-1-13)*

410 IAC 27-1-14 “Medical staff” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 14. “Medical staff” means physicians and certified nurse midwives appointed by the governing body or contracted with by the governing body and responsible to the governing body for the following:

- (1) The clinical and scientific work of the center.**
- (2) Advice regarding professional matters and policies.**
- (3) Review of the professional practices in the center for the purposes of reducing morbidity and mortality and for the improvement of the care of patients in the center, including the following:**
 - (A) The quality and necessity of care provided.**
 - (B) The preventability of complications and deaths occurring in the center.**

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(Indiana State Department of Health; 410 IAC 27-1-14)

410 IAC 27-1-15 “Pharmacist” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 25-26-13

Sec. 15. “Pharmacist” means an individual licensed under IC 25-26-13. *(Indiana State Department of Health; 410 IAC 27-1-15)*

410 IAC 27-1-16 “Physician” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 25-22.5-5

Sec. 16. “Physician” means an individual licensed under IC 25-22.5-5. *(Indiana State Department of Health; 410 IAC 27-1-16)*

410 IAC 27-1-17 “Registered nurse” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 25-23-1

Sec. 17. “Registered nurse” means an individual licensed under IC 25-23-1. *(Indiana State Department of Health; 410 IAC 27-1-17)*

Rule 2. License Requirements

410 IAC 27-2-1 License

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 4-21.5-3-5; IC 16-21-2-14

Sec. 1. (a) A license must be obtained from the state health commissioner under IC 4-21.5-3-5 before:

- (1) establishing;
- (2) conducting;
- (3) operating; or
- (4) maintaining;

a birthing center. A birthing center may not operate without a license issued by the commissioner.

(b) A license to operate a birthing center:

- (1) expires one (1) year after the date of issuance;
- (2) is not assignable or transferable; and
- (3) is issued only for the premises named in the application.

(c) A license is valid for only one (1) location. Multiple centers may not be operated under one (1) license.

(d) Upon closure of the center, the license shall be returned to the division. *(Indiana State Department of Health; 410 IAC 27-2-1)*

410 IAC 27-2-2 Review of physical plant plans

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 2. (a) The department will not issue a provisional

license to operate a birthing center until the center has obtained final plan approval from the sanitary engineering program of the department.

(b) Before the start of the construction, addition, or renovation project, the center shall request and obtain plan approval from the sanitary engineering program of the department. To request plan approval, the center must file with the department a request for plan review on a form approved by the department and have the following available for review:

- (1) Detailed architectural and operational plans for construction.
- (2) Functional program narrative.
- (3) Schematics, based upon the functional program, consisting of drawings (as single-line plans), outline specifications, and other documents illustrating the scale and relationship of project components.
- (4) Working drawings, project manuals, and specifications.

(c) After receiving plan approval, the center shall:

- (1) inform the sanitary engineering program of any changes or modifications to the plans approved by the department; and
- (2) provide appropriate architectural and operational plans to the department for those changes or modifications.

After reviewing any changes or modifications and upon a determination of compliance with physical plant rules under this article, a final plan approval will be issued by the sanitary engineering program. *(Indiana State Department of Health; 410 IAC 27-2-2)*

410 IAC 27-2-3 Application for initial license

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 3. (a) To obtain a license to operate a birthing center, an application for a license to operate a birthing center must be submitted to the division. The application may be submitted simultaneously with the request for plan review before construction. At the latest, however, the application must be received by the department at least forty-five (45) days before the anticipated opening of the center. At least forty-five (45) days before the opening of the center, the applicant must inform the division of the anticipated date of opening.

(b) The initial license application includes the following:

- (1) An application for a license to operate a birthing center on a form prescribed by the division.
- (2) Documents required by the application for a license to operate a birthing center.
- (3) The appropriate license fee.

(c) All changes in ownership, name, and address must be reported in writing to the division. Reapplication must be filed when a change of fifty percent (50%) or greater ownership occurs. (*Indiana State Department of Health; 410 IAC 27-2-3*)

410 IAC 27-2-4 Review and approval of initial license application

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2-11

Sec. 4. (a) Upon receipt of a completed application for a birthing center license, the department will review the application and accompanying documentation to determine that the applicant has met the requirements of IC 16-21-2-11(a)(1) and IC 16-21-2-11(a)(2).

(b) Upon determination by the commissioner that the applicant has failed to comply with this article, the commissioner may:

- (1) request additional information concerning the application;
- (2) conduct a further investigation to determine whether a provisional license should be granted; or
- (3) deny the application.

(c) Upon determination by the commissioner that the applicant has complied with the provisional licensing requirements for a birthing center under this article, the commissioner will:

- (1) provisionally approve the application for a birthing center license; and
- (2) issue a provisional license to operate a birthing center.

The provisional license expires ninety (90) days after issue.

(d) After the opening of the center and before the expiration of the provisional license, the department will conduct a licensing survey to ensure that the center is operating in compliance with this article.

(e) If the center is found on the initial licensing survey to be in compliance with this article, the commissioner will issue a full license to operate a birthing center. If the center is not found to be in compliance with this article, the commissioner may extend the provisional license for up to ninety (90) days. If the provisional license is extended, a revisit survey will be conducted or additional documentation will be requested, or both, before the end of the provisional period to ensure compliance with this article. If the center is found to be in compliance with this article, the commissioner will issue a full license to operate a birthing center. If the center is not found to be in compliance with this article after the extended provisional period, the commissioner may:

- (1) request additional information concerning the application;

- (2) conduct a further investigation to determine whether a provisional license should be granted; or
- (3) deny the application.

(*Indiana State Department of Health; 410 IAC 27-2-4*)

410 IAC 27-2-5 Denial of license

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 27-13-1

Sec. 5. The commissioner may deny a license to operate a birthing center for any of the following reasons:

- (1) If the licensee or licensees are not of reputable and responsible character.
- (2) If the birthing center is not in compliance with the minimum standards for a birthing center adopted under this article.
- (3) For violation of any of the provisions of IC 16-21 or this article.
- (4) For permitting, aiding, or abetting the commission of any illegal act in the center.
- (5) For knowingly collecting or attempting to collect from:
 - (A) a subscriber (as defined in IC 27-13-1-32); or
 - (B) an enrollee (as defined in IC 27-13-1-12);
 of a health maintenance organization (as defined in IC 27-13-1-19) any amounts that are owed by the health maintenance organization.
- (6) If conduct or practices of the center are found to be detrimental to the patients of the birthing center.
- (7) If the application for a license to operate a birthing center or supporting documentation provided inaccurate statements or information.

(*Indiana State Department of Health; 410 IAC 27-2-5*)

410 IAC 27-2-6 Renewal of license

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 6. (a) In order to renew its birthing center license, the center shall file an application for the renewal of a birthing center license with the division at least one (1) month before the expiration of the current license.

- (b) The renewal application includes the following:
- (1) An application for the renewal of a license to operate a birthing center on a form prescribed by the division.
 - (2) Documents required by the application for the renewal of a license to operate a birthing center.
 - (3) The appropriate license fee.

(c) Upon determination by the commissioner that the applicant has met the licensing requirements for a birthing center, the commissioner will approve the application for the renewal of a license to operate a birthing center and issue a license. (*Indiana State Department of Health; 410 IAC 27-2-6*)

410 IAC 27-2-7 Posting of license

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 7. A license issued under this article must be conspicuously posted on the premises in an area open to patients. *(Indiana State Department of Health; 410 IAC 27-2-7)*

410 IAC 27-2-8 Enforcement actions

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-3; IC 27-13-1

Sec. 8. (a) The commissioner may take any of the following actions on any of the grounds listed in subsection (b):

- (1) Issue a letter of correction.
- (2) Issue a probationary license.
- (3) Conduct a resurvey.
- (4) Deny the renewal of a license.
- (5) Revoke a license.
- (6) Impose a civil penalty in an amount not to exceed ten thousand dollars (\$10,000) per violation.

(b) The commissioner may take action under subsection (a) on any of the following grounds:

- (1) Violation of any provision of this article.
- (2) Permitting, aiding, or abetting the commission of any illegal act in an institution.
- (3) Knowingly collecting or attempting to collect from:
 - (A) a subscriber (as defined in IC 27-13-1-32); or
 - (B) an enrollee (as defined in IC 27-13-1-12);of a health maintenance organization (as defined in IC 27-13-1-19) any amounts that are owed by the health maintenance organization.
- (4) Conduct or practice found by the council to be detrimental to the welfare of the patients of an institution.

(Indiana State Department of Health; 410 IAC 27-2-8)

410 IAC 27-2-9 Probationary license

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 4-21.5; IC 16-21-1

Sec. 9. A probationary license may be:

- (1) issued for a period of three (3) months; and
- (2) reissued;

but not more than three (3) probationary licenses may be issued during a twelve (12) month period. The issuance of a probationary license results in the automatic expiration of any other license held under this article. *(Indiana State Department of Health; 410 IAC 27-2-9)*

Rule 3. Surveys

410 IAC 27-3-1 Survey procedures

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2-6

Sec. 1. (a) The birthing center shall fully cooperate with surveys conducted by representatives of the department.

Upon arrival of department surveyors at the center, the center may immediately contact the department to confirm the identity of the surveyors. Upon confirmation by the department of the survey and surveyors, the center shall immediately admit the surveyors to the center and not delay the survey.

(b) Documents, registers, reports, records, and minutes of the birthing center must be made available to the department upon request for inspection and copying.

(c) Documents, registers, reports, records, and minutes required to be maintained by the birthing center include, but are not limited to, the following:

- (1) Documents showing ownership and a copy of articles of incorporation (if incorporated).
- (2) All documents pertaining to quality assurance and improvement of patient care and medical care.
- (3) Personnel records.
- (4) Medical records.
- (5) Reports under IC 16-21-2-6.
- (6) Policies and procedures of the birthing center.

(d) If the governing body of the center is an individual responsible for governing the birthing center, the center is not required to prepare and maintain the documents referenced in this subsection. If the governing body is not an individual with sole authority and responsibility for the center, the center must prepare and maintain the following documents, registers, reports, records, and minutes to include, but not be limited to:

- (1) The constitution and bylaws of the governing body.
- (2) Minutes of meetings of the governing body and committees thereof.

(e) Documents, registers, reports, records, and minutes must be complete and up-to-date. *(Indiana State Department of Health; 410 IAC 27-3-1)*

410 IAC 27-3-2 Licensing surveys

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 2. (a) The department will conduct a licensing survey of each birthing center at least once every two (2) years. The licensing survey is conducted to ensure that the birthing center is operating in compliance with this article.

(b) The division will notify the center of the results of the licensing survey in writing.

(c) The center may request the department to accept an accreditation or certification survey instead of a licensing survey. The division may accept an accreditation or certification survey report from a nationally-recognized accreditation or certification agency, association, or organization

that is determined by the division to have survey standards consistent with this article. Upon request by the center, the department will review the accreditation or certification survey report for the facility. If the department finds that, based on the accreditation report, the center was found to have substantially complied with the standards referenced in this subsection, the department will accept the accreditation report as a licensing survey. If, based on the accreditation report, the center failed to significantly comply with the standards referenced in this subsection, the department may:

- (1) request a plan or correction; or
- (2) conduct a licensing survey.

If the department accepts accreditation or certification surveys as a licensing survey, the department will conduct at least one (1) licensing survey in a four (4) year period. (*Indiana State Department of Health; 410 IAC 27-3-2*)

410 IAC 27-3-3 Complaint surveys

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 3. (a) In accordance with division policy, the division shall investigate credible complaints received by the division that allege noncompliance with this article.

(b) Complaints will be assigned a priority for investigation in accordance with division policy.

(c) A licensing survey may be conducted simultaneously with and in addition to a complaint survey.

(d) The division shall notify the birthing center of the results of the complaint survey in writing. (*Indiana State Department of Health; 410 IAC 27-3-3*)

410 IAC 27-3-4 Plan of correction

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 4. (a) The birthing center must file an acceptable plan of correction with the division within ten (10) days of receipt of a survey report from the division that documents noncompliance with state rules.

(b) Unless the commissioner determines that there is a need for immediate release, the birthing center will have ten (10) days after notification of a noncompliance to submit to the division an acceptable plan of correction before the survey report is made available to the public. (*Indiana State Department of Health; 410 IAC 27-3-4*)

Rule 4. Governing Body

410 IAC 27-4-1 Powers and duties

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 25-22.5

Sec. 1. (a) The governing body:

- (1) shall function as the ultimate authority of the birthing center; and
- (2) is responsible for the conduct and management of the center.

(b) If the governing body is an individual who has sole authority and responsibility for the center, that individual may also serve as the center administrator or medical director, or both, if qualified. A center administrator appointed by the governing body may also serve as the medical director if qualified.

(c) The governing body shall do the following:

(1) Assume responsibility for:

- (A) determining;
- (B) implementing; and
- (C) monitoring;

policies governing the center's operation.

(2) Ensure that:

- (A) center policies are followed so as to provide quality health care in a safe environment; and
- (B) the center complies with:
 - (i) this article; and
 - (ii) IC 16-21.

(3) Review, at least quarterly, reports of management operations, including, but not limited to, the following:

- (A) Quality assessment and improvement program.
- (B) Patient services provided.
- (C) Results attained.
- (D) Recommendations made.
- (E) Actions taken.
- (F) Follow-up.

(4) Maintain documents, registers, and reports that show the following:

- (A) Ownership.
- (B) Compliance with local, state, and federal laws and regulations.
- (C) Adherence to center bylaws (if applicable) and center policies.

(5) Approve all appointments to or contracts with medical staff.

(6) Ensure the following:

- (A) Maintenance of the physical plant.
- (B) That the center is:
 - (i) equipped; and
 - (ii) staffed;
 to meet the needs of the patients.

(7) Require for all services policies and procedures that are:

- (A) updated as needed; and
- (B) reviewed at least triennially.

(8) Establish a policy and procedure for communication with physicians concerning a patient emergency.

(9) Review and analyze each physician's services at

specified intervals at regular meetings, including, but not limited to, the following:

(A) Appropriateness of diagnoses and treatments rendered related to a standard of care and anticipated or expected results.

(B) Performance evaluation based on clinical performance indicated in part by the results or outcome of surgical intervention.

(C) Scope and frequency of procedures.

(10) Establish a process for the following:

(A) Reporting physicians who fail to comply with state professional licensing law requirements as found in IC 25-22.5.

(B) Documenting actions against physicians who fail to comply with the center policies and procedures.

(11) Ensure physician coverage of emergency care that at least:

(A) provides a definition; and

(B) addresses a timely response.

(d) If the governing body is not an individual responsible for the governing of the center, the governing body must do the following:

(1) Adopt bylaws and operate in compliance with the bylaws.

(2) Review the bylaws at least triennially.

(e) If the governing body is not an individual who is also serving as the medical director, the governing body shall do the following:

(1) Designate a medical director who has the responsibility for the direction of:

(A) medical;

(B) nursing; and

(C) health-related;

services to patients.

(2) Maintain a liaison with the medical director.

(f) If the governing body is not an individual who is also serving as the center administrator, the governing body shall do the following:

(1) Designate a center administrator who has the responsibility and authority to carry out the day-to-day operation of the center.

(2) Develop criteria, which include, but are not limited to, defining educational and experience requirements for the center administrator.

(3) Delineate in writing the responsibility and authority of the center administrator.

(4) Require the following:

(A) That the center administrator or a designee:

(i) attend meetings of the governing body and its committees; and

(ii) act as its representative at medical staff meetings.

(B) That the center administrator:

(i) designate in writing an administrative officer to serve during his or her absence; and

(ii) develop and implement appropriate policies and programs.

(Indiana State Department of Health; 410 IAC 27-4-1)

410 IAC 27-4-2 Appointment and conduct of medical staff

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 25-23-1-19.4

Sec. 2. (a) The medical staff of the center consists of physicians and certified nurse midwives:

(1) employed by;

(2) appointed to; or

(3) contracted with by;

the center to provide medical services at the center. The medical staff must be composed of at least one (1) physician.

(b) The medical director must:

(1) be a physician licensed to practice in the state of Indiana; and

(2) provide oversight of certified nurse midwives under IC 25-23-1-19.4.

(c) If the medical staff consists of more than one (1) physician:

(1) the medical director:

(A) shall serve as coordinator of the medical staff; and

(B) conduct meetings of the medical staff at least every six (6) months;

(2) minutes of meetings of the medical staff and committees thereof shall be maintained; and

(3) a current roster of members of the medical staff shall be maintained.

(d) In appointing or contracting with medical staff, the governing body shall ensure the following:

(1) That appointments to or contracts with medical staff are acted upon with the advice and recommendation of the medical director.

(2) That reappointments to and contracts with medical staff are reviewed and acted upon at least biennially.

(3) That criteria for selection for medical staff include the following:

(A) Individual character.

(B) Competence.

(C) Education.

(D) Training.

(E) Experience.

(F) Judgment.

(4) That the appointment of or contracting with medical staff is not solely dependent upon:

(A) certification;

(B) fellowship; or

(C) membership;

in a specialty body or society.

(e) The governing body is responsible for the conduct of the medical staff activities related to the birthing center. The governing body shall ensure the following:

- (1) That the medical staff is accountable and responsible to the governing body for the quality of care provided to patients.
- (2) That services are performed only by qualified staff approved by the governing body to perform such services.
- (3) That services performed in the center are limited to services authorized by the governing body.

(f) The governing body is responsible for assuring that quality patient care is provided. In accordance with center policy, the governing body shall ensure that a qualified licensed physician who is a member of the medical staff is responsible for the care and treatment of each patient.

(g) The governing body is responsible for services delivered in the center by contractors for medical services. The governing body shall ensure the following:

- (1) That a contractor of any service furnishes those services in such a manner as to permit the center to comply with all applicable statutes and rules.
- (2) That the services performed under a contract are:
 - (A) provided in a safe and effective manner; and
 - (B) included in the center's quality assessment and improvement program.
- (3) That the center maintains a list of all contracted services, including the scope and nature of the services provided.

(Indiana State Department of Health; 410 IAC 27-4-2)

Rule 5. Administration and Policies

410 IAC 27-5-1 Administration

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 1. The center administrator is responsible for day-to-day operations of the birthing center to include, but not be limited to, the following functions:

- (1) Employing qualified staff:
 - (A) commensurate with assigned duties and responsibilities; and
 - (B) in accordance with the employee's licensure, certification, experience, and competence.
- (2) Ensuring that sufficient staff is present to provide quality patient care.
- (3) Annual implementation of internal and external disaster and emergency preparedness plans with documentation of outcome.

(Indiana State Department of Health; 410 IAC 27-5-1)

410 IAC 27-5-2 Required policies and procedures

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 2. (a) The center shall develop, implement, and maintain the following:

- (1) Written medical staff policies.
- (2) Written procedures for the following:
 - (A) Emergencies.
 - (B) Initial treatment.
 - (C) Transfer.

(b) The center shall provide immediate lifesaving measures, within the scope of service available, to all persons in the center, to include, but not be limited to, the following:

- (1) Timely assessment.
- (2) Basic life support.
- (3) Appropriate transfer.

(c) The center shall develop, implement, and maintain the following:

- (1) Policies that cover health care worker practice problems, including, but not limited to, the following:
 - (A) Impaired health care workers.
 - (B) Criminal history.
 - (C) Disciplinary action.
- (2) A written plan to address the internal review of unusual occurrences and disasters. This plan must cover, but not be limited to, the following:
 - (A) Patient injuries or marked deterioration of patient condition occurring under unanticipated or unexpected circumstances.
 - (B) Unexplained loss of or theft of a controlled substance.
 - (C) Deaths occurring within the center.

(Indiana State Department of Health; 410 IAC 27-5-2)

Rule 6. Quality Assessment and Improvement

410 IAC 27-6-1 Quality assessment and improvement

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 1. (a) The birthing center must develop, implement, and maintain an effective, organized, center-wide, comprehensive quality assessment and improvement program in which all areas of the center participate. The program shall be ongoing and have a written plan of implementation that evaluates, but is not limited to, the following:

- (1) All services, including services furnished by a contractor.
- (2) All functions, including, but not limited to, the following:
 - (A) Discharge.
 - (B) Transfer.
 - (C) Infection control.

(D) Response to patient emergencies.

- (3) All services performed in the center with regard to appropriateness of diagnoses and treatments related to a standard of care and anticipated or expected outcomes.
- (4) Medical and medication errors.

(b) The center shall take appropriate action to address the opportunities for improvement found through the quality assessment and improvement program as follows:

- (1) The action must be documented.
- (2) The outcome of the action must be documented as to its effectiveness, continued follow-up, and impact on patient care.

(Indiana State Department of Health; 410 IAC 27-6-1)

Rule 7. Medical Records

410 IAC 27-7-1 Medical records; storage; administration

Authority: IC 16-21-1-7; IC 16-21-2-5

Affected: IC 16-21-1

Sec. 1. (a) The birthing center must do the following:

- (1) Create and maintain a medical record on each patient.
- (2) Have a written policy that ensures responsibility for and maintenance of medical records as follows:

(A) The center must establish and implement the following:

- (i) Policies and procedures to assure that the care and services provided to each patient are appropriately documented.
- (ii) A system to assure that medical records are readily available in accordance with center policy and systematically organized to facilitate the compilation and retrieval of information.

(B) The policy must provide safeguards to assure protection of the medical records from the following:

- (i) Fire.
- (ii) Water.
- (iii) Other sources of damage.

(C) All original medical records or legally reproduced medical records must be maintained by the center for a period of at least seven (7) years or the applicable statute of limitation, whichever is longer. Original medical records must be maintained in the center for at least two (2) years. Records over two (2) years old may be kept off-site but must be retrievable within forty-eight (48) business hours.

(b) A medical record must be maintained with documentation of service rendered for each patient of the center as follows:

- (1) Medical records:
- (A) are documented accurately and in a timely manner;
- (B) are readily accessible; and
- (C) permit prompt retrieval of information.
- (2) A unit record system of filing should be utilized. When

this is not practicable, a system must be established by the center to retrieve, when necessary, all divergently located record components.

(3) The center shall use a system of author identification and record maintenance that:

- (A) ensures the integrity of the authentication; and
- (B) protects the security of all record entries.

Each entry must be authenticated in accordance with the center and medical staff policies.

(4) Medical records must be retained in their original or legally reproduced form as required by federal or state law.

(5) Plain paper facsimile orders, reports, and documents are acceptable for inclusion in the medical record if allowed by the center policies.

(6) The center shall have a system of coding and indexing medical records that allows for timely retrieval of records by:

- (A) identification data;
- (B) diagnosis;
- (C) treatment rendered;
- (D) physician;
- (E) condition on discharge; and
- (F) transfer to hospital;

in order to support continuous quality assessment and improvement activities.

(7) The center shall ensure the confidentiality of patient records. The center must develop, implement, and maintain the following:

- (A) A procedure for releasing information or copies of records only to authorized individuals in accordance with federal and state laws.
- (B) A procedure that ensures that unauthorized individuals cannot gain access to medical records.

(c) A written or electronic register must be kept of all patients treated that provides the following:

- (1) Identification data.
- (2) Treatment rendered.
- (3) Attending physician.
- (4) Condition on discharge.
- (5) Transfers to hospital facility.
- (6) Other data deemed necessary by the center.

(Indiana State Department of Health; 410 IAC 27-7-1)

410 IAC 27-7-2 Content of the medical record

Authority: IC 16-21-1-7; IC 16-21-2-5

Affected: IC 16-21-1

Sec. 2. (a) The medical record must contain sufficient information to do the following:

- (1) Identify the patient.
- (2) Document tests, examinations, and procedures performed.
- (3) Document accurately the course of the patient's stay

in the center and the results.

(b) All entries in the medical record must be as follows:

- (1) Legible.
- (2) Complete.
- (3) Made by authorized individuals as specified in center and medical staff policies.
- (4) Authenticated and dated in accordance with this article.

(c) All patient records must document and contain, at a minimum, the following:

(1) Patient identification and demographics.

(2) Complete:

- (A) social;
- (B) family;
- (C) medical;
- (D) reproductive;
- (E) nutrition; and
- (F) behavioral;

history.

(3) Initial physical examination, laboratory tests, and evaluation of risk status.

(4) Appropriate referral on ineligible clients with report of findings on initial screening.

(5) Continuous periodic prenatal examination and evaluations of risk factors.

(6) Instruction and education to include, but not be limited to, the following:

- (A) Nutritional counseling.
- (B) Self care and changes in pregnancy.
- (C) Understanding of findings of examinations, studies, and laboratory tests.
- (D) Preparation for labor.
- (E) Sibling preparation, if applicable.
- (F) Preparation for early discharge.
- (G) Newborn assessment and care.

(7) Preadmission diagnostic studies if performed.

(8) History, physical examination, and risk assessment on admission to the center.

(9) Monitoring of progress in labor and assessment of maternal and newborn reaction to labor in accordance with accepted professional standards.

(10) Consultation, referral, and transfer for maternal and neonatal problems that elevate risk status.

(11) Newborn assessment including the following:

- (A) Apgar scores.
- (B) Maternal-newborn interaction.
- (C) Prophylactic procedures.
- (D) Accommodation to extra-uterine life.
- (E) Blood glucose when clinically indicated.

(12) Maternal assessments during recovery.

(13) Summary of labor.

(14) Discharge summary to include mother and infant.

(15) Discharge plan and instructions.

(16) Any allergies and abnormal drug reactions.

(17) Evidence of appropriate informed consent for procedures and treatments consistent with state law.

(18) Authentication of entries by the physician or physicians and health care workers who treated or cared for the patient.

(19) A copy of the transfer form if the patient was referred to a hospital or other facility.

(Indiana State Department of Health; 410 IAC 27-7-2)

Rule 8. Personnel

410 IAC 27-8-1 Personnel policies and records

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 1. (a) Each facility shall maintain current and accurate personnel records for all employees. Personnel records shall:

(1) be maintained for each employee of the center; and

(2) include personal data to include:

- (A) education;
- (B) experience;
- (C) date of employment;
- (D) a copy of current license when required;
- (E) evidence of participation in job-related educational and training activities; and
- (F) health records of employees that relate to post offer and subsequent:
 - (i) physical examinations;
 - (ii) tests; and
 - (iii) immunizations.

(b) If the center administrator is not the governing body, the center must establish employment criteria for the center administrator to include, but not be limited to, the following:

(1) Definition of educational requirements.

(2) Experience requirements.

(3) Professional certification, licensing, or registration requirements where appropriate.

(c) Each center must do the following:

(1) Maintain current job descriptions with reporting responsibilities for all personnel and annual performance evaluations, based on a job description, for each employee providing direct patient care or support services, including contract and agency personnel, who are not subject to a clinical privileging process.

(2) Ensure that all health care workers, including contract and agency personnel, for whom a license, registration, or certification is required:

(A) maintain current license, registration, or certification; and

(B) keep documentation of same.

(Indiana State Department of Health; 410 IAC 27-8-1)

410 IAC 27-8-2 Employee health monitoring

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 2. (a) The center shall do the following:

- (1) Develop, implement, and maintain a written policy for the control of communicable disease in compliance with applicable federal and state laws.
- (2) Monitor employee health in accordance with the center's infection control program.
- (3) Ensure that all employees, staff members, and contractors having direct patient contact are evaluated at least annually for tuberculosis. Any person having a positive finding on a tuberculosis evaluation may not work in the center unless approved by a physician to work. The center may perform its own tuberculosis evaluation or utilize reliable medical records from a qualified health care provider. Tests for tuberculosis performed by the center must meet Centers for Disease Control guidelines. An evaluation for tuberculosis may be performed using a PPD (Mantoux) skin test, chest radiograph, or other tuberculosis testing procedure approved by the Centers for Disease Control. The center must maintain documentation of tuberculosis evaluations showing that any person working in the center and having direct patient contact has had a negative finding on a tuberculosis examination within the previous twelve (12) months.

*(Indiana State Department of Health; 410 IAC 27-8-2)***410 IAC 27-8-3 Orientation and training requirements**

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 3. (a) The center must do the following:

- (1) Develop, implement, and maintain a policy and procedure for the orientation of new employees, contractors, and agency personnel providing direct care and services to patients.
- (2) Orientate all new employees, including contract and agency personnel, to applicable center and personnel policies.

(b) The center shall ensure cardiopulmonary resuscitation (CPR) competence for adults and neonates in accordance with current standards of practice and center policy for all health care workers including contract and agency personnel who provide direct patient care. *(Indiana State Department of Health; 410 IAC 27-8-3)*

Rule 9. Medical Staff**410 IAC 27-9-1 Organization of medical staff**

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 1. (a) The medical staff of the center is:

- (1) accountable to the governing body of the center; and
- (2) responsible to the governing board for the quality of medical care and services provided to patients.

(b) The medical director must do the following:

- (1) Examine credentials of candidates for appointment, reappointment, or contracting to the medical staff.
- (2) Make recommendations to the governing body on the appointment or reappointment of medical staff.

(c) The medical staff must develop and maintain policies and procedures for the provision of medical services. The policies must provide for and the medical staff must ensure the following:

- (1) An appropriate and timely medical history and physical examination is performed.
- (2) All physician and certified nurse midwife orders:
 - (A) are in writing or acceptable computerized form; and
 - (B) must be authenticated by a responsible licensed health professional as allowed by center policies not to exceed thirty (30) days.
- (3) There is a provision for personnel authorized to take a verbal order.

*(Indiana State Department of Health; 410 IAC 27-9-1)***Rule 10. Patient Care and Nursing Services****410 IAC 27-10-1 Patient care**

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 1. (a) All patient care services must:

- (1) meet the needs of the patient, within the scope of the service offered, in accordance with acceptable standards of practice;
- (2) be under the direction of a qualified person or persons; and
- (3) require that:
 - (A) the patient care services rendered are:
 - (i) reviewed and analyzed at regular meetings of patient care personnel; and
 - (ii) used as a basis for evaluating the quality of services provided; and
 - (B) personnel with appropriate training are available at all times to handle possible emergencies involving patients of the center.

(b) Written patient care policies and procedures must be available to personnel and must include, but not be limited to, the following:

- (1) A provision that labor shall not be induced, stimulated, or augmented with chemical agents during the first or second stage of labor.
- (2) A provision that the center clearly delineate the medical and social risk factors that exclude women from

the low-risk intrapartum group, which must include, but are not limited to, the following:

(A) Maternal characteristics:

- (i) clients under sixteen (16) years of age and over forty (40) years of age; and
- (ii) parity four (4) or more.

(B) Past obstetrical history:

- (i) all hypertensive disorders of pregnancy;
- (ii) previous delivery other than spontaneous or low forceps;
- (iii) cesarian section; and
- (iv) infant greater than four thousand five hundred (4,500) grams.

(C) Associated conditions:

- (i) scarred uterus;
- (ii) vaginal plastic surgery;
- (iii) adrenal disease;
- (iv) cardiovascular disease except mild asymptomatic Class 1 without hemodynamic abnormality;
- (v) collagen disease;
- (vi) renal disease (albuminuria, hematuria, casts);
- (vii) acute or chronic liver disease;
- (viii) diabetes mellitus;
- (ix) gestational diabetes;
- (x) genetic disorder;
- (xi) hematologic disease;
- (xii) hypertension;
- (xiii) neurological disorder;
- (xiv) hyperthyroidism; and
- (xv) venereal and related diseases.

(D) Prenatal course of current pregnancy:

- (i) anemia (less than ten (10) grams hemoglobin concentration and not responding to therapy);
- (ii) uterine bleeding except for threatened abortion in first trimester;
- (iii) any presentation except vertex position at thirty-seven (37) weeks or beyond;
- (iv) intrauterine fetal growth retardation or fetus small for gestational age;
- (v) preeclampsia;
- (vi) known multiple gestation;
- (vii) premature labor at less than thirty-seven (37) weeks;
- (viii) prolonged rupture of membranes for:
 - (aa) fourteen (14) hours without regular contractions; or
 - (bb) twenty-four (24) hours with contractions unless delivery is imminent;
- (ix) prolonged pregnancy of forty-two (42) weeks or more;
- (x) polyhydramnios; or
- (xi) significant isoimmunization against Rh or other antigen, which may affect the fetus.

(3) A provision that the center clearly delineates the medical and social risk factors that exclude women from

the low-risk intrapartum group but that may be waived by the medical director on an individual basis, including, but not limited to, the following:

(A) Maternal characteristics:

- (i) height less than sixty (60) inches; and
- (ii) weight less than one hundred (100) pounds and greater than two hundred (200) pounds.

(B) Past obstetrical history:

- (i) habitual abortion of:
 - (aa) more than two (2) consecutive spontaneous or induced abortions;
 - (bb) postpartum hemorrhage; and
 - (cc) third stage problem or problems, for example, severe lacerations, inverted uterus, or retained placenta;
- (ii) preeclampsia;
- (iii) previous second stage labor greater than two (2) hours;
- (iv) premature baby of thirty-seven (37) weeks or less than two thousand five hundred (2,500) grams;
- (v) respiratory distress;
- (vi) congenital abnormality;
- (vii) known genetic disorders;
- (viii) any neonatal death;
- (ix) fetal death; or
- (x) significant birth injury.

(C) Associated conditions:

- (i) gastrointestinal disorders, for example, regional ileitis or ulcerative colitis;
- (ii) pulmonary disease not requiring treatment, for example, asthma or chronic bronchitis;
- (iii) psychiatric;
- (iv) thrombophlebitis;
- (v) alcohol abuse;
- (vi) drug abuse;
- (vii) smoking greater than one (1) pack per day; or
- (viii) urinary tract surgery.

(D) Failure of the women to register with the center before the end of the first trimester.

(4) A provision that a reliable method of patient identification must be used.

(5) A provision for the care of the infant, which shall include, but is not limited to, the following:

- (A) Resuscitation of the newborn.
- (B) Prophylactic treatment of the eyes.
- (C) Documented physical examination of the newborn before discharge.
- (D) The collection of blood for newborn screenings.
- (E) Referral for any abnormalities or problems.
- (F) Procedures for the detection of Rh and ABO isoimmunization.

(6) A provision for instruction or instructions to be given to the patient or the patient's legal representative regarding follow-up care and transportation needed by the patient on discharge to include at least the following:

- (A) Signs and symptoms of possible complications.
- (B) Activities allowed and activities to be avoided.
- (C) Hygienic and other postdischarge procedures to be followed.
- (D) The center's emergency phone numbers available on a twenty-four (24) hour basis.
- (E) Follow-up appointment, if indicated;

(7) A provision to maintain a written system of documentation of patients who report postdischarge complications and the center's interventions. The interventions must be documented in the medical record.

(8) A provision that facilities, reusable equipment, and supplies must be thoroughly cleaned or sterilized, or both, following use according to center policies and procedures.

(Indiana State Department of Health; 410 IAC 27-10-1)

410 IAC 27-10-2 Nursing services

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 2. (a) Personnel with appropriate training must be available at all times to handle possible emergencies involving patients of the center.

(b) A registered nurse must serve as head nurse supervising health care personnel.

(c) All registered nurses and licensed practical nurses must be currently licensed in Indiana.

(d) An experienced registered nurse must supervise all health care personnel, including, but not limited to, registered nurses, licensed practical nurses, and other birth attendants as follows:

- (1) Licensed practical nurses may do the following:
 - (A) Serve as scrub personnel under the supervision of a qualified registered nurse.
 - (B) Assist in circulating duties under the supervision of a qualified registered nurse who is immediately available to respond to emergencies, in accordance with applicable state law and approved medical staff policies and procedures.
- (2) Birthing attendants shall be directly supervised by a qualified registered nurse.

(e) A registered nurse must be in attendance from the time a patient is admitted to the center until the patient and neonate are either discharged or transferred.

(f) All nursing personnel must meet annual inservice requirements as established by center, federal, and state requirements.

(g) A registered nurse must assign the care of each patient to patient care personnel in accordance with the patient's need and the specialized qualifications and competence of

the patient care personnel available.

(h) Chemical agents may be administered within the individual licensed health professional's scope of practice to inhibit labor, as a temporary measure, until referral or transfer is complete. *(Indiana State Department of Health; 410 IAC 27-10-2)*

Rule 11. Infection Control Program

410 IAC 27-11-1 Infection control administration

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 1. (a) The center must do the following:

(1) Provide a safe and healthful environment that minimizes infection exposure and risk to the following:

- (A) Patients.
- (B) Health care workers.
- (C) Persons who accompany patients.

(2) Maintain a written infection control policy that provides for an active and effective center-wide infection control program. The policy must include a system designed for the:

- (A) identification;
- (B) surveillance;
- (C) investigation;
- (D) control; and
- (E) prevention;

of infections and communicable diseases in patients and health care workers.

(b) The infection control program must identify and evaluate trends or clusters of center generated infections or communicable diseases.

(c) The center must designate a person qualified by training or experience as responsible for the following:

- (1) Ongoing infection control activities.
- (2) The development and implementation of policies governing control of infections and communicable diseases.

(d) The center administrator must do the following:

- (1) Be responsible for the implementation of successful corrective action plans in affected problem areas and ensure that infection control policies are followed.
- (2) Provide for appropriate infection control input into plans for renovation and new construction to ensure awareness of federal, state, and local rules that affect infection control practices as well as plan for appropriate protection of patients and employees during construction or renovation.

(e) The center must establish a committee to monitor and guide the infection control program in the center as follows:

(1) The infection control committee must meet at least quarterly. Membership must include, but is not limited to, the following:

- (A) The person directly responsible for management of the infection surveillance, prevention, and control program as established in subsection (c).
- (B) The medical director.
- (C) A representative from the nursing staff (if the center employs a licensed nurse).
- (D) Representatives from other appropriate services within the center as needed.

(2) The infection control committee responsibilities must include, but are not limited to, the following:

(A) Establishing techniques and systems for:

- (i) identifying;
- (ii) reviewing; and
- (iii) reporting;

infections in the center.

(B) Recommending corrective action plans, reviewing outcomes, and assuring resolution of identified problems.

(C) Reviewing employee exposure incidents and making appropriate recommendations to minimize risk.

(D) Written reports of quarterly meetings.

(E) Reviewing and recommending changes in procedures, policies, and programs that are pertinent to infection control. These include, but are not limited to, the following:

- (i) Sanitation, including proper disposal of removed tissue.
- (ii) Universal precautions, including infectious waste management.
- (iii) Cleaning, disinfection, and sterilization.
- (iv) Aseptic technique, invasive procedures, and equipment usage.
- (v) Reuse of disposables.
- (vi) A system for patients with communicable diseases.
- (vii) A system, which complies with state and federal law, to monitor the immune status of health care workers exposed to communicable diseases.
- (viii) An employee health program to determine the communicable disease history of new personnel as well as an ongoing program for current personnel as required by state and federal agencies.
- (ix) Requirements for personal hygiene and attire that meet acceptable standards of practice.
- (x) A program of linen management.

(Indiana State Department of Health; 410 IAC 27-11-1)

410 IAC 27-11-2 Sterilization

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 2. (a) Sterilization of equipment and supplies must be provided, within the scope of the service offered, in accordance with acceptable standards of practice or manufac-

turer's recommendations and applicable state laws and rules (to include 410 IAC 1-4, Universal Precautions). Sterilization services must be directed by a qualified person or persons and must provide for the following:

(1) Biological indicators must be used to check sterilization processes at least monthly. Chemical sterilizing indicators must be used to check the sterilizing process of individual packs.

(2) Written policies and procedures must be available and followed by personnel responsible for sterilizing equipment and supplies, including, but not limited to, the following:

(A) Minimum time and temperature for processing various size bundles and packs.

(B) Instructions for:

- (i) loading;
- (ii) operating;
- (iii) cleaning; and
- (iv) maintaining;

sterilizers.

(C) Instructions for:

- (i) cleaning;
- (ii) packaging;
- (iii) storing;
- (iv) labeling; and
- (v) dispensing of;

sterile supplies.

(D) The procedure for maintaining and recording the particular sterilizing cycle.

(E) Sterilization of heat labile reusable equipment.

(3) Records of results must be maintained and evaluated periodically to include, but not be limited to, the following:

(A) Records of recording thermometers or a daily record of the sterilizing cycle:

- (i) date;
- (ii) time;
- (iii) temperature;
- (iv) pressure; and
- (v) contents;

for each sterilizer load.

(B) Results of biological indicators used in testing the sterilizing processes.

(b) Environmental surfaces and equipment not requiring sterilization that have been contaminated by blood or other potentially infectious materials must be cleaned then decontaminated in accordance with acceptable standards of practice and applicable state laws and rules (to include 410 IAC 1-4, Universal Precautions). *(Indiana State Department of Health; 410 IAC 27-11-2)*

410 IAC 27-11-3 Laundry

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 3. The center, whether it operates its own laundry or uses outside laundry service, must ensure that the laundry process complies with a recognized laundry standard as follows:

(1) Clean linen must be separated from soiled linen at all times as follows:

(A) Contaminated linens must be clearly identified and bagged.

(B) Clean linen must be covered during transit, and separate containers or carts must be provided for transporting thereof.

(2) Central clean linen storage space must be provided as follows:

(A) If commercial laundry services are utilized:

(i) a soiled linen collection room must be provided; and

(ii) a hand washing facility is required in each area where unbagged soiled linen is handled.

(B) If laundry is processed in the center:

(i) a laundry processing room must be provided;

(ii) clean linen storage and mending must be separated from soiled linen handling and storage; and

(iii) employee hand washing facilities must be available in each room where clean or soiled linen is processed and handled.

(Indiana State Department of Health; 410 IAC 27-11-3)

Rule 12. Emergency Care

410 IAC 27-12-1 Emergency care

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 1. The center must have the following:

(1) A readily accessible written protocol for the following:

(A) Managing medical emergencies that occur within the center.

(B) The transfer of patients requiring further emergency care to a hospital capable of providing obstetrical and neonatal services.

(2) Separate and readily accessible emergency carts or trays for mothers and newborns.

(Indiana State Department of Health; 410 IAC 27-12-1)

Rule 13. Anesthesia and Birthing Services

410 IAC 27-13-1 Anesthesia services

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 1. (a) The center must provide adequate anesthesia services to meet the needs of the patient, within the scope of the services offered, in accordance with acceptable standards of practice, under the direction of a licensed physician with specialized training or experience in the administration of anesthetics.

(b) Anesthesia services in a center are limited to local anesthesia.

(c) The medical staff shall write and implement policies and procedures that include, but are not limited to, the following:

(1) Safety rules to be followed relating to the administration of anesthesia.

(2) Safety training required of personnel.

(d) Anesthesia must only be administered by a member of the medical staff who is one (1) of the following:

(1) A qualified physician with appropriate:

(A) training;

(B) experience; and

(C) privileges.

(2) A licensed health care professional authorized to administer a specific form of anesthesia or otherwise authorized to administer topical or local anesthesia by state law or rule.

(3) A registered nurse acting:

(A) under the direction; and

(B) in the immediate presence;

of a physician.

(Indiana State Department of Health; 410 IAC 27-13-1)

410 IAC 27-13-2 Birthing services

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 2. (a) Delivery shall be performed by a:

(1) certified nurse midwife; or

(2) physician.

(b) A physician must either be:

(1) present in the facility; or

(2) immediately available by telecommunications to the staff;

when there is a patient in the center.

(c) A physician or certified nurse midwife must remain in the center until the mother and neonate are either discharged or transferred. In addition to a physician or certified nurse midwife, a second employee who is CPR competent shall be present at each birth.

(d) Surgical services must be organized to meet the needs of the patient in accordance with acceptable standards of practice and safety. Requirements for surgical services include the following:

(1) Surgical services are limited to episiotomy and episiotomy repair.

(2) Surgical services are under the direction of a physician qualified by experience and training.

(3) Surgical services must develop, implement, and maintain written policies governing surgical care de-

signed to assure the achievement and maintenance of standards of medical and patient care.

(Indiana State Department of Health; 410 IAC 27-13-2)

410 IAC 27-13-3 Equipment

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 3. There must be sufficient patient care equipment and space to assure the safe, effective, and timely provision of the available services to patients, which includes, but is not limited to, the following:

- (1) A heat source for infant examination or resuscitation.
- (2) Transfer incubator or isolette or demonstrated capability of immediate availability of a transfer incubator.
- (3) Blood pressure equipment.
- (4) Thermometers.
- (5) Fetoscope/doptone.
- (6) Intravenous equipment.
- (7) Sterilizer.
- (8) Resuscitation equipment.
- (9) Oxygen equipment for maternal and neonate uses.
- (10) Instruments for delivery, episiotomy, and repair.
- (11) Other supplies and equipment specified by the medical staff.

(Indiana State Department of Health; 410 IAC 27-13-3)

Rule 14. Dietary Services

410 IAC 27-14-1 Dietary services

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 1. (a) If nourishment and other dietary needs of the patients are provided in the center, the center must comply with 410 IAC 7-24.

(b) If nourishments are to be prepared, a nourishment area with a hand washing lavatory and refrigeration must be provided.

(c) If prepackaged single service nourishments are provided, refrigeration storage of nourishments and other food products must be separate from refrigeration storage for pharmaceuticals. *(Indiana State Department of Health; 410 IAC 27-14-1)*

Rule 15. Laboratory Services

410 IAC 27-15-1 Laboratory services

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 1. (a) The center must provide, or make available, those pathology and medical laboratory services and consultations necessary to meet the needs of patients as

determined by the medical staff.

(b) The laboratory performs tests, examines specimens, and reports the evaluation only:

- (1) upon the written request of individuals and licensed health professionals authorized by law; and
- (2) with governing body approval.

(c) The center must assure that all laboratory services provided to its patients are performed in a facility possessing a valid certificate, in accordance with 42 CFR 493 (excluding Subparts F, R, Q, and T) authorizing the performance of testing in the specialty or subspecialty of service for level of complexity in which the test is categorized.

(d) Laboratory supervisory and testing personnel qualifications must be:

- (1) consistent with the work assignments; and
- (2) in compliance with 42 CFR 493.

(e) All nursing and other center personnel performing laboratory testing must have competency assessed annually with documentation of assessment maintained in the employee file for the procedures performed.

(f) The center must develop, implement, and maintain written quality control and quality assurance policies and procedures for complexity of testing performed that are consistent with and include all standards found in 42 CFR 493. *(Indiana State Department of Health; 410 IAC 27-15-1)*

Rule 16. Pharmaceutical Services

410 IAC 27-16-1 Pharmaceutical services

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 1. The center must provide drugs and biologicals in a safe and effective manner, in accordance with accepted professional practice, and under the direction of an individual designated responsible for pharmaceutical services. Pharmaceutical services must have the following:

- (1) A:
 - (A) designated professional person with prescriptive authority; or
 - (B) pharmacist;
 who is responsible for the control of drug stocks in the center.
- (2) Records of stock supplies of all scheduled substances, including an accounting for all items purchased and dispensed.
- (3) Written policies and procedures developed, implemented, maintained, and made available to personnel, including, but not limited to, the following:
 - (A) Drug:

- (i) handling;
 - (ii) storing;
 - (iii) labeling;
 - (iv) dispensing; and
 - (v) administration according to established center policies and acceptable standards of practice.
- (B) Reporting of adverse reactions and medication errors to the:
- (i) licensed health professional responsible for the patient; and
 - (ii) appropriate committee;
- and documented in the patient's record.
- (C) Drugs must be accurately and clearly labeled and stored in specially designated, well-illuminated cabinets, closets, or storerooms and the following:
- (i) Drug cabinets must be accessible only to authorized personnel.
 - (ii) Drug cabinets for storage of controlled drugs listed in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1976 and other drugs subject to abuse must be permanently affixed compartments that are separately locked.
 - (iii) Drug carts with controlled drugs as designated in item (ii) must be securely affixed when not in use.
- (D) Instructions to the patient on the use of take-home medication is the responsibility of the:
- (i) prescribing physician; or
 - (ii) certified nurse midwife.

(4) A formulary.

(5) A list of available emergency drugs.

(Indiana State Department of Health; 410 IAC 27-16-1)

Rule 17. Physical Plant; Maintenance; Equipment; Environment; Safety

410 IAC 27-17-1 Physical plant

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 22

Sec. 1. (a) The center must be constructed, arranged, and maintained to ensure the safety of the patient and to provide facilities for services authorized under the center license as follows:

(1) The plant operations and maintenance service, equipment maintenance, and environmental services must be as follows:

- (A) Staffed to meet the scope of the services provided.
- (B) Under the direction of a person or persons qualified by education, training, or experience according to center policy approved by the governing body.

(2) The center must provide a physical plant and equipment that meets the statutory requirements and regulatory provisions of the fire prevention and building safety commission (IC 22, 675 IAC 22), Indiana fire prevention codes (675 IAC 22), and Indiana building codes (675 IAC 13).

(b) Any full or partial replacement of the physical plant of a center, any addition or renovation to the physical plant of a center, or any acquisitions of additional buildings under the license of an existing center shall comply with the following:

(1) This article.

(2) All building, fire safety, and handicapped accessibility codes and rules adopted and administered by the office of the state building commissioner.

(Indiana State Department of Health; 410 IAC 27-17-1)

410 IAC 27-17-2 Specifications of physical plant

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 2. (a) The center must comply with the freestanding birthing center guidelines as stated in the 2001 edition of the national "Guidelines for Design and Construction of Hospital and Health Care Facilities", (Guidelines) section 9.7 except corridors may be less than forty-four (44) inches wide but in no case less than thirty-six (36) inches wide

(b) Water supply and sewage disposal services must be obtained from municipal or community services.

(c) Centers operating before the effective date of this rule are exempted from the requirements of this section. *(Indiana State Department of Health; 410 IAC 27-17-2)*

410 IAC 27-17-3 Maintenance of physical plant

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 3. The condition of the physical plant and the overall center environment must be developed and maintained in such a manner that the safety and well-being of patients are assured as follows:

(1) No condition in the center or on the grounds may be maintained that may be conducive to the harboring or breeding of:

- (A) insects;
- (B) rodents; or
- (C) other vermin.

(2) No condition may be created or maintained that may result in a hazard to:

- (A) patients;
- (B) the public; or
- (C) employees.

(3) Provision must be made for the periodic inspection, preventive maintenance, and repair of the physical plant and equipment by qualified personnel as follows:

- (A) Operation, maintenance, and spare parts manuals must be available, along with training or instruction, or both, of the appropriate center personnel, in the maintenance and operation of fixed and movable equipment.
- (B) All mechanical equipment (pneumatic, electric,

sterilizing, or other) must be on a documented maintenance schedule of appropriate frequency in accordance with one (1) of the following:

- (i) Acceptable standards of practice.
- (ii) The manufacturer's recommended maintenance schedule.

(C) Operational and maintenance control records must be as follows:

- (i) Established and analyzed at least triennially.
- (ii) Readily available on the premises.

(D) Maintenance and repairs must be carried out in accordance with applicable codes, rules, standards, and requirements of the following:

- (i) Local jurisdictions.
- (ii) The state fire marshal.
- (iii) The department.

(Indiana State Department of Health; 410 IAC 27-17-3)

410 IAC 27-17-4 Maintenance of equipment

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 4. All patient care equipment must be in good working order and regularly serviced and maintained as follows:

- (1) All patient care equipment must be on a documented maintenance schedule of appropriate frequency in accordance with one (1) of the following:
 - (A) Acceptable standards of practice.
 - (B) The manufacturer's recommended maintenance schedule.
- (2) There must be evidence of preventive maintenance on all patient care equipment.
- (3) Appropriate records must be:
 - (A) kept pertaining to equipment maintenance, repairs, and electrical current leakage checks; and
 - (B) analyzed at least triennially.
- (4) Defibrillators, if present, must be discharged at least in accordance with manufacturers' recommendations, and a discharge log with initialed entries must be maintained.

(Indiana State Department of Health; 410 IAC 27-17-4)

410 IAC 27-17-5 Environment

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 5. The building or buildings, including fixtures, walls, floors, ceiling, and furnishings throughout, must be kept clean and orderly in accordance with current standards of practice, including the following:

- (1) Environmental services must be provided in such a way as to guard against transmission of disease to patients, health care workers, the public, and visitors by using the current principles of the following:
 - (A) Asepsis.

- (B) Cross-contamination prevention.
- (C) Safe practice.

(2) Refuse, biohazards, infectious waste, and garbage must be:

- (A) collected;
- (B) transported;
- (C) sorted; and
- (D) disposed of;

by methods that will minimize nuisances or hazards in compliance with federal, state, and local laws and rules.

(Indiana State Department of Health; 410 IAC 27-17-5)

410 IAC 27-17-6 Safety

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1

Sec. 6. (a) A safety management program must include, but not be limited to, the following:

- (1) A review of safety functions by a committee appointed by the chief executive officer that includes representatives from the following:
 - (A) Administration.
 - (B) Patient care services.
- (2) An ongoing center-wide process to evaluate and collect information about hazards and safety practices to be reviewed by the committee.
- (3) Development, implementation, and monitoring of a safety management program to include, but not be limited to, the following:
 - (A) Periodic equipment inspections.
 - (B) Insect, rodent, or other vermin control.
 - (C) Instructions for operating and maintaining the building or building portion and equipment.
 - (D) Chemical substance use and storage.
 - (E) Surgical waste and similar material disposal.
 - (F) General housekeeping precautions.
- (4) The safety program includes, but is not limited to, the following:
 - (A) Patient safety.
 - (B) Health care worker safety.
 - (C) Public and visitor safety.
- (5) A written fire control plan that contains provisions for the following:
 - (A) Prompt reporting of fires.
 - (B) Extinguishing of fires.
 - (C) Protection of patients, personnel, and guests.
 - (D) Evacuation.
 - (E) Cooperation with firefighting authorities.
 - (F) Fire drills.
- (6) Maintenance of written evidence of regular inspection and approval by state or local fire control agencies in accordance with center policy and state and local regulations.
- (7) Emergency and disaster preparedness coordinated with appropriate community, state, and federal agencies.

Proposed Rules

(b) The center must maintain adequate battery-powered lighting and sufficient equipment needed to provide for the:

- (1) completion of services; and
- (2) safety of patients and staff;

in the event of a power loss. (*Indiana State Department of Health; 410 IAC 27-17-6*)

Rule 18. Other Services

410 IAC 27-18-1 Other services

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 1. (a) If the center provides other services not covered in specific sections of this article, the services must meet the needs of the patients served, within the scope of the service offered, and in accordance with acceptable standards of practice.

(b) The services must be as follows:

- (1) Under the direction of a qualified person or persons.
- (2) Staffed in accordance with written center policies and in compliance with the applicable state and federal rules.

(*Indiana State Department of Health; 410 IAC 27-18-1*)

Rule 19. Incorporation by Reference

410 IAC 27-19-1 Incorporation by reference

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1

Sec. 1. (a) When used in this article, references to the following publications mean the version of that publication listed and are hereby incorporated by reference:

- (1) Guidelines for Design and Construction of Hospital and Health Care Facilities (2001 Edition). Copies are available from the American Institute of Architects, 1735 New York Avenue Northwest, Washington, D.C. 20006. Local purchase may be made from the Architectural Center Bookstore, 47 South Pennsylvania Avenue, Indianapolis, Indiana 46204.
- (2) 42 CFR 493 (October 1, 2004).

(b) Federal rules that have been incorporated by reference do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(c) All incorporated material is available for public review at the department. (*Indiana State Department of Health; 410 IAC 27-19-1*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October

24, 2005 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 1 and 2, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on a proposed rule pertaining to the operation and management of birthing centers as well as establishing minimum licensing qualifications and establishing requirements for sanitation standards, staff qualifications, necessary emergency equipment, procedures to provide emergency care, quality assurance standards, and infection control. The rules will prescribe the operating policies, supervision, and maintenance of medical records. The rules will establish procedures for the issuance, renewal, denial, and revocation of licenses while addressing the form and content of the license and the collection of an annual license fee. The procedures and standards for inspections will also be addressed.

These rules are designed to meet the statutory mandate of IC 16-21-1-7 and IC 16-21-2-2.5. Requirements not expressly required by these statutes have not been imposed.

Copies of these rules are now on file at the Health Care Regulatory Services Commission at the Indiana State Department of Health, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Sue Uhl

Deputy State Health Commissioner

Indiana State Department of Health

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Proposed Rule

LSA Document #05-94

DIGEST

Adds 410 IAC 26 to establish rules pertaining to the operation and management of abortion clinics as well as establishing minimum licensing qualifications and establishing requirements for sanitation standards, staff qualifications, necessary emergency equipment, procedures to provide emergency care, quality assurance standards, and infection control, to prescribe the operating policies, supervision, and maintenance of medical records, to establish procedures for the issuance, renewal, denial, and revocation of licenses while addressing the form and content of the license and the collection of an annual license fee, and to address procedures and standards for inspections. Effective 30 days after filing with the Secretary of State.

410 IAC 26

SECTION 1. 410 IAC 26 IS ADDED TO READ AS FOLLOWS:

ARTICLE 26. ABORTION CLINICS

Rule 1. Definitions

410 IAC 26-1-1 Applicability

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 1. The definitions in this rule apply throughout this article. (*Indiana State Department of Health; 410 IAC 26-1-1*)

410 IAC 26-1-2 “Abortion” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-18-2-1; IC 16-21-1; IC 16-21-2

Sec. 2. “Abortion” has the meaning set forth in IC 16-18-2-1. (*Indiana State Department of Health; 410 IAC 26-1-2*)

410 IAC 26-1-3 “Abortion clinic” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-18-2-1.5; IC 16-21-1; IC 16-21-2

Sec. 3. “Abortion clinic” has the meaning set forth in IC 16-18-2-1.5. (*Indiana State Department of Health; 410 IAC 26-1-3*)

410 IAC 26-1-4 “Authenticate” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 4. “Authenticate” means the author or responsible individual has reviewed the clinical content of the order and validated an entry in the record by:

- (1) a full signature, including first initial, last name, and discipline;
 - (2) written initials if full signature appears on the same page; or
 - (3) a unique identifier such as a number or computer key.
- (*Indiana State Department of Health; 410 IAC 26-1-4*)

410 IAC 26-1-5 “Clinic” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 5. “Clinic” means an abortion clinic. (*Indiana State Department of Health; 410 IAC 26-1-5*)

410 IAC 26-1-6 “Commissioner” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 6. “Commissioner” means the state health commissioner or the state health commissioner’s designee. (*Indiana State Department of Health; 410 IAC 26-1-6*)

410 IAC 26-1-7 “Council” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-18-2-84; IC 16-21-1; IC 16-21-2

Sec. 7. “Council” has the meaning set forth in IC 16-18-2-

84(1). (*Indiana State Department of Health; 410 IAC 26-1-7*)

410 IAC 26-1-8 “Department” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 8. “Department” means the Indiana state department of health. (*Indiana State Department of Health; 410 IAC 26-1-8*)

410 IAC 26-1-9 “Division” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 9. “Division” means the division of acute care of the department. (*Indiana State Department of Health; 410 IAC 26-1-9*)

410 IAC 26-1-10 “Governing body” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 10. “Governing body” means:

- (1) board of trustees;
- (2) governing board;
- (3) board of directors; or
- (4) other body or individual responsible for governing an abortion clinic.

(*Indiana State Department of Health; 410 IAC 26-1-10*)

410 IAC 26-1-11 “Health care provider” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-18-2-163; IC 16-21-1; IC 16-21-2

Sec. 11. “Health care provider” has the meaning set forth in IC 16-18-2-163. (*Indiana State Department of Health; 410 IAC 26-1-11*)

410 IAC 26-1-12 “Health care worker” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 12. “Health care worker” means a person who provides services whether as an individual health care provider, volunteer, or student at or employee of a clinic. (*Indiana State Department of Health; 410 IAC 26-1-12*)

410 IAC 26-1-13 “Licensed health professional” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2; IC 25-23-1-27.1

Sec. 13. “Licensed health professional” has the meaning set forth in IC 25-23-1-27.1. (*Indiana State Department of Health; 410 IAC 26-1-13*)

410 IAC 26-1-14 “Medical staff” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 14. “Medical staff” means physicians appointed by the governing body or contracted with by the governing

body and responsible to the governing body for the following:

- (1) The clinical and scientific work of the clinic.
- (2) Advice regarding professional matters and policies.
- (3) Review of the professional practices in the clinic for the purposes of reducing morbidity and mortality and for the improvement of the care of patients in the clinic, including the following:
 - (A) The quality and necessity of care provided.
 - (B) The preventability of complications and deaths occurring in the clinic.

(Indiana State Department of Health; 410 IAC 26-1-14)

410 IAC 26-1-15 “Pharmacist” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2; IC 25-26-13

Sec. 15. “Pharmacist” means an individual licensed under IC 25-26-13. *(Indiana State Department of Health; 410 IAC 26-1-15)*

410 IAC 26-1-16 “Physician” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2; IC 25-22.5-5

Sec. 16. “Physician” means an individual licensed under IC 25-22.5-5. *(Indiana State Department of Health; 410 IAC 26-1-16)*

410 IAC 26-1-17 “Registered nurse” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2; IC 25-23-1

Sec. 17. “Registered nurse” means an individual licensed under IC 25-23-1. *(Indiana State Department of Health; 410 IAC 26-1-17)*

410 IAC 26-1-18 “Surgical abortion” defined

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 18. “Surgical abortion” means the use of a:

- (1) surgical instrument; or
- (2) machine;

to perform an abortion. *(Indiana State Department of Health; 410 IAC 26-1-18)*

Rule 2. License Requirements

410 IAC 26-2-1 License

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 4-21.5-3-5; IC 16-21-2

Sec. 1. (a) A license must be obtained from the state health commissioner under IC 4-21.5-3-5 before:

- (1) establishing;
- (2) conducting;
- (3) operating; or

(4) maintaining;

an abortion clinic. An abortion clinic may not operate without a license issued by the commissioner.

(b) A license to operate an abortion clinic:

- (1) expires one (1) year after the date of issuance;
- (2) is not assignable or transferable; and
- (3) is issued only for the premises named in the application.

(c) A license is valid for only one (1) location. Multiple clinics may not be operated under one (1) license.

(d) Upon closure of the clinic, the license shall be returned to the division. *(Indiana State Department of Health; 410 IAC 26-2-1)*

410 IAC 26-2-2 Review of physical plant plans

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 2. (a) The department will not issue a provisional license to operate an abortion clinic until the clinic has obtained final plan approval from the sanitary engineering program of the department.

(b) Before the start of the construction, addition, or renovation project, the clinic shall request and obtain plan approval from the sanitary engineering program of the department. To request plan approval, the clinic must file with the department a request for plan review on a form approved by the department and have the following available for review:

- (1) Detailed architectural and operational plans for construction.
- (2) Functional program narrative.
- (3) Schematics, based upon the functional program, consisting of drawings (as single-line plans), outline specifications, and other documents illustrating the scale and relationship of project components.
- (4) Working drawings, project manuals, and specifications.

(c) After receiving plan approval, the clinic shall:

- (1) inform the sanitary engineering program of any changes or modifications to the plans approved by the department; and
- (2) provide appropriate architectural and operational plans to the department for those changes or modifications.

After reviewing any changes or modifications and upon a determination of compliance with physical plant rules under this article, a final plan approval will be issued by the sanitary engineering program. *(Indiana State Department of Health; 410 IAC 26-2-2)*

410 IAC 26-2-3 Application for initial license

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 3. (a) To obtain a license to operate an abortion clinic, an application for a license to operate an abortion clinic must be submitted to the division. The application may be submitted simultaneously with the request for plan review before construction. At the latest, however, the application must be received by the department at least forty-five (45) days before the anticipated opening of the clinic. At least forty-five (45) days before the opening of the clinic, the applicant must inform the division of the anticipated date of opening.

(b) The initial license application includes the following:

- (1) An application for a license to operate an abortion clinic on a form prescribed by the division.
- (2) Documents required by the application for a license to operate an abortion clinic.
- (3) The appropriate license fee.

(c) All changes in ownership, name, and address must be reported in writing to the division. Reapplication must be filed when a change of fifty percent (50%) or greater ownership occurs. (*Indiana State Department of Health; 410 IAC 26-2-3*)

410 IAC 26-2-4 Review and approval of initial license application

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2-11

Sec. 4. (a) Upon receipt of a completed application for an abortion clinic license, the department will review the application and accompanying documentation to determine that the applicant has met the requirements of IC 16-21-2-11(a)(1) and IC 16-21-2-11(a)(2).

(b) Upon determination by the commissioner that the applicant has failed to comply with this article, the commissioner may:

- (1) request additional information concerning the application;
- (2) conduct a further investigation to determine whether a provisional license should be granted; or
- (3) deny the application.

(c) Upon determination by the commissioner that the applicant has complied with the provisional licensing requirements for an abortion clinic under this article, the commissioner will:

- (1) provisionally approve the application for an abortion clinic license; and
- (2) issue a provisional license to operate an abortion clinic.

The provisional license expires ninety (90) days after issue.

(d) After the opening of the clinic and before the expiration of the provisional license, the department will conduct a licensing survey to ensure that the clinic is operating in compliance with this article.

(e) If the clinic is found on the initial licensing survey to be in compliance with this article, the commissioner will issue a full license to operate an abortion clinic. If the clinic is not found to be in compliance with this article, the commissioner may extend the provisional license for up to ninety (90) days. If the provisional license is extended, a revisit survey will be conducted or additional documentation will be requested, or both, before the end of the provisional period to ensure compliance with this article. If the clinic is found to be in compliance with this article, the commissioner will issue a full license to operate an abortion clinic. If the clinic is not found to be in compliance with this article after the extended provisional period, the commissioner may:

- (1) request additional information concerning the application;
- (2) conduct a further investigation to determine whether a provisional license should be granted; or
- (3) deny the application.

(*Indiana State Department of Health; 410 IAC 26-2-4*)

410 IAC 26-2-5 Denial of license

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2; IC 27-13-1

Sec. 5. The commissioner may deny a license to operate an abortion clinic for any of the following reasons:

- (1) If the licensee or licensees are not of reputable and responsible character.
- (2) If the abortion clinic is not in compliance with the minimum standards for an abortion clinic adopted under this article.
- (3) For violation of any of the provisions of IC 16-21 or this article.
- (4) For permitting, aiding, or abetting the commission of any illegal act in the clinic.
- (5) For knowingly collecting or attempting to collect from:
 - (A) a subscriber (as defined in IC 27-13-1-32); or
 - (B) an enrollee (as defined in IC 27-13-1-12);
 of a health maintenance organization (as defined in IC 27-13-1-19) any amounts that are owed by the health maintenance organization.
- (6) If conduct or practices of the clinic are found to be detrimental to the patients of the abortion clinic.
- (7) If the application for a license to operate an abortion clinic or supporting documentation provided inaccurate statements or information.

Proposed Rules

(Indiana State Department of Health; 410 IAC 26-2-5)

410 IAC 26-2-6 Renewal of license

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 6. (a) In order to renew its abortion clinic license, the clinic shall file an application for the renewal of an abortion clinic license with the division at least one (1) month before the expiration of the current license.

(b) The renewal application includes the following:

- (1) An application for the renewal of a license to operate an abortion clinic on a form prescribed by the division.
- (2) Documents required by the application for the renewal of a license to operate an abortion clinic.
- (3) The appropriate license fee.

(c) Upon determination by the commissioner that the applicant has met the licensing requirements for an abortion clinic, the commissioner will approve the application for the renewal of a license to operate an abortion clinic and issue a license. *(Indiana State Department of Health; 410 IAC 26-2-6)*

410 IAC 26-2-7 Posting of license

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 7. A license issued under this article must be conspicuously posted on the premises in an area open to patients. *(Indiana State Department of Health; 410 IAC 26-2-7)*

410 IAC 26-2-8 Enforcement actions

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-2; IC 16-21-3; IC 27-13-1

Sec. 8. (a) The commissioner may take any of the following actions on any of the grounds listed in subsection (b):

- (1) Issue a letter of correction.
- (2) Issue a probationary license.
- (3) Conduct a resurvey.
- (4) Deny the renewal of a license.
- (5) Revoke a license.
- (6) Impose a civil penalty in an amount not to exceed ten thousand dollars (\$10,000) per violation.

(b) The commissioner may take action under subsection (a) on any of the following grounds:

- (1) Violation of any provision of this article.
- (2) Permitting, aiding, or abetting the commission of any illegal act in an institution.
- (3) Knowingly collecting or attempting to collect from:
 - (A) a subscriber (as defined in IC 27-13-1-32); or
 - (B) an enrollee (as defined in IC 27-13-1-12);of a health maintenance organization (as defined in IC 27-13-1-19) any amounts that are owed by the health

maintenance organization.

- (4) Conduct or practice found by the council to be detrimental to the welfare of the patients of an institution.

(Indiana State Department of Health; 410 IAC 26-2-8)

410 IAC 26-2-9 Probationary license

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 4-21.5; IC 16-21

Sec. 9. A probationary license may be:

- (1) issued for a period of three (3) months; and
- (2) reissued;

but no more than three (3) probationary licenses may be issued during a twelve (12) month period. The issuance of a probationary license results in the automatic expiration of any other license held under this article. *(Indiana State Department of Health; 410 IAC 26-2-9)*

Rule 3. Surveys

410 IAC 26-3-1 Survey procedures

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2-6

Sec. 1. (a) The abortion clinic shall fully cooperate with surveys conducted by representatives of the department. Upon arrival of department surveyors at the clinic, the clinic may immediately contact the department to confirm the identity of the surveyors. Upon confirmation by the department of the survey and surveyors, the clinic shall:

- (1) immediately admit the surveyors to the clinic; and
- (2) not delay the survey.

(b) Documents, registers, reports, records, and minutes of the abortion clinic must be made available to the department upon request for inspection and copying.

(c) Documents, registers, reports, records, and minutes required to be maintained by the abortion clinic include, but are not limited to, the following:

- (1) Documents showing ownership and a copy of articles of incorporation (if incorporated).
- (2) All documents pertaining to quality assurance and improvement of patient care and medical care.
- (3) Personnel records.
- (4) Medical records relating to surgical abortions.
- (5) Reports under IC 16-21-2-6.
- (6) Policies and procedures of the abortion clinic.

(d) If the governing body of the clinic is an individual responsible for governing the abortion clinic, the clinic is not required to prepare and maintain the documents referenced in this subsection. If the governing body is not an individual with sole authority and responsibility for the clinic, the clinic must prepare and maintain the following documents, registers, reports, records, and minutes to include, but not be limited to:

- (1) The constitution and bylaws of the governing body.
- (2) Minutes of meetings of the governing body and committees thereof.

(e) Documents, registers, reports, records, and minutes must be complete and up-to-date. (*Indiana State Department of Health; 410 IAC 26-3-1*)

410 IAC 26-3-2 Licensing surveys

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 2. (a) The department will conduct a licensing survey of each abortion clinic at least once every two (2) years. The licensing survey is conducted to ensure that the abortion clinic is operating in compliance with this article.

(b) The division will notify the clinic of the results of the licensing survey in writing.

(c) The division may accept as the licensing survey an accreditation or certification survey report from a nationally-recognized abortion accreditation or certification agency, association, or organization that is deemed by the division to have survey standards consistent with this article. The clinic may request that the division accept an accreditation or certification survey as the licensing survey. The request must be filed by the clinic with the department following an accreditation or certification survey and prior to a licensing survey. Upon request by the clinic, the division will review the accreditation or certification survey report for the clinic. If the division finds that, based on the accreditation or certification report, the clinic was in compliance with this article, the division will accept the accreditation or certification report as a licensing survey. If, based on the accreditation or certification report, the clinic failed to comply with this article, the division may:

- (1) request a plan of correction and evaluate the plan of correction for compliance; or
- (2) conduct a licensing survey.

While the division may accept an accreditation or certification survey in place of a licensing survey, over the course of each four (4) year survey period, the division will conduct at least one (1) licensing survey at each clinic. (*Indiana State Department of Health; 410 IAC 26-3-2*)

410 IAC 26-3-3 Complaint surveys

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 3. (a) In accordance with division policy, the division shall investigate credible complaints received by the division that allege noncompliance with this article.

(b) Complaints will be assigned a priority for investigation in accordance with division policy.

(c) A licensing survey may be conducted simultaneously with and in addition to a complaint survey.

(d) The division shall notify the abortion clinic of the results of the complaint survey in writing. (*Indiana State Department of Health; 410 IAC 26-3-3*)

410 IAC 26-3-4 Plan of correction

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 4. (a) The abortion clinic must file an acceptable plan of correction with the division within ten (10) days of receipt of a survey report from the division that documents noncompliance with state rules.

(b) Unless the commissioner determines that there is a need for immediate release, the abortion clinic will have ten (10) days after notification of a noncompliance to submit to the division an acceptable plan of correction before the survey report is made available to the public. (*Indiana State Department of Health; 410 IAC 26-3-4*)

Rule 4. Governing Body

410 IAC 26-4-1 Powers and duties

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2; IC 16-34; IC 25-22.5

Sec. 1. (a) The governing body:

- (1) shall function as the ultimate authority; and
- (2) is responsible for the conduct and management; of the abortion clinic.

(b) If the governing body is an individual who has sole authority and responsibility for the clinic, that individual may also serve as the clinic administrator or medical director, or both, if qualified. A clinic administrator appointed by the governing body may also serve as the medical director if qualified.

(c) The governing body shall do the following:

- (1) Assume responsibility for:
 - (A) determining;
 - (B) implementing; and
 - (C) monitoring;
 policies governing the clinic's operation.
- (2) Ensure that:
 - (A) clinic policies are followed so as to provide quality health care in a safe environment; and
 - (B) the clinic complies with:
 - (i) this article;
 - (ii) IC 16-21; and
 - (iii) IC 16-34.
- (3) Review, at least every six (6) months, reports of management operations, including, but not limited to, the following:

- (A) Quality assessment and improvement program.
 - (B) Patient services provided.
 - (C) Results attained.
 - (D) Recommendations made.
 - (E) Actions taken.
 - (F) Follow-up.
- (4) Maintain documents, registers, and reports that show the following:
- (A) Ownership.
 - (B) Compliance with local, state, and federal laws and regulations.
 - (C) Adherence to clinic bylaws (if applicable) and clinic policies.
- (5) Approve all appointments to or contracts with medical staff.
- (6) Ensure the following:
- (A) Maintenance of the physical plant.
 - (B) That the clinic is:
 - (i) equipped; and
 - (ii) staffed;to meet the needs of the patients.
- (7) Ensure that clinic policies and procedures are:
- (A) updated as needed; and
 - (B) reviewed at least triennially.
- (8) Establish the following:
- (A) A policy and procedure for communication with physicians concerning a patient emergency.
 - (B) A process for the following:
 - (i) Reporting licensed health professionals who fail to comply with state professional licensing requirements as found in IC 25-22.5.
 - (ii) Documenting actions against licensed health professionals who fail to comply with the clinic policies and procedures.
- (d) If the governing body is not an individual responsible for the governing of the clinic, the governing body must do the following:
- (1) Adopt bylaws and operate in compliance with the bylaws.
 - (2) Review the bylaws at least triennially.
- (e) If the governing body is not an individual who is also serving as the medical director, the governing body shall do the following:
- (1) Designate a medical director who has the responsibility for the direction of:
 - (A) medical;
 - (B) nursing; and
 - (C) health-related;services to patients.
 - (2) Maintain a liaison with the medical director.
- (f) If the governing body is not an individual who is also serving as the clinic administrator, the governing body shall

do the following:

- (1) Designate a clinic administrator who has the responsibility and authority to carry out the day-to-day operation of the clinic.
- (2) Develop criteria, which include, but are not limited to, defining educational and experience requirements for the clinic administrator.
- (3) Delineate in writing the responsibility and authority of the clinic administrator.
- (4) Require the following:
 - (A) That the clinic administrator or a designee:
 - (i) attend meetings of the governing body and its committees; and
 - (ii) act as its representative at medical staff meetings.
 - (B) That the clinic administrator:
 - (i) designate in writing an administrative officer to serve during his or her absence; and
 - (ii) develop and implement appropriate policies and programs.

(Indiana State Department of Health; 410 IAC 26-4-1)

410 IAC 26-4-2 Appointment and conduct of medical staff

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 2. (a) The medical staff of the clinic:

- (1) consists of physicians appointed to or contracted with to provide medical services at the clinic; and
- (2) must be composed of at least one (1) physician.

(b) The medical director must be a physician licensed to practice in the state of Indiana.

(c) If the medical staff consists of more than one (1) physician:

- (1) the medical director shall serve as coordinator of the medical staff; and
- (2) a current roster of members of the medical staff shall be maintained.

(d) In appointing or contracting with medical staff, the governing body shall do the following:

- (1) Ensure that appointments to or contracts with medical staff are acted upon with the advice and recommendation of the medical director.
- (2) Examine credentials of candidates for appointment, reappointment, or contracting to the medical staff in accordance with the following:
 - (A) Clinic policy.
 - (B) Applicable state and federal law.
- (3) Ensure that criteria for selection for medical staff include the following:
 - (A) Individual character.
 - (B) Competence.
 - (C) Education.
 - (D) Training.

(E) Experience.

(F) Judgment.

(4) Maintain a reasonably accessible hard copy or electronic file for each member of the medical staff, which includes, but is not limited to, the following:

(A) A completed, signed application.

(B) The date and year of completion of all Accreditation Council for Graduate Medical Education (ACGME) accredited residency training programs, if applicable.

(C) A current copy of the individual's credentials as follows:

(i) An Indiana license showing date of licensure and number or available data provided by the Indiana professional licensing agency. A copy of practice restrictions, if any, must be attached to the license issued by the Indiana professional licensing agency through the appropriate licensing board.

(ii) Indiana controlled substance registration showing number as applicable.

(iii) Drug Enforcement Agency registration showing number as applicable.

(iv) Documentation of experience in the practice of medicine.

(v) Documentation of specialty board certification as applicable.

(e) The governing body is responsible for the conduct of the medical staff activities related to the abortion clinic. The governing body shall ensure the following:

(1) That the medical staff is accountable and responsible to the governing body for the quality of care provided to patients.

(2) That procedures are performed only by a physician approved by the governing body to perform such procedures.

(3) That procedures performed in the clinic are limited to procedures authorized by the governing body.

(f) The governing body is responsible for assuring that quality patient care is provided. In accordance with clinic policy, the governing body shall ensure that a qualified licensed physician who is a member of the medical staff is responsible for the care and treatment of each patient.

(g) The governing body is responsible for services delivered in the clinic by contractors for medical services. The governing body shall ensure the following:

(1) That a contractor of any service furnishes those services in such a manner as to permit the clinic to comply with all applicable statutes and rules.

(2) That the services performed under a contract are:

(A) provided in a safe and effective manner; and

(B) included in the clinic's quality assessment and improvement program.

(3) That the clinic maintains a list of all contracted

services, including the scope and nature of the services provided.

(Indiana State Department of Health; 410 IAC 26-4-2)

Rule 5. Administration and Policies

410 IAC 26-5-1 Administration

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 1. The clinic administrator is responsible for day-to-day operations of the abortion clinic to include, but not be limited to, the following functions:

(1) Employing qualified staff:

(A) commensurate with assigned duties and responsibilities; and

(B) in accordance with the employee's:

(i) licensure;

(ii) certification;

(iii) experience; and

(iv) competence.

(2) Ensuring that sufficient staff is present to provide quality patient care.

(3) Implementation of internal and external disaster and emergency preparedness plans with documentation of outcome.

(Indiana State Department of Health; 410 IAC 26-5-1)

410 IAC 26-5-2 Required policies and procedures

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 2. (a) The clinic shall develop, implement, and maintain the following:

(1) Written medical staff policies.

(2) Written procedures for the following:

(A) Emergencies.

(B) Initial treatment.

(C) Transfer.

(b) The clinic shall provide immediate lifesaving measures, within the scope of service available, to all persons in the clinic, to include, but not be limited to, the following:

(1) Timely assessment.

(2) Basic life support.

(3) Appropriate transfer.

(c) The clinic shall develop, implement, and maintain the following:

(1) Policies that cover health care worker practice problems, including, but not limited to, the following:

(A) Impaired health care workers.

(B) Criminal history.

(C) Disciplinary action.

(2) A written policy to address the internal review of unusual occurrences and disasters. This policy must include, but not be limited to, the following:

Proposed Rules

(A) Patient injuries or marked deterioration of patient condition occurring under unanticipated or unexpected circumstances.

(B) Unexplained loss of or theft of a controlled substance.

(C) Deaths occurring within the clinic.

(Indiana State Department of Health; 410 IAC 26-5-2)

Rule 6. Quality Assessment and Improvement

410 IAC 26-6-1 Quality assessment and improvement

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 1. (a) The abortion clinic must develop or adopt, implement, and maintain an effective, organized, clinic-wide, comprehensive quality assessment and improvement program in which all areas of the clinic participate. The program shall be ongoing and have a written plan of implementation that evaluates, but is not limited to, the following:

(1) All services, including services furnished by a contractor.

(2) All functions, including, but not limited to, the following:

(A) Discharge.

(B) Transfer.

(C) Infection control.

(D) Response to patient emergencies.

(3) All services performed in the clinic with regard to the following:

(A) Appropriateness of diagnoses and treatments related to a standard of care.

(B) Anticipated or expected outcomes.

(4) Medical and medication errors.

(b) The clinic shall take appropriate action to address the opportunities for improvement found through the quality assessment and improvement program as follows:

(1) The action must be documented.

(2) The outcome of the action must be documented as to its effectiveness, continued follow-up, and impact on patient care.

(Indiana State Department of Health; 410 IAC 26-6-1)

Rule 7. Medical Records

410 IAC 26-7-1 Medical records, storage, and administration

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 1. (a) The abortion clinic must do the following:

(1) Create and maintain a medical record on each patient.

(2) Have a written policy that ensures responsibility for and maintenance of medical records as follows:

(A) The clinic must establish and implement the follow-

ing:

(i) Policies and procedures to assure that the care and services provided to each patient are appropriately documented.

(ii) A system to assure that medical records are readily available in accordance with clinic policy and systematically organized to facilitate the compilation and retrieval of information.

(B) The policy must provide safeguards to assure protection of the medical records from the following:

(i) Fire.

(ii) Water.

(iii) Other sources of damage.

(C) All original medical records or legally reproduced medical records must be maintained by the clinic for a period of at least seven (7) years or the applicable statute of limitation, whichever is longer. Original medical records must be maintained in the clinic for at least two (2) years. Records over two (2) years old may be kept off-site but must be retrievable within forty-eight (48) business hours.

(b) A medical record must be maintained with documentation of service rendered for each patient of the clinic as follows:

(1) Medical records:

(A) are documented accurately and in a timely manner;

(B) are readily accessible; and

(C) permit prompt retrieval of information.

(2) A unit record system of filing should be utilized. When this is not practicable, a system must be established by the clinic to retrieve, when necessary, all divergently located record components.

(3) The clinic shall use a system of author identification and record maintenance that:

(A) ensures the integrity of the authentication; and

(B) protects the security of all record entries.

Each entry must be authenticated in accordance with the clinic and medical staff policies.

(4) Medical records must be retained in their original or legally reproduced form as required by federal or state law.

(5) Plain paper facsimile orders, reports, and documents are acceptable for inclusion in the medical record if allowed by the clinic policies.

(6) The clinic shall have a system of coding and indexing medical records that allows for timely retrieval of records by:

(A) identification data;

(B) diagnosis;

(C) treatment rendered;

(D) physician;

(E) condition on discharge; and

(F) transfer to hospital;

in order to support continuous quality assessment and

improvement activities.

(7) The clinic shall ensure the confidentiality of patient records. The clinic must develop, implement, and maintain the following:

(A) A procedure for releasing information or copies of records only to authorized individuals in accordance with federal and state laws.

(B) A procedure that ensures that unauthorized individuals cannot gain access to medical records.

(c) A written or electronic register must be kept of all patients treated that provides the following:

- (1) Identification data.
- (2) Treatment rendered.
- (3) Attending physician.
- (4) Condition on discharge.
- (5) Transfers to hospital facility.
- (6) Other data deemed necessary by the clinic.

(Indiana State Department of Health; 410 IAC 26-7-1)

410 IAC 26-7-2 Content of the medical record

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2; IC 16-34-2-1.1

Sec. 2. (a) The medical record for surgical abortions must be accurate and contain sufficient information to do the following:

- (1) Identify the patient.
- (2) Document the following:
 - (A) Tests, examinations, and procedures performed.
 - (B) The course of the patient's stay in the clinic and the results.

(b) Entries in the medical record must be as follows:

- (1) Legible.
- (2) Complete.
- (3) Made by authorized individuals as specified in clinic and medical staff policies.
- (4) Authenticated and dated in accordance with this article.

(c) Patient records for surgical abortions must document and contain, at a minimum, the following:

- (1) Patient identification.
- (2) Appropriate medical history.
- (3) Results of the following:
 - (A) A physical examination.
 - (B) Diagnostic or laboratory studies, or both (if performed).
- (4) Any allergies and abnormal drug reactions.
- (5) Entries related to anesthesia administration.
- (6) Evidence of appropriate informed consent for procedures and treatments as required by IC 16-34-2-1.1.
- (7) A report describing techniques, findings, and tissue removed or altered.
- (8) Authentication of entries by the physician or physi-

cians and health care workers who treated or cared for the patient.

(9) Condition on discharge, disposition of the patient, and time of discharge.

(10) Discharge entry to include instructions to the patient or patient's legal representative.

(11) A copy of the following:

(A) The transfer form if the patient was referred to a hospital or other facility.

(B) The terminated pregnancy report filed with the department.

(d) An appropriate history and physical examination report must be in the patient's chart before a surgical abortion. The report shall include, but is not limited to, the following:

- (1) Vital signs.
- (2) Allergies.
- (3) Any significant risk factors.
- (4) The date written.

(Indiana State Department of Health; 410 IAC 26-7-2)

Rule 8. Personnel

410 IAC 26-8-1 Personnel policies and records

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 1. (a) The abortion clinic shall maintain current and accurate personnel records for all employees. Personnel records shall:

- (1) be maintained for each employee of the clinic; and
- (2) include personal data to include:
 - (A) education;
 - (B) experience;
 - (C) date of employment;
 - (D) a copy of current license when required;
 - (E) evidence of participation in job-related educational and training activities; and
 - (F) health records of employees that relate to post offer and subsequent:
 - (i) physical examinations;
 - (ii) tests; and
 - (iii) immunizations.

(b) If the clinical administrator is not the governing body, the clinic must establish employment criteria for the clinic administrator to include, but not be limited to, the following:

- (1) Educational requirements.
- (2) Experience requirements.
- (3) Professional certification, licensing, or registration requirements where appropriate.

(c) The clinic must do the following:

- (1) Maintain current job descriptions with reporting

responsibilities for all personnel and annual performance evaluations, based on the job description, for each employee and contract and agency personnel.

(2) Ensure that all health care workers, including contract and agency personnel, for whom a license, registration, or certification is required:

(A) maintain current license, registration, or certification; and

(B) keep documentation of same.

(Indiana State Department of Health; 410 IAC 26-8-1)

410 IAC 26-8-2 Employee health monitoring

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 2. The clinic shall do the following:

(1) Develop, implement, and maintain a written policy for the control of communicable disease in compliance with applicable federal and state laws.

(2) Monitor employee health in accordance with the clinic's infection control program.

(3) Ensure that all employees, staff members, and contractors having direct patient contact are evaluated at least annually for tuberculosis. Any person having a positive finding on a tuberculosis evaluation may not work in the clinic unless approved by a physician to work. The clinic may perform its own tuberculosis evaluation or utilize reliable medical records from a qualified health care provider. Tests for tuberculosis performed by the clinic must meet Centers for Disease Control guidelines. An evaluation for tuberculosis may be performed using:

(A) a PPD (Mantoux) skin test;

(B) a chest radiograph; or

(C) another tuberculosis testing procedure approved by the Centers for Disease Control.

The clinic must maintain documentation of tuberculosis evaluations showing that any person working in the clinic and having direct patient contact has had a negative finding on a tuberculosis examination within the previous twelve (12) months. *(Indiana State Department of Health; 410 IAC 26-8-2)*

410 IAC 26-8-3 Orientation and training requirements

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 3. (a) The clinic must do the following:

(1) Develop, implement, and maintain a policy and procedure for the orientation of new employees, contractors, and agency personnel providing direct care and services to patients.

(2) Orientate all new employees, including contract and agency personnel, to applicable clinic and personnel policies.

(b) The clinic shall ensure cardiopulmonary resuscitation

(CPR) competence in accordance with current standards of practice and clinic policy for all health care workers including contract and agency personnel who provide direct patient care. *(Indiana State Department of Health; 410 IAC 26-8-3)*

Rule 9. Medical Staff

410 IAC 26-9-1 Medical staff services

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 1. (a) The medical staff of the clinic is:

(1) accountable to the governing body of the clinic; and
(2) responsible to the governing board for the quality of medical care and services provided to patients.

(b) The medical director must do the following:

(1) Examine credentials of candidates for appointment, reappointment, or contracting to the medical staff.

(2) Make recommendations to the governing body on the appointment or reappointment of medical staff.

(c) The medical director must develop and maintain policies and procedures for the provision of medical services. The policies must provide for and the medical staff must ensure the following:

(1) An appropriate and timely medical history and physical examination is performed.

(2) All physician orders:

(A) are in writing or acceptable computerized form;

(B) must be authenticated by a responsible physician as allowed by clinic policies not to exceed thirty (30) days.

(3) There is a provision for personnel authorized to take a verbal order.

(Indiana State Department of Health; 410 IAC 26-9-1)

Rule 10. Patient Care and Nursing Services

410 IAC 26-10-1 Patient care

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 1. (a) All patient care services must:

(1) meet the needs of the patient, within the scope of the service offered, in accordance with acceptable standards of practice;

(2) be under the direction of a qualified person or persons; and

(3) require that:

(A) patient care services rendered are:

(i) reviewed and analyzed at regular meetings of patient care personnel; and

(ii) used as a basis for evaluating the quality of services provided; and

(B) personnel with appropriate training are available at all times to handle possible emergencies involving

patients of the clinic.

(b) Written patient care policies and procedures must be available to personnel and must include, but not be limited to, the following:

- (1) A provision that a reliable method of patient identification must be used.
- (2) A provision for instruction or instructions to be given to the patient or the patient's legal representative regarding follow-up care and transportation needed by the patient on discharge following a surgical abortion to include at least the following:
 - (A) Signs and symptoms of possible complications.
 - (B) Activities allowed and to be avoided.
 - (C) Hygienic and other postdischarge procedures to be followed.
 - (D) Clinic emergency phone numbers available on a twenty-four (24) hour basis.
 - (E) Follow-up appointment, if indicated.
 - (F) Counseling regarding Rh typing.
 - (G) Administration of Rh immune globulin, if indicated, unless:
 - (i) the patient signs a waiver refusing the administration; or
 - (ii) other arrangements for administration are documented.
- (3) A provision to maintain a written system of documentation of patients who report post-procedure complications and the clinic's interventions. The interventions must be documented in the medical record.
- (4) A provision that facilities, reusable equipment, and supplies must be thoroughly cleaned or sterilized following use according to clinic policies and procedures.
- (5) A provision that all patients must be observed during the recovery period by qualified personnel.

(Indiana State Department of Health; 410 IAC 26-10-1)

410 IAC 26-10-2 Nursing services

Authority: IC 16-21-1-7; IC 16-21-2-2.5
 Affected: IC 16-21-1; IC 16-21-2

Sec. 2. If the clinic employs licensed nurses, the clinic must ensure the following:

- (1) Registered nurses and licensed practical nurses are currently licensed in Indiana.
- (2) Nursing personnel meet annual inservice requirements as established by clinic and federal and state requirements.

(Indiana State Department of Health; 410 IAC 26-10-2)

Rule 11. Infection Control Program

410 IAC 26-11-1 Infection control administration

Authority: IC 16-21-1-7; IC 16-21-2-2.5
 Affected: IC 16-21-1; IC 16-21-2

Sec. 1. (a) The clinic must do the following:

(1) Provide a safe and healthful environment that minimizes infection exposure and risk to the following:

- (A) Patients.
- (B) Health care workers.
- (C) Persons who accompany patients.

(2) Maintain a written infection control policy that provides for an active and effective clinic-wide infection control program. The policy must include a system designed for the:

- (A) identification;
- (B) surveillance;
- (C) investigation;
- (D) control; and
- (E) prevention;

of infections and communicable diseases in patients and health care workers.

(b) The infection control program must identify and evaluate trends or clusters of clinic generated infections or communicable diseases.

(c) The clinic must designate a person qualified by training or experience as responsible for the following:

- (1) Ongoing infection control activities.
- (2) The development and implementation of policies governing control of infections and communicable diseases.

(d) The clinic administrator must do the following:

- (1) Be responsible for the implementation of successful corrective action plans in affected problem areas and ensure that infection control policies are followed.
- (2) Provide for appropriate infection control input into plans for renovation and new construction to ensure awareness of federal, state, and local rules that affect infection control practices as well as plan for appropriate protection of patients and employees during construction or renovation.

(e) The clinic must establish a committee to monitor and guide the infection control program in the clinic as follows:

(1) The infection control committee must meet at least quarterly. Membership must include, but is not limited to, the following:

- (A) The person directly responsible for management of the infection surveillance, prevention, and control program as established in subsection (c).
- (B) The medical director.
- (C) A representative from the nursing staff (if the clinic employs a licensed nurse).
- (D) Representatives from other appropriate services within the clinic as needed.

(2) The infection control committee responsibilities must include, but are not limited to, the following:

(A) Establishing techniques and systems for:

- (i) identifying;
- (ii) reviewing; and
- (iii) reporting;

infections in the clinic.

(B) Recommending corrective action plans, reviewing outcomes, and assuring resolution of identified problems.

(C) Reviewing employee exposure incidents and making appropriate recommendations to minimize risk.

(D) Written reports of quarterly meetings.

(E) Reviewing and recommending changes in procedures, policies, and programs that are pertinent to infection control. These include, but are not limited to, the following:

- (i) Sanitation, including proper disposal of removed tissue.
- (ii) Universal precautions, including infectious waste management.
- (iii) Cleaning, disinfection, and sterilization.
- (iv) Aseptic technique, invasive procedures, and equipment usage.
- (v) Reuse of disposables.
- (vi) A system for handling patients with communicable diseases.
- (vii) A system, which complies with state and federal law, to monitor the immune status of health care workers exposed to communicable diseases.
- (viii) An employee health program to determine the communicable disease history of new personnel as well as an ongoing program for current personnel as required by state and federal agencies.
- (ix) Requirements for personal hygiene and attire that meet acceptable standards of practice.
- (x) A program of linen management.

(Indiana State Department of Health; 410 IAC 26-11-1)

410 IAC 26-11-2 Sterilization

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec 2. (a) Sterilization of equipment and supplies must be provided, within the scope of the service offered, in accordance with acceptable standards of practice or manufacturer's recommendations and applicable state laws and rules (to include 410 IAC 1-4, Universal Precautions). Sterilization services must be directed by a qualified person or persons and must provide for the following:

- (1) Biological indicators must be used to check sterilization processes at least monthly. Chemical sterilizing indicators must be used to check the sterilizing process of individual packs.
- (2) Written policies and procedures must be available and followed by personnel responsible for sterilizing equipment and supplies, including, but not limited to, the

following:

(A) Minimum time and temperature for processing various size bundles and packs.

(B) Instructions for:

- (i) loading;
 - (ii) operating;
 - (iii) cleaning; and
 - (iv) maintaining;
- sterilizers.

(C) Instructions for:

- (i) cleaning;
 - (ii) packaging;
 - (iii) storing;
 - (iv) labeling; and
 - (v) dispensing of;
- sterile supplies.

(D) The procedure for maintaining and recording the particular sterilizing cycle.

(E) Sterilization of heat labile reusable equipment.

(3) Records of results must be maintained and evaluated periodically to include, but not be limited to, the following:

(A) Records of recording thermometers or a daily record of the sterilizing cycle:

- (i) date;
- (ii) time;
- (iii) temperature;
- (iv) pressure; and
- (v) contents;

for each sterilizer load.

(B) Results of biological indicators used in testing the sterilizing processes.

(b) Environmental surfaces and equipment not requiring sterilization that have been contaminated by blood or other potentially infectious materials must be cleaned then decontaminated in accordance with acceptable standards of practice and applicable state laws and rules (to include 410 IAC 1-4, Universal Precautions). *(Indiana State Department of Health; 410 IAC 26-11-2)*

410 IAC 26-11-3 Laundry

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 3. The clinic, whether it operates its own laundry or uses outside laundry service, must ensure that the laundry process complies with a recognized laundry standard as follows:

- (1) Clean linen must be separated from soiled linen at all times.
- (2) Contaminated linens must be clearly identified and bagged.
- (3) Central clean linen storage space must be provided as follows:

(A) If commercial laundry services are utilized:

- (i) a soiled linen collection area must be provided; and
- (ii) a hand washing facility is required in each area where unbagged soiled linen is handled.

(B) If laundry is processed in the clinic:

- (i) a laundry processing area must be provided;
- (ii) clean linen storage and mending must be separated from soiled linen handling and storage; and
- (iii) employee hand washing facilities must be available in each room where clean or soiled linen is processed and handled.

(Indiana State Department of Health; 410 IAC 26-11-3)

Rule 12. Emergency Care

410 IAC 26-12-1 Emergency care

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 1. (a) The clinic must have a readily accessible written protocol for the following:

- (1) Managing medical emergencies that occur within the clinic. The protocol must ensure physician coverage and provide for a timely response for emergencies.
- (2) The transfer of patients requiring further emergency care to a hospital.

(b) Patients not discharged from the clinic within twelve (12) hours following the conclusion of a surgical abortion procedure must be transferred to a hospital. *(Indiana State Department of Health; 410 IAC 26-12-1)*

Rule 13. Anesthesia and Surgical Services

410 IAC 26-13-1 Anesthesia services

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2; IC 25

Sec. 1. (a) The clinic must provide adequate anesthesia services to meet the needs of the patient, within the scope of the services offered, in accordance with acceptable standards of practice, under the direction of a licensed physician with specialized training or experience in the administration of anesthetics.

(b) Anesthesia services must be provided in compliance with IC 25 and rules adopted under that title.

(c) Anesthesia services in a clinic are limited to the following:

- (1) Local anesthesia/analgesia.
- (2) Nitrous oxide.
- (3) Conscious sedation.

The clinic may not use deep sedation or general anesthesia.

(d) The medical director shall adopt and implement policies and procedures that include, but are not limited to, the following:

- (1) Safety rules to be followed relating to the administration of anesthesia.
- (2) Safety training required of personnel.

(e) Anesthesia must be administered by one (1) of the following:

- (1) A qualified physician with appropriate training and experience.
- (2) A registered nurse acting under the direction of and in the immediate presence of the operating physician or other physician and who holds a certificate of completion of a course in anesthesia approved by the:
 - (A) American Association of Nurse Anesthetists; or
 - (B) appropriate licensing board.

(f) The clinic shall ensure the delineation of preanesthesia, intraoperative, and postanesthesia responsibilities as follows:

- (1) The completion, within forty-eight (48) hours before a surgical abortion, of a preanesthesia evaluation for each patient by an individual qualified to administer anesthesia. If completed more than forty-eight (48) hours before the surgical abortion, the preanesthesia evaluation shall be updated according to clinic policy.
- (2) When using conscious sedation, the patient shall be monitored by qualified personnel other than the physician performing the procedure that must include the following:
 - (A) Frequent checking for verbal responses.
 - (B) Monitoring of a degree that can be expected to detect the:
 - (i) respiratory;
 - (ii) cardiovascular; and
 - (iii) neurological;
 effects of the drugs being used.
- (3) The completion of a postanesthetic evaluation for proper anesthesia recovery of each patient before discharge in accordance with written policies and procedures approved by the medical staff.
- (4) The requirement that all postoperative patients must be discharged from the postanesthetic care unit by the physician responsible for the patient's care in accordance with clinic policy.

(Indiana State Department of Health; 410 IAC 26-13-1)

410 IAC 26-13-2 Surgical abortion services

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 2. (a) Surgical abortion services must be provided in accordance with acceptable standards of practice and safety.

(b) Surgical abortions shall be performed by a physician.

(c) A physician must:

(1) either be:

- (A) present in the clinic; or
- (B) immediately available to the staff by telecommunications;

when there is a patient in the clinic; and

(2) remain in the clinic until all postsurgical abortion patients are determined by a physician to be stable.

(d) The clinic must develop, implement, and maintain written policies governing surgical abortion services designed to assure the achievement and maintenance of appropriate standards of medical and patient care.

(e) Procedures for surgical abortion must include preprocedure testing that includes, but is not limited to, the following:

(1) On-site proof of pregnancy as evidenced by:

- (A) a pregnancy test;
- (B) a copy of a pregnancy test; or
- (C) an ultrasound;

and documented on the medical record.

(2) Verification and documentation of gestational age.

(3) Hematocrit or hemoglobin.

(4) Rh typing.

(5) Completion of the abortion documented by:

- (A) ultrasonography; or
- (B) other clinical means.

(6) Provision of follow-up examination and services as indicated.

(Indiana State Department of Health; 410 IAC 26-13-2)

410 IAC 26-13-3 Equipment

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 3. (a) There must be sufficient patient care equipment to assure the safe, effective, and timely provision of the available services to patients.

(b) The following equipment and supplies must be available to the procedure and recovery areas:

- (1) Emergency call system.
- (2) Oxygen.
- (3) Resuscitation equipment.

(c) The following equipment and supplies must be available to the procedure and recovery areas when using IV sedation:

- (1) Defibrillator.
- (2) Cardiac monitors.
- (3) Pulse oximeter.
- (4) Suction equipment.
- (5) Other supplies and equipment specified by the medical staff.

(Indiana State Department of Health; 410 IAC 26-13-3)

Rule 14. Dietary Services

410 IAC 26-14-1 Dietary services

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 1. (a) If nourishment and other dietary needs of the patients are provided in the clinic, the clinic must comply with 410 IAC 7-24.

(b) If nourishments are to be prepared, a nourishment area with a hand washing lavatory and refrigeration must be provided.

(c) If prepackaged single-service nourishments are provided, refrigeration storage of nourishments and other food products must be separate from refrigeration storage for pharmaceuticals. *(Indiana State Department of Health; 410 IAC 26-14-1)*

Rule 15. Laboratory Services

410 IAC 26-15-1 Laboratory services

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 1. (a) The clinic must provide, or make available, those pathology and medical laboratory services and consultations necessary to meet the needs of patients as determined by the medical staff.

(b) The laboratory performs tests, examines specimens, and reports the evaluation only upon the written request of individuals authorized by law.

(c) The clinic must assure that all laboratory services provided to its patients are performed in a facility possessing a valid certificate, in accordance with 42 CFR 493 (excluding Subparts F, R, Q, and T) authorizing the performance of testing in the specialty or subspecialty of service for level of complexity in which the test is categorized.

(d) Laboratory supervisory and testing personnel qualifications must be:

- (1) consistent with the work assignments; and
- (2) in compliance with 42 CFR 493.

(e) All nursing and other clinic personnel performing laboratory testing must have competency assessed annually with documentation of assessment maintained in the employee file for the procedures performed.

(f) The clinic must develop, implement, and maintain written quality control and quality assurance policies and procedures for complexity of testing performed that are consistent with and include all standards found in 42 CFR

493. (*Indiana State Department of Health; 410 IAC 26-15-1*)

Rule 16. Pharmaceutical Services

410 IAC 26-16-1 Pharmaceutical services

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 1. The clinic must provide drugs and biologicals in a safe and effective manner in accordance with accepted professional practice. The clinic must have the following:

(1) A:

(A) designated professional person with prescriptive authority; or

(B) pharmacist;

who is responsible for the control of drug stocks in the clinic.

(2) Records of stock supplies of all scheduled substances, including an accounting for all items purchased and dispensed.

(3) Written policies and procedures developed, implemented, maintained, and made available to personnel, including, but not limited to, the following:

(A) Drug:

(i) handling;

(ii) storing;

(iii) labeling;

(iv) dispensing; and

(v) administration according to established clinic policies and acceptable standards of practice.

(B) Reporting of adverse reactions and medication errors to the:

(i) physician responsible for the patient; and

(ii) appropriate committee;

and documented in the patient's record.

(C) Drugs must be accurately and clearly labeled and stored in specially designated, well-illuminated cabinets, closets, or storerooms and the following:

(i) Drug cabinets must be accessible only to authorized personnel.

(ii) Drug cabinets for storage of controlled drugs listed in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1976 and other drugs subject to abuse must be permanently affixed compartments that are separately locked.

(iii) Drug carts, if used, with controlled drugs as designated in item (ii) must be securely affixed when not in use.

(D) Instructions to the patient on the use of take home medication is the responsibility of the prescribing physician.

(4) A formulary.

(5) A list of available emergency drugs.

(*Indiana State Department of Health; 410 IAC 26-16-1*)

Rule 17. Physical Plant; Maintenance; Equipment; Environment; Safety

410 IAC 26-17-1 Physical plant

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2; IC 22

Sec. 1. (a) The clinic must be constructed, arranged, and maintained to ensure the safety of the patient and to provide facilities for services authorized under the clinic license as follows:

(1) The plant operations and maintenance service, equipment maintenance, and environmental services must be as follows:

(A) Staffed to meet the scope of the services provided.

(B) Under the direction of a person or persons qualified by education, training, or experience according to clinic policy approved by the governing body.

(2) The clinic must provide a physical plant and equipment that meets the statutory requirements and regulatory provisions of the fire prevention and building safety commission (IC 22, 675 IAC 22), Indiana fire prevention codes (675 IAC 22), and Indiana building codes (675 IAC 13).

(b) Any full or partial replacement of the physical plant of a clinic, any addition or renovation to the physical plant of a clinic, or any acquisitions of additional buildings under the license of an existing abortion clinic shall:

(1) comply with:

(A) this article; and

(B) all building, fire safety, and handicapped accessibility codes, and rules adopted and administered by the state building commission; and

(2) be provided with water supply and sewage disposal services from municipal or community services.

(*Indiana State Department of Health; 410 IAC 26-17-1*)

410 IAC 26-17-2 Specifications of physical plant

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 2. (a) Building entrances used to reach the clinic shall be as follows:

(1) At grade level.

(2) Clearly marked.

(3) Located so that patients need not go through other activity areas.

When the abortion clinic is part of another facility, separation of and access to the clinic shall be maintained. Lobbies of multioccupancy buildings may be shared. The design of the clinic shall preclude unrelated traffic from the clinic.

(b) The clinic design shall ensure appropriate levels of patient:

(1) audible and visual privacy; and

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(2) dignity;
throughout the care process.

(c) For common administration and authorized visitor areas, the clinic shall be able to accommodate wheelchairs and provide the following:

(1) A reception and information counter. The reception and information counter or desk shall be as follows:

(A) Located to provide visual control of the entrance to the clinic.

(B) Immediately apparent from the entrance.

(2) A waiting area. The waiting area shall be under staff control. The seating area shall contain not fewer than two (2) spaces for each examination and procedure room.

(3) At least one (1) conveniently accessible toilet room containing a lavatory for hand washing.

(4) A conveniently accessible drinking fountain.

(5) Interview space for private interviews related, for example, to social services or credit.

(6) General storage facilities for supplies and equipment needed for continuing operation.

(d) Requirements for clinical facilities are as follows:

(1) Procedure rooms shall be segregated and removed from general traffic flow and be a minimum of:

(A) one hundred twenty (120) square feet, exclusive of vestibules, toilets, and closets for procedures requiring only local analgesia or nitrous oxide; and

(B) two hundred fifty (250) square feet, exclusive of vestibules, toilets, or closets for procedures that require conscious sedation.

(2) A hand washing station shall be included within each procedure room.

(3) Scrub facilities:

(A) shall be provided near the entrance of procedure rooms;

(B) may provide service to multiple procedure rooms if needed; and

(C) shall be arranged to minimize splatter on nearby personnel or supply carts.

(4) A separate recovery room or area shall be included and provide for the following:

(A) A minimum clear area of two (2) feet, six (6) inches around three (3) sides of each recovery cart or lounge chair for work and circulation.

(B) A method of providing privacy for each patient in the room or area.

(C) A work station with the following:

(i) A countertop.

(ii) Space for supplies.

(iii) Provisions for charting.

(iv) A communication system.

(5) A drug distribution station will be included. The station:

(A) may be a part of the work station; and

(B) shall include a:

(i) work counter;

(ii) sink;

(iii) refrigerator (if needed); and

(iv) locked storage for biologicals and drugs.

(6) A toilet room containing a lavatory for hand washing shall be accessible from all examination and procedure rooms. Where a clinic has no more than a total of three

(3) examination and procedure rooms, the patient toilet may also serve as the toilet for the waiting area.

(e) Requirements for design standards are as follows:

(1) At least one (1) housekeeping room with:

(A) a service sink; and

(B) adequate storage for housekeeping supplies and equipment;

shall be provided.

(2) Hand washing stations shall:

(A) be located and arranged to meet the needs of the clinic; and

(B) permit proper use and operation.

Provisions for hand drying shall be included at all hand washing stations except scrub sinks.

(3) There shall be an equipment room or rooms for:

(A) heating;

(B) air conditioning;

(C) hot water;

(D) other mechanical; and

(E) electrical;

equipment.

(4) Incinerators, if used, shall also conform to the building standards prescribed by area air pollution regulations.

(5) The minimum corridor width shall be forty-four (44) inches. Items such as drinking fountains, telephones, vending machines, etc., shall not:

(A) restrict corridor traffic; or

(B) reduce the corridor width below the required minimum.

(6) The minimum nominal door width for patient use shall be three (3) feet.

(7) Each building shall have at least two (2) exits that are remote from each other.

(8) An approved antiscald device shall be provided on the hot water supply to all hand washing facilities limiting the water temperature to a maximum of one hundred ten (110) degrees Fahrenheit (forty-three (43) degrees Celsius).

(f) Clinics operating before July 1, 2006, are exempted from requirements of this section. (*Indiana State Department of Health; 410 IAC 26-17-2*)

410 IAC 26-17-3 Maintenance of physical plant

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 3. The condition of the physical plant and the overall clinic environment must be developed and maintained in such a manner that the safety and well-being of patients is assured as follows:

- (1) No condition in the clinic or on the grounds may be maintained that may be conducive to the harboring or breeding of:**
 - (A) insects;**
 - (B) rodents; or**
 - (C) other vermin.**
- (2) No condition may be created or maintained that may result in a hazard to:**
 - (A) patients;**
 - (B) authorized visitors; or**
 - (C) employees.**
- (3) Provision must be made for the periodic inspection, preventive maintenance, and repair of the physical plant and equipment by qualified personnel as follows:**
 - (A) Operation, maintenance, and spare parts manuals must be available, along with training or instruction, or both, of the appropriate clinic personnel, in the maintenance and operation of fixed and movable equipment.**
 - (B) All mechanical equipment (pneumatic, electric, sterilizing, or other) must be on a documented maintenance schedule of appropriate frequency in accordance with one (1) of the following:**
 - (i) Acceptable standards of practice.**
 - (ii) The manufacturer's recommended maintenance schedule.**
 - (C) Operational and maintenance control records must be as follows:**
 - (i) Established and analyzed at least triennially.**
 - (ii) Readily available on the premises.**
 - (D) Maintenance and repairs must be carried out in accordance with applicable codes, rules, standards, and requirements of the following:**
 - (i) Local jurisdictions.**
 - (ii) The state fire marshal.**
 - (iii) The department.**

(Indiana State Department of Health; 410 IAC 26-17-3)

410 IAC 26-17-4 Maintenance of equipment

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 4. All patient care equipment must be in good working order and regularly serviced and maintained as follows:

- (1) All patient care equipment must be on a documented maintenance schedule of appropriate frequency in accordance with one (1) of the following:**
 - (A) Acceptable standards of practice.**
 - (B) The manufacturer's recommended maintenance schedule.**
- (2) There must be evidence of preventive maintenance on**

all patient care equipment.

(3) Appropriate records must be:

- (A) kept pertaining to:**
 - (i) equipment maintenance;**
 - (ii) repairs; and**
 - (iii) electrical current leakage checks; and**
- (B) analyzed at least triennially.**

(4) Defibrillators must be discharged at least in accordance with manufacturers' recommendations, and a discharge log with initialed entries must be maintained.

(Indiana State Department of Health; 410 IAC 26-17-4)

410 IAC 26-17-5 Environment

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 5. The building or buildings, including fixtures, walls, floors, ceiling, and furnishings throughout, must be kept clean and orderly in accordance with current standards of practice, including the following:

(1) Environmental services must be provided in such a way as to guard against transmission of disease to patients, health care workers, the public, and visitors by using the current principles of the following:

- (A) Asepsis.**
- (B) Cross-contamination prevention.**
- (C) Safe practice.**

(2) Refuse, biohazards, infectious waste, and garbage must be:

- (A) collected;**
- (B) transported;**
- (C) sorted; and**
- (D) disposed of;**

by methods that will minimize nuisances or hazards in compliance with federal, state, and local laws and rules.

(Indiana State Department of Health; 410 IAC 26-17-5)

410 IAC 26-17-6 Safety

Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

Sec. 6. (a) A safety management program must include, but not be limited to, the following:

(1) A review of safety functions by a committee appointed by the clinic administrator that includes representatives from the following:

- (A) Administration.**
- (B) Patient care services.**

(2) Development, implementation, and monitoring of a safety management program to include, but not be limited to, the following:

- (A) Periodic equipment inspections.**
- (B) Insect, rodent, or other vermin control.**
- (C) Instructions for operating and maintaining the building or building portion and equipment.**
- (D) Chemical substance use and storage.**

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(E) Surgical waste and similar material disposal.

(F) General housekeeping precautions.

(3) An ongoing clinic-wide process to evaluate and collect information about hazards and safety practices to be reviewed by the committee.

(4) A safety program that includes, but is not limited to, the following:

(A) Patient safety.

(B) Health care worker safety.

(C) Public and visitor safety.

(5) A written fire control plan that contains provisions for the following:

(A) Prompt reporting of fires.

(B) Extinguishing of fires.

(C) Protection of the following:

(i) Patients.

(ii) Personnel.

(iii) Guests.

(D) Evacuation.

(E) Cooperation with firefighting authorities.

(F) Fire drills.

(6) Maintenance of written evidence of regular inspection and approval by state or local fire control agencies in accordance with the following:

(A) Clinic policy.

(B) State and local regulations.

(7) Emergency and disaster preparedness coordinated with appropriate community, state, and federal agencies.

(b) The clinic must maintain adequate battery-powered lighting and sufficient equipment needed to provide for the:

(1) completion of services; and

(2) safety of patients and staff;

in the event of a power loss. (*Indiana State Department of Health; 410 IAC 26-17-6*)

Rule 18. Other Services

410 IAC 26-18-1 Other services

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 1. (a) If the clinic provides other services not covered in specific sections of this article, the services must meet the needs of the patients served, within the scope of the service offered, and in accordance with acceptable standards of practice.

(b) The services must be as follows:

(1) Under the direction of a qualified person or persons.

(2) Staffed in accordance with written clinic policies and in compliance with the applicable state and federal rules.

(*Indiana State Department of Health; 410 IAC 26-18-1*)

Rule 19. Incorporation by Reference

410 IAC 26-19-1 Incorporation by reference

Authority: IC 16-21-1-7; IC 16-21-2-2.5

Affected: IC 16-21-1; IC 16-21-2

Sec. 1. (a) 42 CFR 493 (October 1, 2004) is hereby incorporated by reference as part of this rule.

(b) Federal rules that have been incorporated by reference do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(c) All incorporated material is available for public review at the department. (*Indiana State Department of Health; 410 IAC 26-19-1*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 24, 2005 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 1 and 2, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on a proposed rule pertaining to the operation and management of abortion clinics as well as establishing minimum licensing qualifications and establishing requirements for sanitation standards, staff qualifications, necessary emergency equipment, procedures to provide emergency care, quality assurance standards, and infection control. The rule prescribes the operating policies, supervision, and maintenance of medical records. The rule will establish procedures for the issuance, renewal, denial, and revocation of licenses while addressing the form and content of the license and the collection of an annual license fee. The rule also addresses procedures and standards for inspections.

These rules are designed to meet the statutory mandate of IC 16-21-1-7 and IC 16-21-2-2.5. Requirements not expressly required by these statutes have not been imposed.

Copies of these rules are now on file at the Health Care Regulatory Services Commission at the Indiana State Department of Health, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Sue Uhl

Deputy State Health Commissioner

Indiana State Department of Health

TITLE 414 HOSPITAL COUNCIL

Proposed Rule

LSA Document #05-95

DIGEST

Adds 414 IAC 1-1-3 and 414 IAC 1-1-4 to establish licensing fees for abortion clinics and birthing centers. Effective 30 days after filing with the Secretary of State.

414 IAC 1-1-3

414 IAC 1-1-4

SECTION 1. 414 IAC 1-1-3 IS ADDED TO READ AS FOLLOWS:

ARTICLE 1. LICENSE FEES

Rule 1. License Fees for Hospitals, Ambulatory Outpatient Surgical Centers, Abortion Clinics, and Birthing Centers

414 IAC 1-1-3 Abortion clinic license fees

Authority: IC 16-21-2-12; IC 16-21-2-14

Affected: IC 16-21-1; IC 16-21-2

Sec. 3. (a) Each abortion clinic licensed under IC 16-21-2 and 410 IAC 26 shall pay a license fee or annual renewal fee.

(b) An application for an abortion clinic license must be accompanied by a licensing fee at the rate set in the fee schedule in this subsection. Annual renewal fees will be due upon application for renewal of license, as provided by 410 IAC 26-2, based upon total annual surgical abortion procedures performed as reported to the state department of health on the most recently filed annual abortion clinic report (State Form 52234). The fee schedule shall be as follows:

Total Annual Surgical Abortion Procedures	Fee
0 – 799	\$500
800 – 3,499	\$1,000
3,500 – 6,999	\$2,000
7,000 and above	\$3,000

(Hospital Council; 414 IAC 1-1-3)

SECTION 2. 414 IAC 1-1-4 IS ADDED TO READ AS FOLLOWS:

414 IAC 1-1-4 Birthing center license fees

Authority: IC 16-21-2-12; IC 16-21-2-14

Affected: IC 16-21-1; IC 16-21-2

Sec. 4. (a) Each birthing center licensed under IC 16-21-2 and 410 IAC 27 shall pay a license fee or annual renewal fee.

(b) An application for a birthing center license must be accompanied by a licensing fee at the rate set in the fee schedule in this subsection. Annual renewal fees will be due upon application for renewal of license, as provided by 410

IAC 27-2, upon total annual births as reported to the state department of health on the most recently filed annual birthing center report (State Form 52236). The fee schedule shall be as follows:

Total Annual Deliveries	Fee
0 – 799	\$500
800 – 3,499	\$1,000
3,500 – 6,999	\$2,000
7,000 and above	\$3,000

(Hospital Council; 414 IAC 1-1-4)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 24, 2005 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 1 and 2, Indianapolis, Indiana the Hospital Council will hold a public hearing on a proposed rule to establish licensing fees for abortion clinics and birthing centers.

These rules are designed to meet the statutory mandate of IC 16-21-2-12 and IC 16-21-2-14. Requirements not expressly required by these statutes have not been imposed.

Copies of these rules are now on file at the Health Care Regulatory Services Commission at the Indiana State Department of Health, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Sue Uhl
Deputy State Health Commissioner
Indiana State Department of Health

TITLE 470 DIVISION OF FAMILY RESOURCES

NOTE: Under P.L.234-2005, SECTION 197, the name of the Division of Family and Children is changed to the Division of Family Resources, effective July 1, 2005.

Proposed Rule

LSA Document #05-201

DIGEST

Amends 470 IAC 3.1 to clarify and revise the language of the article to comply with new federal legislation (Public Law 108-446) and state legislation (P.L.234-2005 and P.L.246-2005). Amends 470 IAC 3.1-1-18 and 470 IAC 3.1-3-1 to redefine the "LPCC" to reflect a regional planning and coordination group instead of a county-based group. Amends 470 IAC 3.1-7-1 and 470 IAC 3.1-7-2 to revise the definition of eligibility. Amends 470 IAC 3.1-12-2 and 470 IAC 3.1-12-7 to clarify when third party payors may be billed for early intervention services. Amends 470 IAC 3.1-15-10 to comply with federal regulations (34 CFR 303.425). Repeals 470 IAC 3.1-7-3 to remove the

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biologically at-risk category as eligible for early intervention services. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Indiana Code 4-22-2.1-5 requires an agency to submit to the Legislative Services Agency and the Indiana Economic Development Corporation (IEDC) a statement of economic impact of any proposed rule with an economic impact on small businesses. The IEDC is required to review the rule and submit written comments to the agency no later than seven days before the public hearing.

The proposed change, pursuant to federal law, to require that all substantiated cases of abuse or neglect or cases identified as affected by illegal substance abuse be referred to First Steps will have a positive impact on First Steps providers, who are by in large, small businesses. Our estimated additional reimbursement for services arising out of this change is \$424,000.00.

The proposed revision in eligibility will have a potential negative economic impact on First Steps providers. Although we cannot know exactly what persons who are no longer eligible for First Steps services will do, it may be assumed that some of those persons will still seek services, even though the child is no longer eligible for assistance by First Steps. However, it would not be surprising that some of those persons with children who no longer qualify, will not seek services elsewhere. These changes may be offset by the increased need for services to evaluate abused and neglected children, under the new federal legislation, described, above.

The effect of the state legislative change in this proposed rule, requiring removal of the \$3,500.00 cap in billing to health plans should have minimal impact on any small business. Health plans are only required to pay for services that are already built into their plans. Thus, this proposed change should have not economic impact on small businesses because there would be no increased costs to the plans or employers funding the plans for First Steps covered families.

The state legislative change requiring copayment revisions to this proposed rule would only affect those recipients of First Steps services, as those are the persons who make the copayments.

470 IAC 3.1-1-10	470 IAC 3.1-7-2
470 IAC 3.1-1-18	470 IAC 3.1-7-3
470 IAC 3.1-1-25	470 IAC 3.1-11-2
470 IAC 3.1-1-26	470 IAC 3.1-11-4
470 IAC 3.1-3-1	470 IAC 3.1-12-2
470 IAC 3.1-4-2	470 IAC 3.1-12-7
470 IAC 3.1-7-1	470 IAC 3.1-15-10

SECTION 1. 470 IAC 3.1-1-10 IS AMENDED TO READ AS FOLLOWS:

470 IAC 3.1-1-10 “Division” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 10. “Division” means the division of family ~~and children~~ **resources**. (*Division of Family Resources; 470 IAC 3.1-1-10; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1328; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

SECTION 2. 470 IAC 3.1-1-18 IS AMENDED TO READ AS FOLLOWS:

470 IAC 3.1-1-18 “LPCC” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 18. “LPCC” means the local planning and coordinating council, a ~~county-based~~ **regional** planning and coordination group organized for the purpose of implementing the early intervention system as required by 20 U.S.C. 1435 and 34 CFR 303. (*Division of Family Resources; 470 IAC 3.1-1-18; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1329; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2251; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

SECTION 3. 470 IAC 3.1-1-25 IS AMENDED TO READ AS FOLLOWS:

470 IAC 3.1-1-25 “Primary referral sources” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 25. “Primary referral sources” means individuals who, or organizations ~~which~~, **that**, may refer children for early intervention services, including, but not limited to, the following:

- (1) Hospitals, including prenatal and postnatal care facilities.
- (2) Physicians.
- (3) Parents.
- (4) Day care programs.
- (5) Local educational agencies.
- (6) Public health facilities.
- (7) Other social service agencies.
- (8) Other health care providers.
- (9) The department of child services.**

(*Division of Family Resources; 470 IAC 3.1-1-25; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1330; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

SECTION 4. 470 IAC 3.1-1-26 IS AMENDED TO READ AS FOLLOWS:

470 IAC 3.1-1-26 “Qualified personnel” defined

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 26. “Qualified personnel” includes, but is not limited to, the following:

- (1) Audiologists.
- (2) Family therapists.
- (3) Nurses.

~~(4) Nutritionists.~~

(4) Registered dietitians.

(5) Occupational therapists.

(6) Orientation and mobility specialists.

(7) Pediatricians and other physicians.

(8) Physical therapists.

(9) Psychologists.

(10) Service coordinator.

(11) Social workers.

(12) Special educators or developmental therapists.

(13) Speech and language pathologists.

(14) Vision specialists, **including ophthalmologists and optometrists.**

(15) Parent-to-parent support personnel.

(Division of Family Resources; 470 IAC 3.1-1-26; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1330; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2251; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

SECTION 5. 470 IAC 3.1-3-1 IS AMENDED TO READ AS FOLLOWS:

470 IAC 3.1-3-1 Local planning and coordinating council

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 1. (a) The LPCC ~~organized in each county~~ shall serve as a coordinating body, advising and assisting the division in its implementation and monitoring of the early intervention system. ~~The LPCC shall have a formally defined relationship with the local step ahead council.~~

(b) The LPCC shall consist of members who reasonably represent the population of the **county region** where it is located. LPCC members shall include, at a minimum, the following:

- (1) Two (2) parents of children with disabilities.
- (2) One (1) health or medical representative.
- (3) One (1) educational representative.
- (4) One (1) social services representative.
- (5) One (1) early intervention service provider.
- (6) One (1) Head Start representative.
- (7) One (1) child care representative.

(c) The LPCC shall advise and assist the division in the division's responsibility to ensure the following:

- (1) Parents, representatives of entities that refer, evaluate, or provide services to young children and their families in the community, and other interested persons are involved in the planning, development, operation, and evaluation of the early intervention service system in the **county region** represented by the LPCC.
- (2) A comprehensive child find system is established, including activities to make the public aware of the early intervention system, and development of a formal system of communication and coordination among pertinent entities, especially hospitals and physicians, ~~operating in the county~~

that may have contact with eligible children and their families.

(3) An intake coordinator is appointed for every child referred for evaluation.

(4) A parent needing or seeking early intervention services for a child is informed orally and in writing about **the following:**

(A) The purposes of the early intervention system.

(B) The processes available to seek information and services. ~~and~~

(C) The procedural safeguards afforded by the system.

(5) The parent is a member of the multidisciplinary team responsible for the development and implementation of the IFSP.

(6) Informed written consent of the child's parent is obtained before the initial eligibility determination for needed services and assessments are conducted.

(7) The providers of early intervention services are identified on the **county provider** service matrix.

(8) Informed written consent of a child's parent is obtained ~~prior to~~ **before** the provision of early intervention services for the child and family to implement the IFSP.

(9) The confidentiality of personally identifiable information about:

(A) a child;

(B) a parent of the child; or

(C) other member of the child's family;

is maintained.

(10) The need of a child for a surrogate parent is determined, and a surrogate parent is assigned in accordance with 470 IAC 3.1-13-5 if the child needs one.

(11) An early intervention record is maintained for each child at the SPOE, including the following:

(A) The child's IFSP.

(B) Information regarding all required early intervention services.

(C) Other individualized early intervention services needed or received by the child.

(D) Parental consent documents.

(E) Other relevant documents pertaining to the child or the child's family.

This record is made available at the SPOE for inspection by the child's parent, and representatives of the division, the office of the secretary of family and social services, and the United States government.

(12) ~~Local~~ Early intervention documents are maintained by the LPCC, including the following:

(A) Interagency agreements regarding transitions and referrals.

(B) Records of how funds for the LPCC are budgeted and expended.

These documents shall be made available for inspection by representatives of the division, the office of the secretary of family and social services, and the United States government.

(13) The division is provided, upon request, the following:

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- (A) Financial and other written reports.
- (B) Information regarding the use of funds.
- (C) Systems request for funds (RFF).
- (D) Any other information required to describe and assess the operation of the ~~local~~ early intervention system.

(Division of Family Resources; 470 IAC 3.1-3-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1334; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2254; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

SECTION 6. 470 IAC 3.1-4-2 IS AMENDED TO READ AS FOLLOWS:

470 IAC 3.1-4-2 Individualized services

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 2. (a) Individualized services are those early intervention services determined through the evaluation and assessment process to be needed by an eligible child and required to be provided to the child and the child's family in an IFSP. Individualized services, as defined in 34 CFR 303.12(d), include the following:

- (1) Assistive technology devices and services.
- (2) Audiology **and sign language and cued language services.**
- (3) Family training, counseling, and home visits.
- (4) Health services.
- (5) Medical services only for diagnostic or evaluation purposes.
- (6) Nursing services.
- (7) Nutrition services.
- (8) Occupational therapy.
- (9) Physical therapy.
- (10) Psychological services.
- (11) Service coordination services.
- (12) Social work services.
- (13) Special instruction.
- (14) Speech-language pathology.
- (15) Transportation and related costs.
- (16) Vision services.

(b) The services identified in this section are not exhaustive and may include other services identified in a child's IFSP, such as respite care and other family support services. *(Division of Family Resources; 470 IAC 3.1-4-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1336; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

SECTION 7. 470 IAC 3.1-7-1 IS AMENDED TO READ AS FOLLOWS:

470 IAC 3.1-7-1 Developmental delay

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 1. (a) Children from birth through two (2) years of age shall be considered eligible to receive early intervention

services if they are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one (1) or more of the following areas:

- (1) Cognitive development.
- (2) Physical development, including vision and hearing.
- (3) Communication development.
- (4) Social or emotional development.
- (5) Adaptive development.

(b) When using standardized assessments or criterion-referenced measures to determine eligibility, a developmental delay is defined as:

- (1) a delay in one (1) or more areas of development as determined by:

(A) ~~one and one-half (1½)~~ **two (2)** standard ~~deviation~~ **deviations** below the mean; or

(B) ~~twenty~~ **twenty-five** percent (~~20%~~) (**25%**) or more in function below the chronological age (adjusted for prematurity, if applicable) on an assessment instrument that yields scores in months; or

- (2) a delay in two (2) or more areas of development as determined by:

(A) ~~one (1)~~ **and one-half (1½)** standard deviation below the mean; or

(B) ~~fifteen~~ **twenty** percent (~~15%~~) (**20%**) or more in function below the chronological age (adjusted for prematurity, if applicable) on an assessment instrument that yields scores in months.

(c) If, because of a child's age or the kind of standardized instruments available in specific domains, a standardized score is not appropriate or cannot be determined, a child may be determined to have a developmental delay by the informed clinical opinion of a multidisciplinary team, which includes the parent and documentation from the child's primary health care provider.

(d) When relying on informed clinical opinion, developmental delay may be determined by a consensus of a multidisciplinary team, including the parent, as a member, using multiple sources of information including, at a minimum, the following:

- (1) A developmental history as currently reported by the parent or primary caregiver.
- (2) A review of pertinent records related to the child's current health status and medical history. Consideration may be given for **the following:**

(A) Functional status.

(B) Recent rate of change. ~~and~~

(C) Prognosis for change in the near future based on anticipated medical or health factors.

- (3) At least one (1) other assessment procedure to document delayed development, such as observational assessment or planned observation of a child's behaviors and parent-child interaction, or documentation of delayed development by use of nonstandardized assessment devices, such as developmen-

tal checklists.

(Division of Family Resources; 470 IAC 3.1-7-1; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1338; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

SECTION 8. 470 IAC 3.1-7-2 IS AMENDED TO READ AS FOLLOWS:

470 IAC 3.1-7-2 High probability of development delay

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 2. Children from birth through two (2) years of age shall be considered eligible to receive early intervention services if they have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay. This category includes children who have identified physical or mental conditions but who may not be exhibiting delays in development at the time of diagnosis. The following are the diagnosed physical or mental conditions that have a high probability of resulting in developmental delay:

- (1) Chromosomal abnormalities or genetic disorder.
- (2) Neurological disorder.
- (3) Congenital malformation.
- (4) Sensory impairment, including vision and hearing.
- (5) Severe toxic exposure, **including prenatal exposure.**
- ~~(6) Severe infectious disease.~~
- ~~(7) Atypical development disorder.~~
- (6) Neurological abnormality in the newborn period.**
- (7) Low birth weight of less than or equal to one thousand five hundred (1,500) grams.**

(Division of Family Resources; 470 IAC 3.1-7-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1339; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

SECTION 9. 470 IAC 3.1-11-2 IS AMENDED TO READ AS FOLLOWS:

470 IAC 3.1-11-2 Division responsibilities

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 2. (a) To facilitate the transition process for each eligible child and the child's family, the division shall do the following:

- (1) Maintain an interagency agreement with the Indiana state board of education, Head Start, Healthy Families, and other entities outlining each party's role and responsibilities to ensure a smooth transition from early intervention services under Part C of the Act to preschool services under Part B of the Act.
- (2) Establish the procedures and forms that participants in the early intervention system must follow and use for transition services to ensure the following information is recorded for each eligible child:
 - (A) A description of how the child's family will be included in the transition plans.

(B) A description of how the service coordinator will do the following:

- (i) Notify the appropriate local educational agency or intermediate educational unit in which the child resides.
- (ii) Convene, with the approval of the family, a conference among representatives of the division, the family, and the local educational agency or unit, at least ninety (90) days before **(and at the discretion of all parties required to attend the transition conference, not more than nine (9) months)** the child's third birthday or, if earlier, the date on which the child is eligible for preschool services provided in accordance with Part B of the Act and state law, to do the following:
 - (AA) Review the child's program options for the period from the child's third birthday through the remainder of the school year.
 - (BB) Establish a transition plan.

(b) The division will seek to identify and establish collaborative agreements with any other programs or entities to facilitate the transition of infants and toddlers, at or ~~prior to~~ **before** their third birthday, to other needed services. *(Division of Family Resources; 470 IAC 3.1-11-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1344; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2265; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

SECTION 10. 470 IAC 3.1-11-4 IS AMENDED TO READ AS FOLLOWS:

470 IAC 3.1-11-4 Service coordinator responsibilities

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 4. (a) The service coordinator shall be responsible for the development and implementation of a transition plan process, which process must include the following:

- (1) Discussions with, training of, and instructions for parents regarding **the following:**
 - (A) Due process rights.
 - (B) Future service options. ~~and~~
 - (C) Other matters related to the child's transition:
 - (i) into;
 - (ii) within; or
 - (iii) from;
 the early intervention system.
- (2) Procedures that parents and service providers will utilize to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting. These activities should be established during the last IFSP meeting before the anticipated transition.
- (3) With the consent of the parent, the transmission of information about the child to the local educational agency, or other service provider, to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed.

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(b) With the informed, written consent of the parent, the service coordinator shall notify the local educational agency of the child's residence or Part B preschool service provider, or both, eighteen (18) months ~~prior to~~ **before** a child's third birthday, or as soon as the child enters the early intervention system if they are older than eighteen (18) months when they enter the system. The information to be provided by the service coordinator shall include **the following**:

- (1) The child's name.
- (2) The date of birth. ~~and~~
- (3) The suspected disability.

(c) At least six (6) months ~~prior to~~ **(and not more than nine (9) months) before** a child's third birthday, with the informed, written consent of the child's parent, the service coordinator shall transmit to the local educational agency of the child's residence, the following:

- (1) The most recent IFSP.
- (2) The most recent evaluation reports from any appropriate sources.
- (3) Other information determined with the family to be relevant to program planning and service delivery.

(d) The service coordinator shall convene, with the approval of the family, a transition conference including the family, the local educational agency of the child's residence, current service providers, and potential service providers, at least ninety (90) days ~~prior to~~ **before** the child's third birthday, or up to ~~six (6) nine (9) months prior to~~ **before** the child's third birthday, at the discretion of all parties required to attend the transition conference, or any other anticipated transition, to do the following:

- (1) Review the child's program options for the period from the third birthday through the remainder of the school year.
- (2) Establish the transition plan, that includes the following:
 - (A) Desired outcomes.
 - (B) Identified service providers.
 - (C) An outline regarding transfer of information.
 - (D) Time lines with dates of anticipated conclusion of early intervention services and commencement of subsequent activities.
 - (E) With the concurrence of the parent, a statement of the family's priorities, concerns, and resources related to transition expectations.

(Division of Family Resources; 470 IAC 3.1-11-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1344; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2265; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

SECTION 11. 470 IAC 3.1-12-2 IS AMENDED TO READ AS FOLLOWS:

470 IAC 3.1-12-2 Funding sources

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 2. (a) The individualized services specified in 470 IAC 3.1-4-2, provided to eligible infants and toddlers and their families, shall be financed through multiple funding sources. Sources ~~which that~~ may be available to finance individualized services, as appropriate, may include, but are not limited to, the following:

- (1) Title XIX of the Social Security Act (Medicaid).
- (2) Third party payors, including private health insurers.
- (3) Any medical program administered by the Secretary of the United States Department of Defense.
- (4) Cost participation by the parent of an eligible child that receives early intervention services, pursuant to and in accordance with IC 12-17-15-17(b) through IC 12-17-15-17(e).

(b) All infants and toddlers and their families who are eligible for early intervention services through Medicaid and Children's Special Health Care Services must apply for Medicaid and Children's Special Health Care Services.

(c) Third party payors, such as health insurance companies, may be billed for the costs of appropriate early intervention services. ~~with informed, written parental consent through financial case management.~~

(d) Notwithstanding subsections (a)(4), (b), (c), and sections 3 and 7 of this rule, the provision of early intervention services may not be denied or delayed due to disputes between service providers or other agencies regarding financial responsibility to pay for early intervention services, nor because of the inability of the parent of an eligible child to pay for services, under a cost participation plan.

(e) Nothing in this article shall be construed as restricting any service provider from providing services to any person regardless of eligibility status; however, no service provider may utilize any early intervention system funding source for services provided to any ineligible child or family or file claims for reimbursement from the early intervention system for services rendered to such child or family. *(Division of Family Resources; 470 IAC 3.1-12-2; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1345; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2266; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 10, 2003, 3:22 p.m.: 26 IR 2320)*

SECTION 12. 470 IAC 3.1-12-7 IS AMENDED TO READ AS FOLLOWS:

470 IAC 3.1-12-7 Cost participation plan

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17
Affected: IC 12-17-15

Sec. 7. (a) As used in this section, family of an eligible infant or toddler shall be composed of members who live in the same household as the eligible infant or toddler and include only the following members:

- (1) Biological parent.
- (2) Adoptive parent.
- (3) Sibling.
- (4) Half-sibling.
- (5) Adoptive sibling.

(b) The division shall establish and implement cost participation plan procedures for charges and fees imposed by service providers for the individualized services specified in **the following**:

- (1) 470 IAC 3.1-4-2(a)(2) through 470 IAC 3.1-4-2(a)(4).
- (2) 470 IAC 3.1-4-2(a)(6) through 470 IAC 3.1-4-2(a)(10).
- (3) 470 IAC 3.1-4-2(a)(12) through 470 IAC 3.1-4-2(a)(14).
- and**
- (4) 470 IAC 3.1-4-2(a)(16).

(c) The cost participation plan procedures for each eligible family shall be based upon the following:

- (1) The following schedule of costs: ~~which expires on July 1, 2005:~~

Percentage of Federal Income Poverty Level		Copayment Per Treat- ment	Maximum Monthly Cost Share Per Fam- ily
At Least	But Not More Than		
0%	350% 250%	\$0	\$0
251%	350%	\$3	\$24
351%	450%	\$5 \$6	\$25 \$48
451%	550%	\$10 \$15	\$50 \$120
551%	650%	\$15 \$25	\$75 \$200
651%	750%	\$20 \$50	\$100 \$400
751%	850%	\$25 \$75	\$125 \$600
851%	1000%	\$30 \$100	\$150 \$800
1,001%		\$36 \$120	\$180 \$960

- (2) The parent's ability to pay.

(d) The division may waive or reduce a required copayment if ~~(1)~~ out-of-pocket medical expenses and personal care needs expenses incurred, within the previous twelve (12) month period preceding the date of application, that relate to the health or medical needs of a family member reduce the level of income the parent has to a lower level found in the schedule of costs at subsection (c)(1). ~~or~~

~~(2) the division receives payment from a parent's health care coverage and does not exceed more than three thousand five hundred dollars (\$3,500) per eligible child, per year.~~

(e) A parent who fails to provide the financial information for the division to be able to determine the copayment amount shall pay the maximum level copayment found in the schedule of costs at subsection (c)(1).

(f) The division may allow and accept voluntarily contributed payments that exceed the parent's required copayment amount.

- (g) The parent's cost participation amount shall be reviewed

by the division for one (1) or both of the following:

- (1) Annually.
- (2) Within thirty (30) days after the parent reports a reduction in income.

(h) The SPOE shall notify the parent of the following:

- (1) The copayment amount per treatment and the maximum monthly cost share per family.
- (2) Any recalculated copayment amount per treatment and the maximum monthly cost share per family determined under subsection (g)(1) or (g)(2).

(i) The parent may request reconsideration by the division of the copayment amount within fifteen (15) days from the date the notification of the copayment amount was received by the parent. The request for reconsideration shall:

- (1) be written;
- (2) be sent to the director of the division; and
- (3) state the specific reasons the copayment amount should be reconsidered.

(j) The division shall establish and implement procedures to assure timely reimbursement of the copayment by parents for early intervention services required under this section.

(k) The copayments that are received by the division under this cost participation plan must be used to fund the early intervention system. (*Division of Family Resources; 470 IAC 3.1-12-7; filed Feb 10, 2003, 3:22 p.m.: 26 IR 2320*)

SECTION 13. 470 IAC 3.1-15-10 IS AMENDED TO READ AS FOLLOWS:

470 IAC 3.1-15-10 Status of a child during proceedings

Authority: IC 12-8-8-4; IC 12-13-2-3; IC 12-13-5-3; IC 12-17-15-17

Affected: IC 12-17-15

Sec. 10. (a) During the pendency of any proceedings involving complaints initiated under this rule, unless the ~~service provider division~~ and the parent of a child otherwise agree, the child must continue to receive the appropriate early intervention services currently being provided.

(b) If the complaint involves an application for initial services, the child must receive those services that are not in dispute. (*Division of Family Resources; 470 IAC 3.1-15-10; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1353; filed Mar 9, 1999, 2:05 p.m.: 22 IR 2272; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

SECTION 14. 470 IAC 3.1-7-3 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 1, 2005, at 9:00 a.m. at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C,

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Indianapolis, Indiana; AND on November 2, 2005, at 9:00 a.m. at the United Way Building, 1531 13th Street, Suite G900, Columbus, Indiana; AND on November 4, 2005 at 9:00 a.m., at The Pumpnickel Cafe, 500 South Main Street, Elkhart, Indiana the Division of Family Resources will hold a public hearing on proposed amendments to 470 IAC 3.1 to clarify and revise the language of the rule to comply with new federal legislation (Public Law 108-446) and state legislation (P.L.234-2005 and P.L.246-2005), 470 IAC 3.1-1-18 and 470 IAC 3.1-3 to redefine the "LPCC" to reflect a regional planning and coordination group instead of a county-based group, 470 IAC 3.1-7 to revise the definition of eligibility, 470 IAC 3.1-12 to clarify when third party payors may be billed for early intervention services, and 470 IAC 3.1-15-10 to comply with federal regulations (34 CFR 303.425) and to repeal 470 IAC 3.1-7-3 to remove the biologically at-risk category as eligible for early intervention services.

The Division of Family Resources has the authority to promulgate rules in accordance with the requirements of the federal legislation (Public Law 108-446) and state legislation (P.L.234-2005 and P.L.246-2005). Further, the Division of Family Resources has the authority to change the eligibility requirements for early intervention services in accordance with 24 CFR 303.300. The changes to the eligibility requirements may have a slight negative economic impact on the small businesses that provide early intervention services. These revisions to the eligibility, which reduce the number of children who are eligible to receive the state's early intervention services, are being made in the interest of the long term sustainability of the state's early intervention program. However, providers who wish to serve children, who would have qualified under the current guidelines may still do so, but will be paid through other means. Further, the increased need for services to screen and evaluate abused and neglected children, as required by the new federal legislation, may offset the decrease in the services provided, as a result of the changes in eligibility.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W386, MS02, and each First Steps Council, SPOE around the state and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

James F. Robertson
Director
Division of Family Resources

TITLE 570 INDIANA COMMISSION ON PROPRIETARY EDUCATION

Proposed Rule
LSA Document #05-178

DIGEST

Amends 570 IAC 1-1-1 with minor technical corrections and

the addition of definitions for "branch campus", "learning site", and "correspondence instruction". Amends 570 IAC 1-2-3, 570 IAC 1-2-4, 570 IAC 1-3-1, 570 IAC 1-3-2, 570 IAC 1-3-3, 570 IAC 1-4-1, and 570 IAC 1-4-2 with minor technical corrections. Amends 570 IAC 1-4-3 with minor technical corrections, to increase the fee paid to evaluation team members to \$100 from \$75, and to increase the maximum cost for in-state evaluations from \$500 to \$1,000. Amends 570 IAC 1-4-4 with minor technical corrections. Amends 570 IAC 1-5-2 to extend the agent permit exemption to on-campus personnel and with minor technical corrections. Amends 570 IAC 1-5-3, 570 IAC 1-5-4, 570 IAC 1-5-5, 570 IAC 1-5-6, and 570 IAC 1-5-7 with minor technical corrections. Amends 570 IAC 1-6-1 with minor technical corrections and removal of reference to agent bonding. Amends 570 IAC 1-6-2 with minor spelling corrections. Amends 570 IAC 1-6-3, 570 IAC 1-6-4, 570 IAC 1-6-6, 570 IAC 1-8-3, and 570 IAC 1-8-4.5 with minor technical corrections. Adds 570 IAC 1-8-5.5 to provide a student refund policy that applies to programs of study that are less than 120 clock hours in length. Amends 570 IAC 1-8-7 and 570 IAC 1-9-5 with minor technical corrections. Amends 570 IAC 1-10.1-4 to require 60 semester or 90 quarter credit hours for associate degree programs, consistent with national accrediting bodies, and adds requirements for occupational associate degrees. Amends 570 IAC 1-10.1-6 with minor technical corrections. Amends 570 IAC 1-11-4 to incorporate student record requirements on withdrawn or dropped students. Amends 570 IAC 1-11-8, 570 IAC 1-12-1, and 570 IAC 1-12-2 with minor technical corrections. Amends 570 IAC 1-13-1 to delineate requirements for the establishment of learning sites by in-state institutions. Amends 570 IAC 1-13-2 to delineate requirements for the establishment of learning sites by out-of-state institutions. Amends 570 IAC 1-13-3 to delineate requirements for the establishment of branch campuses. Amends 570 IAC 1-13-4 to specify that the regulations apply to branch campuses in the same manner as main campuses. Amends 570 IAC 1-14-2, 570 IAC 1-14-3, and 570 IAC 1-14-4 with minor technical corrections. Amends 570 IAC 1-14-10, concerning the Career College Student Assurance Fund, by adding the statement that the failure to provide a required refund, resulting in a claim against the bond or fund, may be construed as a violation of the refund adherence standard set forth in IC 20-12-76-25(7). Amends 570 IAC 1-14-11, concerning the Career College Student Assurance Fund, to add that the Commission may proceed against the institution "or its operator(s)" to collect against claims paid from the fund, and that the Commission may request the assistance of the Office of the Attorney General in enforcing such collection. Makes numerous changes, including Indiana Code references, consistent with the recodification act of 2005 (HEA 1288). Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Businesses Subject to This Rule:

The Commission estimates that approximately 200 postsecondary proprietary institutions, as defined by IC 20-12-76 et seq., will be directly affected by this rule.

Estimated Average Annual Administrative Costs That Small Businesses Will Incur:

Among the regulated institutions, approximately 100 in-state institutions that are not nationally accredited will be affected by the increased fee for on-site evaluators (570 IAC 1-4-3). These evaluations occur every five years and typically engage three outside evaluators. Therefore, the anticipated additional cost per evaluated institution is \$75 every five years.

Estimated Total Annual Economic Impact on Small Businesses:

Except as noted above, no additional economic impact to the regulated institutions is anticipated as a result of the proposed changes to the rule.

Statement Justifying Requirement or Cost Imposed by this Rule:

All technical corrections and substantive modifications are consistent with the postsecondary proprietary education market. The proposed increase in the fee paid to outside evaluators is designed to aid in the recruitment of qualified evaluators. This fee has not been adjusted since its establishment in Title 570 of the Indiana Administrative Code in 1979.

Regulatory Flexibility Analysis of Alternative Methods:

All requirements set forth or proposed in this rule are consistent with those set forth in law (IC 20-12-76 et seq.). As the proposed rule and adjusted fee are considered incremental in nature, these rules are to be implemented upon adoption and apply to all regulated institutions.

570 IAC 1-1-1	570 IAC 1-8-3
570 IAC 1-2-3	570 IAC 1-8-4.5
570 IAC 1-2-4	570 IAC 1-8-5.5
570 IAC 1-3-1	570 IAC 1-8-7
570 IAC 1-3-2	570 IAC 1-9-5
570 IAC 1-3-3	570 IAC 1-10.1-4
570 IAC 1-4-1	570 IAC 1-10.1-6
570 IAC 1-4-2	570 IAC 1-11-4
570 IAC 1-4-3	570 IAC 1-11-8
570 IAC 1-4-4	570 IAC 1-12-1
570 IAC 1-5-2	570 IAC 1-12-2
570 IAC 1-5-3	570 IAC 1-13-1
570 IAC 1-5-4	570 IAC 1-13-2
570 IAC 1-5-5	570 IAC 1-13-3
570 IAC 1-5-6	570 IAC 1-13-4
570 IAC 1-5-7	570 IAC 1-14-2
570 IAC 1-6-1	570 IAC 1-14-3
570 IAC 1-6-2	570 IAC 1-14-4
570 IAC 1-6-3	570 IAC 1-14-10
570 IAC 1-6-4	570 IAC 1-14-11
570 IAC 1-6-6	

SECTION 1. 570 IAC 1-1-1 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-1-1 Definitions

Authority: IC 20-12-76-13

Affected: IC 20-12-76

Sec. 1. As used in the rules and regulations prescribed by The Indiana Commission for Postsecondary Proprietary Education, pursuant to Public Law 313, (Acts of 1971) as amended **following definitions apply throughout this title** unless the context **indicates** otherwise: requires:

(1) (a) COMMISSION: The term "Commission" refers to the seven members, authorized by Public Law 313 (Acts of 1971). All action taken by the administrative staff affecting the original appointment, reappointment, suspension, revocation or denial of accreditation is done at the direction of and with the approval of the seven members under authority granted them by Public Law 313 (Acts of 1971).

(2) POSTSECONDARY PROPRIETARY EDUCATIONAL INSTITUTION: The term means any person doing business in the State by offering to the public, for a tuition, fee or charge, instructional or educational services or training in any technical, professional, mechanical, business or industrial occupation, either in the recipient's home, or at a designated location, or by mail. The following shall not be considered to be postsecondary educational institutions subject to the provisions of this chapter:

(1) Any educational institution established by law and financed in whole or part by public funds; or

(2) Any postsecondary proprietary educational institution approved or regulated by any other state regulatory board, agency or commission; or

(3) Any elementary or secondary school attended by students in kindergarten and/or grades 1 through 12, supported in whole or in part by private tuition payments, such elementary and secondary schools being expressly excluded from this chapter.

(4) Any educational institution or educational training that is:

(i) maintained or given by an employer or group of employers, without charge, for his or their employees or for persons they anticipate employing; or

(ii) maintained or given by a labor organization, without charge, for its or their members or apprentices; or

(iii) offers exclusively instruction which is clearly self-improvement, motivational or avocational in intent (including, but not limited to instruction in dance, music, self defense, private tutoring); or

(iv) montessori or nursery schools; or

(5) Any privately endowed two (2) or four (4) year degree granting institution, regionally accredited, whose principal campus is located within Indiana.

(3) AGENT: The term "agent" means any person who enrolls or seeks to enroll a resident of this state through personal contact, telephone, advertisement, letter, or publications in a course offered by a postsecondary proprietary educational institution or who otherwise holds himself out to the residents

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of this state as representing a Postsecondary Proprietary Educational Institution:

(4) **TEAM:** The term “team” refers to the combined membership of the evaluators who will do the on-site evaluation of the institution prior to the issuance of accreditation. These members are chosen on the basis of their expertise in the field to be examined. In addition, one or more members of the Commission or its staff will be assigned to accompany the team in the capacity of a technical observer.

(5) **ACCREDITATION:** The term (1) “Accreditation” refers to the certificate or written document issued by the commission attesting to the school’s compliance with the minimal standards as prescribed by the law and the procedures required by the rules and regulations.

(6) **SOLICITATION:** The term “solicitation” refers to the attempt to recruit students by any means whatsoever, including, but not limited to all forms of advertisement, and personal petition:

(2) “Agent” means any person who:

(A) enrolls or seeks to enroll a resident of this state through:

- (i) personal contact;
- (ii) telephone;
- (iii) advertisement;
- (iv) letter; or
- (v) publications;

in a course offered by a postsecondary proprietary educational institution; or

(B) otherwise holds himself out to the residents of this state as representing a postsecondary proprietary educational institution.

(7) **BEGINNING OF TRAINING:** The term (3) “Beginning of training” means the beginning of actual training when the student receives his first course materials by mail or other distance delivery mechanism or when the student matriculates.

(8) **IC:** The abbreviation “IC” stands for Indiana Code which is used as legal cite reference for the law establishing the Commission.

(9) **PL:** The abbreviation “P.L.” stands for the term “Public Law” used as legal cite for all laws established by the Indiana General Assembly.

(10) **PRO RATA:** With reference to resident training “pro rata” means a refund policy computed, on either the number of lessons completed or begun or the number of weeks completed or begun; the number of courses completed or begun; the number of quarters or semesters completed or begun; and with reference to correspondence training it means a refund based on lesson assignments received by the institution from the student.

(11) **THE PRONOUN “HE”:** When used in these rules and regulations shall stand for both male and female gender.

(12) **BOND:** The term (4) “Bond” stands for means a surety bond made payable to the state of Indiana for either the institution or agent and shall be conditioned to provide

indemnification to any student:

(A) suffering loss as a result of fraud or misrepresentation on the part of the institution; or agent or

(B) when the institution:

- (i) ceases to do business; and
- (ii) is unable to fulfill its contractual obligation with the student.

Indemnification shall be made according to procedures adopted by the commission.

(13) **EVALUATION:** The term “evaluation” refers to a complete on-site visitation of the petitioning institution to determine the ability of the institution to actually provide training.

(14) **COMMISSIONER:** The term “Commissioner” is the title of the Chief Executive Officer of the Commission. He is not a voting member of the seven member Commission established by law; but is charged with carrying out the overall administration of the day to day duties of the agency; hiring and firing of subordinate professional staff; and discharge the orders and directions of the seven member Commission.

(15) **CONTRACT:** The term “contract” as used in these rules and regulations means any agreement, or obligation expressed or otherwise, negotiable or non-negotiable by which the institution agrees to provide educational services or training to the student or prospective enrollee and the student or prospective enrollee in turn promises to pay a mutually agreed upon fee, charge or tuition. Any obligation, negotiable or non-negotiable, providing for payment for a course or courses of instruction shall be void if the postsecondary proprietary educational institution is not accredited to operate in the State of Indiana.

(16) **ENROLLMENT:** The term “enrollment” means that point at which the registration fee of not more than \$100.00 has been paid.

(17) **REGISTRATION FEE:** Registration fee or any other term means that charge, levied before the beginning of training for administrative expenses incurred by the school when providing educational training or service to one student. The registration fee will not be more than \$100.00.

(18) **PROFESSIONAL SUBJECTS:** The term “professional subjects” shall mean those subjects directly leading to the students preparation in the trade, technical, business, or mechanical career for which he has enrolled and for which a diploma, certificate or degree will be awarded.

(19) **PERSON:** “Person” means any individual, partnership, association, corporation, joint venture, trust, receiver or trustee in bankruptcy.

(5) “Branch campus” means any location of an institution other than the main campus, but under the same corporate structure as the main campus, that is, part of the main campus corporation or a wholly owned subsidiary, that:

- (A) is permanent in nature;
- (B) offers a full program leading to a degree, certificate,

or other recognized credential; and

(C) is geographically separate from the main campus such that students may not easily avail themselves of educational, financial aid, and administrative services of the main campus.

(6) "Commission" refers to the seven (7) members authorized by IC 20-12-76. All action taken by the administrative staff affecting the:

- (A) original appointment;
- (B) reappointment;
- (C) suspension;
- (D) revocation; or
- (E) denial;

of accreditation is done at the direction of and with the approval of the seven (7) members under authority granted them by IC 20-12-76.

(7) "Commissioner" means the chief executive officer of the commission. The commissioner is not a voting member of the seven (7) member commission established by law, but is charged with carrying out the following:

- (A) The overall administration of the day-to-day duties of the agency.
- (B) The hiring and firing of subordinate professional staff.
- (C) Discharging the orders and directions of the seven (7) member commission.

(8) "Contract" means any agreement or obligation, expressed or otherwise, negotiable or nonnegotiable, by which the:

- (A) institution agrees to provide educational services or training to the student or prospective enrollee; and
- (B) student or prospective enrollee in turn promises to pay a mutually agreed upon fee, charge, or tuition.

Any obligation, negotiable or nonnegotiable, providing for payment for a course or courses of instruction shall be void if the postsecondary proprietary educational institution is not accredited to operate in the state of Indiana.

(9) "Correspondence instruction", also referred to as distance education, means any mode of instruction in which there is a separation, in time or place, between the instructor and the student. Presented in a sequential and logical order, the instruction is offered wholly or primarily by distance study, through virtually any media.

(10) "Enrollment" means that point at which the registration fee of not more than one hundred dollars (\$100) has been paid.

(11) "Evaluation" refers to a complete on-site visitation of the petitioning institution to determine the ability of the institution to actually provide training.

(12) "Learning site" means a nonmain campus that:

- (A) does not meet the definition of a branch campus; and
- (B) offers instructional training that is administered by a main or branch campus.

(13) "Person" means any of the following:

- (A) An individual.
- (B) A partnership.
- (C) An association.
- (D) A corporation.
- (E) A joint venture.
- (F) A trust.
- (G) A receiver.
- (H) A trustee in bankruptcy.

(14) "Postsecondary proprietary educational institution" means any person doing business in the state by offering to the public, for a tuition, fee, or charge, instructional or educational services or training in any technical, professional, mechanical, business, or industrial occupation, either in the recipient's home, at a designated location, or by mail. The following shall not be considered to be postsecondary educational institutions subject to the provisions of this article:

- (A) Any educational institution established by law and financed in whole or part by public funds.
- (B) Any postsecondary proprietary educational institution approved or regulated by any other state regulatory board, agency, or commission.
- (C) Any elementary or secondary school attended by students in kindergarten or grades 1 through 12, supported in whole or in part by private tuition payments, such elementary and secondary schools being expressly excluded from this article.
- (D) Any educational institution or educational training that:

- (i) is maintained or given by an employer or group of employers, without charge, for the employees or for persons they anticipate employing;
- (ii) is maintained or given by a labor organization, without charge, for its members or apprentices;
- (iii) offers exclusively instruction that is clearly self-improvement, motivational, or avocational in intent, including, but not limited to, instruction in dance, music, self-defense, or private tutoring; or
- (iv) is a Montessori or nursery school.

(E) Any privately endowed two (2) or four (4) year degree granting institution, regionally accredited, whose principal campus is located within Indiana.

(15) "Professional subjects" means those subjects directly leading to the student's preparation in the trade, technical, business, or mechanical career for which:

- (A) the student has enrolled; and
- (B) a diploma, certificate, or degree will be awarded.

(16) "Pro rata", when referring to resident training, means a refund policy computed on either the number of:

- (A) lessons;
- (B) weeks;
- (C) courses;
- (D) quarters; or
- (E) semesters;

completed or begun. When referring to correspondence

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training, the term means a refund based on lesson assignments received by the institution from the student. (17) "Registration fee" means that charge, levied before the beginning of training, for administrative expenses incurred by the school when providing educational training or service to one (1) student. The registration fee will not be more than one hundred dollars (\$100).

(18) "Solicitation" refers to the attempt to recruit students by any means whatsoever, including, but not limited to, all forms of advertisement and personal petition.

(19) "Team" refers to the combined membership of the evaluators who will do the on-site evaluation of the institution before the issuance of accreditation. These members are chosen on the basis of their expertise in the field to be examined. In addition, one (1) or more members of the commission or its staff will be assigned to accompany the team in the capacity of chair and technical observer.

(Indiana Commission on Proprietary Education; PT I; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 174; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 2. 570 IAC 1-2-3 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-2-3 Nationally recognized accrediting agencies

Authority: IC 20-12-76-13

Affected: IC 20-12-76

Sec. 3. ~~NATIONALLY RECOGNIZED ACCREDITING AGENCIES.~~ The commission shall determine whether to accept as sufficient the accreditation issued by a nationally ~~re-organized~~ **recognized** accrediting body. If the review indicates that the standards are substantially the same or greater than the standards and requirements of the commission, then accredited status may be issued in lieu of an on-site evaluation, providing the status report provided by the accrediting commission indicates the institution to be in good standing. *(Indiana Commission on Proprietary Education; PT II, 2.03; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 177; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)*

SECTION 3. 570 IAC 1-2-4 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-2-4 Documentation by reciprocal or prior accreditation applicants

Authority: IC 20-12-76-13

Affected: IC 20-12-76-15; IC 20-12-76-17

Sec. 4. ~~OTHER REQUIREMENTS IN LIEU OF EVALUATION.~~ The applicant institution ~~which that~~ seeks the right to do business in Indiana, either through reciprocity or by prior accreditation issued by a nationally recognized accrediting body, must submit the following:

~~(A)~~ (1) The application fee.

~~(B)~~ Bonds for both the institution (Bond S) and agents (Bond A or PSA-LBB).

(2) The institutional surety bond on the appropriate state form or forms.

~~(C)~~ ICPPE Form PSA-1; (3) Four (4) copies of the application/self-study. ~~in four copies.~~

~~(D)~~ (4) A financial statement (See Rule ~~12-00~~): 570 IAC 1-12.)

~~(E)~~ (5) A copy of the incorporation papers as filed with the state of domicile.

(Indiana Commission on Proprietary Education; PT II, 2.04; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 177; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 4. 570 IAC 1-3-1 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-3-1 Accreditation statuses

Authority: IC 20-12-76-13

Affected: IC 20-12-76

Sec. 1. ~~ACCREDITATION PHASES.~~ An institution ~~which~~ **that** desires to do business in Indiana will send a letter requesting accreditation ~~and send it to the commission.~~

~~(A)~~ ~~Phase One~~ (1) Applicant status:

~~(1)~~ (A) The commission will send all applicable materials to the institution including **the following**:

(i) The fee schedule. ~~and~~

(ii) Directions for meeting the requirements.

~~(2)~~ (B) Upon approval of the appropriate materials and an application fee, the commission will place the petitioning institution on applicant status. This status is for a period of not less than sixty (60) days nor more than eleven (11) months. During this period, the commission shall establish the date of the evaluation.

~~(3)~~ (C) During the applicant status, ~~(not less than sixty (60) days nor more than eleven (11) months)~~, the institution will prepare for its on-site evaluation. During this period, the petitioning institution may not use the terms "license", "licensed by", "approved", "applicant", or "accredited", nor may it use the seal of the commission. Any applicant school ~~which that~~ has, at the time of application:

(i) an accredited status with a nationally recognized accrediting body approved by the U.S. ~~Office Department~~ of Education; or ~~who has~~

(ii) approval from the Veterans Administration for veterans educational benefits;

may use the authorized terms to reflect such status, as approved by the appropriate accrediting body or the Veterans Administration.

~~(4)~~ (D) If in the event, it is determined that the institution is found to be totally unfit to qualify for any status set out in ~~Rule 3-01, Part H of these regulations; said this section,~~ **the** institution shall be notified by certified mail of the

following:

(i) The denial of the right to do business within the state of Indiana. ~~and~~

(ii) The penalty provisions of ~~this act~~. **IC 20-12-76.**

~~(B) Phase Two~~ (2) Candidate status:

~~(A)~~ (A) If, after review of the forms and materials submitted by the petitioning institution and the formal team evaluation, the petitioning institution is found to still have certain deficiencies, ~~that which~~ in the opinion of the commission:

(i) can be corrected; and

(ii) would not be cause for denial of the right to do business;

then the petitioning institution may be awarded "candidate status".

~~(2)~~ (B) This candidate status may be awarded for:

(i) any period of time from sixty (60) days to twelve (12) months; or

(ii) in special cases approved by the commission in formal session, for a period not to exceed twenty-four (24) months.

~~(3)~~ (C) During the period of candidate status, the institution may not use ~~such the~~ terms as "licensed", "approved", "accredited", or "candidate", nor may it use the seal of the commission. Any candidate institution ~~which that~~ has, at the time of application:

(i) an accredited status with a nationally recognized accrediting body approved by the U.S. ~~Office Department~~ of Education; or ~~who has~~

(ii) approval from the Veterans Administration for veterans educational benefits;

may use the authorized terms to reflect such status as approved by the appropriate accrediting body or the Veterans Administration.

~~(4)~~ (D) The candidate institution will furnish, during the established period of candidate status, progress reports:

(i) commencing the thirty-first ~~(31st)~~ days day after the status notification; and

(ii) each thirty (30) days thereafter;

until the reevaluation has been completed.

~~(C) Phase Three Accreditation With Recommendations~~

~~(3)~~ (3) If, after review of the forms and materials submitted by the petitioning institution and the formal team evaluation, the petitioning institution is found to still possess certain deficiencies that are not so serious as to cause either denial of accreditation or candidate status, but such recommendations are needed to increase efficiency, then:

(A) the institution may be awarded "accreditation with recommendations"; and

(B) in such case, the recommendations must be complied with within the time granted in each individual case, not to exceed one (1) year.

~~(D) Phase Four~~ (4) Fully accredited status:

~~(A)~~ (A) If:

(i) after a review of the forms, materials, and an on-site

evaluation performed by a duly authorized team; and

(ii) the institution has corrected all deficiencies noted during its "applicant", "candidate", or "accreditation with recommendations" status;

then it shall be granted "fully accredited status".

~~(2)~~ (B) This status is good for a period of one (1) year from issuance of the letter of notification.

~~(3)~~ (C) An institution ~~which that~~ has been awarded fully accredited status may use one (1) of the following statements in all advertising, and it may be imprinted on stationery of the institution:

~~(a)~~ (i) "An ~~ICPPE~~ **ICOPE** Accredited Institution".

~~(b)~~ (ii) "Accredited in Indiana by the ~~ICPPE~~. **ICOPE**".

~~(c)~~ (iii) "Fully Accredited by the Indiana Commission for ~~Postsecondary~~ on Proprietary Education".

~~(4)~~ (D) No other terms, statements, or expressions are hereby authorized for use by any institution other than those expressly noted in ~~these regulations~~. **this title.**

~~(5)~~ (E) All schools will show their advertising code:

(i) on television commercials; and ~~newspaper~~

(ii) on print advertisements; and

(iii) only on radio commercial script sheets;

intended for airing or publication in Indiana media markets.

~~(6) In the event the Commission finds the submitted information insufficient, it may require completion of Form FR-1 (7/77).~~

(Indiana Commission on Proprietary Education; PT III,3.01; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 177; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 5. 570 IAC 1-3-2 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-3-2 Certificate of accreditation; form; seal

Authority: IC 20-12-76-13

Affected: IC 20-12-76-13

Sec. 2. ACCREDITATION USE OF APPROVED TERMS:

(a) When a school has been awarded accredited with recommendations for fully accredited status, it may use the official seal as part of its advertising or communications.

~~(A) CERTIFICATE OF ACCREDITATION:~~ (b) The commission will **do the following:**

(1) Notify the petitioning institution that it has been awarded accredited status. ~~and~~

(2) Upon receipt of the required fee, ~~will~~ send the certificate of accreditation, ~~(Form AC 7/77)~~, which will be displayed in a prominent position by the institution.

~~(B) FORM AC (7/77):~~ (c) The certificate of accreditation, the facsimile seal (wall plaque), and any commercial production of the seal remain the property of the commission, and its use may be revoked or denied upon cause, at the request of the commis-

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sion. (*Indiana Commission on Proprietary Education; PT III,3.02; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 179; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731*)

SECTION 6. 570 IAC 1-3-3 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-3-3 Renewal of accreditation; on-site evaluation

Authority: IC 20-12-76-13

Affected: IC 20-12-76-26

Sec. 3. ~~RENEWAL OF ACCREDITATION~~: Renewal of fully accredited status will be accomplished in the following manner:

~~(A) (1) Submit the renewal fee.~~
~~(B) (2) Submit PSA-IR in one (1) copy of the application for accreditation renewal~~ on or before the expiration date of accredited status. The form shall contain, but is not limited to, the following information:

~~(1) Names of courses and descriptions of courses~~ **(A) The name, description, and cost of each course.**

~~(2) (B) The total clock hours, semester hours, or quarter hours of each course.~~

~~(3) (C) The number of students enrolled in each course during the period of accreditation.~~

~~(4) (D) The current number of students enrolled in each course.~~

~~(5) (E) The number of students who dropped out for any cause during the period of accreditation.~~

~~(6) (F) The number of graduates:~~

~~(i) by course;~~

~~(7) Number of graduates (ii) placed; and~~

~~(8) Number of graduates (iii) who took the course for personal advancement in the form of educational objectives or occupational objectives.~~

~~(3) (3) A current copy of the institution's incorporation papers as filed with the state of domicile.~~

~~(4) (4) Submit a copy of the last annual financial statement certified as true and correct by the preparer or:~~

~~(1) (A) if the institution is part of a consolidated group, a statement from the financial office of the parent company stating that company assets will be used to support and insure ensure the financial stability of the institution; or~~

~~(2) (B) if started by an individual or group of individuals, they shall furnish a statement of personal worth sufficient to support and insure ensure financial stability of the institution; or~~

~~(3) (C) completion of Form FR-1 (7/77): the financial report submission sheet.~~

~~(4) In the event the commission finds the submitted information insufficient, it may require completion resubmission of ICPPE Form FR-1 (7/77): the financial report submission sheet.~~ **(5) An institution, in circumstances where deemed necessary, shall submit financial statements certified as true**

and correct by an independent accountant.

~~(5) (5) The fifth (5th) year after the initial award of fully accredited status, and every five (5) years thereafter, the institution will undergo a complete on-site evaluation performed in the same manner as the initial evaluation.~~

(*Indiana Commission on Proprietary Education; PT III,3.03; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 179; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731*)

SECTION 7. 570 IAC 1-4-1 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-4-1 Initial accreditation; request; notice of status

Authority: IC 20-12-76-13

Affected: IC 20-12-76-26; IC 20-12-76-31

Sec. 1. ~~INITIAL ACCREDITATION BY THE PRIVATE INSTITUTION~~: The initial accreditation process will be initiated as follows:

~~(A) (1) A letter requesting accreditation will be sent to the commission. The commission, upon receipt of the request, will send the institution the following documents:~~

~~AAS-1 Application for Appli-~~ **Institutional Surety Bond S**
~~cant Status~~ **Form**

~~P.L.159 Statutes of the Com-~~ **Bond A Agent Permit Ap-**
~~mission (IC 20-12-76)~~ **plication**

~~Rules and Regulations (570~~ **Bond PSA-1BB Agent**
~~IAC)~~ **Training Verification**
Form

~~Standards (IC 20-12-76-26)~~ **AA-1 Application for**
Accreditation/Self-Study

~~Fee Schedule~~ **AA-1AB Financial Report**
Submission Sheet

~~ATV-1~~ **PSA-1**
FR-1

~~(B) (2) Upon receipt of these materials, the petitioning institution should proceed as follows:~~

~~(1) (A) Obtain their institutional bond on ICPPE Form the commission's institutional surety bond S pursuant to Public Law 159; (Acts of 1972): form under IC 20-12-76. The institutional bond shall be as follows:~~

~~(i) Made payable to the state of Indiana. and~~

~~(ii) In the amount of \$5,000.00 five thousand dollars (\$5,000) or ten percent (10%) of the preceding year's gross tuition, whichever is larger, but in no case to exceed \$25,000.00: fifty thousand dollars (\$50,000).~~

~~(2) Obtain bonds for each agent on ICPPE Form Bond A or PSA-1BB (B) The agent permit application and the agent training verification forms should be submitted for each agent who is to be doing business in Indiana pursuant to P.L.313; Section 16; payable to the State of Indiana in the amount of \$5,000.00 per agent. Forms AA-1; AA-1AB; ATV-1 should be prepared and attached to the~~

~~agent bonds; under IC 20-12-76-31.~~

~~(3) (C) Make a check payable to the Indiana Commission for Postsecondary on Proprietary Education to cover the:~~

~~(i) institution's; application fee and the~~

~~(ii) agent or agents';~~

~~application fee.~~

~~(4) (D) Submit copies of current:~~

~~(i) contracts;~~

~~(ii) tuition fees;~~

~~(iii) course descriptions; and a copy of the~~

~~(iv) institution's incorporation papers as filed with the state of domicile.~~

~~(5) (E) Submit a copy of the last annual financial statement certified as true and correct by the preparer or:~~

~~(a) (i) if the institution is part of a consolidated group, a statement from the financial office of the parent company stating that company assets will be used to support and insure ensure the financial stability of the institution; or~~

~~(b) (ii) if started by an individual or group of individuals, they shall furnish a statement of personal worth sufficient to support and insure ensure financial stability of the institution; or~~

~~(c) (iii) completion of ICPPE Form FR-1 (7/77); the commission's financial report submission sheet.~~

~~(6) In the event the commission finds the submitted information insufficient, it may require completion of ICPPE Form FR-1 (7/77); resubmission of the commission's financial report submission sheet.~~

~~(7) (F) Complete form AAS-1; the application for applicant status.~~

~~(3) Upon official notification of applicant status, the institution will have not less than sixty (60) days nor more than eleven (11) months to prepare the PSA-1 application for formal accreditation and self-study.~~

~~(4) Failure to supply required ICPPE forms and information will result in suspension.~~

(Indiana Commission on Proprietary Education; PT IV,4.01; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 181; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 8. 570 IAC 1-4-2 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-4-2 Team designation; on-site evaluation

Authority: IC 20-12-76-13

Affected: IC 20-12-76-23

Sec. 2. ~~TEAM DESIGNATION:~~ (a) After the institution has been on applicant status for a period of not less than sixty (60) days nor more than eleven (11) months, the commission will then begin procedures to choose a team to perform the on-site evaluation.

(A) (b) The commission will designate, from the ranks of business, industry, or education, team members who by virtue

of their expertise and job classification qualify to evaluate petitioning institutions under the authority of P.L.313 (Acts of 1971); as amended: IC 20-12-76. Upon acceptance of their desire to serve, as team members shall be furnished copies of the following documents:

ICPPE Form TVS-1 (7/77) No- ELTE (7/77) IC 20-12-76

tice of Evaluator Acceptance

TMV (7/77) Evaluation Team VTEC (7/77) Title 570 IAC

Announcement

TV-2 (7/77) Institutional Stan- VTA (7/77) Claim

dards

Voucher and IRS Form

W-9

TM-3 (7/77) Evaluation Pro-

cedures and Criteria

V-1 (or V02) (7/77) Com-

pleted Application for

Formal Accreditation

(B) (c) The Commissioner may designate one member of the team to commission staff member responsible for the oversight of the school shall serve as team Chairman. Upon acceptance of that assignment by the chairman-designate, he shall be supplied the following documents: chairperson.

ICPPE Form TVS-1 (7/77) V-1 (or) V-2 (7/77)

TM-1-CH (7/77)

ELTE (7/77)

TMV (7/77)

VTEC (7/77)

TV-2 (7/77)

VTA (7/77)

(C) (d) The commission shall nityfy notify the applicant institution as follows:

(1) In advance of the institutional evaluation.

(D) The Commission shall notify the applicant institution (2)

Of the scheduled on-site evaluation and the names of the team members. The school upon notification of the team members has the right to refuse any member. The applicant institution shall be supplied the following documents before the scheduled visitation:

(1) ICPPE Form TVS-1 (7/77)

(2) TV-2 (7/77)

(3) VTA (7/77)

(e) Upon completion of the on-site evaluation, the team members will submit their individual evaluation reports to the team chairman chairperson within seven (7) days. The team chairman chairperson will:

(1) prepare a combined report; and

(2) along with a letter of transmittal, submit the team evaluation to the commission;

no later than fifteen (15) days after the on-site evaluation. Upon submission of their individual report, the team members will return to the commission all evaluation materials provided to them.

(f) All team members will do the following:

(1) Pay their own expenses. and

(2) File claims for reimbursement in accordance with state

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regulations.

The commission in turn will compile the expenses of the team evaluation and bill the applicant institution for the cost of the evaluation.

(g) No private institution shall be notified of the results of its inspection until all applicable fees and charges have been remitted to the ~~Indiana~~ commission. ~~for Postsecondary Proprietary Education~~. Payment must be made by certified check payable to the commission.

(h) Upon receipt of the team evaluation, the commission shall **do the following:**

(1) Take action appropriate to the evaluation ~~pursuant to P.L.313 (Acts of 1971) as amended. The Commission shall then under IC 20-12-76.~~

(2) Notify the:

(A) applicant institution of its decision; and ~~notify the~~

(B) institution of its status;

(reference ~~Rule 3-01~~): **570 IAC 1-3-1**).

(Indiana Commission on Proprietary Education; PT IV,4.02; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 181; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 9. 570 IAC 1-4-3 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-4-3 Evaluation notification; expenses

Authority: IC 20-12-76-13

Affected: IC 20-12-76-22; IC 20-12-76-26

Sec. 3. ~~EVALUATION NOTIFICATION~~. Prior to (a) **Before** the team evaluation, notice will be given to the applicant institution as to the exact date of the evaluation.

~~(A)~~ (b) Within thirty (30) days of the scheduled evaluation, the applicant institution will submit ~~four~~ **(4) copies of its completed PSA-T application/self-study. in the amount of four (4) copies.**

~~(B)~~ (c) The private institution will pay for the formal team evaluation ~~as per HEA 1220 (Acts of 1973) Section 2 under IC 20-12-76-26~~, inspection fee. The cost of performing the team on-site evaluation shall be borne by the applicant institution; provided, however, that the total cost of any evaluation including room, board, and mileage ~~which that~~ does not necessitate travel outside the state of Indiana shall not exceed ~~five hundred one thousand dollars (\$500.00)~~ **(\$1,000)** for any one **(1)** institution.

~~(C)~~ (d) **The requirements for in-state evaluations are as follows:**

(1) The institutions shall pay a fee to each team member in the amount of ~~\$75.00 one hundred dollars (\$100)~~ per day for each day of evaluation. Any part of a regular working day (8:00 a.m. - 5:00 p.m.) shall be considered to be a full working

day for purposes of paying the ~~\$75.00 one hundred dollar (\$100)~~ fee.

(2) Any staff member of the ~~Indiana~~ commission ~~for Postsecondary Proprietary Education~~ who is a member of the evaluation team shall not receive the ~~\$75.00 one hundred dollar (\$100)~~ fee but shall only have actual expenses paid by the private institution.

(3) The institution shall pay **the following:**

(A) The current official state travel mileage institution reimbursement for the travel to and from the point of the inspection and any parking fees. The mileage shall be taken from the odometer reading of the team member's car and shown on ~~ICPPE Form V-1 (7/77): the travel voucher.~~ Where time and distance make it necessary for a team member to join the evaluation team, air travel may be utilized. Such receipt is to be attached to ~~ICPPE Form V-1 (7/77): the travel voucher.~~

~~(4) The institution shall pay (B)~~ For the **room and board** and room of the team member for the time spent on the institution evaluation. The costs of the room and board shall be listed in ~~ICPPE Form V-1 (7/77) the travel voucher,~~ and the appropriate receipts must be attached to the form.

~~(5)~~ (4) Upon completion of the team evaluation, each team member shall **do the following:**

(A) Prepare ~~ICPPE V-1 (7/77) the travel voucher,~~ attaching all receipts. ~~and~~

(B) Submit one (1) copy to the ~~Indiana~~ commission ~~for Postsecondary Proprietary Education~~ and the duplicate to the private institution.

~~(6)~~ (5) No in-state evaluation team member will be supplied from another state, except when required to provide the expertise needed to supply a proper team for the ~~applicants~~ evaluation. All team members for in-state evaluations will be drawn from various business, industrial, or educational facilities located within the state of Indiana, except as noted in the preceding sentence.

~~(7)~~ (6) No institution shall be notified of the results of its evaluation ~~results~~ until all applicable fees and charges have been remitted to the ~~Indiana~~ commission. ~~for Postsecondary Proprietary Education.~~

~~(D)~~ (e) **The requirements for out-of-state evaluations are as follows:**

(1) The private institution located outside the state of Indiana who has been placed on applicant status and has requested the full team evaluation in order to continue to do business within the state of Indiana shall pay the expenses of each team member as ~~shown below:~~ **follows:**

(A) ~~\$75.00 One hundred dollars (\$100)~~ per day fee.

(B) Mileage from home to airport and return at the current official state travel mileage reimbursement, parking fees, **and** airfare to and from the evaluation site.

(C) Room charges or board charges.

(D) The private institution shall provide transportation to and from the:

- (i) airport; ~~the~~
- (ii) site of lodging; and ~~the~~
- (iii) evaluation site;

for each team member involved.

(2) No team member shall fly in or charge the cost of first class airfare, unless no other class is available, but shall be reimbursed for his **or her** travel by the most economical manner provided by the airline and utilized by the team member in reaching his **or her** destination.

(3) Upon completion of the team evaluation, each team member shall **do the following**:

(A) Prepare ~~ICPPE V-2 (7/77)~~ **the out-of-state travel voucher**, attaching all receipts. ~~and~~

(B) Submit one (1) copy to the ~~Indiana~~ **commission for Postsecondary Proprietary Education** and the duplicate to the private institution.

(4) No institution shall be notified of the results of its evaluation results until all applicable fees and charges have been remitted to the ~~Indiana~~ **commission for Postsecondary Proprietary Education**.

(5) Where feasible, members of the evaluation team for an out-of-state applicant institution shall be recruited from the business, industrial, or educational facilities of that state.

(6) Any staff member of the ~~Indiana~~ **commission for Postsecondary Proprietary Education** who is a member of the evaluation team shall not receive the ~~\$75.00~~ **one hundred dollar (\$100)** fee but shall ~~only~~ have ~~only~~ actual expenses paid by the institution.

~~(E)~~ (f) In the case of the applicant institution being located outside the state of Indiana, the same procedures will apply as ~~heretofore~~ **detailed in this section** except that ~~only not more than two (2)~~ **two (2)** members of the actual team will be sent from Indiana. The remaining team members shall be chosen from the state where the applicant institution is located. The appointment of team members may be jointly achieved by ~~this agency~~ **the commission** and the applicable agency in the state of domicile. *(Indiana Commission on Proprietary Education; PT IV,4.03; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 182; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)*

SECTION 10. 570 IAC 1-4-4 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-4-4 Reevaluation

Authority: IC 20-12-76-13

Affected: IC 4-21.5; IC 20-12-76

Sec. 4. ~~EVALUATION TEAM - CANDIDATE INSTITUTION~~: In the case of a reevaluation for a candidate institution, the following procedures will be adhered to:

~~(A)~~ (1) The candidate institution shall submit a revised, updated ~~ICPPE Form PSA-1~~ **application/self-study** reflecting

all changes since the first team evaluation. **Four (4) copies of the PSA-1 application/self-study** shall be submitted to the commission ~~in four (4) copies no not~~ **no not** later than thirty (30) days ~~prior to before~~ the scheduled visitation.

~~(B)~~ (2) The:

(A) selection of the team; and ~~the~~

(B) notification of the:

(i) team members; and ~~the~~

(ii) candidate institution;

as to the time, place, and responsibilities shall be in the same manner and procedure as defined in ~~Rule 4-03(A), (C), (D), section 2(b), 2(d), and (E): 2(e) of this rule.~~

~~(C)~~ (3) If a candidate institution does not successfully pass its on-site reevaluation, then it shall be:

(A) denied the right to do business in the state; and ~~shall be~~

(B) notified as to the required procedures to seek relief under the Administrative Adjudication Act ~~(IC 1971, 4-22-1); (IC 4-21.5) and Rule 7-01 of these rules and regulations: 570 IAC 1-7-1.~~

~~(D)~~ (4) A candidate institution who successfully passes its reevaluation shall be notified in accordance with the established procedures in ~~PART III of these rules and regulations: 570 IAC 1-3.~~

(Indiana Commission on Proprietary Education; PT IV,4.04; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 184; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 11. 570 IAC 1-5-2 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-5-2 Chief administrative officer as agent; permit exemption; on-campus personnel exemption

Authority: IC 20-12-76-13

Affected: IC 20-12-76-31

Sec. 2. ~~EXEMPTION TO AGENT~~ (a) **The institutional personnel referenced in this section are not required to obtain an agent permit REQUIREMENT for the purpose of soliciting students.**

(b) The designated chief administrative officer of the institution will not be required to follow the procedures for obtaining an agent's permit. ~~or bond~~: Upon request, he **or she** shall receive, automatically, an agent's permit. Only one (1) such permit will be issued and only to the designated chief administrative officer.

(c) **On-campus personnel or institutional representatives are not required to obtain an agent permit unless they will also be soliciting students at locations other than the approved campus, branch, or learning site.** *(Indiana Commission on Proprietary Education; PT V,5.02; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 185; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)*

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SECTION 12. 570 IAC 1-5-3 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-5-3 Application procedure; temporary permit

Authority: IC 20-12-76-13

Affected: IC 20-12-76-31; IC 20-12-76-32

Sec. 3. ~~AGENT CERTIFICATION INITIATION BY POSTSECONDARY PROPRIETARY EDUCATIONAL INSTITUTION.~~ (a) In order to obtain the agent's certification, the employing institution will request the commission to send ~~Forms AA-1, AA-1AB, Bond A, Bond PSA-1BB and ATV-1.~~ the following:

(1) The agent permit application form.

(2) The agent training verification form.

Upon receipt of the forms the employing institution will complete them and return them with the agent application fee to the commission marked as follows: "Attention: Staff Specialist for Licensing Procedures: Contains Agent Application Forms".

~~(A)~~ (b) If the commission is unable to grant or deny the request for agent certification within fifteen (15) days after the receipt of the agent's application, ~~and bonding forms,~~ the commission will send ~~Form TP-1~~ an agent temporary permit to the applicant. ~~Form TP-1~~ The agent temporary permit shall be valid for a period of time not to exceed sixty (60) days.

~~(B)~~ (c) When the commission has received the agent's certification forms, it shall, upon proper review and determination, issue ~~Form AH~~ an agent's identification card to the applicant. ~~Form AH~~ The agent identification card will be:

(1) valid for one (1) year; and ~~will be~~

(2) renewed upon submission of the renewal fee and ~~AA-1~~ agent renewal application form;

unless a violation or violations of ~~P.L.313~~ **IC 20-12-76** have been reported and verified.

~~(C)~~ (d) Any person who has a previous felony conviction may be refused an agent permit card. (*Indiana Commission on Proprietary Education; PT V,5.03; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 185; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731*)

SECTION 13. 570 IAC 1-5-4 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-5-4 Training verification

Authority: IC 20-12-76-13

Affected: IC 20-12-76-31; IC 20-12-76-32; IC 24-4.5

Sec. 4. ~~AGENT TRAINING VERIFICATION.~~ In order for an agent to be granted licensure, the petitioning institution, for which he **or she** may work, must submit the agent's training verification form. ~~ATV-1.~~ The form will indicate that the agent:

(1) has been thoroughly trained; and

(2) understands: ~~P.L.313 (Acts of 1971); as amended; the~~

~~Rules and Regulations of the Commission, as well as~~

(A) **IC 20-12-76;**

(B) the applicable sections of the Uniform Consumer Credit Code, **IC 24-4.5;** and

(C) his **or her** appeal procedures in case his **or her** license is suspended.

(*Indiana Commission on Proprietary Education; PT V,5.04; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 185; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731*)

SECTION 14. 570 IAC 1-5-5 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-5-5 Revocation of license

Authority: IC 20-12-76-13

Affected: IC 20-12-76-31; IC 20-12-76-32

Sec. 5. ~~AGENT LICENSURE REVOCATION.~~ The licensure of an agent may be revoked for one (1) or more of the following reasons:

~~(A)~~ (1) Failure to properly prepare **the agent renewal application** form ~~AA-1~~, after the agent's card has been issued.

~~(B)~~ (2) Violation of the rules and regulations pertaining to the following:

(A) Solicitation of potential students.

~~(C)~~ Violation of the Rules and Regulations pertaining to the

(B) Placement or advertising for students.

~~(D)~~ (3) Utilizing unlicensed agents as partners in either the solicitation or advertisement for potential students.

~~(E)~~ (4) Upon cancellation by the institution or bonding company of the agent's bond.

(*Indiana Commission on Proprietary Education; PT V,5.05; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 185; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731*)

SECTION 15. 570 IAC 1-5-6 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-5-6 Termination of agent

Authority: IC 20-12-76-13

Affected: IC 20-12-76-31; IC 20-12-76-32

Sec. 6. ~~AGENT TERMINATION.~~ When an active agent has been terminated either by the institution or the commission, ~~for Postsecondary Proprietary Education~~ the institution shall return the ~~Form AH~~ **agent identification card** immediately to the commission along with a statement as to the actual date of termination. If, for any reasons, the ~~Form AH~~ **agent identification card** has been lost, the institution shall send a notarized statement immediately so stating that the terminated agent's card has been lost and cannot be returned. (*Indiana Commission on Proprietary Education; PT V,5.06; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 186; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731*)

SECTION 16. 570 IAC 1-5-7 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-5-7 Lost or stolen identification card; penalties for misuse

Authority: IC 20-12-76-13

Affected: IC 20-12-76-31; IC 20-12-76-32

Sec. 7. ~~LOST OR STOLEN FORM AID~~. If:

(1) an authorized agent has lost his ~~Form AID~~, **or her agent identification card**; or if

(2) his **or her** card has been stolen or otherwise unaccounted for;

the institution will immediately notify the commission by the most expedient means. Misuse of ~~Form AID~~ **the agent identification card** may result in a fine of ~~\$1,000.00~~ **one thousand dollars (\$1,000)** or six (6) months imprisonment, or both. ~~such fine and imprisonment.~~ (*Indiana Commission on Proprietary Education; PT V, 5.07; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 186; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731*)

SECTION 17. 570 IAC 1-6-1 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-6-1 Annual renewal of bond

Authority: IC 20-12-76-13

Affected: IC 20-12-76-17

Sec. 1. ~~YEARLY RENEWAL OF SURETY BONDS~~. Each year, every postsecondary proprietary educational institution must submit a new institutional bond on or before the expiration date of the bond. The amount of liability will be determined by utilizing the formula of ~~P.L. 159 (Acts of 1972): IC 20-12-76-17~~. Continuation certificates will not be acceptable. Notification must be received ~~no~~ **not** later than five (5) working days after the expiration date of the institutional bond. Failure to notify the commission of the new institutional bond within five (5) working days will result in suspension of the institution's right to do business within the state.

(A) ~~Agent bonds will be continued by certificate and must be submitted each year, on or before the expiration date of the bonds. Failure to submit a continuation certificate will result in the revocation of the institution's agent permit cards.~~ (*Indiana Commission on Proprietary Education; PT VI, 6.01; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 186; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731*)

SECTION 18. 570 IAC 1-6-2 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-6-2 Approved list of surety companies

Authority: IC 20-12-76-13

Affected: IC 20-12-76-17

Sec. 2. ~~APPROVAL LIST FOR SURETY~~. The commission

will not accept bonds from surety companies ~~which that~~ are not approved by the Indiana ~~State~~ department of insurance. Each petitioning institution must verify ~~sureties~~ **surety's** status with ~~this the~~ department ~~prior to of insurance before~~ obtaining their bonds. (*Indiana Commission on Proprietary Education; PT VI, 6.02; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 186; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731*)

SECTION 19. 570 IAC 1-6-3 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-6-3 Complaint by student; notice of claim

Authority: IC 20-12-76-13

Affected: IC 20-12-76-17; IC 20-12-76-36

Sec. 3. ~~PROCEDURES FOR CLAIM AGAINST SURETY- INSTITUTE/AGENT~~. If a student is not supplied with the agreed upon course of instruction either by reason of failure to keep and maintain the institution in an operating condition, furnishing the course of instruction, or ~~by reason of~~ failure to supply and make available the equipment or facilities necessary to any such course of instruction, the student or his **or her** legally authorized representative may request the commission to file a claim against the institution for reimbursement of a portion or all tuition or other payments made by the student to the institution. Any claim submitted to the commission must contain **the following**:

(A) (1) A statement:

(A) of the facts supporting the claim; or

(B) outlining the problem experienced.

(B) (2) A copy of the contract signed by the student.

(C) (3) Copies of **the following**:

(A) Receipts for cash paid.

(B) Cancelled checks. ~~or~~

(C) Money orders.

(D) (4) Any other material ~~which that~~ substantiates the claim. Upon submission of ~~such the~~ claim, the commission shall attempt to adjust ~~such the~~ claim on an informal basis to the satisfaction of all parties. If the commission is unable to adjust the claim to the satisfaction of all parties using informal procedures, ~~thereupon~~ both the institution and the surety on the bond shall be given not less than twenty (20) days notice and shall be permitted to appear and defend at a formal hearing set on the claim. (*Indiana Commission on Proprietary Education; PT VI, 6.03; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 186; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731*)

SECTION 20. 570 IAC 1-6-4 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-6-4 Payment of claim; procedures against surety

Authority: IC 20-12-76-13

Affected: IC 20-12-76-17; IC 20-12-76-36

Sec. 4. ~~PROCEDURES FOR CLAIM AGAINST SURETY-~~

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~~INSTITUTION/AGENT~~. If, as the result of such formal hearing:

(1) the commission determines that any portion or all of the claim of the student:

(A) is valid; and

(B) should be allowed; and ~~such~~

(2) ~~the~~ claim is not paid or satisfied by the institution within a reasonable time, which shall not be less than ten (10) days; then the surety on the institution's bond ~~or agent's bond~~ shall be billed for the amount of ~~such the~~ claim. (*Indiana Commission on Proprietary Education*; PT VI,6.04; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 187; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 21. 570 IAC 1-6-6 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-6-6 Refunds to students; disbursement; records

Authority: IC 20-12-76-13

Affected: IC 20-12-76-36

Sec. 6. ~~PROCEDURE USED FOR DISBURSING FUNDS TO STUDENTS VIA PAYMENT ON INSTITUTIONAL OR AGENT BOND FROM SURETY~~: (a) The commission, immediately upon notice that bond claim is to be made, obtains a total list of students enrolled during the term of ~~said the~~ bond.

(b) Each student claim on the bond is investigated and verified according to copies of:

(1) cancelled checks;

(2) money orders; or

(3) receipts for cash;

as to the total amount of money paid to the institution by the student.

(c) The amount of refund to each student is determined according to the total amount of the bond being claimed. When the amount of ~~the~~ bond is not sufficient to pay a total refund to each student, the amount to each student is computed on a percentage on the dollar amount of the total paid by each student.

(d) Upon receipt of the total amount of claim from surety, the check will be deposited in the state treasury in an ~~Auditor's~~ **auditor of state's** miscellaneous clearing account for such purposes.

(e) The ~~State~~ **auditor of state** will process each student's claim according to the claim voucher/voucher abstract procedure.

(f) When checks have been prepared for each student by the auditor of state, the checks will be forwarded to the commission ~~for Postsecondary Proprietary Education~~ to be disbursed to each

student.

(g) Upon receipt of the checks from the auditor of state, the amount of each check will be verified as to its correct amount.

(h) The commission will notify each student that his **or her** refund check is prepared. The student will be required to sign a receipt ~~which stated~~ **stating** that he **or she** has received ~~such the~~ refund.

(i) The:

(1) signed receipt;

(2) claim voucher/voucher abstract; and

(3) all materials verifying the amount of the refund;

become a permanent part of that institution's file and part of the ~~Commission for Postsecondary Proprietary Education's~~ **commission's** permanent bookkeeping records. (*Indiana Commission on Proprietary Education*; PT VI,6.06; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 187; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 22. 570 IAC 1-8-3 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-8-3 Prohibited advertising requirements

Authority: IC 20-12-76-13

Affected: IC 20-12-76-30

Sec. 3. ~~ADVERTISING PROHIBITIONS~~: An institution must **do the following**:

~~(A)~~ (1) Use only advertising or promotional literature that is truthful and that does not give any false, misleading, or exaggerated impression with respect to **the following**:

(A) The institution.

(B) Its personnel.

(C) Its courses. ~~and~~

(D) Its services. ~~or~~

(E) The occupational opportunities for its graduates.

~~(B)~~ (2) Not represent directly or by implication that there is a substantial demand for persons completing any of the courses offered by the institution unless the institution has a reasonable basis for the representation documented by competent, objective, and statistically valid data.

~~(C)~~ (3) Clearly indicate in its advertising and promotion that education or occupational training and not employment is being offered.

~~(D)~~ (4) Include its full name and the location of the ~~institution~~ **training** in its advertising and promotion. So-called "blind" advertisements are misleading and may not be used.

~~(E)~~ (5) Use only testimonials that accurately reflect current:

(A) practices of the institution; or ~~current~~

(B) conditions or ~~current~~ employment opportunities in the field.

Such testimonials may be used provided prior consent is obtained and no remuneration or other consideration is made for either the consent or the use of the endorsement.

(Indiana Commission on Proprietary Education; PT VIII,8.03; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 190; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 23. 570 IAC 1-8-4.5 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-8-4.5 Uniform refund policy

Authority: IC 20-12-76-13

Affected: IC 20-12-76-26

Sec. 4.5. If a postsecondary proprietary educational institution utilizes a refund policy of:

- (1) their recognized national accrediting agency; or
- (2) the ~~new~~ United States Department of Education (USDOE) Title IV refund policy enacted by the 1992 Amendments to the Higher Education Act;

the postsecondary proprietary educational institution must provide written verification in the form of a final refund calculation, upon the request of the commission, that its refund policy is, indeed, more favorable to the student than that of the commission's. Postsecondary proprietary educational institutions accredited by a nationally recognized accrediting agency must uniformly apply the commission's tuition refund policy or the refund policy of their recognized accrediting agency, as previously approved by the commission to all first-time students enrolled. Postsecondary proprietary educational institutions using a refund policy other than that of the commission's must list the complete policy and its origination in the institutional catalog and the enrollment agreement. *(Indiana Commission on Proprietary Education; 570 IAC 1-8-4.5; filed Jan 17, 1995, 1:00 p.m.: 18 IR 1476; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)*

SECTION 24. 570 IAC 1-8-5.5 IS ADDED TO READ AS FOLLOWS:

570 IAC 1-8-5.5 Programs consisting of 120 clock hours or less; refunds

Authority: IC 20-12-76-13

Affected: IC 20-12-76-26

Sec. 5.5. The institution shall cancel a student's enrollment upon request of the student. The student's obligation at the time of cancellation will be calculated as follows:

- (1) The postsecondary proprietary educational institution shall pay a refund to the student in the amount calculated:**

- (A) under the refund policy specified in this section; or**
- (B) as otherwise approved by the commission.**

The institution must make the proper refund no later than thirty-one (31) days after the student's request for cancellation or withdrawal.

- (2) The following refund policy applies to each program consisting of one hundred twenty (120) clock hours or less, except as noted in section 4.5 of this rule:**

(A) A student is entitled to a full refund if one (1) or more of the following criteria are met:

- (i) The student cancels the enrollment agreement or enrollment application within six (6) business days after signing.**
- (ii) The student does not meet the postsecondary proprietary educational institution's minimum admission requirements.**
- (iii) The student's enrollment was procured as a result of a misrepresentation in the written materials utilized by the postsecondary proprietary educational institution.**
- (iv) If the student has not visited the postsecondary educational institution before enrollment, and, upon touring the institution or attending the regularly scheduled orientation or classes, or both, the student withdrew from the program within three (3) days.**

(B) A student withdrawing from an instructional program after starting the instructional program at a postsecondary proprietary institution is entitled to a pro rata refund based upon the number of days less an application or enrollment, or both, fee of ten percent (10%) of the total tuition, not to exceed one hundred dollars (\$100).

(C) An institution must make the proper refund as follows:

- (i) Based upon the student's last day of attendance.**
- (ii) Within thirty-one (31) days of the student's request for cancellation or withdrawal.**

(Indiana Commission on Proprietary Education; 570 IAC 1-8-5.5)

SECTION 25. 570 IAC 1-8-7 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-8-7 Approved advertising code

Authority: IC 20-12-76-13

Affected: IC 20-12-76-26

Sec. 7. ~~APPROVED ADVERTISING CODE~~. Upon notification of the institution's award of applicant status, an institution will also receive its approved advertising code. ~~(AC)~~. The advertising code:

- (1) consists of the letters "AC" followed by a four (4) digit number (0000); ~~This code~~**
- (2) will be placed on every television advertisement and newspaper advertisement; ~~and~~**
- (3) will accompany the copy sheet for use on radio, but the ~~code~~ need not be mentioned on the air; ~~The code~~**
- (4) is provided ~~the~~ to news media; and**
- (5) is a deterrent to advertising by institutions not authorized to do business in the state of Indiana.**

(Indiana Commission on Proprietary Education; PT VIII,8.07; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 192; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

Proposed Rules

SECTION 26. 570 IAC 1-9-5 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-9-5 Qualifications for faculty

Authority: IC 20-12-76-13

Affected: IC 20-12-76-26

Sec. 5. ~~FACULTY~~: Unless otherwise noted under 570 IAC 1-10.1, all members of the teaching faculty shall possess the following minimum qualifications:

- ~~(A)~~ (1) A four (4) year degree from an approved institution in the major area they are assigned to teach; or
 - ~~(B)~~ A two (2) year degree from an approved institution in the major area they are assigned to teach; or
 - ~~(C)~~ practical experience of not less than two (2) years in the major area they are assigned to teach. ~~and~~
 - ~~(D)~~ In addition, (2) A knowledge of the educational literature in the field of the methods and the techniques of handling.
- (Indiana Commission on Proprietary Education; PT IX,9.05; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 192; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 27. 570 IAC 1-10.1-4 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-10.1-4 Associate degrees

Authority: IC 20-12-76-13

Affected: IC 20-12-76-26; IC 20-12-76-26

Sec. 4. ~~Associate Degrees~~: (a) An associate degree may be awarded by an accredited institution to a student who has successfully completed an approved course of study comprised of a minimum of:

- ~~(A)~~ 96 (1) ninety (90) quarter hours; ~~or~~
- ~~(B)~~ 64 (2) sixty (60) semester hours; or
- ~~(C)~~ (3) nine hundred sixty (960) clock hours.

~~(+)~~ (b) An associate of applied science This award is conferred upon a student who has successfully completed an approved course of study in a vocational program. The objectives of the program should emphasize the fact that the end result of the training shall be that the graduate possess those job skills required for entry level employment in the specialty. The curriculum shall provide for a minimum of **seventy-five percent (75%)** in the specialty. This requirement applies to the minimum of: 96

- (1) ninety (90) quarter hours; 64
- (2) sixty (60) semester hours; or
- (3) nine hundred sixty (960) clock hours.

This degree does not require the inclusion of general studies courses, but general studies courses may be a part of the program.

~~Additional Standards: Staff~~: The (c) Additional standards for the award of the associate in applied science degree are as follows:

~~(a)~~ (1) One-third (~~1/3~~) of the teaching staff in the program shall hold **at least** a higher degree, master's degree, a first professional degree, baccalaureate degree, plus five (5) years practical experience in the specialty, or **an excess of more than ten (10) years** practical experience in the specialty.

~~(b)~~ (2) Two-thirds (~~2/3~~) of the teaching staff in the program shall maintain **at least one (1) of** the following minimum qualifications:

- ~~(+)~~ (A) A degree relevant to the specialty from an accredited two (2) or four (4) year collegiate institution. ~~or~~
- ~~(2)~~ (B) Five (5) years documented practical experience in the specialty. ~~or~~
- ~~(3)~~ (C) A minimum of two (2) years documented practical experience in the specialty and relevant training in the specialty.

(d) An occupational associate degree is conferred upon a student who has successfully completed an approved course of study in an occupational program. The objectives of the program shall be technical in nature with courses designed to assist students in the application of these skills and the ability to communicate effectively and intelligently in the workplace. The curriculum shall provide for a minimum of seventy-five percent (75%) in the specialty. This requirement applies to the minimum of:

- (1) ninety (90) quarter hours;
- (2) sixty (60) semester hours; or
- (3) nine hundred sixty (960) clock hours.

This degree does not require the inclusion of general studies courses, but general studies courses may be a part of the program.

(e) Additional standards for the award of the occupational associate degree are as follows:

- (1) One-third (~~1/3~~) of the teaching staff in the program shall hold at least a baccalaureate degree, plus five (5) years practical experience in the specialty, or more than ten (10) years practical experience in the specialty.
- (2) Two-thirds (~~2/3~~) of the teaching staff in the program shall maintain at least one (1) of the following minimum qualifications:

- (A) A degree relevant to the specialty from an accredited two (2) or four (4) year collegiate institution.
- (B) Five (5) years documented practical experience in the specialty.
- (C) A minimum of two (2) years documented practical experience and relevant training in the specialty.

~~(2)~~ (f) An associate in arts or associate in science The Associate in Arts or the Associate in Science degree has the same requirements as those specified for the associate degree in general. The intent of the associate in arts or the associate in science degree is that such a degree may be a terminal or a transfer award. The curriculum shall be comprised of a minimum of **fifty percent (50%)** in the specialty. At least **thirty-**

five (35%) of the remaining courses shall be in the liberal arts. This requirement applies to the minimum levels of ~~96 ninety~~ **(90)** quarter, ~~64 sixty~~ **(60)** semester, or **nine hundred sixty** (960) clock hours. Programs of longer duration shall not be required to increase the liberal arts component beyond these minimum requirements.

~~Additional Standards: Staff. The~~ **(g)** Additional standards for the award of the associate in arts or the associate in science degree are **as follows**:

~~(a)~~ **(1)** A minimum of fifty percent **(50%)** of the instructors in the program shall hold a:

- (A)** master's degree; ~~a~~
- (B)** first professional degree; or ~~a~~
- (C)** higher degree.

The remainder shall hold baccalaureate degrees. ~~or~~

~~(b)~~ **(2)** The institution may be evaluated in comparison with similar institutions or programs in the public or private sector of postsecondary education.

(Indiana Commission on Proprietary Education; PTX, 10.04; filed Mar 7, 1979, 3:31 p.m.: 2 IR 475; errata, 6 IR 1938; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 28. 570 IAC 1-10.1-6 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-10.1-6 Advanced degrees

Authority: IC 20-12-76-13

Affected: IC 20-12-76-26

Sec. 6. ~~Advanced Degrees~~. Awards of advanced degrees, such as the:

- (1)** baccalaureate;
- (2)** master's first professional; or
- (3)** doctoral degrees;

shall be treated as an exception. Each request will be thoroughly studied and reviewed by the commission before permission is granted to award such a ~~degree(s)~~ **degree**. Proposed programs will be evaluated by the standards of similar programs in public or private postsecondary institutions. *(Indiana Commission on Proprietary Education; PTX, 10.06; filed Mar 7, 1979, 3:31 p.m.: 2 IR 476; errata, 6 IR 1938; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)*

SECTION 29. 570 IAC 1-11-4 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-11-4 Graduate and withdrawn student records

Authority: IC 20-12-76-13

Affected: IC 20-12-76-26

Sec. 4. ~~STUDENT RECORDS: GRADUATE~~. The institution shall maintain ~~graduate~~ records **on graduated, withdrawn, or dropped students** in an active file for at least five (5) years after ~~graduation~~ **student separation from the institution**. At the end of the five (5) year period, ~~the graduate these~~ records

shall be maintained in an inactive file. The graduate records shall contain all information as detailed in ~~Section 11.03 of the rules and regulations~~ **section 3 of this rule**. In addition, the graduate records shall indicate the following:

- ~~(A)~~ **(1)** Class rank upon graduation.
- ~~(B)~~ **(2)** Job placement given (if job placement assistance is offered by the institution).
- ~~(C)~~ **(3)** Place of employment and job salary after graduation.
- (4) Date of graduation, withdrawal, or drop.**

(Indiana Commission on Proprietary Education; PT XI, 11.04; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 196; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 30. 570 IAC 1-11-8 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-11-8 Receipt for records

Authority: IC 20-12-76-13

Affected: IC 20-12-76-26

Sec. 8. ~~RECORDS RECEIPT~~. The institution from which all records are received will sign two (2) copies of ~~Form RRV01 (7/77)~~ **the record receipt verification form**. One **(1)** copy will be retained by the school, and one **(1)** copy will be placed ~~in~~ **on** file with the commission. *(Indiana Commission on Proprietary Education; PT XI, 11.08; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 196; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)*

SECTION 31. 570 IAC 1-12-1 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-12-1 Financial review of institution

Authority: IC 20-12-76-13

Affected: IC 20-12-76-26; IC 20-12-76-26

Sec. 1. ~~FINANCIAL REVIEW~~. The commission shall review the financial structure each year to determine the financial stability of the institution. Since it is unlikely that each institution will have financial information in a ~~similar~~ **similar** format, the following information shall be provided for the commission's review of the financial status of the institution:

- ~~(A)~~ **(1)** Indicate whether income is reported:
 - (A)** on cash or accrual basis and whether the accounting process has been changed in the last year; **and**
 - (B)** ~~Indicate whether income is reported~~ by calendar ~~of~~ **or** fiscal year or some other basis.

~~(C)~~ **(2)** A copy of the **following**:

(A) Statements of the last two **(2)** business years including the following:

- ~~(1)~~ **(i)** Balance sheet.
- ~~(2)~~ **(ii)** Income statement.
- ~~(3)~~ **(iii)** Cash flow.

~~(D)~~ **A copy of the (B)** Last two (2) years if applicable.

~~(E)~~ **A copy of the (C)** Institution's marketing projections including current estimates.

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(Indiana Commission on Proprietary Education; PT XII, 12.01; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 197; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 32. 570 IAC 1-12-2 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-12-2 Form for review

Authority: IC 20-12-76-13

Affected: IC 20-12-76-26; IC 20-12-76-26

Sec. 2. ~~FINANCIAL REVIEW: ANALYSIS:~~ The commission requests that ~~Form FR-1 (7/77)~~ **a financial review submission sheet** be completed as follows:

(1) Part I. The following current assets:

- (A) Cash in bank.
- (B) Cash on hand.
- (C) Accounts receivable.
- (D) Trade.
- (E) Student.
- (F) Officers, directors, and stockholders.
- (G) Notes receivable, investments - short term.
- (H) Prepaid expenses (itemize).
- (I) Inventories.
- (J) Installments receivable.

(2) Part II. The following fixed assets:

- (A) The following equipment:**
- (i) Leased.
 - (ii) Rented.
 - (iii) Owned.
- (B) Accumulated depreciation - equipment.**
- (C) Land.**
- (D) Buildings and structures.**
- (E) Purchase price - when acquired.**
- (F) Accumulated depreciation - buildings.**
- (G) Investments - long term.**
- (H) Goodwill.**
- (I) Installments receivable.**

(3) Part III. The following current liabilities:

- (A) The following notes payable:**
- (i) Bank.
 - (ii) Trade creditors.
 - (iii) Other (itemize).
- (B) Accounts payable (itemize).**
- (C) Deferred income - student.**
- (D) Advance from officers, directors, and stockholders.**

(4) Part IV. The following long term liabilities:

- (A) Bonds payable.
- (B) Loans payable.
- (C) Dividends payable.
- (D) Lease obligations (itemize).

(5) Part V. Equity/Capital Equity, capital, and income from the following:

- (A) Tuition.
- (B) Sale of ~~Book~~ books.

(C) Sale of supplies.

(D) Miscellaneous.

(E) Interest. ~~income:~~

(F) Endowments, grants, and gifts.

(6) Part VI. The following expenses:

(A) The following wages and salaries:

(i) Administrative.

(ii) Staff.

(iii) Other.

(B) Commission evaluation expense.

(C) Operating expenses (itemize).

(Indiana Commission on Proprietary Education; PT XII, 12.02; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 197; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 33. 570 IAC 1-13-1 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-13-1 Extension learning sites; in-state institutions

Authority: IC 20-12-76-13

Affected: IC 20-12-76-16

Sec. 1. ~~EXTENSION CENTER = INDIANA INSTITUTIONS:~~ If an institution located within Indiana wishes to establish ~~an extension center or a new site for offering instruction, in another county of the state it shall then do the following:~~

~~(A) (1) Before advertising or recruiting for the learning site to the public, notify the commission by letter of the following:~~

~~(1) Proposed (A) The designated location.~~

~~(2) (B) The course or courses to be offered.~~

~~(3) (C) The cost of the course or courses.~~

~~(4) (D) The number of proposed staff and faculty. to be utilized.~~

~~(B) (2) Submit an the following:~~

~~(A) The appropriate application fee. of one hundred dollars (\$100.00).~~

~~(C) Submit (B) The necessary papers for new agents. and~~

~~(C) The twenty dollars (\$20.00) per appropriate agent fee.~~

~~(D) The required fire inspection by the local or township fire department pertaining to the facility, or portion thereof, to be used.~~

(Indiana Commission on Proprietary Education; PT XIII, 13.01; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 198; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 34. 570 IAC 1-13-2 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-13-2 Learning sites; out-of-state institutions

Authority: IC 20-12-76-13

Affected: IC 20-12-76-16

Sec. 2. ~~EXTENSION CENTER = OUT OF STATE SCHOOLS:~~ If an institution with an approved status with the

commission and domiciled in another state wishes to establish an ~~extension center~~ **a learning site** in Indiana for the offering of a course or courses of instruction, it shall ~~then~~ do the following:

- ~~(A)~~ **(1)** Notify the commission by letter of the following:
 - ~~(1)~~ **(A)** The designated location.
 - ~~(2)~~ **(B)** The course or courses to be offered.
 - ~~(3)~~ **(C)** The cost of the course or courses.
 - ~~(4)~~ **(D)** The number of proposed staff and faculty. to be utilized.
- ~~(B)~~ **(2)** Submit ~~an~~ the following:
 - (A)** The appropriate application fee. of one hundred dollars (\$100.00).
 - ~~(C)~~ Submit **(B)** The necessary papers for new agents. and
 - (C)** The twenty dollars (\$20.00) per agent appropriate fee (if not already licensed as agents for the parent campus).
 - (D)** The required fire inspection by the local or township fire department pertaining to the facility, or portion thereof, to be used.

~~(D)~~ An out of state institution which wishes to establish an extension in the State of Indiana, and has intentions to only solicit for the proposed extension, shall be placed on Applicant Status for eleven months to allow time for the completion of the onsite evaluation at the extension location.

(Indiana Commission on Proprietary Education; PT XIII, 13.02; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 199; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 35. 570 IAC 1-13-3 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-13-3 Requirements for branch campuses

Authority: IC 20-12-76-13
Affected: IC 20-12-76-26

Sec. 3. ~~EXTENSION CENTER - GENERAL:~~ **(a)** When an institution has submitted all forms and fees, it shall be placed on an applicant status. This status shall be for a period of time not less than sixty (60) days nor more than ~~four (4)~~ **eleven (11)** months.

(A) Following the evaluation, and after the extension and out of state institution has met all the Commission requirements, the in-state extension will continue compliance to these Rules and Regulations, while the Applicant Status of the Main Facility located out of state will be allowed to expire, and that institution will not be required to undergo further requirements of renewal. The fifth year of Fully Accredited Status, the out of state school and extension will be subject to the entire evaluation process again.

(b) A branch campus shall be subject to the same rules and expectations of an in-state institution as defined in this title.

~~(B)~~ **(c)** The ~~institution~~ **branch campus** shall use **on all advertisements** the advertising code, **for example**, AC-0000, originally assigned by the commission. ~~on all advertisements for the new extension center.~~

(C) The institution shall list the city and location of the new extension and the institution's name in all advertising. It shall appear in the form shown in the examples below:

~~"Indianapolis Center of Haywood Business College"~~
~~"Marion Center of Brim College."~~

(Indiana Commission on Proprietary Education; PT XIII, 13.03; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 199; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)

SECTION 36. 570 IAC 1-13-4 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-13-4 Rules applicable to branch campuses

Authority: IC 20-12-76-13
Affected: IC 20-12-76-26

Sec. 4. ~~EXTENSION CENTER - EVALUATION/RENEWAL:~~
All rules and regulations shall apply to each ~~extension center~~ **branch campus** in the same ~~fashion~~ **manner** as they apply to the main campus of the institution. *(Indiana Commission on Proprietary Education; PT XIII, 13.04; filed Feb 6, 1978, 4:30 p.m.: Rules and Regs. 1979, p. 199; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731)*

SECTION 37. 570 IAC 1-14-2 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-14-2 Claim criteria

Authority: IC 20-12-76-13
Affected: IC 20-12-76-17

Sec. 2. The fund is established to provide compensation to a student or enrollee of a postsecondary educational institution who suffers a loss or damage as a result of **any of the following**:

(1) The failure or neglect of the postsecondary proprietary educational institution to **do the following**:

(A) Faithfully perform all agreements, express or otherwise, with the:

- (i)** student;
- (ii)** enrollee;
- (iii)** one (1) or both of the parents of the student or enrollee; or a
- (iv)** guardian of the student or enrollee;

as represented by the application for the accreditation and the materials submitted in support of that application.

~~(2) the failure or neglect of the postsecondary proprietary educational institution to~~ **(B)** Maintain and operate a course or courses of instruction or study in compliance with the standards of ~~IC 20-1-19; IC 20-12-76. or~~

~~(3)~~ **(2)** An agent's misrepresentation in procuring the student's enrollment.

(Indiana Commission on Proprietary Education; 570 IAC 1-14-

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2; filed May 15, 2003, 10:30 a.m.: 26 IR 3339)

SECTION 38. 570 IAC 1-14-3 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-14-3 Fund contributions

Authority: IC 20-12-76-13

Affected: IC 20-12-76-21

Sec. 3. (a) The proper amount of a postsecondary educational institution's fund contribution shall be calculated in accordance with ~~IC 20-1-19-8.3~~ **IC 20-12-76-21**.

(b) Upon receipt of a contribution from a school to the fund, the check shall be deposited into the fund within twenty-four (24) hours of receipt.

(c) Money in the fund not currently needed will be invested by the treasurer of the state.

(d) The treasurer of the state shall invest the money in a manner similar to the investment of other public funds.

(e) Any gains made from fund investments shall also be deposited into the fund.

(f) Fund proceeds do not revert into the ~~state general state~~ fund. (*Indiana Commission on Proprietary Education*; 570 IAC 1-14-3; filed May 15, 2003, 10:30 a.m.: 26 IR 3339)

SECTION 39. 570 IAC 1-14-4 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-14-4 Quarterly contributions

Authority: IC 20-12-76-13

Affected: IC 20-12-76-21; IC 20-12-76-21

Sec. 4. Each postsecondary proprietary institution shall make quarterly contributions to the fund in compliance with ~~IC 20-1-19-8.3~~ **IC 20-12-76-21**. As used in ~~IC 20-1-19-8.3~~ **IC 20-12-76-21**, "aggregate amount of tuition and fees" means gross income before:

- (1) depreciation;
- (2) taxes; or
- (3) amortization;

less any student refunds required by this rule or by student contract. (*Indiana Commission on Proprietary Education*; 570 IAC 1-14-4; filed May 15, 2003, 10:30 a.m.: 26 IR 3339)

SECTION 40. 570 IAC 1-14-10 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-14-10 Investigation, hearing, and payment of allowed claims

Authority: IC 20-12-76-13

Affected: IC 4-21.5; IC 20-12-76-17; IC 20-12-76-20

Sec. 10. After the filing of a claim, the commission shall

conduct an investigation. Commission staff will try to resolve the complaint to the satisfaction of all parties through an informal investigation. An investigation into a student or enrollee's claim will be made by commission staff through the following process:

(1) After reviewing a student or enrollee's complaint, commission staff shall then contact the postsecondary educational institution.

(2) The postsecondary educational institution shall respond in writing to the student or enrollee's complaint and commission staff inquiry within two (2) weeks of receipt of the complaint.

(3) If, after the postsecondary educational institution has responded to the inquiry, the claim cannot be resolved satisfactorily on an informal basis, either party may request a hearing.

(4) If a hearing is requested, the student or enrollee or the postsecondary educational institution shall be given not less than twenty (20) days' notice. Each party shall be permitted to appear and defend at a formal hearing set on the claim.

(5) If it is determined by the commission, either through an informal investigation or a request for formal hearing, that a claim is valid, the commission shall **do the following**:

(A) Determine the amount of the allowed claim. ~~and~~

(B) Notify the institution of the fact of the claim allowance. If the claim is disallowed in whole or in part, the student shall be notified of the disallowance.

(6) If, after ~~such the~~ formal hearing and adjudication of ~~such the~~ claim by the commission, any party to the proceedings desires to appeal therefrom, ~~such the~~ appeal shall be prosecuted under the provisions of the Indiana Administrative Adjudication Act (IC 4-21.5).

(7) A disbursement from the fund shall be paid to a student or enrollee within thirty (30) days from the date the determination is made.

(8) In the event the claim is not paid or satisfied within a reasonable time, the claim shall be paid by disbursement from the fund.

(9) **An institution's failure or refusal to pay a student refund claim that is determined as valid by the commission may be construed as a violation of the refund adherence standard set forth in IC 20-12-76-25(7).**

(*Indiana Commission on Proprietary Education*; 570 IAC 1-14-10; filed May 15, 2003, 10:30 a.m.: 26 IR 3340)

SECTION 41. 570 IAC 1-14-11 IS AMENDED TO READ AS FOLLOWS:

570 IAC 1-14-11 Rights of commission to proceed against institution

Authority: IC 20-12-76-13

Affected: IC 20-12-76-20

Sec. 11. If a claim is paid out of the fund, the commission shall make all reasonable efforts to collect the amount of the

paid claim from the institution **or its operator or operators** against whom the claim was made. These efforts may include, where appropriate, **either of the following**:

- (1) Commencing civil action on behalf of the state against the institution **or its operator or operators** in the county of its principal place of business.
- (2) **Requesting that the office of the attorney general take all reasonable and appropriate steps to collect the amount paid.**

Any amounts recovered as a result of these efforts shall be returned to the fund. (*Indiana Commission on Proprietary Education; 570 IAC 1-14-11; filed May 15, 2003, 10:30 a.m.: 26 IR 3340*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 26, 2005 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 14, Indianapolis, Indiana the Indiana Commission on Proprietary Education will hold a public hearing on proposed amendments to 570 IAC.

This proposed rule does not impose any requirement or costs on a regulated entity not expressly required by state or federal law.

Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E201 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Jeff Weber
Commissioner
Indiana Commission on Proprietary Education

TITLE 760 DEPARTMENT OF INSURANCE

Proposed Rule

LSA Document #05-75

DIGEST

Amends 760 IAC 1-68 regarding the requirements for financial statements, net worth, applications, board of directors, open enrollment, place of business, stop loss coverage, benefits, and renewal of a registration as well as the general requirements for limited service multiple employer welfare arrangements. Effective 30 days after filing with the Secretary of State.

760 IAC 1-68-1	760 IAC 1-68-8
760 IAC 1-68-2	760 IAC 1-68-9
760 IAC 1-68-4	760 IAC 1-68-10
760 IAC 1-68-6	

SECTION 1. 760 IAC 1-68-1 IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-68-1 Definitions

Authority: IC 27-1-34-9

Affected: IC 27-1-34-1; IC 27-16-2-13

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

(1) **“Affiliate of” or “affiliated with”, a specific person, means a person that directly, or indirectly through one (1) or more intermediaries:**

- (A) controls;
- (B) is controlled by; or
- (C) is under common control with;

the person specified.

(+) (2) **“Commissioner”** means the commissioner of the Indiana department of insurance.

(-) (3) **“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)).

(-) (4) **“Department”** means the Indiana department of insurance.

(+) (5) **“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:

- (A) contributed capital;
- (B) retained earnings; and
- (C) subordinated debt.

(-) (6) **“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.

(+) (7) **“Multiple employer welfare arrangement” or “MEWA”** has the meaning set forth in IC 27-1-34-1. **The term does not include a professional employer organization as defined by IC 27-16-1-13 and registered under IC 27-16.**

(-) (8) **“Participant criteria”** means any criteria or rules

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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)~~ **(9)** "Participation agreement" means the document pursuant to which an employer undertakes and agrees to fulfill obligations as a member of the MEWA.

~~(9)~~ **(10)** "Qualified actuary" means an actuary who:

(A) is not an employee of the MEWA; and

(B) is:

(i) a fellow of the Society of Actuaries;

(ii) a member of the American Academy of Actuaries; or

(iii) an enrolled actuary under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001, et seq.).

~~(10)~~ **(11)** "Qualified financial institution" means an institution that:

(A) 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~~

(B) has been granted authority to operate with fiduciary powers; and

(C) 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)

SECTION 2. 760 IAC 1-68-2 IS AMENDED TO READ AS FOLLOWS:

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; IC 27-16-2-13

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~~ **Audited** 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:

(A) 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~~

(B) applicant is exempt from the Employee Retirement Income Security Act of 1974 including the basis for the asserted exemption.

(7) Copies of the **following**:

(A) Plan documents. ~~and~~

(B) Evidence of coverage.

(C) Organizational chart illustrating all entities affiliated with the MEWA.

(D) 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. **Biographical affidavits shall be submitted on the form prescribed by the National Association of Insurance Commissioners for insurers for the following:**

(i) The members of the board of trustees or directors, as applicable.

(ii) All other persons with decision making authority for 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:

(1) examine the application and documents submitted by the applicant; and ~~shall~~

(2) have the power to:

(A) conduct any investigation the commissioner may deem necessary; and ~~to~~

(B) 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~~ **before** engaging in any activities relating to the provision of employee health benefits to its members.

(2) The MEWA must be:

(A) controlled and sponsored directly by participating employers or participating employees, or both; ~~The MEWA must be and~~

(B) operated pursuant to a trust agreement by a board of trustees that:

- (i) has complete fiscal control over the MEWA; and ~~that~~
- (ii) 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:

- (A) within its own organization adequate facilities and competent personnel, as determined by the commissioner, to service the employee benefit plan; or ~~must have~~
- (B) 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~~ **fewer** than two (2) employers and plan to provide similar benefits for not ~~less~~ **fewer** 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, **other than a dental or vision, or both, only 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 **the following**:

- (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~~ **not** 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 **do the following**:

(A) Establish a procedure acceptable to the commissioner for **the following**:

- ~~(A)~~ (i) Handling claims for benefits in the event of dissolution of the MEWA. ~~and~~
- ~~(B)~~ (ii) The routine handling of claims.

~~(10)~~ ~~The MEWA must~~ (B) Obtain the required bond.

~~(11)~~ ~~The MEWA must~~ (C) Be operated in accordance with sound actuarial principles.

~~(12)~~ (10) All funds of the MEWA must be held in trust in the name of the MEWA in a qualified financial institution.

~~(13)~~ (11) 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~~ **under** 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) or attest in writing that there were no material changes to the information previously submitted under section 2(b).~~

~~(g)~~ (f) 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.

(g) A professional employer organization as defined by IC 27-16-2-13 that maintains a self-funded health benefit plan

that was registered under this rule as MEWA on July 1, 2005, and continues to comply with the provisions is deemed to be in compliance with IC 27-16 regarding its self-insured health benefit plan until the effective date of rules adopted by the commissioner regarding professional employer organizations under IC 27-16. (*Department of Insurance; 760 IAC 1-68-2; filed Apr 15, 2003, 2:20 p.m.; 26 IR 3036*)

SECTION 3. 760 IAC 1-68-4 IS AMENDED TO READ AS FOLLOWS:

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:

- (1) 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~~
- (2) shall accept or reject the entire group of individuals who meet the participation criteria and who choose coverage; ~~The MEWA and~~
- (3) 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:

- (1) meets the participating employer criteria; and ~~who~~
- (2) employs two (2) to fifty (50) employees;

unless the MEWA has adopted a resolution closing enrollment for a period of not less than two (2) years.

(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:

- (1) meets the participation criteria; and ~~who~~
- (2) 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:

- (1) an employee who meets the participation criteria; or
- (2) 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 as follows:

- (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 this time periods.~~ **period.**

(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~~ **an insured**. The coverage shall:

- (1) consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities; ~~Coverage shall and~~
- (2) 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:

- (A) physician licensed under IC 25-22.5; or ~~a~~
- (B) 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:

- (A) at least fifty (50) years of age; or ~~is~~
- (B) 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:

- (A) fifty (50) years of age; or

(B) 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:

- (A) custodial parent; ~~the~~
- (B) provider of the medical services; or ~~the~~
- (C) 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:

- (i) the child's custodial parent;
- (ii) the office of Medicaid policy and planning; or
- (iii) 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:

- (i) court order or administrative order is no longer in effect; or ~~the~~
- (ii) 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*)

SECTION 4. 760 IAC 1-68-6 IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-68-6 Premium rates

Authority: IC 27-1-34-9

Affected: IC 27-1-34

Proposed Rules

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, except for bona fide wellness programs as permitted under the Health Insurance Portability and Accountability Act of 1996.~~ (Department of Insurance; 760 IAC 1-68-6; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3040)

SECTION 5. 760 IAC 1-68-8 IS AMENDED TO READ AS FOLLOWS:

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 license~~ 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)

SECTION 6. 760 IAC 1-68-9 IS AMENDED TO READ AS FOLLOWS:

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; each year not later than February 15, May 15, August 15, and November 15:~~

(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 **the following:**

(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.

If the information submitted is acceptable to the department, the MEWA registration will be renewed. If the information submitted is not acceptable to the department, the MEWA will receive a written statement of the department's concerns. The registration will be placed on a probationary status for six (6) months in order for the MEWA to correct the deficiencies, or the registration will be terminated.

(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)

SECTION 7. 760 IAC 1-68-10 IS AMENDED TO READ AS FOLLOWS:

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). **A MEWA that provides coverage for dental or vision, or both, services only shall maintain a minimum fund balance of one hundred fifty thousand dollars (\$150,000).** (Department of Insurance; 760 IAC 1-68-10; filed Apr 15, 2003, 2:20 p.m.: 26 IR 3041)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 1, 2005 at 10:00 a.m., at the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana the Department of Insurance will hold a public hearing on a proposed rule to amend 760 IAC 1-68 on multiple employer welfare arrangements in regards to financial statements, net worth, applications, board of directors, open enrollment, place

of business, stop loss coverage, benefits, and renewal of a registration as well as the general requirements for limited service multiple employer welfare arrangements.

The proposed amendment affects small employers that have created a multiple employer welfare arrangement (MEWA) and have chosen to self-insure their health insurance plan. Currently, there are 13 registered MEWAs. Some of the covered employers are small businesses as defined by IC 4-22-2.1-4. The industries affected are health care providers and retail establishments. The estimated cost to the MEWA is \$5,000 annually. Solvency of health insurance plans is vital. A financial failure of MEWA would have a significant negative impact on the small employers and their employees. Audited financial statements are a generally accepted tool for verifying financial status of risk bearing entities.

Copies are available on the Department of Insurance's Web site at www.state.in.us/idoi.

Copies of these rules are now on file at the Department of Insurance, 311 West Washington Street, Suite 300 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Jim Atterholt
Commissioner
Department of Insurance

TITLE 848 INDIANA STATE BOARD OF NURSING

Proposed Rule LSA Document #05-2

DIGEST

Adds 848 IAC 7 concerning the requirements for a program for the rehabilitation of impaired registered nurses or impaired licensed practical nurses and requirements for participation in a program for the rehabilitation of impaired registered nurses or licensed practical nurses. Effective 30 days after filing with the Secretary of State.

848 IAC 7

SECTION 1. 848 IAC 7 IS ADDED TO READ AS FOLLOWS:

ARTICLE 7. INDIANA STATE NURSES ASSISTANCE PROGRAM

Rule 1. General Provisions

848 IAC 7-1-1 Definitions

Authority: IC 25-23-1-7

Affected: IC 25-23-1-1.1; IC 25-23-1-1.2; IC 25-23-1-31

Sec. 1. The following definitions apply throughout this

article:

- (1) "Board" means the Indiana state board of nursing.
 - (2) "Indiana State Nurses Assistance Program" or "ISNAP" means an abstinence based program for the rehabilitation and monitoring of:
 - (A) impaired registered nurses; or
 - (B) licensed practical nurses;
 that have been affected by the personal use or abuse of alcohol or other drugs.
 - (3) "IPLA" means the Indiana professional licensing agency.
 - (4) "Nurse" means either of the following:
 - (A) A registered nurse as defined in IC 25-23-1-1.1.
 - (B) A licensed practical nurse as defined in IC 25-23-1-1.2.
 - (5) "Recovery monitoring agreement" or "RMA" means the written document establishing the terms for an individual registered nurse's or licensed practical nurse's participation in the abstinence based rehabilitation monitoring program.
 - (6) "Treatment program" means an abstinence based program or facility that is accredited by any of the following:
 - (A) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO).
 - (B) Other appropriate agencies that accredit addiction treatment programs, including, but not limited to, the following:
 - (i) The Commission on Accreditation for Rehabilitation Facilities (CARF).
 - (ii) The Council on Accreditation of Services for Families and Children (COA).
 - (iii) The Health Facilities Accreditation Program (HFAP).
 - (iv) The Indiana Family and Social Services Administration (FSSA).
 - (v) The Indiana State Department of Health (ISDH).
- (Indiana State Board of Nursing; 848 IAC 7-1-1)

848 IAC 7-1-2 Eligibility

Authority: IC 25-23-1-7

Affected: IC 25-23-1-31

Sec. 2. (a) A nurse who has been affected by the personal use or abuse of alcohol or other drugs is eligible for participation in ISNAP if the nurse:

- (1) is licensed by the board;
- (2) has:
 - (A) applied for:
 - (i) licensure by examination;
 - (ii) licensure by endorsement; or
 - (iii) reinstatement of a lapsed license; or
 - (B) submitted a renewal application.

(b) In order to participate in ISNAP, the nurse must sign an abstinence based RMA with ISNAP. Failure to comply

with the terms of the RMA may subject the nurse to termination from participation in ISNAP.

(c) A nurse shall maintain an active Indiana nursing license to be and to remain eligible for participation in ISNAP. A nurse who allows the nurse's license to lapse while enrolled in ISNAP shall be terminated from participation in ISNAP until the nurse's license is renewed. A nurse whose license is revoked may no longer participate in ISNAP at the expense of the state of Indiana.

(d) A nurse who holds:

- (1) an Indiana nursing license; and
- (2) a nursing license in another state;

but practices in another state shall be monitored by the state in which the nurse practices if the other state has a monitoring program.

(e) If a nurse is being monitored by another state's program, the nurse shall be responsible for causing the monitoring program in the other state to submit copies of that program's monitoring reports to the board and adherence information requested if the nurse has had disciplinary action imposed on the nurse's license by the Indiana board.

(f) A nurse who practices in another state that does not have a monitoring program is eligible for monitoring by ISNAP if the nurse maintains an active Indiana license.

(g) A nurse who signs an RMA with ISNAP and begins practicing in another state shall be monitored by the other state unless the other state does not have a monitoring program. (*Indiana State Board of Nursing; 848 IAC 7-1-2*)

848 IAC 7-1-3 Recovery monitoring agreement requirements for participants

Authority: IC 25-23-1-7

Affected: IC 25-23-1-31

Sec. 3. (a) A nurse participating in ISNAP must execute and abide by the terms of an RMA. The RMA shall identify the requirements and responsibilities of the parties to the agreement.

(b) The RMA shall include, but is not limited to, the following:

- (1) The length of time the nurse shall participate in ISNAP.
- (2) The abstinence based treatment plan to be followed by the nurse.
- (3) The consequences of failure to comply with the abstinence based treatment plan or other terms of the RMA.
- (4) The restrictions placed on the nurse's activities regarding the practice of nursing and the duration of

such restrictions.

(5) The requirements for monitoring and supervision that must be met by the nurse.

(6) A statement that will allow the IPLA and the board to do the following:

(A) Review the nurse's file for compliance with the RMA.

(B) Audit the services provided by ISNAP.

(7) The releases for seeking information or records related to the nurse's impairment from the following:

(A) Family.

(B) Peers.

(C) Medical personnel.

(D) Employers.

(E) Treatment providers.

(8) A statement that costs accruing to the nurse, including, but not limited to, treatment and body fluid screens, shall:

(A) be the responsibility of the nurse; and

(B) not be the responsibility of ISNAP.

(9) The fee to be assessed to the nurse for participation in the program, including the following:

(A) The fee assessed for all participants, if any.

(B) An additional fee that may be assessed if the nurse is terminated or otherwise released from the program and then readmitted.

(C) An additional fee that may be assessed if the length of the nurse's RMA is extended.

(10) Any other information related to the rehabilitation and monitoring of the nurse.

(*Indiana State Board of Nursing; 848 IAC 7-1-3*)

848 IAC 7-1-4 Recovery monitoring agreement requirements; length of agreement

Authority: IC 25-23-1-7

Affected: IC 25-23-1-31

Sec. 4. (a) The RMA will last a minimum of three (3) years, except as provided in subsections (b) and (c). The requirements for monitoring will be:

(1) more stringent in the first two (2) years; and

(2) eased in the third year if the nurse's recovery is progressing well.

(b) Relapses and other failures to comply with the terms of the RMA may result in a longer period of monitoring. As appropriate, an addendum to the RMA may be initiated by ISNAP. However, the monitoring program shall not exceed five (5) years, except in case of extenuating circumstances. Participation in the monitoring program beyond the five (5) year maximum must receive preauthorization from the board.

(c) Mitigating factors including, but not limited to, the following may be taken into consideration by ISNAP in determining the length of an individual nurse's participation in the program and may cause the RMA to last less

than three (3) years:

- (1) Time spent in a treatment facility or treatment program before executing the RMA.
- (2) Documented sobriety or recovery before executing the RMA.
- (3) The severity of the nurse's use or abuse of alcohol or other drugs.

(Indiana State Board of Nursing; 848 IAC 7-1-4)

848 IAC 7-1-5 Recovery monitoring agreement requirements; voluntary and involuntary referrals

Authority: IC 25-23-1-7

Affected: IC 25-23-1-31

Sec. 5. (a) An impaired nurse may enter the rehabilitation and monitoring program either by voluntary referral or by involuntary referral.

(b) If the nurse contacts ISNAP voluntarily:

- (1) the rehabilitation monitoring program shall be explained by ISNAP; and
- (2) an appointment shall be scheduled for an initial screening.

(c) A nurse may enter the rehabilitation monitoring program by an involuntary referral if:

- (1) the rehabilitation monitoring program is contacted by:
 - (A) individuals;
 - (B) supervisors; or
 - (C) professional organizations;
 regarding the nurse in need of assistance; or
- (2) a nurse is referred to the rehabilitation monitoring program by order of the board.

If a nurse is involuntarily referred under subdivision (1), ISNAP shall assist in developing individual strategies, including techniques for intervention to arrange a referral to the program.

(d) If the nurse does not agree to participate in the program by voluntary or involuntary referral, a written complaint shall be filed by ISNAP with the consumer protection division of the office of the attorney general.

(Indiana State Board of Nursing; 848 IAC 7-1-5)

848 IAC 7-1-6 Recovery monitoring agreement requirements; additional program requirements

Authority: IC 25-23-1-7

Affected: IC 16-39; IC 25-23-1-31

Sec. 6. (a) ISNAP shall monitor each nurse's participation in the rehabilitation monitoring program for compliance with the program.

(b) The treatment plan referenced in the RMA must be abstinence based.

(c) Monitoring shall include the following, as each applies to the individual nurse's treatment plan:

- (1) Treatment and therapy:
 - (A) recommendations; and
 - (B) participation; including aftercare.
- (2) Participation in an abstinence based support group.
- (3) Professional support group participation.
- (4) Work activities, including the following:
 - (A) Return-to-work issues for all participants.
 - (B) Ongoing monitoring of work performance and compliance with restrictions or limitations imposed by the program contract or the board.
- (5) Random drug testing.
- (6) A determination by ISNAP whether or not the nurse shall be terminated from participation in the program for failure to comply with program requirements.

(d) In addition to subsection (a), ISNAP may monitor each nurse for compliance in family treatment and special treatment, including, but not limited to, the following if those treatments are included in the individual nurse's treatment plan:

- (1) Pain management.
- (2) Psychiatric treatment.
- (3) Psychological treatment.

(e) ISNAP:

- (1) shall report to the board the name and license number of a nurse that has failed to comply with the provisions of the rehabilitation and monitoring program and the circumstances surrounding the failure to comply; and
- (2) may release information to the board or to the consumer protection division of the office of the attorney general in compliance with:
 - (A) IC 25-23-1-31; and
 - (B) all applicable state and federal confidentiality laws and regulations.

(f) ISNAP shall, upon the written request of the nurse, purge participant records provided that no additional occurrences of alcohol or other drug-related violations have been reported to the board over a period of seven (7) years from the nurse's last use of alcohol or other drugs under IC 16-39. ISNAP may purge records after seven (7) years as provided for in IC 16-39.

(g) After a nurse has completed the RMA period, upon the nurse's request, the nurse will be permitted to voluntarily sign a subsequent agreement for an additional period of time. The nurse is directly responsible for the cost of all monitoring conducted by ISNAP. The cost of monitoring of these individuals shall not be assessed to the board. *(Indiana State Board of Nursing; 848 IAC 7-1-6)*

Proposed Rules

848 IAC 7-1-7 Violations

Authority: IC 25-23-1-7

Affected: IC 25-1-9; IC 25-23-1-31

Sec. 7. A nurse's failure to:

- (1) comply with the program requirements that result in the termination of that nurse's participation in ISNAP; or
- (2) sign an RMA;

will subject the nurse to discipline under IC 25-1-9. (Indiana State Board of Nursing; 848 IAC 7-1-7)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 17, 2005 at 8:45 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Indiana State Board of Nursing will hold a public hearing on proposed new rules concerning the requirements for a program for the rehabilitation of impaired registered nurses or impaired licensed practical nurses and requirements for participation in a program for the rehabilitation of impaired registered nurses or licensed practical nurses.

The State Board of Nursing is required by IC 25-23-1-31 to assist in the rehabilitation of impaired registered nurses or impaired licensed practical nurses that have been affected by the use or abuse of alcohol or other drugs. The Indiana State Nurses Assistance Program (ISNAP), which was created as a result of IC 25-23-1-31, is funded by the impaired nurses' account created by IC 25-23-1-34. This proposed rule serves to formalize the requirements for participation in the program. The proposed rules will not change current procedures or generate any revenue for the state. The proposed rules clarify the amount of time a nurse may participate in the program. The proposed rules will have no fiscal impact as the expenditures for operations are limited by the amount of funds in the impaired nurses' account. This proposed rule will have no cost on the regulated entities.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

TITLE 856 INDIANA BOARD OF PHARMACY

Proposed Rule

LSA Document #05-139

DIGEST

Adds 856 IAC 1-39 to implement rules based on Senate Enrolled Act 206 (P.L.122-2005) to establish the definitions,

requirements for the licensure of home medical equipment services providers, license renewal requirements, fees including fees for the application, issuance, and renewal of license, and standards regarding the safety and quality of home medical equipment services. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Businesses Subject to This Rule:

Industry Sector 532291 Home Health Equipment Rental

Industry Sector 621610 Home Health Care Services

The Indiana Board of Pharmacy ("Board") estimates that some small businesses will be directly affected by this rule. The Indiana Board of Pharmacy has the authority to promulgate rules in accordance with the requirements of SEA 206 (P.L.122-2005), including specifying which home medical equipment is to be regulated; setting standards for licensure of providers; specifying the governing safety and quality of home medical equipment services that are to be provided to customers; specifying the amount of insurance coverage; and setting reasonable fees for the application, issuance, and renewal of a license. The proposed rule is needed as a matter of consumer protection to assure that the citizens of Indiana are receiving Home Medical Equipment Services from qualified, established providers. The technological advances in HME services demands there be some method for the state to verify that providers of such service are competent and available for education, service, and repair. This will, also, provide another avenue for the government to control fraud and abuse. This proposed rule will have the following cost on the regulated entities:

- There are approximately 300 home medical equipment service providers × \$150 issuance fee = \$45,000.
- There are approximately 300 of home medical equipment service providers × \$200 renewal = \$60,000.
- The cost of insurance coverage home medical equipment service providers are required to obtain and maintain = \$300,000. However, this is a requirement for Medicare, not specifically for this rule. The Board is incorporating the Medicare requirements into our rule.

Estimated Average Annual Administrative Costs That Small Businesses Will Incur:

The Board estimates that there will be no annual reporting, record keeping, or administrative costs incurred by small businesses to comply with this rule.

Estimated Total Annual Economic Impact on Small Businesses:

The Board estimates that there will be an impact on small businesses as a result of compliance with this rule.

- Justification of Requirements or Costs on Small Businesses Where Rule Is Not Expressly Required by Law: There are compliance costs on small business because home medical equipment service providers will be required to obtain and

maintain liability insurance. The requirements on small business is justified as a matter of consumer protection to assure that the citizens of Indiana are receiving home medical equipment services from qualified, established providers. The technological advances in home medical equipment services demands there be some method for the state to verify that providers of such service are competent and available for education, service, and repair. This will, also, provide another avenue for the government to control fraud and abuse.

- Supporting Data, Studies, or Analyses: The Board has relied on information provided by the Association of Indiana Home Medical Equipment Services.

Regulatory Flexibility Analysis of Alternative Methods:

The new proposed rule found in this proposed rule was mandated by P.L.122-2005 (SEA 206-2005); therefore, the Board has not analyzed alternatives to this proposed rule.

- Explanation of Preliminary Determination: The General Assembly required the Board to enact and establish these rules, and thus the Board did not explore alternative measures.
- Supporting Data, Studies, or Analyses: The Board did not rely on any studies in its decision not to employ alternatives to rulemaking.

856 IAC 1-39

SECTION 1. 856 IAC 1-39 IS ADDED TO READ AS FOLLOWS:

Rule 39. Home Medical Equipment Service Providers

856 IAC 1-39-1 “Board” defined

Authority: IC 25-26-21-7
Affected: IC 25-26-21-1

Sec. 1. As used in this rule, “board” has the meaning set forth in IC 25-26-21-1. (*Indiana Board of Pharmacy; 856 IAC 1-39-1*)

856 IAC 1-39-2 “DMEPOS” defined

Authority: IC 25-26-21-7
Affected: IC 25-26-21

Sec. 2. As used in this rule, “DMEPOS” means durable medical equipment, prosthetics, orthotics, and supplies. (*Indiana Board of Pharmacy; 856 IAC 1-39-2*)

856 IAC 1-39-3 “Home medical equipment” defined

Authority: IC 25-26-21-7
Affected: IC 25-26-21-2

Sec. 3. As used in this rule, “home medical equipment” has the meaning set forth in IC 25-26-21-2. The term also includes the following:

- (1) Continuous passive motion (CPM) machines.
- (2) Patient lift devices.
- (3) Defibrillators.

(4) Manual wheelchairs.

(5) Hospital bed accessories.

(6) Electronically controlled or computerized wheel chairs and seating systems that are sold.

(*Indiana Board of Pharmacy; 856 IAC 1-39-3*)

856 IAC 1-39-4 “Home medical equipment services” defined

Authority: IC 25-26-21-7
Affected: IC 25-26-21-3

Sec. 4. As used in this rule, “home medical equipment services” has the meaning set forth in IC 25-26-21-3. (*Indiana Board of Pharmacy; 856 IAC 1-39-4*)

856 IAC 1-39-5 “Licensee” defined

Authority: IC 25-26-21-7
Affected: IC 25-26-21

Sec. 5. As used in this rule, “licensee” means the holder of a home medical equipment service provider license issued under IC 25-26-21 and this title. (*Indiana Board of Pharmacy; 856 IAC 1-39-5*)

856 IAC 1-39-6 “Provider” defined

Authority: IC 25-26-21-7
Affected: IC 25-26-21-4

Sec. 6. As used in this rule, “provider” has the meaning set forth in IC 25-26-21-4. (*Indiana Board of Pharmacy; 856 IAC 1-39-6*)

856 IAC 1-39-7 Fees

Authority: IC 25-1-8-2; IC 25-26-21-7
Affected: IC 25-26-21

Sec. 7. (a) The fee for an original licensure application shall be:

- (1) one hundred fifty dollars (\$150); and
- (2) paid at the time of filing the initial application.

(b) The fee for a biennial renewal shall be:

- (1) two hundred dollars (\$200); and
- (2) paid at the time of license renewal.

(*Indiana Board of Pharmacy; 856 IAC 1-39-7*)

856 IAC 1-39-8 Renewal

Authority: IC 25-1-8-2; IC 25-26-21-7
Affected: IC 25-26-21

Sec. 8. Home medical equipment service provider licenses shall expire on December 31 of each odd-numbered year. (*Indiana Board of Pharmacy; 856 IAC 1-39-8*)

856 IAC 1-39-9 Proof of insurance

Authority: IC 25-1-8-2; IC 25-26-21-7
Affected: IC 25-26-21

Sec. 9. Before being issued a license, each home medical

Proposed Rules

equipment service provider shall obtain and maintain comprehensive business and liability insurance, consistent with minimum Medicare DMEPOS Supplier Standards. *(Indiana Board of Pharmacy; 856 IAC 1-39-9)*

856 IAC 1-39-10 Oxygen and related respiratory services

Authority: IC 25-26-21-7

Affected: IC 25-26-21; IC 25-34.5

Sec. 10. In order to provide oxygen and related respiratory services, each licensee shall employ or contract with:

- (1) a respiratory care practitioner licensed under IC 25-34.5; or
- (2) another duly licensed health professional with education and training in oxygen and related respiratory services.

(Indiana Board of Pharmacy; 856 IAC 1-39-10)

856 IAC 1-39-11 Training

Authority: IC 25-26-21-7

Affected: IC 25-26-21

Sec. 11. (a) Each licensee shall conduct and document training for each employee:

- (1) at the time of hire; and
- (2) annually.

(b) Documentation of training shall be readily available for inspection.

(c) Training programs:

- (1) shall be conducted according to industry standards; and
- (2) may be subject to board approval.

(Indiana Board of Pharmacy; 856 IAC 1-39-11)

856 IAC 1-39-12 Patient records

Authority: IC 25-26-21-7

Affected: IC 25-26-21

Sec. 12. Each licensee shall maintain patient records, relevant to services rendered, in accordance with state and federal guidelines. *(Indiana Board of Pharmacy; 856 IAC 1-39-12)*

856 IAC 1-39-13 Equipment maintenance

Authority: IC 25-26-21-7

Affected: IC 25-26-21

Sec. 13. Each licensee shall maintain documentation of the maintenance of equipment according to industry standards. *(Indiana Board of Pharmacy; 856 IAC 1-39-13)*

856 IAC 1-39-14 Personnel policies and procedures

Authority: IC 25-26-21-7

Affected: IC 25-26-21

Sec. 14. Each licensee shall maintain employee personnel records and policies consistent with the following:

(1) The scope of services provided.

(2) State and federal requirements.

(Indiana Board of Pharmacy; 856 IAC 1-39-14)

856 IAC 1-39-15 Safety and quality of home medical equipment services

Authority: IC 25-26-21-7

Affected: IC 25-26-21

Sec. 15. Each licensee shall:

- (1) clean;
- (2) repair;
- (3) store;
- (4) segregate; and
- (5) identify;

all equipment in a manner that makes the equipment safe for use by the public according to industry standards. *(Indiana Board of Pharmacy; 856 IAC 1-39-15)*

856 IAC 1-39-16 Licenses

Authority: IC 25-26-21-7

Affected: IC 25-26-21

Sec. 16. Each licensee shall ensure that each employee is appropriately licensed or credentialed, or both, for the services provided. *(Indiana Board of Pharmacy; 856 IAC 1-39-16)*

856 IAC 1-39-17 Physical location

Authority: IC 25-26-21-7

Affected: IC 25-26-21

Sec. 17. Each licensee shall have a physical location from which home medical equipment services are provided. *(Indiana Board of Pharmacy; 856 IAC 1-39-17)*

856 IAC 1-39-18 Availability of licensee

Authority: IC 25-26-21-7

Affected: IC 25-26-21

Sec. 18. Each licensee shall provide twenty-four (24) hours a day, seven (7) days a week availability to their clients consistent with the nature of the services the licensee provides. *(Indiana Board of Pharmacy; 856 IAC 1-39-18)*

856 IAC 1-39-19 Medicare DMEPOS supplier standards

Authority: IC 25-26-21-7

Affected: IC 25-26-21

Sec. 19. The board hereby incorporates by reference the Medicare supplier standards titled Special Payment Rules for Items Furnished by DMEPOS Suppliers and Issuance of DMEPOS Supplier Billing Privileges found at 42 CFR 424.57(c), effective December 11, 2000. *(Indiana Board of Pharmacy; 856 IAC 1-39-19)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November

14, 2005 at 9:45 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the Indiana Board of Pharmacy will hold a public hearing on a proposed new rule to implement rules based on Senate Enrolled Act 206 (P.L.122-2005) to establish the definitions, requirements for the licensure of home medical equipment services providers, license renewal requirements, fees including fees for the application, issuance, and renewal of license, and standards regarding the safety and quality of home medical equipment services.

The Indiana Board of Pharmacy has the authority to promulgate rules in accordance with the requirements of SEA 206 (P.L.122-2005), including specifying which home medical equipment is to be regulated; setting standards for licensure of providers; specifying the governing safety and quality of home medical equipment services that are to be provided to customers; specifying the amount of insurance coverage; and setting reasonable fees for the application, issuance, and renewal of a license. The proposed rule is needed as a matter of consumer protection to assure that the citizens of Indiana are receiving Home Medical Equipment Services from qualified, established providers. The technological advances in HME services demands there be some method for the state to verify that providers of such service are competent and available for education, service, and repair. This will, also, provide another avenue for the government to control fraud and abuse. This proposed rule will have the following cost on the regulated entities:

There are approximately 300 home medical equipment service providers × \$150 issuance fee = \$45,000. There are approximately 300 of home medical equipment service providers × \$200 renewal = \$60,000.

The cost of insurance coverage home medical equipment service providers are required to obtain and maintain = \$300,000. However, this is a requirement for Medicare, not specifically for this rule. The Board is incorporating the Medicare requirements into our rule.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

TITLE 856 INDIANA BOARD OF PHARMACY

Proposed Rule
LSA Document #05-140

DIGEST

Adds 856 IAC 1-40 to implement rules based on Senate

Enrolled Act 590 (P.L.204-2005) to establish definitions, standards and requirements for electronic transmissions of prescriptions, including addressing the privacy protection for the practitioner and the practitioner's patient, the security of the electronic transmission, a process for approving electronic data intermediaries for the electronic transmission of prescriptions, use of the practitioner's United States Drug Enforcement Administration registration number and protection of the practitioner from identity theft or fraudulent use of the practitioner's prescribing authority. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Businesses Subject to This Rule:

The Indiana Board of Pharmacy ("Board") estimates that some small businesses will be directly affected by this rule. The Board has the authority to promulgate rules in accordance with the requirements of SEA 590 (P.L.204-2005). The proposed rule is being promulgated to establish standards for the approval of electronic data intermediaries and to set standards for the secure transmission of electronic prescriptions.

Estimated Average Annual Administrative Costs That Small Businesses Will Incur:

The Board estimates that there will be no annual reporting, record keeping, or administrative costs incurred by small businesses to comply with this rule.

Estimated Total Annual Economic Impact on Small Businesses:

The Board estimates that there will be no annual economic impact on small businesses as a result of compliance with this rule.

- Justification of Requirements or Costs on Small Businesses Where Rule Is Not Expressly Required by Law: There are no compliance costs that need to be justified for this proposed rule.
- Supporting Data, Studies, or Analyses: The Board has not relied on any studies in reaching these estimates.

Regulatory Flexibility Analysis of Alternative Methods:

Due to the fact that the new proposed rule found in this proposed rule were mandated by P.L.204-2005 (SEA 590-2005), the Board has not analyzed alternatives to this proposed rule.

- Explanation of Preliminary Determination: The General Assembly required the Board to enact and add these rules, and thus the Board did not explore alternative measures.
- Supporting Data, Studies, or Analyses: The Board did not rely on any studies in its decision not to employ alternatives to rulemaking.

856 IAC 1-40

SECTION 1. 856 IAC 1-40 IS ADDED TO READ AS FOLLOWS:

Rule 40. Electronic Prescribing

856 IAC 1-40-1 “Board” defined

Authority: IC 25-26-13-4
Affected: IC 25-26-13-2

Sec. 1. “Board” has the meaning set forth in IC 25-26-13-2. (*Indiana Board of Pharmacy; 856 IAC 1-40-1*)

856 IAC 1-40-2 “Electronically transmitted” or “electronic transmission” defined

Authority: IC 25-26-13-4
Affected: IC 16-18-2-106.4; IC 25-26-13-2

Sec. 2. “Electronically transmitted” or “electronic transmission” has the meaning set forth in IC 16-18-2-106.4 and IC 25-26-13-2. (*Indiana Board of Pharmacy; 856 IAC 1-40-2*)

856 IAC 1-40-3 “Electronic data intermediary” or “EDI” defined

Authority: IC 25-26-13-4
Affected: IC 25-26-13-2

Sec. 3. “Electronic data intermediary” or “EDI” has the meaning set forth in IC 25-26-13-2. (*Indiana Board of Pharmacy; 856 IAC 1-40-3*)

856 IAC 1-40-4 “Practitioner” defined

Authority: IC 25-26-13-4
Affected: IC 25-26-13-2

Sec. 4. “Practitioner” has the meaning set forth in IC 25-26-13-2. (*Indiana Board of Pharmacy; 856 IAC 1-40-4*)

856 IAC 1-40-5 “Prescription” defined

Authority: IC 25-26-13-4
Affected: IC 25-26-13-2

Sec. 5. “Prescription” has the meaning set forth in IC 25-26-13-2. (*Indiana Board of Pharmacy; 856 IAC 1-40-5*)

856 IAC 1-40-6 Equipment

Authority: IC 25-26-13-4
Affected: IC 25-26-13

Sec. 6. All electronic equipment for receipt of prescription drug orders communicated by way of electronic transmission shall be maintained so as to ensure against the following:

- (1) Unauthorized access.
- (2) Changes to the prescription.

(*Indiana Pharmacy Board; 856 IAC 1-40-6*)

856 IAC 1-40-7 Electronic transmission

Authority: IC 25-26-13-4
Affected: IC 25-26-13

Sec. 7. Each electronic data intermediary shall ensure that the prescription electronically transmitted to the pharmacy:

(1) contains:

(A) no alterations to the:

- (i) prescription;
- (ii) order entry;
- (iii) drug selection; or
- (iv) intended drug selection;

by any electronic data intermediary;

(B) the exact information the prescription contained when originated by the authorized practitioner; and
(C) a unique identifier for the practitioner, such as:

- (i) a National Practitioner Identifier (NPI);
- (ii) a Drug Enforcement Administration registration number;
- (iii) a state-issued practitioner license number; or
- (iv) another board-approved identifier; and

(2) shall not interfere with the patient’s freedom to choose a pharmacy.

(*Indiana Board of Pharmacy; 856 IAC 1-40-7*)

856 IAC 1-40-8 Electronic data intermediary requirements

Authority: IC 25-26-13-4
Affected: IC 25-26-13

Sec. 8. An applicant for approval as an electronic data intermediary shall do the following:

(1) File an application provided by the board.

(2) Submit information regarding how the EDI shall do the following:

(A) Guarantee the security of the following:

- (i) The prescription.
- (ii) The practitioner’s identity and privacy.
- (iii) The patient’s identity, privacy, and confidentiality.

(B) Validate the authorized practitioner’s licensure status.

(3) Appear before the board, if requested.

(*Indiana Board of Pharmacy; 856 IAC 1-40-8*)

856 IAC 1-40-9 Electronic data intermediary standards

Authority: IC 25-26-13-4
Affected: IC 25-26-13

Sec. 9. Each electronic data intermediary shall do the following:

(1) Maintain policies and procedures regarding the security of the following:

- (A) The prescription.
- (B) The practitioner’s identity and privacy.
- (C) The patient’s identity, privacy, and confidentiality.

(2) Validate positive identification of the practitioner.

(*Indiana Board of Pharmacy; 856 IAC 1-40-9*)

856 IAC 1-40-10 Electronic prescription prohibitions

Authority: IC 25-26-13-4
Affected: IC 25-26-13

Sec. 10. An electronic prescription does not include a prescription that is as follows:

(1) Transmitted via:

(A) electronic mail, without the use of an electronic data intermediary; or

(B) facsimile.

(2) Printed from a computer or electronic device.

(Indiana Board of Pharmacy; 856 IAC 1-40-10)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 14, 2005 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the Indiana Board of Pharmacy will hold a public hearing on a proposed new rule to implement rules based on Senate Enrolled Act 590 (P.L.204-2005) to establish definitions, standards and requirements for electronic transmissions of prescriptions, including addressing the privacy protection for the practitioner and the practitioner's patient, the security of the electronic transmission, a process for approving electronic data intermediaries for the electronic transmission of prescriptions, use of the practitioner's United States Drug Enforcement Administration registration number and protection of the practitioner from identity theft or fraudulent use of the practitioner's prescribing authority.

The Indiana Board of Pharmacy has the authority to promulgate rules in accordance with the requirements of SEA 590 (P.L.204-2005). The proposed rule is being promulgated to establish standards for the approval of electronic data intermediaries and to set standards for the secure transmission of electronic prescriptions. This proposed rule will have no cost on the regulated entities.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Readopted Rules

Final Readopted Rules

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Final Rule
LSA Document #05-22(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Secretary of State.

170 IAC 7-6

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

170 IAC 7-6 Disconnection of Alternative Local Exchange Carrier by Incumbent Local Exchange Carrier

LSA Document #05-22(F)

Intent to Readopt Rules Published: March 1, 2005; 28 IR 1861

Proposed Readopted Rules Published: May 1, 2005; 28 IR 2458

Hearing Held: June 2, 2005

Filed with Secretary of State: June 29, 2005, 4:39 p.m.

TITLE 898 INDIANA ATHLETIC TRAINERS BOARD

Final Rule
LSA Document #05-13(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Secretary of State.

898 IAC 1-1-2.4

898 IAC 1-1-4.5

898 IAC 1-1-10

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

898 IAC 1-1-2.4	“A.T.C./L.” defined
898 IAC 1-1-4.5	“L.A.T.” defined
898 IAC 1-1-10	“Traditional athletic training setting” defined

LSA Document #05-13(F)

Intent to Readopt Rules Published: March 1, 2005; 28 IR 1862
Proposed Readopted Rules Published: May 1, 2005; 28 IR 2460
Hearing Held: July 19, 2005
Filed with Secretary of State: August 23, 2005, 11:20 a.m.

60 Day Requirement (IC 4-22-2-19)

**TITLE 675 FIRE PREVENTION AND BUILDING
SAFETY COMMISSION**

LSA Document #04-275

August 23, 2005

Senator R. Michael Young, Chairman
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Attention: Sarah Burkman

Subject: LSA Document #04-275

Dear Senator Young:

On behalf of the Fire Prevention and Building Safety Commission I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-19(c)(2), because the agency did not begin the rulemaking process within sixty days after the effective date of IC 22-13-4-7, which was effective on April 20, 2003.

A notice of intent to adopt a rule was published in the IR (27 IR 1199) on January 1, 2004 as LSA Document #03-323. This notice was abandoned because of the extensive revisions needed to make the proposed rule coincide with the standards established in Indiana Building Code (675 IAC 13-2.4) Chapter 11. A second notice of intent to adopt a rule was published in the IR (28 IR 622) on November 1, 2004, as LSA Document #04-275.

The expected date that the rule will be approved by the Governor is October 19, 2005.

Sincerely,

Mara Snyder
Director, Legal and Code Services Branch

365 Day Notice (IC 4-22-2-25)

TITLE 465 DEPARTMENT OF CHILD SERVICES

LSA Document #04-316

To: Honorable R. Michael Young, Chairman
Administrative Rules Oversight Committee
c/o Ms. Sarah Burkman

From: Charlene Burkett-Sims, Director
Hendricks County Department of Child Services /
Division of Family Resources

By: Erin M. McQueen, Staff Attorney
Office of General Counsel
Family and Social Services Administration

Re: LSA Document #04-316 - Residential Licensing rules
(Child Caring Institutions/Emergency Shelter Care/Group
Homes/Emergency Shelter Group Homes) amendments

Date: August 31, 2005

On behalf of the Department of Child Services formerly the Indiana Family and Social Services Administration, Division of Family and Children, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the department has determined there is a possibility that the promulgation of the captioned rule may not be completed within one year after publication of the notice of intent to adopt a rule.

The department (at the time the division of family and children) published its notice of intent to adopt a rule for the captioned document on January 1, 2005 (28 IR 1199). Nothing further was published on the rule amendments after the new administration took over in January 2005 to determine whether the new administration wanted to proceed with the rule amendments. The department of child services was created by executive order #05-15 and then by S.E.A. 529. The residential licensing section of the former division of family and children is now part of the department of child services. The department of child services, as new agency, has been organizing and hiring key staff members since January 2005. As part of the organization of the new agency, the department of child services has been reviewing policies and rules, among other things, and deciding on how the new agency wanted to proceed.

It has been determined that the department of child services wants to proceed with LSA Document #04-316, however, given the time that has already passed since the publication of the notice of intent, it is unlikely that the rule process can be completed within one year after the publication of the notice of intent to adopt a rule.

The proposed rule amendments still need to be published and a public hearing held. After consideration of public comments to the proposed rule amendments, the department will need to adopt the rule. Then the rule must be submitted to the Attorney General's office. Pursuant to IC 4-22-2-32, the Attorney General has forty-five days to complete his review of a rule. Then the Governor has fifteen (15) days and may take thirty (30) days to approve or disapprove the rule pursuant to IC 4-22-2-34. For these reasons, it is very likely that the rule will not be approved by the governor within one year of the date

of publication of the notice of intent. The agency expects that the rule can be approved by the governor by June 30, 2006, although it is possible that the rule process could be completed before June 30, 2006.

This notice setting forth the expected date of approval of LSA Document # 04-316 by June 30, 2006 is being submitted in a timely manner. September 7, 2005 is the two hundred fiftieth day after publication of the notice of intent to adopt a rule.

**TITLE 675 FIRE PREVENTION AND BUILDING
SAFETY COMMISSION**

LSA Document #04-216

March 30, 2005

The Honorable R. Michael Young, Chair
Administrative Rules Oversight Committee
C/O Indiana Legislative Services Agency
200 West Washington Street
Suite 301
Indianapolis, Indiana 46204-2789
Attention: Sarah Burkman

Subject: LSA Document #04-216

Dear Senator Young:

On behalf of the Fire Prevention and Building Safety Commission ("Commission"), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the agency has determined that the promulgation of the captioned rule may not be completed within one year after publication of the notice of intent to adopt a rule.

The Commission published its notice of intent to adopt a rule for the captioned document on September 1, 2004 (27 IR 4046). The rule was published as a Proposed Rule on February 1, 2005 (28 IR 1529). A Notice of Public Hearing was also published on February 1, 2004 [*sic.*, 2005] (28 IR 1538). The first public hearing is scheduled to be held on April 19, 2005 and the second public hearing is scheduled to be held on June 7, 2005.

Due to the changes proposed to the Commission by Senate Bill 56, it is possible that the Commission will not be able to hold a meeting to adopt this rule until July 2005.

The Commission is expected to adopt the rule on or before July 6, 2005.

It is expected that the rule can be approved by the Governor by September 30, 2005.

The two hundred and fiftieth day after publication of the

notice of intent to adopt a rule is May 9, 2005.

Sincerely,

John R. Weesner, Director, Technical Services
Department of Fire and Building Services

**TITLE 675 FIRE PREVENTION AND BUILDING
SAFETY COMMISSION**

LSA Document #04-217

March 30, 2005

The Honorable R. Michael Young, Chair
Administrative Rules Oversight Committee
C/O Indiana Legislative Services Agency
200 West Washington Street
Suite 301
Indianapolis, Indiana 46204-2789
Attention: Sarah Burkman

Subject: LSA Document #04-217

Dear Senator Young:

On behalf of the Fire Prevention and Building Safety Commission ("Commission"), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the agency has determined that the promulgation of the captioned rule may not be completed within one year after publication of the notice of intent to adopt a rule.

The Commission published its notice of intent to adopt a rule for the captioned document on September 1, 2004 (27 IR 4047). The rule was published as a Proposed Rule on January 1, 2005 (28 IR 1309). The first public hearing was held on March 17, 2005 and the second public hearing is scheduled to be held on May 4, 2005.

Due to the changes proposed to the Commission by Senate Bill 56, it is possible that the Commission will not be able to hold a meeting to adopt this rule until July 2005.

The Commission is expected to adopt the rule on or before July 6, 2005.

It is expected that the rule can be approved by the Governor by September 20, 2005.

The two hundred and fiftieth day after publication of the notice of intent to adopt a rule is May 9, 2005.

Sincerely,

John R. Weesner, Director, Technical Services
Department of Fire and Building Services

**TITLE 675 FIRE PREVENTION AND BUILDING
SAFETY COMMISSION**

LSA Document #04-218

March 30, 2005

The Honorable R. Michael Young, Chair
Administrative Rules Oversight Committee
C/O Indiana Legislative Services Agency
200 West Washington Street
Suite 301
Indianapolis, Indiana 46204-2789
Attention: Sarah Burkman

Subject: LSA Document #04-218

Dear Senator Young:

On behalf of the Fire Prevention and Building Safety Commission ("Commission"), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the agency has determined that the promulgation of the captioned rule may not be completed within one year after publication of the notice of intent to adopt a rule.

The Commission published its notice of intent to adopt a rule for the captioned document on September 1, 2004 (27 IR 4047). The rule was published as a Proposed Rule on January 1, 2005 (28 IR 1309). A Notice of Public Hearing was also published on December 1, 2004 [*sic.*, *January 1, 2005*] (28 IR 1310). The first public hearing was held on March 17, 2005 and the second public hearing is scheduled to be held on May 4, 2005.

Due to the changes proposed to the Commission by Senate Bill 56, it is possible that the Commission will not be able to hold a meeting to adopt this rule until July 2005.

The Commission is expected to adopt the rule on or before July 6, 2005.

It is expected that the rule can be approved by the Governor by September 30, 2005.

The two hundred and fiftieth day after publication of the notice of intent to adopt a rule is May 9, 2005.

Sincerely,

John R. Weesner, Director, Technical Services
Department of Fire and Building Services

TITLE 326 AIR POLLUTION CONTROL BOARD**FIRST NOTICE OF COMMENT PERIOD**

LSA Document #05-267(APCB)

**DEVELOPMENT OF NEW RULES CONCERNING NEW
RULES FOR LOWER-REID VAPOR PRESSURE FUEL
IN CENTRAL INDIANA****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules in 326 IAC 13 concerning lower-Reid vapor pressure (RVP) gasoline requirements in the nine (9) ozone nonattainment counties in Central Indiana. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 13-4.**AUTHORITY:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11; IC 13-17-3-12.**SUBJECT MATTER AND BASIC PURPOSE OF
RULEMAKING****Basic Purpose and Background**

In the April 30, 2004, Federal Register (69 FR 23858), the United States Environmental Protection Agency (U.S. EPA) designated nine (9) counties in the Central Indiana region as nonattainment for the eight-hour ozone National Ambient Air Quality Standard (8-hour standard). The affected counties are: Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Morgan, and Shelby. In addition, on January 5, 2005, U.S. EPA designated Hamilton, Hendricks, Johnson, Marion, and Morgan counties in Central Indiana as nonattainment for the fine particulate (PM_{2.5}) standard (70 FR 944).

Ozone is not emitted directly into the air but is created by a chemical reaction between oxides of nitrogen (NOx) and volatile organic compounds (VOCs) in the presence of heat and sunlight. While ozone that occurs naturally in the stratosphere approximately 10 to 30 miles above the earth's surface forms a layer that protects life on earth from the sun's harmful rays, ground-level ozone contributes to a variety of health problems. Ozone is a lung irritant and can be harmful, especially for people with asthma or other respiratory problems. Ozone also damages plants and ecosystems and reduces visibility.

Ozone and the pollutants that form ozone, NOx and VOC, can be transported hundreds of miles from the pollution sources. Motor vehicle exhaust, industrial emissions, gasoline vapors, and chemical solvents are some of the major sources of NOx and VOC that help to form ozone. Sunlight and hot weather cause ground-level ozone to form in harmful concentrations in the air. As a result, ozone is known as a summertime air pollutant. Indiana's ozone season is April 1 to September 30.

U.S. EPA had a long established one-hour standard for ozone. In the July 18, 1997 Federal Register (62 FR 38856), U.S. EPA published a revised eight-hour ozone standard. This standard is

more protective of public health and more stringent than the one (1) hour standard. The rule was challenged in several court cases, remanded back to U.S. EPA, and the cases were settled. U.S. EPA published nonattainment designations for the 8-hour standard on April 30, 2004 (69 FR 23858) that became effective on June 15, 2004. Each state must put control measures into place in order to bring these areas into attainment by June 15, 2009. The one (1) hour ozone standard was revoked on June 15, 2005.

A nonattainment designation means that ozone levels, measured by air monitors in the area, have exceeded federal health standards on at least some days during the summer ozone season in recent years. The ozone designations are based on monitoring data collected in 2001-2003. The 8-hour standard is 85 parts per billion (ppb) and is based on an average of the annual fourth-highest daily maximum 8-hour ozone value over a three year period. Counties with values exceeding this standard are considered to be in violation of the standard.

A nonattainment designation triggers planning requirements for existing sources of air pollution, stricter requirements for certain types of new and expanding facilities that emit air pollution, and certain changes in transportation planning and funding and, potentially, additional clean air measures. Indiana must develop a plan by June 15, 2007, detailing the steps necessary to comply with the standard by the attainment date. Although new national and regional controls, including the nitrogen oxides control rule for power plants, new diesel engine standards, and new diesel fuel standards, will help improve air quality in Central Indiana, additional controls may be necessary in order for the area to attain the standard.

IDEM is working with citizens, local government, businesses, and other interested groups to develop a strategy that will achieve attainment in Central Indiana with feasible and cost-effective programs. IDEM established the Central Indiana Air Quality Advisory Group (CIAQAG) in September 2003 to study alternatives for inclusion in the Central Indiana state implementation plan (SIP). The CIAQAG has met monthly and heard numerous presentations on options to reduce ozone to meet the new air quality standard. Discussions focused on alternatives for the control of volatile organic compounds (VOCs) locally because of the importance of VOCs in the creation of ozone locally. Adoption of multiple regulatory strategies will likely be required in Central Indiana to achieve the necessary emission reductions. The strategies will have different costs and will affect different constituencies. One of the regulatory measures considered, and the subject of this rulemaking, is implementing a lower RVP fuel requirement in the nine county Central Indiana region during certain months of the year. Currently, Central Indiana is provided with gasoline with a Reid vapor pressure of 9.0 pounds per square inch (psi). IDEM proposes the use of a lower-Reid vapor pressure gasoline of 7.8 or 7.0 psi to provide VOC reductions. Fuel with a lower RVP reduces VOCs by reducing aromatic hydrocarbon emissions from gasoline. These reductions could provide an annualized reduction of VOCs of up to 932 tons per year from on-road mobile sources alone.

Additional reductions from other sources such as non-road equipment and portable containers have not been quantified yet. In addition, the CIAQAG is considering a lower RVP fuel rule as a potential control to help Central Indiana attain the fine particulate (PM_{2.5}) standard though additional technical research is necessary to validate the potential benefits.

State adoption of lower RVP gasoline requirements is controlled by section 211(c)(4) of the Clean Air Act. This section prohibits states from requiring a different fuel or fuel additive if U.S. EPA has a federal program already in place. This preemption does not apply if the state control is identical to the federal control. U.S. EPA may approve a non-identical state fuel control as a SIP provision, if the state demonstrates that the measure is necessary to achieve the primary or secondary NAAQS that the plan implements. U.S. EPA can approve a state fuel requirement as necessary only if no other measures would bring about timely attainment, or if other measures exist but are unreasonable or impracticable. Therefore, Indiana must satisfy the requirements of the waiver request provisions in order to have a lower RVP fuel rule approved into the SIP.

The waiver request requires the following information:

- Identification of the quantity of reductions needed to reach attainment.
- Identification of possible other control measures and the quantity of reductions each would achieve.
- Explanation in detail, with adequate factual support, which of those identified control measures are considered unreasonable or impracticable.
- Demonstration that even with the implementation of all reasonable and practicable measures, the state would need additional emissions reductions for timely attainment, and the state fuel measure would supply some or all of such additional reductions.

IDEM will be compiling documentation to support a waiver request to U.S. EPA during the rulemaking process.

The Clean Air Act requires that states develop measures to bring nonattainment areas into attainment. This rule is one measure to bring the Central Indiana area into attainment for the 8-hour ozone standard. In order to demonstrate attainment in Central Indiana by June 15, 2009, controls would need to be implemented by the summer of 2006 to provide three years of data prior to the attainment date. This rule is being initiated now to complete the necessary rulemaking process as quickly as possible, even if the control cannot be in place prior to the start of the 2006 ozone season. The rule will be submitted to U.S. EPA for approval into the state implementation plan (SIP) and will guide air pollution control efforts in the nine (9) affected counties in Central Indiana.

IDEM is seeking comments from potentially affected parties in the nine county Central Indiana region on the following issues:

- The type of lower RVP gasoline (7.8 or 7.0 psi) appropriate for Central Indiana.
- The appropriate timeframe during which lower RVP fuel should be required in Central Indiana.

- The timing of implementation of this rule and other control measures to demonstrate attainment in Central Indiana by June 15, 2009.
- Any other issues related to this rulemaking.

Alternatives To Be Considered Within the Rulemaking

Alternative 1. Add new rules to 326 IAC 13 requiring use of gasoline with a lower-Reid vapor pressure of either 7.8 or 7.0 psi in the nine county Central Indiana region.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law and there is no comparable federal law. It is a "state- only" requirement.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 2. Require use of a lower-Reid vapor pressure gasoline in Central Indiana during certain months of the year to address ozone or extend the season to address PM_{2.5} as well.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law and there is no comparable federal law. It is a "state- only" requirement.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 3. No rulemaking.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No
- Is this alternative imposed by federal law or is there a comparable federal law? No
- If it is a federal requirement, is it different from federal law? N/A
- If it is different, describe the differences. N/A

Applicable Federal Law

40 CFR 50 (National Primary and Secondary Ambient Air Quality Standards) and 40 CFR 81 (Designation of Areas for Air Quality Planning Purposes) are both applicable federal laws impacting this rulemaking. 40 CFR 50 (amended on July 18, 1997 (62 FR 38856)) contains the standards for criteria pollutants. Ozone is considered a criteria pollutant and air pollution controls reduce emissions of volatile organic compounds (VOC) to reduce ozone formation. 40 CFR 81 (amended on April 30, 2004 (69 FR 23858)) lists the areas of the United States, specific to each state, that U.S. EPA has determined are not attaining the standards (nonattainment) for criteria pollutants such as ozone. Section 211(c)(4) of the Clean Air Act applies to SIP submissions that propose motor vehicle fuel measures as control strategies to reduce ozone.

Potential Fiscal Impact

Potential Fiscal Impact of Alternative 1. IDEM estimates a cost of up to \$0.03 per gallon for a lower RVP gasoline depend-

ing on which fuel is selected.

Potential Fiscal Impact of Alternative 2. The cost of this alternative would depend on the timeframe during which a lower RVP gasoline would be required.

Potential Fiscal Impact of Alternative 3. No fiscal impact.

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a Small Business Assistance Program Ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at www.in.gov/idem/ctap.

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf

IDEM Compliance and Technical Assistance Program

OPPTA - MC60-04

100 N. Senate Avenue

W-041

Indianapolis, IN 46204-2251

(317)232-8578

selyusuf@idem.in.gov

The Small Business Assistance Program Ombudsman is:

Eric Levenhagen

IDEM Small Business Assistance Program Ombudsman

External Affairs - MC50-01

100 N. Senate Avenue

IGCN 1301

Indianapolis, IN 46204-2251

(317)234-3386

elevenha@idem.in.gov

Public Participation and Workgroup Information

The Central Indiana Air Quality Advisory Group (CIAQAG) was established September 2003 to study alternatives for reducing ozone in Central Indiana to demonstrate attainment. This group is comprised of business, government officials, and citizens and has met several times since September 2003 to hear presentations, discuss regulatory and voluntary alternatives to reduce ozone, and make recommendations on alternatives appropriate in Central Indiana. These meetings are open to the public.

At this time, no additional workgroup is planned for this rulemaking, but the department is planning outreach efforts to affected parties during the course of the rulemaking and to provide compliance assistance. If you feel that a workgroup or other informal discussion on the rule is appropriate, or you would like information about the CIAQAG meetings, please contact Christine Pedersen, Rules Section, Office of Air Quality at (317) 233-6868 or (800) 451-6027 (in Indiana).

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:

#05-267(APCB) Central Indiana Fuel Rule

Christine Pedersen Mail Code 61-50

c/o Administrative Assistant

Rules Development Section

Office of Air Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the tenth floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

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 Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by November 3, 2005.

Additional information regarding this action may be obtained from Christine Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027 (in Indiana).

Kathryn A. Watson, Chief
Air Programs Branch
Office of Air Quality

TITLE 326 AIR POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD

LSA Document #05-268(APCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING OPEN BURNING FOR FIRE EXTINGUISHER TRAINING

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to 326 IAC 4-1 concerning open burning for fire extinguisher training. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: 326 IAC 4-1-0.5; 326 IAC 4-1-3.

AUTHORITY: IC 13-15-2-1; IC 13-17-3-4; IC 13-17-9-1.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

IDEM has received a request from NiSource for amendments to the open burning rules under 326 IAC 4-1 to provide exemptions for additional fuels used for fire extinguisher training.

IDEM proposes to include the use of propane and natural gas under the definition of clean petroleum products usable for fire extinguisher training at 326 IAC 4-1-0.5(2). Natural gas is defined as a mixture of hydrocarbon gases that occurs with petroleum deposits including methane, together with varying quantities of ethane, propane, butane, and other gases. It is used as a fuel in the manufacture of organic compounds. Propane is defined as a colorless gas found in natural gas and petroleum. It is widely used as a fuel.

The Occupational Safety and Health Administration (OSHA) requires fire safety training for employees that are expected to use a fire extinguisher. This includes employees and supervisors at generating stations, electric and gas operations, manufacturing operations, and other industrial operations. Each facility has a plan that specifies which employees are expected to use a fire extinguisher in the event of an emergency.

Currently portable containers filled with clean petroleum products such as kerosene, gasoline, or diesel fuel are used for fire extinguisher training. Gasoline is a more volatile liquid than propane or natural gas. An amendment to the definition section will allow the use of either propane or natural gas as a clean petroleum product and eliminate the volatility issues. With the additional use of these fuels for fire extinguisher training, fire training personnel will no longer be required by IDEM to obtain an annual approval under 326 IAC 4-1 each year. These proposed rule changes will allow the regulated community to more effectively train staff without any increased environmental risk.

Affected parties will include affected sources' staff and fire training personnel, IDEM compliance staff, local fire and health

departments, and adjacent landowners.

Alternatives To Be Considered Within the Rulemaking

Alternative 1. Allow the burning of propane and natural gas as clean petroleum products for fire extinguisher training.

- Is this alternative an incorporation by reference of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No. This alternative is not required by federal law, however, businesses are required by federal Occupational Safety and Health Administration (OSHA) laws to provide their employees with hands-on fire training if staff are handling fire extinguishers.
- If it is a federal requirement, is it different from federal law? No.
- If it is different, describe the differences. Not applicable.

Alternative 2. Allowing the burning of propane and natural gas for fire extinguisher training only through approval.

- Is this alternative an incorporation by reference of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Applicable Federal Law

Sources are required by OSHA to provide firefighter training to employees under the following federal laws:

29 CFR 1910.57(g)(3) "The employer shall provide employees, who have been designated to use fire fighting equipment as part of an emergency plan, with training in the use of the appropriate equipment."

29 CFR 1910.57 "The employer shall provide the training required in paragraph (g)(3) of this section upon initial assignment to the designated group of employees and at least annually thereafter."

29 CFR 1910.155(c)(41) "Training means the process of making proficient through instruction and hands-on practice in the operation of equipment, including respiratory protection equipment, that is expected to be used in the performance of assigned duties."

There are no federal requirements under Title 40 CFR for U.S. EPA that govern this fire training.

Potential Fiscal Impact

The potential fiscal impact between the two alternatives compares automatic changes in fuel types or costs to prepare annual approvals to use alternative fuels.

Potential Fiscal Impact of Alternative 1. Provide an exemption within the rule to use propane or natural gas for fire extinguisher training. Cost savings include time saved in preparing and submitting applications (NiSource estimates three and five-tenths (3.5) man days to gather information, complete forms, prepare Notification of Potentially Affected Parties forms, prepare cover letters, prepare and send letters to county health department for fire training sites requested), reduction of travel costs for trainees able to attend trainings in more locations than

just those in the application (seven and five-tenths (7.5) man-days for employees) and an additional savings of two (2) man-days to prepare requests for additional training sites. IDEM also receives applications from other sources to burn other clean fuels and clean wood products.

Potential Fiscal Impact of Alternative 2. No exemption added to the rule to use propane or natural gas for fire extinguisher training. NiSource must submit an annual request to use fuels not exempted in the rule. NiSource estimates seven and five-tenths (7.5) man-days for employees and an additional cost of two (2) man-days to prepare variance applications for additional sites.

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at www.in.gov/idem/ctap.

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf

IDEM Compliance and Technical Assistance Program
OPPTA - MC60-04

100 North Senate Avenue
W-041

Indianapolis, IN 46204-2251

317-232-8578

selyusuf@idem.in.gov

The Small Business Assistance Program Ombudsman is:

Eric Levenhagen

IDEM Small Business Assistance Program Ombudsman
External Affairs - MC50-01

100 North Senate Avenue

IGCN 1301

Indianapolis, IN 46204-2251

317-234-3386

elevenha@idem.in.gov

Public Participation and Workgroup Information

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Suzanne Whitmer, Rules Section, Office of Air Quality at (317) 232-8229 or (800) 451-6027 (in Indiana).

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 this rule.

(2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#05-268(APCB) Open burning exemptions

Suzanne Whitmer Mail Code 61-50

c/o Administrative Assistant

Rules Development Section

Office of Air Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204

Hand delivered comments will be accepted by the IDEM receptionist on duty at the tenth floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

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 timely receipt of faxed comments by calling the Rules Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by November 3, 2005.

Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).

Kathryn A. Watson, Chief

Air Programs Branch

Office of Air Quality

TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD

LSA Document #04-279(APCB)

DEVELOPMENT OF AMENDMENTS CONCERNING SOURCE UPDATE INFORMATION IN 326 IAC 6.5 AND 326 IAC 6.8

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 326 IAC 6.5 and 326 IAC 6.8 concerning particulate matter emission limitations. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: November 1, 2004, Indiana Register (28 IR 679).

CITATIONS AFFECTED: 326 IAC 6.5; 326 IAC 6.8.

AUTHORITY: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

The purpose of this rulemaking is to update the source specific information found in articles 326 IAC 6.5 and 326 IAC 6.8. In a separate rulemaking, IDEM proposed to repeal 326 IAC 6-1 and replace it with two new articles, 326 IAC 6.5 and 326 IAC 6.8. The recodification created a separate section for each source in order to streamline future rule amendment processes (LSA #02-335). The recodification rule was final adopted by the Air Pollution Control Board on May 4, 2005, and printed in the September 1, 2005, Indiana Register (28 IR 3454).

This second rulemaking is intended to update the sources' specific information, including source name and emission limit amendments to be consistent with a source's permit. In addition, each Lake County source that had emission limitations in 326 IAC 6.8-3, 326 IAC 6.8-5, and 326 IAC 6.8-6 (formerly subsections under 326 IAC 6-1-10.1), have been moved to 326 IAC 6.8-2 to eliminate the duplication within the article. This rulemaking includes changes identified by IDEM, local permitting agencies, and sources. Rules applicable to sources that no longer exist have been recommended for repeal.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed Under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law.

Potential Fiscal Impact

There is no fiscal impact associated with this rulemaking.

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Suzanne Whitmer, Rules Section, Office of Air Quality at (317) 232-8229 or (800) 451-6021 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from November 1, 2004,

through December 6, 2004, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

AMTRAK (AMT)
 BP Whiting Business Unit (BPW)
 Cargill (CAR)
 Cargill Dry Corn Ingredients (CDI)
 Citizens Thermal Energy (CTE)
 Colgate Palmolive (COL)
 Delphi Automotive Systems (DEL)
 Gohmann Asphalt and Construction Inc. (GAC)
 Jasper Municipal Electric Utility (JME)
 MasterBrand Cabinets, Inc. (MBC)
 Milestone (MIL)
 National Starch and Chemical (NSC)
 Purina Mills LLC (PUR)
 Styline (STY)
 Unilever HPC USA (UNI)
 United States Penitentiary (USP)
 Visteon Corporation (VIS)
 Walsh and Kelly (WAL)

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

Comment: Jasper Municipal Electric has reviewed their source information in 326 IAC 6-1 and makes no changes at this time.

Comment: Cargill Dry Corn comments that Point Input IDs 02, 03, 04, 05, 06, 13, 14, 16, 17, and 20 can be removed. Point Input ID 01 corresponds to Title V Point D19. Point Input IDs 07, 08, 09, and 10 correspond to Title V Point D6. Point Input ID 11 corresponds to Title V Point D7. Point Input ID 12 corresponds to Title V Point D8. Point Input ID 15 corresponds to Title V Point D11. Point Input ID 18 corresponds to Title V Point D14. Point Input ID 19 corresponds to Title V Point D15. (CDI)

Comment: Walsh and Kelly, St. Joseph County, comments that the rotary dryer should be listed as 53.22 ton/yr. with 0.04 gr/dscf as in their FESOP. (WAL)

Comment: Citizens Thermal Energy has assumed ownership of IPL's steam and chilled water assets. Please revise 326 IAC 6.5-6 to accurately show ownership of the CC Perry K Steam Plant. (CTE)

Comment: Milestone Contractor's Richmond plant has an emission limit of 44.45 tons per year and 0.04 grains per dry standard cubic foot. The Cambridge City plant has an emission limit of 45.74 tons per year and 0.04 grains per dry standard cubic foot. (MIL)

Comment: The two listed boilers for Amtrak were taken out of service during the summer of 1992. (AMT)

Comment: Visteon Corporation has assumed ownership of the Ford Motor Co. plant in Marion County. (VIS)

Comment: Both detergent spray towers (NEDS Plant ID 06 and 07) for Colgate-Palmolive were demolished in 1998. They were identified as being shut down on Form GSD-09 of our

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FESOP application submitted March 14, 1996. These sources have not been replaced. (COL)

Comment: Plant #8 boiler for Styline was reconstructed and modified to burn only wood per minor source modification dated June 23, 2000. (STY)

Comment: Purina Mills Point Input ID 53 should be listed as pelleting rather than palleting. (PUR)

Comment: Delphi in Howard County, ID 20P can be removed. (DEL)

Comment: The two boilers for Master Brand Cabinets

mentioned in the article were taken out of service and removed from the facility in 2001. (MBC)

Comment: Gohmann Asphalt and Construction advises that NEDS Plant ID 002201 no longer exists. (GAC)

Comment: Remove 100% natural gas 0042 04 Boiler 4 for National Starch and Chemical. (NSC)

Comment: 326 IAC 6.8-2-6, for BP Whiting in Lake County, should read: (BPW)

Sec. 6. Amoco Oil, Whiting Refinery in Lake County shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Number 1 CRU, F-101 feed preheater	0.004 lbs/MMBtu	0.267
Stack serving number 1 CRU, F-102, F-201, F-202 heaters	0.004 lbs/MMBtu	0.290
Stack serving number 1 power station, boiler numbers 1, 2, 3, and 4	0.016 lbs/MMBtu	15.809
Stack serving number 1 power station, boiler numbers 5, 6, 7, and 8	0.016 lbs/MMBtu	13.244
Stack serving number 11 pipe still furnaces H-101, H-102, H-103, H-104, coke preheaters	0.004 lbs/MMBtu	0.741
Number 11 pipe still, H-1X heater	0.031 lbs/MMBtu	6.867
Number 11 pipe still, H-2 vacuum heater	0.032 lbs/MMBtu	1.440
Number 11 pipe still, H-200 crude charge	0.032 lbs/MMBtu	7.866
Number 11 pipe still, H-3 vacuum heater	0.031 lbs/MMBtu	1.704
Number 11 pipe still, H-300 furnace	0.031 lbs/MMBtu	4.931
Stack serving number 12 pipe still, H-1A and H-1B preheaters and H-2 vacuum heater	0.025 lbs/MMBtu	16.348
Each stack serving number 12 pipe still, H-1CN and H-1CS crude preheater	0.004 lbs/MMBtu	0.444
Number 12 pipe still, H-1CX crude preheater	0.004 lbs/MMBtu	0.924
Number 2 isomerization, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 2 isomerization, H-1 feed heater furnace	0.004 lbs/MMBtu	0.704
Each stack serving number 3 power station, boiler numbers 1, 2, 3, 4, and 6	0.030 lbs/MMBtu	17.49
Number 3 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 3 ultraformer, H-1 feed heater furnace	0.004 lbs/MMBtu	0.852
Number 3 ultraformer, H-2 feed heater furnace	0.004 lbs/MMBtu	0.685
Number 3 ultraformer, waste heat recovery unit	0.004 lbs/MMBtu	1.537
Stack serving number 37 pipe still, B-1 feed preheater, B-2 wax fractioner	0.018 lbs/MMBtu	1.903
Stack serving number 4 ultraformer, F-1 ultrafiner furnace F-8A and F-8B reboilers	0.004 lbs/MMBtu	1.459
Number 4 ultraformer, F-2 preheater furnace	0.004 lbs/MMBtu	1.059
Number 4 ultraformer, F-3 number 1 reheat furnace	0.004 lbs/MMBtu	0.896
Stack serving number 4 ultraformer, F-4 number 2 reheat furnace, F-5 number 3 reheat furnace, and F-6 number 4 reheat furnace	0.004 lbs/MMBtu	1.060
Number 4 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.159
Aromatics recovery unit, F-200A furnace	0.004 lbs/MMBtu	0.924
Aromatics recovery unit, F-200B furnace	0.004 lbs/MMBtu	0.924
Blending oil desulphurization, F-401 furnace	0.004 lbs/MMBtu	0.130
Cat feed hydrotreating unit	0.004 lbs/MMBtu	0.246
F-1 Berry Lake distillate heater	0.004 lbs/MMBtu	0.048
F-2 Steiglitz Park residual heater	0.008 lbs/MMBtu	0.208
Stack serving heavy oils unit, H-101, H-201, H-202	0.004 lbs/MMBtu	0.030
NMP extraction unit, B-105 furnace	0.023 lbs/MMBtu	1.174

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NMP extraction unit; B-106 furnace	0.004 lbs/MMBtu	0.352
Oil hydrotreating unit	0.004 lbs/MMBtu	0.059
Sulfur recovery unit incinerator	0.004 lbs/MMBtu	0.090
Asphalt oxidizer number 1	0.000 lbs/ton	0.000
Asphalt oxidizer number 2	0.000 lbs/ton	0.000
Asphalt oxidizer number 3	0.000 lbs/ton	0.000
Beavon Stetford (B/S) Tail gas unit (new)	0.110 lbs/ton	0.103
Wastewater sludge fluid bed incinerator	0.173 lbs/ton based on 79,000 lbs/hr fluidizing air flow	6.84
FCU 500	1.220 lbs/1,000 lbs coke burned	73.20
FCU 600	1.10 lbs/1,000 lbs coke burned	55.00
DDU WB-301	0.004 lbs/MMBtu	0.250
DDU WB-302	0.004 lbs/MMBtu	0.240
Hydrogen unit B-1	0.009 lbs/MMBtu	3.340

Comment: 326 IAC 6.8-2-35 and 326 IAC 6.8-6-18 should read: (UNI)

Source	Emission Limit (Units)	Emission Limit (lb/hr)
Boiler house, building number 8; boiler number 2	0.116 lbs/MMBtu	9.570
Stack serving boiler house, building number 8, boiler numbers 3 and number 4	0.116 lbs/MMBtu	18.88
Dowtherm boiler, DEFI process building 6	0.004 lbs/MMBtu	2.700
Milling and pelletizer soap dust collection system (DC-1), building number 15	0.020 gr/dscf	1.03
Powder dye dust collector system (DC-4), building number 15	0.020 gr/dscf	0.130
Schenible wet scrubber and demister collector system, building number 15	0.030 gr/dscf	1.030
Each stack serving detergent bar soap noodle bins numbers 1, 2, and 3 dust collection system (DC-5, DC-6, and DC-7)	0.020 gr/dscf	0.210
Stack serving chip mixers numbers 1, 2, and 3 soap dust collection system, building number 15 (DC-8, DC-9, and DC-10)	0.020 gr/dscf	0.720
Rework soap dust collection system (DC-3), building number 15	0.020 gr/dscf	0.800
Three chill rolls and apron conveyors (DC-2), building number 15	0.020 gr/dscf	1.090
High titer granules and chips manufacturing process, building number 6	0.930 lbs/ton	3.500
Detergent bar soap manufacturing process number 1, stack 7, building number 6	1.140 lbs/ton	4.000
Detergent bar soap manufacturing process number 2, stack 16A, building number 6	1.140 lbs/ton	4.000
Bulk filter unloading bleached earth dust collection system, building number 1	0.020 gr/dscf	0.070
Oil refinery/filter aid bag dumping operation, building number 1	0.020 gr/dscf	0.220
3 soap dryers dust collection system, building number 14	0.020 gr/dscf	0.120
6 noodle bins and 1 scrap kettle dust collection system, building number 3	0.020 gr/dscf	0.860
Dust collector system for soap rework grinding process, building number 14	0.020 gr/dscf	0.250
Stack serving hard soap finishing lines numbers 1, 2, 3, 5, 7, and 8 dust collection system (DC), building number 14	0.020 gr/dscf	1.540
Sulfonation process	0.205 lbs/ton	0.390
Soap dryer cleanout system, tank number 1, building number 14	0.030 gr/dscf	0.390
Soap dryer cleanout system, tank number 2, building number 14	0.030 gr/dscf	0.300
Crude glycerine filter aid dust collection system, building number 2	0.020 gr/dscf	0.130

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Glycerine carbon handling dust collection system; building number 2	0.020 gr/dscf	0.170
Bulk urea handling system; new detergent bulk soap; building number 15A	0.020 gr/dscf	0.100
American hydrotherm boiler 2, stack 1A, building number 15A	0.150 lbs/MMBtu	1.830
Schenible wet scrubber and demister collection system, stack 2A, building number 15A	0.030 gr/dscf	1.030
Flex Kleen dust collection system DC-1053, stack 3A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1054, stack 4A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1055, stack 5A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1056, stack 6A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1050, stack 7A, building number 15A	0.020 gr/dscf	2.130
Flex Kleen dust collection system DC-1052, stack 8A, building number 15A	0.020 gr/dscf	2.130
Bulk Borax unloading to storage silo; stack 9A; building number 8	0.020 gr/dscf	0.130
Oil refinery/filter aid mixing tank number 44; building number 1; stack 15A	0.060 lbs/ton	0.030
Sample detergent bar soap line operation; building 14; stack 17A	0.002 lbs/ton	0.002

Comment: 326 IAC 6.8-2-8 should read: (CAR)

326 IAC 6.8-2-8 ~~Cerestar~~ **Cargill** USA, Inc.

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

Affected: IC 13-15; IC 13-17

Sec. 8. ~~Cerestar~~ **Cargill** in Lake County shall meet the following emission limits:

Source	Stack Number	lbs/hr	gr/dscf
Stack serving boiler numbers 6 and 7	10-03-U-P and 10-04-U-P	30.3	
Stack serving boiler numbers 8 and 10	10-05-U-P and 10-06-U-P	22.7	
Activated carbon regenerating furnace	15G-01-R-F	0.34	0.01
Bulk carbon/bulk filter aid system	17-03-R-P	0.06	0.01
Corn syrup solids dust collection system number 2	18-03-R-P	0.30	0.01
Special starch (P- G-) manufacturing equipment system number 1	18-06-S-P	0.17	0.01
Special starch (P- G-) manufacturing equipment system number 2	18-07-S-P	0.084	0.01
Special starch (P- G-) manufacturing equipment system number 3C (1/2 system number 3)	18-08-S-P	0.12	0.01
Special starch (P- G-) manufacturing equipment system number 3D (1/2 system number 3)	18-09-S-P	0.12	0.01
Gluten ring dryer #1	19-03-G-P	4.76	0.015
Receiver for first stage germ dryer	21A-01-G-P	0.12	0.015
First stage germ dryer exhaust	21A-02-G-P	0.67	0.01
Equipment conveying corn dirt to dirt storage silo	30-16-G-P	0.06	0.01
Waxy feed conveyor system	31-02-G	0.27	0.01
Finished gluten conveying system (Tank 2 or 3)	31-10-G-P or 31-11-G-P	0.19	0.02
Gluten receiver	31-13-G (3/95)	0.23	0.02
Germ storage silo	31-14-G (10/95)	0.097	0.01
Corn receiving and storage-bin vent #5	33-01-G (12/95)	0.171	0.02
Corn receiving and storage-bin vent #6	33-02-G (12/95)	0.171	0.02
Corn cleaner	33-03-G (12/95)	0.21	0.01
Dextrin incoming starch, building 34	34-01-S-P	0.04	0.01
Dextrin starch reactor #1	34-02-S-P	0.180	0.01
Dextrin starch cooler #1	34-03-S-P	0.042	0.01
Dextrin storage hopper, building 34	34-05-S-P	0.11	0.01

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Dextrin feed hoppers: 1 and 2 (System 1)	34-06-S and	0.030	0.01
Dextrin air lock feeder	34-07-S (12/92)		
Dextrin starch cooler	34B-01-S (10/93)	0.042	0.01
Dextrin storage hopper	34B-03-S (10/93)	0.114	0.01
Dextrin starch reactor #2	34B-04-S (10/93)	0.179	0.01
Dextrin feed hoppers: 3 and 4 (System 2)	34B-05-S and	0.030	0.01
#1 and #2 Dextrin air lock feeder	34B-06-S (10/93)		
Dextrin incoming starch batch scale hopper No. 2	34B-13-S (10/93)	0.067	0.01
Feed receiver	35-05-G	0.568	0.01
Dextrin bulk loading equipment	48-09-S-P	0.26	0.01
Receiver for second stage germ dryer	51A-01-G-P	0.19	0.02
Second stage germ dryer exhaust	51A-02-G-P	1.01	0.015
Sulfate bag dumping	52-02-S-P	0.20	0.01
Starch milling system number 1	59-01-S-P	0.43	0.01
Starch milling system number 2	59-02-S-P	0.43	0.01
Starch ring dryer number 2	59-03-S-P	3.50	0.006
Stack serving starch bulk loading equipment (receiver)	76-02-S-P	0.17	0.01
Stack serving starch bulk loading equipment (railcar loading)	76-03-S-P	0.17	0.01
Stack serving special starch (P.G.) manufacturing equipment system	85-01-S-P	0.24	0.01
Fiber drying equipment	89-01-G (10/95)	4.50	0.01
Wet fiber cyclone receiver	89-02-G (10/95)	0.178	0.01
Rotary feed dryer	89-03-G (10/95)	4.5	0.03
Milled feed hopper	89-04-G (10/95)	0.50	0.01
Feed pelletizing B	91-14-G-P	2.10	0.015
Feed pelletizing C	91-15-G-P	2.10	0.015
Feed pelletizing D	91-16-G-P	0.23	0.01
Starch conveying system number 46	93-01-W-P	0.17	0.01
Starch conveying system 47	93-02-W-P	0.17	0.02
Dextrin conveying system 48	93-03-W-P	0.17	0.01
Dried corn syrup conveying system, frodex	93-04-W-P	0.069	0.01
Corn syrup solids conveyor equipment	93-05-W-P	0.066	0.01
Stack serving starch packing systems number 1 and 2, building 93 (43 and 44)	93-06-W-P and 93-07-W-P	0.23	0.01
Frodex semibulk packing system, building 93	93-08-W-P	0.083	0.01
Each stack serving bag dump numbers 1 and 2	93-09-W-P and 93-10-W-P	0.10	0.01
Starch bulk loading	93-14-W (2/93)	0.273	0.01
Starch vacuum clean-up system	93-15-W (2/93)	0.021	0.01
Starch mixing and bagging system #1	93-16-W (5/95)	0.130	0.01
Starch mixing and bagging system #2	93-17-W (5/95)	0.264	0.01
New corn syrup spray dryer cooler system number 3 (SIP #2)	100-01-R-P	4.96	0.015
#4 corn syrup spray dryer	100-03-R (93)	4.2	0.01
Carbon regeneration furnace #2	104-01-R (2/96)	0.728	0.015
Soda ash tank	104-02-R (2/96)	0.154	0.02
Filter aid hopper	104-03-R (2/96)	0.044	0.02
Sodium bisulfate bag dump	104-05-R (2/96)	0.080	0.02
Each stack serving bulk corn starch storage bin numbers 20 through 36 (five (5) stacks may operate at one (1) time)	120-01-S-P to 120-17-S-P	0.56	0.01
Gluten dryer system	121-01-G (3/95)	3.0	0.03
Waxy feed drum dryer scrubber	124-01-G-P	11.12	0.03

Waxy feed milling equipment	124-22-G-P	0.051	0.01
Germ dryer/cooler	124A-01-G (11/94)	1.852	0.02
Starch ring dryer number 3	125-01-S-P	3.50	0.006
Waxy bulk cornstarch storage bins numbers 95 through 98 (only one (1) may operate at a time)	126-01-S-P to 126-04-S-P	0.16	0.01
BCD dryer, building 127	127-01-B-P	0.57	0.01
#1 and #2 vacuum cleaner system	127-21-B and 127-22-B (5/93)	0.031	0.01
#1 and #2 BCD storage hopper	127-23-B and 127-24-B (5/93)	0.18	0.01
BCD mill feeder hopper	127-25-B (5/93)	0.028	0.01
BCD packing hopper	127-26-B (5/93)	0.005	0.01
Special starch process with starch dryer number 4, building 128	128-01-S-P	3.5	0.01
Four products blending systems, building 93	130-01-S-P to 130-04-S-P	0.42	0.01
Dextrin blender	130-05-S (7/93)	0.248	0.01
Corn receiving and storage-bin vent #1 and #2	140-01-G and 140-02-G (12/95)	0.343	0.02
Corn receiving and storage-bin vent #3 and #4	140-03-G and 140-04-G (12/95)	0.343	0.02
Corn dump pit	140-05-G (12/95)	1.286	0.01
Corn scale system	140-06-G (12/95)	0.154	0.01
Corn elevator conveying	140-07-G (12/95)	0.086	0.01

(Air Pollution Control Board; 326 IAC 6.8-2-8)

Response: Based on technical and administrative comments from sources, internal inspection reports, and information provided by the Office of Air Quality inspectors, IDEM has verified that the requested changes accurately reflect current operations and has made the requested changes.

Comment: U.S. Penitentiary in Vigo County submits information for the 4 boilers in the rule to reflect the limits their Part 70 permit. (USP)

Response: The department will reflect the correction of lbs/MMBtu from .15 to .015 as requested.

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:

#04-279(APCB) 326 IAC 6.5 and 6.8 Source Update
Suzanne Whitmer Mail Code 61-50
c/o Administrative Assistant
Rule Development Section
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Ave., Indianapolis, Indiana 46204.

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.

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 Rule Development Section at (317) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by November 3, 2005.

Additional information regarding this action may be obtained from Suzanne Whitmer, Rule Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 6.5-2-1, AS ADDED AT 28 IR 3457, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-2-1 General provisions

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 1. In addition to the emission limitations contained in 326 IAC 6.5-1-2, sources and facilities located in Clark County and listed in sections ~~2 through 12~~ **4, 8, and 9** of this rule shall meet the specified emission limitations. (Air Pollution Control Board; 326 IAC 6.5-2-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3457)

SECTION 2. 326 IAC 6.5-2-4, AS ADDED AT 28 IR 3458, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-2-4 Essroc Materials

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

Sec. 4. Essroc Materials in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Essroc Materials	0008	00008	9P	Kiln No. 2	265.20		0.4 lb/ton
	12						
	04		10P	Limestone Kiln	120.40		0.58 lb/ton
	11		12P	Kiln No. 1	251.20		0.58 lb/ton

(Air Pollution Control Board; 326 IAC 6.5-2-4; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3458)

SECTION 3. 326 IAC 6.5-2-8, AS ADDED AT 28 IR 3459,
SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-2-8 Flexcel

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 8. ~~Kimball Case Goods~~ **Flexcel** in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Kimball Case Goods Flexcel	0002	00002	1P	Oil Fired Boiler	0.3		0.0130
	03			6 MMBtu/Hr.			

(Air Pollution Control Board; 326 IAC 6.5-2-8; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3459)

SECTION 4. 326 IAC 6.5-2-9, AS ADDED AT 28 IR 3459,
SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-2-9 PQ Corporation

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 9. PQ Corporation in Clark County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
PQ Corporation	0018	00018	13P	Gas-Oil Boiler	0.3	0.060	
	01			5 MMBtu/Hr.			
	02		14P	Sodium Silicate Glass	51.8		1.4 lb/ton

(Air Pollution Control Board; 326 IAC 6.5-2-9; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3459)

SECTION 5. 326 IAC 6.5-3-1, AS ADDED AT 28 IR 3460,
SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-3-1 General provisions

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 1. In addition to the emission limitations contained in 326 IAC 6.5-1-2, sources and facilities located in Dearborn County and listed in sections 2 through 9 4, 7, and 8 of this rule shall meet the specified emission limitations. (Air Pollution Control Board; 326 IAC 6.5-3-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3460)

SECTION 6. 326 IAC 6.5-3-2, AS ADDED AT 28 IR 3460,

SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-3-2 Anchor Glass

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 2. Anchor Glass in Dearborn County, **Source Identification Number 00007**, shall ~~meet the following emission limits:~~
(1) ~~Particulate matter emissions from Glass Furnace 1 shall be limited to one (1) pound per ton and forty-eight (48) tons per year.~~
(2) ~~limit particulate matter emissions from Glass Furnace 2 shall be limited to one (1) pound per ton and forty-two and eight-tenths (42.8) tons per year.~~

(Air Pollution Control Board; 326 IAC 6.5-3-2; filed Aug 10,

2005, 1:00 p.m.: 28 IR 3460)

SECTION 7. 326 IAC 6.5-3-3, AS ADDED AT 28 IR 3461, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-3-3 Dearborn Gravel

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 3. Dearborn Gravel in Dearborn County, **Source Identification Number 05010**, shall limit particulate matter emissions from screening/conveying/handling and storage to two and eight-tenths (2.8) tons per year. (*Air Pollution Control Board; 326 IAC 6.5-3-3; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3461*)

SECTION 8. 326 IAC 6.5-3-4, AS ADDED AT 28 IR 3461, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-3-4 Indiana Michigan Power, Tanners Creek Station

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 4. Indiana Michigan Power, Tanners Creek Station in Dearborn County, **Source Identification Number 00002**, shall meet the following emission limits:

- (1) Combined particulate matter emissions from Boilers 1, 2, and 3 shall be limited to ninety-thousandths (0.090) pound per million British thermal units and one thousand five hundred eighty-one and eighty-hundredths (1,581.80) tons per year.
- (2) Particulate matter emissions from Boiler 4 shall be limited to one-tenth (.1) pound per million British thermal units and two thousand one hundred four (2,104) tons per year.

(*Air Pollution Control Board; 326 IAC 6.5-3-4; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3461*)

SECTION 9. 326 IAC 6.5-3-7, AS ADDED AT 28 IR 3461, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-3-7 Paul H. Rohe Co.

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 7. Paul H. Rohe Co. in Dearborn County, **Source Identification Number 03187**, shall limit particulate matter emissions from the rotary dryer to twenty-two hundredths (0.22) grain per dry standard cubic foot and nineteen and ten-hundredths (19.10) tons per year. (*Air Pollution Control Board; 326 IAC 6.5-3-7; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3461*)

SECTION 10. 326 IAC 6.5-3-8, AS ADDED AT 28 IR 3461, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-3-8 Pernod Ricard USA, Seagram Lawrenceburg Distillery

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 8. ~~Joseph E. Pernod Ricard USA, Seagram and Sons, Inc.; Lawrenceburg Distillery~~, in Dearborn County, **Source Identification Number 00005**, shall meet the following requirements and emission limits:

- (1) Boiler 5 shall burn only natural gas.
- (2) Particulate matter emissions from Boiler 6 shall be limited to one hundred eighty-thousandths (0.180) pound per million British thermal units.
- (3) Particulate matter emissions from Boiler 6 shall be limited to two hundred fourteen and two-tenths (214.2) tons per twelve (12) consecutive months period.
- (4) Seagram shall maintain a log for Boiler 6 that contains the following:
 - (A) Fuel type used each hour.
 - (B) Fuel amount used each month. ~~and~~
 - (C) The monthly average heat and sulfur contents of each fuel burned.

(5) Within thirty (30) days of the end of each calendar quarter, Seagram shall report monthly emissions from Boiler 6 for each of the twelve (12) months before the end of the calendar quarter to the department. The report shall contain the information on fuel type, usage, sulfur content, and heat content necessary to determine monthly emissions. For purposes of calculating monthly emissions, the emission rate for Boiler 6, during periods when coal is being burned, shall be assumed to be eighteen-hundredths (0.18) pound per million British thermal units.

(*Air Pollution Control Board; 326 IAC 6.5-3-8; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3461*)

SECTION 11. 326 IAC 6.5-4-1, AS ADDED AT 28 IR 3462, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-1 General provisions

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 1. In addition to the emission limitations contained in 326 IAC 6.5-1-2, sources and facilities located in Dubois County and listed in sections 2 through 6, 8 through 11, 15 through 19, 21, and 24 of this rule shall meet the specified emission limitations. (*Air Pollution Control Board; 326 IAC 6.5-4-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3462*)

SECTION 12. 326 IAC 6.5-4-2, AS ADDED AT 28 IR 3462, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-2 Flexcel, Jasper 15th Street

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 2. ~~Artec Flexcel, Jasper 15th Street~~ in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Artee Flexcel, Jasper 15 th Street	0011	00048	15P	Wood Chip Boiler 14 MMBtu/Hr.	12.0	0.60	

111 Wood Working 2

(Air Pollution Control Board; 326 IAC 6.5-4-2; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3462)

SECTION 13. 326 IAC 6.5-4-3, AS ADDED AT 28 IR 3462, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-3 Jasper Seating Co., Inc., Plant No. 3

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 3. ~~Dolly Madison~~ **Jasper Seating Co., Inc., Plant No. 4** 3 in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Dolly Madison Jasper Seating Co., Inc., Plant No. 4 3	0017	00017	9P	Wood Boiler 5 10.5 MMBtu/Hr.	9.4	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-3; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3462)

SECTION 14. 326 IAC 6.5-4-4, AS ADDED AT 28 IR 3462, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-4 DMI Furniture Plant No. 5

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 4. ~~Dolly Madison~~ **DMI Furniture Plant No. 5** in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Dolly Madison DMI Furniture Plant No. 5	0016	00016	8P	Coal Boiler 6 MMBtu/Hr.	9.4	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-4; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3462)

SECTION 15. 326 IAC 6.5-4-5, AS ADDED AT 28 IR 3462, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-5 Dubois County Farm Bureau Co-op

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 5. Dubois County Farm Bureau Co-op in Dubois County shall meet the following emission limit:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Dubois County Farm Bureau Co-op	0014	00014	22	Grain Elevator	348		

(Air Pollution Control Board; 326 IAC 6.5-4-5; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3462)

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SECTION 16. 326 IAC 6.5-4-6, AS ADDED AT 28 IR 3463, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-6 Forest Products No. 1

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 6. Forest Products No. 1 in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Forest Products No. 1	0033	00033	8	Wood Working	4.2		
	0033		5P	Wood Boiler 5 MMBtu/Hr.	9.0	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-6; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3463)

SECTION 17. 326 IAC 6.5-4-8, AS ADDED AT 28 IR 3463, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-8 Indiana Chair

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 8. Indiana Chair in Dubois County shall meet the following emission limit:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Indiana Chair	0036		107	Wood Working	.4		

(Air Pollution Control Board; 326 IAC 6.5-4-8; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3463)

SECTION 18. 326 IAC 6.5-4-9, AS ADDED AT 28 IR 3463, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-9 Indiana Desk

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 9. Indiana Desk in Dubois County shall meet the following emission limit:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Indiana Desk	0027	00028	107	Wood Working	5.4		

(Air Pollution Control Board; 326 IAC 6.5-4-9; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3463)

SECTION 19. 326 IAC 6.5-4-10, AS ADDED AT 28 IR 3464, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-10 Indiana Dimension

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 10. Indiana Dimension in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Indiana Dimension	0036	00104	2P	Coal-Wood/Bark Boiler 5 MMBtu/Hr.	9.0	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-10; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3464)

SECTION 20. 326 IAC 6.5-4-11, AS ADDED AT 28 IR 3464, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-11 Indiana Furniture Industries

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

Sec. 11. Indiana Furniture Industries in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Indiana Furniture Industries	0027	000104	3P	Wood/Bark Boiler 7 MMBtu/Hr.	5.2	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-11; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3464)

SECTION 21. 326 IAC 6.5-4-15, AS ADDED AT 28 IR 3465, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-15 Jasper Chair

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 15. Jasper Chair in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Jasper Chair	0005	00005	29P	Wood Boiler 18 MMBtu/Hr.	15.6	0.60	
	0005		107	Wood Working	.7		

(Air Pollution Control Board; 326 IAC 6.5-4-15; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3465)

SECTION 22. 326 IAC 6.5-4-16, AS ADDED AT 28 IR 3465, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-16 Jasper Desk

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 16. Jasper Desk in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Jasper Desk	007	00007	12P	Coal-Wood Boiler 8 MMBtu/Hr.	14.6	0.60	
	0007		107	Wood Working	3.9		

(Air Pollution Control Board; 326 IAC 6.5-4-16; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3465)

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SECTION 23. 326 IAC 6.5-4-17, AS ADDED AT 28 IR 3465, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-17 Flexcel Jasper Cherry Street

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 17. ~~Flexcel Jasper Laminates, Plant #1-Division of Kimball Cherry Street~~ in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Flexcel Jasper Laminates, Plant #1-Division of Kimball Cherry Street	0042	00042	10P	Wood-Wood Waste Boiler No. 1 20.5 MMBtu/Hr.	6.9	0.60	
			31P	Natural Gas Boiler No. 2 16.8 MMBtu/Hr.	0.2	0.003	0.01
			104	Wood Working	2		

(Air Pollution Control Board; 326 IAC 6.5-4-17; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3465)

SECTION 24. 326 IAC 6.5-4-18, AS ADDED AT 28 IR 3466, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-18 Jasper Municipal Electric

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 18. Jasper ~~Mun.~~ **Municipal** Electric in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Jasper Mun. Municipal Electric	0002	00002	28P	Coal Boiler 192 MMBtu/Hr.	265.6	0.350	

(Air Pollution Control Board; 326 IAC 6.5-4-18; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3466)

SECTION 25. 326 IAC 6.5-4-19, AS ADDED AT 28 IR 3466, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-19 JOFCO

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 19. ~~Jasper Office Furniture Co., Inc., Plant #1~~ **JOFCO** in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Jasper Office Furniture Co., Inc., Plant #1 JOFCO	009	00107	16P	Coal and Wood Boiler 11 MMBtu/Hr.	23.6	0.60	
		0009	107	Wood Working	1.2		

(Air Pollution Control Board; 326 IAC 6.5-4-19; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3466)

SECTION 26. 326 IAC 6.5-4-21, AS ADDED AT 28 IR 3467, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-21 Jasper Seating

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 21. Jasper Seating in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Jasper Seating	0010	00010	107	Wood Working	4.4		
	0010		17P	Coal-Wood/Bark Boiler 7 MMBtu/Hr.	17.7	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-21; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3467)

SECTION 27. 326 IAC 6.5-4-24, AS ADDED AT 28 IR 3467, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-4-24 Styline Industries, Plant #8

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 24. Styline Industries, Plant #8 in Dubois County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Styline Industries, Plant #8	0035	00035	4P	Coal Wood Boiler 7 MMBtu/Hr.	9.0	0.60	

(Air Pollution Control Board; 326 IAC 6.5-4-24; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3467)

SECTION 28. 326 IAC 6.5-5-1, AS ADDED AT 28 IR 3468, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-5-1 General provisions

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

Sec. 1. In addition to the emission limitations contained in 326 IAC 6.5-1-2, sources and facilities located in Howard County and listed in sections 2, 4 through 7, 10, 11, 15, and 16 of this rule shall meet the specified emission limitations and require-

ments. (Air Pollution Control Board; 326 IAC 6.5-5-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3468)

SECTION 29. 326 IAC 6.5-5-2, AS ADDED AT 28 IR 3468, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-5-2 Chrysler

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 2. Chrysler Haynes in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Chrysler Haynes	01A	00065	2P	Reverberatory Furnace A	22.5		0.39
	01B		3P	Reverberatory Furnace B	22.5		0.39
	01C		4P	Reverberatory Furnace C	92.5		0.85
	01D		5P	Reverberatory Furnace D	92.5		0.85
	01E		6P	Reverberatory Furnace E	92.5		0.85
	01F		7P	Reverberatory Furnace F	92.5		0.85
	01G		8P	Reverberatory Furnace G	36.2		0.63
	02		9P	Gas Boilers 1-3 190 MMBtu/Hr. 1975 only			

(Air Pollution Control Board; 326 IAC 6.5-5-2; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3468)

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SECTION 30. 326 IAC 6.5-5-4, AS ADDED AT 28 IR 3468,
SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-5-4 DaimlerChrysler-U.S. 31

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 4. DaimlerChrysler-U.S. 31 in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
DaimlerChrysler-U.S. 31	01-03	00058	10P	Boilers 1-3 1985 only	875.7	0.75	
	04-05			4-5 1975 only			

(Air Pollution Control Board; 326 IAC 6.5-5-4; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3468)

SECTION 31. 326 IAC 6.5-5-5, AS ADDED AT 28 IR 3469,
SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-5-5 Delphi Delco

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

Sec. 5. (a) Delphi Delco in Howard County shall meet the following requirements:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Delphi Delco		00061					
100% natural gas	03		19P	4 Gas Fired Boilers Stack No. 1			
100% natural gas			20P	2 Gas Fired Boilers Stack No. 2			
100% natural gas			21P	2 Gas Fired Boilers Stack No. 3			
100% natural gas			22P	5 Gas Fired Boilers Stack No. 4			

(b) The gas fired boilers located at Stacks 1, ~~2~~, 3, and 4 at Delphi Delco, identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas.
(Air Pollution Control Board; 326 IAC 6.5-5-5; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3469)

SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-5-6 Greentown Grain

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 6. Greentown Grain in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Greentown Grain	0011		68A	Shipping/Receiving 24,400 T/Yr.	7.3		
				Transferring/Conveying 24,400 T/Yr.	18.4		
				Drying 7,000 T/Yr.	2.4		

(Air Pollution Control Board; 326 IAC 6.5-5-6; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3469)

SECTION 33. 326 IAC 6.5-5-7, AS ADDED AT 28 IR 3469, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-5-7 Howard Co. Farm Bureau Co-op (Greentown)

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 7. Howard Co. Farm Bureau Co-op (Greentown) in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Howard Co. Farm Bureau Co-op (Greentown)	0014		72A	Shipping/Receiving 14,296 T/Yr.	4.2		
				Transferring/Conveying 14,296 T/Yr.	10.8		
				Drying 5,579 T/Yr.	2.1		
				Grinding 2,000 T/Yr.	0.03		

(Air Pollution Control Board; 326 IAC 6.5-5-7; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3469)

SECTION 34. 326 IAC 6.5-5-10, AS ADDED AT 28 IR 3470, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-5-10 Kokomo Grain Co.

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 10. (a) Kokomo Grain Co. in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Kokomo Grain Co. 100% natural gas	0006	00006	18A	Shipping/Receiving 60,000 T/Yr.	4.5		
				Transferring/Conveying 60,000 T/Yr.	11.1		
				Drying 25,000 T/Yr.			

(b) The unit for drying twenty-five thousand (25,000) t/yr located at Kokomo Grain Co., identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas. (Air Pollution Control Board; 326 IAC 6.5-5-10; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3470)

SECTION 35. 326 IAC 6.5-5-11, AS ADDED AT 28 IR

3470, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-5-11 Mohr Construction

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

Sec. 11. Mohr Construction in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Mohr Construction	01	00054	23P	Dryer/Screening Conveying	49.7		0.14

(Air Pollution Control Board; 326 IAC 6.5-5-11; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3470)

SECTION 36. 326 IAC 6.5-5-15, AS ADDED AT 28 IR 3472, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-5-15 Russiaville Feed & Grain

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14
Affected: IC 13-15; IC 13-17

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Sec. 15. Russiaville Feed & Grain in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Russiaville Feed & Grain	0008		34A	Shipping/Receiving 5,332 T/Yr.	1.7		
				Transferring/Conveying 5,332 T/Yr.	4.2		

(Air Pollution Control Board; 326 IAC 6.5-5-15; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3472)

SECTION 37. 326 IAC 6.5-5-16, AS ADDED AT 28 IR 3472, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-5-16 Martin Marietta Materials, Inc.

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

Affected: IC 13-15; IC 13-17

Sec. 16. ~~Yeomen Stone & Sand~~ **Martin Marietta Materials, Inc.** in Howard County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Yeomen Stone & Sand Martin Marietta Materials, Inc.	0010	00010	59A	Primary Crushing 403,000 T/Yr.	53.9		
				Secondary Crushing 280,000 T/Yr.	178.0		

(Air Pollution Control Board; 326 IAC 6.5-5-16; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3472)

SECTION 38. 326 IAC 6.5-6-1, AS ADDED AT 28 IR 3472, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-1 General provisions

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

Affected: IC 13-12; IC 13-14-4-3; IC 13-16-1

Sec. 1. (a) In addition to the emission limitations contained in 326 IAC 6.5-1-2, the following limitations listed in sections 2, ~~through 36~~ **3, 5, 9, 10, 15, 18, 19, 22 through 23.1, 25, 26, 28, 31, and 33 through 35** of this rule shall apply to sources in Marion County.

(b) Sources shall be considered in compliance with the tons

per year emission limits established in sections 2 through 36 of this rule if within five percent (5%) of the emission limit. (Air Pollution Control Board; 326 IAC 6.5-6-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3472)

SECTION 39. 326 IAC 6.5-6-2, AS ADDED AT 28 IR 3472, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-2 Allison Transmission

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

Affected: IC 13-15; IC 13-17

Sec. 2. (a) Allison Transmission in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Allison Transmission	0017	00017	01-05	Boilers 1, 2, 3, 4, 5	39.3 combined	.15 each	

(b) In addition to complying with section 1 of this rule and subsection (a), Allison Transmission shall comply with the following:

(1) Maintain monthly fuel usage records for each boiler identified in subsection (a) that contain sufficient information to estimate emissions, including the following:

(A) Boiler identification and heat capacity.

(B) Fuel usage for each type of fuel.

(C) Heat content of fuel.

(2) Within thirty (30) days of the end of each calendar quarter, a written report shall be submitted to the department and the Indianapolis office of environmental services division of the monthly emissions of the boilers identified in subsection (a) and including the information in subdivision (1).

(3) Compliance with the annual tons per year limitation shall be based on the sum of the monthly emissions for each twelve

(12) month period.

(4) The fuel usage records shall be maintained at the source for three (3) years and available for an additional two (2) years. The records shall be made available to the department or its designated representative upon request.

(Air Pollution Control Board; 326 IAC 6.5-6-2; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3472)

SECTION 40. 326 IAC 6.5-6-3, AS ADDED AT 28 IR 3473, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-3 Asphalt Materials, Inc.

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

Affected: IC 13-15; IC 13-17

Sec. 3. ~~Asph. Mat. & Const.~~ **Asphalt Materials, Inc.**, in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Asph. Mat. & Const., As-phalt Materials, Inc.	0098	00098	01	Oxid. Tank	.3		.004

(Air Pollution Control Board; 326 IAC 6.5-6-3; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3473)

SECTION 41. 326 IAC 6.5-6-5, AS ADDED AT 28 IR 3473, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-5 Bunge North America (East) Inc.

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

Affected: IC 13-15; IC 13-17

Sec. 5. ~~Central Soya~~ **Bunge North America (East) Inc.** in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Central Soya Bunge North America (East) Inc.	0008	00008	09A	Elevator Gallery Belt Trippers (East and West)	0.92		.006
	0008		09B	Elevator Gallery Belt Loaders (East and West)	0.70		.006
	0008		09C	Elevator Grain Dryer Conveying Legs	1.01		.006
	0008		10A	Elevator #1 Truck and Rail Receiving System and Basement	7.23		.006
	0008		10B	Elevator #2 Truck and Rail Receiving System	4.95		.006

(Air Pollution Control Board; 326 IAC 6.5-6-5; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3473)

SECTION 42. 326 IAC 6.5-6-9, AS ADDED AT 28 IR 3474, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-9 Chrysler Corporation Indianapolis Foundry-S. Tibbs Avenue

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

Affected: IC 13-15; IC 13-17

Sec. 9. ~~Chrys. (Fdy.) S.~~ **Chrysler Corporation Indianapolis Foundry-S. Tibbs Avenue** in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Chrys. (Fdy.) S. Tibbs	0012	00012	01	Cup.-Scrub	34.2		.085
	0012		02	D. Cl. Ck. 4 St.	4.9		.038

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0012	07	Hx. C. Ov. B. Ck.	4.2	.008
0012	08	Hx. C. Ov. A. Ck.	3.1	.006
0012	09	Hx. C. Ov. A. By	6.2	.029
0012	10	Hx. C. Pst. Cr.	less than 1 T/yr	.001
0012	11	Hx. C. Ov. B. Ry.	.4	.005
0012	12	Hx. Rv. Ov. Jkt.	less than 1 T/yr	.001
0012	13	Hx. Ry. Ov. A. CCC	less than 1 T/yr	.002
0012	14	Bg. Ex. Rb. 1 St.	2.6	.020
0012	16	Hyd. Fdy. Gre.	1.2	.004
0012	18	Ck. Unload.	5.9	.021
0012	19	Flsk. Sk.-Out	50.8	.030
0012	22	Snd. Trnsfr.	2.6	.019
0012	25	Cr. Grinding	.01	.001
0012	26	Cr. Grinding	1.6	.007
0012	28	Cl. Op. Cr. K. O.	8.2	.034
0012	29	Cl. Room	6.8	.020
0012	30	Cl. Room	4.2	.020
0012	31	Chp. Op.	16.7	.020
0012	34	Cst. Cl.	57.5	.020

(Air Pollution Control Board; 326 IAC 6.5-6-9; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3474)

SECTION 43. 326 IAC 6.5-6-10, AS ADDED AT 28 IR 3475, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-10 Community Hospital

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

Affected: IC 13-15; IC 13-17

Sec. 10. Community Hospital in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Community Hospital	0014	00229	01	Keller Boiler	.5	.014	

(Air Pollution Control Board; 326 IAC 6.5-6-10; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3475)

SECTION 44. 326 IAC 6.5-6-15, AS ADDED AT 28 IR 3476, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-15 Visteon Corporation

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

Affected: IC 13-15; IC 13-17

Sec. 15. ~~Ford Motor Co.~~ **Visteon Corporation** in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Ford Motor Co.	0021	00021	01	Boiler 3	38.6	.270	
	0021		02	Boiler 2	55.1	.270	
	0021		03	Boiler 1	16.5	.270	

(Air Pollution Control Board; 326 IAC 6.5-6-15; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3476)

SECTION 45. 326 IAC 6.5-6-18, AS ADDED AT 28 IR 3477, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-18 Cargill Dry Corn Ingredients

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

Affected: IC 13-15; IC 13-17

Sec. 18. ~~Illinois Cereal Mills, Incorporated~~ **Cargill Dry Corn Ingredients** in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Illinois Cereal Mills, Incorporated Cargill Dry Corn Ingredients	0020	00020	01 D19	Cleaver Brooks Boiler	1.0	.014	
	0020		02	Old Mill Dust	4.3		.030
	0020		05	Old Mill Dust	4.3		.030
	0020		06	Warehouse Dust	5.8		.030
	0020		07 D6	New Mill Dryers	3.0		.030
	0020		08 D6	New Mill Dryers	3.0		.030
	0020		09 D6	New Mill Dryers	3.0		.030
	0020		10 D6	New Mill Dryers	3.0		.030
	0020		11 D7	New Mill Dryers	9.4		.030
	0020		12 D8	New Mill Coolers	3.1		.030
	0020		13	New Mill Cleaner	3.3		.030
	0020		14	Elevator Dust	1.6		.030
	0020		15 D11	Headhouse Suction	3.1		.030
	0020		16	Corn Cleaner	1.0		.131
	0020		17	Corn Cleaner	1.0		.131
	0020		18 D14	Headhouse Suction	6.0		.030
	0020		19 D15	Old Mill Dust	5.9		.030
	0020		20	Large Hammermill	8.2		.030
	0020		03	Old Mill Dust	4.3		.030
	0020		04	Old Mill Dust	4.3		.030

(Air Pollution Control Board; 326 IAC 6.5-6-18; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3477)

SECTION 46. 326 IAC 6.5-6-19, AS ADDED AT 28 IR 3477, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-19 Independent Concrete Pipe

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

Affected: IC 13-15; IC 13-17

Sec. 19. ~~Indep.~~ **Independent** Concrete Pipe in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Indep. Independent Concrete Pipe	0457		01	Ct. St. Bn. 04	.21		.014
	0457		02	Ct. St. Bn. 03	.41		.014

(Air Pollution Control Board; 326 IAC 6.5-6-19; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3477)

SECTION 47. 326 IAC 6.5-6-22, AS ADDED AT 28 IR 3478, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-22 Indiana Veneers

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

Affected: IC 13-15; IC 13-17

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Sec. 22. ~~Ind. Indiana~~ Veneers in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Ind. Indiana Veneers	0031	00031	01	Wd. & and Cl. Boil.	13.9	.330	
<i>(Air Pollution Control Board; 326 IAC 6.5-6-22; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3478)</i>							

SECTION 48. 326 IAC 6.5-6-23, AS ADDED AT 28 IR 3478, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-23 Citizens Thermal Energy

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

Affected: IC 13-15; IC 13-17

Sec. 23. ~~HPL~~ **Citizens Thermal Energy** in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
HPL C. C. Perry K	0034	00034	01	Boiler 11 (natural gas, coke oven gas)		*0.125	
	0034		01	Boiler 12 (coal)		*0.175	
	0034		02	Boiler 13 (natural gas, coke oven gas)		*.082	
	0034		02	Boiler 14 (natural gas, coke oven gas)		θ	
	0034		03	Boiler 15 (coal)		*.082	
	0034		03	Boiler 16 (coal)		θ	
	0034		03	Boiler 17 (oil)		*.106	
	0034		03	Boiler 18 (oil)		θ	
				Boilers 11, 12, 13, 14, 15, 16, 17, and 18	484.4 total	*.015	
HPL (Stout)	0033		09	Boiler 9	1.9	*.015	
	0033		10	Boiler 10	2.2	*.015	
	0033		11	Boiler 50	82.2	*.135	
	0033		12	Boiler 60	82.2	*.135	
	0033		13	Boiler 70	830.7	*.1	
	0033		14	Gas Turbine 1	.28	*.015	
	0033		15	Gas Turbine 2	.28	*.015	
	0033		16	Gas Turbine 3	.28	*.015	

*Compliance shall be determined using 40 CFR 60, Appendix A, Method 5.**

This document is incorporated by reference and is available from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or is 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 6.5-6-23; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3478)*

SECTION 49. 326 IAC 6.5-6-23.1 IS ADDED TO READ AS FOLLOWS:

326 IAC 6.5-6-23.1 Indianapolis Power and Light Company (IPL) Harding Street Station

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

Sec. 23.1. IPL Harding Street Station in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons per year	lbs/million Btu	grains/dscf
IPL Harding Street Station	0033	00033	09	Boiler 9	1.9	*.015	
	0033		10	Boiler 10	2.2	*.015	
	0033		11	Boiler 50	82.2	*.135	
	0033		12	Boiler 60	82.2	*.135	
	0033		13	Boiler 70	830.7	*.1	
	0033		14	Gas Turbine 1	.28	*.015	
	0033		15	Gas Turbine 2	.28	*.015	
	0033		16	Gas Turbine 3	.28	*.015	

*Compliance shall be determined using 40 CFR 60, Appendix A, Method 5.**

**This document is incorporated by reference and is available from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or is 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 6.5-6-23.1*)

SECTION 50. 326 IAC 6.5-6-25, AS ADDED AT 28 IR 3479, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-25 National Starch

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

Sec. 25. (a) National Starch in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
National Starch	0042	00042	06	61-9	4.1		.016
	0042		11	56-2	11.3		0.010
	0042		12	71-2	2.6		.030
	0042		13	61-6	.1		.030
	0042		22	56-1	7.02		0.020
	0042		29	40-4	44.1		0.020
	0042		30	40-3	42.3		0.020
	0042		31	40-2	31.9		0.020
	0042		43A	42-1	.9		.030
	0042		46	61-14A	.6		.029
	0042		47	61-14	1.2		.028
	0042		55	42-8	4.2		.030
	0042		56A	42-7A	1.7		.032
	0042		56B	42-7B	1.7		.032
	0042		56C	42-7C	1.7		.032
	0042		57A	42-3A	1.8		.032
	0042		57B	42-3B	1.8		.032
	0042		57C	42-3C	1.8		.032
	0042		57D	42-3D	1.8		.032
	0042		57E	42-3E	1.8		.032

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0042	57F	42-3F	1.8	.032
0042	59	42-4	2.3	.029
0042	60	42-10	2.4	.030
0042	63	42-6	2.5	.030
0042	64	71-1	.9	.030
0042	67A	71-5A	.3	.026
0042	67B	71-5B	.3	.026
0042	67C	71-5C	.3	.026
0042	67D	71-5D	.3	.026
0042	67E	71-5E	.3	.026
0042	67F	71-5F	.3	.026
0042	67G	71-5G	.3	.026
0042	67H	71-5H	.3	.026
0042	67I	71-5I	.3	.026
0042	67J	71-5J	.3	.026
0042	67K	71-5K	.3	.026
0042	67L	71-5L	.3	.026
0042	68A	71-4A	.3	.026
0042	68B	71-4B	.3	.026
0042	68C	71-4C	.3	.026
0042	68D	71-4D	.3	.026
0042		575-1	32.4	.018
0042		575-2	32.4	0.011
100% natural gas	0042	04	Boiler 4	

(b) Processes 40-4, 40-3, 40-2, 575-1, and 575-2 and Boiler 4 at National Starch identified in subsection (a), as one hundred percent (100%) natural gas burners, shall burn only natural gas. (Air Pollution Control Board; 326 IAC 6.5-6-25; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3479)

SECTION 51. 326 IAC 6.5-6-26, AS ADDED AT 28 IR 3480, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-26 International Truck and Engine

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

Affected: IC 13-15; IC 13-17

Sec. 26. (a) Navistar International Truck and Engine in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Navistar International Truck and Engine	0039	00039	1a	E.M. 1 Baghouse	45.7		.019
	0039		1b	E.M. 2 Baghouse	53.5		.020
	0039		02	Boiler 1	14.0	.30	
	0039		03	Boiler 2	13.0	.30	
	0039		04	Boiler 3	34.9	.30	
	0039		05	Phase 1 Baghouse	35.4		.020
	0039		06	Phase 3 Baghouse	55.1		.020
	0039		07	M-3 Baghouse	72.4		.015
	0039		98	Phase 4 Baghouse	99.6		.02
	0039		99	Phase 5 Baghouse	62.0		.02
	0039		08	Cst. Cl. Cr. 1	.0		.0
	0039		09	Pngbrn. Shtb.	.0		.0
	0039		10	Cst. Clg. Cr. 2	.0		.0

(b) In addition to complying with section 1 of this rule and subsection (a), Navistar International Transportation Corpora-

tion shall comply with the following:

(1) The height of each of the two (2) stacks on the M-3

baghouse (Point ID 07) shall be increased by fifty (50) feet by August 31, 1990.

(2) Within thirty (30) days of December 14, 1989, Navistar shall submit to the department the following:

(A) A certification as to the complete and permanent shutdown of the sources identified as Point ID 8, 9, and 10 of subsection (a) and No. 2 Large Mold Line, M-2 Mold Line, and M-4 Mold Line and the core-making and core-knockout operations for these mold lines.

(B) A written list of sources not identified in sections 2 through 5 of this rule, this section, and sections 27 through 36 of this rule with a potential to emit ten (10) or greater tons per year.

(3) Within thirty (30) days of the end of each calendar quarter, a written report shall be submitted to the department of the monthly emissions from each emission point identified in subsection (a) that contains information necessary to estimate emissions, including the following:

(A) For boilers, the following:

- (i) Fuel type.
- (ii) Usage.
- (iii) Ash content.
- (iv) Heat content.

(B) For other processes, the following:

- (i) Appropriate production data.
- (ii) Emission factors.
- (iii) Proper documentation of the emission factors.

(4) The tons per year limitation shall be met based on the sum of the monthly emissions for each twelve (12) month period.

(5) A written report detailing Navistar's operation and maintenance program to provide for proper operation of and to prevent deterioration of the air pollution control equipment on the emission points identified as Point ID 1a, 1b, 5, 6, 7, 98, and 99 in subsection (a) to be submitted to the department by July 31, 1990.

(Air Pollution Control Board; 326 IAC 6.5-6-26; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3480)

SECTION 52. 326 IAC 6.5-6-28, AS ADDED AT 28 IR 3481, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-28 Quemetco (RSR Corporation)

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

Affected: IC 13-15; IC 13-17

Sec. 28. Quemetco (RSR ~~Corp.~~ Corporation) in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Quemetco (RSR Corp. Corporation)	0079	00079	01	Rev. Fur. 01	5.8		.016

SECTION 53. 326 IAC 6.5-6-31, AS ADDED AT 28 IR 3482, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-31 Reilly Industries, Inc.

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

Affected: IC 13-15; IC 13-17

Sec. 31. Reilly Industries, Inc., in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Reilly Industries, Inc.		00049					
	0049		01	186 N		.15	
	0049		02	2722 W		.15	
	0049		03	2726 S		.15	
				186N, 2722 W, and 2726 S	12.2 total		
	0049		04	2728 S	2.2	.15	
	100% natural gas		05	2607 T			
			06	2714 V	3.1	.15	
			07	2707 V	.4	.011	
			08	2724 W			
100% natural gas	0049		09	702611			
100% natural gas	0049		10	722804	.2	.011	

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	0049	11	732714	7.5	.15
	0049	12	2706 Q	.1	.011
100% natural gas	0049	13	2713 W		
100% natural gas	0049	14	2714 W		
	0049	18	2729 Q	.1	.011
	0049	20	2740 Q	2.0	.15

(b) In addition to complying with subsection (a), Reilly Industries, Inc., shall comply with the following:

- (1) Processes 2607 T, 702611, 722804, 2713 W, and 2714 W at Reilly Industries, Inc., identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas.
- (2) Maintain monthly fuel usage records for processes 186 N, 2722 W, and 2726 S that contain sufficient information to estimate emissions including the following:
 - (A) Boiler identification.
 - (B) Fuel usage for each type of fuel.
 - (C) Heat content of fuel.
 - (D) Emission factor used to calculate emissions.

(3) Within thirty (30) days of the end of each calendar quarter, a written report shall be submitted to the department and the Indianapolis office of environmental services division of the monthly emissions for each of the previous twelve (12) months for boilers 186 N, 2722 W, and 2726 S, including the information in subdivision (2).

(4) Compliance with the annual tons per year limitation shall be based on the sum of the monthly emissions for each twelve (12) month period.

(5) The fuel usage records shall be maintained at the source for three (3) years and available for an additional two (2) years. The records shall be made available to the department or its designated representative upon request.

(Air Pollution Control Board; 326 IAC 6.5-6-31; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3482)

SECTION 54. 326 IAC 6.5-6-33, AS ADDED AT 28 IR 3483, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-33 Rolls-Royce Corporation

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

Affected: IC 13-15; IC 13-17

Sec. 33. (a) Rolls-Royce Corporation in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Rolls-Royce Corporation	311	00311	01	Boilers 0070-01 through 0070-04		.337	
	311		02	Boilers 0070-58 and 0070-59		.15	
	311		03	Boilers 0070-62 through 0070-65		.15	
	311		01,	Boilers 0070-01 through 0070-04, 0070-58, 0070-59, 0070-62 through 0070-65	130 total for all boilers		
			02,				
			03				

(b) In addition to complying with section 1 of this rule and subsection (a), Rolls-Royce Corporation shall comply with the following:

(1) Boilers 0070-01 through 0070-04 may use only:

- (A) #2 fuel oil;
- (B) #4 fuel oil;
- (C) natural gas; or
- (D) landfill gas;

as a fuel.

(2) Boilers 0070-58, 0070-59, and 0070-62 through 0070-65 may use only:

- (A) #6 fuel oil;
- (B) #4 fuel oil;
- (C) #2 fuel oil;
- (D) natural gas; or
- (E) landfill gas;

as a fuel.

(3) Boilers 0070-01 through 0070-04, 0070-58, 0070-59, and

0070-62 through 0070-65 shall have the following limitations depending upon the fuel being used:

(A) When using only #4 fuel oil, the amount used for the listed boilers collectively is not to exceed thirty-seven million one hundred forty-two thousand eight hundred (37,142,800) gallons per year based on a three hundred sixty-five (365) day rolling figure.

(B) When using coal, #6 fuel oil, #2 fuel oil, natural gas, or landfill gas, the limitation listed in clause (A) shall be adjusted as follows:

(i) When using #6 fuel oil, the gallons per year of #4 fuel oil shall be reduced by two and six-tenths (2.6) gallons per gallon used.

(ii) When using natural gas, the gallons per year of #4 fuel oil shall be reduced by eighty-eight hundred-thousandths (0.00088) gallon per cubic foot of natural gas burned.

(iii) When using #2 fuel oil, the gallons per year of #4 fuel oil shall be reduced by twenty-eight hundredths (0.28)

gallon per gallon used.

(iv) When using landfill gas, the gallons per year of #4 fuel oil shall be reduced by one hundred sixteen hundred-thousandths (0.00116) gallon per cubic foot of landfill gas burned.

(4) A log shall be maintained to document compliance with subdivision (3). These records shall be maintained for at least the previous twenty-four (24) month period and shall be made available upon request by the department.

(Air Pollution Control Board; 326 IAC 6.5-6-33; filed Aug 10,

2005, 1:00 p.m.: 28 IR 3483)

SECTION 55. 326 IAC 6.5-6-34, AS ADDED AT 28 IR 3483, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-34 St. Vincent's Hospital

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

Affected: IC 13-15; IC 13-17

Sec. 34. St. Vincent's Hospital in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
St. Vincent's Hospital	0476	00129	0103	Boilers 1-3	.7	.011	

(Air Pollution Control Board; 326 IAC 6.5-6-34; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3483)

SECTION 56. 326 IAC 6.5-6-35, AS ADDED AT 28 IR 3484, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-6-35 Sludge Incinerator

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

Affected: IC 13-15; IC 13-17

Sec. 35. Sludge Incinerator in Marion County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Sludge Incinerator	0032	00032	01	Incinerator #5	17.9		.030
	0032		02	Incinerator #6	17.9		.030
	0032		03	Incinerator #7	17.9		.030
	0032		04	Incinerator #8	17.9		.030
	0032		05	Incinerators #1-4	72.5		.030

(Air Pollution Control Board; 326 IAC 6.5-6-35; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3484)

SECTION 57. 326 IAC 6.5-7-1, AS ADDED AT 28 IR 3484, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-7-1 General provisions

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

Affected: IC 13-15; IC 13-17

Sec. 1. In addition to the emission limitations contained in 326 IAC 6.5-1-2, sources and facilities located in St. Joseph County and listed in sections 2 through 20 **3, 5, 6, 11, 13, 16, and 18** of this rule shall meet the specified emission limits. (Air Pollution

Control Board; 326 IAC 6.5-7-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3484)

SECTION 58. 326 IAC 6.5-7-3, AS ADDED AT 28 IR 3484, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-7-3 AM General

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

Affected: IC 13-15; IC 13-17

Sec. 3. AM General in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
AM General	29		39P	Oil Fired Boiler No. 1 9 MMBtu/Hr.	6.60	0.150	
	30	00031	40P	Oil Fired Boiler No. 2 9 MMBtu/Hr.	9.40	0.150	

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(Air Pollution Control Board; 326 IAC 6.5-7-3; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3484)

SECTION 59. 326 IAC 6.5-7-5, AS ADDED AT 28 IR 3485,
SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-7-5 Asphalt Engineers

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

Affected: IC 13-15; IC 13-17

Sec. 5. Asphalt Engineers in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Asphalt Engineers	01	00026	9P	Rotary Dryer	10.40		0.270

(Air Pollution Control Board; 326 IAC 6.5-7-5; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3485)

SECTION 60. 326 IAC 6.5-7-6, AS ADDED AT 28 IR 3485,
SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-7-6 Bosch Braking Systems

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) Bosch Braking Systems in St. Joseph County shall meet the following requirements:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Bosch Braking Systems		00004					
100% natural gas	01-03		29P	Boiler Nos. 1, 2, 3 Gas Fired 84 MMBtu/Hr. each			
100% natural gas	04-05		30P	Boiler No. 4 Gas Fired 63 MMBtu/Hr.			

(b) Boiler Nos. 1, 2, 3, and 4 at Bosch Braking Systems, identified in subsection (a) as one hundred percent (100%) natural gas burners, shall burn only natural gas. (Air Pollution Control Board; 326 IAC 6.5-7-6; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3485)

326 IAC 6.5-7-11 Reith Riley Construction

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

Affected: IC 13-15; IC 13-17

Sec. 11. Reith Riley Construction in St. Joseph County shall meet the following emission limits:

SECTION 61. 326 IAC 6.5-7-11, AS ADDED AT 28 IR 3487, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Reith Riley Construction		00027					
Plant No. 0027	01		44P	Rotary Dryer	1.70 78.5		0.052 0.03
Plant No. 0017	02		45P	Rotary Dryer	11.10		0.132

(Air Pollution Control Board; 326 IAC 6.5-7-11; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3487)

SECTION 62. 326 IAC 6.5-7-13, AS ADDED AT 28 IR 3487, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-7-13 Saint Mary's

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

Sec. 13. (a) Saint Mary's in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Saint Mary's natural gas fired	01	00009	54P	Boiler No. 2 Coal 1 Gas Fired	12.90	0.110	
with fuel oil No. 2 as a backup	03		56P	63 31.5 MMBtu/Hr.	3.9	0.014	
natural gas fired with fuel oil No.	02		55P	Boiler No. 3 Coal 2 Gas Fired	12.90	0.110	
2 as a backup	01		54P	63 MMBtu/Hr.	3.9	0.014	
100% natural gas	03		56P	Boiler No. 4 3 Gas Fired			
	02		55P	63 MMBtu/Hr.			

(b) Boiler No. ~~4~~ **3** at Saint Mary's, identified in subsection (a) as one hundred percent (100%) natural gas burner, shall burn only natural gas. (*Air Pollution Control Board; 326 IAC 6.5-7-13; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3487*)

SECTION 63. 326 IAC 6.5-7-16, AS ADDED AT 28 IR 3488, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-7-16 University of Notre Dame

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

Sec. 16. University of Notre Dame in St. Joseph County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
University of Notre Dame	01-03	00035	14P	Boiler No. 1 No. 6 Fuel Oil and Gas Fired			0.087
				137 MMBtu/Hr.			
	04		15P	Boiler No. 2 and 3 Coal Fired		0.28	
				96 MMBtu/Hr. each			
	05		16P	Boiler No. 4 Fuel Oil and Gas and Coal Fired		0.17	
				234 MMBtu/Hr.			
				Boiler No. 5 No. 2 Fuel Oil and Gas Fired		0.02	
				244.5 MMBtu/Hr.			

Boiler Nos. 1, 2, 3, 4, and 5 118.7 total

(*Air Pollution Control Board; 326 IAC 6.5-7-16; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3488*)

SECTION 64. 326 IAC 6.5-7-18, AS ADDED AT 28 IR 3489, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-7-18 Walsh & Kelly

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

Sec. 18. Walsh & Kelly in St. Joseph County shall meet the following emission limits:

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Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Walsh & Kelly		03219	46P	Rotary Dryer	20.48 53.22		0.049 0.04

(Air Pollution Control Board; 326 IAC 6.5-7-18; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3489)

SECTION 65. 326 IAC 6.5-8-1, AS ADDED AT 28 IR 3490, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-8-1 General provisions

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) In addition to the emission limits contained in 326 IAC 6.5-1-2, sources and facilities located in Vanderburgh County and listed in sections ~~2~~ **11** through ~~15~~ **13** of this rule shall meet the specified emission limits.

(b) Compliance with the tons per year limit shall be accept-

able if within five percent (5%) of the established tons per year emission limit. *(Air Pollution Control Board; 326 IAC 6.5-8-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3490)*

SECTION 66. 326 IAC 6.5-8-11, AS ADDED AT 28 IR 3492, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-8-11 Nunn Milling

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

Sec. 11. Nunn Milling in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Nunn Milling	01	00074	43	Wheat Grind	133.49		11.63
	02		44	Hammer Mill	17.73		0.790
	03		45	Corn Mill 1	0.14		0.008
	04		46	Corn Mill 2	0.14		0.003
	05		47	Screen and Clean	9.39		1.66
	06		48	Flour Purify	3.13		0.277
	07		49	Pack Shack	9.39		0.738
	08		50	Wheat Scour	9.39		0.738

(Air Pollution Control Board; 326 IAC 6.5-8-11; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3492)

SECTION 67. 326 IAC 6.5-8-12, AS ADDED AT 28 IR 3493, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-8-12 Purina Mills, Inc.

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

Sec. 12. Purina Mills, Inc., in Vanderburgh County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Purina Mills, Inc.	03		52	Unloading	0.03		0.001
	04		53	Palleting Pelleting	1.39		0.018

(Air Pollution Control Board; 326 IAC 6.5-8-12; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3493)

SECTION 68. 326 IAC 6.5-8-13, AS ADDED AT 28 IR 3493, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-8-13 Vectren

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

Sec. 13. (a) ~~Sigeco~~ **Vectren** in Vanderburgh County shall meet the following emission requirements:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Sigeco Vectren		00001					
100% natural gas	01		01	Gas Turbine			

(b) The gas turbine at Sigeco, identified in subsection (a) as one hundred percent (100%) natural gas burner, shall burn only natural gas. (*Air Pollution Control Board; 326 IAC 6.5-8-13; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3493*)

SECTION 69. 326 IAC 6.5-9-1, AS ADDED AT 28 IR 3494, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-9-1 General provisions

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) In addition to the emission limits contained in 326 IAC 6.5-1-2, sources and facilities located in Vigo County and listed in sections ~~2 through 20~~ **8, 10, 11, 13, 15, 17, and 18** of this rule shall meet the specified emission limitations.

(b) Compliance with the tons per year limit shall be acceptable if within five percent (5%) of the established tons per year emission limit. (*Air Pollution Control Board; 326 IAC 6.5-9-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3494*)

SECTION 70. 326 IAC 6.5-9-8, AS ADDED AT 28 IR 3496, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-9-8 International Paper

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

Sec. 8. International Paper in Vigo County shall meet the following emission limits:

Source	Source ID No.	East Km	North Km	Process	Emission Limits		
					tons/yr	lbs/million Btu	other units
International Paper	00022	463.42	4365.58	No. 1 and 4 Boilers	483.8	.35	
		463.71	4366.00	No. 5 Boiler	61.2	.15	
		463.65	4665.57	Reclaim Furnace	311.0		71 lb/hr

(*Air Pollution Control Board; 326 IAC 6.5-9-8; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3496*)

SECTION 71. 326 IAC 6.5-9-10, AS ADDED AT 28 IR 3496, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-9-10 S&G Excavating

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

Sec. 10. ~~Martin Marietta~~ **S&G Excavating** in Vigo County shall meet the following emission limits:

Source	Source ID No.	East Km	North Km	Process	Emission Limits		
					tons/yr	lbs/million Btu	other units
Martin Marietta S&G Excavating	00024	459.30	4360.60	Gravel Pit	86.7		Comply with 326 IAC 6-4 and good housekeeping as defined in this article and by the board or its designated agent.

(*Air Pollution Control Board; 326 IAC 6.5-9-10; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3496*)

SECTION 72. 326 IAC 6.5-9-11, AS ADDED AT 28 IR 3496, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-9-11 PSI

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

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Sec. 11. PSI in Vigo County shall meet the following emission limits:

Source	Source ID No.	East Km	North Km	Process	Emission Limits		
					tons/yr	lbs/million Btu	other units
PSI	00021	463.58	4375.20	Units 1-6 2-6	4102.3	0.1338	

(Air Pollution Control Board; 326 IAC 6.5-9-11; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3496)

SECTION 73. 326 IAC 6.5-9-13, AS ADDED AT 28 IR 3497, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-9-13 Sisters of Providence

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

Sec. 13. Sisters of Providence in Vigo County shall meet the following emission limits:

Source	Source ID No.	East Km	North Km	Process	Emission Limits		
					tons/yr	lbs/million Btu	other units
Sisters of Providence	00015	460.48	4373.41	No. 2, and 3, and 8 Boilers	89.9	0.341	20.52 lb/hr
		460.50	4373.42	No. 5, 7 and 8 Boilers Boiler	106.2	0.310	24.24 lb/hr

(Air Pollution Control Board; 326 IAC 6.5-9-13; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3497)

SECTION 74. 326 IAC 6.5-9-15, AS ADDED AT 28 IR 3497, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-9-15 Terre Haute Grain

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

Sec. 15. Terre Haute Grain in Vigo County shall meet the following emission limits:

Source	Source ID No.	East Km	North Km	Process	Emission Limits		
					tons/yr	lbs/million Btu	other units
Terre Haute Grain	00025	465.89	4365.42	Unloading	45.9		Good housekeeping as defined by this article and the board or its designated agent.
		465.87	4365.40	Loading	22.9		
		465.85	4365.39	Bin Unloading	76.1		
		465.89	4365.37	Drying	10.1		
		464.21	4365.73	Drying	1.7		Good housekeeping as defined by this article and the board or its designated agent.
		464.21	4365.81	Handling	16.0		Good housekeeping as defined by this article and the board or its designated agent.

(Air Pollution Control Board; 326 IAC 6.5-9-15; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3497)

SECTION 75. 326 IAC 6.5-9-17, AS ADDED AT 28 IR 3498, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-9-17 Ulrich Chemical

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

Affected: IC 13-15; IC 13-17

Sec. 17. Ulrich Chemical in Vigo County shall meet the following emission limits:

Source	Source ID No.	East Km	North Km	Process	Emission Limits		
					tons/yr	lbs/million Btu	other units
Ulrich Chemical	00052	466.13	4365.39	Soda Ash Handling	4.5		.03 gr/dscf

(Air Pollution Control Board; 326 IAC 6.5-9-17; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3498)

SECTION 76. 326 IAC 6.5-9-18, AS ADDED AT 28 IR 3498, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-9-18 United States Penitentiary I

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

Affected: IC 13-15; IC 13-17

Sec. 18. United States Penitentiary **I** in Vigo County shall meet the following emission limits:

Source	Source ID No.	East Km	North Km	Process	Emission Limits		
					tons/yr	lbs/million Btu	other units
United States Penitentiary I	00019	461.15	4363.13	No. 1 Boiler	41.1	±5 0.015	
		461.15	4363.12	No. 2 Boiler	41.1	±5 0.015	
		461.15	4363.11	No. 3 Boiler	41.1	±5 0.015	
		462.43	4363.63	Camp Boiler	20.5	±5 0.015	

(Air Pollution Control Board; 326 IAC 6.5-9-18; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3498)

SECTION 77. 326 IAC 6.5-10-1, AS ADDED AT 28 IR 3499, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

Control Board; 326 IAC 6.5-10-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3499)

326 IAC 6.5-10-1 General provisions

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

Affected: IC 13-15; IC 13-17

Sec. 1. In addition to the emission limitations contained in 326 IAC 6.5-1-2, sources and facilities located in Wayne County and listed in sections 2 through **6, 9, 11 through 16, and** 19 of this rule shall meet the specified emission limitations. (Air Pollution

SECTION 78. 326 IAC 6.5-10-2, AS ADDED AT 28 IR 3499, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-10-2 Barrett Paving Materials

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

Affected: IC 13-15; IC 13-17

Sec. 2. Barrett Paving Materials in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Barrett Paving Materials	0029	00029	24	Primary Crushing	17.40		
				Secondary Crushing	63.3		
				Screening/Conveying/Handling	292.4		

(Air Pollution Control Board; 326 IAC 6.5-10-2; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3499)

SECTION 79. 326 IAC 6.5-10-3, AS ADDED AT 28 IR 3499, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-10-3 Belden Wire and Cable (office)

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

Affected: IC 13-15; IC 13-17

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Sec. 3. Belden Wire and Cable (office) in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Belden Wire and Cable (office)	0003	00003	1P	Oil Boiler 39 MMBtu/Hr.	8.0	0.015	

(Air Pollution Control Board; 326 IAC 6.5-10-3; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3499)

SECTION 80. 326 IAC 6.5-10-4, AS ADDED AT 28 IR 3499, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-10-4 Belden Wire and Cable (plant)

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

Affected: IC 13-15; IC 13-17

Sec. 4. Belden Wire and Cable (plant) in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Belden Wire and Cable (plant)	0003	00003	39	Plastic Compounding	8.0		
				Rubber Mixing	0.14		
				Pneumatic	10.80		

(Air Pollution Control Board; 326 IAC 6.5-10-4; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3499)

SECTION 81. 326 IAC 6.5-10-5, AS ADDED AT 28 IR 3499, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-10-5 Cambridge City Milestone Contractors

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

Affected: IC 13-15; IC 13-17

Sec. 5. Cambridge City Milestone Contractors in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Cambridge City Milestone Contractors	0028	03232	14P	Rotary Dryer	67.4		0.218
					45.74		0.04

(Air Pollution Control Board; 326 IAC 6.5-10-5; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3499)

SECTION 82. 326 IAC 6.5-10-6, AS ADDED AT 28 IR 3500, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-10-6 Dana Perfect Circle-Hagerstown

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

Affected: IC 13-15; IC 13-17

Sec. 6. Dana Perfect Circle-Hagerstown in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Dana Perfect Circle-Hagerstown	0014	00014	10P	Gas Boiler 50 MMBtu/Hr.	2.10	0.010	

(Air Pollution Control Board; 326 IAC 6.5-10-6; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3500)

SECTION 83. 326 IAC 6.5-10-9, AS ADDED AT 28 IR 3500, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-10-9 Earlham College

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

Affected: IC 13-15; IC 13-17

Sec. 9. Earlham College in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Earlham College		00073	31P	Oil Boiler 14 MMBtu/Hr.	0.70	0.080	

(Air Pollution Control Board; 326 IAC 6.5-10-9; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3500)

SECTION 84. 326 IAC 6.5-10-11, AS ADDED AT 28 IR 3501, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-10-11 Johns Manville Corporation

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

Affected: IC 13-15; IC 13-17

Sec. 11. Johns Manville Corporation in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Johns Manville Corporation	0006	00006	15P	25 MMBtu/Hr. Natural Gas Boiler	1.5	0.0137	
			16P	Lines 2 and 3 Natural Gas Melt Furnaces	7.8		0.01
			17P	Line 6 Electric Melt Furnace	3.9		0.020
			19P	Line 3 Curing Oven	27.4		0.02
			20P	Line 6 Curing Oven	6.2		0.02
			21P	Line 2 Forming Process	58.3		0.02
			22P	Line 3 Forming Process	123.6		0.02
			23P	Line 6 Forming Process	45.4		0.02

(Air Pollution Control Board; 326 IAC 6.5-10-11; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3501)

SECTION 85. 326 IAC 6.5-10-12, AS ADDED AT 28 IR 3501, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-10-12 Joseph H. Hill Co.

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

Affected: IC 13-15; IC 13-17

Sec. 12. Joseph H. Hill Co. in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Joseph H. Hill Co. PLT-A	0007	00007	5P	3 Oil Boilers (Single Stack) 30 MMBtu/Hr.	1.40	0.015	
			6P	Oil Boiler 22.5 MMBtu/Hr.	1.0	0.015	
PLT-B	0031		7P	3 Oil Boilers (Single Stack) 175 MMBtu/Hr.	5.60	0.015	

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PLT-C	0032	8P	Oil Boiler No. 1 19 MMBtu/Hr.	0.70	0.015
		9P	Oil Boiler No. 2 7 MMBtu/Hr.	0.30	0.015

(Air Pollution Control Board; 326 IAC 6.5-10-12; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3501)

SECTION 86. 326 IAC 6.5-10-13, AS ADDED AT 28 IR 3502, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-10-13 Purina Mills, Inc.

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

Affected: IC 13-15; IC 13-17

Sec. 13. Purina Mills, Inc. in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Purina Mills, Inc.	0033	00033	32P	2 Oil Boilers One Stack 27 MMBtu/Hr.	1.0	0.015	

(Air Pollution Control Board; 326 IAC 6.5-10-13; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3502)

SECTION 87. 326 IAC 6.5-10-14, AS ADDED AT 28 IR 3502, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-10-14 Richmond Milestone Contractors

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

Affected: IC 13-15; IC 13-17

Sec. 14. Richmond Milestone Contractors in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Richmond Milestone Contractors	0008	03248	13P	Rotary Dryer	50.80 44.45		0.158 0.04

(Air Pollution Control Board; 326 IAC 6.5-10-14; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3502)

SECTION 88. 326 IAC 6.5-10-15, AS ADDED AT 28 IR 3502, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-10-15 Richmond Power & Light

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

Affected: IC 13-15; IC 13-17

Sec. 15. Richmond Power & Light in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Richmond Power & Light	0009	00009	28P	Coal Boiler No. 1 385 MMBtu/Hr.	320*	0.19*	
			29P	Coal Boiler No. 2 730 MMBtu/Hr.	700*	0.22*	

*The combined emissions from Coal Boiler No. 1 and Coal Boiler No. 2 shall not exceed 0.22 lbs/MMBtu.

(Air Pollution Control Board; 326 IAC 6.5-10-15; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3502)

SECTION 89. 326 IAC 6.5-10-16, AS ADDED AT 28 IR 3502, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-10-16 Richmond State Hospital

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

Affected: IC 13-15; IC 13-17

Sec. 16. Richmond State Hospital in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Richmond State Hospital	0025	00025	24P	(4 Gas/Oil Boilers) 123.4 MMBtu/Hr.	7.7	0.014	

(Air Pollution Control Board; 326 IAC 6.5-10-16; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3502)

SECTION 90. 326 IAC 6.5-10-19, AS ADDED AT 28 IR 3503, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.5-10-19 Wayne County Farm Bureau

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

Affected: IC 13-15; IC 13-17

Sec. 19. Wayne County Farm Bureau in Wayne County shall meet the following emission limits:

Source	NEDS Plant ID	Source ID No.	Point Input ID	Process	Emission Limits		
					tons/yr	lbs/million Btu	grains/dscf
Wayne County Farm Bureau	0021		39	Shipping/Receiving, Transfer-ring/Conveying, Screening/Cleaning, Drying	10.40		

(Air Pollution Control Board; 326 IAC 6.5-10-19; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3503)

SECTION 91. 326 IAC 6.8-1-1, AS ADDED AT 28 IR 3503, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-1-1 Applicability

Authority: IC 13-14-8; IC 13-17-1-1; IC 13-17-3-4; IC 13-17-3-14

Affected: IC 13-15; IC 13-17

Sec. 1. (a) Except as provided in subsection (b), sources or facilities located in Lake County shall comply with the limitations in:

- (1) 326 IAC 6.8-2, **326 IAC 6.8-4, and 326 IAC 6.8-7** through 326 IAC 6.8-11, if the source or facility is specifically listed in 326 IAC 6.8-2, **326 IAC 6.8-4, and 326 IAC 6.8-7** through 326 IAC 6.8-11; or
- (2) section 2 of this rule, if the source or facility is not specifically listed in 326 IAC 6.8-2, **326 IAC 6.8-4, and 326 IAC 6.8-7** through 326 IAC 6.8-11, but has:
 - (A) the potential to emit one hundred (100) tons or more; or
 - (B) actual emissions of ten (10) tons or more; of particulate matter per year.

(b) If the limitations in 326 IAC 6.8-2, **326 IAC 6.8-4, and 326 IAC 6.8-7** through 326 IAC 6.8-11 and section 2 of this rule conflict with or are inconsistent with limitations established in 326 IAC 12, then the more stringent limitations shall apply. (Air Pollution Control Board; 326 IAC 6.8-1-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3503)

SECTION 92. 326 IAC 6.8-2-1, AS ADDED AT 28 IR 3506, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-1 General provisions and definitions

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, ~~and 326 IAC 6.8-3 through 326 IAC 6.8-4, 326 IAC 6.8-7, and 326 IAC 6.8-8~~ apply to the sources, facilities, and operations in Lake County listed in sections ~~3~~ **4, 6 through 9, 11, 13, 14, 16 through 22, and 24 through 38** of this rule.

(b) The following definitions apply throughout this rule, ~~and~~

~~326 IAC 6.8-3 through 326 IAC 6.8-4, 326 IAC 6.8-7, and 326 IAC 6.8-8:~~

- (1) "gr/dscf" means grains of particulate matter per dry standard cubic foot of exhaust air.
- (2) "lbs/hr" means pounds of particulate matter emissions emitted per one (1) sixty (60) minute period.
- (3) "lbs/MMBtu" means pounds of particulate matter emissions per million British thermal units heat input of fuels fired in the source, unless otherwise stated.
- (4) "lbs/ton" means pounds of particulate matter emissions per ton of product output from the particular facility, unless otherwise stated. Byproducts, which may be sold as product, shall not be included under the term "product".

(c) All emission limits in this rule, ~~and 326 IAC 6.8-3 through 326 IAC 6.8-4, 326 IAC 6.8-7, and 326 IAC 6.8-8~~ shall be PM₁₀ limits, unless otherwise stated. (*Air Pollution Control Board; 326 IAC 6.8-2-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3506*)

SECTION 93. 326 IAC 6.8-2-2, AS ADDED AT 28 IR 3507, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-2 Lake County: PM₁₀ and total suspended particulate emissions

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

Source	Emission Limits (Units)	Emission Limits (lbs/hr)
Stack serving coil nine (9) spring grinder numbers grinders 3-0233, 3-0244, 3-0247, 3-0249, 3-0385, 3-0386, and 3-0389, 3-0393, and 3-0394	1.083 4.972 lbs/ton	0.045 2.085
Stack serving coil spring grinder number 3-0244	0.021 lbs/ton	0.040
Tub grinder number 3-0388	0.015 lbs/ton	2.00
Coil spring grinder number 3-0247	0.019 lbs/ton	0.03
Coil spring grinder number 3-0249	3.792 lbs/ton	1.82
Coil spring grinders numbers 3-0385, 3-295, and 3-0233	0.019 lbs/ton	0.05
Shot blast peener number 3-1804	0.011 lbs/ton	0.06
Shot blast peener number 3-1811	0.018 lbs/ton	0.06
Shot blast peener number 3-1821	0.016 lbs/ton	0.06
Shot blast peener number 3-1823	0.016 lbs/ton	0.06
Small coil manufacturing (ESP number 3-3024)	0.014 lbs/ton	0.02 1.05
Medium coil manufacturing (ESP number 3-3027)	0.700 lbs/ton	2.10 1.05
Large coil manufacturing (ESP number 3-3028)	0.700 lbs/ton	3.50 1.75
Miscellaneous coil manufacturing (ESP number 3-3026)	0.700 lbs/ton	1.05

(b) Combustion sources in this subsection shall fire natural gas only as follows:

Source	Emission Limits (Units)	Emission Limits (lb/hr)
Boiler number 4-5509	0.003 lbs/MMBtu	0.030
Furnaces	0.003 lbs/MMBtu	0.16

(*Air Pollution Control Board; 326 IAC 6.8-2-4; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3507*)

SECTION 95. 326 IAC 6.8-2-6, AS ADDED AT 28 IR 3508, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

Sec. 2. Sources located in Lake County and listed in sections ~~3 4, 6 through 9, 11, 13, 14, 16 through 22, and 24 through 38~~ of this rule shall comply with the corresponding PM₁₀ and total suspended particulates (TSP) emission limitations and other requirements in this rule, ~~and 326 IAC 6.8-3 through 326 IAC 6.8-4, 326 IAC 6.8-7, and 326 IAC 6.8-8~~ consistent with the provisions as applicable in 326 IAC 6.8-7. Each emission limit applies to one (1) stack serving one (1) facility unless otherwise noted. The emission limitations apply to **the following**:

- (1) One (1) stack serving ~~the~~ multiple units specified when the facility description notes "stack serving". ~~and~~
- (2) Each stack of multiple stacks serving multiple facilities when the facility description notes "each stack serving".

(*Air Pollution Control Board; 326 IAC 6.8-2-2; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3507*)

SECTION 94. 326 IAC 6.8-2-4, AS ADDED AT 28 IR 3507, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-4 ASF-Keystone, Inc.-Hammond

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

Sec. 4. ~~American Steel Foundry-Hammond~~ (a) **ASF-Keystone, Inc.-Hammond** in Lake County, **Source ID No. 00204**, shall meet the following emission limits:

326 IAC 6.8-2-6 BP Products North America Inc.-Whiting Refinery

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) BP Products North America Inc.-Whiting Refinery in Lake County, Source ID No. 00003, shall meet the following emission limits:

Source	Emission Limits (Units)	Emission Limits (lbs/hr)
Number 1 CRU, F-101 feed preheater	0.004 lbs/MMBtu	0.267
Stack serving number 1 CRU, F-102, F-201, F-202 heaters	0.004 lbs/MMBtu	0.290
Stack serving number 1 power station, boiler numbers 1, 2, 3, and 4	0.016 lbs/MMBtu	15.809
Stack serving number 1 power station, boiler numbers 5, 6, 7, and 8	0.016 lbs/MMBtu	13.244
Stack serving number 11 pipe still furnaces H-101, H-102, H-103, H-104, coke preheaters	0.004 lbs/MMBtu	0.741
Number 11 pipe still, H-1X heater	0.031 lbs/MMBtu	6.867
Number 11 pipe still, H-2 vacuum heater	0.032 lbs/MMBtu	1.440
Number 11 pipe still, H-200 crude charge	0.032 lbs/MMBtu	7.866
Number 11 pipe still, H-3 vacuum heater	0.031 lbs/MMBtu	1.704
Number 11 pipe still, H-300 furnace	0.031 lbs/MMBtu	4.931
Stack serving number 12 pipe still, H-1A and H-1B preheaters and H-2 vacuum heater	0.025 lbs/MMBtu	16.348
Each stack serving number 12 pipe still, H-1CN and H-1CS crude preheater	0.004 lbs/MMBtu	0.444
Number 12 pipe still, H-1CX crude preheater	0.004 lbs/MMBtu	0.924
Number 2 isomerization, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 2 isomerization, H-1 feed heater furnace	0.004 lbs/MMBtu	0.704
Each stack serving number 3 power station, boiler numbers 1, 2, 3, 4, and 6	0.030 lbs/MMBtu	17.49
Number 3 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.085
Number 3 ultraformer, H-1 feed heater furnace	0.004 lbs/MMBtu	0.852
Number 3 ultraformer, H-2 feed heater furnace	0.004 lbs/MMBtu	0.685
Number 3 ultraformer, waste heat recovery unit	0.004 lbs/MMBtu	1.537
Stack serving number 37 pipe still, B-1 feed preheater, B-2 wax fractioner	0.018 lbs/MMBtu	1.903
Stack serving number 4 ultraformer, F-1 ultrafiner furnace F-8A and F-8B reboilers	0.004 lbs/MMBtu	1.459
Number 4 ultraformer, F-2 preheater furnace	0.004 lbs/MMBtu	1.059
Number 4 ultraformer, F-3 number 1 reheat furnace	0.004 lbs/MMBtu	0.896
Stack serving number 4 ultraformer, F-4 number 2 reheat furnace, F-5 number 3 reheat furnace, and F-6 number 4 reheat furnace	0.004 lbs/MMBtu	1.060
Number 4 ultraformer, F-7 furnace	0.004 lbs/MMBtu	0.159
Aromatics recovery unit, F-200A furnace	0.004 lbs/MMBtu	0.924
Aromatics recovery unit, F-200B furnace	0.004 lbs/MMBtu	0.924
Blending oil desulphurization, F-401 furnace	0.004 lbs/MMBtu	0.130
Cat feed hydrotreating unit	0.004 lbs/MMBtu	0.246
F-1 Berry Lake distillate heater	0.004 lbs/MMBtu	0.048
F-2 Steiglitz Park residual heater	0.008 lbs/MMBtu	0.208
Stack serving heavy oils unit, H-101, H-201, H-202	0.004 lbs/MMBtu	0.030
NMP extraction unit, B-105 furnace	0.023 lbs/MMBtu	1.174
NMP extraction unit, B-106 furnace	0.004 lbs/MMBtu	0.352
Oil hydrotreating unit	0.004 lbs/MMBtu	0.059

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Sulfur recovery unit incinerator	0.004 lbs/MMBtu	0.090
Asphalt oxidizer number 1	0.000 lbs/ton	0.000
Asphalt oxidizer number 2	0.000 lbs/ton	0.000
Asphalt oxidizer number 3	0.000 lbs/ton	0.000
Beavon Stetford (B/S) tail gas unit (new)	0.110 lbs/ton	0.103
Wastewater sludge fluid bed incinerator	0.173 lbs/ton based on 79,000 lbs/hr fluidizing air flow	6.84
FCU 500	1.220 lbs/1,000 lbs coke burned	73.20
FCU 600	1.10 lbs/1,000 lbs coke burned	55.00
DDU WB-301	0.004 lbs/MMBtu	0.250
DDU WB-302	0.004 lbs/MMBtu	0.240
Hydrogen unit B-1	0.009 lbs/MMBtu	3.340

(b) Combustion sources in this subsection shall fire natural gas only as follows:

Source	Emission Limit (Units)	Emission Limit (lb/hr)
F-100 marine docks distillate heater	0.003 lbs/MMBtu	0.020

(Air Pollution Control Board; 326 IAC 6.8-2-6; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3508)

SECTION 96. 326 IAC 6.8-2-7, AS ADDED AT 28 IR 3509,
SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-7 Bucko Construction

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

Sec. 7. Bucko Construction in Lake County, **Source ID No. 00103**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Rotary dryer	0.017 lbs/hr	4.440

(Air Pollution Control Board; 326 IAC 6.8-2-7; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3509)

SECTION 97. 326 IAC 6.8-2-8, AS ADDED AT 28 IR 3509,
SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-8 Cargill, Inc.

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

Sec. 8. ~~Ceresstar USA~~, **(a) Cargill, Inc.** in Lake County,
Source ID No. 00203, shall meet the following emission limits:

Source	Stack Number	lbs/hr	gr/dscf
Stack serving boiler numbers 6 and 7	10-03-U-P and 10-04-U-P	30.3	
Stack serving boiler numbers 8 and 10	10-05-U-P and 10-06-U-P	22.7 22	
Activated carbon regenerating furnace	15G-01-R-F	0.34	0.01
Bulk carbon/bulk filter aid system	17-03-R-P	0.06	0.01
Corn syrup solids dust collection system number 2	18-03-R-P	0.30	0.01
Special starch (P. G.) manufacturing equipment system number 1	18-06-S-P	0.17	0.01
Special starch (P. G.) manufacturing equipment system number 2	18-07-S-P	0.084	0.01

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Special starch (P- G-) manufacturing equipment system number 3C (½ system number 3)	18-08-S-P	0.12	0.01
Special starch (P- G-) manufacturing equipment system number 3D (½ system number 3)	18-09-S-P	0.12	0.01
Gluten ring dryer #1	19-03-G-P	4.76	0.015
Receiver for first stage germ dryer	21A-01-G-P	0.12	0.015
First stage germ dryer exhaust	21A-02-G-P	0.67	0.01
Equipment conveying Corn dirt to dirt storage silo screening system	30-16-G-P	0.06	0.01
Waxy feed conveyor system	31-02-G	0.27	0.01
Finished gluten conveying system (Tank 2 or 3)	31-10-G-P or 31-11-G-P	0.19	0.02
Gluten receiver	31-13-G (3/95)	0.23	0.02
Germ storage silo	31-14-G (10/95)	0.097	0.01
Corn receiving and storage-bin vent #5	33-01-G (12/95)	0.171	0.02
Corn receiving and storage-bin vent #6	33-02-G (12/95)	0.171	0.02
Corn cleaner	33-03-G (12/95)	0.21	0.01
Dextrin incoming starch, building 34 Batch scale hopper #1	34-01-S-P	0.04	0.01
Dextrin starch reactor #1	34-02-S-P	0.180	0.01
Dextrin starch cooler #1	34-03-S-P	0.042	0.01
Dextrin storage Surge hopper building 34 #1	34-05-S-P	0.11	0.01
Dextrin feed hoppers: 1 and 2 (System 1)	34-06-S and	0.030	0.01
Dextrin air lock feeder	34-07-S (12/92)		
Dextrin starch cooler	34B-01-S (10/93)	0.042	0.01
Dextrin storage Surge hopper #2	34B-03-S (10/93)	0.114	0.01
Dextrin starch reactor #2	34B-04-S (10/93)	0.179	0.01
Dextrin feed hoppers: 3 and 4 (System 2)	34B-05-S and	0.030	0.01
#1 and #2 Dextrin air lock feeder	34B-06-S (10/93)		
Dextrin incoming starch Batch scale hopper No. 2	34B-13-S (10/93)	0.067	0.01
Feed receiver	35-05-G	0.568	0.01
Dextrin bulk loading equipment	48-09-S-P	0.26	0.01
Receiver for second stage germ dryer	51A-01-G-P	0.19	0.02
Second stage germ dryer exhaust	51A-02-G-P	1.01	0.015
Sulfate bag dumping	52-02-S-P	0.20	0.01
Starch milling system number 1	59-01-S-P	0.43	0.01
Starch milling system number 2	59-02-S-P	0.43	0.01
Starch ring dryer number 2	59-03-S-P	3.50	0.006
Stack serving starch bulk loading equipment (receiver)	76-02-S-P	0.17	0.01
Stack serving starch bulk loading equipment (railcar loading)	76-03-S-P	0.17	0.01
Stack serving special starch (P-G-) manufacturing equipment system	85-01-S-P	0.24	0.01
Fiber drying equipment	89-01-G (10/95)	4.50	0.01
Wet fiber cyclone receiver	89-02-G (10/95)	0.178	0.01
Rotary feed dryer	89-03-G (10/95)	4.5	0.03
Milled feed hopper	89-04-G (10/95)	0.50	0.01
Feed pelletizing B	91-14-G-P	2.10	0.015
Feed pelletizing C	91-15-G-P	2.10	0.015
Feed pelletizing D	91-16-G-P	0.23	0.01
Starch conveying system number 46	93-01-W-P	0.17	0.01
Starch conveying system 47	93-02-W-P	0.17	0.02
Dextrin conveying system 48	93-03-W-P	0.17	0.01
Dried corn syrup conveying system, frodex	93-04-W-P	0.069	0.01

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Corn syrup solids conveyor equipment	93-05-W-P	0.066	0.01
Stack serving starch packing systems number 1 and 2, building 93 (43 and 44)	93-06-W-P and 93-07-W-P	0.23	0.01
Frodex semibulk packing system, building 93	93-08-W-P	0.083	0.01
Each stack serving bag dump numbers 1 and 2	93-09-W-P and 93-10-W-P	0.10	0.01
Starch bulk loading	93-14-W (2/93)	0.273	0.01
Starch vacuum clean-up system	93-15-W (2/93)	0.021	0.01
Starch mixing and bagging system #1	93-16-W (5/95)	0.130	0.01
Starch mixing and bagging system #2	93-17-W (5/95)	0.264	0.01
New corn syrup spray dryer cooler system number 3 (SIP #2)	100-01-R-P	4.96	0.015
#4 corn syrup spray dryer	100-03-R (93)	4.2	0.01
Carbon regeneration furnace #2	104-01-R (2/96)	0.728	0.015
Soda ash tank	104-02-R (2/96)	0.154	0.02
Filter aid hopper	104-03-R (2/96)	0.044	0.02
Sodium bisulfate bag dump	104-05-R (2/96)	0.080	0.02
Each stack serving bulk corn starch storage bin numbers 20 through 36 (five (5) stacks may operate at one (1) time)	120-01-S-P to 120-17-S-P	0.56	0.01
Gluten dryer system	121-01-G (3/95)	3.0	0.03
Waxy feed drum dryer scrubber	124-01-G-P	11.12	0.03
Waxy feed milling equipment	124-22-G-P	0.051	0.01
Germ dryer/cooler	124A-01-G (11/94)	1.852	0.02
Starch ring dryer number 3	125-01-S-P	3.50	0.006
Waxy bulk cornstarch storage bins numbers 95 through 98 (only one (1) may operate at a time)	126-01-S-P to 126-04-S-P	0.16	0.01
BCD dryer, building 127	127-01-B-P	0.57	0.01
#1 and #2 vacuum cleaner system	127-21-B and 127-22-B (5/93)	0.031	0.01
#1 and #2 BCD storage hopper	127-23-B and 127-24-B (5/93)	0.18	0.01
BCD mill feeder hopper	127-25-B (5/93)	0.028	0.01
BCD packing hopper	127-26-B (5/93)	0.005	0.01
Special starch process with starch dryer number 4, building 128	128-01-S-P	3.5	0.01
Four products blending systems, building 93	130-01-S-P to 130-04-S-P	0.42	0.01
Dextrin blender	130-05-S (7/93)	0.248	0.01
Corn receiving and storage-bin vent #1 and #2	140-01-G and 140-02-G (12/95)	0.343	0.02
Corn receiving and storage-bin vent #3 and #4	140-03-G and 140-04-G (12/95)	0.343	0.02
Corn dump pit	140-05-G (12/95)	1.286	0.01
Corn scale system	140-06-G (12/95)	0.154	0.01
Corn elevator conveying	140-07-G (12/95)	0.086	0.01

(b) Combustion sources in this subsection shall fire natural gas only as follows:

Source	Emission Limit (Units)	Emission Limit (lb/hr)
Boiler number 1	0.003 lbs/MMBtu	0.288
Boiler number 2	0.003 lbs/MMBtu	0.468

(Air Pollution Control Board; 326 IAC 6.8-2-8; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3509)

SECTION 98. 326 IAC 6.8-2-9, AS ADDED AT 28 IR 3511, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-9 W. R. Grace & Co. - Conn.

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

Affected: IC 13-15; IC 13-17

Sec. 9. ~~E. F. DuPont~~ **(a) W. R. Grace & Co. - Conn.** in Lake County, **Source ID No. 00310**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Sodium silicate furnace	1.439 lbs/ton	6.0

(b) Combustion sources in this subsection shall fire natural gas only as follows:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Power house (1 unit)	0.003 lbs/MMBtu	0.100
<i>(Air Pollution Control Board; 326 IAC 6.8-2-9; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3511)</i>		

SECTION 99. 326 IAC 6.8-2-11, AS ADDED AT 28 IR 3512, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-11 Georgia Pacific

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

Affected: IC 13-15; IC 13-17

Sec. 11. Georgia Pacific in Lake County, **Source ID No. 00106**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Boiler number 1	0.129 lbs/MMBtu	9.380
<i>(Air Pollution Control Board; 326 IAC 6.8-2-11; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3512)</i>		

SECTION 100. 326 IAC 6.8-2-13, AS ADDED AT 28 IR 3512, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-13 Hammond Group Inc. (HGI) Lead Products Division, Halox Division, and Hammond Expander Division

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

Affected: IC 13-15; IC 13-17

Sec. 13. **(a) Hammond Group Inc. (HGI) Lead Products Division, Halox Division, and Hammond Expander Division** in Lake County, **Source ID No. 00219**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Halox Division		
Stack 17-S-40	0.030 gr/dscf	2.120
Stack 20-S-36	0.022 gr/dscf	0.395
Stack 20-S-41	0.022 gr/dscf	0.450
Stack 20-S-37	0.022 gr/dscf	0.200
Stack 20-S-38	0.022 gr/dscf	0.087
Stack 17-S-25	0.030 gr/dscf	2.120

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Stack 20-S-42	0.022 gr/dscf	0.200
Stack 20-S-43	0.022 gr/dscf	0.087
Stack 20-S-39	0.022 gr/dscf	0.496
Stack 20-S-44	0.022 gr/dscf	0.496
Stack 13-S-48	0.022 gr/dscf	0.471
Stack 14-S-45	0.022 gr/dscf	0.471

Lead Products Division

Stack 4A-S-8	0.022 gr/dscf	0.250
Stack 14-S-16	0.022 gr/dscf	0.250
Stack 1-S-2	0.022 gr/dscf	0.250
Stack 1-S-26	0.022 gr/dscf	0.250
Stack 16-S-56	0.022 gr/dscf	1.000
Stack 1-S-52	0.022 gr/dscf	1.000
Stack 1-S-27	0.022 gr/dscf	0.290
Stack 4-S-35	0.022 gr/dscf	0.570
Stack 6-S-33	0.022 gr/dscf	0.900
Stack 4B-S-34	0.022 gr/dscf	0.400
Stack 6-S-47	0.022 gr/dscf	0.400
V-1	0.022 gr/dscf	1.000
Stack 14-S-15	0.022 gr/dscf	0.320

Expander Division

Stack 1-5-54	0.00 gr/dscf	0.000
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(b) Combustion sources in this subsection shall fire natural gas only for Hammond Group (HGI) as follows:

Source	Emission Limit (Units)	Emission Limit (lb/hr)
Stack 18-S-24	0.003 lbs/MMBtu	0.025
Stack 18-S-49	0.003 lbs/MMBtu	0.025

(Air Pollution Control Board; 326 IAC 6.8-2-13; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3512)

SECTION 101. 326 IAC 6.8-2-14, AS ADDED AT 28 IR 3513, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-14 Hammond Group Inc.-Halstab Division

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

Affected: IC 13-15; IC 13-17

Sec. 14. (a) Hammond Group Inc.-Halstab Division in Lake County, **Source ID No. 00218**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Stack S-1	0.022 gr/dscf	0.220
Stack S-2	0.022 gr/dscf	0.080
Stack S-4	0.022 gr/dscf	1.460
Stack S-5	0.022 gr/dscf	1.030
Stacks S-6, S-7, and S-8, each stack	0.022 gr/dscf	0.570
Stacks S-9, S-10, S-11, S-12, S-13, S-14, S-15, and S-16, each stack	0.022 gr/dscf	0.200
Stack S-17	0.022 gr/dscf	1.990

(b) Combustion sources in this subsection shall fire natural gas only as follows:

Source	Emission Limit (Units)	Emission Limit (lb/hr)
Stack S-18	0.003 lbs/MMBtu	0.008
Stack S-19	0.003 lbs/MMBtu	0.008

(Air Pollution Control Board; 326 IAC 6.8-2-14; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3513)

SECTION 102. 326 IAC 6.8-2-16, AS ADDED AT 28 IR 3513, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-16 Resco Products, Inc.

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

Sec. 16. ~~Harbison Walker Refractories, Hammond Works~~
Resco Products, Inc. in Lake County, **Source ID No. 00222**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3)	1.36 lbs/ton	4.50
Each stack serving tunnel kiln numbers 1 (S-6) and 2 (S-3) if only one kiln is in operation	1.36 lbs/ton	8.40
Lanley oven (S-7)	0.210 lbs/ton	0.840
Basic dryer (stack 8)	0.916 lbs/ton	3.020
Chrome ore Bricks (bats) crushing (D-9)	0.024 lbs/ton	0.490
Chrome ore Rotary dryer (D-10)	0.032 lbs/ton	0.640
Chrome ore Magnesite handling (D-11) and storage (west) (D-11)	0.020 lbs/ton	0.410
Chrome ore screening (D-12) and milling	0.078 lbs/ton	1.240
Chrome ore finished (D-13) material handling and storage magnesite screening and milling (west) (D-13)	0.044 lbs/ton	0.700
Magnesite unloading and crushing (D-18) (D-1)	0.017 lbs/ton	0.580
Magnesite material handling and storage (east) (D-2)	0.012 lbs/ton	0.410
Magnesite screening and milling (east) (D-8)	0.051 lbs/ton	1.280
Specialty magnesite handling system (D-16)	0.097 lbs/ton	0.260
Magnesite chrome ore Simpson mixer number 3 #3 (D-6)	0.033 lbs/ton	0.230
Magnesite chrome ore Simpson mixer number 2 and flat mixer #2 (D-5)	0.033 lbs/ton 0.0165 lbs/ton	0.460 0.230
Magnesite chrome ore DEV-22 mixer number 1 #5 (D-4)	0.033 lbs/ton	0.230
Magnesite carbon 3 Tilt mixers (D-7) #1, #2, and #3 (D-12B, D-12C, and D-12D)	0.054 lbs/ton	0.460
Magnesite smooth roll crusher system (D-15)	0.067 lbs/ton	0.500
Magnesite auxiliary milling system (D-14)	0.086 lbs/ton	0.170
DE-18 flat mixer, mixer #4 (D-14)	0.0165 lbs/ton	0.230
Resin-bonded materials handling, batching and pressing (D-12A)	0.25 lbs/ton	0.93

(Air Pollution Control Board; 326 IAC 6.8-2-16; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3513)

SECTION 103. 326 IAC 6.8-2-17, AS ADDED AT 28 IR 3514, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-17 Ispat Inland, Inc.

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

Sec. 17. **(a) Ispat Inland, Steel Inc.** in Lake County, **Source ID No. 00316**, shall meet the following **PM₁₀** emission limits:

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Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Number 4 slab mill scarfer	0.039 lbs/ton	21.97
Number 2A bloomer scarfer	0.107 lbs/ton	10.70
Mold foundry baghouse	0.011 gr/dscf	26.00
Sinter plant discharge end and cooler baghouse	0.01 gr/dscf TSP	11.70 TSP
Sinter plant windbox baghouse	0.007 gr/dscf TSP	17.00 TSP
Lime plant silo baghouses	0.085 lbs/ton	5.530
Lime plant firing and kiln baghouses	0.110 lbs/ton	7.149
Number 4 roll shop erwin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4 roll shop wheelabrator baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 4A roll shop erwin blaster/baghouse	0.0052 gr/dscf TSP	0.210 TSP
Number 4A roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.260 TSP
Number 2 roll shop pangborn blaster/baghouse	0.0052 gr/dscf TSP	0.270 TSP
Number 6 roll shop roll blaster/baghouse	0.0052 gr/dscf TSP	0.200 TSP
Electric shop blasters/baghouses	0.0052 gr/dscf TSP	1.070 TSP
Number 11 coke battery preheaters (2 units)	0.00	0.00
Number 11 coke battery shed baghouse	0.00	0.00
Number 6 coke battery underfire stack	0.00	0.00
Number 7 coke battery underfire stack	0.00	0.00
Number 8 coke battery underfire stack	0.00	0.00
Number 9 coke battery underfire stack	0.00	0.00
Number 10 coke battery underfire stack	0.00	0.00
Number 11 coke battery underfire stack	0.00	0.00
Number 7B blast furnace canopy baghouse	0.003 gr/dscf	11.22
Number 7 blast furnace stockhouse pellet baghouse	0.0052 gr/dscf	4.00
Number 7 blast furnace casthouse baghouse	0.011 gr/dscf TSP	22.00 TSP
Number 7 blast furnace coke screening baghouse	0.007 gr/dscf TSP	4.200 TSP
Number 7 blast furnace stockhouse coke baghouse	0.01 gr/dscf TSP	2.00 TSP
Number 1 blast furnace stoves (4 units)	0.000	0.000
Number 2 blast furnace stoves (4 units)	0.000	0.000
Number 2 basic oxygen furnace number 10 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace number 20 furnace stack	0.058 lbs/ton TSP	16.00 TSP
Number 2 basic oxygen furnace caster fume collection baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace ladle metallurgical station baghouse	0.0052 gr/dscf TSP	2.00 TSP
Number 2 basic oxygen furnace secondary ventilation system scrubber	0.015 gr/dscf TSP	12.00 TSP
Number 2 basic oxygen furnace tundish dump baghouse	0.0052 gr/dscf TSP	2.200 TSP
Number 2 basic oxygen furnace charging aisle reladling and desulfurization baghouse	0.011 gr/dscf TSP	28.30 TSP
Number 2 basic oxygen furnace truck and ladle hopper baghouse	0.0052 gr/dscf TSP	0.800 TSP
Number 2 basic oxygen furnace flux storage and batch baghouse	0.0052 gr/dscf TSP	0.530 TSP
Number 4 basic oxygen furnace reladling and desulfurization baghouse	0.0052 gr/dscf TSP	8.26 TSP
Number 4 basic oxygen furnace scrubber stack (steelmaking)	0.187 lbs/ton TSP	100.00 TSP
Number 4 basic oxygen furnace vacuum degassing baghouse	0.01 gr/dscf TSP	4.280 TSP
Number 4 basic oxygen furnace secondary ventilation system baghouse	0.006 gr/dscf TSP	22.30 TSP
Stack serving blast furnace stove, number 5 (3 units)	0.016 lbs/MMBtu	4.70
Stack serving blast furnace stove, number 6 (4 units)	0.016 lbs/MMBtu	3.64
Stack serving blast furnace stove, number 7 (3 units)	0.0076 lbs/MMBtu	6.32
Stack serving "A" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090
Stack serving "B" blast furnace stoves (3 units)	0.021 lbs/MMBtu	5.090

100 inch plate mill reheat furnace	0.078 lbs/MMBtu	13.74
Number 2 bloom mill soaking pit, numbers 1 through 4	0.000	0.000
Number 2 bloom mill soaking pit numbers 5 through 16 collective	0.000	0.000
Number 2 bloom mill soaking pit numbers 19 through 20 collective	0.000	0.000
Number 4 slabber soaking pit numbers 1 through 18 collective	0.0 lbs/MMBtu	0.0
Number 4 slabber soaking pit numbers 19 through 45 collective	0.006 lbs/MMBtu	1.750
Stack serving number 2AC station boiler numbers 207 through 210	0.000	0.000
Stack serving number 2AC station boiler numbers 211 through 213	0.018 lbs/MMBtu	16.20
Stack serving number 3AC station boiler numbers 301 through 304	0.018 lbs/MMBtu	16.20
Number 3AC station boiler number 305	0.018 lbs/MMBtu	5.400
Stack serving number 4AC station boiler number 401 through 404	0.042 lbs/MMBtu	76.578
Number 4AC station boiler number 405	0.028 lbs/MMBtu	18.78
Stack serving number 5 boiler house (3 units)	0.013 lbs/MMBtu	18.05
Electric arc furnace shop direct shell evacuation system baghouse roof monitor	0.0052 gr/dscf	17.14
Electric arc furnace shop ladle metallurgical station baghouse	0.01 gr/dscf	0.820
Coal conveyor transfer baghouse A	0.003 gr/dscf	0.17
Blending system baghouse B	0.003 gr/dscf	0.54
Coal storage bin baghouse C	0.003 gr/dscf	0.23
Coal pulverizer baghouse D	0.0015 gr/dscf	0.93
Coal pulverizer baghouse E	0.0015 gr/dscf	0.93
Number 7 blast furnace coal storage bin baghouse F	0.003 gr/dscf	0.09
Number 7 blast furnace coal storage bin baghouse G	0.003 gr/dscf	0.09
Numbers 5 and 6 blast furnace coal storage bin baghouse H	0.003 gr/dscf	0.09

(b) Ispat Inland, Inc. shall comply with the opacity limits in this subsection. If any of the following limits conflict with 326 IAC 5-1-2, Ispat Inland shall comply with the stricter limit:

Source	Opacity
Electric arc furnace direct shell evacuation system baghouse	5%, 6 minute average
Electric furnace shop roof monitor	20%, 6 minute average
Electric furnace shop ladle metallurgical station baghouse	5%, 6 minute average
Number 2 basic oxygen furnace, number 10 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace, number 20 furnace off-gas scrubber	20%, 6 minute average
Number 2 basic oxygen furnace caster fume collection baghouse	5%, 3 minute average
Number 2 basic oxygen furnace charging isle and reladling desulfurization baghouse	5%, 3 minute average
Number 2 basic oxygen furnace flux storage and batch baghouse	5%, 3 minute average
Number 2 basic oxygen furnace ladle metallurgy station baghouse	5%, 3 minute average
Number 2 basic oxygen furnace roof monitor	20%, 3 minute average
Number 2 basic oxygen furnace secondary ventilation system scrubber	20%, 6 minute average
Number 2 basic oxygen furnace truck and ladle hopper baghouse	5%, 3 minute average
Number 2 basic oxygen furnace tundish dump baghouse	5%, 3 minute average
Number 4 basic oxygen furnace off-gas scrubber	20%, 6 minute average
Number 4 basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Number 4 basic oxygen furnace roof monitor	20%, 3 minute average
Number 4 basic oxygen furnace secondary ventilation system baghouse	5%, 3 minute average
Number 4 basic oxygen furnace vacuum degassing material handling baghouse	5%, 3 minute average
Number 7 blast furnace casthouse	15%, 6 minute average

(c) The combustion sources in this subsection shall fire natural gas only.

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
12 inch bar mill reheat furnace	0.003 lbs/MMBtu	1.090
Stack serving 21 inch bar mill reheat furnace numbers 1 and 2	0.003 lbs/MMBtu	1.31
Stack serving 76 inch hot strip mill reheat furnace numbers 1, 2, and 3	0.003 lbs/MMBtu	1.310
Stack serving 80 inch hot strip mill furnace numbers 3 and 4	0.003 lbs/MMBtu	3.980
Number 3 cold strip and numbers 5 and 6 annealing furnaces	0.003 lbs/MMBtu	0.987
Number 5 galvanizing line	0.003 lbs/MMBtu	0.44
Number 3 continuous anneal line	0.003 lbs/MMBtu	0.25
Open coil anneal	0.003 lbs/MMBtu	0.25
Plant 1 galvanizing lines	0.003 lbs/MMBtu	0.51
Normalizing line	0.003 lbs/MMBtu	0.13

(Air Pollution Control Board; 326 IAC 6.8-2-17; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3514)

SECTION 104. 326 IAC 6.8-2-18, AS ADDED AT 28 IR 3516, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-18 Jupiter Aluminum Corporation

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

Affected: IC 13-15; IC 13-17

Sec. 18. (a) Jupiter Aluminum Corporation in Lake County, Source ID No. 00201, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Reverberatory furnace number 10 6	0.060 0.060 lbs/ton	0.970
Reverberatory furnace number 20 5	0.142 0.142 lbs/ton	0.430
Reverberatory furnace number 30 4	0.145 0.145 lbs/ton	0.510
Reverberatory furnace number 40 3	0.145 0.145 lbs/ton	0.510
Reverberatory furnace number 50 2	0.130 0.130 lbs/ton	1.137

(b) Combustion sources in this subsection shall fire natural gas only as follows:

Source	Emission Limit (Units)	Emission Limit (lb/hr)
Number 2 annealer	0.003 lbs/MMBtu	0.048
Number 3 annealer	0.003 lbs/MMBtu	0.048
Annealing furnace	0.003 lbs/MMBtu	0.040
Boiler	0.003 lbs/MMBtu	0.010

(Air Pollution Control Board; 326 IAC 6.8-2-18; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3516)

SECTION 105. 326 IAC 6.8-2-19, AS ADDED AT 28 IR 3516, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-19 Dover Chemical Corporation-Hammond

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

Affected: IC 13-15; IC 13-17

Sec. 19. ~~Keith Dover Chemical Division of Ferro Corporation-Hammond~~ in Lake County, Source ID No. 00227, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Cleaver Brooks boiler B-4	0.007 lbs/MMBtu	0.09
Cleaver Brooks boiler B-5	0.007 lbs/MMBtu	0.14
VA power B-3 boiler	0.007 lbs/MMBtu	0.04
Chlorinated wax process	0.001 lbs/ton	0.003
Pyro-check 68PB1	0.052 lbs/ton	0.030
Pyro-check 77PB2	0.122 lbs/ton	0.040
Sulfurized fat process	0.157 lbs/ton	0.230

(Air Pollution Control Board; 326 IAC 6.8-2-19; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3516)

SECTION 106. 326 IAC 6.8-2-20, AS ADDED AT 28 IR 3516, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-20 LaSalle Steel Company

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

Affected: IC 13-15; IC 13-17

Sec. 20. LaSalle Steel Company in Lake County, **Source ID No. 00220**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Fume scrubber	0.015 lbs/ton	0.060
Number 11 furnace precipitator	0.548 lbs/ton	0.940
Stack serving shot blast baghouse (2 units)	0.001 lbs/ton	0.020

(Air Pollution Control Board; 326 IAC 6.8-2-20; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3516)

SECTION 107. 326 IAC 6.8-2-21, AS ADDED AT 28 IR 3516, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-21 ISG-Indiana Harbor

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

Affected: IC 13-15; IC 13-17

Sec. 21. ~~ETV Steel Corporation~~ **(a) ISG-Indiana Harbor** in Lake County, **Source ID No. 00318**, shall meet the following emission limits:

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

(b) ISG-Indiana Harbor shall comply with the opacity limits in this subsection. If any of the following limits conflict with 326 IAC 5-1-2, ISG-Indiana Harbor shall comply with the stricter limit:

Source	Opacity
Basic oxygen furnace ladle metallurgical station baghouse	5%, 3 minute average
Basic oxygen furnace main stack	20%, 6 minute average
Basic oxygen furnace reladling and desulfurization baghouse	5%, 3 minute average
Basic oxygen furnace shop roof monitor	20%, 3 minute average

(c) The installation and operation of opacity continuous emissions monitors shall be conducted according to procedures specified in 326 IAC 3. Before December 10, 1993, ISG-Indiana Harbor basic oxygen furnace precipitator main stack shall have a continuous emission monitor for opacity installed and operating.

(d) Combustion sources in this subsection shall fire natural gas only as follows:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Hot strip space heater numbers 1 through 28	0.003 lbs/MMBtu	0.250 TSP
Sheet mill number 3 open coil annealing furnace numbers 1 through 3	0.003 lbs/MMBtu	0.031 TSP
Number 3 sheet mill annealing furnace numbers 1 through 7	0.003 lbs/MMBtu	0.071 TSP
Number 3 sheet mill annealing furnace numbers 1 through 11	0.003 lbs/MMBtu	0.520 TSP
Sheet mill number 2, annealing and galvanizing furnace numbers 2 through 5	0.003 lbs/MMBtu	1.280 TSP
Number 2 cold reduced strip mill, number 2 galvanizing line, numbers 1 and 2 flame furnaces	0.003 lbs/MMBtu	0.500
Number 2 sheet mill galvanizers 1 and 2	0.003 lbs/MMBtu	0.265 TSP

(Air Pollution Control Board; 326 IAC 6.8-2-21; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3516)

SECTION 108. 326 IAC 6.8-2-22, AS ADDED AT 28 IR 3517, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-22 Carmeuse Lime Company

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

Sec. 22. ~~Marblehead~~ Carmeuse Lime Company in Lake County, **Source ID No. 00112**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Flue dust loadout number 1 (MHL 14)	0.003 lbs/ton	0.110
Flue dust loadout number 2 (MHL 15)	0.003 lbs/ton	0.100
Lime grinder (MHL 13)	0.015 lbs/ton	0.440
Lime handling baghouse number 1 (MHL 6)	0.002 lbs/ton	0.260
Lime handling baghouse number 2 (MHL 7)	0.002 lbs/ton	0.180
Lime handling baghouse number 3 (MHL 8)	0.0004 lbs/ton	0.050
Lime handling baghouse number 4 (MHL 9)	0.001 lbs/ton	0.130
Lime loadout baghouse number 1 (MHL 10)	0.0004 lbs/ton	0.050
Lime loadout baghouse number 2 (MHL 11)	0.0004 lbs/ton	0.050

Lime loadout baghouse number 3 (MHL 12)	0.004 lbs/ton	0.410
Lime rotary kiln number 1	0.478 lbs/ton	9.950
Lime rotary kiln number 2	0.478 lbs/ton	9.950
Lime rotary kiln number 3	0.478 lbs/ton	9.950
Lime rotary kiln number 4	0.478 lbs/ton	9.950
Lime rotary kiln number 5	0.478 lbs/ton	9.950

(Air Pollution Control Board; 326 IAC 6.8-2-22; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3517)

SECTION 109. 326 IAC 6.8-2-24, AS ADDED AT 28 IR 3517, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-24 Methodist Hospital

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

Affected: IC 13-15; IC 13-17

Sec. 24. Methodist Hospital in Lake County, **Source ID No. 00114**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lb/hr) (lbs/hr)
Boiler number 1	0.044 lbs/MMBtu	0.350

(Air Pollution Control Board; 326 IAC 6.8-2-24; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3517)

SECTION 110. 326 IAC 6.8-2-25, AS ADDED AT 28 IR 3518, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-25 National Recovery Systems

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

Affected: IC 13-15; IC 13-17

Sec. 25. National Recovery Systems in Lake County, **Source ID No. 00323**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Drying system	0.203 lbs/ton	4.060
Material storage handling	0.034 lbs/ton	0.680
Each stack serving lime fines cement storage silos (2 stacks)	0.001 lbs/ton	0.012

(Air Pollution Control Board; 326 IAC 6.8-2-25; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3518)

SECTION 111. 326 IAC 6.8-2-26, AS ADDED AT 28 IR 3518, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-26 NIPSCo-Mitchell

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

Affected: IC 13-15; IC 13-17

Sec. 26. (a) NIPSCo-Mitchell in Lake County, **Source ID No. 00117**, shall meet the following requirements and emission limits for boiler numbers 4, 5, 6, and 11:

(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) NIPSCo 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 number 4 or 5 may operate on coal if

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

(ii) Boiler numbers 6 and 11 may operate simultaneously on coal. Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to one-tenth (0.1) pound per million Btu and two hundred thirty-six (236.0) pounds per hour.

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

(i) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred eighty-five (185.0) pounds per hour.

(ii) Particulate emissions from the stack serving boiler numbers 6 and 11 shall be limited to seventy-four thousandths (0.074) pound per million Btu and one hundred eighty-five (185.0) pounds per hour.

sandths (0.074) pound per million Btu and one hundred seventy-five (175.0) 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) Particulate emissions from the stack serving boiler numbers 4 and 5 shall be limited to one-tenth (0.1) pound per million Btu and two hundred fifty (250.0) pounds per hour.

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

(3) NIPSCo 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) On ~~or after~~ May 13, 1999, biennial stack testing shall be conducted in the stack serving boiler numbers 4 and 5 and in the stack serving boiler numbers 6 and 11 meeting the following conditions:

(1) Stack testing shall begin within sixty (60) days and be completed within ninety (90) days of the initial use of the operating scenario specified in subsection (a)(2)(B). Particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to seventh-four thousandths (0.074) pound per million Btu.

(2) After the initial stack test specified in subdivision (1), NIPSCo may use the operating scenario specified in subsection (a)(2)(B) if in the previous biennial stack test particulate emissions from boiler numbers 4, 5, 6, and 11 met the emission limitation of seventy-four thousandths (0.074) pound per million Btu.

(3) If the operating scenario specified in subsection (a)(2)(B) has not been used since the previous biennial stack test specified in this subdivision, then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth (0.1) pound per million Btu.

(4) If the operating scenario specified in subsection (a)(2)(B) has been utilized since the previous biennial stack test specified in this subdivision and NIPSCo no longer has the ability to operate the boilers as specified in subsection (a)(2)(B), then particulate emissions from boiler numbers 4, 5, 6, and 11 shall be limited to one-tenth (0.1) pound per million Btu.

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

(c) The combustion source in this subsection shall fire natural gas only as follows:

Source	Emission Limit (Units)	Emission Limit (lb/hr)
Number 9A gas turbine	0.003 lbs/MMBtu	0.660

(Air Pollution Control Board; 326 IAC 6.8-2-26; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3518)

SECTION 112. 326 IAC 6.8-2-27, AS ADDED AT 28 IR 3519, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-27 Praxair

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

Affected: IC 13-15; IC 13-17

Sec. 27. (a) Praxair in Lake County, **Source ID No. 00330**, shall meet the following emission limits:

Source	Emission Limit (Unit) (Units)	Emission Limit (lbs/hr)
Cylinder paint spray booth, stack 033	42.5 lbs/ton	0.340
Drum + shotblaster and baghouse, stack 075	0.002 gr/dscf	0.028
Drum paint spray booth, stack 073	42.5 lbs/ton	0.340
Cylinder shotblaster number 2 baghouse, stack 030	0.004 gr/dscf	0.042
Generators, numbers 1 through 6	0.008 lbs/MMBtu	0.279
Cylinder shotblaster number 1 baghouse, stack 031	0.002 gr/dscf	0.020

(b) Combustion sources in this subsection shall fire natural gas only as follows:

Source	Emission Limit (Units)	Emission Limit (lb/hr)
Package boilers (2 units)	0.003 lbs/MMBtu	0.618
Plants numbers 6, 7, and 8 regenerator heaters	0.003 lbs/MMBtu	0.097

(Air Pollution Control Board; 326 IAC 6.8-2-27; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3519)

SECTION 113. 326 IAC 6.8-2-28, AS ADDED AT 28 IR 3519, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-28 Premier Candy Company

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

Sec. 28. Premier Candy Company in Lake County, **Source ID No. 00236**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Boiler number 1 (North)	0.069 lbs/MMBtu	0.420
Boiler number 2 (South)	0.069 lbs/MMBtu	0.450

(Air Pollution Control Board; 326 IAC 6.8-2-28; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3519)

SECTION 114. 326 IAC 6.8-2-29, AS ADDED AT 28 IR 3519, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-29 Reed Minerals Plant #14

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

Sec. 29. Reed Minerals Plant #14 in Lake County, **Source ID No. 00107**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Fluidized bed dryer	0.015 gr/dscf	3.5
Crushing and screening	0.015 gr/dscf	9.0

(Air Pollution Control Board; 326 IAC 6.8-2-29; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3519)

SECTION 115. 326 IAC 6.8-2-30, AS ADDED AT 28 IR 3519, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-30 Rhodia, Inc.

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

Sec. 30. Rhodia, Inc., in Lake County, **Source ID No. 00242**, shall meet the following emission limits:

Source	Emission Limits (Units)	Emission Limits (lbs/hr)
Package boiler	0.007 lbs/MMBtu	0.755
Preheater	0.007 lbs/MMBtu	0.230
Sulfuric acid production unit number 4	0.150 lbs/ton acid produced	6.958 acid mist

(Air Pollution Control Board; 326 IAC 6.8-2-30; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3519)

SECTION 116. 326 IAC 6.8-2-31, AS ADDED AT 28 IR 3520, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-31 Silgan Containers Manufacturing

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

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Sec. 31. Silgan Containers Manufacturing in Lake County, **Source ID No. 00202**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lb/hr) (lbs/hr)
Stack Stacks serving incinerators (3 units) incinerator	0.007 lbs/MMBtu	0.310
Coil coater	0.007 lbs/MMBtu	0.290

(Air Pollution Control Board; 326 IAC 6.8-2-31; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3520)

SECTION 117. 326 IAC 6.8-2-32, AS ADDED AT 28 IR 3520, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-32 Smith Ready Mix

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

Sec. 32. Smith Ready Mix in Lake County shall meet the following emission limits:

Source	Source ID No.	Emission Limit (Units)	Emission Limit (lb/hr)
Central mix	05111	0.0013 lbs/ton	0.350

(Air Pollution Control Board; 326 IAC 6.8-2-32; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3520)

SECTION 118. 326 IAC 6.8-2-33, AS ADDED AT 28 IR 3520, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-33 State Line Energy, LLC

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

Sec. 33. State Line Energy, LLC in Lake County, **Source ID No. 00210**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Unit 3	0.100 lbs/MMBtu	213.00
Unit 4	0.100 lbs/MMBtu	356.80

(Air Pollution Control Board; 326 IAC 6.8-2-33; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3520)

SECTION 119. 326 IAC 6.8-2-34, AS ADDED AT 28 IR 3520, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-34 Huhtamaki Foodservice Inc.

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

Sec. 34. ~~The Chinot Company~~ **Huhtamaki Foodservice Inc.** in Lake County, **Source ID No. 00228**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lb/hr) (lbs/hr)
Molded pulp dryer number 1	0.546 lbs/ton	0.210
Molded pulp dryer number 2	0.546 lbs/ton	0.250
Molded pulp dryer number 3	0.546 lbs/ton	0.290
Molded pulp dryer number 4	0.546 lbs/ton	0.290
Molded pulp dryer number 5	0.546 lbs/ton	0.130
Molded pulp dryer number 6	0.546 lbs/ton	0.130
Molded pulp dryer number K34	0.546 lbs/ton	0.130

Molded pulp dryer number 8	0.546 lbs/ton	0.350
Molded pulp dryer number 9	0.546 lbs/ton	0.410
Molded pulp dryer number 10	0.546 lbs/ton	0.350
Babcock and Wilcox boiler	0.007 lbs/MMBtu	0.050

(Air Pollution Control Board; 326 IAC 6.8-2-34; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3520)

SECTION 120. 326 IAC 6.8-2-35, AS ADDED AT 28 IR 3521, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-35 Unilever HPC, USA

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

Affected: IC 13-15; IC 13-17

Sec. 35. (a) Unilever HPC, USA in Lake County, **Source ID No. 00229**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Boiler house, building number 8; boiler number 2	0.116 lbs/MMBtu	9.570
Stack serving boiler house, building number 8, boiler numbers 3 and number 4	0.116 lbs/MMBtu	18.88
Dowtherm boiler, DEFI process building 6	0.004 lbs/MMBtu	2.700
Milling and pelletizer soap dust collection system (DC-1), building number 15	0.020 gr/dscf	1.03
Powder dye dust collector system (DC-4), building number 15	0.020 gr/dscf	0.130
Schenible wet scrubber and demister collector system, building number 15	0.030 gr/dscf	1.030
Each stack serving detergent bar soap noodle bins numbers 1, 2, and 3 dust collection system (DC-5, DC-6, and DC-7)	0.020 gr/dscf	0.210
Stack serving chip mixers numbers 1, 2, and 3 soap dust collection system, building number 15 (DC-8, DC-9, and DC-10)	0.020 gr/dscf	0.720
Rework soap dust collection system (DC-3), building number 15	0.020 gr/dscf	0.800
Three chill rolls and apron conveyors (DC-2), building number 15	0.020 gr/dscf	1.090
High titer granules and chips manufacturing process, building number 6	0.930 lbs/ton	3.500
Detergent bar soap manufacturing process number 1; stack 7; building number 6	1.140 lbs/ton	4.000
Detergent bar soap manufacturing process number 2; stack 16A; building number 6	1.140 lbs/ton	4.000
Bulk filter unloading bleached earth dust collection system; building number 1	0.020 gr/dscf	0.070
Oil refinery/filter aid bag dumping operation; building number 1	0.020 gr/dscf	0.220
3 soap dryers dust collection system, building number 14	0.020 gr/dscf	0.120
6 noodle bins and 1 scrap kettle dust collection system, building number 3	0.020 gr/dscf	0.860
Dust collector system for soap rework grinding process, building number 14	0.020 gr/dscf	0.250
Stack serving hard tallow soap finishing lines numbers 1; 2; 3; 5; 7; and 8, 9, 10, 11, 12, and 13 dust collection system (DC), building number 14	0.020 gr/dscf	1.540
Sulfonation process	0.205 lbs/ton	0.390
Soap dryer cleanout system; tank number 1; building number 14	0.030 gr/dscf	0.390
Soap dryer cleanout system; tank number 2; building number 14	0.030 gr/dscf	0.300
Crude glycerine filter aid dust collection system; building number 2	0.020 gr/dscf	0.130
Glycerine carbon handling dust collection system; building number 2	0.020 gr/dscf	0.170
Bulk urea handling system; new detergent bulk soap; building number 15A	0.020 gr/dscf	0.100
American hydrotherm boiler 2, stack 1A, building number 15A	0.150 lbs/MMBtu	1.830
Schenible D. R. Technology wet scrubber and demister collection system, stack 2A, building number 15A	0.030 gr/dscf	1.030
Flex Kleen dust collection system DC-1053, stack 3A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1054, stack 4A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC-1055, stack 5A, building number 15A	0.020 gr/dscf	0.940

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Flex Kleen dust collection system DC-1056, stack 6A, building number 15A	0.020 gr/dscf	0.940
Flex Kleen dust collection system DC- 1050 1052 , stack 7A, building number 15A	0.020 gr/dscf	2.130
Flex Kleen dust collection system DC- 1052 1051 , stack 8A, building number 15A	0.020 gr/dscf	2.130
Bulk Borax unloading to storage silo, stack 9A, building number 8	0.020 gr/dscf	0.130
Oil refinery/filter aid mixing tank number 44, building number 1, stack 15A	0.060 lbs/ton	0.030
Sample detergent bar soap line operation, building 14, stack 17A	0.002 lbs/ton	0.002

(b) Combustion sources in this subsection shall fire natural gas only as follows:

Source	Emission Limit (Units)	Emission Limit (lb/hr)
American hydrotherm boiler number 1	0.003 lbs/MMBtu	0.040

(Air Pollution Control Board; 326 IAC 6.8-2-35; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3521)

SECTION 121. 326 IAC 6.8-2-36, AS ADDED AT 28 IR 3522, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-36 Union Tank Car

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

Sec. 36. (a) Union Tank Car ~~Company~~ in Lake County, **Source ID No. 00229**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Grit blaster	0.01 gr/dscf	9.9

(b) Combustion sources in this subsection shall fire natural gas only as follows:

Source	Emission Limit (Units)	Emission Limit (lb/hr)
Number 4 boiler	0.003 lbs/MMBtu	0.020
North stress furnace	0.003 lbs/MMBtu	0.160
Stacks serving paint oven unit numbers 1 through 5 3	0.003 lbs/MMBtu	0.060
South stress furnace	0.003 lbs/MMBtu	0.160

(Air Pollution Control Board; 326 IAC 6.8-2-36; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3522)

SECTION 122. 326 IAC 6.8-2-37, AS ADDED AT 28 IR 3522, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-37 U.S. Gypsum Company

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

Sec. 37. (a) U.S. Gypsum Company in Lake County, **Source ID No. 00333**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Raw material handling		
Rail car unloading, stack J10 Stacks J11, J12, and J13	0.010 gr/dscf	0.070
Each stack serving raw material conveying and storage, stacks J11, J12, and J13	0.015 gr/dscf	0.190
Rock handling process		
Drying, grinding, and calcining, stack M1	0.012 gr/dscf	3.210
Stucco elevating and conveying, stack M2	0.015 gr/dscf	2.210
Franklin fiber process, stack M6	0.011 gr/dscf	0.313

Wallboard manufacturing process		
Paper grinding and stucco system, stack B1	0.020 gr/dscf	2.230
Wallboard end sawing, Stack B2	0.020 gr/dscf	0.860
Speciality board manufacturing process (kerfing), stack B3	0.020 gr/dscf	0.260
Each stack serving ready mix process, stacks J1, J2, and J3	0.017 lbs/ton	0.100
Dry texture paint process		
Mixing and packing, stack J4	0.020 gr/dscf	0.190
Bag dumping, stack J5 J8	0.010 gr/dscf	0.100
Dry additive conveying, stack J6	0.010 gr/dscf	0.030
Dry joint compound process		
Mixing and packing, stack J7	0.020 gr/dscf	0.340
Additive air conveying, stack J8	0.010 gr/dscf	0.34
Panel saw process	0.020 gr/dscf	0.140

(b) Combustion sources in this subsection shall fire natural gas only as follows:

Source	Emission Limit (Units)	Emission Limit (lb/hr)
Stacks B4, B5, and B6	0.003 lbs/MMBtu	0.068

(Air Pollution Control Board; 326 IAC 6.8-2-37; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3522)

SECTION 123. 326 IAC 6.8-2-38, AS ADDED AT 28 IR 3523, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-2-38 U.S. Steel-Gary Works

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

Affected: IC 13-15; IC 13-17

Sec. 38. (a) U.S. Steel-Gary Works in Lake County, **Source ID No. 00121**, shall meet the following emission limits:

Source	Emission Limit (Units)	Emission Limit (lbs/hr)
Coke battery #2 precarbonization system electrostatic precipitators	not applicable	62.5 (total)
Coke battery #3 precarbonization system electrostatic precipitators	not applicable	62.5 (total)
Number 3 sinter plant coolers	0.0300 gr/dscf gr/dscf	272.57 (total)
Number 3 sinter plant discharge area baghouses	0.0100 gr/dscf gr/dscf	20.57 (total)
Number 3 sinter plant sinter screening station baghouse	0.0100 gr/dscf gr/dscf	10.89
Number 3 sinter plant storage bins building baghouse	0.0100 gr/dscf gr/dscf	0.43
Number 3 sinter plant windbox stacks	0.020 gr/dscf gr/dscf	200 (total)
Number 4 boiler house boilers when three boilers are operating	0.036 lbs/MMBtu	54.1 (total)
Number 4 boiler house boilers when one or two boilers are operating	0.054 lbs/MMBtu	54.1 (total)
Plate mill batch reheat furnaces nos. 6 and 8	0.009 lbs/MMBtu	0.070 (total)
Plate mill continuous reheat furnaces 1 and 2	0.009 lbs/MMBtu	3.72 (total)
84" hot strip mill reheat furnaces nos. 1, 2, 3, and 4	0.017 lbs/MMBtu	40.80 (total)
84" hot strip mill waste heat boiler no. 1	0.043 lbs/MMBtu	10.00
84" hot strip mill waste heat boiler no. 2	0.043 lbs/MMBtu	10.00
Blast furnace number 13 stoves	0.024 lbs/MMBtu	20.40 (total)
Blast furnace number 4 stoves	0.033 lbs/MMBtu	11.70 (total)
Blast furnace number 6 stoves	0.033 lbs/MMBtu	11.70 (total)
Blast furnace number 8 stoves	0.033 lbs/MMBtu	11.70 (total)
Coke battery number 2 underfiring stack	not applicable	32.30
Coke battery number 3 underfiring stack	not applicable	25.50

Coke battery number 5 underfiring stack	not applicable	24.70
Coke battery number 7 underfiring stack	not applicable	21.30
Coke plant boiler house, boiler numbers 1 and 2	0.003 lbs/MMBtu	0.75 (total)
Coke plant boiler house, boiler number 3	0.012 lbs/MMBtu	1.80
Coke plant boiler house, boiler numbers 4 and 5	0.012 lbs/MMBtu	3.90
Coke plant boiler house, boiler number 6	0.012 lbs/MMBtu	2.00
Coke plant boiler house, boiler number 7	0.012 lbs/MMBtu	1.90
Coke plant boiler house, boiler number 8	0.012 lbs/MMBtu	2.90
Number 1 BOP hot metal desulfurization baghouse	0.007 gr/dscfm gr/dscf	15.0
Number 2 Q-BOP LMF numbers 1 and 2 material handling baghouse	0.007 gr/dscfm gr/dscf	3.83
Number 2 Q-BOP LMF number 3 hot fume exhaust/material handling baghouse	0.0070 gr/dscfm gr/dscf	2.70
Number 2 Q-BOP hot metal desulfurization baghouse	0.007 gr/dscfm gr/dscf	13.0
Number 1 BOP gas cleaning system	0.011 gr/dscfm gr/dscf	46.0 (total)
Number 2 Q-BOP gas cleaning system	0.0153 gr/dscfm gr/dscf	44.40 (total)
TBBH boiler number 6	0.039 lbs/MMBtu	27.80
TBBH boiler numbers 1, 2, 3, and 5 when four boilers are operating	0.037 lbs/MMBtu	61.0 (total)
TBBH boiler numbers 1, 2, 3, and 5 when three boilers are operating	0.050 lbs/MMBtu	61.0 (total)
TBBH boiler numbers 1, 2, 3, and 5 when one or two boilers are operating	0.074 lbs/MMBtu	61.0 (total)
Number 2 Q-BOP north flux handling system baghouse	0.0070 gr/dscfm gr/dscf	1.80
Number 2 Q-BOP south flux handling system baghouse	0.0070 gr/dscfm gr/dscf	1.80
Number 2 Q-BOP secondary emissions baghouse	0.007 gr/dscfm gr/dscf	27.0
Number 3 sinter plant S1/S2 baghouse	0.0100 gr/dscfm gr/dscf	1.29
TBBH boiler number 4A	0.012 lbs/MMBtu	2.90
Number 13 blast furnace casthouse baghouse	0.0090 gr/dscfm gr/dscf	38.57
Number 1 BOP Casbell/OB lancing baghouse	0.070 gr/dscfm gr/dscf	5.10
Number 2 Q-BOP LMF number 1 hot fume exhaust baghouse	0.007 gr/dscfm gr/dscf	5.1
Number 2 Q-BOP LMF number 2 hot fume exhaust baghouse	0.007 gr/dscfm gr/dscf	5.1
Coke plant desulfurization facility tail gas incinerator	not applicable	0.13
Slab mill slab grinder baghouse	0.0100 gr/dscfm gr/dscf	2.57
EGL boiler house	0.0033 lbs/MMBtu	0.13 (total)
Coke battery number 5/7 pushing emissions control baghouse	0.017 lb/ton coke produced	1.28
Number 2 Q-BOP RH-degasser slag conditioning baghouse	0.007 gr/dscfm gr/dscf	5.49
Coke plant boiler house lime storage silo baghouse	0.030 gr/dscfm gr/dscf	0.28
Plate mill heat treatment furnace	0.003 gr/dscfm gr/dscf	0.096

(b) U.S. Steel-Gary Works shall comply with the opacity limits in this subsection. If any of the following limits conflict with 326 IAC 5-1-2, U.S. Steel-Gary Works shall comply with the stricter limit:

Source	Opacity
Number 1 basic oxygen furnace iron desulfurization baghouse	5%, 3 minute average
Number 1 basic oxygen furnace roof monitor	20%, 3 minute average
Number 1 basic oxygen process gas cleaning (2 units)	20%, 6 minute average
Number 2 QBOP hot metal desulfurization baghouse	5%, 3 minute average
Number 2 QBOP gas cleaning	20%, 6 minute average
Number 2 QBOP roof monitor	20%, 3 minute average
Number 2 QBOP flue handling line baghouse	5%, 3 minute average

New 2 QBOP secondary baghouse
 Number 2 QBOP ladle metallurgy baghouse number 1
 Number 2 QBOP ladle metallurgy baghouse number 2

5%, 3 minute average
 5%, 3 minute average
 5 %, 3 minute average

(c) The installation and operation of opacity continuous emissions monitors shall be conducted according to procedures specified in 326 IAC 3. Before December 10, 1993, the following facilities at U.S. Steel-Gary Works shall have a continuous emission monitor for opacity installed and operating:

(1) Coke battery underfire stacks at U.S. Steel-Gary Works.

(2) Numbers 2 and 3 precarbon building preheating and drying line exhaust gas precipitators (six (6) units). One (1) opacity continuous emission monitor shall be installed before December 10, 1993. The remaining five (5) opacity continuous emission monitors shall be installed before December 31, 1994. Based on an evaluation of the technical feasibility of operation of the first monitor on one (1) line, U.S. Steel-Gary Works may petition for a:

(A) one (1) year extension of the requirement to install the remaining five (5) monitors; or

(B) waiver for installation and operation of the six (6) opacity continuous emission monitors.

U.S. Steel-Gary Works shall include information on the moisture content of the gases and their effect on accurate opacity measurements as part of any such petition.

(Air Pollution Control Board; 326 IAC 6.8-2-38; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3523)

SECTION 124. 326 IAC 6.8-4-1, AS ADDED AT 28 IR 3525, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-4-1 Test methods

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

Affected: IC 13-15; IC 13-17

Sec. 1. Test methods for 326 IAC 6.8-2, ~~through 326 IAC 6.8-4~~, 326 IAC 6.8-7, and 326 IAC 6.8-8 shall be as follows:

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

(A) 40 CFR 51, Appendix M, Method 201*.

(B) 40 CFR 51, Appendix M, Method 201A*.

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

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

(A) 40 CFR 60, Appendix A, Methods 5, 5A, 5D, 5E, or 17*. Method 17 may not be used when the stack gas temperature exceeds two hundred forty-eight (248) degrees Fahrenheit. (±25°F).

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

(3) Measurements of opacity shall be conducted in accordance with the following:

(A) 40 CFR 60, Appendix A, Method 9*, except for those sources where a three (3) minute averaging time is required.

(B) Sources requiring a three (3) minute averaging time are subject to all parts of Method 9* except the six (6) minute averaging provision. In these cases, the opacity shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

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

(5) Compliance with the mass emission limits for the sinter plant windbox stacks at U.S. Steel-Gary Works in 326 IAC 6.8-2 shall be determined by the following:

(A) The simultaneous sampling and analysis of both noncondensibles (front half) and condensibles (back half) particulate matter.

(B) The quantity of noncondensibles particulate matter in the gas stream shall be determined in accordance with the procedures specified in 40 CFR 60, Appendix A, Method 5*.

(C) The quantity of condensible particulate matter in the gas stream shall be determined in accordance with 40 CFR 51, Appendix M, Method 202*, with the following modifications:

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

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

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

(D) Compliance shall be achieved if the sum of the front half and the back half is less than or equal to the mass emission limit of one hundred (100) lbs/hr per stack, and the front half catch is less than or equal to the mass concentration limit of twenty-thousandths (0.020) gr/dscf in 326 IAC 6.8-2.

*These documents are incorporated by reference and are available from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 6.8-4-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3525)

SECTION 125. 326 IAC 6.8-7-1, AS ADDED AT 28 IR 3531, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-7-1 General provisions

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

Affected: IC 13-15; IC 13-17

Sec. 1. This rule lists site-specific control requirements for sources in Lake County. For any facility with a compliance date after December 10, 1993, the company shall submit a schedule for meeting the final compliance date containing milestones for purchase and installation of the equipment and for the operational changes required to assure compliance with the applicable standard before the final compliance date. The schedule shall be submitted to the department and to the U.S. EPA before December 10, 1993. A violation of any milestone in the submitted schedule constitutes a violation of this article. The sources listed in sections 2 5 through 8 7 of this rule shall meet the requirements in this rule. (*Air Pollution Control Board; 326 IAC 6.8-7-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3531*)

SECTION 126. 326 IAC 6.8-7-5, AS ADDED AT 28 IR 3531, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-7-5 Ispat Inland, Inc.

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

Sec. 5. The following site-specific control requirements apply to **Ispat Inland, Steel Inc.** in Lake County, **Source ID No. 00316:**

(1) Number 2 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in ~~326 IAC 6.8-3~~ **326 IAC 6.8-2-17** shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Before December 31, 1994, the opacity standard shall be the thirty percent (30%), six (6) minute average. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9*, except that the three (3) minute, twenty percent (20%) opacity standard shall be determined as an average of twelve (12) consecutive observations recorded at fifteen (15) second intervals.

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

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

(4) Numbers 6, 7, 9, and 10 coke batteries. These coke batteries and associated quench towers and underfire stacks shall not operate after December 31, 1994. Before December 31, 1994, these coke batteries shall meet the requirement of 326 IAC 6.8-9 with the following exceptions:

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

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

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

(5) Number 4 BOF facility roof monitor. The twenty percent (20%), three (3) minute average opacity standard in ~~326 IAC 6.8-3~~ **326 IAC 6.8-2-17** shall be achieved no later than December 31, 1994, and shall be maintained thereafter. Before December 31, 1994, the opacity standard shall be the twenty-five percent (25%), six (6) minute average.

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

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

(8) Before December 31, 1994, **Ispat Inland, Steel Inc.** shall comply with a thirty percent (30%), six (6) minute average opacity limit for the electric arc furnace roof monitor. On and after December 31, 1994, **Ispat Inland, Steel Inc.** shall comply with the roof monitor opacity limit specified in ~~326 IAC 6.8-3~~ **326 IAC 6.8-2-17**. Before December 31, 1994, **Ispat Inland, Steel Inc.** shall do the following:

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

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

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

(9) After December 31, 1994, the sources shall comply with the respective limits contained in 326 IAC 6.8-2. The following mass emission limits will be applicable until December 31, 1994:

Processes	Emission Limit (Units)	Emission Limit (lbs/hr)
Number 6 coke battery underfire stack	0.271 lbs/ton coal	9.840
Number 7 coke battery underfire stack	0.267 lbs/ton coal	15.580
Number 9 coke battery underfire stack	0.406 lbs/ton coal	19.180
Number 10 coke battery underfire stack	0.371 lbs/ton coal	27.81

Stack serving 21 inch bar mill reheat furnace numbers 1 and 2
~~Number 4 slabber soaking pit numbers 1 through 18 collective~~
 Number 4 slabber soaking pit numbers 19 through 45 collective
 Number 3AC station boiler numbers 301 through 304
 Number 3AC station boiler number 305

0.29 lbs/MMBtu	12.95
0.0 lbs/MMBtu	0.0
0.031 lbs/MMBtu	9.190
0.023 lbs/MMBtu	20.45
0.023 lbs/MMBtu	6.82

*This document is incorporated by reference and is available from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or is available for review and copying at the 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 6.8-7-5; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3531*)

(*Air Pollution Control Board; 326 IAC 6.8-7-7; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3533*)

SECTION 129. 326 IAC 6.8-8-1, AS ADDED AT 28 IR 3533, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-8-1 Applicability

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

Affected: IC 13-15; IC 13-17

Sec. 1. The continuous compliance plan (CCP) for sources listed in subdivisions (1) through ~~(21)~~ **(18)** shall contain information on the facilities included in 326 IAC 6.8-2 and ~~326 IAC 6.8-3~~ **326 IAC 6.8-2** The following sources shall submit a CCP to the department by December 10, 1993:

- ~~(1) American Steel Foundries-East Chicago.~~
- ~~(2) American Steel Foundry~~ **(1) ASF-Keystone, Inc.-Hammond.**
- ~~(3) BP Products North America Inc.-Whiting Refinery.~~
- ~~(4) (3) Bucko Construction.~~
- ~~(5) Cerestar USA, Incorporated.~~
- ~~(6) Globe Industries.~~
- (4) Cargill, Inc.**
- ~~(7) (5) Hammond Group, Inc. (HGI).~~
- ~~(8) Harbison Walker Refractories, Hammond Works.~~
- (6) Resco Products, Inc.**
- ~~(9) (7) Ispat Inland, Steel, Inc.~~
- ~~(10) LTV Steel Corporation.~~
- (8) ISG-Indiana Harbor.**
- ~~(11) Marblehead~~ **(9) Carmeuse Lime Company.**
- ~~(12) Marport Smelting.~~
- ~~(13) (10) National Recovery Systems.~~
- ~~(14) (11) NIPSCO-Mitchell.~~
- ~~(15) (12) Reed Minerals.~~
- ~~(16) (13) Rhodia, Inc.~~
- ~~(17) (14) State Line Energy LLC.~~
- ~~(18) (15) Unilever HPC, USA.~~
- ~~(19) (16) U.S. Gypsum Company.~~
- ~~(20) (17) U.S. Steel-Gary Works.~~
- ~~(21)~~ **(18)** A CCP shall also be submitted by any source in Lake County for facilities that meet the following conditions:

- (A) Boilers with heat input capacity equal to or greater than twenty-five million (25,000,000) British thermal units per hour, singly or in combination, that vent through a single stack. Facilities, including boilers and reheat furnaces, configured to burn only natural gas, blast furnace gas, or coke oven gas, or a combination of these gases, are exempt.
- (B) Facilities that perform manufacturing operations in a building or structure such that the total uncontrolled PM₁₀ emissions from all such operations amount to ten (10) tons

SECTION 127. 326 IAC 6.8-7-6, AS ADDED AT 28 IR 3532, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-7-6 ISG-Indiana Harbor

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

Affected: IC 13-15; IC 13-17

Sec. 6. The following site-specific control requirements apply to ~~LTV Steel Corporation~~ **ISG-Indiana Harbor** in Lake County, **Source ID No. 00318**:

- (1) Basic oxygen furnace facility roof monitor. The twenty percent (20%), three (3) minute average opacity (20%) except for standard in ~~326 IAC 6.8-3~~ **326 IAC 6.8-2-21** shall be achieved no later than December 10, 1993, and shall be maintained thereafter. Before December 10, 1993, the opacity standard shall be twenty percent **(20%)**, one (1) three (3) minute average per hour.
- (2) Number 4 blast furnace. Compliance with the opacity limit shall be achieved no later than February 1, 1994, and shall be maintained thereafter. In addition, control equipment capable of capturing and collecting emissions generated at the east and west tilting runner spouts and tap holes shall be installed and operational by February 1, 1994.

(*Air Pollution Control Board; 326 IAC 6.8-7-6; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3532*)

SECTION 128. 326 IAC 6.8-7-7, AS ADDED AT 28 IR 3533, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-7-7 NIPSCO-Mitchell

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

Affected: IC 13-15; IC 13-17

Sec. 7. NIPSCO-Mitchell Units 5 and 6 in Lake County, **Source ID No. 00117**, shall comply with the following opacity limits:

- (1) A thirty percent (30%), six (6) minute average opacity limit until December 31, 1992.
- (2) A twenty-five percent (25%), six (6) minute average opacity limit from January 1, 1993, to December 10, 1993.
- (3) A twenty percent (20%), six (6) minute average opacity limit after December 10, 1993.

per year or more and that could potentially escape into the atmosphere through roof vents and other openings. The uncontrolled PM₁₀ emissions shall be estimated with "Compilation of Air Pollutant Emission Factors" Volume 1, Stationary Point and Area Sources, AP-42, Fifth Edition, January 1995*, Supplements A through G, December 2000* emission factors or other documentable emission factors acceptable to the commissioner and U.S. EPA.

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

*These documents are incorporated by reference and are available for purchase from the Government Printing Office, 732 North Capitol Avenue NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board*; 326 IAC 6.8-8-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3533)

SECTION 130. 326 IAC 6.8-9-3, AS ADDED AT 28 IR 3540, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-9-3 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. (a) With the exceptions noted in this section, the coke batteries in Lake County shall comply with the following emission limits by December 10, 1993:

(1) Single-pass cap for oven door emissions. No visible emissions shall be permitted from more than ten percent (10%) of the observed coke oven doors on any coke oven battery. The number of coke-side doors and push-side doors shall be counted in determining compliance with this emission limit. Doors of ovens that are out of service, either temporarily or permanently, shall not be counted. A push door and a chuck door shall be counted as one (1) door. Compliance with this emission limit shall be determined in accordance with the procedure described in 326 IAC 11-3-4(c).

(2) Charging emissions. No visible emissions shall be permitted from the charging system for more than a cumulative total of one hundred twenty-five (125) seconds during five (5) consecutive charging periods. For the purpose of this subdivision, "charging system" means the equipment required to add coal to a coke battery. This includes a larry car, charge ports, jumper pipe, and offtake pipe. Compliance with this emission limit shall be determined in accordance with the procedure contained in 326 IAC 11-3-4(a).

(3) Pushing emissions. The following emission limits shall apply during pushing operations:

(A) The opacity of emissions from the coke-side of an oven to be pushed, before the first movement of the coke from the oven to the coke car begins, shall not exceed twenty percent (20%). The opacity shall be determined on an instantaneous basis at the top of the battery. The observer shall be positioned outside of the quench car rails.

(B) The opacity of emissions during the pushing operation shall not exceed twenty percent (20%). The pushing operation shall be considered to begin with the first movement of coke from the oven into the coke car and to end when the quench car enters the quench tower. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9*, except that the readings shall be taken at fifteen (15) second intervals. Six (6) consecutive readings shall be averaged to determine the opacity. The observer shall only use those backgrounds that are above the elevation of the battery surface. If this condition cannot be met for six (6) consecutive readings, then the opacity shall be determined using the lesser number of consecutive readings.

(C) The particulate emissions from the control device stack shall not exceed four-hundredths (0.04) pound per ton of coke pushed. Compliance with this emission limit shall be determined by 40 CFR 60, Appendix A, Method 5*.

(4) Charge port lid emissions. No visible emissions shall be permitted from more than three percent (3%) of the total charge port lids on operating ovens of a coke oven battery. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(b).

(5) Offtake piping emissions. No visible emissions shall be permitted from more than five percent (5%) of the total offtake piping on any coke oven battery. At no time shall the visible emissions from any gooseneck cap opening exceed twenty percent (20%). An exclusion from this opacity limit shall be allowed for two (2) minutes after a gooseneck cap is opened. The opacity shall be determined on an instantaneous basis. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(b).

(6) Gas collector main emissions. No visible emissions shall be permitted from the gas collector main. Compliance with this emission limit shall be determined in accordance with 326 IAC 11-3-4(e). Caps on the main shall be exempt from this requirement during maintenance.

(7) Quenching emissions at U.S. Steel-Gary Works. At a minimum, the following procedures and practices shall be followed:

(A) The quench water, as applied to the coke, shall not exceed one thousand five hundred (1,500) milligrams per liter dissolved solids.

(B) A source shall submit the following information regarding its quenching operation in its CCP required to be submitted by 326 IAC 6.8-8-1:

(i) The source of quench water, for example, Lake Michigan water only, or a mixture of Lake Michigan water, spent quench water, process water, and miscellaneous sources of nonprocess water.

(ii) The volume of quench water and the proportion of each source of water.

(C) All coke oven towers shall be equipped with baffles. Baffles shall cover ninety-five percent (95%) or more of the cross-sectional area of the exhaust vent or stack for straight quench towers and must be maintained in operable condition. For offset quench towers numbers 2 and 3 at U.S. Steel-Gary Works, the number and arrangement of baffles in the tower shall be maintained as designed. The source shall submit quench tower drawings showing baffle arrangement to the department and the U.S. EPA on or before December 10, 1993. Compliance with the quench tower baffle requirement shall be determined by comparison of the number and arrangement of baffles with the submitted plans.

(8) Underfire emissions requirements shall be as follows:

(A) Particulate emissions from underfire stacks shall be limited by the emission limitations contained in 326 IAC 6.8-2.

(B) Visible emissions from underfire stacks shall comply with the requirements set forth in 326 IAC 5-1-2.

(9) Precarbonization emissions requirements shall be as follows:

(A) Particulate emissions from precarbonization towers shall be limited by the emission limitations contained in 326 IAC 6.8-2.

(B) Visible emissions from precarbonization towers shall comply with the requirements set forth in 326 IAC 5.

(b) The coke batteries at **Ispat Inland, Steel Inc., Source Identification Number 00316**, instead of subsection (a)(3), (a)(5), and (a)(8) shall comply with the requirements of 326 IAC 6.8-7-5(4).

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or available for review and copying at the 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 6.8-9-3; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3540*)

SECTION 131. 326 IAC 6.8-10-1, AS ADDED AT 28 IR 3541, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

326 IAC 6.8-10-1 Applicability

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

Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to the following:

(1) The following facilities and operations at a source having the potential to emit five (5) tons per year fugitive particulate matter into the atmosphere in Lake County:

(A) Paved roads and parking lots.

(B) Unpaved roads and parking lots.

(C) Material transfer.

(D) Wind erosion from storage piles and exposed areas.

(E) Material transportation activities.

(F) Material processing facilities with capacity equal to or greater than ten (10) tons per hour. The mass and opacity limits for emissions in this rule are not applicable to such facilities specifically listed in 326 IAC 6.8-2 through 326 IAC 6.8-8. However, fugitive emissions from such facilities are subject to this rule.

(G) Dust handling equipment.

(H) Any other facility or operation with a potential to emit fugitive particulate matter and not included in this section.

(2) The following sources located in Lake County:

(A) ~~Amoco Oil~~ **BP Products North America, Inc.-Whiting Refinery.**

(B) Beemsterboer Slag & Ballast Corporation.

(C) Buckco Construction.

(D) Dietrich Industries.

~~(E) Equilon Enterprises, LLC.~~

(E) Buckeye Terminals, LLC.

(F) General Transportation.

(G) Great Lakes Industrial Center.

~~(H) Industrial Scrap.~~

(H) OmniSource-Chicago Division.

~~(I) Ispat Inland, Steel Corporation, Inc.~~

~~(J) LTV Steel Corporation.~~

(J) ISG-Indiana Harbor.

~~(K) Marblehead Carmeuse Lime Company.~~

~~(L) Matlack Bulk Intermodal Services.~~

(L) Superior Carriers, Inc. X-Rail.

(M) Mid Continental Coal & Coke Company.

(N) NIPSCO-Mitchell.

(O) Ozinga Brothers.

(P) Praxair, Linde SP Gas & **Praxair, Oxygen Plant.**

~~(Q) Praxair, Oxygen Plant.~~

~~(R) (Q) Reed Minerals.~~

~~(S) (R) Safety-Kleen Corporation.~~

~~(T) (S) State Line Energy, LLC.~~

~~(U) (T) Union Tank Car Co.~~

~~(V) (U) U.S. Steel-Gary Works.~~

~~(W) (V) Wolf Lake Terminal.~~

(3) New sources required to be registered or permitted under 326 IAC 2-5.1 with total uncontrolled PM₁₀ fugitive particulate matter emissions equal to or greater than five (5) tons per year.

(4) The independent contractors, companies, and corporations performing byproduct processing recycling activities, waste disposal, or any other activities that may result in uncontrolled PM₁₀ emissions of five (5) tons per year or more.

(5) Any subsequent owner or operator of a source or facility covered by this section.

(b) The amount of uncontrolled PM₁₀ emissions emitted from a facility or source shall be determined by applying the method contained in "Compilation of Air Pollutant Emission Factors", Volume 1: Stationary Point and Area Sources, AP-42 Fifth

Edition, January 1995*, Supplements A through G, December 2000**.

*/**These documents are incorporated by reference and are available from the Government Printing Office, 732 Capitol Avenue NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 6.8-10-1; filed Aug 10, 2005, 1:00 p.m.: 28 IR 3541*)

SECTION 132. THE FOLLOWING ARE REPEALED: 326 IAC 6.5-2-2; 326 IAC 6.5-2-3; 326 IAC 6.5-2-5; 326 IAC 6.5-2-6; 326 IAC 6.5-2-7; 326 IAC 6.5-2-10; 326 IAC 6.5-2-11; 326 IAC 6.5-2-12; 326 IAC 6.5-3-5; 326 IAC 6.5-3-6; 326 IAC 6.5-3-9; 326 IAC 6.5-4-7; 326 IAC 6.5-4-12; 326 IAC 6.5-4-13; 326 IAC 6.5-4-14; 326 IAC 6.5-4-20; 326 IAC 6.5-4-22; 326 IAC 6.5-4-23; 326 IAC 6.5-5-3; 326 IAC 6.5-5-8; 326 IAC 6.5-5-9; 326 IAC 6.5-5-12; 326 IAC 6.5-5-13; 326 IAC 6.5-5-14; 326 IAC 6.5-6-4; 326 IAC 6.5-6-6; 326 IAC 6.5-6-7; 326 IAC 6.5-6-8; 326 IAC 6.5-6-11; 326 IAC 6.5-6-12; 326 IAC 6.5-6-13; 326 IAC 6.5-6-14; 326 IAC 6.5-6-16; 326 IAC 6.5-6-17; 326 IAC 6.5-6-20; 326 IAC 6.5-6-21; 326 IAC 6.5-6-24; 326 IAC 6.5-6-27; 326 IAC 6.5-6-29; 326 IAC 6.5-6-30; 326 IAC 6.5-6-32; 326 IAC 6.5-6-36; 326 IAC 6.5-7-2; 326 IAC 6.5-7-4; 326 IAC 6.5-7-7; 326 IAC 6.5-7-8; 326 IAC 6.5-7-9; 326 IAC 6.5-7-10; 326 IAC 6.5-7-12; 326 IAC 6.5-7-14; 326 IAC 6.5-7-15; 326 IAC 6.5-7-17; 326 IAC 6.5-7-19; 326 IAC 6.5-7-20; 326 IAC 6.5-8-2; 326 IAC 6.5-8-3; 326 IAC 6.5-8-4; 326 IAC 6.5-8-5; 326 IAC 6.5-8-6; 326 IAC 6.5-8-7; 326 IAC 6.5-8-8; 326 IAC 6.5-8-9; 326 IAC 6.5-8-10; 326 IAC 6.5-8-14; 326 IAC 6.5-8-15; 326 IAC 6.5-9-2; 326 IAC 6.5-9-3; 326 IAC 6.5-9-4; 326 IAC 6.5-9-5; 326 IAC 6.5-9-6; 326 IAC 6.5-9-7; 326 IAC 6.5-9-9; 326 IAC 6.5-9-12; 326 IAC 6.5-9-14; 326 IAC 6.5-9-16; 326 IAC 6.5-9-19; 326 IAC 6.5-9-20; 326 IAC 6.5-10-7; 326 IAC 6.5-10-8; 326 IAC 6.5-10-10; 326 IAC 6.5-10-17; 326 IAC 6.5-10-18; 326 IAC 6.8-2-3; 326 IAC 6.8-2-5; 326 IAC 6.8-2-10; 326 IAC 6.8-2-12; 326 IAC 6.8-2-15; 326 IAC 6.8-2-23; 326 IAC 6.8-3-1; 326 IAC 6.8-3-2; 326 IAC 6.8-3-3; 326 IAC 6.8-3-4; 326 IAC 6.8-5-1; 326 IAC 6.8-6-1; 326 IAC 6.8-6-2; 326 IAC 6.8-6-3; 326 IAC 6.8-6-4; 326 IAC 6.8-6-5; 326 IAC 6.8-6-6; 326 IAC 6.8-6-7; 326 IAC 6.8-6-8; 326 IAC 6.8-6-9; 326 IAC 6.8-6-10; 326 IAC 6.8-6-11; 326 IAC 6.8-6-12; 326 IAC 6.8-6-13; 326 IAC 6.8-6-14; 326 IAC 6.8-6-15; 326 IAC 6.8-6-16; 326 IAC 6.8-6-17; 326 IAC 6.8-6-18; 326 IAC 6.8-6-19; 326 IAC 6.8-6-20; 326 IAC 6.8-7-2; 326 IAC 6.8-7-3; 326 IAC 6.8-7-4; 326 IAC 6.8-7-8.

Notice of First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on December 7, 2005, at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Air Pollution Control Board will hold a public hearing on amendments to 326 IAC 6.5 and 326 IAC 6.8.

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 Suzanne Whitmer, Rule Development Section, Office of Air Quality, (317) 232-8229 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
Indianapolis, Indiana 46204*

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 Air Quality, Indiana Department of Environmental Management, 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.

TITLE 326 AIR POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD

LSA Document #05-166(APCB)

DEVELOPMENT OF NEW RULES CONCERNING VOLATILE ORGANIC COMPOUND EMISSIONS FROM REINFORCED PLASTIC COMPOSITES PRODUCTION FACILITIES AND BOAT MANUFACTURERS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language to amend 326 IAC 8-1-6 to exempt boat manufacturing facilities that are subject to 326 IAC 20-48 and reinforced plastics composites production facilities that are subject to 326 IAC 20-56 from 326 IAC 8-1-6. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: July 1, 2005, Indiana Register (28 IR 3056).

CITATIONS AFFECTED: 326 IAC 8-1-6.

AUTHORITY: IC 13-14-8; IC 13-14-9-7; IC 13-17-3-4; IC 13-17-3-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

The purpose of this rulemaking is to improve the clarity and predictability of the emission control requirements for certain new sources of VOC emissions. The timeliness of permit decisions will be improved for these sources. Currently, new facilities not regulated by a provision in 326 IAC 8 and which have potential emissions of 25 tons or more per year of VOC are required to reduce VOC emissions using best available control technology (BACT) under 326 IAC 8-1-6 (new facilities: general reduction requirements). Establishing BACT is a case-by-case determination based on the maximum reduction in emissions that is technically feasible, while taking into account energy, environmental, and economic impact. Uncertainty is inherent in most of these analyses. Establishing specific standards in place of case-by-case analyses improves the clarity, predictability, and timeliness of permit decisions involving emissions units that are currently subject to 326 IAC 8-1-6.

Styrene is classified as both a hazardous air pollutant (HAP) and a VOC and is the predominant regulated air pollutant from sources subject to 326 IAC 20-48, which incorporates by reference 40 CFR Part 63, Subpart VVVV (Boat Manufacturing), and 326 IAC 20-56, which incorporates by reference 40 CFR Part 63, Subpart WWW (Reinforced Plastics Composites Production). Numerous case-by-case analyses for sources subject to 326 IAC 20-48 or 326 IAC 20-56 have been submitted to, and approved by, IDEM. These analyses established that the emission limitation in the applicable national emission standards for hazardous air pollutant (NESHAP) satisfied the requirement for BACT. However, 326 IAC 8-1-6 requires the applicant to compile the energy, environmental, and economic analyses of alternative controls and IDEM staff must review and approve those analyses. For sources subject to 326 IAC 20-48 or 326 IAC 20-56, this rulemaking will reduce the administrative burden for both the applicant and IDEM since compliance with the applicable NESHAP will assure that BACT requirements have been addressed and met.

This rulemaking will establish that, for sources subject to 326 IAC 20-48 or 326 IAC 20-56, compliance with the applicable NESHAP satisfies 326 IAC 8-1-6 requirements for such sources.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed Under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law.

Potential Fiscal Impact

The potential fiscal impact of complying with 326 IAC 20-48 (40 CFR Part 63, Subpart VVVV (Boat Manufacturing)) is outlined at 66 FR 44222 (August 22, 2001) "Summary of Environmental, Energy, and Economic Impacts" and at 68 FR

19381 (April 21, 2003) for sources subject to 326 IAC 20-56 (40 CFR Part 63, Subpart WWW (Reinforced Plastics Composites Production)). These impacts would be incurred by sources subject to 326 IAC 20-48 or 326 IAC 20-56 irrespective of this rulemaking. There will be a cost savings to affected sources because they will not have to do a BACT analysis for affected facilities. The permitting process will be faster and more efficient, reducing the burden on affected sources and IDEM's resources.

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Patricia Troth, Rules Section, Office of Air Quality at (317) 233-5681 or (800) 451-6021 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from July 1, 2005, through August 1, 2005, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadline:

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

American Composites Manufacturers Association (ACMA)

Comment: ACMA strongly supports IDEM's proposed action. A study conducted for ACMA in 2003 evaluated whether composite manufacturing plants at which all VOC sources comply with MACT (maximum achievable control technology) would also satisfy VOC requirements, and concluded that a source that meets MACT requirements should also automatically comply with LAER, BACT, and RACT. We appreciate IDEM's efforts to minimize administrative burdens and encourage the Department to enact the proposed change. (ACMA)

Response: IDEM believes that establishing specific standards in place of case-by-case analyses to regulate VOC emissions from boat manufacturing facilities and reinforced plastic composites production facilities that are subject to a NESHAP (MACT) will minimize the administrative burden for both the regulated source and the department while improving clarity, predictability, and timeliness of permit decisions.

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:

#05-166(APCB) Fiberglass
Patricia Troth Mail Code 61-50
c/o Administrative Assistant
Rules Development Section
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204.

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.

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) 233-0426.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by November 3, 2005.

Additional information regarding this action may be obtained from Patricia Troth, Rules Development Section, Office of Air Quality, (317) 233-5681 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 326 IAC 8-1-6 IS AMENDED TO READ AS FOLLOWS:

326 IAC 8-1-6 New facilities; general reduction requirements

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

Affected: IC 13-15; IC 13-17

Sec. 6. New facilities (as of January 1, 1980) ~~which that:~~

(1) have potential emissions of 22.7 megagrams (25 tons) or more per year;

(2) are located anywhere in the state; ~~which and~~

(3) are not otherwise regulated by:

(A) other provisions of this article; ~~(326 IAC 8-)~~

(B) **326 IAC 20-48; or**

(C) **326 IAC 20-56;**

shall reduce VOC emissions using best available control technology (BACT). (*Air Pollution Control Board; 326 IAC 8-1-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2530*)

Notice of First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on December 7, 2005, at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on amendments to 326 IAC 8-1-6.

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 and 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 Patricia Troth, Rules Development Section, Office of Air Quality, (317) 233-5681 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Depart-

ment of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204

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 Air Quality, Indiana Department of Environmental Management, 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.

Kathryn A. Watson, Chief

Air Programs Branch

Office of Air Quality

TITLE 327 WATER POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD

LSA Document #05-254(WPCB)

DEVELOPMENT OF A NEW RULE CONCERNING THE PROCEDURES FOR OBTAINING VARIANCES AND STREAMLINING THE PROCESS FOR OBTAINING A VARIANCE FROM THE WATER QUALITY-BASED EFFLUENT LIMITS FOR E. COLI AND CHLORIDE

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the development of a new rule to modify the procedures for obtaining a variance from water quality-based effluent limits (WQBELs) so that Indiana Rules are consistent with Federal Regulations and Senate Enrolled Act (SEA) 620 and on the development of a new rule to streamline the process for obtaining a variance from the WQBELs for E. coli and chloride for publicly owned treatment works (POTWs).

CITATIONS AFFECTED: 327 IAC 2-1-8.8; 327 IAC 5-3-4; 327 IAC 5-3-4.1; 327 IAC 5-3.7.

AUTHORITY: IC 13-14-8-8; IC 13-14-8-9; IC 13-15-2; IC 13-15-3.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

This rulemaking is in response to one (1) or more of the following compliance issues experienced by POTWs:

A. Cannot achieve compliance with the limits for E. coli in the discharges from combined sewer overflows.

B. Cannot achieve compliance with the effluent limits for chloride.

C. This rulemaking is also in response to SEA 620 and EPA's regulations specific to the Indiana Rules contained in 327 IAC 2-1-8.8, 327 IAC 5-3-4, and 327 IAC 5-3-4.1 requiring those rules to be consistent with Federal regulations regarding variances from WQBELs.

Alternatives To Be Considered Within the Rulemaking

A. POTWs that cannot achieve compliance with the WQBELs for E. coli in the discharges from combined sewer overflows

Alternative 1: Adopt a streamlined variance rule to allow POTWs that have discharges of wastewater from Combined Sewer Overflows (CSOs) to be granted a variance from WQBELs for E. coli for the period of time it will take to fully implement the Long Term Control Plan (LTCP) to eliminate the CSOs.

Alternative 2: Do not adopt a streamlined variance rule as described in Alternative 1. Outside of the Great Lakes Basin, facilities with CSOs would be required to build and operate a wastewater treatment system capable of achieving compliance with WQBELs for E. coli within three (3) years of being issued an NPDES permit that contains the E. coli limitations. Inside the Great Lakes Basin, facilities with CSOs would be required to build and operate a wastewater treatment system capable of achieving compliance with WQBELs for E. coli within five (5) years of being issued an NPDES permit that contains the E. coli limitations.

B. POTWs that cannot achieve compliance with the water quality-based effluent limits for chloride.

Alternative 1: Adopt a streamlined variance rule to allow POTWs to be granted a variance from the WQBELs for chloride for the period of time it will take for the POTW to obtain compliance with the WQBELs for chlorides.

Alternative 2: Do not adopt a streamlined variance rule as described in Alternative 1. Outside of the Great Lakes Basin, facilities would be required to build and operate a wastewater treatment system capable of achieving compliance with WQBELs for chloride within three (3) years of being issued an NPDES permit that contains the chloride limitations. Inside the Great Lakes Basin, facilities would be required to build and operate a wastewater treatment system capable of achieving compliance with WQBELs for chloride within five (5) years of being issued an NPDES permit that contains the chloride limitations.

C. Modify the procedures for obtaining a variance from WQBELs so that Indiana rules are consistent with Federal Regulations and SEA 620.

Alternative 1: Adopt a variance rule that requires a variance application only be accepted after the WQBEL has been included in a final-issued NPDES permit. It is proposed to model the variance application requirements after the Streamlined Mercury Variance rule application requirements. Doing so

would develop a rule where the Pollutant Minimization Program (PMP) requirement is consistent with the PMP requirement of SEA 620 and would also result in a final rule consistent with existing EPA regulations for variances from WQBELs.

Alternative 2: Do not adopt a variance rule as described in Alternative 1. This would keep Indiana rules inconsistent with federal regulations. The existing process of allowing variances to be requested by permit holders prior to the issuance of a final NPDES permit that includes the WQBEL for which a variance is being requested requires the final decision on the variance application to be completed prior to the issuance of the final NPDES permit. To date, this process has caused extensive delays in the issuance of an NPDES permit renewal.

Applicable Federal Law

A. POTWs that cannot achieve compliance with the WQBELs for E. coli in the discharges from combined sewer overflows: 40 CFR Part 132, Appendix F, Procedure 2.C.

B. POTWs that cannot achieve compliance with the water quality-based effluent limits for chloride: 40 CFR Part 132, Appendix F, Procedure 2.C.

C. Modify the procedures for obtaining a variance from WQBELs so that Indiana rules are consistent with Federal Regulations and SEA 620: 40 CFR Part 132, Appendix F, Procedure 2.C.

Potential Fiscal Impact

A. POTWs that cannot achieve compliance with the WQBELs for E. coli in the discharges from combined sewer overflows: There would be no fiscal impact imposed under Alternative 1 since requesting a variance is voluntary. However, POTWs taking advantage of the variance could see reduced capital and operating costs during the duration of the variance compared to the cost of constructing facilities. Taking advantage of the variance would also give POTWs the additional time necessary to implement their Long Term Control Plan or to seek alternate methods for achieving compliance with the WQBELs for E. coli.

B. POTWs that cannot achieve compliance with the water quality-based effluent limits for chloride: There would be no fiscal impact imposed under Alternative 1 since requesting a variance is voluntary. However, POTWs taking advantage of the variance could see reduced capital and operating costs during the duration of the variance compared to the cost of constructing facilities. Taking advantage of the variance would also give POTWs the additional time necessary to obtain the funding necessary to build and operate a wastewater treatment plant or to seek alternate methods for achieving compliance with the WQBELs for chloride.

C. Modify the procedures for obtaining a variance from WQBELs so that Indiana rules are consistent with Federal Regulations and SEA 620: There would be no fiscal impact imposed under Alternative 1 since requesting a variance after the issuance of a final NPDES permit that includes the WQBEL for which a variance is being requested is currently an option in 327 IAC 5-3-4.1. Removing the option to apply for a variance before the issuance of a final NPDES permit that includes the

WQBEL for which a variance is being requested will no longer result in the delay of the NPDES permit renewal because the permit will be issued before the variance is requested.

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a Small Business Assistance Program Ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at www.in.gov/idem/ctap/.

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf

IDEM Compliance and Technical Assistance Program

OPPTA - MC 60-04

100 N. Senate Avenue

W-041

Indianapolis, IN 46204-2251

317-232-8578

selyusuf@idem.IN.gov

The Small Business Assistance Program Ombudsman is:

Eric Levenhagen

IDEM Small Business Assistance Program Ombudsman

External Affairs - MC 50-01

100 N. Senate Avenue

IGCN 1301

Indianapolis, IN 46204-2251

317-234-3386

elevenha@idem.IN.gov

Public Participation and Workgroup Information

An external workgroup will be established for this rulemaking. The workgroup will be made up of a cross section of stakeholders, interested parties, and IDEM staff. When the workgroup is created, information on workgroup meetings and scheduling and agendas of future meetings will be available on the IDEM Web site at: <http://www.IN.gov/idem/water/planbr/rules/index.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 a rule concerning operation and maintenance of small wastewater treatment plants.

(2) The submission of suggestions for the development of draft rule language.

(3) Specific cost and effectiveness analyses for operation and maintenance of small wastewater treatment plants.

Mailed comments should be addressed to:

#05-254(WPCB) [Variances]

MaryAnn Stevens, Senior Rulewriter

Rules Section

Office of Water Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204.

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 N1255, 100 North Senate Avenue, 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 October 30, 2005.

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 variances may be obtained from Lawrence Wu, Rules Section, Office of Water Quality, (317) 234-1805 or (800) 451-6027 (in Indiana).

Bruno Pigott

Assistant Commissioner

Office of Water Quality

TITLE 327 WATER POLLUTION CONTROL BOARD

FIRST NOTICE OF COMMENT PERIOD

LSA Document #05-255(WPCB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING SANITARY SURVEYS, OPERATING REPORTS, CLASSIFICATION OF WATER TREATMENT PLANTS, AND CERTIFIED OPERATORS IN RESPONSIBLE CHARGE OF PUBLIC WATER SYSTEMS, AND MINOR CHANGES TO DISINFECTANTS, DISINFECTION BYPRODUCTS, AND FILTER BACKWASH RECYCLING RULES, AND NEW RULES FOR SITE SPECIFIC OPERATOR AND THE EXAMINATION TO BECOME A SITE SPECIFIC OPERATOR

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to 327 IAC 8-2-8.2, 327 IAC 8-11-1, and 327 IAC 8-12 concerning sanitary surveys, operating reports, minor corrections to classifications of water treatment plants and distribution systems, provisions for certification of site specific operators, and certified operators in responsible charge of public water systems; as well as amendments to 327 IAC 8-2.5-6, 327 IAC 8-2.5-7, 327 IAC 8-2.5-8, 327 IAC 8-2.5-9, and 327 IAC 8-2.6-6 to incorporate minor corrections to disinfectants, disinfection byproducts, and filter backwash recycling rules. 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 8-2-8.2; 327 IAC 8-2.5-6; 327 IAC 8-2.5-7; 327 IAC 8-2.5-8; 327 IAC 8-2.5-9; 327 IAC 8-2.6-6; 327 IAC 8-11-1; 327 IAC 8-12-1; 327 IAC 8-12-2; 327 IAC 8-12-3; 327 IAC 8-12-3.2; 327 IAC 8-12-3.4; 327 IAC 8-12-3.5; 327 IAC 8-12-3.6; 327 IAC 8-12-4; 327 IAC 8-12-4.5; 327 IAC 8-12-6; 327 IAC 8-12-7; 327 IAC 8-12-7.5.

AUTHORITY: IC 13-11-2; IC 13-12-3-1; IC 13-13-5-1; IC 13-14-9; IC 13-18-11.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

The Interim Enhanced Surface Water Treatment Rule (IESWTR), promulgated by the United States Environmental Protection Agency (U.S. EPA) on December 16, 1998, requires the state to have the authority to require public water systems utilizing surface water or ground water under the direct influence of surface water to correct significant deficiencies found during sanitary surveys conducted by the state. Rule changes are being made to allow the state to require these systems correct deficiencies within the time frames set forth in the federal requirements. 40 CFR § 142.16(b)(1)(iii) requires states to have the appropriate rules or other authority to assure that Subpart H systems take necessary steps to address significant deficiencies

found during sanitary surveys if such deficiencies are within the control of the PWS and its governing body. Therefore, changes are being made to some of the sections in 327 IAC 8-2.

327 IAC 8-11-1 currently requires systems to submit weekly reports of operation to the commissioner. This will be changed to require submittal of reports monthly rather than weekly and will clarify the information required to be included in these reports. The requirement for systems to submit reports to the state is found in 40 CFR § 142.10(b)(6)(iv).

327 IAC 8-12-3.6 specifies number of site visits required by certified operators in responsible charge to public water systems. It is proposed to reduce the number of site visits required at small systems with limited treatment facilities and small distribution systems. The state is required to have operator certification standards under federal requirements promulgated February 5, 1999.

Other changes are also being made to 327 IAC 12 to make it easier for nontransient noncommunity and small community public water systems to maintain certified operators and to clarify system classifications.

Alternatives To Be Considered Within the Rulemaking

Alternatives to this rulemaking would not be the most logical course of action. Indiana is required to keep primacy of the drinking water rules, implement the operator certification program, and make it more workable for the smaller systems.

(A) One alternative would be to leave existing rules unchanged and to operate under the existing rules, that is, with the necessary clarification.

(B) Another alternative would be to make changes to all sections of the rule.

(C) Another alternative would be to make changes to sections of the affected rules and wait until a later date to make the remaining changes, that is, adopt sanitary survey changes now and make other changes as part of a later rulemaking action.

Applicable Federal Law

The requirement for states to have the authority to require surface water or ground water under the influence of surface water systems to correct significant deficiencies found during sanitary surveys is required pursuant to 40 CFR § 142.16. This section requires public water systems to respond in writing to significant deficiencies outlined in sanitary survey reports within forty-five (45) days after receipt of the report, indicating how and on what schedule the deficiencies will be corrected. The state must also have authority to assure that public water systems take the necessary steps to correct significant deficiencies that are within control of the public water systems and its governing body.

The guidelines specifying minimum standards for certification and recertification of operators of community and nontransient noncommunity water systems were published on February 5, 1999 to meet section 1419(a) of the Safe Drinking Water Act (SDWA) amendments of 1996 (Public Law 104-182). A state must have adopted and be implementing an operator certification program that meets the requirements of these guidelines in order to maintain Drinking Water State Revolving Loan Fund (DWSRF) funding. We propose to make minor changes to our

approved program. U.S. EPA must withhold twenty (20) percent of the capitalization grant funds entitled to the state if the program is not being implemented.

Potential Fiscal Impact

There is no anticipated fiscal impact to this rule. The potential fiscal impacts, if any, will be due to the federally mandated requirements even if Indiana were not to promulgate the same requirements in its rules.

The only section with potential fiscal impact is the section requiring correction of significant deficiencies found during sanitary surveys. This is a requirement from the federal regulations for the Interim Enhanced Surface Water Treatment Rule and the Long Term 1 Enhanced Surface Water Treatment Rule. Neither rule included correction of significant deficiencies as part of their analysis of the fiscal impacts of the rules. If systems are maintaining their water systems and operating them properly, there should not be any significant deficiencies to correct.

There are no additional costs associated with changing reporting requirements from weekly operating reports to monthly operating reports.

There are no additional costs associated with the revisions to the number of site visits required by certified operators at small, non-complex systems. These systems may actually see a reduction in costs if they have hired an outside certified operator since contracts are normally established at a set charge per site visit. In addition, if Indiana does not implement this program as adopted, there is a possible risk of losing twenty (20) percent of DWSRF capitalization grant funds from the federal government.

There are no additional fiscal impacts to any of the minor corrections being made to the Disinfectants and Disinfection Byproducts or Filter Backwash Recycling rules.

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a Small Business Assistance Program Ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at www.in.gov/idem/ctap/.

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf
IDEM Compliance and Technical Assistance Program
OPPTA - MC60-04
100 N. Senate Avenue
W-041
Indianapolis, IN 46204-2251
317-232-8578
selyusuf@idem.IN.gov

The Small Business Assistance Program Ombudsman is:
Eric Levenhagen
IDEM Small Business Assistance Program Ombudsman
External Affairs - MC50-01

100 N. Senate Avenue
IGCN 1301
Indianapolis, IN 46204-2251
317-234-3386
elevenha@idem.IN.gov

Public Participation and Workgroup Information

An external workgroup has not been formed specifically relating to this rulemaking, however the sanitary survey changes and operational reporting requirements were addressed in part during the IDEM Operational Rules Workgroup meetings and the certified operator in responsible charge options were discussed during the IDEM Operator Certification Workgroup meetings. Operational Rules workgroup meetings were held August 15, 2001, September 19, 2001, October 17, 2001, December 3, 2001, January 16, 2002, February 12, 2002, March 12, 2002, April 18, 2002, May 22, 2002, June 14, 2002, September 26, 2002, January 23, 2003, February 28, 2003, May 1, 2003, and June 6, 2003. Operator Certification workgroup meetings were held June 25, 1999, July 23, 1999, October 26, 1999, November 18, 1999, March 14, 2000, and July 6, 2000. A meeting of interested parties from these workgroups was held on April 22, 2005, to discuss potential draft rule language. A copy of the potential draft rule language was sent out to the parties who attended that meeting in July for comment.

At this time, no new workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Kiran Verma, Rules Section, Office of Water Quality at (317) 234-0986 or (800) 451-6027 (in Indiana).

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:
 #05-255(WPCB) Sanitary Surveys, Operator Requirements
 and minor changes
 Larry Wu, Chief
 Rules Development Section
 Office of Water Quality
 Indiana Department of Environmental Management
 100 North Senate Avenue
 MC 65-40, IGCN 1255
 Indianapolis, Indiana 46204-2251.

Hand delivered comments will be accepted by the receptionist on duty at the twelfth floor reception desk, Office of Water Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-8406, Monday through Friday, between 8:15 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 October 31, 2005.

Additional information regarding the rulemaking action may be obtained from Kiran Verma, Rules Section, Office of Water Quality, (317) 234-0986 or (800) 451-6027 (in Indiana). Technical information concerning these rules may be obtained from Stacy Jones, Drinking Water Branch, Office of Water Quality, (317) 308-3292 or (800) 451-6027 (in Indiana).

Bruno Pigott
 Assistant Commissioner
 Office of Water Quality

TITLE 329 SOLID WASTE MANAGEMENT BOARD

FIRST NOTICE OF COMMENT PERIOD LSA Document #05-250(SWMB)

DEVELOPMENT OF NEW RULES AT 329 IAC 11.5 CONCERNING MERCURY SWITCHES

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the addition of new rules at 329 IAC 11.5 concerning collection of mercury switches in end-of-life vehicles. This rule adds pertinent definitions and minimum requirements for operations that plan to store, crush, bale, or dismember end-of-use vehicles, such as, auto salvage yards, junk yards, auto dismantlers, or scrap metal dealers. These operations must remove mercury switches and recycle or dispose of the mercury switches properly. The rule would also cause metal shredding operations, scrap metal recyclers, metal smelters, and steel manufacturers to only recycle scrap metal that did not contain any mercury or mercury switches.

IDEM seeks comment on the affected citations listed and any

other provisions of Title 329 that may be affected by this rulemaking.

CITATIONS AFFECTED: 329 IAC 11.5.

AUTHORITY: IC 4-22-2; IC 13-14-9; IC 13-14-8-1; IC 13-14-8-2; IC 13-15-2; IC 13-19-3-1; IC 13-30-2.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

Vehicles have historically used mercury containing switches to turn on lights when the hood or trunk is opened and to operate some anti-lock brake systems (ABS systems). A mercury switch is a small bullet-shaped capsule that contains mercury and two electrical contacts. Domestic vehicles manufactured before 2001 and imported vehicles manufactured before 1992 may contain mercury switches. These switches do not pose a threat to human health or the environment when used in a properly maintained vehicle. Once a vehicle is sent for salvage and is shredded and sent to a smelter for reuse, the mercury contained in the switches can leak out and be released into the air or water. Mercury is a neurotoxin that can cause serious brain and nervous system damage in humans. Mercury can be inhaled, absorbed through the skin, or ingested by eating contaminated food. Mercury is an element that does not break down and can remain in the environment for years. Mercury also bio-accumulates in higher concentrations as it moves up the food chain, and may cause brain, liver, and kidney damage in humans. There are two methods to harvest mercury switches. The switches may be replaced with non-mercury switches while the vehicle is still in use or the mercury switches may be removed at the end of the vehicle's life. Although, the first approach has merit, this rulemaking is based on the second approach. It is environmentally safer for the mercury switches to be removed at the salvage or junk yards within sixty (60) days of receipt of the vehicle. The mercury switches may be stored on-site in proper containment for up to one (1) year prior to recycling or disposal. This rule will propose management standards that meet all the hazardous waste universal waste standards for the protection of the salvage operations. The management standards in the rule will allow all salvage yards, regardless of generator or handler status, to meet the universal waste rule requirements.

Alternatives to be Considered Within the Rulemaking

Alternative 1. Specify that operations that plan to store, crush, bale, or dismember end-of-use vehicles, such as, auto salvage yards and junk yards, must remove mercury switches from vehicles containing mercury switches, tag the vehicles, abide by management standards in the rule, and record the number of switches removed. The mercury switches may only be stored for up to one (1) year. Mercury switches might not have to be removed from a particular place on a vehicle that has sustained considerable damage from an accident that occurred prior to arrival at the operation. Metal shredders and smelters would not be allowed to process metal unless all mercury and mercury switches had been removed.

Is this alternative an incorporation of federal standards, either by reference or full text incorporation? Partially, the management standards under the universal waste rule.

Is this alternative imposed by federal law or is there a comparable federal law? No

If it is a federal requirement, is it different from federal law? N/A

If it is different, describe the differences.

Alternative 2. Require metal shredding operations and smelting operations to remove mercury switches from vehicles or metal before it is processed, abide by management standards in the rule, and record the number of switches removed.

Is this alternative an incorporation of federal standards, either by reference or full text incorporation? Partially, the management standards under the universal waste rule.

Is this alternative imposed by federal law or is there a comparable federal law? No

If it is a federal requirement, is it different from federal law? N/A

If it is different, describe the differences.

Applicable Federal Law

New federal regulations allow mercury containing devices to be managed as a universal waste with streamlined management standards. Indiana has a rulemaking that proposes to adopt these federal standards. Federal regulations (40 CFR 257.3) prohibit solid waste practices that violate the established environmental criteria and pose a reasonable probability of adverse effects on human health or the environment.

Potential Fiscal Impact

Potential Fiscal Impact of Alternative 1. There would be a cost for:

1. Removal of all switches--\$2.50 per switch; there are an average of four (4) to six (6) switches per vehicle.
2. Management of the mercury switches—approximately \$0.25 per switch.
3. Tagging clean vehicles—approximately \$0.10 per vehicle.
4. Record keeping---approximately \$0.05 per switch.

This is a total cost of \$2.90 per switch, which could be passed onto the vehicle owner by the salvage yard. A mercury recycling kit for proper storage costs approximately \$100 and a mercury spill kit cost approximately \$14 to \$75 and can be ordered from laboratory and safety supply stores.

Potential Fiscal Impact of Alternative 2.

1. Removal of all switches--\$5 per switch; there are an average of four (4) to six (6) switches per vehicle.
2. Management of the mercury switches—approximately \$0.25 per switch.
3. Record keeping---approximately \$0.05 per switch.

This is more costly because many of the vehicles are already crushed, compressed, or in a cube and ready access to the mercury switches is unavailable or very difficult. The total cost is \$5.30 per switch. A mercury recycling kit for proper storage costs approximately \$100 and a mercury spill kit cost approximately \$14 to \$75 and can be ordered from laboratory and safety supply stores.

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a small business assistance program Ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at www.in.gov/idem/ctap.

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Sandra El-Yusuf

IDEM Compliance and Technical Assistance Program

OPPTA - MC60-04

100 N. Senate Avenue

W-041

Indianapolis, IN 46204-2251

(317) 232-8578

selyusuf@idem.IN.gov

The Small Business Assistance Program Ombudsman is:

Eric Levenhagen

IDEM Small Business Assistance Program Ombudsman

External Affairs - MC50-01

100 N. Senate Avenue

IGCN 1301

Indianapolis, IN 46204-2251

(317) 234-3386

elevenha@idem.IN.gov

Public Participation and Workgroup Information

An external workgroup will be established to discuss issues involved in this rulemaking. The workgroup will be made up of IDEM staff and a cross-section of stakeholders.

If you wish to provide comments to the workgroup on the rulemaking, attend meetings, or have suggestions related to the workgroup process, please contact Lynn West, Rules, Planning, and Outreach Section, Office of Land Quality at (317) 232-3593 or (800) 451-6027 (in Indiana). Please provide your name, phone number and email 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:

#05-250(SWMB) [Mercury Switch Rule]

Marjorie Samuel

Rules, Outreach, and Planning Section

Office of Land Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204-2251.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the Eleventh floor reception desk, Office of Land Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 232-3403, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Marjorie Samuel, Rules, Planning and Outreach Section, Office of Land Quality at (317) 232-7995.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by November 1, 2005.

Additional information regarding this action may be obtained from Lynn West, Rules, Outreach, and Planning Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

Bruce H. Palin

Assistant Commissioner

Office of Land Quality

TITLE 329 SOLID WASTE MANAGEMENT BOARD

SECOND NOTICE OF COMMENT PERIOD

LSA Document #05-66(SWMB)

DEVELOPMENT OF NEW RULES AND AMENDMENTS TO RULES CONCERNING THE 2005 UPDATE TO THE HAZARDOUS WASTE MANAGEMENT PROGRAM AT 329 IAC 3.1 AND 329 IAC 13

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for new rules and amendments to

rules in 329 IAC 3.1 and 329 IAC 13 concerning:

- Incorporating by reference the July 1, 2005, edition of the federal hazardous waste management regulations in 40 CFR 260 through 40 CFR 273, and the changes to the federal hazardous waste program published on August 5, 2005 (70 FR 45508), including the following:
 - National Environmental Performance Track System.
 - National Emission Standards for Hazardous Air Pollutants (NESHAP): Coating of Automobiles and Light-Duty Trucks.
 - Hazardous Waste-Nonwastewaters from Production of Dyes, Pigments, and Food, Drug, and Cosmetic Colorants; Mass Loadings-Based Listing.
 - Modification of the Hazardous Waste Manifest System.
 - Methods Innovation Rule and SW-846 Final Update IIIB.
 - Mercury Containing Equipment.

- Changes to the listing of chemical munitions as acute hazardous waste in 329 IAC 3.1-6-3 to more accurately describe the actual requirements generators of those wastes must follow.

By this notice, IDEM is soliciting public comment on the draft rule language. IDEM is requesting comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: May 1, 2005, Indiana Register (28 IR 2470).

CITATIONS AFFECTED: 329 IAC 3.1-1-7; 329 IAC 3.1-1-9; 329 IAC 3.1-1-14.1; 329 IAC 3.1-6-3; 329 IAC 3.1-7-2; 329 IAC 3.1-7-5; 329 IAC 13-3-1; 329 IAC 13-6-5; 329 IAC 13-7-4; 329 IAC 13-8-4.

AUTHORITY: IC 13-14-8-4; IC 13-14-8-7; IC 13-14-9; IC 13-19-3-1; IC 13-22-2; 40 U.S.C. 6926; 40 U.S.C. 6929; 40 CFR 271.21.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

Sections 3006 and 3009 of Resource Conservation and Recovery Act, as amended (RCRA) (42 U.S.C. 6926 and 42 U.S.C. 6929, respectively) allow a state to administer and enforce a state hazardous waste program. If EPA determines that program to be equivalent to the federal program, EPA can authorize the state to administer the state program in lieu of the federal program. The authorized state must then maintain that program to be at least as stringent as the federal hazardous waste program. The authorized state is required to adopt EPA changes to the federal program that are more stringent or broader in scope than the existing federal program. Authorized states are not required to adopt federal amendments to the hazardous waste regulations that are less stringent than the existing federal hazardous waste program. However, in many cases, federal amendments that are less stringent involve streamlining, cost reduction, or implement other regulatory reduction initiatives.

FEDERAL REVISIONS: This rulemaking would incorporate by reference the federal hazardous waste management regulations at 40 CFR 260 through 40 CFR 273, revised as of July 1, 2005, and amended on August 5, 2005, at 70 FR 45508 through 70 FR 45522, including the following amendments:

Table 1.

Federal Register	Publication Date	Subject
69 FR 21737 69 FR 62217	April 22, 2004 October 25, 2004	National Environmental Performance Track System
69 FR 22602	April 26, 2004	NESHAP: Surface Coating of Automobiles and Light-Duty Trucks
70 FR 9138	February 24, 2005	Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Dyes and/or Pigments Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA Hazardous Substance Designation and Reportable Quantities; Designation of Five Chemicals as Appendix VIII Constituents; Addition of Four Chemicals to the Treatment Standards of F039 and the Universal Treatment Standards (Hazardous Waste - Nonwastewaters from Productions of Dyes, Pigments, and Food, Drug, and Cosmetic Colorants; Mass Loadings-Based Listing)
70 FR 10776 70 FR 35034	March 4, 2005 June 16, 2005	Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System
70 FR 34538	June 14, 2005	Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB; Final Rule
70 FR 45508	August 5, 2005	Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury Containing Equipment

The federal rules listed above are amendments to the federal hazardous waste regulations that would be incorporated by reference in the Indiana hazardous waste management rules at 329 IAC 3.1 or incorporated in full text in 329 IAC 13. The following amendments are optional (less stringent) but are proposed to be adopted to maintain consistency with the federal program and to allow regulated entities to realize the benefits of those changes:

- National Environmental Performance Track System (69 FR 21737). This change revises the hazardous waste regulations to allow hazardous waste generators who are members of EPA's National Environmental Performance Track System up to 180 days, and in certain cases 270 days, to accumulate their hazardous waste without a RCRA permit or interim status. Seven (7) Indiana companies are members of Performance Track.
- NESHAP: Surface Coating of Automobiles and Light-Duty Trucks (69 FR 22602). This change amends the hazardous waste rules to exempt air emissions from certain surface coating operations that are now covered by new national air emission standards in 40 CFR 63 from RCRA air emission standards in 40 CFR 264 and 40 CFR 265.
- Methods Innovation Rule and SW-846 Final Update IIIB (70 FR 34538). This change amends a variety of testing and monitoring requirements in the hazardous waste rules. These amendments allow more flexibility when conducting RCRA-related sampling and analysis by removing requirements to use the methods found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," also known as "SW-846," in conducting various testing and monitoring and by

limiting required uses of an SW-846 method to circumstances where the method is used to measure a required method-defined parameter.

- Mercury Containing Equipment (70 FR 45508). This change adds mercury-containing equipment to the federal list of universal wastes regulated under the hazardous waste rules. Handlers of universal wastes are subject to less restrictive standards for storing, transporting, and collecting these wastes to facilitate recycling or proper disposal.

In contrast to the optional rules described above, authorized states are required by RCRA Section 3009 (42 U.S.C. 6929), 40 CFR 271.4 and 40 CFR 271.10 to adopt the following amendments to maintain consistency with the federal hazardous waste program:

- Hazardous Waste - Nonwastewaters from Production of Dyes, Pigments, and Food, Drug, and Cosmetic Colorants; Mass Loadings-Based Listing (70 FR 9138). This change adds hazardous nonwastewaters generated from the production of certain dyes, pigments, and food, drug and cosmetic colorants (K181) to the list of hazardous waste in 40 CFR 261.32. This change also adds five (5) constituents to the list of hazardous waste constituents in 40 CFR 261, Appendix VIII, and adds land disposal restriction treatment standards for these constituents.
- Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System (70 FR 10776). This change revises the Uniform Hazardous Waste Manifest regulations and the manifest and continuation sheet forms used to track hazardous waste from a generator's site to the site of treatment or disposal. This change standardizes the content and

appearance of the manifest form and continuation sheet (Forms 8700-22 and 22a), and makes the forms available from a greater number of sources. This change also adopts new procedures for tracking certain types of waste shipments with the manifest, including hazardous wastes that are rejected by destination facilities. At the same time, IDEM is proposing to repeal 329 IAC 3.1-7.5 that will be superceded by this change.

Both of these amendments are more stringent than the current federal hazardous waste program. RCRA Section 3009 (42 U.S.C. 6929) requires authorized states to maintain their hazardous waste programs to be at least as stringent as the federal program to retain authorization for the state program.

INDIANA ADDITIONS AND REVISIONS: In addition to incorporating recent federal amendments, IDEM proposes to amend 329 IAC 3.1-6-3 to more accurately describe the requirements for management of chemical munitions as acute hazardous wastes. The 2003 Hazardous Waste Annual Update amended 329 IAC 3.1-6-3 to clarify that chemical munitions including VX (O-ethyl-S-(2-diisopropylaminoethyl) methyl phosphonothiolate) are acute hazardous wastes. This amendment provided that chemical munitions listed in this section must be managed in accordance with the requirements for acute hazardous wastes in the hazardous waste program. This amendment also provided that the commissioner can establish alternative requirements for these wastes. This last provision resulted in some confusion over what the alternative requirements would be and what they would be based on. In this rule IDEM intends to clarify what the alternative requirements are. The sole generator of I001 waste - the U.S. Army Newport Chemical Depot - has requested to use the satellite accumulation provisions in 40 CFR 262.34(c). IDEM has evaluated that request and determined that it will promote safety and help to expedite the disposal operation. IDEM is proposing to amend this section to remove the general statement about "alternative requirements" and substitute language that specifically allows use of those satellite accumulation provisions.

DELAYED EFFECTIVE DATE: Because the national compliance date for the federal manifest modification rule is September 5, 2006, the rule amendments proposed in the draft rule, except as described below, would become effective on that date. This will prevent conflicts with other states' rules for regulated entities who ship hazardous waste to or from other states.

The clarification provided in the amendment to 329 IAC 3.1-

6-3 is needed as soon as possible, and that change is independent of the incorporation by reference of the federal amendments. IDEM is proposing to make this amendment effective thirty (30) days after filing with the Secretary of State.

The National Environmental Performance Track Program amendments to 40 CFR 262.34 provide relief to regulated entities that are members of the program. Since there is no reason to delay access to these provisions, IDEM is proposing that those changes, as published in the Federal Register, become effective thirty (30) days after filing with the Secretary of State.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed Under Federal Law

The following element of the draft rule imposes either a restriction or a requirement that is "not imposed under federal law" (NIFL elements).

NIFL ELEMENT 1. Amend 329 IAC 3.1-6-3 to accurately describe the requirements for management of chemical munitions as acute hazardous wastes.

Environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement: The current hazardous waste rules do not provide for use of the satellite accumulation provisions in 40 CFR 262.34(c) for acute hazardous wastes. Newport Chemical Depot does not feel that enforcement discretion provides adequate protection for their interests, and the variance process under IC 13-14-8-8 cannot be effective for the duration of the operation.

Examples in which federal law is inadequate: The federal hazardous waste program, as incorporated by reference, does not provide for use of the satellite accumulation provisions in 40 CFR 262.34(c) in this circumstance without a rule amendment.

Estimated fiscal impact and expected benefits: Newport Chemical Depot will be able to conduct their decontamination activities in a safer and more efficient manner. Newport Chemical Depot has not provided any data on actual cost savings associated with this element.

Availability for public inspection of all materials relied on by IDEM in the development of this NIFL element: The materials relied on to develop this element are available for public inspection at the Indiana Department of Environmental Management, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

Potential Fiscal Impact

The potential fiscal impact of this rulemaking is estimated as follows:

Provision	Estimated Fiscal Impact
National Environmental Performance Track System (69 FR 21737)	The fiscal impact of this alternative is estimated to be a savings of \$1,350.00 per facility per year, or \$9,450.00 per year for the seven (7) Performance Track facilities in Indiana, as described in the final rule published April 22, 2004 (Section IV.A. "What Are the Cost and Economic Impacts?", at 69 FR 21749).

NESHAP: Surface Coating of Automobiles and Light-Duty Trucks (69 FR 22602)	The fiscal impact of this alternative is estimated to be no additional costs or savings resulting from this amendment. This amendment excludes facilities that surface coat automobiles and light-duty trucks and that are affected by the NESHAP from compliance with 40 CFR 264, Subpart BB. See the final rule published April 26, 2004, Section V.B. "What Are the Cost Impacts?" at 69 FR 22618.
Hazardous Waste - Nonwastewaters from Production of Dyes, Pigments, and Food, Drug, and Cosmetic Colorants; Mass Loadings-Based Listing (70 FR 9138)	The total compliance costs of this alternative are estimated by EPA to range from \$490,000 per year to \$2,380,000 per year nationwide, or \$9,800 per year to \$47,600 per year to regulated entities in Indiana, assuming that the compliance costs in Indiana are 2% of the national cost. The economic impact of these amendments is estimated by EPA to range from negligible to 0.238% of gross corporate revenues. See the analysis of the economic impacts of this rule in Section VIII.A., "Executive Order 12866: Regulatory Planning and Review," beginning at 70 FR 9169 of the February 24, 2005, final rule. However, because this is a new listing, no Indiana entity has reported that they manage these wastes.
Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System (70 FR 10776)	The fiscal impact of this alternative is estimated to be a four percent (4%) to five percent (5%) average annual paperwork burden reduction for regulated entities in Indiana and state government, representing an annual cost savings of approximately \$254,000 to \$412,000 to regulated entities in Indiana, based on 2% of the national economic impact cited in the final rule published on March 4, 2005 in Section VII.A. "Executive Order 12866: Regulatory Planning and Review" at 70 FR 10811 through 10812.
Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB; Final Rule (70 FR 34538)	The fiscal impact of this alternative is unquantifiable at this time. The EPA did not publish an economic impact analysis for this rule, and IDEM has no independent means to determine which regulated entities might take advantage of these provisions and what the fiscal impact of those actions might be. However, IDEM anticipates that the flexibility provided by this amendment will result in benefits to regulated entities, including some reduced costs.
Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury Containing Equipment (MCE)(70 FR 45508)	EPA estimated that 1,877 generators handling approximately 550 tons of MCE would be affected by this rule. EPA estimates a cost savings of \$273,000 per year: \$200,000 to generators (\$106 per generator per year) and \$73,000 to processors and waste brokers. Based on 2% of the national impact, this would result in an estimated annual savings of \$5460 to regulated entities in Indiana. See the summary of economic impacts of this rule in Section VIII.a., "Executive Order 12866: Regulatory Planning and Review," at 70 FR 45517.
Amend 329 IAC 3.1-6-3 to more accurately describe the requirements for management of chemical munitions as acute hazardous wastes	The Newport Chemical Depot has not estimated the potential economic impact of this amendment to their program to dispose of chemical munitions. IDEM has no independent information to use to estimate this economic impact.
Total estimated annual fiscal impact of known costs	Annual cost savings: \$259,110 to \$379,310

Public Participation and Workgroup Information

IDEM may establish an external workgroup to discuss issues involved in this rulemaking. The workgroup, if established, would be made up of department staff and a cross-section of stakeholders. If you believe a workgroup would further the purposes of this rule and result in better rulemaking, and you wish to participate in the workgroup, please submit your name, mailing address, telephone number, e-mail address, and the area(s) of interest you wish to represent to:

#05-66(SWMB) [2005 Hazardous Waste Annual Update Workgroup]
 Marjorie Samuel
 Office of Land Quality
 Indiana Department of Environmental Management
 100 North Senate Avenue
 Indianapolis, Indiana 46204-2241

If too many applications are received to form a functional workgroup, the department will select a representative group

from the applications on file.

The formation of a workgroup, if it occurs, will be announced on IDEM's rulemaking website: <http://www.in.gov/idem/rules/>.

If a workgroup is formed and you wish to provide comments to the workgroup on the rulemaking, attend meetings, or submit suggestions related to the workgroup process, please contact Steve Mojonier, Rules, Planning and Outreach Section, Office of Land Quality at (317) 233-1655 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 directly to members of the workgroup who represent their particular interests in the rulemaking. If a workgroup is established, a list of workgroup members and the interests they represent will be provided on request.

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from May 1, 2005 through May 31, 2005, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the first notice of public comment period.

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 rule. Mailed comments should be addressed to:

#05-66(SWMB)[2005 Hazardous Waste Annual Update]
Marjorie Samuel
Office of Land Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204-2241

Hand delivered comments will be accepted by the receptionist on duty at the eleventh floor reception desk, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor East, Indianapolis, Indiana. Comments may be submitted by facsimile at (317) 232-3403, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules, Planning and Outreach Section at (317) 233-1655 or (317) 232-7995.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by October 31, 2005.

DRAFT RULE

SECTION 1. 329 IAC 3.1-1-7, AS AMENDED AT 28 IR 2661, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

329 IAC 3.1-1-7 Incorporation by reference

Authority: IC 13-19-3-1; IC 13-22-4
Affected: IC 13-14-8; 40 CFR 260.11

Sec. 7. (a) When incorporated by reference in this article, references to 40 CFR 260 through 40 CFR 270 and 40 CFR 273

shall mean the version of that publication revised as of July 1, ~~2003~~; **2005, and amended on August 5, 2005, at 70 FR 45520 through 70 FR 45522.**

(b) When used in 40 CFR 260 through 40 CFR 270 and 40 CFR 273, as incorporated in this article, references to federally incorporated publications shall mean that version of the publication as specified at 40 CFR 260.11.

(c) The following publications are also incorporated by reference:

- (1) 40 CFR 146, revised as of July 1, ~~2003~~; **2005.**
- (2) 40 CFR 60, Appendix A-1, revised as of July 1, ~~2003~~; **2005.**
- (3) 40 CFR 60, Appendix A-2, revised as of July 1, ~~2003~~; **2005.**
- (4) 40 CFR 60, Appendix A-3, revised as of July 1, ~~2003~~; **2005.**
- (5) 40 CFR 60, Appendix A-4, revised as of July 1, ~~2003~~; **2005.**
- (6) 40 CFR 60, Appendix A-5, revised as of July 1, ~~2003~~; **2005.**
- (7) 40 CFR 60, Appendix A-6, revised as of July 1, ~~2003~~; **2005.**
- (8) 40 CFR 60, Appendix A-7, revised as of July 1, ~~2003~~; **2005.**
- (9) 40 CFR 60, Appendix A-8, revised as of July 1, ~~2003~~; **2005.**

(d) Federal regulations that have been incorporated by reference do not include any later amendments than those specified in the incorporation citation in subsections (a) through (c). Sales of the Code of Federal Regulations are handled by the Superintendent of Documents, ~~Government Printing Office, Washington, D.C. 20402~~; **P.O. Box 371954, Pittsburgh, PA 15250-7954, or on-line at <http://bookstore.gpo.gov/>.** The telephone number for the Government Printing Office is (202) 512-1800 or toll-free **(866) 512-1800**. The incorporated materials are available for public review at the offices of the department of environmental management.

(e) Where exceptions to incorporated federal regulations are necessary, these exceptions will be noted in the text of the rule. In addition, all references to administrative stays are deleted.

(f) Cross-references within federal regulations that have been incorporated by reference shall mean the cross-referenced provision as incorporated in this rule with any indicated additions and exceptions.

(g) The incorporation of federal regulations as state rules does not negate the requirement to comply with federal provisions that may be effective in Indiana that are not incorporated in this article or are retained as federal authority. (*Solid Waste Management Board; 329 IAC 3.1-1-7; filed Jan 24, 1992, 2:00 p.m.: 15 IR 909; filed Oct 23, 1992, 12:00 p.m.: 16 IR 848; filed May 6, 1994, 5:00 p.m.: 17 IR 2061; errata filed Nov 8, 1995, 4:00*

p.m.: 19 IR 353; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3353; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1111; filed Oct 31, 1997, 8:45 a.m.: 21 IR 947; filed Mar 19, 1998, 10:05 a.m.: 21 IR 2739; errata filed Apr 8, 1998, 2:50 p.m.: 21 IR 2989; filed Mar 6, 2000, 8:02 a.m.: 23 IR 1637; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Apr 5, 2001, 1:29 p.m.: 24 IR 2431; errata filed Oct 15, 2001, 11:24 a.m.: 25 IR 813; filed Jun 3, 2002, 10:40 a.m.: 25 IR 3111; filed Jan 14, 2004, 3:20 p.m.: 27 IR 1874; filed Apr 13, 2005, 11:30 a.m.: 28 IR 2661)

SECTION 2. 329 IAC 3.1-1-9 IS AMENDED TO READ AS FOLLOWS:

329 IAC 3.1-1-9 Conversion of federal terms

Authority: IC 13-14-8; IC 13-19-3-1

Affected: IC 13-14-8; 40 CFR 260 through 40 CFR 270

Sec. 9. (a) When used in 40 CFR, as adopted in this article, substitute the following unless otherwise indicated:

- (1) "Act" means the Environmental Management Act.
- (2) "Administrator" means the commissioner of the Indiana department of environmental management.
- (3) "Agency" means the Indiana department of environmental management.
- (4) "Director" means the commissioner of the Indiana department of environmental management.
- (5) "Environmental protection agency" or "EPA" means the Indiana department of environmental management.
- (6) "He" means he, she, or it, without regard to gender.
- (7) "Notification requirements of section 3010" means the notification requirements of this article.
- (8) "RCRA permit" means state hazardous waste permit.
- (9) "Regional administrator" means the commissioner of the Indiana department of environmental management.
- (10) "She" means he, she, or it, without regard to gender.
- (11) "State", "authorized state", "approved state", and "approved program" means Indiana, except at:
 - (A) 40 CFR 260.10 in the definitions of "person", "state", and "United States";
 - (B) 40 CFR 262; or
 - (C) 40 CFR 270.2 in the definitions of "approved program" or "approved state", "director", "final authorization", "person", and "state".
- (12) "United States" means the state of Indiana.
- (13) "Variance" means exemption.

(b) The following definitions found in 40 CFR 260.10 are excluded from the substitution of "commissioner of the Indiana department of environmental management" for "administrator" or "regional administrator" in subsection (a):

- (1) Administrator.
- (2) Hazardous waste constituent.
- (3) Regional administrator.

(c) The following definitions found in 40 CFR 260.10 are excluded from the substitution of "Indiana department of environmental management" for "environmental protection

agency" in subsection (a):

- (1) Administrator.
- (2) EPA region.
- (3) Regional administrator.

(d) The substitution of terms in subsection (a) does not apply in the following portions of 40 CFR 260 through 40 CFR 270 as adopted in this rule:

- (1) 40 CFR 261.6(a)(3)(i)(A).
- (2) 40 CFR 261.6(a)(3)(i)(B).
- (3) 40 CFR 262.11.

(4) 40 CFR 262.21.

~~(4)~~ **(5) 40 CFR 262.51.**

~~(5)~~ **(6) 40 CFR 262.52.**

~~(6)~~ **(7) 40 CFR 262.53.** See 329 IAC 3.1-7-2 for additional information.

~~(7)~~ **(8) 40 CFR 262.54.** See 329 IAC 3.1-7-2 for additional information.

(9) 40 CFR 262.60.

~~(8)~~ **(10) 40 CFR 264.12(a).**

~~(9)~~ **(11) 40 CFR 265.12(a).**

~~(10)~~ **(12) 40 CFR 270.2.**

~~(11)~~ **(13) 40 CFR 270.5.**

~~(12)~~ **(14) 40 CFR 270.11(a)(3).**

~~(13)~~ **(15) 40 CFR 270.32(b)(2).**

~~(14)~~ **(16) 40 CFR 270.32(c).**

~~(15)~~ **(17) 40 CFR 270.72(a)(5).**

~~(16)~~ **(18) 40 CFR 270.72(b)(5).**

(e) In 40 CFR 263, all references to "EPA", "United States", and "administrator" are retained. (*Solid Waste Management Board; 329 IAC 3.1-1-9; filed Jan 24, 1992, 2:00 p.m.: 15 IR 909; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3353; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 3. 329 IAC 3.1-1-14.1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 3.1-1-14.1 Fees

Authority: IC 13-14-8; IC 13-22

Affected: IC 13-15-11-3; IC 13-16; IC 13-22-12-2; IC 13-22-12-3; IC 13-30-4

Sec. 14.1. (a) The following definitions apply throughout this section:

- (1) "Boilers and industrial furnaces" or "BIFs" means facilities as defined under "boilers" and "industrial furnaces" in 40 CFR 260.10.
- (2) "Class 2 modification" refers to the modification classification system described under 40 CFR 270.42.
- (3) "Class 3 modification" refers to the modification classification system described under 40 CFR 270.42.
- (4) "Generator" or "LQG" means a person that:
 - (A) during the preceding calendar year:
 - (i) generated in any calendar month more than one thousand (1,000) kilograms of hazardous waste or more than one (1) kilogram of acute hazardous waste;

(ii) regardless of a person's rate of generation, accumulated at any time more than one (1) kilogram of acute hazardous waste; or

(iii) regardless of a person's rate of generation, accumulated at any time more than six thousand (6,000) kilograms of hazardous waste; or

(B) generated or accumulated in any calendar month more than one hundred (100) kilograms of spill clean-up material contaminated with acute hazardous waste.

(5) "Ground water monitoring well" means a device required by a permit condition or applicable rule to monitor the quality of ground water during a twelve (12) month period.

(6) "Land disposal" includes interim status and permitted hazardous waste landfills and interim status and permitted hazardous waste surface impoundments.

(7) "Operation" or "operating", for the purpose of this section, means the following:

(A) A hazardous waste treatment, storage, or disposal unit that will close by removing all waste is considered operating if waste is present in the unit as of January 1.

(B) A disposal unit that will close leaving waste in place is considered operating until the unit has permanently stopped receiving waste as of January 1.

(8) "Storage" means the term as defined in 40 CFR 260.10 and includes interim status and permitted hazardous waste storage.

(9) "Treatment" means the term as defined in 40 CFR 260.10 and includes interim status and permitted hazardous waste treatment. The term does not include treatment that is excluded from permitting or interim permitting under 40 CFR 262.34, 40 CFR 261.4, and 40 CFR 261.6.

(10) "Treatment storage disposal" or "TSD" means the term as defined in 40 CFR 260.10.

(b) In accordance with IC 13-22-12-2, hazardous waste fees are as follows:

(1) New permit application fees are as follows:

(A) Land disposal	\$40,600
(B) Incinerator (per unit)	\$21,700
(C) Storage	\$23,800
(D) Treatment (including boilers and industrial furnaces)	\$23,800

(2) Permit renewal and Class 3 modification fees are as follows:

(A) Land disposal	\$34,000
(B) Incinerator (per unit)	\$21,700
(C) Storage	\$17,200
(D) Treatment (including boilers and industrial furnaces)	\$17,200

(3) Class 2 modification fee \$2,250

(4) Annual operation fees are as follows:

(A) Land disposal	\$37,500
(B) Incinerator (per unit)	\$10,000
(C) Storage	\$2,500
(D) Treatment (including boilers and industrial furnaces)	\$10,000
(E) Generator	\$1,565

(F) Post-closure activity \$1,500

(G) Ground water compliance sampling at active facilities (per well) \$1,000

~~(5) Manifest fee~~ \$8

(c) Requirements for application fees are as follows:

(1) The fees must be submitted with the hazardous waste permit application. Hazardous waste permit applications will be denied without the application fee.

(2) The fees are not refundable once staff review of the application has commenced.

(d) The annual operation fee schedule is established in IC 13-22-12 and applies to the following:

(1) Annual operation fees established in IC 13-22-12-3 apply to facilities listed in subsection (b) that:

- (A) operate with a permit;
- (B) operate under interim status;
- (C) are a large quantity generator (LQG); or
- (D) otherwise manage hazardous waste subject to regulation under IC 13-22-2.

(2) Hazardous waste annual operation fees begin accruing January 1 of each year. The commissioner shall assess hazardous waste annual operation fees not later than January 15 for the current year's activities. However, this is based on a generator's previous year's activities as defined by the generator.

(3) Hazardous waste management facilities permitted as of January 1 of the assessed year must pay annual operations fees, even if not yet constructed or receiving waste.

(4) No waivers exist for large quantity generators (LQGs).

(5) Permitted TSDs that choose not to manage hazardous waste will be assessed a fee. Fees are assessed for facilities that have the ability to manage hazardous waste.

(6) Permitted treatment and storage facilities that close by removing all waste will not be assessed a post-closure fee because the facility is no longer regulated.

(7) Facilities that are issued a post-closure permit will be assessed the post-closure fee. Landfills will be assessed the fee for the duration of the post-closure period.

(8) A person shall remit a hazardous waste annual operation fee or an installment allowed by subsection (e) to the commissioner:

- (A) no more than thirty (30) days after the date the fee is assessed; or
- (B) by the date the installment is due.

(9) A person or facility that is described in more than one (1) category under this section shall pay all applicable fees.

(e) Installment payments are established as follows:

(1) The commissioner shall allow a person to remit installments on the annual fee if:

- (A) the person determines that a single payment of the entire fee is an undue hardship; and
- (B) the commissioner receives written notification requesting consideration of installment payments before January 30 of the invoiced year.

(2) Installments are due **on a**:

(A) ~~on a~~ quarterly basis:

- (i) February 15;
- (ii) May 15;
- (iii) August 15; and
- (iv) November 15; or

(B) ~~on a~~ semiannual basis:

- (i) February 15; and
- (ii) August 15.

(3) The commissioner will not send a notice of the installment method to the person who notifies in subdivision (1)(B).

(f) In addition to the penalties described under IC 13-30-4, the following will occur:

(1) If a person does not remit a hazardous waste annual operation fee or an installment established under subsection (e)(2) **within:**

(A) ~~within~~ sixty (60) days after the date the fee is assessed; or

(B) ~~within~~ thirty (30) days after the date the installment is due;

the person shall be assessed a delinquency charge equal to ten percent (10%) of the hazardous waste annual operation fee or ten percent (10%) of the installment, whichever is applicable.

(2) The delinquency charge is due and payable:

(A) sixty (60) days after the date the hazardous waste annual operation fee is assessed; or

(B) thirty (30) days after the date the installment is due.

(3) If a person does not remit the hazardous waste annual operation fee or an installment established by the commissioner and any applicable delinquency charge **within:**

(A) ~~within~~ ninety (90) days after the date the hazardous waste annual operation fee is assessed; or

(B) ~~within~~ sixty (60) days after the date the installment is due;

the commissioner may revoke the person's permit.

(4) Before revoking a person's permit ~~pursuant to~~ **under** subdivision (3), the commissioner shall send a written notice by certified mail that: ~~describes:~~

(A) ~~describes~~ what fees and delinquency charge are due; and

(B) indicates that the commissioner may revoke the person's permit for nonpayment thirty (30) days after receipt of the notice.

(g) The fees and delinquency charges collected under this section must be:

- (1) payable to the department; and
- (2) deposited in the environmental management permit operation fund established under IC 13-15-11-3.

(Solid Waste Management Board; 329 IAC 3.1-1-14.1; filed Jan 3, 2000, 10:00 a.m.: 23 IR 1094; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 4. 329 IAC 3.1-6-3, AS AMENDED AT 28 IR 2663, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

329 IAC 3.1-6-3 Indiana additions; listing of hazardous waste

Authority: IC 13-14-8; IC 13-22-2-4

Affected: IC 13-11-2-99; IC 13-11-2-205; IC 13-14-2-2; IC 13-14-10-1; IC 13-22-2-3; P.L.231-2003, SECTION 6; 40 CFR 261

Sec. 3. (a) In addition to the lists of hazardous waste incorporated by reference in section 1 of this rule, the following chemical munitions are acute hazardous wastes:

- (1) GA (Ethyl-N, N-dimethyl phosphoramidocyanide).
- (2) GB (Isopropyl methyl phosphonoflouride).
- (3) H, HD (Bis(2-chloroethyl) sulfide).
- (4) HT (sixty percent (60%) HD and forty percent (40%) T (Bis[2(2-chloroethyl-thio)ethyl]ester)).
- (5) L (Dichloro(2-chlorovinyl)arsine).
- (6) VX (O-ethyl-S-(2-diisopropylaminoethyl) methyl phosphonothiolate).

The ~~above listed~~ chemical munitions **in subdivisions (1) through (6)** have the Indiana hazardous waste number I001 and are subject to all requirements for acute hazardous wastes in this article except as provided in subsection (b).

~~(b) The commissioner may establish alternative requirements for wastes listed in this section and for wastes derived from those listed wastes.~~

(b) A generator may accumulate as much as fifty-five (55) gallons of waste derived from a waste listed in subsection (a)(6) at or near any point of generation where wastes initially accumulate, when that waste is managed in accordance with all other requirements of 40 CFR 262.34(c)(1). (Solid Waste Management Board; 329 IAC 3.1-6-3; filed May 6, 1994, 5:00 p.m.: 17 IR 2063; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Apr 13, 2005, 11:30 a.m.: 28 IR 2663)

SECTION 5. 329 IAC 3.1-7-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 3.1-7-2 Exceptions and additions; generator standards

Authority: IC 13-14-8; IC 13-22-2-4

Affected: IC 13-22-2; IC 13-22-4-3.1; 40 CFR 262

Sec. 2. Exceptions and additions to federal standards for generators are as follows:

(1) Delete 40 CFR 262.12(a) and substitute "A generator who has not received an EPA identification number may obtain one by applying on forms provided by the commissioner. Upon receipt of the completed forms, an EPA identification number will be assigned."

(2) In addition to the requirements of 40 CFR 262, Subpart B and the appendix to 40 CFR 262, the generator shall enter the EPA hazardous waste number for each waste on the Uniform Hazardous Waste Manifest (EPA Form 8700-22) as follows:

(A) Enter the four (4) digit EPA hazardous waste number from 40 CFR 261 that identifies the waste in item "I" of the manifest form or item "R" of the continuation sheet (EPA

Form 8700-22A).

(B) If multiple EPA hazardous waste numbers apply, enter the hazardous waste numbers as follows:

(i) Enter the one (1) EPA hazardous waste number that identifies the most distinctive or most hazardous property of the waste in item "I" of the manifest form or item "R" of the continuation sheet.

(ii) The remaining EPA hazardous waste numbers may be entered in item "J" of the manifest form or item "S" of the continuation sheet.

(C) For nonhazardous or unregulated waste that may be included in the shipment, enter "NONE" in item "I".

(3) In addition to the requirements of 40 CFR 262.40, a generator shall keep the reports required by IC 13-22-4-3.1 on file for at least three (3) years after submission to the department.

(4) Delete 40 CFR 262.41 dealing with biennial reporting and substitute section 14 of this rule.

(5) In 40 CFR 262.42(a)(2), delete "in the Region in which the generator is located".

(6) Delete 40 CFR 262.43 dealing with additional reporting and substitute section 15 of this rule.

(7) In 40 CFR 262.53 and 40 CFR 262.54, references to the "EPA" are retained. A copy of the notification of intent to export, which must be submitted to the EPA, must also be submitted to the Office of Land Quality, Indiana Department of Environmental Management, P.O. Box 7035, Indianapolis, Indiana 46207-7035.

(8) Exception reports required from primary exporters pursuant to 40 CFR 262.55 must be filed with the Regional Administrator of the EPA and the commissioner.

(9) Delete 40 CFR 262.56 dealing with annual reports for exports and substitute section 16 of this rule.

(10) In 40 CFR 262.57(b), the reference to the "administrator" is retained. The commissioner may also request extensions of record retention times for hazardous waste export records.

(11) The amendments to 40 CFR 262.34 that implement the National Environmental Performance Track Program for hazardous waste generators that are Performance Track members, published in the Federal Register at 69 FR 21753 through 69 FR 21754 on April 22, 2004, are incorporated by reference.

(Solid Waste Management Board; 329 IAC 3.1-7-2; filed Jan 24, 1992, 2:00 p.m.: 15 IR 925; errata filed Nov 8, 1995, 4:00 p.m.: 19 IR 353; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3355; filed Jan 3, 2000, 10:00 a.m.: 23 IR 1098; errata filed Aug 10, 2000, 1:26 p.m.: 23 IR 3091; filed Apr 5, 2001, 1:29 p.m.: 24 IR 2432; filed Jun 3, 2002, 10:40 a.m.: 25 IR 3112; filed Jan 14, 2004, 3:20 p.m.: 27 IR 1875)

SECTION 6. 329 IAC 13-3-1, AS AMENDED AT 28 IR 2666, SECTION 7, IS AMENDED TO READ AS FOLLOWS:

329 IAC 13-3-1 Applicability

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30; 40 CFR 261; 40 CFR 279.10; 40 CFR 761.20(e)

Sec. 1. (a) The department presumes that used oil is to be recycled unless a used oil handler disposes of used oil or sends used oil for disposal. Except as provided in section 2 of this rule, this article applies to used oil, and to materials identified in this section as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in 40 CFR 261, Subpart C, revised as of July 1, ~~2003~~; **2005**.

(b) Mixtures of used oil and hazardous waste must be handled as follows:

(1) For mixtures of used oil with a listed hazardous waste, the following shall apply:

(A) Mixtures of used oil and hazardous waste that is listed in 40 CFR 261, Subpart D, revised as of July 1, ~~2003~~; **2005**, are subject to regulation as hazardous waste under 329 IAC 3.1 rather than as used oil under this article.

(B) Used oil containing more than one thousand (1,000) parts per million total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 CFR 261, Subpart D, revised as of July 1, ~~2003~~; **2005**. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste. For example, this may be done by ~~using an analytical method from U.S. Environmental Protection Agency Publication SW-846, as defined in 329 IAC 10-2-197-1, to show~~ **showing** that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 40 CFR 261, Appendix VIII, revised as of July 1, ~~2003~~; **U.S. Environmental Protection Agency SW-846 is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238. Request document number 955-001-00000-1. 2005.** The rebuttable presumption does not apply to the following:

(i) Metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in 329 IAC 13-4-5(3), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner or disposed.

(ii) Used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

(2) Used oil mixed with characteristic hazardous waste identified in 40 CFR 261, Subpart C, revised as of July 1, ~~2003~~; **are 2005**, is subject to 329 IAC 3.1.

(3) Mixtures of used oil and conditionally exempt small quantity generator hazardous waste regulated under 40 CFR 261.5, revised as of July 1, ~~2003~~; **2005**, are subject to regulation as used oil under this article.

(c) Materials containing or otherwise contaminated with used

oil must be handled as follows:

(1) Except as provided in subdivision (2), materials containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material:

- (A) are not used oil and thus not subject to this article; and
- (B) if applicable, are subject to the hazardous waste regulations under 329 IAC 3.1.

(2) Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil under this article.

(3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this article.

(d) Mixtures of used oil with products must be handled as follows:

(1) Except as provided in subdivision (2), mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this article.

(2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this article once the used oil and diesel fuel have been mixed. **Prior to Before** mixing, the used oil is subject to the requirements of 329 IAC 13-4.

(e) Materials derived from used oil must be handled as follows:

(1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal, such as re-refined lubricants, are:

- (A) not used oil and thus are not subject to this article; and
- (B) not solid wastes and are thus not subject to the hazardous waste regulations under 329 IAC 3.1 as provided in 40 CFR 261.3(c)(2)(A), revised as of July 1, ~~2003~~ **2005**.

(2) Materials produced from used oil that are burned for energy recovery, such as used oil fuels, are subject to regulation as used oil under this article.

(3) Except as provided in subdivision (4), materials derived from used oil that are disposed of or used in a manner constituting disposal are:

- (A) not used oil and thus are not subject to this article; and
- (B) ~~are~~ solid wastes and thus are subject to the hazardous waste regulations under 329 IAC 3.1 if the materials are listed or identified as hazardous waste.

(4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this article.

(f) Wastewater, the discharge of which is subject to regulation under either Section 402 or 307(b) of the Clean Water Act, 33 U.S.C. 1342 or 33 U.S.C. 1317(b), respectively, including wastewaters at facilities that have eliminated the discharge of wastewater, contaminated with de minimis quantities of used oil

are not subject to the requirements of this article. As used in this subsection, "de minimis quantities of used oils" means small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

(g) Used oil introduced into crude oil pipelines or a petroleum refining facility must be handled as follows:

(1) Used oil mixed with crude oil or natural gas liquids, such as in a production separator or crude oil stock tank, for insertion into a crude oil pipeline is exempt from the requirements of this article. The used oil is subject to the requirements of this article **prior to before** the mixing of used oil with crude oil or natural gas liquids.

(2) Mixtures of used oil and crude oil or natural gas liquids containing less than one percent (1%) used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point **prior to before** crude distillation or catalytic cracking are exempt from the requirements of this article.

(3) Used oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of this article provided that the used oil constitutes less than one percent (1%) of the crude oil feed to any petroleum refining facility process unit at any given time. **Prior to Before** insertion into the petroleum refining facility process, the used oil is subject to the requirements of this article.

(4) Except as provided in subdivision (5), used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of this article only if the used oil meets the specification of section 2 of this rule. **Prior to Before** insertion into the petroleum refining facility process, the used oil is subject to the requirements of this article.

(5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as an article of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of this article. This exemption does not extend to used oil that is intentionally introduced into a hydrocarbon recovery system, such as by pouring collected used oil into the wastewater treatment system.

(6) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of this article.

(h) Used oil produced on vessels from normal shipboard operations is not subject to this article until it is transported ashore.

(i) Used oil containing less than fifty (50) parts per million

PCB is subject to the requirements of this article unless, because of dilution, it is regulated under 329 IAC 4.1 as a used oil containing PCB at fifty (50) parts per million or greater. Used oil containing PCB subject to the requirements of this article may also be subject to the prohibitions and requirements found in 329 IAC 4.1.

(j) Used oil containing PCB at concentrations of fifty (50) parts per million or greater is not subject to the requirements of this article, but is subject to regulation under 329 IAC 4.1. No person may avoid these provisions by diluting used oil containing PCB, unless otherwise specifically provided for in this article or in 329 IAC 4.1.

(k) The use of waste oil that contains equal to or greater than two (2) parts per million PCB as a sealant, coating, or dust control agent is prohibited. Prohibited uses include, but are not limited to, **the following:**

- (1) Road oiling.
- (2) General dust control.
- (3) Use as a pesticide or herbicide carrier. ~~and~~
- (4) Use as a rust preventative on pipes.

(l) In addition to any applicable requirements under 329 IAC 13-8 and 329 IAC 13-9, marketers and burners of used oil who market, process, or distribute in commerce for energy recovery, used oil containing equal to or greater than two (2) parts per million PCB must comply with section 4 of this rule.

(m) 40 CFR 261 and 40 CFR 761 are available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238. (*Solid Waste Management Board; 329 IAC 13-3-1; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1494; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 238; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3978; filed Apr 13, 2005, 11:30 a.m.: 28 IR 2666*)

SECTION 7. 329 IAC 13-6-5 IS AMENDED TO READ AS FOLLOWS:

329 IAC 13-6-5 Rebuttable presumption for used oil

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30; 40 CFR 261; 40 CFR 279.44

Sec. 5. (a) To ensure that used oil is not a hazardous waste under the rebuttable presumption of 329 IAC 13-3-1(b)(1)(B), the used oil transporter must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below one thousand (1,000) parts per million.

- (b) The transporter must make this determination by:
- (1) testing the used oil; or
 - (2) applying knowledge of the halogen content of the used oil in light of the materials or processes used.

(c) If the used oil contains greater than or equal to one

thousand (1,000) parts per million total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 CFR 261, Subpart D, **revised as of July 1, 2005.** The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste. For example, this may be done by ~~using an analytical method from EPA publication SW-846, Third Edition, to show~~ **showing** that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 40 CFR 261, Appendix VIII, ~~EPA Publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238. Request document number 955-001-00000-1.~~ **revised as of July 1, 2005.** The rebuttable presumption does not apply to the following:

- (1) Metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in 329 IAC 13-4-5(3), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner or disposed.
- (2) Used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

(d) Records of analyses conducted or information used to comply with this section must be maintained by the transporter for at least three (3) years. (*Solid Waste Management Board; 329 IAC 13-6-5; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1500; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

SECTION 8. 329 IAC 13-7-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 13-7-4 Rebuttable presumption for used oil

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30; 40 CFR 261; 40 CFR 279.53

Sec. 4. (a) To ensure that used oil managed at a processing or re-refining facility is not hazardous waste under the rebuttable presumption of 329 IAC 13-3-1(b)(1)(B), the owner or operator of a used oil processing or re-refining facility must determine whether the total halogen content of used oil managed at the facility is above or below one thousand (1,000) parts per million.

- (b) The owner or operator must make this determination by:
- (1) testing the used oil; or
 - (2) applying knowledge of the halogen content of the used oil in light of the materials or processes used.

(c) If the used oil contains greater than or equal to one thousand (1,000) parts per million total halogens, it is presumed to be a hazardous waste because it has been mixed with

halogenated hazardous waste listed in 40 CFR 261 Subpart D, **revised as of July 1, 2005.** The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste. For example, this may be done by ~~using an analytical method from EPA publication SW-846, Third Edition, to show showing~~ that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 40 CFR 261, Appendix VIII, ~~EPA publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238. Request document number 955-001-00000-1.~~ **revised as of July 1, 2005.** The rebuttable presumption does not apply to the following:

- (1) Metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling agreement to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner or disposed.
 - (2) Used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.
- (Solid Waste Management Board; 329 IAC 13-7-4; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1506; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 9. 329 IAC 13-8-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 13-8-4 Rebuttable presumption for used oil

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30; 40 CFR 261; 40 CFR 279.63

Sec. 4. (a) To ensure that used oil managed at a used oil burner facility is not hazardous waste under the rebuttable presumption of 329 IAC 13-3-1(b)(1)(B), a used oil burner must determine whether the total halogen content of used oil managed at the facility is above or below one thousand (1,000) parts per million.

(b) The used oil burner must determine if the used oil contains above or below one thousand (1,000) parts per million total halogens by:

- (1) testing the used oil;
- (2) applying knowledge of the halogen content of the used oil in light of the materials or processes used; or
- (3) if the used oil has been received from a processor or refiner subject to regulation under 329 IAC 13-7, using information provided by the processor or re-refiner.

(c) If the used oil contains greater than or equal to one thousand (1,000) parts per million total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 CFR 261 Subpart D, **revised as of July 1, 2005.** The owner or operator may rebut the

presumption by demonstrating that the used oil does not contain hazardous waste. For example, this may be done by ~~using an analytical method from EPA publication SW-846, Third Edition, to show showing~~ that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 40 CFR 261, Appendix VIII, ~~EPA publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238. Request document number 955-001-00000-1.~~ **revised as of July 1, 2005.** The rebuttable presumption does not apply to the following:

- (1) Metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in 329 IAC 13-4-5(c), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner or disposed.
- (2) Used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.
- (d) Records of analyses conducted or information used to comply with this section must be maintained by the burner for at least three (3) years. *(Solid Waste Management Board; 329 IAC 13-8-4; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1510; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 10. 329 IAC 3.1-7.5 IS REPEALED.

SECTION 11. **SECTIONS 1, 2, and 10 of this document take effect September 5, 2006.**

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 November 15, 2005, 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 rules at 329 IAC 3.1 and 329 IAC 13.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Steve Mojonniere, Rules, Planning and Outreach Section, Office of Land Quality, (317) 233-1655 or call (800) 451-6027 (in Indiana) and ask for extension 3-1655.

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

Attn: ADA Coordinator

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

or call (317) 233-0855 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 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
Assistant Commissioner
Office of Land Quality

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Office of Water Quality
Notice of Public Comment Period and Public Meetings
Updated List of Impaired Waters under Section 303(d) of the CWA

INTRODUCTION

The Indiana Department of Environmental Management's (IDEM) Office of Water Quality is preparing to update its List of Impaired Waters, as required by Section 303(d) of the Federal Clean Water Act (CWA). Under the Act, each state is required to assess its waters for compliance with the state's WQS, which are developed to protect beneficial uses for which the waters may be designated (fishing, swimming, and drinking, etcetera). The state is then required to periodically prepare and make public a list of those waters not meeting WQS. The list of impaired waters will include the portion of the waterbody that is impaired, the pollutant(s) not meeting WQS thus causing the impairment, and a schedule for development of a Total Maximum Daily Load (TMDL). The list must be submitted to United States Environmental Protection Agency (U.S. EPA) by April 1, 2006.

A TMDL evaluation is a process that quantifies the amount of a specific pollutant that a waterbody can assimilate and still meet water quality standards. What constitutes a pollutant is described in Section 502(6) of the CWA, and includes materials such as sewage, chemical wastes, biological materials, and industrial, municipal, and agricultural waste. The definition also encompasses drinking water contaminants that are regulated under Section 1412 of the Safe Drinking Water Act. The TMDL will identify how much of the pollutant is coming from point sources and nonpoint sources. It will also specify the amount of pollutant reduction necessary from each source in order to meet the water quality standard set for that pollutant. The TMDL will lay the groundwork for developing and implementing a plan to reduce the amount of the pollutant coming from each source. The public will be invited to participate in the plan to develop and implement the TMDL.

REQUEST FOR PUBLIC COMMENTS

Pursuant to IC 13-18-2-3, the 2006 list will have a 90-day public comment period. The public is invited to review the list and offer comments and suggestions as to the specific waterbodies included. Any person having water quality data to support or refute the listing of a specific waterbody or to add a waterbody to the list will be able to provide that information to IDEM during the public comment period. The list will also be available October 1, 2005 on IDEM's website at: <http://www.in.gov/idem/water/planbr/wqs/303d.html>

Mailed comments should be addressed to:

Lawrence Wu, Rules Development Section Chief
Watershed Planning Branch
Office of Water Quality – MC 65-40
Indiana Department of Environmental Management
100 North Senate Avenue
IGCN Room N1255
Indianapolis, IN 46204-2251

Hand delivered comments will be accepted by the receptionist on duty at the IDEM Watershed Planning Branch offices located in the Indiana Government Center North at 100 North Senate Avenue, Room N1255, Monday through Friday, between 8:15 a.m. and 4:45 p.m.

Comments by facsimile may be sent to (317) 232-8406, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm timely receipt of faxed comments by calling Lawrence Wu at (317) 234-1805, or toll free at (800) 451-6027.

PUBLIC COMMENT PERIOD DEADLINE

This public comment period will begin on October 1, 2005 and end on December 29, 2005. Comments must be postmarked, hand delivered or faxed no later than December 29, 2005.

PUBLIC MEETINGS

IDEM will present the Draft 2006 303(d) List to the Water Pollution Control Board meeting, which will be open to the public and will provide the public an opportunity to discuss the list. This meeting will be held on the following date:

Wednesday, November 9, 2005, 1:30 p.m.
Indiana Government Center-South
402 W. Washington Street, Conference Center A
Indianapolis, Indiana 46206

CONSOLIDATED LISTING METHODOLOGY

For the development of the 2006 303(d) list, IDEM has followed, to the degree possible, the 305(b) and 303(d) reporting methods outlined in the U.S. EPA's draft Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act published February 22, 2005. The 303(d) list was developed using the 305(b) Assessment Database. Interpretation of the data and listing decisions take into account IDEM's assessment methodologies, U.S. EPA's guidance, and IDEM's 303(d) Listing Methodology. A copy of IDEM's current 303(d) Listing Methodology is included at the end of this document.

One aspect of U.S. EPA's guidance calls for a comprehensive listing of all monitored or assessed water bodies in the state, based on the state's assessment and listing methodology. Each waterbody is to be placed in one or more of five (5) categories depending on the degree to which it supports designated uses. Prior to 2006, U.S. EPA required that states place each waterbody into only one category. The draft guidance issued by U.S. EPA in 2005 encourages states to place waterbodies in additional categories as appropriate in order to more clearly illustrate where progress has been made in TMDL development and other restoration efforts. A detailed explanation of the five (5) categories is provided in Indiana's Assessment and 303(d) Listing Methodology for Impaired Waterbodies and Total Maximum Daily Loading Cycle 2006 located at the end of this document. The following is a summary of the five (5) categories:

Category 1 Attaining the water quality standard for all designated uses and no use is threatened.

Category 2 Attaining some of the designated uses; no use is threatened; and insufficient or no data and information are available to determine if the remaining uses are attained or threatened.

Category 3 Insufficient data and information to determine if any designated use is attained.

A. Little or no information is available with which to make an assessment.

B. The waterbodies for which available data suggest that a problem may exist but more information is needed to verify whether impairment exists or will occur within the next two (2) years.

Category 4 Impaired or threatened for one or more designated uses but does not require the development of a TMDL.

A. A TMDL has been completed that results in attainment of all applicable WQS, and has been approved by U.S. EPA.

B. Other pollution control requirements are reasonably expected to result in the attainment of the WQS a reasonable period of time.

C. Impairment is not caused by a pollutant.

Category 5 The water quality standard is not attained.

A. The waterbodies are impaired or threatened for one or more designated uses by a pollutant(s), and require a TMDL.

B. The waterbodies are impaired due to a Fish Consumption Advisory for PCB's or mercury, or both.

The actual 303(d) list of impaired waters will consist of all waterbodies listed in Category 5. This category includes waters where the water quality standard is not attained because the waterbody is impaired or threatened by a pollutant(s) for which one (1) or more TMDL(s) is needed. It should be noted that the U.S. EPA's 2006 guidance does not change existing rules for listing and delisting waterbodies from Category 5. The existing regulations still require states, at the request of the U. S. EPA's Regional Administrator, to demonstrate good cause for not including waterbodies on the 303(d) list that were included on previous 303(d) lists (pursuant to 40 CFR 130.7(b)(6)(iv)).

DEVELOPMENT OF DRAFT 2006 303(d) LIST

Changes to the Organization of Indiana's 303(d) List

In 2006, IDEM will transfer its water quality assessment information to an updated version of the Assessment Database (ADB), which will better facilitate tracking of impaired waterbodies. In preparation for this transition, IDEM has chosen to eliminate 303(d) numbers as identifiers on the 2006 303(d) list. The 303(d) numbers were a sequential numbering system adopted in 1998 to make identification of waterbodies on the list easier and to track additions and removals from the list. This should help eliminate confusion with respect to waterbodies with multiple impairments.

In 2002, IDEM developed its Reach Index, which provides a segment identification (ID) for every waterbody. Unlike the 303(d) number, the segment ID uniquely identifies the lake, stream, or segment of stream to which it is assigned and can be related to a specific location on a map. The segment IDs from the Reach Index incorporated into the list in 2004 will become the primary identifiers used in 2006 303(d) list. The 303(d) number was often used to group multiple segments. In the 2006 303(d), each segment will be listed separately.

In previous 303(d) lists, multiple impairments on a single waterbody were commonly combined for the purposes of consolidating information. However, the process of combining information in this way is cumbersome and introduces more human error into the list than if the information were presented as queried from the database that stores it. With the goal of producing a more user-friendly list, each impairment will be listed individually on the 2006 303(d) list. Individual listings are also consistent with how U.S. EPA tracks TMDL development and will facilitate more effective planning by IDEM. While organizing the information in this way will increase the number of individual lines in the list, doing so will also help to reduce error and provide for the ability to group listings by impairment, which was not possible with previous lists. The 2006 list will retain the 14-digit hydrologic unit codes (HUC) and county names making it easier to search the list for specific waterbodies of interest.

Waterbodies Proposed to be Removed from Category 5A on the Basis of Information Received Since the 2004 303(d) List was Developed

QAQC review of the 2004 303(d) revealed forty (40) waterbodies that should now be delisted for various reasons. These segments, shown in Table 1, are proposed to be moved from Category 5A to Category 3 or Category 2 for 2006. The locations of all waterbodies proposed to be removed from the 2006 303(d) are shown in Figure 2 in the summary section of this document.

Table 1: Waterbodies proposed to be moved from Category 5A to Category 2 or Category 3 on the basis of information received since the 2004 303(d) list was developed.

Other Notices

MAJOR BASIN	14-DIGIT HUC	COUNTY	WATERBODY SEGMENT ID	WATERBODY SEGMENT NAME	CAUSE OF IMPAIRMENT	EXPLANATION
GREAT LAKES	4100004060060	ALLEN CO	INA0466_T1013	SPY RUN BASIN	IMPAIRED BIOTIC COMMUNITIES	DATA USED TO MAKE ORIGINAL ASSESSMENT NOT REPRESENTATIVE OF THIS SEGMENT
WEST FORK WHITE	5120201140070	MORGAN CO	INW01E7_T1115	NORTH PRONG STOTTS CREEK LMTD USE WATERS	E. COLI	SEGMENT IS A LIMITED USE STREAM
WEST FORK WHITE	5120201140090	JOHNSON CO	INW01E9_00	SOUTH PRONG STOTTS CREEK-HEADWATERS	E. COLI	DATA USED TO MAKE ORIGINAL ASSESSMENT NOT REPRESENTATIVE OF THIS SEGMENT
WEST FORK WHITE	5120201140100	MORGAN CO	INW01EA_00	KASTS CREEK	E. COLI	DATA USED TO MAKE ORIGINAL ASSESSMENT NOT REPRESENTATIVE OF THIS SEGMENT
WEST FORK WHITE	5120201140110	MORGAN CO	INW01EB_00	LOST CREEK	E. COLI	DATA USED TO MAKE ORIGINAL ASSESSMENT NOT REPRESENTATIVE OF THIS SEGMENT
WEST FORK WHITE	5120202020110	OWEN CO	INW022B_00	WEST FORK FISH CREEK	E. COLI	DATA USED TO MAKE ORIGINAL ASSESSMENT NOT REPRESENTATIVE OF THIS SEGMENT
EAST FORK WHITE	5120204010010	HENRY CO	INW0411_T1001	BIG BLUE RIVER	CYANIDE	SEGMENT WAS CORRECTLY DELISTED IN 2002 DUE TO NO VIOLATIONS OF WATER QUALITY STANDARD - DELISTING WAS NOT DOCUMENTED IN 2002 LISTING SUBMISSION
EAST FORK WHITE	5120208090020	MONROE CO	INW0892_T1021	CLEAR CREEK	E. COLI	SEGMENT WAS CORRECTLY DELISTED IN 2004 DUE TO CHANGES IN METHODOLOGY - DELISTING WAS NOT DOCUMENTED IN 2004 LISTING SUBMISSION
EAST FORK WHITE	5120208090010	MONROE CO	INW0891_T1018	JACKSON CREEK	E. COLI	SEGMENT WAS CORRECTLY DELISTED IN 2004 DUE TO CHANGES IN METHODOLOGY - DELISTING WAS NOT DOCUMENTED IN 2004 LISTING SUBMISSION
GREAT LAKES	4100004040030	ADAMS CO	INA0443_T1008	HABEGGER DITCH	ALGAE	WATERBODY LISTED IN ERROR - WATERBODY IS IMPAIRED FOR NUTRIENTS
GREAT LAKES	4100004040070	ADAMS CO	INA0447_00	YELLOW CREEK-MARTZ CREEK	TOTAL DISSOLVED SOLIDS	RECENT DATA INDICATE NO VIOLATION OF WATER QUALITY STANDARD
EAST FORK WHITE	5120206050070	JACKSON CO	INW0657_T1024	UNNAMED TRIBUTARY	TOTAL DISSOLVED SOLIDS	WATERBODY LISTED IN ERROR- INFORMATION IN ADB INTERPRETED INCORRECTLY
UPPER WABASH	5120101140030	WABASH CO	INB01E3_M1029	WABASH RIVER	E. COLI	RECENT DATA INDICATES FULL SUPPORT
UPPER WABASH	5120101140030	WABASH CO	INB01E3_M1029	WABASH RIVER	COPPER	RECENT DATA INDICATE NO VIOLATION OF WATER QUALITY STANDARD
LOWER WABASH	5120109100070	VERMILLION CO	INB09A7_00	VERMILLION RIVER-WHIPPOORWILL BRANCH	LEAD	RECENT DATA INDICATE NO VIOLATION OF WATER QUALITY STANDARD
UPPER WABASH	5120105050030	CASS CO	INB0553_T1014	MUNSON DITCH AND NEXT TRIBUTARY D/S ON LEFT BANK	E. COLI	SEGMENT SPLIT FOR ASSESSMENT PURPOSES - THIS SEGMENT IS FULLY SUPPORTING
OHIO RIVER	5090203	SWITZERLAND CO	INH1_00	OHIO RIVER - OHIO STATE LINE TO MARKLAND DAM	E. COLI	SEGMENT SPLIT FOR ASSESSMENT PURPOSES - THIS SEGMENT IS FULLY SUPPORTING
OHIO RIVER	5090203	SWITZERLAND CO	INH2_00	OHIO RIVER - MARKLAND TO KENTUCKY RIVER	E. COLI	SEGMENT SPLIT FOR ASSESSMENT PURPOSES - THIS SEGMENT IS FULLY SUPPORTING
OHIO RIVER	5140101	CLARK CO	INH3_00	OHIO RIVER - KENTUCKY R TO BATTLE CR	E. COLI	SEGMENT SPLIT FOR ASSESSMENT PURPOSES - THIS SEGMENT IS FULLY SUPPORTING
OHIO RIVER	5140201	PERRY CO	INH5_00	OHIO RIVER - SALT CR TO CANNELTON	E. COLI	SEGMENT SPLIT FOR ASSESSMENT PURPOSES - THIS SEGMENT IS FULLY SUPPORTING
OHIO RIVER	5140202	VANDEBURGH CO	INH8_00	OHIO RIVER - GREEN RIVER TO EVANSVILLE	E. COLI	SEGMENT SPLIT FOR ASSESSMENT PURPOSES - THIS SEGMENT IS FULLY SUPPORTING
OHIO RIVER	5140202	POSEY CO	INH9_00	OHIO RIVER - UNIONTOWN TO WABASH R	E. COLI	SEGMENT SPLIT FOR ASSESSMENT PURPOSES - THIS SEGMENT IS FULLY SUPPORTING

WEST FORK WHITE	5120201140070	MORGAN CO	INW01E7_00	NORTH PRONG STOTTS CREEK-HEADWATERS	E. COLI	NO DATA TO SUPPORT LISTING
WEST FORK WHITE	5120201140080	MORGAN CO	INW01E8_00	HENDERSON CREEK	E. COLI	NO DATA TO SUPPORT LISTING
WEST FORK WHITE	5120202020110	OWEN CO	INW022B_00	WEST FORK FISH CREEK	E. COLI	NO DATA TO SUPPORT LISTING
EAST FORK WHITE	5120204060010	HANCOCK CO	INW0461_T1028	SUGAR CREEK	E. COLI	RECENT DATA INDICATES FULL SUPPORT
EAST FORK WHITE	5120204060020	HANCOCK CO	INW0462_T1029	SUGAR CREEK	E. COLI	RECENT DATA INDICATES FULL SUPPORT
EAST FORK WHITE	5120207010050	JEFFERSON CO	INW0715_00	BIG CREEK - HENSLEY CREEK	E. COLI	NO DATA TO SUPPORT LISTING
WEST FORK WHITE	5120207010060	JEFFERSON CO	INW0716_T1007	HARBERTS CREEK	E. COLI	NO DATA TO SUPPORT LISTING
WEST FORK WHITE	5120207010070	JEFFERSON CO	INW0717_00	LITTLE CREEK-HEADWATERS (JEFFERSON)	E. COLI	NO DATA TO SUPPORT LISTING
WEST FORK WHITE	5120207010080	JEFFERSON CO	INW0718_00	RAMSEY CREEK	E. COLI	NO DATA TO SUPPORT LISTING
WEST FORK WHITE	5120207010110	JEFFERSON CO	INW071B_00	NEILS CREEK	E. COLI	RECENT DATA INDICATES FULL SUPPORT
WEST FORK WHITE	5120207010120	JEFFERSON CO	INW071C_00	BIG CREEK-LEWIS CREEK	E. COLI	RECENT DATA INDICATES FULL SUPPORT
WEST FORK WHITE	5120207030010	SCOTT CO	INW0731_00	MUSCATATUCK RIVER-DEPUTY	E. COLI	RECENT DATA INDICATES FULL SUPPORT
WEST FORK WHITE	5120207030020	JENNINGS CO	INW0732_00	COFFEE CREEK	E. COLI	NO DATA TO SUPPORT LISTING
WEST FORK WHITE	5120207030030	SCOTT CO	INW0733_00	MUSCATATUCK-POWER/SLATE/CROOKED CR	E. COLI	RECENT DATA INDICATES FULL SUPPORT
EAST FORK WHITE	5120208090010	MONROE CO	INW0891_00	UNNAMED TRIBUTARY OF JACKSON CREEK	E. COLI	DATA ARE INSUFFICIENT TO MAKE ASSESSMENT
EAST FORK WHITE	5120208090010	MONROE CO	INW0891_T1020	CLEAR CREEK	E. COLI	DATA ARE INSUFFICIENT TO MAKE ASSESSMENT
GREAT LAKES	4100004040050	ADAMS CO	INA0445_T1006	BLUE CREEK	AMMONIA	RECENT DATA INDICATE NO VIOLATION OF WATER QUALITY STANDARD
UPPER WABASH	5120107040100	CLINTON CO	INB074A_T1048	HEAVILON DITCH - HEADWATER	AMMONIA	RECENT DATA INDICATE NO VIOLATION OF WATER QUALITY STANDARD

Changes in IDEM's Use Support Criteria for Biological Data

IDEM's use support criteria for fish community and macroinvertebrate community data have undergone significant changes since they were first adopted in 1996. In 2002, IDEM completed its first five-year basin monitoring rotation. With fish community from every major basin in the state, IDEM was able to fully calibrate its criteria to reference conditions in Indiana making them representative and applicable to most streams in the state. Details on the evolution of IDEM's use support criteria for biological data can be found in IDEM's current 303(d) listing methodology included at the end of this document.

IDEM's use support criteria developed in 2002 remain in effect today. However, assessments made prior to 2002 were never reviewed against the new criteria. As a result, a number of waterbodies that were originally assessed as impaired may now be considered fully supporting. IDEM is in the process of reviewing all aquatic life use support assessments made on the basis of biological data prior to 2002 against the new criteria to identify any waterbodies that should be delisted. This process is expected to be completed by 2006. For the 2006 listing cycle, IDEM proposes moving a total of one hundred two (102) waterbodies from Category 5A to Category 3 or Category 2 due to the changes in its assessment criteria for biological data (Table 2). The locations of these waterbodies, along with those proposed to be removed as a result of IDEM's QAQC review, are shown in Figure 2 in the summary section of this document.

Table 2: Waterbodies to be moved from Category 5A to Category 2 or Category 3 on the basis of the change in IDEM's assessment criteria for biological data.

MAJOR BASIN	14-DIGIT HUC	COUNTY	WATERBODY SEGMENT ID	WATERBODY SEGMENT NAME	CAUSE OF IMPAIRMENT
UPPER WABASH	05120103060010	GRANT CO	INB0361_00	HUMMEL CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104050050	MIAMI CO	INB0455_00	BOLLEY DITCH - LUKENS LAKE	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104050060	WABASH CO	INB0456_00	SQUIRREL CREEK - BERGER DITCH	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100003050040	STEUBEN CO	INA0354_T1076	BLACK CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100003070040	ALLEN CO	INA0374_T1021	SWARTZ-CARNAHAN DITCH	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100003080030	DEKALB CO	INA0383_T1028	CEDAR CREEK	IMPAIRED BIOTIC COMMUNITIES

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GREAT LAKES	04100003090050	DEKALB CO	INA0395_T1062	LITTLE CEDAR CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100004050020	ADAMS CO	INA0452_00	HOLTHOUSE DITCH-KOHNE DITCH	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100004050040	ALLEN CO	INA0454_T1012	ST. MARYS RIVER TRIB	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100004060060	ALLEN CO	INA0466_T1013	SPY RUN BASIN	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100005010040	ALLEN CO	INA0514_00	BULLERMAN DITCH AND OTHER TRIBUTARIES	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100005010090	ALLEN CO	INA0519_T1008	BOTERN DITCH AND TRIBUTARIES	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120108020060	TIPPECANOE CO	INB0826_T1045	WEA CREEK	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120108030010	TIPPECANOE CO	INB0831_M1003	WABASH RIVER - D/S WEA CREEK	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120108030030	TIPPECANOE CO	INB0833_M1004	WABASH RIVER – GRANVILLE BRDG TO FLINT CREEK	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120108030090	FOUNTAIN CO	INB0839_T1049	OPOSSUM HOLLOW BASIN	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120110010080	BOONE CO	INB1018_00	BROWN'S WONDER CREEK-ROSS DITCH	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120110040060	MONTGOMERY CO	INB1046_00	WALNUT FORK - ABOVE LITTLE SUGAR CREEK	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120111030080	VIGO CO	INB1138_T1023	OTTER CREEK	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120111040040	VIGO CO	INB1144_00	LOST CREEK-NORTH TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120111050040	VIGO CO	INB1154_T1026	SUGAR CREEK	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120111060050	VIGO CO	INB1165_00	HONEY CREEK-ALLENDAL	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120111060070	VIGO CO	INB1167_00	HONEY CREEK – THOMPSON DITCH TO MOUTH	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04040001030020	LAKE CO	INC0132_T1004	TURKEY CREEK – MERRILLVILLE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04040001050040	PORTER CO	INC0154_T1095	DAMON RUN AND TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04040001070030	LA PORTE CO	INC0173_T1096	TRAIL CREEK TRIBUTARY BASIN	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04040001100050	LA PORTE CO	INC01A5_T1071	GALENA RIVER	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001140040	ELKHART CO	INJ01E4_T1302	LITTLE ELKHART RIVER	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001140060	ELKHART CO	INJ01E6_T1303	LITTLE ELKHART RIVER	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001210020	ELKHART CO	INJ01N2_00	ROCK RUN CREEK-HOOVER DITCH-BOYER DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001010130	LA PORTE CO	INK011D_00	LITTLE KANKAKEE RIVER-MILL CREEK-FISH LAKES	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001030090	LA PORTE CO	INK0139_00	SALISBURY DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001050160	MARSHALL CO	INK015G_T1101	ELMER-SELTENRIGHT DITCH HEADWATERS	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001060040	MARSHALL CO	INK0164_T1102	MEYERS DITCH BASIN	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	07120001090150	PORTER CO	INK019F_T1017	COBB CREEK	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	07120001090150	PORTER CO	INK019F_T1017	COBB CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001100030	JASPER CO	INK01A3_00	HODGE DITCH-DELEHANTY/SCHATZLEY DITCHES	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120002030020	JASPER CO	INK0232_T1018	RINGEISEN DITCH BASIN	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120002030070	JASPER CO	INK0237_T1020	CARPENTER CREEK TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120002150040	NEWTON CO	INK02F4_T1015	BEAVER CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201020060	DELAWARE CO	INW0126_T1012	BUCK CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201040010	DELAWARE CO	INW0141_00	KILLBUCK CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201040020	DELAWARE CO	INW0142_00	KILLBUCK CREEK-THRUSTON DITCH	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201040040	DELAWARE CO	INW0144_00	KILLBUCK CREEK-PLEASANT RUN CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201040050	MADISON CO	INW0145_T1016	KILLBUCK CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201040070	MADISON CO	INW0147_T1017	KILLBUCK CREEK - TO MOUTH	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201050010	DELAWARE CO	INW0151_00	PIPE CREEK-YEAGER FINLEY MENARD DITCH	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201050020	MADISON CO	INW0152_00	PIPE CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201050020	MADISON CO	INW0152_T1020	PIPE CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201050030	MADISON CO	INW0153_T1021	PIPE CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201050040	MADISON CO	INW0154_T1022	PIPE CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201050060	MADISON CO	INW0156_T1023	PIPE CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201050080	MADISON CO	INW0158_T1025	PIPE CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201050090	HAMILTON CO	INW0159_00	PIPE CREEK – HAMILTON COUNTY	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201050090	MADISON CO	INW0159_T1026	PIPE CREEK - SWANFELT DT TO COUNTY LINE	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201070050	HAMILTON CO	INW0175_T1039	STONY CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201070060	HAMILTON CO	INW0176_T1040	STONY CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201080080	HAMILTON CO	INW0188_T1034	LITTLE CICERO CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201080090	HAMILTON CO	INW0189_T1035	LITTLE CICERO CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201090080	MARION CO	INW0198_M1055	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES

WEST FORK WHITE	05120201100030	HENRY CO	INW01A3_00	FALL CREEK-MUD CREEK/LITTLE CREEK TRIBU-TARIES	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201100100	MADISON CO	INW01AA_00	LICK CREEK HEADWATERS (MARKLEVILLE)	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201100110	MADISON CO	INW01AB_00	LICK CREEK-MANI-FOLD/MCFADDEN DITCHES	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201120110	MARION CO	INW01CB_T1071	EAGLE CREEK-DAM TO LITTLE EAGLE CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201120140	MARION CO	INW01CE_T1072	EAGLE CREEK-NEELD DITCH/BLUE LAKE	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201140040	MORGAN CO	INW01E4_M1080	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201140060	MORGAN CO	INW01E6_M1081	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201140070	MORGAN CO	INW01E7_00	NORTH PRONG STOTTS CREEK-HEADWATERS	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201140080	MORGAN CO	INW01E8_T1121	NORTH PRONG STOTTS CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201140130	MORGAN CO	INW01ED_M1082	WHITE RIVER-HENDERSON BRIDGE	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201160010	MORGAN CO	INW01G1_M1092	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201170030	MORGAN CO	INW01G3_M1093	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201160060	MORGAN CO	INW01G6_M1094	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201180030	MORGAN CO	INW01J3_M1104	WHITE RIVER-PARAGON	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201180060	MORGAN CO	INW01J6_M1105	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201180090	OWEN CO	INW01J9_M1106	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202010100	MONROE CO	INW021A_T1017	JACKS DEFEAT CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202020010	OWEN CO	INW0221_M1009	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202020030	OWEN CO	INW0223_M1010	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202020030	OWEN CO	INW0223_T1018	MCCORMICKS CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202020040	OWEN CO	INW0224_M1011	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202020060	OWEN CO	INW0226_M1012	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202020090	OWEN CO	INW0229_M1013	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202020100	OWEN CO	INW022A_T1025	EAST FORK FISH CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202020150	GREENE CO	INW022F_M1061	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202040010	GREENE CO	INW0241_T1019	RICHLAND CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202040020	GREENE CO	INW0242_T1020	RICHLAND CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202040030	GREENE CO	INW0243_T1021	RICHLAND CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202040050	GREENE CO	INW0245_T1022	RICHLAND CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202050040	GREENE CO	INW0254_M1029	WHITE RIVER-NEWBERRY TRIBS	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202050090	DAVIESS CO	INW0259_M1032	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202050100	DAVIESS CO	INW025A_M1033	WHITE RIVER - ELNORA TO SMOTHERS CR CUTOFF	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202060070	DAVIESS CO	INW0267_M1034	WHITE RIVER - SMOTHER CR CUTOFF TO BLACK CR	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202070010	KNOX CO	INW0271_M1035	WHITE RIVER - BLACK CR EDWARDSPORT	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202070020	KNOX CO	INW0272_M1036	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202070050	KNOX CO	INW0275_M1037	WHITE RIVER - WHEATLAND	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202090070	DAVIESS CO	INW0297_M1040	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202100120	KNOX CO	INW02AC_M1056	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120203020030	PUTNAM CO	INW0323_T1026	PLUM CREEK	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120208090010	MONROE CO	INW0891_T1020	CLEAR CREEK	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120208090030	MONROE CO	INW0893_T1022	CLEAR CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103060010	GRANT CO	INB0361_00	HUMMEL CREEK	IMPAIRED BIOTIC COMMUNITIES

TMDL Development

As noted earlier in this document, the 303(d) list of impaired waters establishes the waterbodies in Indiana that require a TMDL. IDEM's TMDL development schedule corresponds with IDEM's basin-rotation monitoring schedule. IDEM has divided the state into five (5) major water management basins. The monitoring strategy calls for rotating through each of these basins once every five (5) years. Waters on the 303(d) list will be targeted for additional work as sampling crews are working in the respective basins. To take advantage of all available resources for TMDL development, waters on the 303(d) list will be scheduled for TMDL development according to the basin-rotation schedule unless there is a significant reason to deviate from this schedule. Waters have been scheduled to begin TMDL development over fifteen (15) years. Since the CWA does not clearly define the timeline for TMDL development, U.S. EPA, in response to the Federal Advisory Committee Act (FACA) Committee's recommendations, issued guidance for States to develop expeditious schedules of not more than eight (8) to fifteen (15) years.

IDEM has made significant progress in TMDL development. In 2006, IDEM proposes to place a total of two hundred ninety-nine (299) waterbodies in Category 4A. Tables 3 and 4 identify waterbodies proposed to be moved to Category 4A based upon the completion of a Total Maximum Daily Load (TMDL). For the 2006 list, the additions to Category 4A shown in Table 3 consist of waterbodies identified on the 2004 303(d) List of Impaired Waters (Category 5A in Indiana's Integrated Water Monitoring and Assessment Report). Table 4 includes waterbodies previously placed in Category 2 or 3 that were identified as impaired through the TMDL process. The waterbodies in both tables are keyed to the TMDL in which they are addressed. The TMDL documents listed

Other Notices

below along with information on TMDL development and scheduled public meetings can be found online at <http://www.in.gov/idem/water/planbr/wqs/tmdl/index.html>. Figure 1 shows the locations of all waterbodies proposed to be placed in Category 4A.

- A. Flatrock-Haw Creek Watershed TMDL*
- B. Total Maximum Daily Load (TMDL) for *Escherichia coli* (*E. coli*) for the Middle West Fork White River Watershed, Morgan, Owen, and Greene Counties
- C. Lake Michigan Shoreline TMDL for *E. coli* Bacteria
- D. Total Maximum Daily Load for *Escherichia coli* (*E. coli*) for the St. Joseph River, Elkhart and St. Joseph Counties
- E. Indiana Department of Environmental Management Pleasant Run and Bean Creek TMDL Study
- F. Indiana Department of Environmental Management Fall Creek TMDL Study
- G. Trail Creek *Escherichia coli* TMDL Report
- H. Salt Creek *E. coli* TMDL
- I. Indiana Department of Environmental Management White River TMDL Study
- J. West Fork White River, Muncie to Hamilton-Marion County Line TMDL for *E. coli* Bacteria
- K. Total Maximum Daily Load (TMDL) for *Escherichia coli* (*E. coli*) for the Prairie Creek Watershed, Daviess County
- L. Little Calumet and Portage Burns Waterway TMDL for *E. coli* Bacteria
- M. Total Maximum Daily Load for *Escherichia coli* (*E. coli*) for the Lower Eel River Watershed, Clay, Owen, Greene, Vigo, and Sullivan Counties
- N. Total Maximum Daily Load (TMDL) for *Escherichia coli* (*E. coli*) for the Upper Mill Creek Watershed, Hendricks, Putnam, Morgan, and Owen Counties
- O. Total Maximum Daily Load for *Escherichia coli* (*E. coli*) for the Kessinger Ditch Watershed, Knox County
- P. Total Maximum Daily Load (TMDL) for *Escherichia coli* (*E. coli*) for the First Creek Watershed, Martin, Daviess, and Greene Counties
- Q. Total Maximum Daily Load for *Escherichia coli* (*E. coli*) for the Indian Creek Watershed, Morgan and Johnson County
- R. Duck Creek, Pipe Creek, Killbuck Creek, and Stony Creek TMDLs for *E. coli* Bacteria*
- S. St. Marys River Watershed and Maumee River TMDL*
- T. Lambs Creek TMDL*

*These TMDLs are currently in draft but are expected to be approved by April 1, 2006 when the draft 303(d) List of Impaired Waters will be submitted to U.S. EPA. If any of these TMDLs is not approved by this date, its corresponding waterbodies, presently proposed to be placed in Category 4A, will remain in Category 5A.

Table 3: Waterbodies proposed to be moved from Category 5 to Category 4A based upon completion of a TMDL.

MAJOR BASIN	14-DIGIT HUC	COUNTY	WATERBODY SEGMENT ID	WATERBODY NAME	IMPAIRMENT FOR WHICH TMDL IS COMPLETED	TMDL
EAST FORK WHITE	05120205040010	DECATUR CO	INW0541_T1010	FLATROCK RIVER-ST. OMER	E. COLI	A
EAST FORK WHITE	05120205040030	SHELBY CO	INW0543_T1011	FLATROCK RIVER-GERMAN-TOWN (GAGE)	E. COLI	A
EAST FORK WHITE	05120205050150	BARTHOLOMEW CO	INW055F_T1014	FLATROCK RIVER-FLATROCK	E. COLI	A
WEST FORK WHITE	05120201140030	MORGAN CO	INW01E3_M1079	WHITE RIVER	E. COLI	B
WEST FORK WHITE	05120201140040	MORGAN CO	INW01E4_M1080	WHITE RIVER	E. COLI	B
WEST FORK WHITE	05120201140060	MORGAN CO	INW01E6_M1081	WHITE RIVER	E. COLI	B
WEST FORK WHITE	05120201140130	MORGAN CO	INW01ED_M1082	WHITE RIVER-HENDERSON BRIDGE	E. COLI	B
WEST FORK WHITE	05120201140140	MORGAN CO	INW01EE_00	CLEAR CREEK-EAST/WEST/GRASSY FORKS	E. COLI	B
WEST FORK WHITE	05120201160010	MORGAN CO	INW01G1_M1092	WHITE RIVER	E. COLI	B
WEST FORK WHITE	05120201160020	MORGAN CO	INW01G2_00	SYCAMORE CREEK	E. COLI	B
WEST FORK WHITE	05120201170030	MORGAN CO	INW01G3_00	HIGHLAND CREEK	E. COLI	B
WEST FORK WHITE	05120201170030	MORGAN CO	INW01G3_M1093	WHITE RIVER	E. COLI	B
WEST FORK WHITE	05120201160060	MORGAN CO	INW01G6_M1094	WHITE RIVER	E. COLI	B
WEST FORK WHITE	05120201180030	MORGAN CO	INW01J3_M1104	WHITE RIVER-PARAGON BRIDGE	E. COLI	B
WEST FORK WHITE	05120201180060	MORGAN CO	INW01J6_M1105	WHITE RIVER	E. COLI	B
WEST FORK WHITE	05120202020010	OWEN CO	INW0221_M1009	WHITE RIVER	E. COLI	B

WEST FORK WHITE	05120202020030	OWEN CO	INW0223_M1010	WHITE RIVER	E.COLI	B
WEST FORK WHITE	05120202020030	OWEN CO	INW0223_T1018	MCCORMICKS CREEK	E.COLI	B
WEST FORK WHITE	05120202020040	OWEN CO	INW0224_M1011	WHITE RIVER	E.COLI	B
WEST FORK WHITE	05120202020050	OWEN CO	INW0225_00	RATTLESNAKE CREEK	E.COLI	B
WEST FORK WHITE	05120202020050	OWEN CO	INW0225_T1059	RATTLESNAKE CREEK	E.COLI	B
WEST FORK WHITE	05120202020060	OWEN CO	INW0226_M1012	WHITE RIVER	E.COLI	B
WEST FORK WHITE	05120202020070	OWEN CO	INW0227_00	RACCOON CREEK-LITTLE RACCOON CREEK	E.COLI	B
WEST FORK WHITE	05120202020080	OWEN CO	INW0228_00	RACCOON CREEK-LICK CREEK	E.COLI	B
WEST FORK WHITE	05120202020090	OWEN CO	INW0229_M1013	WHITE RIVER	E.COLI	B
WEST FORK WHITE	05120202020100	OWEN CO	INW022A_00	EAST FORK FISH CREEK	E.COLI	B
WEST FORK WHITE	05120202020120	OWEN CO	INW022C_00	FISH CREEK	E.COLI	B
WEST FORK WHITE	05120202020130	OWEN CO	INW022D_00	FISH CREEK	E.COLI	B
WEST FORK WHITE	05120202020140	OWEN CO	INW022E_00	FISH CREEK	E.COLI	B
WEST FORK WHITE	05120202020150	GREENE CO	INW022F_M1061	WHITE RIVER	E.COLI	B
GREAT LAKES	04040001020010	LAKE CO	INC0121G_G1074	LAKE MICHIGAN SHORELINE EAST OF IHC	E.COLI	C
GREAT LAKES	04040001020010	LAKE CO	INC0121G_G1075	LAKE MICHIGAN SHORELINE WEST OF IHC	E.COLI	C
GREAT LAKES	04040001080010	PORTER CO	INC0181G_G1093	LAKE MICHIGAN SHORELINE-DUNES	E.COLI	C
GREAT LAKES	04040001090010	LA PORTE CO	INC0191G_G1092	LAKE MICHIGAN SHORELINE-LAPORTE	E.COLI	C
GREAT LAKES	04050001220010	ELKHART CO	INJ01P1_M1007	ST. JOSEPH RIVER	E.COLI	D
GREAT LAKES	04050001240010	ST JOSEPH CO	INJ01T1_M1006	ST. JOSEPH RIVER	E.COLI	D
GREAT LAKES	04050001240020	ST JOSEPH CO	INJ01T2_M1005	ST. JOSEPH RIVER	E.COLI	D
GREAT LAKES	04050001240030	ST JOSEPH CO	INJ01T3_M1004	ST. JOSEPH RIVER	E.COLI	D
GREAT LAKES	04050001240040	ST JOSEPH CO	INJ01T4_M1003	ST. JOSEPH RIVER	E.COLI	D
GREAT LAKES	04050001240060	ST JOSEPH CO	INJ01T6_M1001	ST. JOSEPH RIVER	E.COLI	D
WEST FORK WHITE	05120201130030	MARION CO	INW01D3_T1062	PLEASANT RUN	E.COLI	E
WEST FORK WHITE	05120201130040	MARION CO	INW01D4_T1063	PLEASANT RUN	E.COLI	E
WEST FORK WHITE	05120201110060	MARION CO	INW01B6_T1051	FALL CREEK	E.COLI	F
GREAT LAKES	04040001070010	LA PORTE CO	INC0171_T1072	EAST BRANCH TRAIL CREEK	E. COLI	G
GREAT LAKES	04040001070030	LA PORTE CO	INC0172_00	WEST BRANCH TRAIL CREEK AND OTHER TRIBS	E. COLI	G
GREAT LAKES	04040001070030	LA PORTE CO	INC0172_T1073	WEST BRANCH TRAIL CREEK - WATERFORD CR	E. COLI	G
GREAT LAKES	04040001070030	LA PORTE CO	INC0173_T1020	TRAIL CREEK	E. COLI	G
GREAT LAKES	04040001050010	PORTER CO	INC0151_T1012	SALT CREEK	E. COLI	H
GREAT LAKES	04040001050020	PORTER CO	INC0152_T1013	SALT CREEK	E. COLI	H
GREAT LAKES	04040001050030	PORTER CO	INC0153_T1015	SALT CREEK	E. COLI	H
GREAT LAKES	04040001050050	PORTER CO	INC0155_T1017	SALT CREEK	E. COLI	H
GREAT LAKES	04040001050050	PORTER CO	INC0155_T1088	SALT CREEK	E. COLI	H
WEST FORK WHITE	05120201090050	MARION CO	INW0195_M1054	WHITE RIVER-HAVERSTICK CREEK/HOWLAND DITCH TRIBUTARYS	E. COLI	I
WEST FORK WHITE	05120201090080	MARION CO	INW0198_M1118	WHITE RIVER	E. COLI	I
WEST FORK WHITE	05120201130020	MARION CO	INW01D2_M1059	WHITE RIVER	E. COLI	I
WEST FORK WHITE	05120201130040	MARION CO	INW01D4_M1060	WHITE RIVER	E. COLI	I
WEST FORK WHITE	05120201130060	MARION CO	INW01D6_M1075	WHITE RIVER	E. COLI	I
WEST FORK WHITE	05120201130080	MARION CO	INW01D8_M1076	WHITE RIVER	E. COLI	I
WEST FORK WHITE	05120201130100	JOHNSON CO	INW01DA_M1077	WHITE RIVER-MANN CREEK/HARNESS DITCH	E. COLI	I
WEST FORK WHITE	05120201130100	JOHNSON CO	INW01DA_M1077	WHITE RIVER-MANN CREEK/HARNESS DITCH	CYANIDE	I

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WEST FORK WHITE	05120201130100	JOHNSON CO	INW01DA_M1077	WHITE RIVER-MANN CREEK/HARNESS DITCH	DISSOLVED OXYGEN	I
WEST FORK WHITE	05120201010130	DELAWARE CO	INW011D_T1009	WHITE RIVER	E. COLI	J
WEST FORK WHITE	05120201020060	DELAWARE CO	INW0126_T1010	WHITE RIVER	E. COLI	J
WEST FORK WHITE	05120201030010	DELAWARE CO	INW0131_T1013	WHITE RIVER	E. COLI	J
WEST FORK WHITE	05120201030020	MADISON CO	INW0132_T1014	WHITE RIVER	E. COLI	J
WEST FORK WHITE	05120201030030	MADISON CO	INW0133_T1015	WHITE RIVER - CHESTERFIELD TO ANDERSON	E. COLI	J
WEST FORK WHITE	05120201040080	MADISON CO	INW0148_T1018	WHITE RIVER	E. COLI	J
WEST FORK WHITE	05120201040100	HAMILTON CO	INW014A_T1019	WHITE RIVER-PERKINSVILLE	E. COLI	J
WEST FORK WHITE	05120201070010	HAMILTON CO	INW0171_T1027	WHITE RIVER - PIPE CR TO DUCK CR	E. COLI	J
WEST FORK WHITE	05120201070020	HAMILTON CO	INW0172_T1032	WHITE RIVER - DUCK CR TO RIVERWOOD	E. COLI	J
WEST FORK WHITE	05120201070030	HAMILTON CO	INW0173_T1033	WHITE RIVER	E. COLI	J
WEST FORK WHITE	05120201090010	HAMILTON CO	INW0191_M1038	WHITE RIVER	E. COLI	J
WEST FORK WHITE	05120201090020	HAMILTON CO	INW0192_M1052	WHITE RIVER	E. COLI	J
WEST FORK WHITE	05120202080010	DAVIESS CO	INW0281_00	NORTH FORK PRAIRIE CREEK-HEADWATER TRIBUTARYS	E. COLI	K
WEST FORK WHITE	05120202080010	DAVIESS CO	INW0281_T1044	NORTH FORK PRAIRIE CREEK	E. COLI	K
WEST FORK WHITE	05120202080020	DAVIESS CO	INW0282_00	BARNES CREEK AND OTHER TRIBUTARYS	E. COLI	K
WEST FORK WHITE	05120202080020	DAVIESS CO	INW0282_T1046	NORTH FORK PRAIRIE CREEK	E. COLI	K
WEST FORK WHITE	05120202080030	DAVIESS CO	INW0283_00	BETHEL CREEK AND OTHER TRIBUTARYS	E. COLI	K
WEST FORK WHITE	05120202080030	DAVIESS CO	INW0283_T1047	NORTH FORK PRAIRIE CREEK	E. COLI	K
WEST FORK WHITE	05120202080040	DAVIESS CO	INW0284_00	FLAT CREEK AND OTHER TRIBUTARYS	E. COLI	K
WEST FORK WHITE	05120202080040	DAVIESS CO	INW0284_T1049	SOUTH FORK PRAIRIE CREEK	E. COLI	K
WEST FORK WHITE	05120202080050	DAVIESS CO	INW0285_00	DINKIN CREEK AND OTHER TRIBUTARYS	E. COLI	K
WEST FORK WHITE	05120202080050	DAVIESS CO	INW0285_T1050	SOUTH FORK PRAIRIE CREEK	E. COLI	K
WEST FORK WHITE	05120202080060	DAVIESS CO	INW0286_T1051	SOUTH FORK PRAIRIE CREEK	E. COLI	K
WEST FORK WHITE	05120202080060	DAVIESS CO	INW0286_T1166	ANTIOCH CREEK	E. COLI	K
WEST FORK WHITE	05120202080060	DAVIESS CO	INW0286_T1167	EAGAN DITCH BASIN	E. COLI	K
WEST FORK WHITE	05120202080070	DAVIESS CO	INW0287_00	KILLION CANAL AND OTHER TRIBUTARIES	E. COLI	K
WEST FORK WHITE	05120202080070	DAVIESS CO	INW0287_T1063	PRAIRIE CREEK	E. COLI	K
WEST FORK WHITE	05120202080080	DAVIESS CO	INW0288_T1064	PRAIRIE CREEK	E. COLI	K
GREAT LAKES	04040001040020	LAKE CO	INC0142_T1009	LITTLE CALUMET RIVER	E. COLI	L
GREAT LAKES	04040001040020	LAKE CO	INK0335_T1004	LITTLE CALUMET RIVER	E. COLI	L
GREAT LAKES	04040001040020	LAKE CO	INK0335_T1005	LITTLE CALUMET RIVER	E. COLI	L
GREAT LAKES	04040001040020	LAKE CO	INK0336_T1002	LITTLE CALUMET RIVER	E. COLI	L
GREAT LAKES	04040001040030	PORTER CO	INC0143_T1010	BURNS DITCH	E. COLI	L
GREAT LAKES	04040001040030	LAKE CO	INC0143_T1090	BURNS DITCH	E. COLI	L
GREAT LAKES	04040001060010	PORTER CO	INC0161_T1023	LITTLE CALUMET RIVER HEADWATERS	E. COLI	L
GREAT LAKES	04040001060030	PORTER CO	INC0162_T1060	LITTLE CALUMET RIVER	E. COLI	L
GREAT LAKES	04040001060030	PORTER CO	INC0162_T1082	LITTLE CALUMET RIVER	E. COLI	L
GREAT LAKES	04040001060030	PORTER CO	INC0163_T1061	LITTLE CALUMET RIVER	E. COLI	L
GREAT LAKES	04040001060040	PORTER CO	INC0164_T1018	LITTLE CALUMET RIVER - EAST ARM	E. COLI	L
GREAT LAKES	04040001060040	PORTER CO	INC0164_T1086	LITTLE CALUMET RIVER	E. COLI	L
GREAT LAKES	04040001060040	PORTER CO	INC0164_T1108	PORTAGE BURNS WATERWAY	E. COLI	L
WEST FORK WHITE	05120203080040	CLAY CO	INW0384_00	BIRCH CREEK-LITTLE BIRCH CREEK	E. COLI	M
WEST FORK WHITE	05120203080050	CLAY CO	INW0385_00	EAST FORK BIRCH CREEK	E. COLI	M

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WEST FORK WHITE	05120203080060	CLAY CO	INW0386_00	BIRCH CREEK-PRAIRIE CREEK	E. COLI	M
WEST FORK WHITE	05120203080070	CLAY CO	INW0387_00	BRUSH CREEK-CROOKED CREEK	E. COLI	M
WEST FORK WHITE	05120203080080	CLAY CO	INW0388_00	BIRCH CREEK-OUTLET (ZION CHURCH)	E. COLI	M
WEST FORK WHITE	05120203090020	CLAY CO	INW0392_00	SPLUNGE CREEK-CUT-OFF/LITTLE SLOUGH	E. COLI	M
WEST FORK WHITE	05120203090030	CLAY CO	INW0393_T1014	EEL RIVER	E. COLI	M
WEST FORK WHITE	05120203090040	CLAY CO	INW0394_T1016	EEL RIVER	E. COLI	M
WEST FORK WHITE	05120203090050	CLAY CO	INW0395_T1019	CONNELLY DITCH-HEADWATERS	E. COLI	M
WEST FORK WHITE	05120203090060	CLAY CO	INW0396_00	CLAY CITY TRIB	E. COLI	M
WEST FORK WHITE	05120203090060	CLAY CO	INW0396_T1020	CONNELLY DITCH	E. COLI	M
WEST FORK WHITE	05120203090070	CLAY CO	INW0397_T1018	EEL RIVER	E. COLI	M
WEST FORK WHITE	05120203090080	CLAY CO	INW0398_T1015	EEL RIVER	E. COLI	M
WEST FORK WHITE	05120203090080	CLAY CO	INW0398_T1017	WABASH & ERIE CANAL	E. COLI	M
WEST FORK WHITE	05120203090090	GREENE CO	INW0399_00	LAGOON CREEK-HOWESVILLE DITCH	E. COLI	M
WEST FORK WHITE	05120203090100	OWEN CO	INW039A_T1021	LICK CREEK	E. COLI	M
WEST FORK WHITE	05120203090110	OWEN CO	INW039B_T1022	LICK CREEK	E. COLI	M
WEST FORK WHITE	05120203090120	GREENE CO	INW039C_00	NEED/BRUSH CREEK AND OTHER TRIBUTARYS	E. COLI	M
WEST FORK WHITE	05120203090120	GREENE CO	INW039C_T1023	LICK CREEK	E. COLI	M
WEST FORK WHITE	05120203090120	GREENE CO	INW039C_T1024	EEL RIVER	E. COLI	M
WEST FORK WHITE	05120203060010	HENDRICKS CO	INW0361_T1010	MILL CREEK-HEADWATERS (HENDRICKS)	E. COLI	N
WEST FORK WHITE	05120203060020	HENDRICKS CO	INW0362_00	CRITTENDEN CREEK	E. COLI	N
WEST FORK WHITE	05120203060020	HENDRICKS CO	INW0362_T1011	MILL CREEK	E. COLI	N
WEST FORK WHITE	05120203060030	HENDRICKS CO	INW0363_00	EAST FORK MILL CREEK-HEADWATERS	E. COLI	N
WEST FORK WHITE	05120203060040	HENDRICKS CO	INW0364_00	EAST FORK MILL CREEK-LOWER	E. COLI	N
WEST FORK WHITE	05120203060050	PUTNAM CO	INW0365_00	SALLUST BRANCH TRIBUTARYS	E. COLI	N
WEST FORK WHITE	05120203060050	PUTNAM CO	INW0365_T1012	MILL CREEK	E. COLI	N
WEST FORK WHITE	05120203060060	HENDRICKS CO	INW0366_00	MUD CREEK-HEADWATERS (HENDRICKS)	E. COLI	N
WEST FORK WHITE	05120203060070	MORGAN CO	INW0367_00	MUD CREEK-LOWER (HENDRICKS)	E. COLI	N
WEST FORK WHITE	05120203060150	OWEN CO	INW036F_00	MILL CREEK-UPSTREAM CAGLES MILL LAKE	E. COLI	N
WEST FORK WHITE	05120203060160	PUTNAM CO	INW036G_00	DOE CREEK-FERGUSON BRANCH	E. COLI	N
WEST FORK WHITE	05120202090040	KNOX CO	INW0294_T1041	KESSINGER DITCH	E. COLI	O
WEST FORK WHITE	05120202090050	KNOX CO	INW0295_00	ROBERSON DITCH WITH INDIAN AND FLAT CREEK TRIBUTARIES	E. COLI	O
WEST FORK WHITE	05120202090060	KNOX CO	INW0296_00	OPOSSUM BRANCH/STEEN DT/REEL CR	E. COLI	O
WEST FORK WHITE	05120202090060	KNOX CO	INW0296_T1042	KESSINGER DITCH	E. COLI	O
WEST FORK WHITE	05120202090070	DAVIESS CO	INW0297_T1043	KESSINGER DITCH	E. COLI	O
WEST FORK WHITE	05120202050060	DAVIESS CO	INW0256_00	FIRST CREEK-UNNAMED TRIBUTARY	E. COLI	P
WEST FORK WHITE	05120202050060	DAVIESS CO	INW0256_T1030	FIRST CREEK	E. COLI	P
WEST FORK WHITE	05120202050070	GREENE CO	INW0257_00	FIRST CREEK-UNNAMED TRIBUTARYS	E. COLI	P
WEST FORK WHITE	05120202050070	GREENE CO	INW0257_T1031	FIRST CREEK	E. COLI	P

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WEST FORK WHITE	05120201170020	JOHNSON CO	INW01H2_T1098	INDIAN CREEK	E. COLI	Q
WEST FORK WHITE	05120201170030	MORGAN CO	INW01H3_T1099	INDIAN CREEK	E. COLI	Q
WEST FORK WHITE	05120201170040	MORGAN CO	INW01H4_T1101	CROOKED CREEK	E. COLI	Q
WEST FORK WHITE	05120201170050	MORGAN CO	INW01H5_00	CAMP CREEK	E. COLI	Q
WEST FORK WHITE	05120201170060	MORGAN CO	INW01H6_T1102	INDIAN CREEK	E. COLI	Q
WEST FORK WHITE	05120201170070	MORGAN CO	INW01H7_00	SAND CREEK AND UNNAMED TRIBUTARY	E. COLI	Q
WEST FORK WHITE	05120201170070	MORGAN CO	INW01H7_T1103	INDIAN CREEK	E. COLI	Q
WEST FORK WHITE	05120201040010	DELAWARE CO	INW0141_00	KILLBUCK CREEK	E. COLI	R
WEST FORK WHITE	05120201040020	DELAWARE CO	INW0142_00	KILLBUCK CREEK-THRUSTON DITCH	E. COLI	R
WEST FORK WHITE	05120201040030	DELAWARE CO	INW0143_00	JAKES CREEK-EAGLE BRANCH	E. COLI	R
WEST FORK WHITE	05120201040040	DELAWARE CO	INW0144_00	KILLBUCK CREEK-PLEASANT RUN CREEK	E. COLI	R
WEST FORK WHITE	05120201040050	DELAWARE CO	INW0145_00	KILLBUCK CREEK	E. COLI	R
WEST FORK WHITE	05120201040050	MADISON CO	INW0145_T1016	KILLBUCK CREEK	E. COLI	R
WEST FORK WHITE	05120201040060	MADISON CO	INW0146_00	LITTLE KILLBUCK CREEK-NELSON BROOK	E. COLI	R
WEST FORK WHITE	05120201040070	MADISON CO	INW0147_T1017	KILLBUCK CREEK - TO MOUTH	E. COLI	R
WEST FORK WHITE	05120201040090	MADISON CO	INW0149_00	INDIAN CREEK (MADISON)	E. COLI	R
WEST FORK WHITE	05120201050010	DELAWARE CO	INW0151_00	PIPE CREEK-YEAGER FINLEY MENARD DITCH	E. COLI	R
WEST FORK WHITE	05120201050020	MADISON CO	INW0152_00	PIPE CREEK	E. COLI	R
WEST FORK WHITE	05120201050020	MADISON CO	INW0152_T1020	PIPE CREEK	E. COLI	R
WEST FORK WHITE	05120201050030	MADISON CO	INW0153_T1021	PIPE CREEK	E. COLI	R
WEST FORK WHITE	05120201050040	MADISON CO	INW0154_T1022	PIPE CREEK	E. COLI	R
WEST FORK WHITE	05120201050060	MADISON CO	INW0156_T1023	PIPE CREEK	E. COLI	R
WEST FORK WHITE	05120201050070	MADISON CO	INW0157_T1024	PIPE CREEK	E. COLI	R
WEST FORK WHITE	05120201050080	MADISON CO	INW0158_T1025	PIPE CREEK	E. COLI	R
WEST FORK WHITE	05120201050090	HAMILTON CO	INW0159_00	PIPE CREEK - HAMILTON COUNTY	E. COLI	R
WEST FORK WHITE	05120201050090	MADISON CO	INW0159_T1026	PIPE CREEK - SWANFELT DT TO COUNTY LINE	E. COLI	R
WEST FORK WHITE	05120201060010	MADISON CO	INW0161_00	DUCK CREEK-TODD DITCH	E. COLI	R
WEST FORK WHITE	05120201060020	MADISON CO	INW0162_00	LITTLE DUCK CREEK BASIN	E. COLI	R
WEST FORK WHITE	05120201060020	MADISON CO	INW0162_T1028	DUCK CREEK - ELWOOD TO LTL DUCK CR	E. COLI	R
WEST FORK WHITE	05120201060020	MADISON CO	INW0162_T1228	BIG DUCK CREEK	E. COLI	R
WEST FORK WHITE	05120201060030	MADISON CO	INW0163_00	POLYWOG CREEK	E. COLI	R
WEST FORK WHITE	05120201060030	MADISON CO	INW0163_T1029	DUCK CREEK - LTL DUCK CR TO POLYWOG CR	E. COLI	R
WEST FORK WHITE	05120201060040	HAMILTON CO	INW0164_T1030	DUCK CREEK	E. COLI	R
WEST FORK WHITE	05120201060050	HAMILTON CO	INW0165_00	BEAR CREEK-WEST FORK BEAR CREEK	E. COLI	R
WEST FORK WHITE	05120201060060	HAMILTON CO	INW0166_00	DUCK CREEK	E. COLI	R
WEST FORK WHITE	05120201060060	HAMILTON CO	INW0166_T1031	DUCK CREEK	E. COLI	R
WEST FORK WHITE	05120201060060	HAMILTON CO	INW0166_T1227	LONG BRANCH	E. COLI	R
WEST FORK WHITE	05120201070020	HAMILTON CO	INW0172_00	SUGAR RUN AND OTHER TRIBUTARYS	E. COLI	R
WEST FORK WHITE	05120201070040	MADISON CO	INW0174_00	STONY CREEK-HEADWATERS	E. COLI	R

WEST FORK WHITE	05120201070050	HAMILTON CO	INW0175_00	STONY CREEK - WILLIAM LOCK DITCH TRIBUTARYS	E. COLI	R
WEST FORK WHITE	05120201070050	HAMILTON CO	INW0175_T1039	STONY CREEK	E. COLI	R
WEST FORK WHITE	05120201070060	HAMILTON CO	INW0176_00	WILLIAM LEHR DITCH AND OTHER TRIBUTARYS	E. COLI	R
WEST FORK WHITE	05120201070060	HAMILTON CO	INW0176_T1040	STONY CREEK	E. COLI	R
WEST FORK WHITE	05120201070070	HAMILTON CO	INW0177_00	NORTH TRIB (NOBLESVILLE)	E. COLI	R
WEST FORK WHITE	05120201070070	HAMILTON CO	INW0177_T1041	STONY CREEK	E. COLI	R
GREAT LAKES	04100004040020	ADAMS CO	INA0442_T1007	BLUE CREEK	E. COLI	S
GREAT LAKES	04100004040030	ADAMS CO	INA0443_T1008	HABEGGER DITCH	E. COLI	S
GREAT LAKES	04100004040030	ADAMS CO	INA0443_T1008	HABEGGER DITCH	IMPAIRED BIOTIC COMMUNITIES	S
GREAT LAKES	04100004040030	ADAMS CO	INA0443_T1008	HABEGGER DITCH	NUTRIENTS	S
GREAT LAKES	04100004040030	ADAMS CO	INA0443_T1014	GATES DITCH	E. COLI	S
GREAT LAKES	04100004040040	ADAMS CO	INA0444_00	LITTLE BLUE CREEK	E. COLI	S
GREAT LAKES	04100004040050	ADAMS CO	INA0445_T1006	BLUE CREEK	E. COLI	S
GREAT LAKES	04100004040050	ADAMS CO	INA0445_T1006	BLUE CREEK	IMPAIRED BIOTIC COMMUNITIES	S
GREAT LAKES	04100004040070	ADAMS CO	INA0447_00	YELLOW CREEK	IMPAIRED BIOTIC COMMUNITIES	S
GREAT LAKES	04100004040070	ADAMS CO	INA0447_00	YELLOW CREEK	NUTRIENTS	S
GREAT LAKES	04100004040080	ADAMS CO	INA0448_T1016	ST. MARYS RIVER	E. COLI	S
GREAT LAKES	04100004040090	ADAMS CO	INA0449_T1017	ST. MARYS RIVER	E. COLI	S
GREAT LAKES	04100004050020	ADAMS CO	INA0452_00	HOLTHOUSE DITCH-KOHNE DITCH	E. COLI	S
GREAT LAKES	04100004050030	ADAMS CO	INA0453_T1018	ST. MARYS RIVER	E. COLI	S
GREAT LAKES	04100004050040	ALLEN CO	INA0454_T1005	ST. MARYS RIVER	E. COLI	S
GREAT LAKES	04100004050040	ALLEN CO	INA0454_T1012	ST. MARYS RIVER TRIB	IMPAIRED BIOTIC COMMUNITIES	S
GREAT LAKES	04100004050040	ALLEN CO	INA0454_T1021	ST. MARYS RIVER	E. COLI	S
GREAT LAKES	04100004060010	ALLEN CO	INA0461_T1004	ST. MARYS RIVER	E. COLI	S
GREAT LAKES	04100004060030	ALLEN CO	INA0463_T1003	ST. MARYS RIVER	E. COLI	S
GREAT LAKES	04100004060050	ALLEN CO	INA0465_T1002	ST. MARYS RIVER	E. COLI	S
GREAT LAKES	04100004060060	ALLEN CO	INA0466_T1022	ST. MARYS RIVER	E. COLI	S
GREAT LAKES	04100005010010	ALLEN CO	INA0511_M1007	MAUMEE RIVER	E. COLI	S
GREAT LAKES	04100005010040	ALLEN CO	INA0514_M1006	MAUMEE RIVER	E. COLI	S
GREAT LAKES	04100005010080	ALLEN CO	INA0518_M1004	MAUMEE RIVER	E. COLI	S
GREAT LAKES	04100005010100	ALLEN CO	INA051A_M1003	MAUMEE RIVER	E. COLI	S
GREAT LAKES	04100005010120	ALLEN CO	INA051C_M1002	MAUMEE RIVER	E. COLI	S
GREAT LAKES	04100005010130	ALLEN CO	INA051D_M1001	MAUMEE RIVER	E. COLI	S
WEST FORK WHITE	05120201160040	MORGAN CO	INW01G4_T1095	LAMBS CREEK	E. COLI	T
WEST FORK WHITE	05120201160050	MORGAN CO	INW01G5_00	GOOSE CREEK	E. COLI	T
WEST FORK WHITE	05120201160050	MORGAN CO	INW01G5_T1096	LAMBS CREEK	E. COLI	T

Table 4: Waterbodies proposed to be moved from Categories 2 or 3 to Category 4A based on the completion of a TMDL. These are waters that were not assessed as impaired and identified on a previous 303(d) list but were determined to be impaired through reassessments completed as part of the TMDL process.

MAJOR BASIN	14-DIGIT HUC	COUNTY	WATERBODY SEGMENT ID	WATERBODY NAME	IMPAIRED FOR WHICH TMDL IS COMPLETED	TMDL
EAST FORK WHITE	05120205010010	HENRY CO	INW0511_00	FLATROCK RIVER-WILBUR WRIGHT CREEK	E. COLI	A
EAST FORK WHITE	05120205010020	HENRY CO	INW0512_00	FLATROCK RIVER-ARMS NO. 1 & 2	E. COLI	A
EAST FORK WHITE	05120205010030	HENRY CO	INW0513_00	FLATROCK RIVER-MUD RUN	E. COLI	A
EAST FORK WHITE	05120205010040	HENRY CO	INW0514_00	FLATROCK RIVER-ROCK BRANCH	E. COLI	A
EAST FORK WHITE	05120205010050	HENRY CO	INW0515_00	FLATROCK RIVER-ABOVE US40	E. COLI	A
EAST FORK WHITE	05120205010060	RUSH CO	INW0516_T1001	FLATROCK RIVER-APPLEBUTTER CREEK	E. COLI	A
EAST FORK WHITE	05120205010070	RUSH CO	INW0517_00	NORTHEAST TRIBUTARY (LEWISVILLE)	E. COLI	A
EAST FORK WHITE	05120205010080	RUSH CO	INW0518_00	MILLS DITCH AND OTHER TRIBUTARYS	E. COLI	A
EAST FORK WHITE	05120205010080	RUSH CO	INW0518_T1002	FLATROCK RIVER	E. COLI	A

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EAST FORK WHITE	05120205010090	RUSH CO	INW0519_00	WIKOFF DITCH	E. COLI	A
EAST FORK WHITE	05120205010120	RUSH CO	INW051C_00	SHAWNEE CREEK-LOWER	E. COLI	A
EAST FORK WHITE	05120205010130	RUSH CO	INW051D_T1003	FLATROCK RIVER-PLUM CREEK CHURCH	E. COLI	A
EAST FORK WHITE	05120205020010	RUSH CO	INW0521_T1004	FLATROCK RIVER-GRAVEL PITS	E. COLI	A
EAST FORK WHITE	05120205020020	RUSH CO	INW0522_00	TURKEY CREEK (RUSH)	E. COLI	A
EAST FORK WHITE	05120205020030	RUSH CO	INW0523_T1005	FLATROCK RIVER-COVERED BRIDGES	E. COLI	A
EAST FORK WHITE	05120205020040	RUSH CO	INW0524_00	BEN DAVIS CREEK	E. COLI	A
EAST FORK WHITE	05120205020050	RUSH CO	INW0525_00	ABOVE US52 TRIBUTARYS	E. COLI	A
EAST FORK WHITE	05120205020050	RUSH CO	INW0525_T1006	FLATROCK RIVER	E. COLI	A
EAST FORK WHITE	05120205020060	RUSH CO	INW0526_00	RUSHVILLE TRIBUTARYS	E. COLI	A
EAST FORK WHITE	05120205020060	RUSH CO	INW0526_T1007	FLATROCK RIVER	E. COLI	A
EAST FORK WHITE	05120205020070	RUSH CO	INW0527_00	EAST TRIBUTARY FLATROCK RIVER	E. COLI	A
EAST FORK WHITE	05120205020080	RUSH CO	INW0528_T1008	FLATROCK RIVER-GAS WELLS	E. COLI	A
EAST FORK WHITE	05120205020090	RUSH CO	INW0529_00	BOB CREEK	E. COLI	A
EAST FORK WHITE	05120205020100	DECATUR CO	INW052A_T1009	FLATROCK RIVER	E. COLI	A
EAST FORK WHITE	05120205040140	SHELBY CO	INW054E_00	CONNS CREEK-MOUTH (VALLEY CHURCH)	E. COLI	A
EAST FORK WHITE	05120205050010	SHELBY CO	INW0551_T1012	FLATROCK RIVER-GENEVA	E. COLI	A
EAST FORK WHITE	05120205050020	SHELBY CO	INW0552_T1013	FLATROCK RIVER-WILLOW PARK	E. COLI	A
EAST FORK WHITE	05120205050140	SHELBY CO	INW055E_00	LEWIS CREEK-AT MOUTH	E. COLI	A
EAST FORK WHITE	05120205050160	BARTHOLOMEW CO	INW055G_00	SIDNEY BRANCH	E. COLI	A
EAST FORK WHITE	05120205050170	BARTHOLOMEW CO	INW055H_T1016	FLATROCK RIVER-SEC 9	E. COLI	A
EAST FORK WHITE	05120205050180	BARTHOLOMEW CO	INW055J_00	ENSLEY DITCH	E. COLI	A
EAST FORK WHITE	05120205050190	BARTHOLOMEW CO	INW055K_T1017	FLATROCK RIVER-NORTHCLIFF	E. COLI	A
EAST FORK WHITE	05120205050200	BARTHOLOMEW CO	INW055M_00	BIG SLOUGH	E. COLI	A
EAST FORK WHITE	05120205050210	BARTHOLOMEW CO	INW055N_00	FLATROCK RIVER-COLUMBUS TRIBUTARYS	E. COLI	A
EAST FORK WHITE	05120205050210	BARTHOLOMEW CO	INW055N_T1018	FLATROCK RIVER	E. COLI	A
EAST FORK WHITE	05120205060080	BARTHOLOMEW CO	INW0568_00	HAW CREEK-COLUMBUS	E. COLI	A
WEST FORK WHITE	05120201180090	OWEN CO	INW01J9_M1106	WHITE RIVER	E. COLI	B
WEST FORK WHITE	05120202020100	OWEN CO	INW022A_T1025	EAST FORK FISH CREEK	E. COLI	B
GREAT LAKES	04040001050020	PORTER CO	INC0152_T1100	SALT CREEK	E. COLI	H
WEST FORK WHITE	05120201090080	MARION CO	INW0198_M1055	WHITE RIVER	E. COLI	J
WEST FORK WHITE	05120202050050	MARTIN CO	INW0255_00	FIRST CREEK-LAKE GREENWOOD INLET STREAMS	E. COLI	P
WEST FORK WHITE	05120202050070	GREENE CO	INW0257_T1030	FIRST CREEK-ROCKY BRANCH AND OTHER TRIBUTARIES	E. COLI	P
WEST FORK WHITE	05120201170010	JOHNSON CO	INW01H1_T1096	LICK CREEK AND UNNAMED TRIBUTARIES	E. COLI	Q
WEST FORK WHITE	05120201170010	JOHNSON CO	INW01H1_T1097	INDIAN CREEK ABOVE LAMB LAKE	E. COLI	Q
WEST FORK WHITE	05120201170010	JOHNSON CO	INW01H1_T1098	UNNAMED TRIBUTARIES TO INDIAN CREEK	E. COLI	Q

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WEST FORK WHITE	05120201170010	JOHNSON CO	INW01H1_T1099	INDIAN CREEK BELOW LAMB LAKE	E. COLI	Q
WEST FORK WHITE	05120201170020	JOHNSON CO	INW01H2_00	GOOSE CREEK	E. COLI	Q
WEST FORK WHITE	05120201170020	JOHNSON CO	INW01H2_T1097	BARNES CREEK AND UNNAMED TRIBUTARY	E. COLI	Q
WEST FORK WHITE	05120201170030	JOHNSON CO	INW01H3_T1096	UNNAMED TRIBUTARIES TO INDIAN CREEK	E. COLI	Q
WEST FORK WHITE	05120201170030	MORGAN CO	INW01H3_T1097	LONG RUN CREEK	E. COLI	Q
WEST FORK WHITE	05120201170030	MORGAN CO	INW01H3_T1098	BEAR CREEK	E. COLI	Q
WEST FORK WHITE	05120201170040	MORGAN CO	INW01H4_00	OLIVER CREEK AND UNNAMED TRIBUTARY	E. COLI	Q
WEST FORK WHITE	05120201170040	MORGAN CO	INW01H4_T1100	INDIAN CREEK	E. COLI	Q
WEST FORK WHITE	05120201170040	MORGAN CO	INW01H4_T1102	PIKE CREEK	E. COLI	Q
WEST FORK WHITE	05120201170050	MORGAN CO	INW01H5_T1101	INDIAN CREEK	E. COLI	Q
WEST FORK WHITE	05120201170050	MORGAN CO	INW01H5_T1102	INDIAN TRACE CREEK AND UNNAMED TRIBUTARIES	E. COLI	Q
WEST FORK WHITE	05120201170050	MORGAN CO	INW01H5_T1103	SEDWICK DITCH	E. COLI	Q
WEST FORK WHITE	05120201170060	MORGAN CO	INW01H6_T1101	ROBERTSON CREEK	E. COLI	Q
WEST FORK WHITE	05120201170060	MORGAN CO	INW01H6_T1103	UNNAMED TRIBUTARIES TO INDIAN CREEK	E. COLI	Q
WEST FORK WHITE	05120201170070	MORGAN CO	INW01H7_T1101	UNNAMED TRIBUTARIES TO INDIAN CREEK	E. COLI	Q
WEST FORK WHITE	05120201170070	MORGAN CO	INW01H7_T1102	SARTOR DITCH	E. COLI	Q
GREAT LAKES	04100004030040	ADAMS CO	INA0434_00	ST. MARYS RIVER-WILLSHIRE	E. COLI	S
GREAT LAKES	04100004040010	ADAMS CO	INA0441_00	ST. MARYS RIVER	E. COLI	S
GREAT LAKES	04100004040020	ADAMS CO	INA0442_00	BLUE CREEK HEADWATERS (ADAMS)	E. COLI	S
GREAT LAKES	04100004040030	ADAMS CO	INA0443_T1019	FARLOW DITCH AND TRIBS	E. COLI	S
GREAT LAKES	04100004040030	ADAMS CO	INA0443_T1020	WITTMER NO 1 DITCH	E. COLI	S
GREAT LAKES	04100004040050	ADAMS CO	INA0445_00	DUER DITCH (ADAMS) AND OTHER TRIBS	E. COLI	S
GREAT LAKES	04100004040050	ADAMS CO	INA0445_00	DUER DITCH (ADAMS) AND OTHER TRIBS	NUTRIENTS	S
GREAT LAKES	04100004040050	ADAMS CO	INA0445_T1006	BLUE CREEK	NUTRIENTS	S
GREAT LAKES	04100004040060	ADAMS CO	INA0446_00	PLEASANT MILLS AND TRIBS	E. COLI	S
GREAT LAKES	04100004040060	ADAMS CO	INA0446_T1015	ST. MARYS RIVER	E. COLI	S
GREAT LAKES	04100004040070	ADAMS CO	INA0447_00	YELLOW CREEK	E. COLI	S
GREAT LAKES	04100004040070	ADAMS CO	INA0447_T1002	MARTZ CREEK-RUPPERT DITCH AND UNNAMED TRIBUTARY	E. COLI	S
GREAT LAKES	04100004040080	ADAMS CO	INA0448_00	BORUM RUN AND TRIBS	E. COLI	S
GREAT LAKES	04100004040090	ADAMS CO	INA0449_00	DECATUR TRIBS	E. COLI	S
GREAT LAKES	04100004050030	ADAMS CO	INA0453_00	GERKE/WEBER DITCH AND TRIBS	E. COLI	S
GREAT LAKES	04100004050050	ALLEN CO	INA0455_00	LAMBERT DITCH	E. COLI	S
GREAT LAKES	04100004050040	ALLEN CO	INA0454_T1012	ST. MARYS RIVER TRIB	E. COLI	S
GREAT LAKES	04100004060010	ALLEN CO	INA0461_T1004	ST. MARYS RIVER	IMPAIRED BIOTIC COMMUNITIES	S
GREAT LAKES	04100004060030	ALLEN CO	INA0463_00	SNYDER DITCH AND OTHER TRIBS	E. COLI	S
GREAT LAKES	04100004060050	ALLEN CO	INA0465_00	JUNK DITCH AND OTHER TRIBS	E. COLI	S
GREAT LAKES	04100005010060	ALLEN CO	INA0516_M1005	MAUMEE RIVER	E. COLI	S

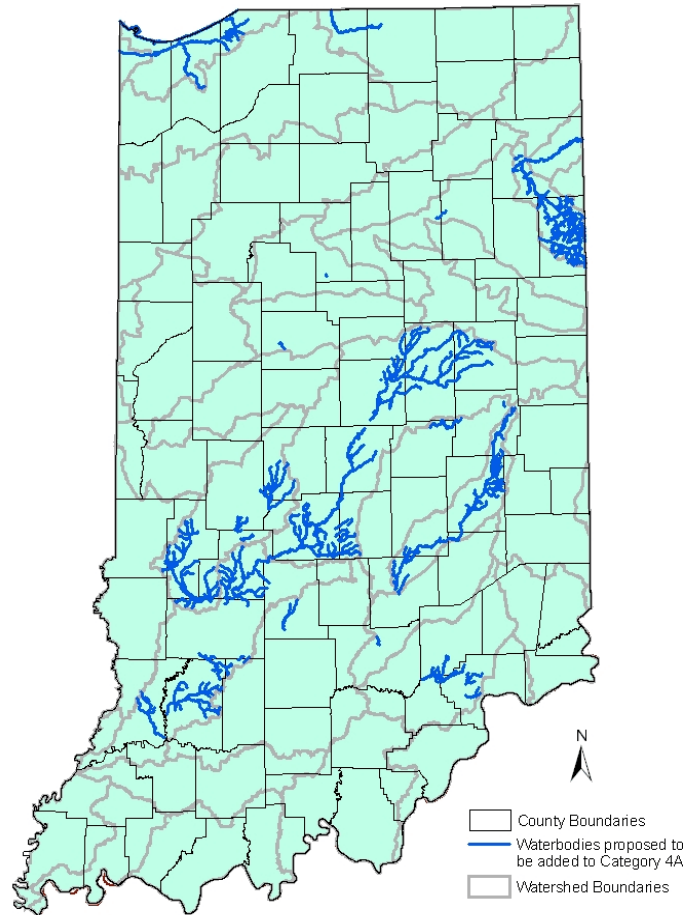


Figure 1: Locations of waterbodies proposed to be placed in Category 4A.

Waterbodies Proposed to be Removed from Category 5B on the Basis of Information Received Since the 2004 303(d) List was Developed

Category 5B includes all waterbodies with fish consumption advisories (FCAs). Waterbodies that have additional impairments are also listed in Category 5A. IDEM has reevaluated the Category 5B list against the most recent fish consumption advisory published in 2004. As a result of these new assessments, IDEM proposes delisting a total of two hundred ninety-seven (297) waterbodies that no longer have the fish consumption advisory for which they were originally listed. These waterbodies are shown in Table 5.

Table 5: Waterbodies proposed to be removed from Category 5B on the basis of information received since the 2004 303(d) list was developed.

BASIN	14-DIGIT HUC	COUNTY	WATERBODY SEG- MENT ID	WATERBODY SEGMENT NAME	CAUSE OF IMPAIR- MENT	EXPLANATION
GREAT LAKES	04050001200020	KOSCIUSKO CO	INJ01P1187_00	BARREL AND A HALF LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
UPPER ILLINOIS	07120001070010	STARKE CO	INK01P1078_00	BASS LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
OHIO TRIBU- TARIES	05090203060060	RIPLEY CO	INV03P1003_00	BISCHOFF RESERVOIR	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04050001170050	NOBLE CO	INJ01P1239_00	BIXLER LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
UPPER WABASH	05120104020020	WHITLEY CO	INB04P1032_00	BLUE LAKE	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY ON 2004 FCA
GREAT MIAMI	05080003070180	UNION CO	ING03P1019_00	BROOKVILLE RESER- VOIR	FCA FOR MERCURY	NEW DATA - WATERBODY ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120203060170	PUTNAM CO	INW03P1013_00	CAGLES MILL LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA

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GREAT LAKES	04100003070050	ALLEN CO	INA03P1024_00	CEDARVILLE RESERVOIR - LOWER	FCA FOR PCBS	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04100003070050	ALLEN CO	INA03P1024_00	CEDARVILLE RESERVOIR - LOWER	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
UPPER WABASH	05120106020080	KOSCIUSKO CO	INB06P1008_00	CENTER LAKE	FCA FOR PCBS	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04050001090040	STEUBEN CO	INJ01P1066_00	CROOKED LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
UPPER WABASH	05120106010010	WHITLEY CO	INB06P1001_00	CROOKED LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
OHIO TRIBUTARIES	05140101130050	CLARK CO	INN01P1001_00	DEAM LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04050001200040	KOSCIUSKO CO	INJ01P1180_00	DEWART LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
EAST FORK WHITE	05120208170060	DAVIESS CO	INW08P1016_00	DOGWOOD LAKE	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY ON 2004 FCA
WEST FORK WHITE	05120201120100	MARION CO	INW01P1069_00	EAGLE CREEK RESERVOIR	FCA FOR PCBS	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY ON 2004 FCA
GREAT LAKES	04100003050040	STEUBEN CO	INA03P1011_00	HAMILTON LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04050001090030	STEUBEN CO	INJ01P1039_00	JIMMERSON LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
UPPER WABASH	05120107010090	HOWARD CO	INB07P1003_00	KOKOMO RESERVOIR 2	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
UPPER WABASH	05120101060040	WELLS CO	INB01P1038_00	KUNKEL LAKE	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY ON 2004 FCA
GREAT LAKES	04040001030060	LAKE CO	INC01P1007_00	LAKE GEORGE	FCA FOR PCBS	NEW DATA - WATERBODY NOT ON 2004 FCA
WEST FORK WHITE	05120202010040	MONROE CO	INW02P1003_00	LAKE LEMON	FCA FOR MERCURY	NEW DATA - WATERBODY ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120106050020	FULTON CO	INB06P1016_00	LAKE MANITOU	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04050001110110	LAGRANGE CO	INJ01P1093_00	LAKE OF THE WOODS	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY ON 2004 FCA
GREAT LAKES	04050001200020	KOSCIUSKO CO	INJ01P1023_00	LAKE WAWASEE	FCA FOR MERCURY	NEW DATA - WATERBODY ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120106010070	KOSCIUSKO CO	INB06P1035_00	LITTLE BARBEE LAKE	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY ON 2004 FCA
GREAT LAKES	04050001180010	NOBLE CO	INJ01P1232_00	LONG LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04050001110040	STEUBEN CO	INJ01P1080_00	LONG LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
UPPER WABASH	05120106010020	WHITLEY CO	INB06P1060_00	LOON LAKE	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY ON 2004 FCA
GREAT LAKES	04050001090020	STEUBEN CO	INJ01P1037_00	MARSH LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04050001110110	STEUBEN CO	INJ01P1091_00	MCCLISH LAKE	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY ON 2004 FCA
GREAT MIAMI	05080003070040	WAYNE CO	ING03P1012_00	MIDDLE FORK RESERVOIR	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
EAST FORK WHITE	05120208170060	MONROE CO	INW08P1024_00	MONROE RESERVOIR (LOWER)	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY ON 2004 FCA
EAST FORK WHITE	05120208080040	MONROE CO	INW08P1140_00	MONROE RESERVOIR (UPPER)	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY ON 2004 FCA
WEST FORK WHITE	05120201080110	HAMILTON CO	INW01P1036_00	MORSE RESERVOIR	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY ON 2004 FCA
GREAT LAKES	04050001170030	LAGRANGE CO	INJ01P1026_00	OLIN LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04050001170030	LAGRANGE CO	INJ01P1025_00	OLIVER LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04050001110040	STEUBEN CO	INJ01P1082_00	PLEASANT LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120102040080	WABASH CO	INB02P1007_00	SALAMONIE RESERVOIR	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY ON 2004 FCA

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GREAT LAKES	04050001200020	KOSCIUSKO CO	INJ01P1189_00	SHOCK LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04050001090020	STEUBEN CO	INJ01P1036_00	SNOW LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04050001200020	KOSCIUSKO CO	INJ01P1188_00	SPEAR LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04100003100040	ALLEN CO	INA03P1044_00	ST. JOSEPH RESERVOIR	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04100003100040	ALLEN CO	INA03P1044_00	ST. JOSEPH RESERVOIR	FCA FOR PCBS	NEW DATA - WATERBODY NOT ON 2004 FCA
EAST FORK WHITE	05120207110060	JACKSON CO	INW07P1027_00	STARVE HOLLOW LAKE	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY ON 2004 FCA
GREAT LAKES	04050001170060	NOBLE CO	INJ01P1248_00	SYLVAN LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY ON 2004 FCA
OHIO TRIBU-TARIES	05090203060160	RIPLEY CO	INV03P1001_00	VERSAILLES LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
GREAT LAKES	04050001200040	KOSCIUSKO CO	INJ01P1024_00	WAUBEE LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
UPPER WABASH	05120106010040	KOSCIUSKO CO	INB06P1034_00	WEBSTER LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
EAST FORK WHITE	05120208050060	BROWN CO	INW08P1017_00	YELLOWWOOD LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
EAST FORK WHITE	05120204010140	HANCOCK CO	INW041E_T1009	BIG BLUE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN HANCOCK CO NOT ON 2004 FCA
EAST FORK WHITE	05120204010140	HANCOCK CO	INW041E_T1009	BIG BLUE RIVER	FCA FOR PCBS	NEW DATA - WATERBODY IN HANCOCK CO NOT ON 2004 FCA
EAST FORK WHITE	05120204020030	HANCOCK CO	INW0423_T1010	BIG BLUE RIVER	FCA FOR PCBS	NEW DATA - WATERBODY IN HANCOCK CO NOT ON 2004 FCA
EAST FORK WHITE	05120204010010	HENRY CO	INW0411_T1001	BIG BLUE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN HENRY CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120204010020	HENRY CO	INW0412_T1002	BIG BLUE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN HENRY CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120204010040	HENRY CO	INW0414_T1003	BIG BLUE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN HENRY CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120204010050	HENRY CO	INW0415_T1004	BIG BLUE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN HENRY CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120204010080	HENRY CO	INW0418_T1005	BIG BLUE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN HENRY CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120204010110	RUSH CO	INW041B_T1006	BIG BLUE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN RUSH CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120204010120	RUSH CO	INW041C_T1007	BIG BLUE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN RUSH CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120204010130	RUSH CO	INW041D_T1008	BIG BLUE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN RUSH CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120108040090	WARREN CO	INB0849_T1008	BIG PINE CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN WARREN CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120108040110	WARREN CO	INB084B_T1009	BIG PINE CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN WARREN CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120108040120	WARREN CO	INB084C_T1010	BIG PINE CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN WARREN CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120108060010	WARREN CO	INB0861_T1011	BIG PINE CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN WARREN CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120108040110	FOUNTAIN CO	INB084B_T1046	BIG PINE CREEK - BROWN DT TO PINE VIL-LAGE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA FOR FOUNTAIN CO.
LOWER WABASH	05120108040110	FOUNTAIN CO	INB084B_T1046	BIG PINE CREEK - BROWN DT TO PINE VIL-LAGE	FCA FOR PCBS	NEW DATA - WATERBODY IN FOUNTAIN CO NOT ON 2004 FCA
LOWER WABASH	05120108060030	WARREN CO	INB0863_T1012	BIG PINE CREEK EXC	FCA FOR MERCURY	NEW DATA - WATERBODY IN WARREN CO ON 2004 FCA FOR PCBS ONLY

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LOWER WABASH	05120108190050	PARKE CO	INB08K5_T1030	BIG RACCOON CREEK - MECCA TO MOUTH	FCA FOR MERCURY	NEW DATA – WATERBODY IN PARKE CO NOT ON 2004 FCA
WEST FORK WHITE	05120203020010	PUTNAM CO	INW0321_T1001	BIG WALNUT CREEK	FCA FOR MERCURY	NEW DATA – WATERBODY IN PUTNAM CO NOT ON 2004 FCA
WEST FORK WHITE	05120203020030	PUTNAM CO	INW0323_T1003	BIG WALNUT CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN PUTNAM CO NOT ON 2004 FCA
WEST FORK WHITE	05120203020060	PUTNAM CO	INW0326_T1004	BIG WALNUT CREEK	FCA FOR MERCURY	NEW DATA – WATERBODY IN PUTNAM CO NOT ON 2004 FCA
WEST FORK WHITE	05120203020070	PUTNAM CO	INW0327_T1005	BIG WALNUT CREEK	FCA FOR MERCURY	NEW DATA – WATERBODY IN PUTNAM CO NOT ON 2004 FCA
WEST FORK WHITE	05120203040010	PUTNAM CO	INW0341_T1006	BIG WALNUT CREEK	FCA FOR MERCURY	NEW DATA – WATERBODY IN PUTNAM CO NOT ON 2004 FCA
WEST FORK WHITE	05120203040020	PUTNAM CO	INW0342_T1007	BIG WALNUT CREEK	FCA FOR MERCURY	NEW DATA – WATERBODY IN PUTNAM CO NOT ON 2004 FCA
WEST FORK WHITE	05120203020020	PUTNAM CO	INW0322_T1002	BIG WALNUT CREEK-ERNIE PYLE MEMORIAL	FCA FOR MERCURY	NEW DATA - WATERBODY IN PUTNAM CO NOT ON 2004 FCA
OHIO TRIBU-TARIES	05090203060060	RIPLEY CO	INV0366_P1003	BISCHOFF RESERVOIR	FCA FOR MERCURY	NEW DATA – WATERBODY IN RIPLEY CO NOT ON 2004 FCA
EAST FORK WHITE	05120204040010	HANCOCK CO	INW0441_T1021	BRANDYWINE CREEK	FCA FOR MERCURY	NEW DATA – WATERBODY IN HANCOCK CO NOT ON 2004 FCA
EAST FORK WHITE	05120204040020	HANCOCK CO	INW0442_T1022	BRANDYWINE CREEK	FCA FOR MERCURY	NEW DATA – WATERBODY IN HANCOCK CO NOT ON 2004 FCA
EAST FORK WHITE	05120204040030	HANCOCK CO	INW0443_T1023	BRANDYWINE CREEK	FCA FOR MERCURY	NEW DATA – WATERBODY IN HANCOCK CO NOT ON 2004 FCA
EAST FORK WHITE	05120204040050	HANCOCK CO	INW0445_T1024	BRANDYWINE CREEK	FCA FOR MERCURY	NEW DATA – WATERBODY IN HANCOCK CO NOT ON 2004 FCA
EAST FORK WHITE	05120204040060	SHELBY CO	INW0446_T1025	BRANDYWINE CREEK	FCA FOR MERCURY	NEW DATA – WATERBODY IN SHELBY CO NOT ON 2004 FCA
WEST FORK WHITE	05120201020020	DELAWARE CO	INW0122_T1011	BUCK CREEK	FCA FOR MERCURY	NEW DATA – WATERBODY IN DELAWARE CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201020060	DELAWARE CO	INW0126_T1012	BUCK CREEK	FCA FOR MERCURY	NEW DATA – WATERBODY IN DELAWARE CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04100003090030	DEKALB CO	INA0393_T1034	CEDAR CREEK	FCA FOR PCBS	NEW DATA - WATERBODY IN DEKALB CO NOT ON 2004 FCA
OHIO TRIBU-TARIES	05140101130050	CLARK CO	INN01D5_P1001	DEAM LAKE	FCA FOR MERCURY	LISTED IN ERROR IN 2004; SEGMENT IS ARTIFICIAL PATH FOR DEAM LAKE, WHICH IS NOT ON 2004 FCA
UPPER WABASH	05120105050080	CARROLL CO	INB0558_T1007	DEER CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120105050110	CARROLL CO	INB055B_T1008	DEER CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120105050120	CARROLL CO	INB055C_T1009	DEER CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120105050030	CARROLL CO	INB0553_T1015	DEER CREEK D/S OF BROWN DITCH	FCA FOR MERCURY	NEW DATA - WATERBODY ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201150140	MARION CO	INW01FE_T1107	EAST FORK WHITE LICK CREEK	FCA FOR PCBS	NEW DATA - WATERBODY IN MARION CO NOT ON 2004 FCA
WEST FORK WHITE	05120201150160	MORGAN CO	INW01FG_T1109	EAST FORK WHITE LICK CREEK	FCA FOR PCBS	NEW DATA - WATERBODY IN MARION CO NOT ON 2004 FCA
EAST FORK WHITE	05120206040030	JACKSON CO	INW0643_M1016	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN JACKSON CO ON 2004 FCA FOR PCBS ONLY

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EAST FORK WHITE	05120206040050	JACKSON CO	INW0645_M1017	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN JACKSON CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120206060010	JACKSON CO	INW0661_M1018	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN JACKSON CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120206060020	JACKSON CO	INW0662_M1019	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN JACKSON CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120206060040	JACKSON CO	INW0664_M1020	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN JACKSON CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120206060050	JACKSON CO	INW0665_M1021	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN JACKSON CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120208020040	LAWRENCE CO	INW0824_M1004	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAWRENCE CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120208020060	LAWRENCE CO	INW0826_M1005	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAWRENCE CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120208040020	LAWRENCE CO	INW0842_M1006	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAWRENCE CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120208040050	LAWRENCE CO	INW0845_M1007	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAWRENCE CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120208100020	LAWRENCE CO	INW08A2_M1008	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAWRENCE CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120208100030	MARTIN CO	INW08A3_M1009	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN MARTIN CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120208010010	WASHINGTON CO	INW0811_M1001	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN WASHINGTON CO NOT ON 2004 FCA
EAST FORK WHITE	05120208010010	WASHINGTON CO	INW0811_M1001	EAST FORK WHITE RIVER	FCA FOR PCBS	NEW DATA - WATERBODY IN WASHINGTON CO NOT ON 2004 FCA
EAST FORK WHITE	05120208010030	WASHINGTON CO	INW0813_M1002	EAST FORK WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN WASHINGTON CO NOT ON 2004 FCA
EAST FORK WHITE	05120208010030	WASHINGTON CO	INW0813_M1002	EAST FORK WHITE RIVER	FCA FOR PCBS	NEW DATA - WATERBODY IN WASHINGTON CO NOT ON 2004 FCA
EAST FORK WHITE	05120208040050	LAWRENCE CO	INW0845_M1053	EAST FORK WHITE RIVER (ABOVE BEDFORD WATER INTAKE)	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAWRENCE CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120206040010	JACKSON CO	INW0641_M1015	EAST FORK WHITE R-REDDINGTON	FCA FOR MERCURY	NEW DATA - WATERBODY IN JACKSON CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120208020020	LAWRENCE CO	INW0822_M1003	EAST FORK WHITE R-TUNNELTON	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAWRENCE CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120203090030	CLAY CO	INW0393_T1014	EEL RIVER	FCA FOR PCBS	NEW DATA - WATERBODY IN CLAY CO NOT ON 2004 FCA
WEST FORK WHITE	05120203090030	CLAY CO	INW0393_T1014	EEL RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN CLAY CO NOT ON 2004 FCA
WEST FORK WHITE	05120203090040	CLAY CO	INW0394_T1016	EEL RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN CLAY CO NOT ON 2004 FCA
WEST FORK WHITE	05120203090040	CLAY CO	INW0394_T1016	EEL RIVER	FCA FOR PCBS	NEW DATA - WATERBODY IN CLAY CO NOT ON 2004 FCA
WEST FORK WHITE	05120203090070	CLAY CO	INW0397_T1018	EEL RIVER	FCA FOR PCBS	NEW DATA - WATERBODY IN CLAY CO NOT ON 2004 FCA
WEST FORK WHITE	05120203090070	CLAY CO	INW0397_T1018	EEL RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN CLAY CO NOT ON 2004 FCA
WEST FORK WHITE	05120203090080	CLAY CO	INW0398_T1015	EEL RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN CLAY CO NOT ON 2004 FCA
WEST FORK WHITE	05120203090080	CLAY CO	INW0398_T1015	EEL RIVER	FCA FOR PCBS	NEW DATA - WATERBODY IN CLAY CO NOT ON 2004 FCA

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WEST FORK WHITE	05120203090120	GREENE CO	INW039C_T1024	EEL RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GREENE CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120203090140	GREENE CO	INW039D_T1025	EEL RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GREENE CO ON 2004 FCA FOR PCBs ONLY
UPPER WABASH	05120104070070	CASS CO	INB0477_T1022	EEL RIVER - LOGANSPOUT WATER INTAKE	FCA FOR MERCURY	NEW DATA - WATERBODY IN CASS CO NOT ON 2004 FCA
UPPER WABASH	05120104070010	CASS CO	INB0471_T1019	EEL RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN CASS CO NOT ON 2004 FCA
UPPER WABASH	05120104070050	CASS CO	INB0475_T1020	EEL RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN CASS CO NOT ON 2004 FCA
UPPER WABASH	05120104070060	CASS CO	INB0476_T1021	EEL RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN CASS CO NOT ON 2004 FCA
UPPER WABASH	05120104070060	CASS CO	INB0476_T1027	EEL RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN CASS CO NOT ON 2004 FCA
UPPER WABASH	05120104070070	CASS CO	INB0477_T1023	EEL RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN CASS CO NOT ON 2004 FCA
UPPER WABASH	05120104050070	MIAMI CO	INB0457_T1015	EEL RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN MIAMI CO ON 2004 FCA FOR PCBs ONLY
UPPER WABASH	05120104060010	MIAMI CO	INB0461_T1016	EEL RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN MIAMI CO ON 2004 FCA FOR PCBs ONLY
UPPER WABASH	05120104060020	MIAMI CO	INB0462_T1017	EEL RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN MIAMI CO ON 2004 FCA FOR PCBs ONLY
UPPER WABASH	05120104060040	MIAMI CO	INB0464_T1018	EEL RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN MIAMI CO ON 2004 FCA FOR PCBs ONLY
GREAT LAKES	04050001190020	ELKHART CO	INJ01K2_T1018	ELKHART RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ELKHART CO ON 2004 FCA FOR PCBs ONLY
GREAT LAKES	04050001190040	ELKHART CO	INJ01K4_T1017	ELKHART RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ELKHART CO ON 2004 FCA FOR PCBs ONLY
GREAT LAKES	04050001190070	ELKHART CO	INJ01K7_T1016	ELKHART RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ELKHART CO ON 2004 FCA FOR PCBs ONLY
GREAT LAKES	04050001210010	ELKHART CO	INJ01N1_T1015	ELKHART RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ELKHART CO ON 2004 FCA FOR PCBs ONLY
GREAT LAKES	04050001210040	ELKHART CO	INJ01N4_T1014	ELKHART RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ELKHART CO ON 2004 FCA FOR PCBs ONLY
GREAT LAKES	04050001210060	ELKHART CO	INJ01N6_T1013	ELKHART RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ELKHART CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201100120	HAMILTON CO	INW01AC_T1046	FALL CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN HAMILTON CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201100150	MARION CO	INW01AF_T1047	FALL CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MARION CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201110020	MARION CO	INW01B2_T1049	FALL CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MARION CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201110050	MARION CO	INW01B5_T1050	FALL CREEK-DEVON CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MARION CO ON 2004 FCA FOR PCBs ONLY
EAST FORK WHITE	05120205020100	DECATUR CO	INW052A_T1009	FLATROCK RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN DECATUR CO NOT ON 2004 FCA
EAST FORK WHITE	05120205010080	RUSH CO	INW0518_T1002	FLATROCK RIVER	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY IN RUSH CO ON 2004 FCA
EAST FORK WHITE	05120205020050	RUSH CO	INW0525_T1006	FLATROCK RIVER	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY IN RUSH CO ON 2004 FCA

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EAST FORK WHITE	05120205020060	RUSH CO	INW0526_T1007	FLATROCK RIVER	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY IN RUSH CO ON 2004 FCA
EAST FORK WHITE	05120205010060	RUSH CO	INW0516_T1001	FLATROCK RIVER-APPLEBUTTER CREEK	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY IN RUSH CO ON 2004 FCA
EAST FORK WHITE	05120205020030	RUSH CO	INW0523_T1005	FLATROCK RIVER-COVERED BRIDGES	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY IN RUSH CO ON 2004 FCA
EAST FORK WHITE	05120205050150	BARTHOLOMEW CO	INW055F_T1014	FLATROCK RIVER-FLATROCK	FCA FOR PCBS	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY IN BARTHOLOMEW CO ON 2004 FCA
EAST FORK WHITE	05120205050150	BARTHOLOMEW CO	INW055F_T1014	FLATROCK RIVER-FLATROCK	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY IN BARTHOLOMEW CO ON 2004 FCA
EAST FORK WHITE	05120205020080	RUSH CO	INW0528_T1008	FLATROCK RIVER-GAS WELLS	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY IN RUSH CO ON 2004 FCA
EAST FORK WHITE	05120205020010	RUSH CO	INW0521_T1004	FLATROCK RIVER-GRAVEL PITS	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY IN RUSH CO ON 2004 FCA
EAST FORK WHITE	05120205010130	RUSH CO	INW051D_T1003	FLATROCK RIVER-PLUM CREEK CHURCH	FCA FOR MERCURY	NEW DATA - NO SPECIFIC ADVISORY FOR THIS WATERBODY IN RUSH CO ON 2004 FCA
EAST FORK WHITE	05120205040010	DECATUR CO	INW0541_T1010	FLATROCK RIVER-ST. OMER	FCA FOR PCBS	NEW DATA - WATERBODY IN DECATUR CO NOT ON 2004 FCA
EAST FORK WHITE	05120205040010	DECATUR CO	INW0541_T1010	FLATROCK RIVER-ST. OMER	FCA FOR MERCURY	NEW DATA - WATERBODY IN DECATUR CO NOT ON 2004 FCA
GREAT MIAMI	05080002090080	DEARBORN CO	ING0298_M1001	GREAT MIAMI RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN DEARBORN CO ON 2004 FCA FOR PCBS ONLY
UPPER ILLINOIS	07120001090150	LAKE CO	INK019F_M1113	KANKAKEE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAKE CO ON FCA FOR PCBS ONLY
UPPER ILLINOIS	07120001110020	LAKE CO	INK01B2_M1019	KANKAKEE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAKE CO ON FCA FOR PCBS ONLY
UPPER ILLINOIS	07120001110030	LAKE CO	INK01B3_M1020	KANKAKEE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAKE CO ON FCA FOR PCBS ONLY
UPPER ILLINOIS	07120001120040	LAKE CO	INK01C4_M1021	KANKAKEE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAKE CO ON FCA FOR PCBS ONLY
WEST FORK WHITE	05120201040050	MADISON CO	INW0145_T1016	KILLBUCK CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MADISON CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201040070	MADISON CO	INW0147_T1017	KILLBUCK CREEK - TO MOUTH	FCA FOR MERCURY	NEW DATA - WATERBODY IN MADISON CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120107010120	HOWARD CO	INB071C_T1026	KOKOMO CREEK - LOWER	FCA FOR PCBS	SEGMENT SPLIT FOR TMDL DEVELOPMENT; THE PART OF THIS SEGMENT W/FCA WAS MERGED WITH INB071B_00, WHICH IS ALREADY LISTED FOR PCBS
EAST FORK WHITE	05120204060060	HANCOCK CO	INW0466_T1026	LITTLE SUGAR CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN HANCOCK CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120110040030	MONTGOMERY CO	INB1043_T1005	LITTLE SUGAR CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MONTGOMERY CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04100005010010	ALLEN CO	INA0511_M1007	MAUMEE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ALLEN CO ON 2004 FCA FOR PCBS ONLY

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GREAT LAKES	04100005010040	ALLEN CO	INA0514_M1006	MAUMEE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ALLEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04100005010060	ALLEN CO	INA0516_M1005	MAUMEE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ALLEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04100005010080	ALLEN CO	INA0518_M1004	MAUMEE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ALLEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04100005010100	ALLEN CO	INA051A_M1003	MAUMEE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ALLEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04100005010120	ALLEN CO	INA051C_M1002	MAUMEE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ALLEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04100005010130	ALLEN CO	INA051D_M1001	MAUMEE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ALLEN CO ON 2004 FCA FOR PCBS ONLY
GREAT MIAMI	05080003070040	WAYNE CO	ING0374_P1012	MIDDLE FORK RESERVOIR	FCA FOR MERCURY	LISTED IN ERROR IN 2004; SEGMENT IS AN ARTIFICIAL PATH THROUGH MIDDLE FORK RESERVOIR (ING03P1012_00), WHICH IS ON 2004 FCA FOR HG
UPPER WABASH	05120103020070	DELAWARE CO	INB0327_T1011	MISSISSINAWA RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN DELAWARE CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120103030020	DELAWARE CO	INB0332_T1012	MISSISSINAWA RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN DELAWARE CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120103030040	DELAWARE CO	INB0334_T1013	MISSISSINAWA RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN DELAWARE CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120103030050	DELAWARE CO	INB0335_T1014	MISSISSINAWA RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN DELAWARE CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120111030020	CLAY CO	INB1132_T1021	OTTER CREEK	FCA FOR PCBS	NEW DATA - WATERBODY IN CLAY CO NOT ON 2004 FCA
LOWER WABASH	05120111030020	CLAY CO	INB1132_T1021	OTTER CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN CLAY CO NOT ON 2004 FCA
PATOKA RIVER	05120209090110	DUBOIS CO	INP091B_P1001	PATOKA LAKE DAM-LICK CREEK	FCA FOR MERCURY	LISTED IN ERROR IN 2004; SEGMENT IS AN ARTIFICIAL PATH THROUGH PATOKA RESERVOIR (INP09P1001_00), WHICH IS ON 2004 FCA FOR MERCURY
PATOKA RIVER	05120209080010	GIBSON CO	INP0981_T1016	PATOKA RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GIBSON CO ON 2004 FCA FOR PCBS ONLY
PATOKA RIVER	05120209080050	GIBSON CO	INP0985_T1017	PATOKA RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GIBSON CO ON 2004 FCA FOR PCBS ONLY
PATOKA RIVER	05120209080060	GIBSON CO	INP0986_T1018	PATOKA RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GIBSON CO ON 2004 FCA FOR PCBS ONLY
PATOKA RIVER	05120209080070	GIBSON CO	INP0987_T1019	PATOKA RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GIBSON CO ON 2004 FCA FOR PCBS ONLY
PATOKA RIVER	05120209080080	GIBSON CO	INP0988_T1020	PATOKA RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GIBSON CO ON 2004 FCA FOR PCBS ONLY
PATOKA RIVER	05120209060010	PIKE CO	INP0961_T1009	PATOKA RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PIKE CO ON 2004 FCA FOR PCBS ONLY
PATOKA RIVER	05120209060020	PIKE CO	INP0962_T1010	PATOKA RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PIKE CO ON 2004 FCA FOR PCBS ONLY
PATOKA RIVER	05120209060040	PIKE CO	INP0964_T1011	PATOKA RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PIKE CO ON 2004 FCA FOR PCBS ONLY
PATOKA RIVER	05120209060050	PIKE CO	INP0965_T1012	PATOKA RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PIKE CO ON 2004 FCA FOR PCBS ONLY
PATOKA RIVER	05120209060060	PIKE CO	INP0966_T1013	PATOKA RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PIKE CO ON 2004 FCA FOR PCBS ONLY

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PATOKA RIVER	05120209060080	PIKE CO	INP0968_T1014	PATOKA RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PIKE CO ON 2004 FCA FOR PCBS ONLY
PATOKA RIVER	05120209060090	PIKE CO	INP0969_T1015	PATOKA RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PIKE CO ON 2004 FCA FOR PCBS ONLY
PATOKA RIVER	05120209020060	DUBOIS CO	INP0926_T1004	PATOKA RIVER-LOND DITCH	FCA FOR MERCURY	NEW DATA - WATERBODY IN GIBSON CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001110010	STEUBEN CO	INJ01B1_T1035	PIGEON CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN STEUBEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001110020	STEUBEN CO	INJ01B2_T1034	PIGEON CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN STEUBEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001110030	STEUBEN CO	INJ01B3_T1032	PIGEON CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN STEUBEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001110040	STEUBEN CO	INJ01B4_T1031	PIGEON CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN STEUBEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001110040	STEUBEN CO	INJ01B4_T1297	PIGEON CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN STEUBEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001110050	STEUBEN CO	INJ01B5_T1030	PIGEON CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN STEUBEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001110060	STEUBEN CO	INJ01B6_T1029	PIGEON CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN STEUBEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001110070	STEUBEN CO	INJ01B7_T1028	PIGEON CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN STEUBEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001110080	STEUBEN CO	INJ01B8_T1027	PIGEON CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN STEUBEN CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201050020	MADISON CO	INW0152_T1020	PIPE CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MADISON CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201050030	MADISON CO	INW0153_T1021	PIPE CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MADISON CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201050040	MADISON CO	INW0154_T1022	PIPE CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MADISON CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201050060	MADISON CO	INW0156_T1023	PIPE CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MADISON CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201050070	MADISON CO	INW0157_T1024	PIPE CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MADISON CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201050080	MADISON CO	INW0158_T1025	PIPE CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MADISON CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201050090	MADISON CO	INW0159_T1026	PIPE CREEK - SWANFELT DT TO COUNTY LINE	FCA FOR MERCURY	NEW DATA - WATERBODY IN MADISON CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120202040010	GREENE CO	INW0241_T1019	RICHLAND CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN GREENE CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120202040020	GREENE CO	INW0242_T1020	RICHLAND CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN GREENE CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120202040030	GREENE CO	INW0243_T1021	RICHLAND CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN GREENE CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120202040050	GREENE CO	INW0245_T1022	RICHLAND CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN GREENE CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120208090040	LAWRENCE CO	INW0894_T1023	SALT CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAWRENCE CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120208090090	LAWRENCE CO	INW0899_T1027	SALT CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAWRENCE CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120208090110	LAWRENCE CO	INW089B_T1029	SALT CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAWRENCE CO ON 2004 FCA FOR PCBS ONLY

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EAST FORK WHITE	05120208090130	LAWRENCE CO	INW089D_T1031	SALT CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAWRENCE CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120208080060	MONROE CO	INW0886_T1026	SALT CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MONROE CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120208090120	LAWRENCE CO	INW089C_T1030	SALT CREEK-DARK HOLLOW KARST AREA	FCA FOR MERCURY	NEW DATA - WATERBODY IN LAWRENCE CO ON 2004 FCA FOR PCBS ONLY
OHIO TRIBUTARIES	05140101140150	CLARK CO	INN01EF_T1002	SILVER CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN CLARK CO NOT ON 2004 FCA
OHIO TRIBUTARIES	05140101140150	CLARK CO	INN01EF_T1002	SILVER CREEK	FCA FOR PCBS	NEW DATA - WATERBODY IN CLARK CO NOT ON 2004 FCA
OHIO TRIBUTARIES	05140101140170	FLOYD CO	INN01EH_T1003	SILVER CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN FLOYD CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04100003100010	ALLEN CO	INA03A1_M1038	ST JOSEPH RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN ALLEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04100003100010	ALLEN CO	INA03A2_M1040	ST JOSEPH RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN ALLEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04100003100040	ALLEN CO	INA03A4_M1042	ST. JOSEPH RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ALLEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001130030	ELKHART CO	INJ01D3_M1012	ST. JOSEPH RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ELKHART CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001150010	ELKHART CO	INJ01F1_M1011	ST. JOSEPH RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ELKHART CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001150020	ELKHART CO	INJ01F2_M1010	ST. JOSEPH RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ELKHART CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001150050	ELKHART CO	INJ01F5_M1009	ST. JOSEPH RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ELKHART CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001210060	ELKHART CO	INJ01N6_M1008	ST. JOSEPH RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ELKHART CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04050001220010	ELKHART CO	INJ01P1_M1007	ST. JOSEPH RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN ELKHART CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04100003070040	ALLEN CO	INA0374_T1022	ST. JOSEPH RIVER-MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN ALLEN CO ON 2004 FCA FOR PCBS ONLY
GREAT LAKES	04100003070050	ALLEN CO	INA0375_T1025	ST. JOSEPH RIVER-MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN ALLEN CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120202010080	MONROE CO	INW0218_T1016	STOUT CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MONROE CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120204080100	JOHNSON CO	INW048A_T1037	SUGAR CREEK	FCA FOR PCBS	NEW DATA - WATERBODY IN JOHNSON CO ON 2004 FCA FOR MERCURY ONLY
EAST FORK WHITE	05120204090080	JOHNSON CO	INW0498_T1038	SUGAR CREEK	FCA FOR PCBS	NEW DATA - WATERBODY IN JOHNSON CO ON 2004 FCA FOR MERCURY ONLY
LOWER WABASH	05120110020060	MONTGOMERY CO	INB1026_T1001	SUGAR CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MONTGOMERY CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120110020070	MONTGOMERY CO	INB1027_T1002	SUGAR CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MONTGOMERY CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120110050010	MONTGOMERY CO	INB1051_T1006	SUGAR CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MONTGOMERY CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120110050040	MONTGOMERY CO	INB1054_T1007	SUGAR CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MONTGOMERY CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120110050060	MONTGOMERY CO	INB1056_T1008	SUGAR CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MONTGOMERY CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120110050070	MONTGOMERY CO	INB1057_T1009	SUGAR CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MONTGOMERY CO ON 2004 FCA FOR PCBS ONLY

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EAST FORK WHITE	05120204080090	SHELBY CO	INW0489_T1036	SUGAR CREEK	FCA FOR PCBS	NEW DATA - WATERBODY IN SHELBY CO ON 2004 FCA FOR MERCURY ONLY
LOWER WABASH	05120110040010	MONTGOMERY CO	INB1041_T1003	SUGAR CREEK - GAR-FIELD	FCA FOR MERCURY	NEW DATA - WATERBODY IN MONTGOMERY CO ON 2004 FCA FOR PCBS ONLY
EAST FORK WHITE	05120204080010	SHELBY CO	INW0481_T1034	SUGAR CREEK-BROAD RIPPLE CAMP	FCA FOR PCBS	NEW DATA - WATERBODY IN SHELBY CO ON 2004 FCA FOR MERCURY ONLY
EAST FORK WHITE	05120204080050	JOHNSON CO	INW0485_T1035	SUGAR CREEK-NEEDHAM	FCA FOR PCBS	NEW DATA - WATERBODY IN JOHNSON CO ON 2004 FCA FOR MERCURY ONLY
EAST FORK WHITE	05120204060080	SHELBY CO	INW0468_T1033	SUGAR CREEK-SUGAR CREEK (TOWN)	FCA FOR PCBS	NEW DATA - WATERBODY IN SHELBY CO ON 2004 FCA FOR MERCURY ONLY
UPPER WABASH	05120106010070	KOSCIUSKO CO	INB0618_T1003	TIPPECANOE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN KOSCIUSKO CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120106080040	PULASKI CO	INB0684_T1027	TIPPECANOE RIVER	FCA FOR MERCURY	TYPOGRAPHICAL ERROR IN 2004 LIST; CORRECT SEGMENT ID IS INB0684_M1027
UPPER WABASH	05120106080040	PULASKI CO	INB0684_T1027	TIPPECANOE RIVER	FCA FOR PCBS	TYPOGRAPHICAL ERROR IN 2004 LIST; CORRECT SEGMENT ID IS INB0684_M1027
UPPER WABASH	05120106080020	PULASKI CO	INB0686_T1028	TIPPECANOE RIVER	FCA FOR PCBS	TYPOGRAPHICAL ERROR IN 2004 LIST; CORRECT SEGMENT ID IS INB0686_M1028
UPPER WABASH	05120106080020	PULASKI CO	INB0686_T1028	TIPPECANOE RIVER	FCA FOR MERCURY	TYPOGRAPHICAL ERROR IN 2004 LIST; CORRECT SEGMENT ID IS INB0686_M1028
UPPER WABASH	05120106060030	PULASKI CO	INB0663_T1021	TIPPECANOE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PULASKI CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120106060060	PULASKI CO	INB0666_T1022	TIPPECANOE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PULASKI CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120106060070	PULASKI CO	INB0667_T1023	TIPPECANOE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PULASKI CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120106060090	PULASKI CO	INB0669_T1024	TIPPECANOE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PULASKI CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120106060110	PULASKI CO	INB066B_T1025	TIPPECANOE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PULASKI CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120106080020	PULASKI CO	INB0682_M1026	TIPPECANOE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PULASKI CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120106100010	PULASKI CO	INB06A1_M1029	TIPPECANOE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN PULASKI CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120106040040	MARSHALL CO	INB0644_T1041	TIPPECANOE RIVER AND TRIBUTARY	FCA FOR MERCURY	NEW DATA - WATERBODY IN MARSHALL CO NOT ON 2004 FCA
GREAT LAKES	04040001070030	LA PORTE CO	INC0173_T1020	TRAIL CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN LA PORTE CO ON 2004 FCA FOR PCBS ONLY
OHIO TRIBU-TARIES	05090203060160	RIPLEY CO	INV036G_P1001	VERSAILLES LAKE	FCA FOR MERCURY	NEW DATA - WATERBODY NOT ON 2004 FCA
LOWER WABASH	05120113050040	GIBSON CO	INB1354_M1007	WABASH RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GIBSON CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120113060010	GIBSON CO	INB1361_M1008	WABASH RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GIBSON CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120105020010	CARROLL CO	INB0521_M1002	WABASH RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN CARROLL CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120105030020	CARROLL CO	INB0532_M1003	WABASH RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN CARROLL CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120105030030	CARROLL CO	INB0533_M1004	WABASH RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN CARROLL CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120105030040	CARROLL CO	INB0534_M1005	WABASH RIVER - MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN CARROLL CO ON 2004 FCA FOR PCBS ONLY

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UPPER WABASH	05120101060040	WELLS CO	INB0164_T1001	WABASH RIVER MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN WELLS CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120101070010	WELLS CO	INB0171_T1002	WABASH RIVER MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN WELLS CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120101070020	WELLS CO	INB0172_T1003	WABASH RIVER MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN WELLS CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120101070030	WELLS CO	INB0173_T1004	WABASH RIVER MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN WELLS CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120101070040	WELLS CO	INB0174_T1005	WABASH RIVER MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN WELLS CO ON 2004 FCA FOR PCBS ONLY
UPPER WABASH	05120101070050	WELLS CO	INB0175_T1006	WABASH RIVER MAINSTEM	FCA FOR MERCURY	NEW DATA - WATERBODY IN WELLS CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120113040010	GIBSON CO	INB1341_M1006	WABASH RIVER- GREATHOUSE CREEK (ILL)	FCA FOR MERCURY	NEW DATA - WATERBODY IN GIBSON CO ON 2004 FCA FOR PCBS ONLY
LOWER WABASH	05120110040060	MONTGOMERY CO	INB1046_T1014	WALNUT FORK - BELOW LITTLE SUGAR CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MONTGOMERY CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201150010	HENDRICKS CO	INW01F1_T1083	WHITE LICK CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN HENDRICKS CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201150020	HENDRICKS CO	INW01F2_T1084	WHITE LICK CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN HENDRICKS CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201150040	HENDRICKS CO	INW01F4_T1085	WHITE LICK CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN HENDRICKS CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201150050	HENDRICKS CO	INW01F5_T1086	WHITE LICK CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN HENDRICKS CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201150120	MORGAN CO	INW01FC_T1088	WHITE LICK CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MORGAN CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201150170	MORGAN CO	INW01FH_T1090	WHITE LICK CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MORGAN CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201150180	MORGAN CO	INW01FJ_T1091	WHITE LICK CREEK	FCA FOR MERCURY	NEW DATA - WATERBODY IN MORGAN CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201150130	MORGAN CO	INW01FD_T1089	WHITE LICK CREEK- MOORSEVILLE	FCA FOR MERCURY	NEW DATA - WATERBODY IN MORGAN CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201150070	HENDRICKS CO	INW01F7_T1087	WHITE LICK CREEK- PLAINFIELD	FCA FOR MERCURY	NEW DATA - WATERBODY IN HENDRICKS CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120202020150	GREENE CO	INW022F_M1014	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GREENE CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120202020150	GREENE CO	INW022F_M1061	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GREENE CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120202030010	GREENE CO	INW0231_M1026	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GREENE CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120202030050	GREENE CO	INW0235_M1027	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GREENE CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120202050010	GREENE CO	INW0251_M1028	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN GREENE CO ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201030020	MADISON CO	INW0132_T1014	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN MADISON CO ON FCA FOR PCBS ONLY
WEST FORK WHITE	05120201090040	MARION CO	INW0194_M1053	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY UPSTREAM ON BROAD RIP- PLE DAM ON 2004 FCA FOR PCBS ONLY
WEST FORK WHITE	05120201140030	MORGAN CO	INW01E3_M1079	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN MORGAN CO ON 2004 FCA FOR PCBS ONLY

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WEST FORK WHITE	05120201140040	MORGAN CO	INW01E4_M1080	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN MORGAN CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201140060	MORGAN CO	INW01E6_M1081	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN MORGAN CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201160010	MORGAN CO	INW01G1_M1092	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN MORGAN CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201170030	MORGAN CO	INW01G3_M1093	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN MORGAN CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201160060	MORGAN CO	INW01G6_M1094	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN MORGAN CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201180060	MORGAN CO	INW01J6_M1105	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN MORGAN CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201010010	RANDOLPH CO	INW0111_T1001	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN RANDOLPH CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201010020	RANDOLPH CO	INW0112_T1002	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN RANDOLPH CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201010030	RANDOLPH CO	INW0113_T1003	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN RANDOLPH CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201010040	RANDOLPH CO	INW0114_T1004	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN RANDOLPH CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201010050	RANDOLPH CO	INW0115_T1005	WHITE RIVER	FCA FOR MERCURY	NEW DATA - WATERBODY IN RANDOLPH CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201140130	MORGAN CO	INW01ED_M1082	WHITE RIVER-HENDERSON BRIDGE	FCA FOR MERCURY	NEW DATA - WATERBODY IN MORGAN CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201130100	JOHNSON CO	INW01DA_M1077	WHITE RIVER-MANN CREEK/HARNESS DITCH	FCA FOR MERCURY	NEW DATA - WATERBODY IN JOHNSON CO NOT ON 2004 FCA
WEST FORK WHITE	05120201130100	JOHNSON CO	INW01DA_M1077	WHITE RIVER-MANN CREEK/HARNESS DITCH	FCA FOR PCBs	NEW DATA - WATERBODY IN JOHNSON CO NOT ON 2004 FCA
WEST FORK WHITE	05120202050040	GREENE CO	INW0254_M1029	WHITE RIVER-NEWBERRY TRIBS	FCA FOR MERCURY	NEW DATA - WATERBODY IN GREENE CO ON 2004 FCA FOR PCBs ONLY
WEST FORK WHITE	05120201180030	MORGAN CO	INW01J3_M1104	WHITE RIVER-PARAGON BRIDGE	FCA FOR MERCURY	NEW DATA - WATERBODY IN MORGAN CO ON 2004 FCA FOR PCBs ONLY
GREAT MIAMI	05080003070100	UNION CO	ING037A_T1015	WHITEWATER RIVER, EAST FORK	FCA FOR PCBs	NEW DATA - WATERBODY IN UNION CO NOT ON 2004 FCA
GREAT MIAMI	05080003070110	UNION CO	ING037B_T1016	WHITEWATER RIVER, EAST FORK	FCA FOR MERCURY	NEW DATA - WATERBODY IN UNION CO NOT ON 2004 FCA
GREAT MIAMI	05080003070120	UNION CO	ING037C_T1017	WHITEWATER RIVER, EAST FORK	FCA FOR MERCURY	NEW DATA - WATERBODY IN UNION CO NOT ON 2004 FCA
GREAT MIAMI	05080003070050	WAYNE CO	ING0375_T1023	WHITEWATER RIVER, WF OF EAST FORK	FCA FOR PCBs	NEW DATA - NO SPECIFIC ADVISORY FOR WATERBODY IN 2004 FCA
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1034	WILDCAT CREEK - MAINSTEM	FCA FOR PCBs	NEW DATA - NO SPECIFIC ADVISORY FOR WATERBODY UPSTREAM OF KOKOMO WATERWORKS DAM IN 2004 FCA
UPPER WABASH	05120107050010	TIPPECANOE CO	INB0751_T1024	WILDCAT CREEK - MAINSTEM - OSRW	FCA FOR PCBs	NEW DATA - NO SPECIFIC ADVISORY FOR WATERBODY UPSTREAM OF KOKOMO WATERWORKS DAM IN 2004 FCA

Waterbodies Proposed to be Added to Category 5

In the draft 2006 303(d) list, IDEM proposes to add a number of waterbodies to Category 5A. For a stream to be listed IDEM must have representative sampling data for that stream and the data collected must support 303(d) listing. The waterbodies proposed to be added to the 2006 303(d) list are primarily in the White River, East Fork Basin, the Whitewater River Basin and the Upper Wabash Basin. The White River, East Fork and Whitewater River Basins were sampled by IDEM in the summer of 2002 and the Upper Wabash Basin was sampled in 2003. Through subsequent analysis of the data from these basins, IDEM identified additional

waterbody impairments. Table 6 consists of waterbodies that are proposed to be added to Category 5A as a result of new assessments. Figure 3 illustrates where these waterbodies are located. The total number of waterbodies proposed to be added to Category 5A based on this new information is five hundred eighty (580).

Table 6: Waterbodies proposed to be added to Category 5A of Indiana's 303(d) List of Impaired Waterbodies for impairments identified through new assessments.

BASIN	14-DIGIT HUC	COUNTY	WATERBODY SEGMENT ID	WATERBODY SEGMENT NAME	CAUSE OF IMPAIRMENT
UPPER WABASH	05120101040010	JAY CO	INB0141 T1023	WABASH RIVER	E. COLI
UPPER WABASH	05120101050030	JAY CO	INB0153 T1005	BEAR CREEK (BELOW STROUBLE DITCH)	E. COLI
UPPER WABASH	05120101050050	JAY CO	INB0155_00	LIMBERLOST CREEK (FLOWING INTO OH)	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155_01	LIMBERLOST CREEK (FLOWING OUT OF OH)	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155 T1002	WILSON CREEK-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155 T1002	WILSON CREEK-UNNAMED TRIBUTARY	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155 T1002	WILSON CREEK-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155 T1003	WILSON CREEK	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155 T1003	WILSON CREEK	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155 T1003	WILSON CREEK	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155 T1005	WEST PRONG	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155 T1005	WEST PRONG	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155 T1005	WEST PRONG	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155 T1007	GRISOM DITCH (NORTH OF CR 930S)	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155 T1007	GRISOM DITCH (NORTH OF CR 930S)	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155 T1007	GRISOM DITCH (NORTH OF CR 930S)	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155 T1008	WEST PRONG-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155 T1008	WEST PRONG-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155 T1008	WEST PRONG-UNNAMED TRIBUTARY	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155 T1009	YOUNG DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155 T1009	YOUNG DITCH	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155 T1009	YOUNG DITCH	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155 T1010	HARTZEL DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155 T1010	HARTZEL DITCH	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155 T1010	HARTZEL DITCH	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155 T1011	EAST PRONG	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155 T1011	EAST PRONG	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155 T1011	EAST PRONG	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155 T1012	FRANKS DRAIN	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155 T1012	FRANKS DRAIN	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155 T1012	FRANKS DRAIN	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155 T1013	EAST PRONG (HEADWATER)-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155 T1013	EAST PRONG (HEADWATER)-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155 T1013	EAST PRONG (HEADWATER)-UNNAMED TRIBUTARY	IBC/AMMONIA
UPPER WABASH	05120101050060	ADAMS CO	INB0156_00	LIMBERLOST CREEK (UPSTREAM OF PERRY DITCH)	IBC/CHLORIDES
UPPER WABASH	05120101050060	ADAMS CO	INB0156_00	LIMBERLOST CREEK (UPSTREAM OF PERRY DITCH)	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	ADAMS CO	INB0156_00	LIMBERLOST CREEK (UPSTREAM OF PERRY DITCH)	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156_01	LIMBERLOST CREEK (DOWNSTREAM OF PERRY DITCH)	IBC/CHLORIDES
UPPER WABASH	05120101050060	JAY CO	INB0156_01	LIMBERLOST CREEK (DOWNSTREAM OF PERRY DITCH)	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156_01	LIMBERLOST CREEK (DOWNSTREAM OF PERRY DITCH)	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156 T1001	LIMBERLOST CREEK-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120101050060	JAY CO	INB0156 T1001	LIMBERLOST CREEK-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156 T1001	LIMBERLOST CREEK-UNNAMED TRIBUTARY	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156 T1002	HAFFNER DITCH-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120101050060	JAY CO	INB0156 T1002	HAFFNER DITCH-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156 T1002	HAFFNER DITCH-UNNAMED TRIBUTARY	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156 T1003	HAFFNER DITCH	IBC/CHLORIDES
UPPER WABASH	05120101050060	JAY CO	INB0156 T1003	HAFFNER DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156 T1003	HAFFNER DITCH	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156 T1004	DAVISON DITCH-GLENZTER DITCH	IBC/CHLORIDES
UPPER WABASH	05120101050060	JAY CO	INB0156 T1004	DAVISON DITCH-GLENZTER DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156 T1004	DAVISON DITCH-GLENZTER DITCH	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156 T1005	MONTGOMERY DITCH	IBC/CHLORIDES
UPPER WABASH	05120101050060	JAY CO	INB0156 T1005	MONTGOMERY DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156 T1005	MONTGOMERY DITCH	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156 T1006	OAKLEY DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156 T1006	OAKLEY DITCH	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156 T1007	METZNER DITCH	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156 T1007	METZNER DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156 T1008	WHEELER DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156 T1008	WHEELER DITCH	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156 T1009	PERRY DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156 T1009	PERRY DITCH	IBC/AMMONIA
UPPER WABASH	05120101060010	ADAMS CO	INB0161_T1025	WABASH RIVER	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101060010	ADAMS CO	INB0161 T1025	WABASH RIVER	TOTAL DISSOLVED SOLIDS
UPPER WABASH	05120101060020	ADAMS CO	INB0162_00	WABASH RIVER	E. COLI
UPPER WABASH	05120101060030	ADAMS CO	INB0163_00	WABASH RIVER - THREEMILE CREEK	E. COLI

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UPPER WABASH	05120101060040	WELLS CO	INB0164_00	WABASH RIVER AND TRIBUTARY	E. COLI
UPPER WABASH	05120101060040	WELLS CO	INB0164_T1001	WABASH RIVER	E. COLI
UPPER WABASH	05120101070050	WELLS CO	INB0175_T1006	WABASH RIVER MAINSTEM	E. COLI
UPPER WABASH	05120101070060	HUNTINGTON CO	INB0176_T1007	WABASH RIVER MAINSTEM	E. COLI
UPPER WABASH	05120101080010	WELLS CO	INB0181_00	ROCK CREEK HEADWATERS	E. COLI
UPPER WABASH	05120101080010	WELLS CO	INB0181_00	ROCK CREEK HEADWATERS	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101080040	WELLS CO	INB0184_00	ROCK CREEK - MIDDLE	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101080060	HUNTINGTON CO	INB0186_00	ROCK CREEK - LOWER MIDDLE	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101080060	HUNTINGTON CO	INB0186_00	ROCK CREEK - LOWER MIDDLE	E. COLI
UPPER WABASH	05120101100060	HUNTINGTON CO	INB01A6_00	ABOITE CREEK	E. COLI
UPPER WABASH	05120101110020	WELLS CO	INB01B2_00	EIGHTMILE CREEK - UPPER MIDDLE	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101110020	WELLS CO	INB01B2_00	EIGHTMILE CREEK - UPPER MIDDLE	E. COLI
UPPER WABASH	05120101120040	HUNTINGTON CO	INB01C4_00	LITTLE RIVER - MUD CREEK	E. COLI
UPPER WABASH	05120101120040	HUNTINGTON CO	INB01C4_T1031	MUD CREEK	E. COLI
UPPER WABASH	05120101120040	HUNTINGTON CO	INB01C4_T1031	MUD CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101140010	HUNTINGTON CO	INB01E1_00	SILVER CREEK BASIN	E. COLI
UPPER WABASH	05120101150070	WABASH CO	INB01F7_00	MILL CREEK BASIN	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101160010	MIAMI CO	INB01G1_00	UNNAMED TRIBUTARIES	E. COLI
UPPER WABASH	05120101160010	MIAMI CO	INB01G1_M1018	WABASH RIVER	E. COLI
UPPER WABASH	05120101160020	MIAMI CO	INB01G2_00	LITTLE PIPE CREEK (UPSTREAM OF SALEM DITCH)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101170030	GRANT CO	INB01H3_00	PIPE CREEK - UPPER	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101170090	MIAMI CO	INB01H9_00	PIPE CREEK NEAR SANTA FE	E. COLI
UPPER WABASH	05120101170100	MIAMI CO	INB01HA_00	PIPE CREEK - NIGER DITCH	E. COLI
UPPER WABASH	05120101170110	CASS CO	INB01HB_T1030	PIPE CREEK	E. COLI
UPPER WABASH	05120102010060	JAY CO	INB0216_00	SALAMONIE RIVER - MILLER DITCH	E. COLI
UPPER WABASH	05120102010060	JAY CO	INB0216_00	SALAMONIE RIVER - MILLER DITCH	CYANIDE
UPPER WABASH	05120102010060	JAY CO	INB0216_00	SALAMONIE RIVER - MILLER DITCH	CHLORIDES
UPPER WABASH	05120102020040	BLACKFORD CO	INB0224_00	SALAMONIE RIVER - EAST CREEK	E. COLI
UPPER WABASH	05120102030010	WELLS CO	INB0231_00	SALAMONIE RIVER - RHOTON DITCH	E. COLI
UPPER WABASH	05120102030030	WELLS CO	INB0233_00	SALAMONIE RIVER	E. COLI
UPPER WABASH	05120102040010	HUNTINGTON CO	INB0241_T1001	DETAMORE DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120102040020	HUNTINGTON CO	INB0242_T1002	SALAMONIE RIVER-LANCASTER	E. COLI
UPPER WABASH	05120102040040	HUNTINGTON CO	INB0244_00	MAJENCIA CREEK - HEADWATERS	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103010010	RANDOLPH CO	INB0311_00	MITCHELL DITCH AND OTHER TRIBUTARIES	E. COLI
UPPER WABASH	05120103010020	RANDOLPH CO	INB0312_T1002	LITTLE MISSISSINAWA RIVER	E. COLI
UPPER WABASH	05120103010040	RANDOLPH CO	INB0314_00	HARSHMAN CREEK (UPSTREAM OF LOWS BRANCH)	E. COLI
UPPER WABASH	05120103010040	RANDOLPH CO	INB0314_01	HARSHMAN CREEK (DOWNSTREAM OF LOWS BRANCH)	E. COLI
UPPER WABASH	05120103010040	RANDOLPH CO	INB0314_01	HARSHMAN CREEK (DOWNSTREAM OF LOWS BRANCH)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103010040	RANDOLPH CO	INB0314_T1001	HARSHMAN CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120103010040	RANDOLPH CO	INB0314_T1002	HARSHMAN CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120103010040	RANDOLPH CO	INB0314_T1003	LOWS BRANCH	E. COLI
UPPER WABASH	05120103020010	RANDOLPH CO	INB0321_00	UNNAMED TRIBUTARY OF MISSISSINAWA R	E. COLI
UPPER WABASH	05120103020010	RANDOLPH CO	INB0321_T1007	MISSISSINAWA RIVER	E. COLI
UPPER WABASH	05120103020050	RANDOLPH CO	INB0325_T1001	ELKHORN CREEK	E. COLI
UPPER WABASH	05120103020050	RANDOLPH CO	INB0325_T1001	ELKHORN CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103030040	DELAWARE CO	INB0334_T1013	MISSISSINAWA RIVER	E. COLI
UPPER WABASH	05120103040030	BLACKFORD CO	INB0343_00	LITTLE LICK CREEK (BLACKFORD)	E. COLI
UPPER WABASH	05120103040040	BLACKFORD CO	INB0344_00	BIG LICK CREEK	E. COLI
UPPER WABASH	05120103050010	GRANT CO	INB0351_T1015	MISSISSINAWA RIVER	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103050010	GRANT CO	INB0351_T1015	MISSISSINAWA RIVER	E. COLI
UPPER WABASH	05120103050020	GRANT CO	INB0352_T1016	MISSISSINAWA RIVER	E. COLI
UPPER WABASH	05120103050060	GRANT CO	INB0356_T1001	LITTLE CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103050070	GRANT CO	INB0357_00	DEER CREEK (UPSTREAM OF BELL CREEK)	E. COLI
UPPER WABASH	05120103050070	GRANT CO	INB0357_01	DEER CREEK (DOWNSTREAM OF BELL CREEK)	E. COLI
UPPER WABASH	05120103050130	GRANT CO	INB035D_00	BOOTS AND MASSEY CREEKS	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103050130	GRANT CO	INB035D_T1019	MISSISSINAWA RIVER	E. COLI
UPPER WABASH	05120103060010	GRANT CO	INB0361_00	HUMMEL CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103060010	GRANT CO	INB0361_T1020	MISSISSINAWA RIVER	E. COLI
UPPER WABASH	05120103060020	GRANT CO	INB0362_T1021	MISSISSINAWA RIVER	E. COLI
UPPER WABASH	05120104010010	ALLEN CO	INB0411_00	GELLER DITCH	IMPAIRED BIOTIC COMMUNITIES

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UPPER WABASH	05120104010010	ALLEN CO	INB0411_01	BENWARD DITCH	IBC/CHLORIDES
UPPER WABASH	05120104010010	ALLEN CO	INB0411_01	BENWARD DITCH	IBC/AMMONIA
UPPER WABASH	05120104010010	ALLEN CO	INB0411_01	BENWARD DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120104010010	ALLEN CO	INB0411_01	BENWARD DITCH	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104010010	ALLEN CO	INB0411_02	SHOAF DAWSON DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010010	ALLEN CO	INB0411_T1001	BOBAY DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010010	ALLEN CO	INB0411_T1002	BENWARD DITCH-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120104010010	ALLEN CO	INB0411_T1002	BENWARD DITCH-UNNAMED TRIBUTARY	IBC/AMMONIA
UPPER WABASH	05120104010010	ALLEN CO	INB0411_T1002	BENWARD DITCH-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120104010010	ALLEN CO	INB0411_T1002	BENWARD DITCH-UNNAMED TRIBUTARY	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104010020	ALLEN CO	INB0412_01	JOHNSON DITCH	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104010020	ALLEN CO	INB0412_02	JOHNSON DRAIN (UPSTREAM OF CHURUBUSCO BRANCH)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010020	ALLEN CO	INB0412_03	JOHNSON DRAIN (DOWNSTREAM OF CHURUBUSCO BRANCH)	IBC/CHLORIDES
UPPER WABASH	05120104010020	ALLEN CO	INB0412_03	JOHNSON DRAIN (DOWNSTREAM OF CHURUBUSCO BRANCH)	IBC/CONDUCTIVITY
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1000	EEL RIVER	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1001	JOHNSON DITCH-UNNAMED TRIBUTARY	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1002	SUTORIUS DITCH	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1003	DUGLAY DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1004	CHURUBUSCO BRANCH-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1004	CHURUBUSCO BRANCH-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1005	CHURUBUSCO BRANCH	IBC/CHLORIDES
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1005	CHURUBUSCO BRANCH	IBC/CONDUCTIVITY
UPPER WABASH	05120104010030	WHITLEY CO	INB0413_T1001	EEL RIVER (EAST OF EEL RIVER FORT MONUMENT)	E. COLI
UPPER WABASH	05120104010030	WHITLEY CO	INB0413_T1002	EEL RIVER (WEST OF EEL RIVER FORT MONUMENT)	E. COLI
UPPER WABASH	05120104010030	WHITLEY CO	INB0413_T1003	SMITH DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010030	WHITLEY CO	INB0413_T1005	KRIDER DITCH (NEAR JOHNSON ROAD)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010030	WHITLEY CO	INB0413_T1006	EEL RIVER-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010040	WHITLEY CO	INB0414_00	SOLON DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010040	WHITLEY CO	INB0414_T1000	SOLON DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010040	WHITLEY CO	INB0414_T1001	MOWREY DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010040	WHITLEY CO	INB0414_T1002	EEL RIVER	E. COLI
UPPER WABASH	05120104010040	WHITLEY CO	INB0414_T1002	EEL RIVER	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010050	WHITLEY CO	INB0415_00	GANGWER DITCH	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104010050	WHITLEY CO	INB0415_00	GANGWER DITCH	IBC/AMMONIA
UPPER WABASH	05120104010050	WHITLEY CO	INB0415_00	GANGWER DITCH	IBC/COPPER
UPPER WABASH	05120104010050	WHITLEY CO	INB0415_T1003	KERCH DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020010	NOBLE CO	INB0421_00	BLUE RIVER - HEADWATERS (NOBLE)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020020	WHITLEY CO	INB0422_01	BLUE RIVER (DOWNSTREAM OF MUD RUN)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020020	WHITLEY CO	INB0422_T1022	MALONEY DITCH	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104020020	WHITLEY CO	INB0422_T1024	MUD RUN	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020020	WHITLEY CO	INB0422_T1025	EMERICK DITCH	IBC/CHLORIDES
UPPER WABASH	05120104020030	WHITLEY CO	INB0423_T1002	THORN CREEK	IBC/CHLORIDES
UPPER WABASH	05120104020030	WHITLEY CO	INB0423_T1003	THORN CREEK-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120104020030	WHITLEY CO	INB0423_T1004	COLE DITCH-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120104020030	WHITLEY CO	INB0423_T1005	COLE DITCH-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120104020030	WHITLEY CO	INB0423_T1007	COLE DITCH (DOWNSTREAM OF TRIBUTARIES)	IBC/CHLORIDES
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_00	BLUE RIVER (COLUMBIA CITY)	E. COLI
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_00	BLUE RIVER (COLUMBIA CITY)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_01	BLUE RIVER (DOWNSTREAM OF COLUMBIA CITY)	E. COLI
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_T1020	BLUE BABE BRANCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_T1021	BLUE BABE BRANCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_T1023	BLUE BABE BRANCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_T1024	BLUE BABE BRANCH (HEADWATER)	IMPAIRED BIOTIC COMMUNITIES

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UPPER WABASH	05120104020040	WHITLEY CO	INB0424_T1026	BLUE BABE BRANCH (DOWNSTREAM OF SR 9)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_T1027	PHILLIPS DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030010	WHITLEY CO	INB0431_00	MAYNARD DITCH-COUNTY FARM DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030010	WHITLEY CO	INB0431_01	EEL RIVER-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120104030010	WHITLEY CO	INB0431_T1000	KNISLEY DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030010	WHITLEY CO	INB0431_T1001	COUNTY FARM DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030010	WHITLEY CO	INB0431_T1002	DOWELL DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030010	WHITLEY CO	INB0431_T1003	EEL RIVER	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030020	WHITLEY CO	INB0432_00	STONY CREEK (EAST OF RABER ROAD)	E. COLI
UPPER WABASH	05120104030020	WHITLEY CO	INB0432_01	STONY CREEK (WEST OF RABER ROAD)	E. COLI
UPPER WABASH	05120104030020	WHITLEY CO	INB0432_01	STONY CREEK (WEST OF RABER ROAD)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030020	WHITLEY CO	INB0432_02	EEL RIVER-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030020	WHITLEY CO	INB0432_T1001	STONY CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030020	WHITLEY CO	INB0432_T1002	STONY CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030030	WHITLEY CO	INB0433_00	SPRING CREEK (UPSTREAM OF BROWN DITCH)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030030	WHITLEY CO	INB0433_02	SCHUMAN DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030030	WHITLEY CO	INB0433_T1001	JONES BRANCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030030	WHITLEY CO	INB0433_T1002	SPRING CREEK-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030030	WHITLEY CO	INB0433_T1008	MAYNARD DITCH	DISSOLVED OXYGEN
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_00	SPRING CREEK (UPSTREAM OF KALER BRANCH)	E. COLI
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_01	SPRING CREEK (BETWEEN KALER BRANCH AND CR 200S)	E. COLI
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_01	SPRING CREEK (BETWEEN KALER BRANCH AND CR 200S)	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_02	SPRING CREEK (BETWEEN CR 200S AND SCHOENAUER DITCH)	E. COLI
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_03	SPRING CREEK (DOWNSTREAM OF SCHOENAUER DITCH)	E. COLI
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_03	SPRING CREEK (DOWNSTREAM OF SCHOENAUER DITCH)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_T1002	KALER BRANCH	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_T1004	KING BRANCH	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_T1006	COMPTON DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030050	WHITLEY CO	INB0435_00	CLEAR CREEK (HEADWATER)	E. COLI
UPPER WABASH	05120104030050	WHITLEY CO	INB0435_01	CLEAR CREEK	E. COLI
UPPER WABASH	05120104030050	WHITLEY CO	INB0435_01	CLEAR CREEK	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104030050	WHITLEY CO	INB0435_T1002	CLEAR CREEK (HEADWATER)-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030050	WHITLEY CO	INB0435_T1003	CLEAR CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030050	WHITLEY CO	INB0435_T1003	CLEAR CREEK-UNNAMED TRIBUTARY	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104030060	WHITLEY CO	INB0436_00	SUGAR CREEK (UPSTREAM OF COX BRANCH)	IBC/CHLORIDES
UPPER WABASH	05120104030060	WHITLEY CO	INB0436_00	SUGAR CREEK (UPSTREAM OF COX BRANCH)	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104030060	WHITLEY CO	INB0436_01	SUGAR CREEK (DOWNSTREAM OF COX BRANCH)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_00	SUGAR CREEK	E. COLI
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1001	HUFFMAN DITCH	E. COLI
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1001	HUFFMAN DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1002	GABLE DITCH-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1003	GABLE DITCH	E. COLI
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1004	SUGAR CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1005	WILLIAMSON DITCH	E. COLI
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1005	WILLIAMSON DITCH	IBC/CHLORIDES
UPPER WABASH	05120104040010	WHITLEY CO	INB0441_T1006	EEL RIVER	E. COLI
UPPER WABASH	05120104040050	WABASH CO	INB0445_00	SWANK CREEK	E. COLI
UPPER WABASH	05120104040050	WABASH CO	INB0445_T1010	EEL RIVER	E. COLI
UPPER WABASH	05120104040070	WABASH CO	INB0447_T1011	EEL RIVER	E. COLI
UPPER WABASH	05120104040080	WABASH CO	INB0448_T1012	EEL RIVER	E. COLI
UPPER WABASH	05120104050010	WABASH CO	INB0451_T1013	EEL RIVER	E. COLI
UPPER WABASH	05120104050030	WABASH CO	INB0453_00	SILVER CREEK (LOWER)	E. COLI
UPPER WABASH	05120104050030	WABASH CO	INB0453_T1014	EEL RIVER	E. COLI
UPPER WABASH	05120104050040	WABASH CO	INB0454_00	BEARGRASS CREEK	E. COLI
UPPER WABASH	05120104050050	MIAMI CO	INB0455_00	BOLLEY DITCH - LUKENS LAKE	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104050060	WABASH CO	INB0456_00	SQUIRREL CREEK - BERGER DITCH	IMPAIRED BIOTIC COMMUNITIES

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UPPER WABASH	05120104050070	MIAMI CO	INB0457_00	SQUIRREL CREEK (LOWER)	E. COLI
UPPER WABASH	05120104050070	MIAMI CO	INB0457_T1015	EEL RIVER	E. COLI
UPPER WABASH	05120104050090	MIAMI CO	INB0459_00	PAW PAW CREEK - OREN DITCH	E. COLI
UPPER WABASH	05120104060010	MIAMI CO	INB0461_T1001	WILSON RHODES DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104060010	MIAMI CO	INB0461_T1001	WILSON RHODES DITCH	DISSOLVED OXYGEN
UPPER WABASH	05120104060010	MIAMI CO	INB0461_T1001	WILSON RHODES DITCH	NUTRIENTS
UPPER WABASH	05120104060020	MIAMI CO	INB0462_00	EEL RIVER - WASHONIS CREEK	E. COLI
UPPER WABASH	05120104060020	MIAMI CO	INB0462_T1017	EEL RIVER	E. COLI
UPPER WABASH	05120104060040	MIAMI CO	INB0464_T1018	EEL RIVER	E. COLI
UPPER WABASH	05120104070010	MIAMI CO	INB0471_T1004	UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104070050	CASS CO	INB0475_00	MUD BRANCH	E. COLI
UPPER WABASH	05120104070050	CASS CO	INB0475_T1020	EEL RIVER	E. COLI
UPPER WABASH	05120104070060	CASS CO	INB0476_T1021	EEL RIVER	E. COLI
UPPER WABASH	05120105010010	CASS CO	INB0511_00	GRANTS RUN	E. COLI
UPPER WABASH	05120105010010	CASS CO	INB0511_M1001	WABASH RIVER	E. COLI
UPPER WABASH	05120105010010	CASS CO	INB0511_M1001	WABASH RIVER	NUTRIENTS
UPPER WABASH	05120105010040	CASS CO	INB0514_T1004	GALBREATH DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120105020060	CARROLL CO	INB0526_T1003	ROCK CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120105020060	CARROLL CO	INB0526_T1007	ROCK CREEK (DOWNSTREAM OF SR 25)	E. COLI
UPPER WABASH	05120105030040	CARROLL CO	INB0534_00	PLEASANT RUN/ TANNERY BRANCH	E. COLI
UPPER WABASH	05120105030040	CARROLL CO	INB0534_M1005	WABASH RIVER	E. COLI
UPPER WABASH	05120105050030	CASS CO	INB0553_T1005	DEER CREEK (UPSTREAM OF MUNSON DITCH)	E. COLI
UPPER WABASH	05120105050030	CASS CO	INB0553_T1006	DEER CREEK (BETWEEN MUNSON DITCH AND BROWN DITCH)	E. COLI
UPPER WABASH	05120105050030	CASS CO	INB0553_T1013	MUNSON DITCH	E. COLI
UPPER WABASH	05120105050030	CARROLL CO	INB0553_T1017	DEER CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120105050060	CARROLL CO	INB0556_T1016	DEER CREEK ABOVE RIDENOUR DITCH	E. COLI
UPPER WABASH	05120105050070	CARROLL CO	INB0557_00	PAINT CREEK	E. COLI
UPPER WABASH	05120105050070	CARROLL CO	INB0557_T1001	PLANK DITCH	E. COLI
UPPER WABASH	05120105050070	CARROLL CO	INB0557_T1002	GUKIEN COHEE DITCH	E. COLI
UPPER WABASH	05120105050080	CARROLL CO	INB0558_T1008	DEER CREEK (AT CAMDEN)	E. COLI
UPPER WABASH	05120105050100	CARROLL CO	INB055A_00	BACHELOR RUN - KUNS DITCH	E. COLI
UPPER WABASH	05120105050110	CARROLL CO	INB055B_T1008	DEER CREEK	E. COLI
UPPER WABASH	05120105070010	TIPPECANOE CO	INB0571_00	SUGAR CREEK - LITTLE SUGAR CREEK (TIPPECANOE)	E. COLI
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_00	BUCK CREEK DITCH	E. COLI
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_00	BUCK CREEK DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_T1001	BUCK CREEK	E. COLI
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_T1001	BUCK CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_T1002	BUCK CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_T1002	BUCK CREEK-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_T1003	BUCK CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_T1003	BUCK CREEK-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120105070030	TIPPECANOE CO	INB0573_00	HARRISON CREEK	E. COLI
UPPER WABASH	05120105070030	TIPPECANOE CO	INB0573_M1012	WABASH RIVER	E. COLI
UPPER WABASH	05120106010010	WHITLEY CO	INB0611_00	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106010010	WHITLEY CO	INB0611_00	TIPPECANOE RIVER	NUTRIENTS
UPPER WABASH	05120106010010	WHITLEY CO	INB0611_00	TIPPECANOE RIVER	DISSOLVED OXYGEN
UPPER WABASH	05120106010040	KOSCIUSKO CO	INB0614_T1001	GAFF DITCH	E. COLI
UPPER WABASH	05120106010040	KOSCIUSKO CO	INB0614_T1001	GAFF DITCH	LEAD
UPPER WABASH	05120106010040	KOSCIUSKO CO	INB0614_T1001	GAFF DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106030050	KOSCIUSKO CO	INB0635_T1040	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106030060	KOSCIUSKO CO	INB0636_T1002	EASTERDAY DITCH-MILLER ARM	E. COLI
UPPER WABASH	05120106040030	MARSHALL CO	INB0643_00	DEER CREEK	E. COLI
UPPER WABASH	05120106040030	MARSHALL CO	INB0643_01	OUTLET CREEK	E. COLI
UPPER WABASH	05120106040030	MARSHALL CO	INB0643_T1001	DEER CREEK-HEADWATER TRIBUTARY	E. COLI
UPPER WABASH	05120106040030	MARSHALL CO	INB0643_T1006	OUTLET CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120106040040	MARSHALL CO	INB0644_T1041	TIPPECANOE RIVER AND TRIBUTARY	E. COLI
UPPER WABASH	05120106050030	FULTON CO	INB0653_00	TIPPECANOE RIVER - MCMAHAN DT	E. COLI
UPPER WABASH	05120106050030	FULTON CO	INB0653_T1017	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106050040	FULTON CO	INB0654_T1018	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106050060	FULTON CO	INB0656_00	MUD CREEK - SMITH DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_00	MUD CREEK (UPSTREAM OF ROBBINS WALTERS DITCH)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1001	UNNAMED TRIBUTARY (NEAR WOODROW, IN)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1002	UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES

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UPPER WABASH	05120106050070	FULTON CO	INB0657_T1003	UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1004	UNNAMED TRIBUTARY TO NEFF DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1005	WHITE DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1006	NEFF DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1007	BAKER DITCH-ULCH DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1008	ROBBINS WALTERS DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050080	FULTON CO	INB0658_00	MUD CREEK - GRUBE/ WILSON DITCHES	E. COLI
UPPER WABASH	05120106050100	FULTON CO	INB065A_00	MUD CREEK (UPSTREAM OF CESSNA DITCH)	E. COLI
UPPER WABASH	05120106060020	FULTON CO	INB0662_00	TIPPECANOE RIVER - WILSON/ COLLINS DITCHES	E. COLI
UPPER WABASH	05120106060020	FULTON CO	INB0662_T1020	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106060060	PULASKI CO	INB0666_00	TIPPECANOE RIVER - BARTEE/ TAYLOR DITCHES	E. COLI
UPPER WABASH	05120106060060	PULASKI CO	INB0666_T1022	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106060110	PULASKI CO	INB066B_T1025	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_00	MILL CREEK	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_T1001	CONN DITCH	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_T1002	REED OLMSTEAD DITCH	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_T1003	DEWEESE DITCH	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_T1004	ROUCH DITCH	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_T1005	FRIEDRICK DITCH	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_T1006	CALLAHAN DITCH	E. COLI
UPPER WABASH	05120106070050	PULASKI CO	INB0675_00	MILL CREEK	E. COLI
UPPER WABASH	05120106070050	PULASKI CO	INB0675_T1001	MILL CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120106070050	PULASKI CO	INB0675_T1002	GRAFFIS DITCH	E. COLI
UPPER WABASH	05120106070050	PULASKI CO	INB0675_T1003	HUMES DITCH	E. COLI
UPPER WABASH	05120106070050	PULASKI CO	INB0675_T1004	PRATHER DITCH	E. COLI
UPPER WABASH	05120106080020	PULASKI CO	INB0682_00	TIPPECANOE RIVER - AGNEW DITCH - MOSS DITCH	E. COLI
UPPER WABASH	05120106090020	WHITE CO	INB0692_T1003	TRAVERS DITCH	E. COLI
UPPER WABASH	05120106090020	WHITE CO	INB0692_T1003	TRAVERS DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106100020	WHITE CO	INB06A2_01	ACKERMAN DITCH (DOWNSTREAM OF CR 1000N)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106100030	WHITE CO	INB06A3_00	HARP DITCH AND OTHER TRIBUTARIES	E. COLI
UPPER WABASH	05120106100030	WHITE CO	INB06A3_P1031	LAKE SHAFER	E. COLI
UPPER WABASH	05120106110010	PULASKI CO	INB06B1_00	BIG MONON DITCH - HEADWATERS	E. COLI
UPPER WABASH	05120106110020	PULASKI CO	INB06B2_00	SCHOLTZ DITCH	E. COLI
UPPER WABASH	05120106110030	PULASKI CO	INB06B3_00	BIG MONON DITCH - DRESSKE DITCH	E. COLI
UPPER WABASH	05120106110040	PULASKI CO	INB06B4_00	BIG MONON DITCH - THOMPSON DITCH	E. COLI
UPPER WABASH	05120106110060	PULASKI CO	INB06B6_00	ATRIUM DITCH - STUMP DITCH	E. COLI
UPPER WABASH	05120106110070	PULASKI CO	INB06B7_00	ATRIUM DITCH - DUNKER DITCH	E. COLI
UPPER WABASH	05120106110080	PULASKI CO	INB06B8_00	BIG MONON DITCH - LOWER ATRIUM DITCH/ STEIN DITCH	E. COLI
UPPER WABASH	05120106110090	PULASKI CO	INB06B9_00	MOSLEY DITCH - MOSLEY BRANCH	E. COLI
UPPER WABASH	05120106110100	PULASKI CO	INB06BA_00	BIG MONON DITCH	E. COLI
UPPER WABASH	05120106110100	PULASKI CO	INB06BA_T1001	HUBBELL DITCH	E. COLI
UPPER WABASH	05120106110100	PULASKI CO	INB06BA_T1002	BIG MONON DITCH-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120106110110	WHITE CO	INB06BB_00	BIG MONON DITCH	E. COLI
UPPER WABASH	05120106110110	WHITE CO	INB06BB_T1003	BIG MONON DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106110110	WHITE CO	INB06BB_T1003	BIG MONON DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106110110	WHITE CO	INB06BB_T1004	BIG MONON DITCH-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120106110110	WHITE CO	INB06BB_T1004	BIG MONON DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106110110	WHITE CO	INB06BB_T1005	BIG MONON DITCH-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120106110110	WHITE CO	INB06BB_T1005	BIG MONON DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106130010	WHITE CO	INB06D1_01	TIPPECANOE RIVER (DOWNSTREAM OF TIMMONS DITCH)	NUTRIENTS
UPPER WABASH	05120106150030	WHITE CO	INB06F3_00	BIG CREEK - MOUTH	E. COLI
UPPER WABASH	05120106150040	WHITE CO	INB06F4_00	SPRING CREEK (UPSTREAM OF EMGE DITCH)	E. COLI
UPPER WABASH	05120106150040	WHITE CO	INB06F4_01	SPRING CREEK (DOWNSTREAM OF EMGE DITCH)	E. COLI
UPPER WABASH	05120106150040	WHITE CO	INB06F4_T1001	UNNAMED STREAM (NW OF CHALMERS, IN)	E. COLI
UPPER WABASH	05120106150040	WHITE CO	INB06F4_T1002	SPRING CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120106150040	WHITE CO	INB06F4_T1003	EMGE DITCH	E. COLI
UPPER WABASH	05120106150060	WHITE CO	INB06F6_01	MYERS DITCH (ROUND GROVE TWP)	DISSOLVED OXYGEN
UPPER WABASH	05120106150060	WHITE CO	INB06F6_01	MYERS DITCH (ROUND GROVE TWP)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107010010	HOWARD CO	INB0711_00	GRASSY FORK DITCH - HARPER DITCH	E. COLI
UPPER WABASH	05120107010030	TIPTON CO	INB0713_00	MUD CREEK - HEADWATERS (TIPTON)	E. COLI
UPPER WABASH	05120107010040	TIPTON CO	INB0714_00	MUD CREEK	E. COLI

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UPPER WABASH	05120107010040	TIPTON CO	INB0714_00	MUD CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107010040	TIPTON CO	INB0714_T1001	ROSS DITCH	E. COLI
UPPER WABASH	05120107010040	TIPTON CO	INB0714_T1001	ROSS DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107010040	TIPTON CO	INB0714_T1002	NORTH CREEK	E. COLI
UPPER WABASH	05120107010040	TIPTON CO	INB0714_T1002	NORTH CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107010040	TIPTON CO	INB0714_T1003	OFF DITCH	E. COLI
UPPER WABASH	05120107010040	TIPTON CO	INB0714_T1003	OFF DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107010060	TIPTON CO	INB0716_00	TURKEY CREEK - ASKREN/ ROUND PRAIRIE DITCHES	E. COLI
UPPER WABASH	05120107010060	TIPTON CO	INB0716_T1030	TURKEY CREEK	E. COLI
UPPER WABASH	05120107010070	HOWARD CO	INB0717_00	MUD CREEK	E. COLI
UPPER WABASH	05120107010070	HOWARD CO	INB0717_T1001	WILDCAT CREEK	E. COLI
UPPER WABASH	05120107010070	HOWARD CO	INB0717_T1031	MUD CREEK - IRWIN CREEK	E. COLI
UPPER WABASH	05120107010080	HOWARD CO	INB0718_T1002	WILDCAT CREEK - JEROME	E. COLI
UPPER WABASH	05120107010100	HOWARD CO	INB071A_00	STAHL DITCH	E. COLI
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1005	PRAIRIE CREEK DITCH - UPPER	E. COLI
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1006	WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1025	WILDCAT CREEK - UPSTREAM OF WATER INTAKE	E. COLI
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1032	PRAIRIE CREEK DITCH - LOWER	E. COLI
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1033	CANNON - GOYER DITCH	E. COLI
UPPER WABASH	05120107010110	HOWARD CO	INB071B_00	FINN DITCH AND OTHER TRIBUTARIES	E. COLI
UPPER WABASH	05120107010110	HOWARD CO	INB071B_T1007	KOKOMO CREEK - HEADWATERS	E. COLI
UPPER WABASH	05120107010120	HOWARD CO	INB071C_00	MARTIN - YOUNGMAN DITCH BASIN	E. COLI
UPPER WABASH	05120107020010	HOWARD CO	INB0721_T1008	WILDCAT CREEK (UPSTREAM OF SPRING RUN)	E. COLI
UPPER WABASH	05120107020010	HOWARD CO	INB0721_T1009	WILDCAT CREEK (DOWNSTREAM OF SPRING RUN)	E. COLI
UPPER WABASH	05120107020010	HOWARD CO	INB0721_T1011	HALIHAN DITCH	E. COLI
UPPER WABASH	05120107020020	HOWARD CO	INB0722_00	LITTLE WILDCAT CREEK - EAST FORK	E. COLI
UPPER WABASH	05120107020020	TIPTON CO	INB0722_T1009	KELLY WEST DITCH	E. COLI
UPPER WABASH	05120107020020	TIPTON CO	INB0722_T1035	UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020020	HOWARD CO	INB0722_T1036	LITTLE WILDCAT CREEK - WEST FORK	E. COLI
UPPER WABASH	05120107020030	HOWARD CO	INB0723_00	VOGUS DITCH	E. COLI
UPPER WABASH	05120107020030	HOWARD CO	INB0723_T1001	LYNN RUN	E. COLI
UPPER WABASH	05120107020030	HOWARD CO	INB0723_T1002	BUTLER DITCH	E. COLI
UPPER WABASH	05120107020030	HOWARD CO	INB0723_T1010	LITTLE WILDCAT CREEK (UPSTREAM OF VOGUS DITCH)	E. COLI
UPPER WABASH	05120107020030	HOWARD CO	INB0723_T1011	LITTLE WILDCAT CREEK (DOWNSTREAM OF VOGUS DITCH)	E. COLI
UPPER WABASH	05120107020040	HOWARD CO	INB0724_00	WEST HONEY CREEK	E. COLI
UPPER WABASH	05120107020050	HOWARD CO	INB0725_00	HONEY CREEK	E. COLI
UPPER WABASH	05120107020050	HOWARD CO	INB0725_T1011	WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107020060	HOWARD CO	INB0726_T1012	DEARINGER DITCH-KIDDLE DITCH	E. COLI
UPPER WABASH	05120107020060	HOWARD CO	INB0726_T1038	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020060	HOWARD CO	INB0726_T1039	WILDCAT CREEK-UNNAMED TRIBUTARIES	E. COLI
UPPER WABASH	05120107020060	HOWARD CO	INB0726_T1040	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020060	HOWARD CO	INB0726_T1041	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020070	HOWARD CO	INB0727_00	PETES RUN	E. COLI
UPPER WABASH	05120107020070	HOWARD CO	INB0727_T1010	DAVISON DITCH	E. COLI
UPPER WABASH	05120107020070	HOWARD CO	INB0727_T1011	MCDOWELL DITCH	E. COLI
UPPER WABASH	05120107020070	HOWARD CO	INB0727_T1012	MOORE DITCH	E. COLI
UPPER WABASH	05120107020070	HOWARD CO	INB0727_T1013	WILDCAT CREEK	E. COLI
UPPER WABASH	05120107020070	CARROLL CO	INB0727_T1037	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020070	CARROLL CO	INB0727_T1038	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020070	CARROLL CO	INB0727_T1039	WILDCAT CREEK (BURLINGTON)-UNNAMED TRIBUTARIES	E. COLI
UPPER WABASH	05120107020070	CARROLL CO	INB0727_T1040	WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107020080	CARROLL CO	INB0728_00	WILDCAT CREEK - HURRICANE CREEK	E. COLI
UPPER WABASH	05120107020080	CARROLL CO	INB0728_T1014	WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1001	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1002	WILDCAT CREEK (PRINCE WM RD)-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1003	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1004	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1015	WILDCAT CREEK (U/S OF UNNAMED TRIBUTARY AT PRINCE WM RD)	E. COLI
UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1016	WILDCAT CREEK (D/S OF UNNAMED TRIBUTARY AT PRINCE WM RD)	E. COLI
UPPER WABASH	05120107020100	TIPPECANOE CO	INB072A_00	TRIBUTARIES OF WILDCAT CREEK	E. COLI
UPPER WABASH	05120107020100	TIPPECANOE CO	INB072A_T1016	WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107030010	CLINTON CO	INB0731_00	WILDCAT CREEK, MIDDLE FORK	E. COLI
UPPER WABASH	05120107030010	CLINTON CO	INB0731_T1041	WILDCAT CREEK, MIDDLE FORK HEADWATERS	E. COLI
UPPER WABASH	05120107030010	CLINTON CO	INB0731_T1042	WILDCAT CREEK, MIDDLE FORK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107030010	CLINTON CO	INB0731_T1043	WHITEMAN DITCH	E. COLI
UPPER WABASH	05120107030010	CLINTON CO	INB0731_T1044	HARNESS DITCH	E. COLI
UPPER WABASH	05120107030020	CARROLL CO	INB0732_00	WILDCAT CREEK, MIDDLE FORK	E. COLI
UPPER WABASH	05120107030020	CLINTON CO	INB0732_T1040	WILDCAT CREEK, MIDDLE FORK-UNNAMED TRIBUTARY	E. COLI

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UPPER WABASH	05120107030020	CARROLL CO	INB0732_T1042	WILDCAT CREEK, MIDDLE FORK	E. COLI
UPPER WABASH	05120107030020	CARROLL CO	INB0732_T1043	MIDDLE FORK BRANCH-SCOFIELD DITCH	E. COLI
UPPER WABASH	05120107030020	CARROLL CO	INB0732_T1043	MIDDLE FORK BRANCH-SCOFIELD DITCH	DISSOLVED OXYGEN
UPPER WABASH	05120107030020	CLINTON CO	INB0732_T1044	ROBERTSON BRANCH	E. COLI
UPPER WABASH	05120107030030	CLINTON CO	INB0733_00	MIDDLE FORK WILDCAT CREEK AND OTHER TRIBUTAR- IES	E. COLI
UPPER WABASH	05120107030030	CLINTON CO	INB0733_T1027	SILVERTHORN BRANCH DOWNSTREAM OF ROSSVILLE STP	E. COLI
UPPER WABASH	05120107030040	CLINTON CO	INB0734_00	CAMPBELLS RUN AND TRIBUTARIES	E. COLI
UPPER WABASH	05120107030040	CLINTON CO	INB0734_T1045	CAMPBELLS RUN - MAINSTEM	E. COLI
UPPER WABASH	05120107030050	CLINTON CO	INB0735_00	CRIFE RUN	E. COLI
UPPER WABASH	05120107030050	CLINTON CO	INB0735_T1046	CAMPBELLS RUN	E. COLI
UPPER WABASH	05120107030060	TIPPECANOE CO	INB0736_00	WILDCAT CREEK (UPSTREAM OF TRIBUTARIES)	E. COLI
UPPER WABASH	05120107030060	CLINTON CO	INB0736_01	WILDCAT CREEK (DOWNSTREAM OF TRIBUTARIES)	E. COLI
UPPER WABASH	05120107030060	TIPPECANOE CO	INB0736_T1001	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107030060	TIPPECANOE CO	INB0736_T1002	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107030060	TIPPECANOE CO	INB0736_T1003	HOG RUN-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107030060	CLINTON CO	INB0736_T1004	HOG RUN	E. COLI
UPPER WABASH	05120107030070	TIPPECANOE CO	INB0737_00	MIDDLE FORK WILDCAT CREEK - PETTIT	E. COLI
UPPER WABASH	05120107040010	CLINTON CO	INB0741_02	TALBERT DITCH	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040010	CLINTON CO	INB0741_T1002	DUNN DITCH-CRIPE-DITCH	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040010	CLINTON CO	INB0741_T1004	SOUTH FORK WILDCAT CREEK	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040020	CLINTON CO	INB0742_T1001	JENKINS DITCH	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040020	CLINTON CO	INB0742_T1048	WILDCAT CREEK, SOUTH FORK-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040030	CLINTON CO	INB0743_00	PRAIRIE CREEK (HEADWATER)	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040030	CLINTON CO	INB0743_02	PRAIRIE CREEK (THROUGH FRANKFORT, IN)	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040030	CLINTON CO	INB0743_T1002	MANN DITCH	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040040	CLINTON CO	INB0744_T1019	SOUTH FORK WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107040050	CLINTON CO	INB0745_00	KILMORE CREEK - SHANTY CREEK	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040060	CLINTON CO	INB0746_00	SWAMP CREEK-MOTT DITCH	IBC/AMMONIA
UPPER WABASH	05120107040060	CLINTON CO	INB0746_00	SWAMP CREEK-MOTT DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120107040060	CLINTON CO	INB0746_00	SWAMP CREEK-MOTT DITCH	IBC/CHLORIDES
UPPER WABASH	05120107040060	CLINTON CO	INB0746_T1001	FLOYD DITCH-PARIS DITCH	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040060	CLINTON CO	INB0746_T1002	SWAMP CREEK-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040070	CLINTON CO	INB0747_T1001	DAVIS DITCH	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040070	CLINTON CO	INB0747_T1002	STUMP DITCH	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040090	CLINTON CO	INB0749_00	KILMORE CREEK	E. COLI
UPPER WABASH	05120107040090	CLINTON CO	INB0749_T1001	BOYLES DITCH-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107040090	CLINTON CO	INB0749_T1001	BOYLES DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040090	CLINTON CO	INB0749_T1002	BOYLES DITCH	E. COLI
UPPER WABASH	05120107040090	CLINTON CO	INB0749_T1002	BOYLES DITCH	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040100	CLINTON CO	INB074A_T1020	SOUTH FORK WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107040100	CLINTON CO	INB074A_T1048	HEAVILON DITCH - HEADWATER	E. COLI
UPPER WABASH	05120107040100	CLINTON CO	INB074A_T1048	HEAVILON DITCH - HEADWATER	DISSOLVED OXYGEN
UPPER WABASH	05120107040120	CLINTON CO	INB074C_00	LAURAMIE CREEK (CLINTON CO)	E. COLI
UPPER WABASH	05120107040120	CLINTON CO	INB074C_00	LAURAMIE CREEK (CLINTON CO)	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040120	TIPPECANOE CO	INB074C_01	LAURAMIE CREEK (TIPPECANOE CO)	E. COLI
UPPER WABASH	05120107040120	CLINTON CO	INB074C_T1001	MCCLELLEN FICKLE DITCH	E. COLI
UPPER WABASH	05120107040120	CLINTON CO	INB074C_T1001	MCCLELLEN FICKLE DITCH	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040120	TIPPECANOE CO	INB074C_T1002	HENTZ DITCH	E. COLI
UPPER WABASH	05120107040120	TIPPECANOE CO	INB074C_T1003	ANDERSON DITCH	E. COLI
UPPER WABASH	05120107040130	TIPPECANOE CO	INB074D_T1050	UNNAMED TRIBUTARY BASIN	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107040140	TIPPECANOE CO	INB074E_00	SOUTH FORK WILDCAT CREEK - CARY CAMP	E. COLI
UPPER WABASH	05120107040140	TIPPECANOE CO	INB074E_T1023	SOUTH FORK WILDCAT CREEK	E. COLI
UPPER WABASH	05120107050010	TIPPECANOE CO	INB0751_00	DRY RUN AND OTHER TRIBUTARIES	E. COLI
UPPER WABASH	05120107050010	TIPPECANOE CO	INB0751_T1024	WILDCAT CREEK - OSRW	E. COLI
UPPER WABASH	05120107050010	TIPPECANOE CO	INB0751_T1028	WILDCAT CREEK	E. COLI
UPPER WABASH	05120107010090	HOWARD CO	INB07P1003_00	KOKOMO RESERVOIR 2	E. COLI
GREAT MIAMI	05080002070030	UNION CO	ING0273_00	LITTLE FOURMILE CREEK	E. COLI

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GREAT MIAMI	05080003010010	WAYNE CO	ING0311_T1001	WHITEWATER RIVER, WF	E. COLI
GREAT MIAMI	05080003010020	WAYNE CO	ING0312_T1002	WHITEWATER RIVER, WEST FORK	E. COLI
GREAT MIAMI	05080003010030	WAYNE CO	ING0313_00	NETTLE CREEK	E. COLI
GREAT MIAMI	05080003010060	WAYNE CO	ING0316_00	WHITEWATER RIVER - CRIETZ CREEK	E. COLI
GREAT MIAMI	05080003010060	WAYNE CO	ING0316_T1004	WHITEWATER RIVER, WEST FORK	E. COLI
GREAT MIAMI	05080003010100	WAYNE CO	ING031A_00	MARTINDALE CREEK - ECONOMY	E. COLI
GREAT MIAMI	05080003010080	WAYNE CO	ING031B_00	MORGAN CREEK - WEST BROOK	E. COLI
GREAT MIAMI	05080003010120	WAYNE CO	ING031C_00	MARTINDALE CREEK - BEARD RUN	E. COLI
GREAT MIAMI	05080003010140	WAYNE CO	ING031E_T1005	WHITEWATER RIVER - MILTON	E. COLI
GREAT MIAMI	05080003020040	WAYNE CO	ING0324_00	GREENS FORK CREEK - WILLIAMSBURG CREEK	E. COLI
GREAT MIAMI	05080003020050	WAYNE CO	ING0325_00	GREENS FORK	E. COLI
GREAT MIAMI	05080003020060	WAYNE CO	ING0326_00	GREENS FORK	E. COLI
GREAT MIAMI	05080003020060	WAYNE CO	ING0326_T1001	FRANKLIN CREEK	E. COLI
GREAT MIAMI	05080003020070	FAYETTE CO	ING0327_T1001	MIXED CREEK	E. COLI
GREAT MIAMI	05080003020070	WAYNE CO	ING0327_T1006	WHITEWATER RIVER, WEST FORK	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_00	NOLANDS FORK	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1001	BOWEN DITCH	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1002	CRETE DRAIN	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1003	NOLANDS FORK-UNNAMED TRIBUTARY	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1004	KELLY DITCH	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1005	NOLANDS FORK-UNNAMED TRIBUTARIES	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1006	NOLANDS FORK-UNNAMED TRIBUTARY	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1007	POLE CREEK	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1008	LINE BROOK	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1009	SLOW RUN	E. COLI
GREAT MIAMI	05080003030020	WAYNE CO	ING0332_01	NOLANDS FORK	E. COLI
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_00	NOLANDS FORK	E. COLI
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_00	NOLANDS FORK	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1001	WEBSTER CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1002	WEB BRANCH	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1003	SINGLE CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1004	LONG CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1005	CAIN DITCH	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1006	RICH CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1007	FORK CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1008	NOLANDS FORK-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1009	GEPHART DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1010	GEPHART DITCH	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1011	CROWN CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030050	FAYETTE CO	ING0335_00	NOLANDS FORK	E. COLI
GREAT MIAMI	05080003040010	FAYETTE CO	ING0341_T1007	WHITEWATER RIVER, WEST FORK	E. COLI
GREAT MIAMI	05080003040060	FAYETTE CO	ING0346_00	WILLIAMS CREEK	E. COLI
GREAT MIAMI	05080003040070	FAYETTE CO	ING0347_01	WILLIAMS CREEK	E. COLI
GREAT MIAMI	05080003040130	FRANKLIN CO	ING034D_01	WHITEWATER CANAL	E. COLI
GREAT MIAMI	05080003050050	FRANKLIN CO	ING0355_00	BULL FORK SALT CREEK	DISSOLVED OXYGEN
GREAT MIAMI	05080003060020	FRANKLIN CO	ING0362_01	WHITEWATER CANAL	E. COLI
GREAT MIAMI	05080003070040	WAYNE CO	ING0374_00	MIDDLE FORK EAST FORK WHITEWATER RIVER (UP-STREAM)	E. COLI
GREAT MIAMI	05080003070040	WAYNE CO	ING0374_01	MIDDLE FORK EAST FORK WHITEWATER RIVER (DOWN-STREAM)	E. COLI
GREAT MIAMI	05080003070050	WAYNE CO	ING0375_00	WEST FORK EAST FORK WHITEWATER RIVER	E. COLI
GREAT MIAMI	05080003070050	WAYNE CO	ING0375_T1023	WHITEWATER RIVER, WF OF EAST FORK	E. COLI
GREAT MIAMI	05080003070060	WAYNE CO	ING0376_T1013	WHITEWATER RIVER, EAST FORK	E. COLI
GREAT MIAMI	05080003070060	WAYNE CO	ING0376_T1027	WHITEWATER RIVER, EAST FORK	E. COLI
GREAT MIAMI	05080003070070	WAYNE CO	ING0377_01	LICK CREEK	E. COLI
GREAT MIAMI	05080003070080	WAYNE CO	ING0378_01	ELKHORN CREEK	E. COLI
GREAT MIAMI	05080003070090	WAYNE CO	ING0379_T1001	WHITE RIVER, EAST FORK-UNNAMED TRIBUTARIES (HUNT ROAD)	E. COLI
GREAT MIAMI	05080003070130	UNION CO	ING037D_00	SILVER CREEK - WHITEWATER LAKE	E. COLI
GREAT MIAMI	05080003070150	UNION CO	ING037F_00	HANNA CREEK - DUBOIS CREEK	E. COLI
GREAT MIAMI	05080003080030	FRANKLIN CO	ING0383_00	BLUE CREEK - NEUKAM BRANCH	E. COLI
GREAT MIAMI	05080003080040	FRANKLIN CO	ING0384_T1001	WOLF CREEK	E. COLI
GREAT MIAMI	05080003080040	FRANKLIN CO	ING0384_T1002	BLUE CREEK	E. COLI
GREAT MIAMI	05080003080080	FRANKLIN CO	ING0388_00	BIG CEDAR CREEK	E. COLI

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GREAT MIAMI	05080003080080	FRANKLIN CO	ING0388_T1001	BIG CEDAR CREEK-UNNAMED TRIBUTARY (SLEEPY HOLLOW)	E. COLI
GREAT MIAMI	05080003080080	FRANKLIN CO	ING0388_T1002	BIG CEDAR CREEK-UNNAMED TRIBUTARIES	E. COLI
GREAT MIAMI	05080003080100	DEARBORN CO	ING038A_00	LOGAN CREEK AND OTHER TRIBS	E. COLI
EAST FORK WHITE	05120204010010	HENRY CO	INW0411_T1001	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010020	HENRY CO	INW0412_00	MOON BROOK AND OTHER TRIBUTARYS	E. COLI
EAST FORK WHITE	05120204010020	HENRY CO	INW0412_T1002	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010030	HENRY CO	INW0413_00	LITTLE BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010040	HENRY CO	INW0414_T1003	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010040	HENRY CO	INW0414_T1003	BIG BLUE RIVER	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120204010050	HENRY CO	INW0415_T1004	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010050	HENRY CO	INW0415_T1004	BIG BLUE RIVER	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120204010070	HENRY CO	INW0417_00	DUCK CREEK-DRY FORK	E. COLI
EAST FORK WHITE	05120204010080	HENRY CO	INW0418_T1005	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010090	RUSH CO	INW0419_01	BUCK CREEK (DOWNSTREAM OF BIG BLUE RESERVOIR)1.66	E. COLI
EAST FORK WHITE	05120204010110	RUSH CO	INW041B_00	MONTGOMERY CREEK	E. COLI
EAST FORK WHITE	05120204010110	RUSH CO	INW041B_T1006	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010120	RUSH CO	INW041C_T1007	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010130	RUSH CO	INW041D_T1008	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010140	HANCOCK CO	INW041E_T1009	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204020030	HANCOCK CO	INW0423_00	SIXMILE CREEK	E. COLI
EAST FORK WHITE	05120204020030	HANCOCK CO	INW0423_T1010	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204020040	HANCOCK CO	INW0424_00	NAMELESS CREEK	E. COLI
EAST FORK WHITE	05120204020050	SHELBY CO	INW0425_T1011	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204020060	SHELBY CO	INW0426_T1012	BIG BLUE RIVER-PRAIRE BRANCH (SHELBY)	E. COLI
EAST FORK WHITE	05120204020070	SHELBY CO	INW0427_T1013	BIG BLUE RIVER-BASS DITCH	E. COLI
EAST FORK WHITE	05120204020080	SHELBY CO	INW0428_00	FOREMAN BRANCH TRIBUTARYS	E. COLI
EAST FORK WHITE	05120204020080	SHELBY CO	INW0428_T1014	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204030060	SHELBY CO	INW0436_00	RAYS CROSSING TRIBUTARYS	E. COLI
EAST FORK WHITE	05120204030060	SHELBY CO	INW0436_T1015	LITTLE BLUE RIVER	E. COLI
EAST FORK WHITE	05120204040070	SHELBY CO	INW0447_01	BRANDYWINE CREEK (DOWNSTREAM OF SWAMP CREEK)	E. COLI
EAST FORK WHITE	05120204040080	SHELBY CO	INW0448_00	BRANDYWINE CREEK	E. COLI
EAST FORK WHITE	05120204050010	SHELBY CO	INW0451_T1018	BIG BLUE RIVER-SR44	E. COLI
EAST FORK WHITE	05120204050030	SHELBY CO	INW0453_T1019	BIG BLUE RIVER-MARIETTA	E. COLI
EAST FORK WHITE	05120204050050	JOHNSON CO	INW0455_T1020	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204060030	HANCOCK CO	INW0463_T1030	SUGAR CREEK	E. COLI
EAST FORK WHITE	05120204060040	HANCOCK CO	INW0464_T1003	KIRKHOFF DITCH	E. COLI
EAST FORK WHITE	05120204060040	HANCOCK CO	INW0464_T1031	SUGAR CREEK	E. COLI
EAST FORK WHITE	05120204060050	SHELBY CO	INW0465_T1032	SUGAR CREEK SMITH-JOHNSON DITCH	E. COLI
EAST FORK WHITE	05120204070050	SHELBY CO	INW0475_00	BUCK CREEK	E. COLI
EAST FORK WHITE	05120204080010	SHELBY CO	INW0481_T1034	SUGAR CREEK-BROAD RIPPLE CAMP	E. COLI

EAST FORK WHITE	05120204080050	JOHNSON CO	INW0485_T1035	SUGAR CREEK-NEEDHAM	E. COLI
EAST FORK WHITE	05120204080080	JOHNSON CO	INW0488_00	LITTLE SUGAR CREEK-CUTSINGER DITCH	E. COLI
EAST FORK WHITE	05120204080090	SHELBY CO	INW0489_T1036	SUGAR CREEK	E. COLI
EAST FORK WHITE	05120204080100	JOHNSON CO	INW048A_T1037	SUGAR CREEK	E. COLI
EAST FORK WHITE	05120204090010	JOHNSON CO	INW0491_01	EAST GRASSY CREEK	E. COLI
EAST FORK WHITE	05120204090020	JOHNSON CO	INW0492_00	ROBERTS DITCH AND OTHER TRIBUTARYS	E. COLI
EAST FORK WHITE	05120204090020	JOHNSON CO	INW0492_T1039	YOUNGS CREEK	E. COLI
EAST FORK WHITE	05120204090020	JOHNSON CO	INW0492_T1096	YOUNGS CREEK	E. COLI
EAST FORK WHITE	05120204090030	JOHNSON CO	INW0493_T1040	YOUNGS CREEK	E. COLI
EAST FORK WHITE	05120204090030	JOHNSON CO	INW0493_T1050	BREWER DITCH	E. COLI
EAST FORK WHITE	05120204090030	JOHNSON CO	INW0493_T1051	CANARY DITCH	E. COLI
EAST FORK WHITE	05120204090040	JOHNSON CO	INW0494_00	RAY CREEK TRIBUTARYS	E. COLI
EAST FORK WHITE	05120204090040	JOHNSON CO	INW0494_T1041	YOUNGS CREEK	E. COLI
EAST FORK WHITE	05120204090050	JOHNSON CO	INW0495_00	HURRICANE CREEK (JOHNSON)	E. COLI
EAST FORK WHITE	05120204090050	JOHNSON CO	INW0496_T1042	YOUNGS CREEK	E. COLI
EAST FORK WHITE	05120204090060	JOHNSON CO	INW0497_00	AMITY DITCH TRIBUTARYS	E. COLI
EAST FORK WHITE	05120204090060	JOHNSON CO	INW0497_T1043	YOUNGS CREEK	E. COLI
EAST FORK WHITE	05120204090080	JOHNSON CO	INW0498_00	HERRIOTTS CREEK (UPSTREAM OF PISGAH LAKE)	E. COLI
EAST FORK WHITE	05120204090080	JOHNSON CO	INW0498_T1038	SUGAR CREEK	E. COLI
EAST FORK WHITE	05120204100010	BARTHOLOMEW CO	INW04A1_M1045	DRIFTWOOD RIVER-HENDRICKS FORD (GAGE)	E. COLI
EAST FORK WHITE	05120204100040	BARTHOLOMEW CO	INW04A4_M1046	DRIFTWOOD RIVER-PLEASANT VIEW VILLAGE	E. COLI
EAST FORK WHITE	05120204100060	BARTHOLOMEW CO	INW04A6_M1047	DRIFTWOOD RIVER	E. COLI
EAST FORK WHITE	05120204100070	BARTHOLOMEW CO	INW04A7_M1048	DRIFTWOOD RIVER	E. COLI
EAST FORK WHITE	05120205030070	RUSH CO	INW0537_00	LITTLE FLATROCK RIVER-AT COUNTY LINE	E. COLI
EAST FORK WHITE	05120205040010	DECATUR CO	INW0541_T1010	FLATROCK RIVER-ST. OMER	E. COLI
EAST FORK WHITE	05120205040030	SHELBY CO	INW0543_T1011	FLATROCK RIVER-GERMANTOWN (GAGE)	E. COLI
EAST FORK WHITE	05120205050010	SHELBY CO	INW0551_T1012	FLATROCK RIVER-GENEVA	E. COLI
EAST FORK WHITE	05120205050210	BARTHOLOMEW CO	INW055N_00	FLATROCK RIVER-COLUMBUS TRIBUTARYS	E. COLI
EAST FORK WHITE	05120206010010	DECATUR CO	INW0611_00	CLIFTY CREEK-MIDDLE BRANCH	E. COLI
EAST FORK WHITE	05120206010020	DECATUR CO	INW0612_00	CLIFTY CREEK-SOUTH BRANCH	E. COLI
EAST FORK WHITE	05120206010030	DECATUR CO	INW0613_01	CLIFTY CREEK, NORTH FORK	E. COLI
EAST FORK WHITE	05120206010060	DECATUR CO	INW0616_00	CLIFTY CREEK (UPSTREAM OF POND BRANCH)	E. COLI
EAST FORK WHITE	05120206010070	BARTHOLOMEW CO	INW0617_00	CLIFTY CREEK-HARTSVILLE	E. COLI
EAST FORK WHITE	05120206010080	BARTHOLOMEW CO	INW0618_00	FALL FORK CLIFTY CREEK-HEADWATERS	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120206010120	BARTHOLOMEW CO	INW061C_00	CLIFTY CREEK-NEWBERN	E. COLI
EAST FORK WHITE	05120206010130	BARTHOLOMEW CO	INW061D_01	DUCK CREEK (DOWNSTREAM OF SHAEFER LAKE)	E. COLI
EAST FORK WHITE	05120206010140	BARTHOLOMEW CO	INW061E_00	CLIFTY CREEK	E. COLI
EAST FORK WHITE	05120206010150	BARTHOLOMEW CO	INW061F_00	SLOAN BRANCH CLIFTY CREEK	E. COLI
EAST FORK WHITE	05120206010160	BARTHOLOMEW CO	INW061G_00	CLIFTY CREEK-COLUMBUS	E. COLI

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EAST FORK WHITE	05120206020030	BARTHOLOMEW CO	INW0623_M1013	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206020070	BARTHOLOMEW CO	INW0627_M1014	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206030010	DECATUR CO	INW0631_T1002	SAND CREEK	E. COLI
EAST FORK WHITE	05120206030030	DECATUR CO	INW0633_T1006	MUDDY FORK (DOWNSTREAM OF GREENSBURG CITY PARK LAKE)	E. COLI
EAST FORK WHITE	05120206030040	DECATUR CO	INW0634_T1004	SAND CREEK-GAYNORSVILLE	E. COLI
EAST FORK WHITE	05120206030070	DECATUR CO	INW0637_T1005	SAND CREEK	E. COLI
EAST FORK WHITE	05120206040010	JACKSON CO	INW0641_M1015	EAST FORK WHITE R-REDDINGTON	E. COLI
EAST FORK WHITE	05120206040030	JACKSON CO	INW0643_M1016	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206040050	JACKSON CO	INW0645_M1017	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657_00	WHITE CREEK	E. COLI
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657_01	WHITE CREEK, WEST BRANCH	E. COLI
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657_T1024	WHITE CREEK-UNNAMED TRIBUTARY	DISSOLVED OXYGEN
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657_T1024	WHITE CREEK-UNNAMED TRIBUTARY	E. COLI
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657_T1025	SPRAY CREEK	E. COLI
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657_T1026	SPRAY CREEK-UNNAMED TRIBUTARY	E. COLI
EAST FORK WHITE	05120206060010	JACKSON CO	INW0661_M1018	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206060020	JACKSON CO	INW0662_M1019	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206060040	JACKSON CO	INW0664_M1020	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206060050	JACKSON CO	INW0665_M1021	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120207010060	JEFFERSON CO	INW0716_00	BIG CREEK-HARBERTS CREEK	E. COLI
EAST FORK WHITE	05120207010090	JEFFERSON CO	INW0719_00	LITTLE CREEK	E. COLI
EAST FORK WHITE	05120207010100	JEFFERSON CO	INW071A_00	BIG CREEK (UPSTREAM OF WALTON CREEK)	E. COLI
EAST FORK WHITE	05120207030070	JACKSON CO	INW0737_00	AUSTIN AND OTHER TRIBUTARIES	E. COLI
EAST FORK WHITE	05120207030070	JACKSON CO	INW0737_T1008	MUSCATATUCK RIVER	E. COLI
EAST FORK WHITE	05120207030070	JACKSON CO	INW0737_T1009	MUSCATATUCK RIVER	DISSOLVED OXYGEN
EAST FORK WHITE	05120207030070	JACKSON CO	INW0737_T1009	MUSCATATUCK RIVER	E. COLI
EAST FORK WHITE	05120207040130	SCOTT CO	INW074D_00	STUCKER FORK(W L MCCLAIN DITCH)	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120207040130	SCOTT CO	INW074D_00	STUCKER FORK(W L MCCLAIN DITCH)	CYANIDE
EAST FORK WHITE	05120207040130	SCOTT CO	INW074D_00	STUCKER FORK(W L MCCLAIN DITCH)	DISSOLVED OXYGEN
EAST FORK WHITE	05120207040130	SCOTT CO	INW074D_00	STUCKER FORK(W L MCCLAIN DITCH)	AMMONIA
EAST FORK WHITE	05120207080010	JACKSON CO	INW0781_01	MUTTON CREEK (DOWNSTREAM OF LITTLE MUTTON CREEK)	E. COLI
EAST FORK WHITE	05120207090010	JACKSON CO	INW0791_00	VERNON FORK-LEWIS BRANCH	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120207090060	JACKSON CO	INW0796_T1002	MUSCATATUCK RIVER (UPSTREAM OF VERNON FORK)	E. COLI
EAST FORK WHITE	05120207090060	JACKSON CO	INW0796_T1002	MUSCATATUCK RIVER (UPSTREAM OF VERNON FORK)	DISSOLVED OXYGEN
EAST FORK WHITE	05120207090060	JACKSON CO	INW0796_T1003	MUSCATATUCK RIVER (DOWNSTREAM OF VERNON FORK)	DISSOLVED OXYGEN
EAST FORK WHITE	05120207100060	WASHINGTON CO	INW07A6_01	ELK CREEK (DOWNSTREAM OF ARNOLD CREEK)	E. COLI
EAST FORK WHITE	05120207110010	JACKSON CO	INW07B1_M1003	MUSCATATUCK RIVER	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120207110010	JACKSON CO	INW07B1_M1003	MUSCATATUCK RIVER	DISSOLVED OXYGEN
EAST FORK WHITE	05120207110040	WASHINGTON CO	INW07B4_00	DELANY CREEK	E. COLI

EAST FORK WHITE	05120207110050	JACKSON CO	INW07B5_M1004	MUSCATATUCK RIVER-SNYDER DITCH	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120207110050	JACKSON CO	INW07B5_M1004	MUSCATATUCK RIVER-SNYDER DITCH	DISSOLVED OXYGEN
EAST FORK WHITE	05120208010020	WASHINGTON CO	INW0812_00	BUFFALO CREEK	E. COLI
EAST FORK WHITE	05120208010070	WASHINGTON CO	INW0817_00	TWIN CREEK-LOWER	E. COLI
EAST FORK WHITE	05120208020010	WASHINGTON CO	INW0821_00	CLIFTY CREEK	E. COLI
EAST FORK WHITE	05120208030040	LAWRENCE CO	INW0834_T1052	GUTHRIE CREEK	E. COLI
EAST FORK WHITE	05120208040030	LAWRENCE CO	INW0843_00	LEATHERWOOD CREEK-HEADWATERS	E. COLI
EAST FORK WHITE	05120208040040	LAWRENCE CO	INW0844_00	SOUTH FORK LEATHERWOOD CREEK	E. COLI
EAST FORK WHITE	05120208040050	LAWRENCE CO	INW0845_00	LEATHERWOOD CREEK AND OTHER TRIBUTARYS	E. COLI
EAST FORK WHITE	05120208090010	MONROE CO	INW0891_T1018	JACKSON CREEK	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120208090010	MONROE CO	INW0891_T1019	EAST FORK JACKSON CREEK	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120208090030	MONROE CO	INW0893_T1022	CLEAR CREEK	E. COLI
EAST FORK WHITE	05120208100030	MARTIN CO	INW08A3_M1058	EAST FORK WHITE RIVER	LEAD
EAST FORK WHITE	05120208100030	MARTIN CO	INW08A3_M1058	EAST FORK WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120208120030	MARTIN CO	INW08C3_T1059	BEAVER CREEK	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120208130070	MARTIN CO	INW08D7_00	BOGGS CREEK	E. COLI
EAST FORK WHITE	05120208150070	ORANGE CO	INW08F7_T1040	LOST RIVER-SINK	E. COLI
EAST FORK WHITE	05120208160050	ORANGE CO	INW08G5_T1062	LICK CREEK (SCOTT HOLLOW TO MOUTH)	E. COLI
EAST FORK WHITE	05120208160060	ORANGE CO	INW08G6_02	LICK CREEK	E. COLI
EAST FORK WHITE	05120208160070	ORANGE CO	INW08G7_T1063	FRENCH LICK CREEK (ABOVE FRENCH LICK WATER INTAKE)	E. COLI
EAST FORK WHITE	05120208160070	ORANGE CO	INW08G7_T1064	FRENCH LICK CREEK (SAND CREEK TO MOUTH)	E. COLI
EAST FORK WHITE	05120208160080	ORANGE CO	INW08G8_T1036	LOST RIVER-WEST BADEN	E. COLI
EAST FORK WHITE	05120208160080	ORANGE CO	INW08G8_T1065	LOST RIVER (ABOVE SPRINGS VALLEY INTAKE)	E. COLI
EAST FORK WHITE	05120208160140	MARTIN CO	INW08GE_T1033	LOST RIVER	E. COLI
EAST FORK WHITE	05120208170010	DUBOIS CO	INW08H1_M1015	EAST FORK WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES

Waterbodies Proposed to be Added to Category 5B on the Basis of Information Received Since the 2004 303(d) List was Developed

Category 5B includes all waterbodies with fish consumption advisories (FCAs). Waterbodies that have additional impairments are also listed in Category 5A. IDEM has reevaluated the Category 5B list against the most recent fish consumption advisory published in 2004. As a result of these new assessments, IDEM proposes adding a total of 34 waterbodies to Category 5B. These waterbodies are shown in Table 7.

Table 7: Waterbodies proposed to be added to Category 5B of Indiana's 303(d) list.

BASIN	14-DIGIT HUC	COUNTY	WATERBODY SEGMENT ID	WATERBODY SEGMENT NAME	CAUSE OF IMPAIRMENT
GREAT LAKES	04050001200020	LA GRANGE CO	INJ01P1128_00	ADAMS LAKE	FCA FOR MERCURY
GREAT MIAMI	05080003070180	UNION CO	ING03P1019_00	BROOKVILLE RESERVOIR	FCA FOR PCBS
GREAT LAKES	04050001170050	SCOTT CO	INW07P1040_00	HARDY LAKE	FCA FOR MERCURY
GREAT LAKES	04050001110110	MARSHALL CO	INK01P1073_00	LAKE OF THE WOODS	FCA FOR PCBS
UPPER WABASH	05120106020060	SULLIVAN CO	INB11P1028_00	TURTLE CREEK RESERVOIR	FCA FOR PCBS
UPPER WABASH	05120106020060	ST JOSEPH CO	INK01P1066_00	WORSTER LAKE	FCA FOR PCBS
UPPER WABASH	05120106020060	KOSCIUSKO CO	INB06P1007_00	WINONA LAKE	FCA FOR MERCURY
EAST FORK WHITE	05120208170010	DUBOIS CO	INW08H1_M1015	EAST FORK WHITE RIVER	FCA FOR MERCURY
OHIO RIVER	05140101	CLARK CO	INH3_M01	OHIO RIVER - BATTLE CR TO MCALPINE DAM	FCA FOR PCBS
OHIO RIVER	05140201	WARRICK CO	INH6_00	OHIO RIVER - CANNELTON TO NEWBURGH	FCA FOR PCBS
OHIO RIVER	05140202	POSEY CO	INH8_M01	OHIO RIVER - EVANSVILLE TO UNIONTOWN	FCA FOR PCBS
OHIO RIVER	05140202	VANDERBURGH CO	INH8_00	OHIO RIVER - GREEN RIVER TO EVANSVILLE	FCA FOR PCBS
OHIO RIVER	05140101	CLARK CO	INH3_00	OHIO RIVER - KENTUCKY R TO BATTLE CR	FCA FOR PCBS
OHIO RIVER	05090203	SWITZERLAND CO	INH2_00	OHIO RIVER - MARKLAND TO KENTUCKY RIVER	FCA FOR PCBS
OHIO RIVER	05140201	PERRY CO	INH5_00	OHIO RIVER - SALT CR TO CANNELTON	FCA FOR PCBS
OHIO RIVER	05140202	POSEY CO	INH9_00	OHIO RIVER - UNIONTOWN TO WABASH R	FCA FOR PCBS

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EAST FORK WHITE	05120206030190	JACKSON CO	INW063K T1011	SAND CREEK	FCA FOR PCBS
EAST FORK WHITE	05120206030090	JENNINGS CO	INW0639 T1007	SAND CREEK	FCA FOR PCBS
EAST FORK WHITE	05120206030090	JENNINGS CO	INW0639 T1007	SAND CREEK	FCA FOR PCBS
EAST FORK WHITE	05120206030100	JENNINGS CO	INW063A T1008	SAND CREEK	FCA FOR PCBS
EAST FORK WHITE	05120206030110	JENNINGS CO	INW063B T1009	SAND CREEK	FCA FOR PCBS
EAST FORK WHITE	05120206030170	JENNINGS CO	INW063H T1010	SAND CREEK	FCA FOR PCBS
LOWER WABASH	05120110050090	PARKE CO	INB1059 T1010	SUGAR CREEK	FCA FOR MERCURY
LOWER WABASH	05120110050100	PARKE CO	INB105A T1011	SUGAR CREEK	FCA FOR MERCURY
LOWER WABASH	05120110060070	PARKE CO	INB1067 T1012	SUGAR CREEK	FCA FOR MERCURY
LOWER WABASH	05120110060090	PARKE CO	INB1069 T1013	SUGAR CREEK-MAIN STEM	FCA FOR MERCURY
LOWER WABASH	05120108090040	VERMILLION CO	INB0894 M1020	WABASH RIVER	FCA FOR MERCURY
LOWER WABASH	05120108150020	VERMILLION CO	INB08F2 M1024	WABASH RIVER	FCA FOR MERCURY
LOWER WABASH	05120108200010	VERMILLION CO	INB08M1 M1031	WABASH RIVER	FCA FOR MERCURY
LOWER WABASH	05120108200030	VERMILLION CO	INB08M3 M1032	WABASH RIVER	FCA FOR MERCURY
LOWER WABASH	05120108200040	VERMILLION CO	INB08M4 M1033	WABASH RIVER	FCA FOR MERCURY
WEST FORK WHITE	05120201090040	MARION CO	INW0195 M1054	WHITE RIVER	FCA FOR PCBS
WEST FORK WHITE	05120201040100	HAMILTON CO	INW014A T1019	WHITE RIVER-PERKINSVILLE	FCA FOR MERCURY
GREAT MIAMI	05080003010020	WAYNE CO	ING0312 T1002	WHITEWATER RIVER, WEST FORK	FCA FOR PCBS
GREAT MIAMI	05080003010010	WAYNE CO	ING0311 T1001	WHITEWATER RIVER, WF	FCA FOR PCBS

Summary

Table 8 summarizes the proposed removals from and additions to Indiana's 303(d) list in terms of individual waterbodies. Table 9 provides a comparison of the 2004 and 2006 303(d) listed waterbodies by parameter. Figure 2 shows the location of waterbodies proposed to be removed from Category 5A of the list, and Figure 3 shows the location of those proposed to be removed from Category 5A. The proposed changes will result in the draft 2006 303(d) list containing a total of two thousand two hundred ten (2210) individual impairments compared to two thousand two hundred twenty (2220) individual impairments for the 2004 303(d) list (waterbodies with multiple impairments are listed once for each impairment).

Table 10 consists of the proposed Category 5A waterbodies, and Table 11 consists of those proposed for Category 5B. Together, these two (2) tables comprise the draft 2006 303(d) list of Impaired Waters for Indiana.

Table 8: Proposed changes to Indiana's 303(d) List of Impaired Waters in terms of individual waterbodies.

NATURE OF PROPOSED CHANGES TO 2004 303(D) LIST	NUMBER OF STREAM SEGMENTS	TOTAL STREAM MILES	NUMBER OF LAKES	TOTAL LAKE ACRES
Waterbodies proposed to be removed from Category 5A on the basis of information received since the 2004 303(d) list was submitted	40	442	0	0
Waters removed from Category 5A on the basis of changes to IDEM's assessment criteria for biological data	102	698	0	0
Waterbodies moved from Category 5A to Category 4A due to completion of a TMDL	217	1,312	0	0
Other waterbodies not previously listed to be placed in Category 4A due to completion of a TMDL	82	522	0	0
Waterbodies proposed to be added from Category 5A on the basis of new assessments	579	3,184	1	484
Waterbodies proposed to be removed from Category 5B on the basis of new assessments.	249	1,245	48	41,231
Waters proposed to be added to Category 5B on the basis of new assessments	27	445	7	7,116

Table 9: Comparison of the 2004 303(d) List and proposed 2006 303(d) listed waterbodies by parameter.

CAUSE OF IMPAIRMENT	NUMBER OF IMPAIRMENTS FOR 2004 303(D) LIST	NUMBER OF IMPAIRMENTS FOR DRAFT 2006 303(D) LIST
ALGAE	17	18
AMMONIA	6	5
CHLORIDES	6	7
COPPER	3	2
CYANIDE	13	14
DIOXINS	4	4
DISSOLVED OXYGEN	27	42
E. COLI	659	807
IBC/AMMONIA	0	25
IBC/CHLORIDES	0	32
IBC/CONDUCTIVITY	0	29
IBC/COPPER	0	1
IBC/DISSOLVED OXYGEN	0	13
IMPAIRED BIOTIC COMMUNITIES	271	281
LEAD	2	3
LOW DISSOLVED OXYGEN	2	2
NICKEL	1	1

NUTRIENTS	24	27
OIL AND GREASE	3	3
PESTICIDES	1	1
PH	10	10
SILTATION	1	1
SULFATES	26	26
TASTE AND ODOR	12	12
TOTAL DISSOLVED SOLIDS	42	41
ZINC	3	3
FISH CONSUMPTION ADVISORIES	1087	800
TOTAL	2220	2210

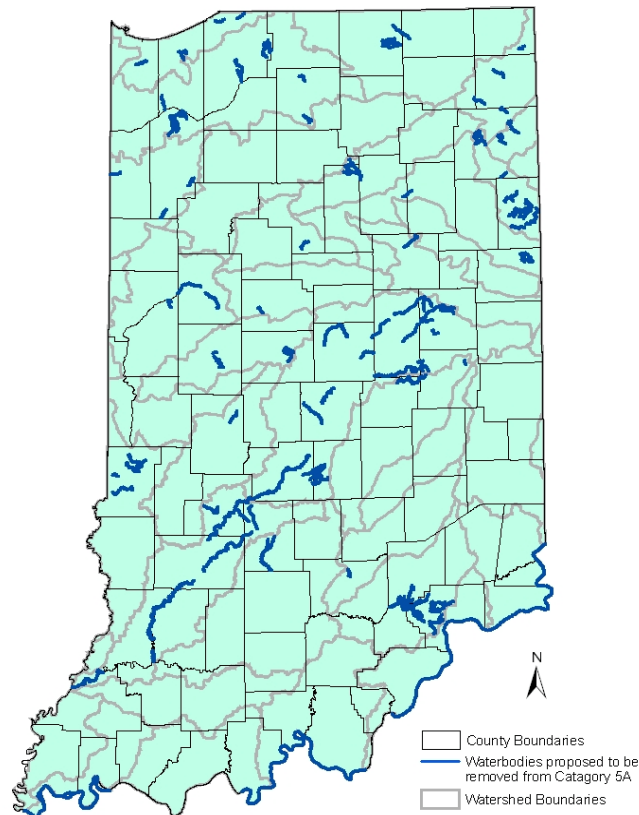


Figure 2: Map of all waterbodies proposed to be removed from Category 5A of Indiana’s 303(d) List of Impaired Waters on the basis of information received since the 2004 303(d) List was developed.

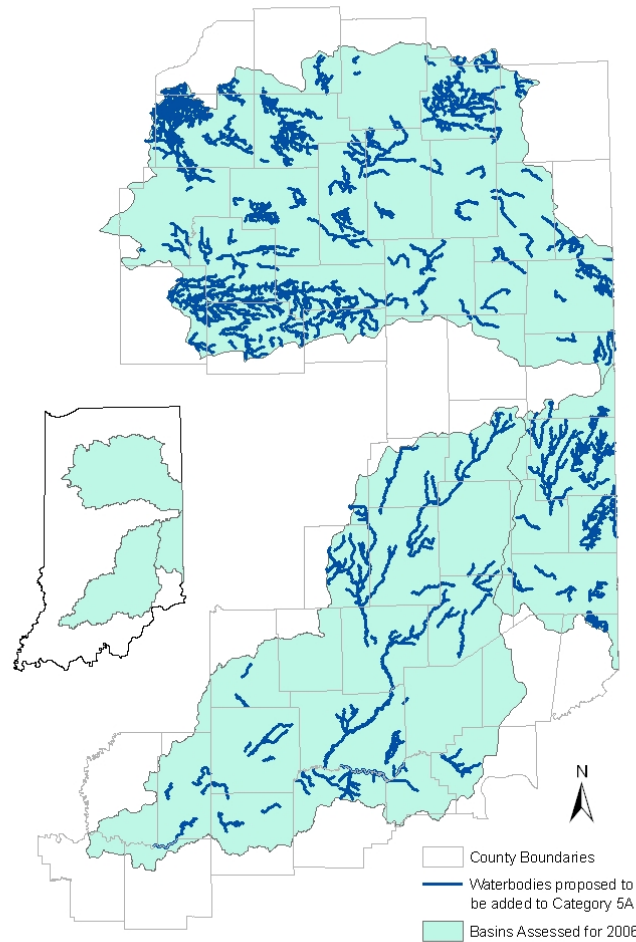


Figure 3: Map of waterbodies proposed to be added to Category 5A of Indiana's 2006 303(d) List of Impaired Waters on the basis of new assessments.

Table 10: Proposed Waterbodies for Category 5A of Indiana's 2006 303(d) List of Impaired Waters.

BASIN	14-DIGIT HUC	COUNTY	WATERBODY SEGMENT ID	WATERBODY SEGMENT NAME	CAUSE OF IMPAIRMENT
UPPER WABASH	05120101170030	GRANT CO	INB01H3_00	PIPE CREEK - UPPER	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101170090	MIAMI CO	INB01H9_00	PIPE CREEK NEAR SANTA FE	E. COLI
UPPER WABASH	05120101170100	MIAMI CO	INB01HA_00	PIPE CREEK - NIGER DITCH	E. COLI
UPPER WABASH	05120101170110	CASS CO	INB01HB T1030	PIPE CREEK	E. COLI
UPPER WABASH	05120102010060	JAY CO	INB0216_00	SALAMONIE RIVER - MILLER DITCH	CHLORIDES
UPPER WABASH	05120102010060	JAY CO	INB0216_00	SALAMONIE RIVER - MILLER DITCH	CYANIDE
UPPER WABASH	05120102010060	JAY CO	INB0216_00	SALAMONIE RIVER - MILLER DITCH	E. COLI
UPPER WABASH	05120102020040	BLACKFORD CO	INB0224_00	SALAMONIE RIVER - EAST CREEK	E. COLI
UPPER WABASH	05120102030010	WELLS CO	INB0231_00	SALAMONIE RIVER - RHOTON DITCH	E. COLI
UPPER WABASH	05120102030030	WELLS CO	INB0233_00	SALAMONIE RIVER	E. COLI
UPPER WABASH	05120102040010	HUNTINGTON CO	INB0241 T1001	DETAMORE DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120102040020	HUNTINGTON CO	INB0242 T1002	SALAMONIE RIVER-LANCASTER	E. COLI
UPPER WABASH	05120102040040	HUNTINGTON CO	INB0244_00	MAJENCIA CREEK - HEADWATERS	NUTRIENTS
UPPER WABASH	05120102040040	HUNTINGTON CO	INB0244_00	MAJENCIA CREEK - HEADWATERS	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103010010	RANDOLPH CO	INB0311_00	MITCHELL DITCH AND OTHER TRIBUTARIES	E. COLI
UPPER WABASH	05120103010020	RANDOLPH CO	INB0312 T1002	LITTLE MISSISSINAWA RIVER	E. COLI
UPPER WABASH	05120103010040	RANDOLPH CO	INB0314_00	HARSHMAN CREEK (UPSTREAM OF LOWS BRANCH)	E. COLI
UPPER WABASH	05120103010040	RANDOLPH CO	INB0314_01	HARSHMAN CREEK (DOWNSTREAM OF LOWS BRANCH)	E. COLI

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UPPER WABASH	05120103010040	RANDOLPH CO	INB0314_01	HARSHMAN CREEK (DOWNSTREAM OF LOWS BRANCH)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103010040	RANDOLPH CO	INB0314_T1001	HARSHMAN CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120103010040	RANDOLPH CO	INB0314_T1002	HARSHMAN CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120103010040	RANDOLPH CO	INB0314_T1003	LOWS BRANCH	E. COLI
UPPER WABASH	05120103020010	RANDOLPH CO	INB0321_00	UNNAMED TRIBUTARY OF MISSISSINEWA R	E. COLI
UPPER WABASH	05120103020010	RANDOLPH CO	INB0321_T1007	MISSISSINEWA RIVER	E. COLI
UPPER WABASH	05120103020050	RANDOLPH CO	INB0325_T1001	ELKHORN CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103020050	RANDOLPH CO	INB0325_T1001	ELKHORN CREEK	E. COLI
UPPER WABASH	05120103030040	DELAWARE CO	INB0334_T1013	MISSISSINEWA RIVER	E. COLI
UPPER WABASH	05120103040030	BLACKFORD CO	INB0343_00	LITTLE LICK CREEK (BLACKFORD)	E. COLI
UPPER WABASH	05120103040040	BLACKFORD CO	INB0344_00	BIG LICK CREEK	E. COLI
UPPER WABASH	05120103050010	GRANT CO	INB0351_T1015	MISSISSINEWA RIVER	E. COLI
UPPER WABASH	05120103050010	GRANT CO	INB0351_T1015	MISSISSINEWA RIVER	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103050020	GRANT CO	INB0352_T1016	MISSISSINEWA RIVER	E. COLI
UPPER WABASH	05120103050060	GRANT CO	INB0356_T1001	LITTLE CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103050070	GRANT CO	INB0357_00	DEER CREEK (UPSTREAM OF BELL CREEK)	E. COLI
UPPER WABASH	05120103050070	GRANT CO	INB0357_01	DEER CREEK (DOWNSTREAM OF BELL CREEK)	E. COLI
UPPER WABASH	05120103050130	GRANT CO	INB035D_00	BOOTS AND MASSEY CREEKS	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103050130	GRANT CO	INB035D_T1019	MISSISSINEWA RIVER	E. COLI
UPPER WABASH	05120103060010	GRANT CO	INB0361_00	HUMMEL CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120103060010	GRANT CO	INB0361_T1020	MISSISSINEWA RIVER	E. COLI
UPPER WABASH	05120103060020	GRANT CO	INB0362_T1021	MISSISSINEWA RIVER	E. COLI
UPPER WABASH	05120104010010	ALLEN CO	INB0411_00	GELLER DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010010	ALLEN CO	INB0411_01	BENWARD DITCH	IBC/CHLORIDES
UPPER WABASH	05120104010010	ALLEN CO	INB0411_01	BENWARD DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120104010010	ALLEN CO	INB0411_01	BENWARD DITCH	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104010010	ALLEN CO	INB0411_01	BENWARD DITCH	IBC/AMMONIA
UPPER WABASH	05120104010010	ALLEN CO	INB0411_02	SHOAF DAWSON DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010010	ALLEN CO	INB0411_T1001	BOBAY DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010010	ALLEN CO	INB0411_T1002	BENWARD DITCH-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120104010010	ALLEN CO	INB0411_T1002	BENWARD DITCH-UNNAMED TRIBUTARY	IBC/AMMONIA
UPPER WABASH	05120104010010	ALLEN CO	INB0411_T1002	BENWARD DITCH-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120104010010	ALLEN CO	INB0411_T1002	BENWARD DITCH-UNNAMED TRIBUTARY	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104010020	ALLEN CO	INB0412_01	JOHNSON DITCH	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104010020	ALLEN CO	INB0412_02	JOHNSON DRAIN (UPSTREAM OF CHURUBUSCO BRANCH)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010020	ALLEN CO	INB0412_03	JOHNSON DRAIN (DOWNSTREAM OF CHURUBUSCO BRANCH)	IBC/CHLORIDES
UPPER WABASH	05120104010020	ALLEN CO	INB0412_03	JOHNSON DRAIN (DOWNSTREAM OF CHURUBUSCO BRANCH)	IBC/CONDUCTIVITY
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1000	EEL RIVER	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1001	JOHNSON DITCH-UNNAMED TRIBUTARY	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1002	SUTORIUS DITCH	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1003	DUGLAY DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1004	CHURUBUSCO BRANCH-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1004	CHURUBUSCO BRANCH-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1005	CHURUBUSCO BRANCH	IBC/CHLORIDES
UPPER WABASH	05120104010020	ALLEN CO	INB0412_T1005	CHURUBUSCO BRANCH	IBC/CONDUCTIVITY
UPPER WABASH	05120104010030	WHITLEY CO	INB0413_T1001	EEL RIVER (EAST OF EEL RIVER FORT MONUMENT)	E. COLI
UPPER WABASH	05120104010030	WHITLEY CO	INB0413_T1002	EEL RIVER (WEST OF EEL RIVER FORT MONUMENT)	E. COLI
UPPER WABASH	05120104010030	WHITLEY CO	INB0413_T1003	SMITH DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010030	WHITLEY CO	INB0413_T1005	KRIDER DITCH (NEAR JOHNSON ROAD)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010030	WHITLEY CO	INB0413_T1006	EEL RIVER-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010040	WHITLEY CO	INB0414_00	SOLON DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010040	WHITLEY CO	INB0414_T1000	SOLON DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010040	WHITLEY CO	INB0414_T1001	MOWREY DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010040	WHITLEY CO	INB0414_T1002	EEL RIVER	E. COLI
UPPER WABASH	05120104010040	WHITLEY CO	INB0414_T1002	EEL RIVER	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104010050	WHITLEY CO	INB0415_00	GANGWER DITCH	IBC/DISSOLVED OXYGEN

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UPPER WABASH	05120104010050	WHITLEY CO	INB0415_00	GANGWER DITCH	IBC/AMMONIA
UPPER WABASH	05120104010050	WHITLEY CO	INB0415_00	GANGWER DITCH	IBC/COPPER
UPPER WABASH	05120104010050	WHITLEY CO	INB0415_T1003	KERCH DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020010	NOBLE CO	INB0421_00	BLUE RIVER - HEADWATERS (NOBLE)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020020	WHITLEY CO	INB0422_01	BLUE RIVER (DOWNSTREAM OF MUD RUN)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020020	WHITLEY CO	INB0422_T1022	MALONEY DITCH	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104020020	WHITLEY CO	INB0422_T1024	MUD RUN	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020020	WHITLEY CO	INB0422_T1025	EMERICK DITCH	IBC/CHLORIDES
UPPER WABASH	05120104020030	WHITLEY CO	INB0423_T1002	THORN CREEK	IBC/CHLORIDES
UPPER WABASH	05120104020030	WHITLEY CO	INB0423_T1003	THORN CREEK-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120104020030	WHITLEY CO	INB0423_T1004	COLE DITCH-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120104020030	WHITLEY CO	INB0423_T1005	COLE DITCH-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120104020030	WHITLEY CO	INB0423_T1007	COLE DITCH (DOWNSTREAM OF TRIBUTARIES)	IBC/CHLORIDES
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_00	BLUE RIVER (COLUMBIA CITY)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_00	BLUE RIVER (COLUMBIA CITY)	E. COLI
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_01	BLUE RIVER (DOWNSTREAM OF COLUMBIA CITY)	E. COLI
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_T1020	BLUE BABE BRANCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_T1021	BLUE BABE BRANCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_T1023	BLUE BABE BRANCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_T1024	BLUE BABE BRANCH (HEADWATER)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_T1026	BLUE BABE BRANCH (DOWNSTREAM OF SR 9)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104020040	WHITLEY CO	INB0424_T1027	PHILLIPS DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030010	WHITLEY CO	INB0431_00	MAYNARD DITCH-COUNTY FARM DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030010	WHITLEY CO	INB0431_01	EEL RIVER-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120104030010	WHITLEY CO	INB0431_T1000	KNISLEY DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030010	WHITLEY CO	INB0431_T1001	COUNTY FARM DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030010	WHITLEY CO	INB0431_T1002	DOWELL DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030010	WHITLEY CO	INB0431_T1003	EEL RIVER	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030020	WHITLEY CO	INB0432_00	STONY CREEK (EAST OF RABER ROAD)	E. COLI
UPPER WABASH	05120104030020	WHITLEY CO	INB0432_01	STONY CREEK (WEST OF RABER ROAD)	E. COLI
UPPER WABASH	05120104030020	WHITLEY CO	INB0432_01	STONY CREEK (WEST OF RABER ROAD)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030020	WHITLEY CO	INB0432_02	EEL RIVER-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030020	WHITLEY CO	INB0432_T1001	STONY CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030020	WHITLEY CO	INB0432_T1002	STONY CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030030	WHITLEY CO	INB0433_00	SPRING CREEK (UPSTREAM OF BROWN DITCH)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030030	WHITLEY CO	INB0433_02	SCHUMAN DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030030	WHITLEY CO	INB0433_T1001	JONES BRANCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030030	WHITLEY CO	INB0433_T1002	SPRING CREEK-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030030	WHITLEY CO	INB0433_T1008	MAYNARD DITCH	DISSOLVED OXYGEN
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_00	SPRING CREEK (UPSTREAM OF KALER BRANCH)	E. COLI
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_01	SPRING CREEK (BETWEEN KALER BRANCH AND CR 200S)	E. COLI
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_01	SPRING CREEK (BETWEEN KALER BRANCH AND CR 200S)	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_02	SPRING CREEK (BETWEEN CR 200S AND SCHOENAUER DITCH)	E. COLI
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_03	SPRING CREEK (DOWNSTREAM OF SCHOENAUER DITCH)	E. COLI
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_03	SPRING CREEK (DOWNSTREAM OF SCHOENAUER DITCH)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_T1002	KALER BRANCH	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_T1004	KING BRANCH	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104030040	WHITLEY CO	INB0434_T1006	COMPTON DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030050	WHITLEY CO	INB0435_00	CLEAR CREEK (HEADWATER)	E. COLI
UPPER WABASH	05120104030050	WHITLEY CO	INB0435_01	CLEAR CREEK	E. COLI

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UPPER WABASH	05120104030050	WHITLEY CO	INB0435_01	CLEAR CREEK	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104030050	WHITLEY CO	INB0435_T1002	CLEAR CREEK (HEADWATER)-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030050	WHITLEY CO	INB0435_T1003	CLEAR CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030050	WHITLEY CO	INB0435_T1003	CLEAR CREEK-UNNAMED TRIBUTARY	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104030060	WHITLEY CO	INB0436_00	SUGAR CREEK (UPSTREAM OF COX BRANCH)	IBC/DISSOLVED OXYGEN
UPPER WABASH	05120104030060	WHITLEY CO	INB0436_00	SUGAR CREEK (UPSTREAM OF COX BRANCH)	IBC/CHLORIDES
UPPER WABASH	05120104030060	WHITLEY CO	INB0436_01	SUGAR CREEK (DOWNSTREAM OF COX BRANCH)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_00	SUGAR CREEK	E. COLI
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1001	HUFFMAN DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1001	HUFFMAN DITCH	E. COLI
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1002	GABLE DITCH-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1003	GABLE DITCH	E. COLI
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1004	SUGAR CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1005	WILLIAMSON DITCH	E. COLI
UPPER WABASH	05120104030070	WHITLEY CO	INB0437_T1005	WILLIAMSON DITCH	IBC/CHLORIDES
UPPER WABASH	05120104040010	WHITLEY CO	INB0441_T1006	EEL RIVER	E. COLI
UPPER WABASH	05120104040050	WABASH CO	INB0445_00	SWANK CREEK	E. COLI
UPPER WABASH	05120104040050	WABASH CO	INB0445_T1010	EEL RIVER	E. COLI
UPPER WABASH	05120104040070	WABASH CO	INB0447_T1011	EEL RIVER	E. COLI
UPPER WABASH	05120104040080	WABASH CO	INB0448_T1012	EEL RIVER	E. COLI
UPPER WABASH	05120104050010	WABASH CO	INB0451_T1013	EEL RIVER	E. COLI
UPPER WABASH	05120104050030	WABASH CO	INB0453_00	SILVER CREEK (LOWER)	E. COLI
UPPER WABASH	05120104050030	WABASH CO	INB0453_T1014	EEL RIVER	E. COLI
UPPER WABASH	05120104050040	WABASH CO	INB0454_00	BEARGRASS CREEK	E. COLI
UPPER WABASH	05120104050050	MIAMI CO	INB0455_00	BOLLEY DITCH - LUKENS LAKE	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104050060	WABASH CO	INB0456_00	SQUIRREL CREEK - BERGER DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104050070	MIAMI CO	INB0457_00	SQUIRREL CREEK (LOWER)	E. COLI
UPPER WABASH	05120104050070	MIAMI CO	INB0457_T1015	EEL RIVER	E. COLI
UPPER WABASH	05120104050090	MIAMI CO	INB0459_00	PAW PAW CREEK - OREN DITCH	E. COLI
UPPER WABASH	05120104060010	MIAMI CO	INB0461_T1001	WILSON RHODES DITCH	DISSOLVED OXYGEN
UPPER WABASH	05120104060010	MIAMI CO	INB0461_T1001	WILSON RHODES DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104060010	MIAMI CO	INB0461_T1001	WILSON RHODES DITCH	NUTRIENTS
UPPER WABASH	05120104060020	MIAMI CO	INB0462_00	EEL RIVER - WASHONIS CREEK	E. COLI
UPPER WABASH	05120104060020	MIAMI CO	INB0462_T1017	EEL RIVER	E. COLI
UPPER WABASH	05120104060040	MIAMI CO	INB0464_T1018	EEL RIVER	E. COLI
UPPER WABASH	05120104070010	MIAMI CO	INB0471_T1004	UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120104070050	CASS CO	INB0475_00	MUD BRANCH	E. COLI
UPPER WABASH	05120104070050	CASS CO	INB0475_T1020	EEL RIVER	E. COLI
UPPER WABASH	05120104070060	CASS CO	INB0476_T1021	EEL RIVER	E. COLI
UPPER WABASH	05120104020030	WHITLEY CO	INB04P1035_00	SHRINER LAKE	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120105010010	CASS CO	INB0511_00	GRANTS RUN	E. COLI
UPPER WABASH	05120105010010	CASS CO	INB0511_M1001	WABASH RIVER	NUTRIENTS
UPPER WABASH	05120105010010	CASS CO	INB0511_M1001	WABASH RIVER	E. COLI
UPPER WABASH	05120105010040	CASS CO	INB0514_T1004	GALBREATH DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120105020060	CARROLL CO	INB0526_T1003	ROCK CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120105020060	CARROLL CO	INB0526_T1007	ROCK CREEK (DOWNSTREAM OF SR 25)	E. COLI
UPPER WABASH	05120105030040	CARROLL CO	INB0534_00	PLEASANT RUN/ TANNERY BRANCH	E. COLI
UPPER WABASH	05120105030040	CARROLL CO	INB0534_M1005	WABASH RIVER	E. COLI
UPPER WABASH	05120105050030	CASS CO	INB0553_T1005	DEER CREEK (UPSTREAM OF MUNSON DITCH)	E. COLI
UPPER WABASH	05120105050030	CASS CO	INB0553_T1006	DEER CREEK (BETWEEN MUNSON DITCH AND BROWN DITCH)	E. COLI
UPPER WABASH	05120105050030	CASS CO	INB0553_T1013	MUNSON DITCH	E. COLI
UPPER WABASH	05120105050030	CARROLL CO	INB0553_T1017	DEER CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120105050060	CARROLL CO	INB0556_T1016	DEER CREEK ABOVE RIDENOUR DITCH	E. COLI
UPPER WABASH	05120105050070	CARROLL CO	INB0557_00	PAINT CREEK	E. COLI
UPPER WABASH	05120105050070	CARROLL CO	INB0557_T1001	PLANK DITCH	E. COLI
UPPER WABASH	05120105050070	CARROLL CO	INB0557_T1002	GUKIEN COHEE DITCH	E. COLI
UPPER WABASH	05120105050080	CARROLL CO	INB0558_T1008	DEER CREEK (AT CAMDEN)	E. COLI
UPPER WABASH	05120105050100	CARROLL CO	INB055A_00	BACHELOR RUN - KUNS DITCH	E. COLI
UPPER WABASH	05120105050110	CARROLL CO	INB055B_T1008	DEER CREEK	E. COLI
UPPER WABASH	05120105070010	TIPPECANOE CO	INB0571_00	SUGAR CREEK - LITTLE SUGAR CREEK (TIPPECANOE)	E. COLI
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_00	BUCK CREEK DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_00	BUCK CREEK DITCH	E. COLI
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_T1001	BUCK CREEK	E. COLI
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_T1001	BUCK CREEK	IMPAIRED BIOTIC COMMUNITIES

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UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_T1002	BUCK CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_T1002	BUCK CREEK-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_T1003	BUCK CREEK-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120105070020	TIPPECANOE CO	INB0572_T1003	BUCK CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120105070030	TIPPECANOE CO	INB0573_00	HARRISON CREEK	E. COLI
UPPER WABASH	05120105070030	TIPPECANOE CO	INB0573_M1012	WABASH RIVER	E. COLI
UPPER WABASH	05120106010010	WHITLEY CO	INB0611_00	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106010010	WHITLEY CO	INB0611_00	TIPPECANOE RIVER	NUTRIENTS
UPPER WABASH	05120106010010	WHITLEY CO	INB0611_00	TIPPECANOE RIVER	DISSOLVED OXYGEN
UPPER WABASH	05120106010040	KOSCIUSKO CO	INB0614_T1001	GAFF DITCH	E. COLI
UPPER WABASH	05120106010040	KOSCIUSKO CO	INB0614_T1001	GAFF DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106010040	KOSCIUSKO CO	INB0614_T1001	GAFF DITCH	LEAD
UPPER WABASH	05120106030050	KOSCIUSKO CO	INB0635_T1040	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106030060	KOSCIUSKO CO	INB0636_T1002	EASTERDAY DITCH-MILLER ARM	E. COLI
UPPER WABASH	05120106040030	MARSHALL CO	INB0643_00	DEER CREEK	E. COLI
UPPER WABASH	05120106040030	MARSHALL CO	INB0643_01	OUTLET CREEK	E. COLI
UPPER WABASH	05120106040030	MARSHALL CO	INB0643_T1001	DEER CREEK-HEADWATER TRIBUTARY	E. COLI
UPPER WABASH	05120106040030	MARSHALL CO	INB0643_T1006	OUTLET CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120106040040	MARSHALL CO	INB0644_T1041	TIPPECANOE RIVER AND TRIBUTARY	E. COLI
UPPER WABASH	05120106050030	FULTON CO	INB0653_00	TIPPECANOE RIVER - MCMAHAN DT	E. COLI
UPPER WABASH	05120106050030	FULTON CO	INB0653_T1017	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106050040	FULTON CO	INB0654_T1018	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106050060	FULTON CO	INB0656_00	MUD CREEK - SMITH DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_00	MUD CREEK (UPSTREAM OF ROBBINS WALTERS DITCH)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1001	UNNAMED TRIBUTARY (NEAR WOODROW, IN)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1002	UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1003	UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1004	UNNAMED TRIBUTARY TO NEFF DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1005	WHITE DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1006	NEFF DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1007	BAKER DITCH-ULCH DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050070	FULTON CO	INB0657_T1008	ROBBINS WALTERS DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106050080	FULTON CO	INB0658_00	MUD CREEK - GRUBE/ WILSON DITCHES	E. COLI
UPPER WABASH	05120106050100	FULTON CO	INB065A_00	MUD CREEK (UPSTREAM OF CESSNA DITCH)	E. COLI
UPPER WABASH	05120106060020	FULTON CO	INB0662_00	TIPPECANOE RIVER - WILSON/ COLLINS DITCHES	E. COLI
UPPER WABASH	05120106060020	FULTON CO	INB0662_T1020	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106060060	PULASKI CO	INB0666_00	TIPPECANOE RIVER - BARTEE/ TAYLOR DITCHES	E. COLI
UPPER WABASH	05120106060060	PULASKI CO	INB0666_T1022	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106060110	PULASKI CO	INB066B_T1025	TIPPECANOE RIVER	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_00	MILL CREEK	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_T1001	CONN DITCH	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_T1002	REED OLMSTEAD DITCH	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_T1003	DEWEESE DITCH	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_T1004	ROUCH DITCH	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_T1005	FRIEDRICK DITCH	E. COLI
UPPER WABASH	05120106070020	FULTON CO	INB0672_T1006	CALLAHAN DITCH	E. COLI
UPPER WABASH	05120106070050	PULASKI CO	INB0675_00	MILL CREEK	E. COLI
UPPER WABASH	05120106070050	PULASKI CO	INB0675_T1001	MILL CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120106070050	PULASKI CO	INB0675_T1002	GRAFFIS DITCH	E. COLI
UPPER WABASH	05120106070050	PULASKI CO	INB0675_T1003	HUMES DITCH	E. COLI
UPPER WABASH	05120106070050	PULASKI CO	INB0675_T1004	PRATHER DITCH	E. COLI
UPPER WABASH	05120106080020	PULASKI CO	INB0682_00	TIPPECANOE RIVER - AGNEW DITCH - MOSS DITCH	E. COLI
UPPER WABASH	05120106090020	WHITE CO	INB0692_T1003	TRAVERS DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106090020	WHITE CO	INB0692_T1003	TRAVERS DITCH	E. COLI
UPPER WABASH	05120106100020	WHITE CO	INB06A2_01	ACKERMAN DITCH (DOWNSTREAM OF CR 1000N)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120106100030	WHITE CO	INB06A3_00	HARP DITCH AND OTHER TRIBUTARIES	E. COLI
UPPER WABASH	05120106100030	WHITE CO	INB06A3_P1031	LAKE SHAFER	E. COLI
UPPER WABASH	05120106110010	PULASKI CO	INB06B1_00	BIG MONON DITCH - HEADWATERS	E. COLI
UPPER WABASH	05120106110020	PULASKI CO	INB06B2_00	SCHOLTZ DITCH	E. COLI
UPPER WABASH	05120106110030	PULASKI CO	INB06B3_00	BIG MONON DITCH - DRESSKE DITCH	E. COLI
UPPER WABASH	05120106110040	PULASKI CO	INB06B4_00	BIG MONON DITCH - THOMPSON DITCH	E. COLI

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UPPER WABASH	05120106110060	PULASKI CO	INB06B6_00	ATRIUM DITCH - STUMP DITCH	E. COLI
UPPER WABASH	05120106110070	PULASKI CO	INB06B7_00	ATRIUM DITCH - DUNKER DITCH	E. COLI
UPPER WABASH	05120106110080	PULASKI CO	INB06B8_00	BIG MONON DITCH - LOWER ATRIUM DITCH/ STEIN DITCH	E. COLI
UPPER WABASH	05120106110090	PULASKI CO	INB06B9_00	MOSLEY DITCH - MOSLEY BRANCH	E. COLI
UPPER WABASH	05120106110100	PULASKI CO	INB06BA_00	BIG MONON DITCH	E. COLI
UPPER WABASH	05120106110100	PULASKI CO	INB06BA_T1001	HUBBELL DITCH	E. COLI
UPPER WABASH	05120106110100	PULASKI CO	INB06BA_T1002	BIG MONON DITCH-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120106110110	WHITE CO	INB06BB_00	BIG MONON DITCH	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120106110110	WHITE CO	INB06BB_00	BIG MONON DITCH	E. COLI
UPPER WABASH	05120106110110	WHITE CO	INB06BB_T1003	BIG MONON DITCH-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120106110110	WHITE CO	INB06BB_T1003	BIG MONON DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120106110110	WHITE CO	INB06BB_T1004	BIG MONON DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120106110110	WHITE CO	INB06BB_T1004	BIG MONON DITCH-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120106110110	WHITE CO	INB06BB_T1005	BIG MONON DITCH-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120106110110	WHITE CO	INB06BB_T1005	BIG MONON DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120106130010	WHITE CO	INB06D1_01	TIPPECANOE RIVER (DOWNSTREAM OF TIMMONS DITCH)	NUTRIENTS
UPPER WABASH	05120106150030	WHITE CO	INB06F3_00	BIG CREEK - MOUTH	E. COLI
UPPER WABASH	05120106150040	WHITE CO	INB06F4_00	SPRING CREEK (UPSTREAM OF EMGE DITCH)	E. COLI
UPPER WABASH	05120106150040	WHITE CO	INB06F4_01	SPRING CREEK (DOWNSTREAM OF EMGE DITCH)	E. COLI
UPPER WABASH	05120106150040	WHITE CO	INB06F4_T1001	UNNAMED STREAM (NW OF CHALMERS, IN)	E. COLI
UPPER WABASH	05120106150040	WHITE CO	INB06F4_T1002	SPRING CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120106150040	WHITE CO	INB06F4_T1003	EMGE DITCH	E. COLI
UPPER WABASH	05120106150060	WHITE CO	INB06F6_01	MYERS DITCH (ROUND GROVE TWP)	DISSOLVED OXYGEN
UPPER WABASH	05120106150060	WHITE CO	INB06F6_01	MYERS DITCH (ROUND GROVE TWP)	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120106010010	WHITLEY CO	INB06P1001_00	CROOKED LAKE	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120106010080	KOSCIUSKO CO	INB06P1002_00	TIPPECANOE LAKE	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120106010080	KOSCIUSKO CO	INB06P1056_00	JAMES LAKE	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120106010080	KOSCIUSKO CO	INB06P1063_00	OSWEGO LAKE	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120106010070	KOSCIUSKO CO	INB06P1067_00	SECHRIST LAKE	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107010010	HOWARD CO	INB0711_00	GRASSY FORK DITCH - HARPER DITCH	E. COLI
UPPER WABASH	05120107010030	TIPTON CO	INB0713_00	MUD CREEK - HEADWATERS (TIPTON)	E. COLI
UPPER WABASH	05120107010040	TIPTON CO	INB0714_00	MUD CREEK	E. COLI
UPPER WABASH	05120107010040	TIPTON CO	INB0714_T1001	ROSS DITCH	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107010040	TIPTON CO	INB0714_T1001	ROSS DITCH	E. COLI
UPPER WABASH	05120107010040	TIPTON CO	INB0714_T1002	NORTH CREEK	E. COLI
UPPER WABASH	05120107010040	TIPTON CO	INB0714_T1002	NORTH CREEK	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107010040	TIPTON CO	INB0714_T1003	OFF DITCH	E. COLI
UPPER WABASH	05120107010040	TIPTON CO	INB0714_T1003	OFF DITCH	IMPAIRED BIOTIC COM- MUNITIES
UPPER WABASH	05120107010060	TIPTON CO	INB0716_00	TURKEY CREEK - ASKREN/ ROUND PRAIRIE DITCHES	E. COLI
UPPER WABASH	05120107010060	TIPTON CO	INB0716_T1030	TURKEY CREEK	E. COLI
UPPER WABASH	05120107010070	HOWARD CO	INB0717_00	MUD CREEK	E. COLI
UPPER WABASH	05120107010070	HOWARD CO	INB0717_T1001	WILDCAT CREEK	E. COLI
UPPER WABASH	05120107010070	HOWARD CO	INB0717_T1031	MUD CREEK - IRWIN CREEK	E. COLI
UPPER WABASH	05120107010080	HOWARD CO	INB0718_T1002	WILDCAT CREEK - JEROME	E. COLI
UPPER WABASH	05120107010100	HOWARD CO	INB071A_00	STAHL DITCH	E. COLI
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1005	PRAIRIE CREEK DITCH - UPPER	E. COLI
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1006	WILDCAT CREEK - MAINSTEM	CYANIDE
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1006	WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1025	WILDCAT CREEK - UPSTREAM OF WATER IN- TAKE	E. COLI
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1032	PRAIRIE CREEK DITCH - LOWER	E. COLI
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1033	CANNON - GOYER DITCH	E. COLI
UPPER WABASH	05120107010110	HOWARD CO	INB071B_00	FINN DITCH AND OTHER TRIBUTARIES	E. COLI
UPPER WABASH	05120107010110	HOWARD CO	INB071B_T1007	KOKOMO CREEK - HEADWATERS	E. COLI
UPPER WABASH	05120107010120	HOWARD CO	INB071C_00	MARTIN - YOUNGMAN DITCH BASIN	E. COLI
UPPER WABASH	05120107020010	HOWARD CO	INB0721_T1008	WILDCAT CREEK (UPSTREAM OF SPRING RUN)	E. COLI
UPPER WABASH	05120107020010	HOWARD CO	INB0721_T1009	WILDCAT CREEK (DOWNSTREAM OF SPRING RUN)	E. COLI
UPPER WABASH	05120107020010	HOWARD CO	INB0721_T1011	HALIHAN DITCH	E. COLI
UPPER WABASH	05120107020020	HOWARD CO	INB0722_00	LITTLE WILDCAT CREEK - EAST FORK	E. COLI
UPPER WABASH	05120107020020	TIPTON CO	INB0722_T1009	KELLY WEST DITCH	E. COLI
UPPER WABASH	05120107020020	TIPTON CO	INB0722_T1035	UNNAMED TRIBUTARY	E. COLI

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UPPER WABASH	05120107020020	TIPTON CO	INB0722_T1035	UNNAMED TRIBUTARY	NUTRIENTS
UPPER WABASH	05120107020020	TIPTON CO	INB0722_T1035	UNNAMED TRIBUTARY	TOTAL DISSOLVED SOLIDS
UPPER WABASH	05120107020020	TIPTON CO	INB0722_T1035	UNNAMED TRIBUTARY	DISSOLVED OXYGEN
UPPER WABASH	05120107020020	HOWARD CO	INB0722_T1036	LITTLE WILDCAT CREEK - WEST FORK	E. COLI
UPPER WABASH	05120107020030	HOWARD CO	INB0723_00	VOGUS DITCH	E. COLI
UPPER WABASH	05120107020030	HOWARD CO	INB0723_T1001	LYNN RUN	E. COLI
UPPER WABASH	05120107020030	HOWARD CO	INB0723_T1002	BUTLER DITCH	E. COLI
UPPER WABASH	05120107020030	HOWARD CO	INB0723_T1010	LITTLE WILDCAT CREEK (UPSTREAM OF VOGUS DITCH)	E. COLI
UPPER WABASH	05120107020030	HOWARD CO	INB0723_T1011	LITTLE WILDCAT CREEK (DOWNSTREAM OF VOGUS DITCH)	E. COLI
UPPER WABASH	05120107020040	HOWARD CO	INB0724_00	WEST HONEY CREEK	E. COLI
UPPER WABASH	05120107020050	HOWARD CO	INB0725_00	HONEY CREEK	E. COLI
UPPER WABASH	05120107020050	HOWARD CO	INB0725_T1011	WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107020060	HOWARD CO	INB0726_T1012	DEARINGER DITCH-KIDDLE DITCH	E. COLI
UPPER WABASH	05120107020060	HOWARD CO	INB0726_T1038	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020060	HOWARD CO	INB0726_T1039	WILDCAT CREEK-UNNAMED TRIBUTARIES	E. COLI
UPPER WABASH	05120107020060	HOWARD CO	INB0726_T1040	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020060	HOWARD CO	INB0726_T1041	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020070	HOWARD CO	INB0727_00	PETES RUN	E. COLI
UPPER WABASH	05120107020070	HOWARD CO	INB0727_T1010	DAVISON DITCH	E. COLI
UPPER WABASH	05120107020070	HOWARD CO	INB0727_T1011	MCDOWELL DITCH	E. COLI
UPPER WABASH	05120107020070	HOWARD CO	INB0727_T1012	MOORE DITCH	E. COLI
UPPER WABASH	05120107020070	HOWARD CO	INB0727_T1013	WILDCAT CREEK	E. COLI
UPPER WABASH	05120107020070	CARROLL CO	INB0727_T1037	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020070	CARROLL CO	INB0727_T1038	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020070	CARROLL CO	INB0727_T1039	WILDCAT CREEK (BURLINGTON)-UNNAMED TRIBUTARIES	E. COLI
UPPER WABASH	05120107020070	CARROLL CO	INB0727_T1040	WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107020080	CARROLL CO	INB0728_00	WILDCAT CREEK - HURRICANE CREEK	E. COLI
UPPER WABASH	05120107020080	CARROLL CO	INB0728_T1014	WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1001	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1002	WILDCAT CREEK (PRINCE WM RD)-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1003	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1004	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1015	WILDCAT CREEK (U/S OF UNNAMED TRIBUTARY AT PRINCE WM RD)	E. COLI
UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1016	WILDCAT CREEK (D/S OF UNNAMED TRIBUTARY AT PRINCE WM RD)	E. COLI
UPPER WABASH	05120107020100	TIPPECANOE CO	INB072A_00	TRIBUTARIES OF WILDCAT CREEK	E. COLI
UPPER WABASH	05120107020100	TIPPECANOE CO	INB072A_T1016	WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107030010	CLINTON CO	INB0731_00	WILDCAT CREEK, MIDDLE FORK	E. COLI
UPPER WABASH	05120107030010	CLINTON CO	INB0731_T1041	WILDCAT CREEK, MIDDLE FORK HEADWATERS	E. COLI
UPPER WABASH	05120107030010	CLINTON CO	INB0731_T1042	WILDCAT CREEK, MIDDLE FORK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107030010	CLINTON CO	INB0731_T1043	WHITEMAN DITCH	E. COLI
UPPER WABASH	05120107030010	CLINTON CO	INB0731_T1044	HARNESS DITCH	E. COLI
UPPER WABASH	05120107030020	CARROLL CO	INB0732_00	WILDCAT CREEK, MIDDLE FORK	E. COLI
UPPER WABASH	05120107030020	CLINTON CO	INB0732_T1040	WILDCAT CREEK, MIDDLE FORK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107030020	CARROLL CO	INB0732_T1042	WILDCAT CREEK, MIDDLE FORK	E. COLI
UPPER WABASH	05120107030020	CARROLL CO	INB0732_T1043	MIDDLE FORK BRANCH-SCOFIELD DITCH	DISSOLVED OXYGEN
UPPER WABASH	05120107030020	CARROLL CO	INB0732_T1043	MIDDLE FORK BRANCH-SCOFIELD DITCH	E. COLI
UPPER WABASH	05120107030020	CLINTON CO	INB0732_T1044	ROBERTSON BRANCH	E. COLI
UPPER WABASH	05120107030030	CLINTON CO	INB0733_00	MIDDLE FORK WILDCAT CREEK AND OTHER TRIBUTARIES	E. COLI
UPPER WABASH	05120107030030	CLINTON CO	INB0733_T1027	SILVERTHORN BRANCH DOWNSTREAM OF ROSSVILLE STP	E. COLI
UPPER WABASH	05120107030040	CLINTON CO	INB0734_00	CAMPBELLS RUN AND TRIBUTARIES	E. COLI
UPPER WABASH	05120107030040	CLINTON CO	INB0734_T1045	CAMPBELLS RUN - MAINSTEM	E. COLI
UPPER WABASH	05120107030050	CLINTON CO	INB0735_00	CRIFE RUN	E. COLI
UPPER WABASH	05120107030050	CLINTON CO	INB0735_T1046	CAMPBELLS RUN	E. COLI
UPPER WABASH	05120107030060	TIPPECANOE CO	INB0736_00	WILDCAT CREEK (UPSTREAM OF TRIBUTARIES)	E. COLI
UPPER WABASH	05120107030060	CLINTON CO	INB0736_01	WILDCAT CREEK (DOWNSTREAM OF TRIBUTARIES)	E. COLI
UPPER WABASH	05120107030060	TIPPECANOE CO	INB0736_T1001	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107030060	TIPPECANOE CO	INB0736_T1002	WILDCAT CREEK-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107030060	TIPPECANOE CO	INB0736_T1003	HOG RUN-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107030060	CLINTON CO	INB0736_T1004	HOG RUN	E. COLI
UPPER WABASH	05120107030070	TIPPECANOE CO	INB0737_00	MIDDLE FORK WILDCAT CREEK - PETTIT	E. COLI
UPPER WABASH	05120107040010	CLINTON CO	INB0741_02	TALBERT DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040010	CLINTON CO	INB0741_T1002	DUNN DITCH-CRIPE-DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040010	CLINTON CO	INB0741_T1004	SOUTH FORK WILDCAT CREEK	IMPAIRED BIOTIC COMMUNITIES

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UPPER WABASH	05120107040020	CLINTON CO	INB0742_T1001	JENKINS DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040020	CLINTON CO	INB0742_T1048	WILDCAT CREEK, SOUTH FORK-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040030	CLINTON CO	INB0743_00	PRAIRIE CREEK (HEADWATER)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040030	CLINTON CO	INB0743_02	PRAIRIE CREEK (THROUGH FRANKFORT, IN)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040030	CLINTON CO	INB0743_T1002	MANN DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040040	CLINTON CO	INB0744_T1019	SOUTH FORK WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107040050	CLINTON CO	INB0745_00	KILMORE CREEK - SHANTY CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040060	CLINTON CO	INB0746_00	SWAMP CREEK-MOTT DITCH	IBC/AMMONIA
UPPER WABASH	05120107040060	CLINTON CO	INB0746_00	SWAMP CREEK-MOTT DITCH	IBC/CHLORIDES
UPPER WABASH	05120107040060	CLINTON CO	INB0746_00	SWAMP CREEK-MOTT DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120107040060	CLINTON CO	INB0746_T1001	FLOYD DITCH-PARIS DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040060	CLINTON CO	INB0746_T1002	SWAMP CREEK-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040070	CLINTON CO	INB0747_T1001	DAVIS DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040070	CLINTON CO	INB0747_T1002	STUMP DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040090	CLINTON CO	INB0749_00	KILMORE CREEK	E. COLI
UPPER WABASH	05120107040090	CLINTON CO	INB0749_T1001	BOYLES DITCH-UNNAMED TRIBUTARY	E. COLI
UPPER WABASH	05120107040090	CLINTON CO	INB0749_T1001	BOYLES DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040090	CLINTON CO	INB0749_T1002	BOYLES DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040090	CLINTON CO	INB0749_T1002	BOYLES DITCH	E. COLI
UPPER WABASH	05120107040100	CLINTON CO	INB074A_T1020	SOUTH FORK WILDCAT CREEK - MAINSTEM	E. COLI
UPPER WABASH	05120107040100	CLINTON CO	INB074A_T1048	HEAVILON DITCH - HEADWATER	DISSOLVED OXYGEN
UPPER WABASH	05120107040100	CLINTON CO	INB074A_T1048	HEAVILON DITCH - HEADWATER	E. COLI
UPPER WABASH	05120107040100	CLINTON CO	INB074A_T1048	HEAVILON DITCH - HEADWATER	DISSOLVED OXYGEN
UPPER WABASH	05120107040120	CLINTON CO	INB074C_00	LAURAMIE CREEK (CLINTON CO)	E. COLI
UPPER WABASH	05120107040120	CLINTON CO	INB074C_00	LAURAMIE CREEK (CLINTON CO)	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040120	TIPPECANOE CO	INB074C_01	LAURAMIE CREEK (TIPPECANOE CO)	E. COLI
UPPER WABASH	05120107040120	CLINTON CO	INB074C_T1001	MCCLELLEN FICKLE DITCH	E. COLI
UPPER WABASH	05120107040120	CLINTON CO	INB074C_T1001	MCCLELLEN FICKLE DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040120	TIPPECANOE CO	INB074C_T1002	HENTZ DITCH	E. COLI
UPPER WABASH	05120107040120	TIPPECANOE CO	INB074C_T1003	ANDERSON DITCH	E. COLI
UPPER WABASH	05120107040130	TIPPECANOE CO	INB074D_T1050	UNNAMED TRIBUTARY BASIN	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120107040140	TIPPECANOE CO	INB074E_00	SOUTH FORK WILDCAT CREEK - CARY CAMP	E. COLI
UPPER WABASH	05120107040140	TIPPECANOE CO	INB074E_T1023	SOUTH FORK WILDCAT CREEK	E. COLI
UPPER WABASH	05120107050010	TIPPECANOE CO	INB0751_00	DRY RUN AND OTHER TRIBUTARIES	E. COLI
UPPER WABASH	05120107050010	TIPPECANOE CO	INB0751_T1024	WILDCAT CREEK - OSRW	E. COLI
UPPER WABASH	05120107050010	TIPPECANOE CO	INB0751_T1028	WILDCAT CREEK	E. COLI
UPPER WABASH	05120107010090	HOWARD CO	INB07P1003_00	KOKOMO RESERVOIR 2	TASTE AND ODOR
UPPER WABASH	05120107010090	HOWARD CO	INB07P1003_00	KOKOMO RESERVOIR 2	ALGAE
UPPER WABASH	05120107010090	HOWARD CO	INB07P1003_00	KOKOMO RESERVOIR 2	ALGAE
UPPER WABASH	05120107010090	HOWARD CO	INB07P1003_00	KOKOMO RESERVOIR 2	E. COLI
LOWER WABASH	05120108010030	TIPPECANOE CO	INB0813_M1001	WABASH RIVER	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120108020070	TIPPECANOE CO	INB0827_T1013	ELLIOT DITCH	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120108020090	TIPPECANOE CO	INB0829_T1039	WEA CREEK - ELLIOT DT TO MOUTH	E. COLI
LOWER WABASH	05120108030010	TIPPECANOE CO	INB0831_M1003	WABASH RIVER - D/S WEA CREEK	E. COLI
LOWER WABASH	05120108030030	TIPPECANOE CO	INB0833_M1004	WABASH RIVER - GRANVILLE BRDG TO FLINT CREEK	E. COLI
LOWER WABASH	05120108030040	TIPPECANOE CO	INB0834_00	FLINT CREEK - FLINT RUN	DISSOLVED OXYGEN
LOWER WABASH	05120108030040	TIPPECANOE CO	INB0834_00	FLINT CREEK - FLINT RUN	NUTRIENTS
LOWER WABASH	05120108040010	WHITE CO	INB0841_00	BIG PINE CREEK-ROUDEBUSH DITCH	DISSOLVED OXYGEN
LOWER WABASH	05120108040010	WHITE CO	INB0841_00	BIG PINE CREEK-ROUDEBUSH DITCH	IMPAIRED BIOTIC COMMUNITIES
LOWER WABASH	05120108040010	WHITE CO	INB0841_00	BIG PINE CREEK-ROUDEBUSH DITCH	ALGAE
LOWER WABASH	05120108040110	FOUNTAIN CO	INB084B_T1046	BIG PINE CREEK - BROWN DT TO PINE VILLAGE	LEAD
LOWER WABASH	05120108040110	FOUNTAIN CO	INB084B_T1046	BIG PINE CREEK - BROWN DT TO PINE VILLAGE	E. COLI
LOWER WABASH	05120108070010	FOUNTAIN CO	INB0871_M1014	WABASH RIVER - ATTICA	PH
LOWER WABASH	05120108070010	FOUNTAIN CO	INB0871_M1014	WABASH RIVER - ATTICA	DISSOLVED OXYGEN
LOWER WABASH	05120108070010	FOUNTAIN CO	INB0871_M1014	WABASH RIVER - ATTICA	NUTRIENTS
LOWER WABASH	05120108070030	FOUNTAIN CO	INB0873_00	SHAWNEE CREEK-KELL DT/LITTLE SHAWNEE CREEK	E. COLI
LOWER WABASH	05120108080010	FOUNTAIN CO	INB0881_M1015	WABASH RIVER	DISSOLVED OXYGEN

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LOWER WABASH	05120108080010	FOUNTAIN CO	INB0881_M1015	WABASH RIVER	NUTRIENTS
LOWER WABASH	05120108080010	FOUNTAIN CO	INB0881_M1015	WABASH RIVER	PH
LOWER WABASH	05120108080040	FOUNTAIN CO	INB0884_M1017	WABASH RIVER	NUTRIENTS
LOWER WABASH	05120108080040	FOUNTAIN CO	INB0884_M1017	WABASH RIVER	PH
LOWER WABASH	05120108080060	FOUNTAIN CO	INB0886_M1018	WABASH RIVER	PH
LOWER WABASH	05120108080060	FOUNTAIN CO	INB0886_M1018	WABASH RIVER	NUTRIENTS
LOWER WABASH	05120108090010	FOUNTAIN CO	INB0891_M1019	WABASH RIVER	NUTRIENTS
LOWER WABASH	05120108090010	FOUNTAIN CO	INB0891_M1019	WABASH RIVER	PH
LOWER WABASH	05120108100040	FOUNTAIN CO	INB08A4_00	COAL CREEK-STONE BLUFF	E. COLI
LOWER WABASH	05120108100050	FOUNTAIN CO	INB08A5_00	COAL CREEK-DRY RUN	E. COLI
LOWER WABASH	05120108110010	FOUNTAIN CO	INB08B1_00	COAL CREEK-COPPER CHAPEL	E. COLI
LOWER WABASH	05120108160010	BOONE CO	INB08G1_T1034	BIG RACCOON CREEK	IMPAIRED BIOTIC COM-MUNITIES
LOWER WABASH	05120108160020	MONTGOMERY CO	INB08G2_T1035	BIG RACCOON CREEK-NEW ROSS	IMPAIRED BIOTIC COM-MUNITIES
LOWER WABASH	05120108160020	MONTGOMERY CO	INB08G2_T1035	BIG RACCOON CREEK-NEW ROSS	E. COLI
LOWER WABASH	05120108160030	MONTGOMERY CO	INB08G3_T1036	BIG RACCOON CREEK	IMPAIRED BIOTIC COM-MUNITIES
LOWER WABASH	05120108160050	MONTGOMERY CO	INB08G5_T1038	CORNSTALK CREEK	IMPAIRED BIOTIC COM-MUNITIES
LOWER WABASH	05120108160070	PUTNAM CO	INB08G7_T1040	BIG RACCOON CREEK	IMPAIRED BIOTIC COM-MUNITIES
LOWER WABASH	05120108160080	PUTNAM CO	INB08G8_T1041	NORTH RAMP CREEK	IMPAIRED BIOTIC COM-MUNITIES
LOWER WABASH	05120108160090	PUTNAM CO	INB08G9_T1042	SOUTH RAMP CREEK	IMPAIRED BIOTIC COM-MUNITIES
LOWER WABASH	05120108180020	PARKE CO	INB08J2_00	LITTLE RACCOON CREEK-MOORE LAKE/GUION	PH
LOWER WABASH	05120108180020	PARKE CO	INB08J2_00	LITTLE RACCOON CREEK-MOORE LAKE/GUION	TOTAL DISSOLVED SOLIDS
LOWER WABASH	05120109100070	VERMILLION CO	INB09A7_00	VERMILLION RIVER-WHIPPOORWILL BRANCH	E. COLI
LOWER WABASH	05120110010070	BOONE CO	INB1017_00	SUGAR CREEK-DAVIS/BARNES DITCH	E. COLI
LOWER WABASH	05120110010090	BOONE CO	INB1019_00	SUGAR CREEK-BROWN'S WONDER CREEK (LOWER)	IMPAIRED BIOTIC COM-MUNITIES
LOWER WABASH	05120110020060	MONTGOMERY CO	INB1026_T1001	SUGAR CREEK	E. COLI
LOWER WABASH	05120110050010	MONTGOMERY CO	INB1051_T1006	SUGAR CREEK	E. COLI
LOWER WABASH	05120110060080	PARKE CO	INB1068_00	RUSH CREEK-EAST/WEST FORKS	IMPAIRED BIOTIC COM-MUNITIES
LOWER WABASH	05120111030040	VIGO CO	INB1134_T1031	NORTH BRANCH OTTER CREEK - DIAMOND CR TO LITTLE CR	ZINC
LOWER WABASH	05120111030050	VIGO CO	INB1135_T1032	NORTH BRANCH OTTER CR - LITTLE CR TO MOUTH	ZINC
LOWER WABASH	05120111030060	VIGO CO	INB1136_T1033	SULPHUR CREEK UNNAMED TRIBUTARY 2 BASIN	SULFATES
LOWER WABASH	05120111030080	VIGO CO	INB1138_T1023	OTTER CREEK	E. COLI
LOWER WABASH	05120111030080	VIGO CO	INB1138_T1023	OTTER CREEK	PH
LOWER WABASH	05120111030080	VIGO CO	INB1138_T1023	OTTER CREEK	SULFATES
LOWER WABASH	05120111030080	VIGO CO	INB1138_T1023	OTTER CREEK	TOTAL DISSOLVED SOLIDS
LOWER WABASH	05120111050030	VIGO CO	INB1153_00	SUGAR CREEK	IMPAIRED BIOTIC COM-MUNITIES
LOWER WABASH	05120111050050	VIGO CO	INB1155_T1027	SUGAR CREEK - EAST LITTLE SUGAR CR TO MOUTH	IMPAIRED BIOTIC COM-MUNITIES
LOWER WABASH	05120111160040	SULLIVAN CO	INB11G4_T1024	SULPHUR CREEK	NICKEL
LOWER WABASH	05120111160040	SULLIVAN CO	INB11G4_T1024	SULPHUR CREEK	IMPAIRED BIOTIC COM-MUNITIES
LOWER WABASH	05120111160040	SULLIVAN CO	INB11G4_T1024	SULPHUR CREEK	PH
LOWER WABASH	05120111160040	SULLIVAN CO	INB11G4_T1024	SULPHUR CREEK	DISSOLVED OXYGEN
LOWER WABASH	05120111160040	SULLIVAN CO	INB11G4_T1024	SULPHUR CREEK	TOTAL DISSOLVED SOLIDS
LOWER WABASH	05120111160040	SULLIVAN CO	INB11G4_T1024	SULPHUR CREEK	SULFATES
LOWER WABASH	05120111160040	SULLIVAN CO	INB11G4_T1024	SULPHUR CREEK	COPPER
LOWER WABASH	05120111160040	SULLIVAN CO	INB11G4_T1024	SULPHUR CREEK	ZINC
LOWER WABASH	05120111160050	SULLIVAN CO	INB11G5_T1034	BIG BRANCH TRIBUTARY - GILMOUR	SULFATES
LOWER WABASH	05120111160050	SULLIVAN CO	INB11G5_T1034	BIG BRANCH TRIBUTARY - GILMOUR	TOTAL DISSOLVED SOLIDS
LOWER WABASH	05120111160060	SULLIVAN CO	INB11G6_00	BIG BRANCH-MUD CREEK	SULFATES
LOWER WABASH	05120111160060	SULLIVAN CO	INB11G6_00	BIG BRANCH-MUD CREEK	TOTAL DISSOLVED SOLIDS
LOWER WABASH	05120111160070	SULLIVAN CO	INB11G7_00	KETTLE CREEK	DISSOLVED OXYGEN
LOWER WABASH	05120111160070	SULLIVAN CO	INB11G7_T1035	BUSSEYON CREEK - HYMERA	SULFATES
LOWER WABASH	05120111160070	SULLIVAN CO	INB11G7_T1035	BUSSEYON CREEK - HYMERA	TOTAL DISSOLVED SOLIDS
LOWER WABASH	05120111160080	SULLIVAN CO	INB11G8_T1036	BUSSEYON CREEK	SULFATES
LOWER WABASH	05120111160080	SULLIVAN CO	INB11G8_T1036	BUSSEYON CREEK	TOTAL DISSOLVED SOLIDS
LOWER WABASH	05120111160090	SULLIVAN CO	INB11G9_00	BUTTERMILK CREEK	SULFATES
LOWER WABASH	05120111160090	SULLIVAN CO	INB11G9_00	BUTTERMILK CREEK	TOTAL DISSOLVED SOLIDS
LOWER WABASH	05120111160100	SULLIVAN CO	INB11GA_00	BUSSEYON CREEK-ROBBINS CREEK	NUTRIENTS
LOWER WABASH	05120111160110	SULLIVAN CO	INB11GB_T1037	BUSSEYON CREEK - PAXTON	TOTAL DISSOLVED SOLIDS
LOWER WABASH	05120111160110	SULLIVAN CO	INB11GB_T1037	BUSSEYON CREEK - PAXTON	SULFATES
LOWER WABASH	05120111160130	SULLIVAN CO	INB11GD_00	BUSSEYON CREEK-TANYARD BRANCH	TOTAL DISSOLVED SOLIDS
LOWER WABASH	05120111160130	SULLIVAN CO	INB11GD_00	BUSSEYON CREEK-TANYARD BRANCH	SULFATES
LOWER WABASH	05120113110100	POSEY CO	INB13BA_00	LITTLE CREEK-WOLF CREEK	IMPAIRED BIOTIC COM-MUNITIES

Other Notices

LOWER WABASH	05120113110120	POSEY CO	INB13BC_00	LITTLE CREEK-LOWER	NUTRIENTS
LOWER WABASH	05120113110120	POSEY CO	INB13BC_00	LITTLE CREEK-LOWER	PH
LOWER WABASH	05120113110160	POSEY CO	INB13BG_00	BIG CREEK-ALEXANDER CREEK	IMPAIRED BIOTIC COM-MUNITIES
GREAT LAKES	04040001020010	LAKE CO	INC0121_00	INDIANA HARBOR CANAL-LAKE GEORGE BR	E. COLI
GREAT LAKES	04040001020010	LAKE CO	INC0121_00	INDIANA HARBOR CANAL - LAKE GEORGE BR	IMPAIRED BIOTIC COM-MUNITIES
GREAT LAKES	04040001020010	LAKE CO	INC0121_00	INDIANA HARBOR CANAL - LAKE GEORGE BR	OIL AND GREASE
GREAT LAKES	04040001020010	LAKE CO	INC0121_T1001	INDIANA HARBOR CANAL MAIN CHANNEL	E. COLI
GREAT LAKES	04040001020010	LAKE CO	INC0121G_G1074	LAKE MICHIGAN SHORELINE EAST OF IHC	E. COLI
GREAT LAKES	04040001020010	LAKE CO	INC0121G_G1075	LAKE MICHIGAN SHORELINE WEST OF IHC	E. COLI
GREAT LAKES	04040001020020	LAKE CO	INC0122_00	GRAND CALUMET RIVER - HEADWATERS	AMMONIA
GREAT LAKES	04040001020020	LAKE CO	INC0122_00	GRAND CALUMET RIVER - HEADWATERS	CYANIDE
GREAT LAKES	04040001020020	LAKE CO	INC0122_00	GRAND CALUMET RIVER - HEADWATERS	OIL AND GREASE
GREAT LAKES	04040001020020	LAKE CO	INC0122_T1097	GRAND CALUMET RIVER - GARY TO INDIANA HARBOR CANAL	CYANIDE
GREAT LAKES	04040001020020	LAKE CO	INC0122_T1097	GRAND CALUMET RIVER - GARY TO INDIANA HARBOR CANAL	E. COLI
GREAT LAKES	04040001020020	LAKE CO	INC0122_T1097	GRAND CALUMET RIVER - GARY TO INDIANA HARBOR CANAL	IMPAIRED BIOTIC COM-MUNITIES
GREAT LAKES	04040001020020	LAKE CO	INC0122_T1097	GRAND CALUMET RIVER - GARY TO INDIANA HARBOR CANAL	OIL AND GREASE
GREAT LAKES	04040001030010	LAKE CO	INC0131_T1003	TURKEY CREEK MAINSTEM	E. COLI
GREAT LAKES	04040001030010	LAKE CO	INC0131_T1003	TURKEY CREEK MAINSTEM	IMPAIRED BIOTIC COM-MUNITIES
GREAT LAKES	04040001030020	LAKE CO	INC0132_T1004	TURKEY CREEK - MERRILLVILLE	E. COLI
GREAT LAKES	04040001030030	LAKE CO	INC0133_T1005	MAIN BEAVER DAM DT - ABOVE CROWN POINT WWTP	IMPAIRED BIOTIC COM-MUNITIES
GREAT LAKES	04040001030040	LAKE CO	INC0134_T1006	MAIN BEAVER DAM DITCH ABOVE NILES DT	IMPAIRED BIOTIC COM-MUNITIES
GREAT LAKES	04040001030040	LAKE CO	INC0134_T1068	NILES DITCH	IMPAIRED BIOTIC COM-MUNITIES
GREAT LAKES	04040001030050	LAKE CO	INC0135_T1069	DEEP RIVER U/S US30	E. COLI
GREAT LAKES	04040001030050	LAKE CO	INC0135_T1094	DEEP RIVER TRIBUTARY MERRILLVILLE	IMPAIRED BIOTIC COM-MUNITIES
GREAT LAKES	04040001030050	LAKE CO	INC0135_T1094	DEEP RIVER TRIBUTARY MERRILLVILLE	SILTATION
GREAT LAKES	04040001030060	LAKE CO	INC0136_T1070	DEEP RIVER	E. COLI
GREAT LAKES	04040001040020	LAKE CO	INC0142_T1008	DEEP RIVER - BURNS DITCH	IMPAIRED BIOTIC COM-MUNITIES
GREAT LAKES	04040001040020	LAKE CO	INC0142_T1009	LITTLE CALUMET RIVER	CYANIDE
GREAT LAKES	04040001050020	PORTER CO	INC0152_00	CLARK DITCH AND OTHER TRIBS	E. COLI
GREAT LAKES	04040001050030	PORTER CO	INC0153_T1015	SALT CREEK	IMPAIRED BIOTIC COM-MUNITIES
GREAT LAKES	04040001050040	PORTER CO	INC0154_00	DAMON RUN - SWANSON LAMPORTE DITCH	E. COLI
GREAT LAKES	04040001050040	PORTER CO	INC0154_T1095	DAMON RUN AND TRIBUTARY	E. COLI
GREAT LAKES	04040001050050	PORTER CO	INC0155_00	GUSTAFSON DITCH - OTHER TRIBUTARIES	E. COLI
GREAT LAKES	04040001060020	PORTER CO	INC0162_T1104	RICE LAKE TRIB AND OUTLET STREAMS	E. COLI
GREAT LAKES	04040001060030	PORTER CO	INC0163_T1105	COFFEE CREEK BASIN	E. COLI
GREAT LAKES	04040001080010	PORTER CO	INC0181G_G1093	LAKE MICHIGAN SHORELINE-DUNES	E. COLI
GREAT LAKES	04040001080020	PORTER CO	INC0182_00	DUNES CREEK	E. COLI
GREAT LAKES	04040001080020	PORTER CO	INC0182_00	DUNES CREEK	IMPAIRED BIOTIC COM-MUNITIES
GREAT LAKES	04040001080020	PORTER CO	INC0182_T1089	DUNES CREEK	E. COLI
GREAT LAKES	04040001080020	PORTER CO	INC0182_T1089	DUNES CREEK	IMPAIRED BIOTIC COM-MUNITIES
GREAT LAKES	04040001080020	PORTER CO	INC0182_T1091	MUNSON DITCH	IMPAIRED BIOTIC COM-MUNITIES
GREAT LAKES	04040001080020	PORTER CO	INC0182_T1091	MUNSON DITCH	E. COLI
GREAT LAKES	04040001080040	PORTER CO	INC0184_00	KINTZELE DITCH AND TRIBS	E. COLI
GREAT LAKES	04040001090010	LA PORTE CO	INC0191G_G1092	LAKE MICHIGAN SHORELINE-LAPORTE	E. COLI
GREAT LAKES	04040001100050	LA PORTE CO	INC01A5_T1071	GALENA RIVER	E. COLI
OHIO TRIBUTARIES	05140201040040	PERRY CO	INE0144_00	DEER CREEK-MAIN STEM	DISSOLVED OXYGEN
OHIO TRIBUTARIES	05140201060050	PERRY CO	INE0165_T1053	MIDDLE FORK ANDERSON R	DISSOLVED OXYGEN
OHIO TRIBUTARIES	05140201060050	PERRY CO	INE0165_T1053	MIDDLE FORK ANDERSON R	E. COLI
OHIO TRIBUTARIES	05140201070040	PERRY CO	INE0174_T1046	ROCKHOUSE BRANCH	IMPAIRED BIOTIC COM-MUNITIES
OHIO TRIBUTARIES	05140201070100	SPENCER CO	INE017A_T1047	ANDERSON RIVER AND TRIBS	IMPAIRED BIOTIC COM-MUNITIES
OHIO TRIBUTARIES	05140201070100	SPENCER CO	INE017A_T1047	ANDERSON RIVER AND TRIBS	DISSOLVED OXYGEN
OHIO TRIBUTARIES	05140201070100	SPENCER CO	INE017A_T1047	ANDERSON RIVER AND TRIBS	E. COLI
OHIO TRIBUTARIES	05140201080030	SPENCER CO	INE0183_00	CROOKED CREEK-LIBERAL	DISSOLVED OXYGEN
OHIO TRIBUTARIES	05140201080030	SPENCER CO	INE0183_00	CROOKED CREEK-LIBERAL	E. COLI
OHIO TRIBUTARIES	05140201080050	SPENCER CO	INE0185_00	CROOKED CREEK-CEDAR CREST LAKE	E. COLI
OHIO TRIBUTARIES	05140201080050	SPENCER CO	INE0185_00	CROOKED CREEK-CEDAR CREST LAKE	DISSOLVED OXYGEN
OHIO TRIBUTARIES	05140201090050	SPENCER CO	INE0195_00	LITTLE SANDY CREEK	DISSOLVED OXYGEN
OHIO TRIBUTARIES	05140201090050	SPENCER CO	INE0195_00	LITTLE SANDY CREEK	IMPAIRED BIOTIC COM-MUNITIES

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OHIO TRIBUTARIES	05140201090050	SPENCER CO	INE0195_00	LITTLE SANDY CREEK	SULFATES
OHIO TRIBUTARIES	05140201090050	SPENCER CO	INE0195_00	LITTLE SANDY CREEK	TOTAL DISSOLVED SOLIDS
OHIO TRIBUTARIES	05140201140020	WARRICK CO	INE01E2_T1048	N. F. LITTLE PIGEON CR AND TRIB	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140201140100	SPENCER CO	INE01EA_T1003	LITTLE PIGEON CREEK	LOW DISSOLVED OXYGEN
OHIO TRIBUTARIES	05140201140110	WARRICK CO	INE01EB_T1051	UNNAMED TRIB BARREN FORK	SULFATES
OHIO TRIBUTARIES	05140201140110	WARRICK CO	INE01EB_T1051	UNNAMED TRIB BARREN FORK	AMMONIA
OHIO TRIBUTARIES	05140201140110	WARRICK CO	INE01EB_T1051	UNNAMED TRIB BARREN FORK	TOTAL DISSOLVED SOLIDS
OHIO TRIBUTARIES	05140201150020	WARRICK CO	INE01F2_00	OTTER CREEK (LOWER)	SULFATES
OHIO TRIBUTARIES	05140201150020	WARRICK CO	INE01F2_00	OTTER CREEK (LOWER)	TOTAL DISSOLVED SOLIDS
OHIO TRIBUTARIES	05140201150020	WARRICK CO	INE01F2_T1004	LITTLE PIGEON CREEK	E. COLI
OHIO TRIBUTARIES	05140201150020	WARRICK CO	INE01F2_T1004	LITTLE PIGEON CREEK	TOTAL DISSOLVED SOLIDS
OHIO TRIBUTARIES	05140201150050	SPENCER CO	INE01F5_T1005	LITTLE PIGEON CREEK	SULFATES
OHIO TRIBUTARIES	05140201150050	SPENCER CO	INE01F5_T1005	LITTLE PIGEON CREEK	TOTAL DISSOLVED SOLIDS
OHIO TRIBUTARIES	05140201150060	WARRICK CO	INE01F6_T1006	LITTLE PIGEON CREEK-RED BUSH	LOW DISSOLVED OXYGEN
OHIO TRIBUTARIES	05140201150080	WARRICK CO	INE01F8_T1007	LITTLE PIGEON CREEK	TOTAL DISSOLVED SOLIDS
OHIO TRIBUTARIES	05140201150080	WARRICK CO	INE01F8_T1007	LITTLE PIGEON CREEK	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140201150080	WARRICK CO	INE01F8_T1007	LITTLE PIGEON CREEK	SULFATES
OHIO TRIBUTARIES	05140201150080	WARRICK CO	INE01F8_T1007	LITTLE PIGEON CREEK	E. COLI
OHIO TRIBUTARIES	05140201160010	WARRICK CO	INE01G1_T1008	CYPRESS CREEK	SULFATES
OHIO TRIBUTARIES	05140201160010	WARRICK CO	INE01G1_T1008	CYPRESS CREEK	TOTAL DISSOLVED SOLIDS
OHIO TRIBUTARIES	05140201160010	WARRICK CO	INE01G1_T1008	CYPRESS CREEK	E. COLI
OHIO TRIBUTARIES	05140201160020	WARRICK CO	INE01G2_T1009	CYPRESS CREEK	E. COLI
OHIO TRIBUTARIES	05140201160020	WARRICK CO	INE01G2_T1009	CYPRESS CREEK	PESTICIDES
OHIO TRIBUTARIES	05140201160020	WARRICK CO	INE01G2_T1009	CYPRESS CREEK	SULFATES
OHIO TRIBUTARIES	05140201160020	WARRICK CO	INE01G2_T1009	CYPRESS CREEK	TOTAL DISSOLVED SOLIDS
OHIO TRIBUTARIES	05140201140040	DUBOIS CO	INE01P1021_00	HOLLAND LAKE 1	ALGAE
OHIO TRIBUTARIES	05140201140040	DUBOIS CO	INE01P1021_00	HOLLAND LAKE 1	TASTE AND ODOR
OHIO TRIBUTARIES	05140201140040	DUBOIS CO	INE01P1054_00	HOLLAND LAKE 2	ALGAE
OHIO TRIBUTARIES	05140201140040	DUBOIS CO	INE01P1054_00	HOLLAND LAKE 2	TASTE AND ODOR
OHIO TRIBUTARIES	05140202020070	GIBSON CO	INE0227_T1030	SMITH FORK	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140202020070	GIBSON CO	INE0227_T1030	SMITH FORK	SULFATES
OHIO TRIBUTARIES	05140202020070	GIBSON CO	INE0227_T1030	SMITH FORK	TOTAL DISSOLVED SOLIDS
OHIO TRIBUTARIES	05140202030050	WARRICK CO	INE0235_00	SQUAW CREEK	SULFATES
OHIO TRIBUTARIES	05140202030050	WARRICK CO	INE0235_00	SQUAW CREEK	TOTAL DISSOLVED SOLIDS
OHIO TRIBUTARIES	05140202040080	VANDEBURGH CO	INE0248_T1002	PIGEON CREEK-HARPER DITCH	DISSOLVED OXYGEN
OHIO TRIBUTARIES	05140202040080	VANDEBURGH CO	INE0248_T1002	PIGEON CREEK-HARPER DITCH	E. COLI
OHIO TRIBUTARIES	05140202040080	VANDEBURGH CO	INE0248_T1002	PIGEON CREEK-HARPER DITCH	TOTAL DISSOLVED SOLIDS
OHIO TRIBUTARIES	05140202040100	VANDEBURGH CO	INE024A_T1003	PIGEON CREEK-KLEYMEYER PARK	SULFATES
OHIO TRIBUTARIES	05140202040100	VANDEBURGH CO	INE024A_T1003	PIGEON CREEK-KLEYMEYER PARK	DISSOLVED OXYGEN
OHIO TRIBUTARIES	05140202040100	VANDEBURGH CO	INE024A_T1003	PIGEON CREEK-KLEYMEYER PARK	E. COLI
OHIO TRIBUTARIES	05140202040100	VANDEBURGH CO	INE024A_T1003	PIGEON CREEK-KLEYMEYER PARK	TOTAL DISSOLVED SOLIDS
GREAT MIAMI	05080002070030	UNION CO	ING0273_00	LITTLE FOURMILE CREEK	E. COLI
GREAT MIAMI	05080003010010	WAYNE CO	ING0311_T1001	WHITEWATER RIVER, WF	E. COLI
GREAT MIAMI	05080003010020	WAYNE CO	ING0312_T1002	WHITEWATER RIVER, WEST FORK	E. COLI
GREAT MIAMI	05080003010030	WAYNE CO	ING0313_00	NETTLE CREEK	E. COLI
GREAT MIAMI	05080003010060	WAYNE CO	ING0316_00	WHITEWATER RIVER - CRIETZ CREEK	E. COLI
GREAT MIAMI	05080003010060	WAYNE CO	ING0316_T1004	WHITEWATER RIVER, WEST FORK	E. COLI
GREAT MIAMI	05080003010100	WAYNE CO	ING031A_00	MARTINDALE CREEK - ECONOMY	E. COLI
GREAT MIAMI	05080003010080	WAYNE CO	ING031B_00	MORGAN CREEK - WEST BROOK	E. COLI
GREAT MIAMI	05080003010120	WAYNE CO	ING031C_00	MARTINDALE CREEK - BEARD RUN	E. COLI
GREAT MIAMI	05080003010140	WAYNE CO	ING031E_T1005	WHITEWATER RIVER - MILTON	E. COLI
GREAT MIAMI	05080003020040	WAYNE CO	ING0324_00	GREENS FORK CREEK - WILLIAMSBURG CREEK	E. COLI
GREAT MIAMI	05080003020050	WAYNE CO	ING0325_00	GREENS FORK	E. COLI
GREAT MIAMI	05080003020060	WAYNE CO	ING0326_00	GREENS FORK	E. COLI
GREAT MIAMI	05080003020060	WAYNE CO	ING0326_T1001	FRANKLIN CREEK	E. COLI
GREAT MIAMI	05080003020070	FAYETTE CO	ING0327_T1001	MIXED CREEK	E. COLI
GREAT MIAMI	05080003020070	WAYNE CO	ING0327_T1006	WHITEWATER RIVER, WEST FORK	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_00	NOLANDS FORK	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1001	BOWEN DITCH	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1002	CRETE DRAIN	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1003	NOLANDS FORK-UNNAMED TRIBUTARY	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1004	KELLY DITCH	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1005	NOLANDS FORK-UNNAMED TRIBUTARIES	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1006	NOLANDS FORK-UNNAMED TRIBUTARY	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1007	POLE CREEK	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1008	LINE BROOK	E. COLI
GREAT MIAMI	05080003030010	WAYNE CO	ING0331_T1009	SLOW RUN	E. COLI
GREAT MIAMI	05080003030020	WAYNE CO	ING0332_01	NOLANDS FORK	E. COLI
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_00	NOLANDS FORK	E. COLI
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_00	NOLANDS FORK	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1001	WEBSTER CREEK	IMPAIRED BIOTIC COMMUNITIES

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GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1002	WEB BRANCH	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1003	SINGLE CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1004	LONG CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1005	CAIN DITCH	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1006	RICH CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1007	FORK CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1008	NOLANDS FORK-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1009	GEPHART DITCH-UNNAMED TRIBUTARY	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1010	GEPHART DITCH	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030030	WAYNE CO	ING0333_T1011	CROWN CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT MIAMI	05080003030050	FAYETTE CO	ING0335_00	NOLANDS FORK	E. COLI
GREAT MIAMI	05080003040010	FAYETTE CO	ING0341_T1007	WHITEWATER RIVER, WEST FORK	E. COLI
GREAT MIAMI	05080003040060	FAYETTE CO	ING0346_00	WILLIAMS CREEK	E. COLI
GREAT MIAMI	05080003040070	FAYETTE CO	ING0347_01	WILLIAMS CREEK	E. COLI
GREAT MIAMI	05080003040130	FRANKLIN CO	ING034D_01	WHITEWATER CANAL	E. COLI
GREAT MIAMI	05080003050050	FRANKLIN CO	ING0355_00	BULL FORK SALT CREEK	DISSOLVED OXYGEN
GREAT MIAMI	05080003060020	FRANKLIN CO	ING0362_01	WHITEWATER CANAL	E. COLI
GREAT MIAMI	05080003070040	WAYNE CO	ING0374_00	MIDDLE FORK EAST FORK WHITEWATER RIVER (UPSTREAM)	E. COLI
GREAT MIAMI	05080003070040	WAYNE CO	ING0374_01	MIDDLE FORK EAST FORK WHITEWATER RIVER (DOWNSTREAM)	E. COLI
GREAT MIAMI	05080003070050	WAYNE CO	ING0375_00	WEST FORK EAST FORK WHITEWATER RIVER	E. COLI
GREAT MIAMI	05080003070050	WAYNE CO	ING0375_T1023	WHITEWATER RIVER, WF OF EAST FORK	E. COLI
GREAT MIAMI	05080003070060	WAYNE CO	ING0376_T1013	WHITEWATER RIVER, EAST FORK	E. COLI
GREAT MIAMI	05080003070060	WAYNE CO	ING0376_T1027	WHITEWATER RIVER, EAST FORK	E. COLI
GREAT MIAMI	05080003070070	WAYNE CO	ING0377_01	LICK CREEK	E. COLI
GREAT MIAMI	05080003070080	WAYNE CO	ING0378_01	ELKHORN CREEK	E. COLI
GREAT MIAMI	05080003070090	WAYNE CO	ING0379_T1001	WHITE RIVER, EAST FORK-UNNAMED TRIBUTARIES (HUNT ROAD)	E. COLI
GREAT MIAMI	05080003070130	UNION CO	ING037D_00	SILVER CREEK - WHITEWATER LAKE	E. COLI
GREAT MIAMI	05080003070150	UNION CO	ING037F_00	HANNA CREEK - DUBOIS CREEK	E. COLI
GREAT MIAMI	05080003080030	FRANKLIN CO	ING0383_00	BLUE CREEK - NEUKAM BRANCH	E. COLI
GREAT MIAMI	05080003080040	FRANKLIN CO	ING0384_T1001	WOLF CREEK	E. COLI
GREAT MIAMI	05080003080040	FRANKLIN CO	ING0384_T1002	BLUE CREEK	E. COLI
GREAT MIAMI	05080003080080	FRANKLIN CO	ING0388_00	BIG CEDAR CREEK	E. COLI
GREAT MIAMI	05080003080080	FRANKLIN CO	ING0388_T1001	BIG CEDAR CREEK-UNNAMED TRIBUTARY (SLEEPY HOLLOW)	E. COLI
GREAT MIAMI	05080003080080	FRANKLIN CO	ING0388_T1002	BIG CEDAR CREEK-UNNAMED TRIBUTARIES	E. COLI
GREAT MIAMI	05080003080100	DEARBORN CO	ING038A_00	LOGAN CREEK AND OTHER TRIBS	E. COLI
GREAT MIAMI	05080003070040	WAYNE CO	ING03P1012_00	MIDDLE FORK RESERVOIR	ALGAE
GREAT MIAMI	05080003070040	WAYNE CO	ING03P1012_00	MIDDLE FORK RESERVOIR	ALGAE
GREAT MIAMI	05080003070040	WAYNE CO	ING03P1012_00	MIDDLE FORK RESERVOIR	TASTE AND ODOR
OHIO RIVER	05090203	SWITZERLAND CO	INH1_00	OHIO RIVER - OHIO STATE LINE TO MARKLAND DAM	DIOXINS
OHIO RIVER	05140101	CLARK CO	INH3_M01	OHIO RIVER - BATTLE CR TO MCALPINE DAM	E. COLI
OHIO RIVER	05140101	HARRISON CO	INH4_00	OHIO RIVER - MCALPINE TO GREENWOOD, KY	E. COLI
OHIO RIVER	05140101	HARRISON CO	INH4_M01	OHIO RIVER - GREENWOOD, KY TO SALT CR	DIOXINS
OHIO RIVER	05140101	HARRISON CO	INH4_M01	OHIO RIVER - GREENWOOD, KY TO SALT CR	E. COLI
OHIO RIVER	05140201	PERRY CO	INH5_00	OHIO RIVER - SALT CR TO CANNELTON	DIOXINS
OHIO RIVER	05140201	VANDEBURGH CO	INH7_00	OHIO RIVER - NEWBURGH TO GREEN R	DIOXINS
OHIO RIVER	05140202	POSEY CO	INH8_M01	OHIO RIVER - EVANSVILLE TO UNIONTOWN	E. COLI
GREAT LAKES	04050001090050	STEBEN CO	INJ0195_00	FAWN RIVER-ORLAND	E. COLI
GREAT LAKES	04050001110030	STEBEN CO	INJ01B3_T1032	PIGEON CREEK	E. COLI
GREAT LAKES	04050001110030	STEBEN CO	INJ01B3_T1033	MUD CREEK	CHLORIDES
GREAT LAKES	04050001110030	STEBEN CO	INJ01B3_T1033	MUD CREEK	TOTAL DISSOLVED SOLIDS
GREAT LAKES	04050001110040	STEBEN CO	INJ01B4_T1297	PIGEON CREEK	E. COLI
GREAT LAKES	04050001110040	STEBEN CO	INJ01B4_T1297	PIGEON CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001110100	STEBEN CO	INJ01BA_T1309	TURKEY CREEK - STUMP DITCH	E. COLI
GREAT LAKES	04050001110120	LAGRANGE CO	INJ01BC_T1298	PIGEON CREEK	E. COLI
GREAT LAKES	04050001120010	LAGRANGE CO	INJ01C1_T1300	PIGEON RIVER	E. COLI
GREAT LAKES	04050001120020	LAGRANGE CO	INJ01C2_00	FLY CREEK-HEADWATERS (LAGRANGE)	E. COLI
GREAT LAKES	04050001140010	LAGRANGE CO	INJ01E1_T1301	EMMA CREEK TRIB	AMMONIA
GREAT LAKES	04050001140010	LAGRANGE CO	INJ01E1_T1301	EMMA CREEK TRIB	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001140060	ELKHART CO	INJ01E6_T1303	LITTLE ELKHART RIVER	E. COLI
GREAT LAKES	04050001150030	ELKHART CO	INJ01F3_00	PINE CREEK-NORTH/SOUTH FORKS	E. COLI

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GREAT LAKES	04050001170080	NOBLE CO	INJ01H8_T1312	NORTH BRANCH ELKHART RIVER AND TRIBS	E. COLI
GREAT LAKES	04050001180040	NOBLE CO	INJ01J4_T1313	CROFT DITCH	E. COLI
GREAT LAKES	04050001180050	NOBLE CO	INJ01J5_T1314	SOUTH BRANCH ELKHART RIVER	E. COLI
GREAT LAKES	04050001180060	NOBLE CO	INJ01J6_T1315	SOUTH BRANCH ELKHART RIVER	E. COLI
GREAT LAKES	04050001190010	NOBLE CO	INJ01K1_T1019	ELKHART RIVER	E. COLI
GREAT LAKES	04050001190020	ELKHART CO	INJ01K2_T1018	ELKHART RIVER	E. COLI
GREAT LAKES	04050001190030	ELKHART CO	INJ01K3_T1316	STONE CREEK AND TRIB	E. COLI
GREAT LAKES	04050001190040	ELKHART CO	INJ01K4_T1017	ELKHART RIVER	E. COLI
GREAT LAKES	04050001190060	ELKHART CO	INJ01K6_T1317	SOLOMON CREEK AND TRIBS	E. COLI
GREAT LAKES	04050001190070	ELKHART CO	INJ01K7_T1016	ELKHART RIVER	E. COLI
GREAT LAKES	04050001200030	KOSCIUSKO CO	INJ01M3_00	TURKEY CREEK-SKINNER/HOOPINGARNER DITCHES	E. COLI
GREAT LAKES	04050001200050	KOSCIUSKO CO	INJ01M5_T1318	TURKEY CREEK	E. COLI
GREAT LAKES	04050001200060	KOSCIUSKO CO	INJ01M6_T1319	TURKEY CREEK	E. COLI
GREAT LAKES	04050001200080	ELKHART CO	INJ01M8_T1320	TURKEY CREEK	E. COLI
GREAT LAKES	04050001200100	ELKHART CO	INJ01MA_T1321	TURKEY CREEK	E. COLI
GREAT LAKES	04050001210010	ELKHART CO	INJ01N1_T1015	ELKHART RIVER	E. COLI
GREAT LAKES	04050001210030	ELKHART CO	INJ01N3_T1322	ROCK RUN CREEK AND TRIBS	E. COLI
GREAT LAKES	04050001210060	ELKHART CO	INJ01N6_T1013	ELKHART RIVER	E. COLI
GREAT LAKES	04050001220010	ELKHART CO	INJ01P1_M1007	ST. JOSEPH RIVER	E. COLI
GREAT LAKES	04050001090020	STEUBEN CO	INJ01P1036_00	SNOW LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001090020	STEUBEN CO	INJ01P1037_00	MARSH LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001090030	STEUBEN CO	INJ01P1038_00	LAKE JAMES	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001090030	STEUBEN CO	INJ01P1039_00	JIMMERSON LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001090020	STEUBEN CO	INJ01P1050_00	BIG OTTER LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001090020	STEUBEN CO	INJ01P1053_00	SEVEN SISTERS LAKES	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001110040	STEUBEN CO	INJ01P1083_00	MESERVE LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001110110	LAGRANGE CO	INJ01P1093_00	LAKE OF THE WOODS	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001120030	LAGRANGE CO	INJ01P1132_00	ROYER LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001120030	LAGRANGE CO	INJ01P1133_00	FISH LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001090060	STEUBEN CO	INJ01P1144_00	LIME LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001120050	LAGRANGE CO	INJ01P1157_00	NORTH TWIN LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001200010	NOBLE CO	INJ01P1193_00	KNAPP LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001200010	NOBLE CO	INJ01P1195_00	HINDMAN LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001200010	NOBLE CO	INJ01P1196_00	GORDY LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001200010	NOBLE CO	INJ01P1198_00	VILLAGE LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001170030	LAGRANGE CO	INJ01P1261_00	MESSICK LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001170030	LAGRANGE CO	INJ01P1262_00	HACKENBURG LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001170020	LAGRANGE CO	INJ01P1263_00	DALLAS LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001170020	LAGRANGE CO	INJ01P1267_00	WITMER LAKE	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001230010	ELKHART CO	INJ01R1_T1305	WISLER DITCH AND TRIBS	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04050001230010	ELKHART CO	INJ01R1_T1305	WISLER DITCH AND TRIBS	NUTRIENTS
GREAT LAKES	04050001230040	ELKHART CO	INJ01R4_T1307	BAUGO CREEK AND TRIBS	E. COLI
GREAT LAKES	04050001230040	ELKHART CO	INJ01R4_T1323	BAUGO CREEK	E. COLI
GREAT LAKES	04050001240010	ST JOSEPH CO	INJ01T1_M1006	ST. JOSEPH RIVER	E. COLI
GREAT LAKES	04050001240020	ST JOSEPH CO	INJ01T2_M1005	ST. JOSEPH RIVER	E. COLI
GREAT LAKES	04050001240020	ST JOSEPH CO	INJ01T2_T1324	WILLOW CREEK AND TRIB	E. COLI
GREAT LAKES	04050001240030	ST JOSEPH CO	INJ01T3_M1004	ST. JOSEPH RIVER	E. COLI
GREAT LAKES	04050001240040	ST JOSEPH CO	INJ01T4_M1003	ST. JOSEPH RIVER	E. COLI
GREAT LAKES	04050001240050	ST JOSEPH CO	INJ01T5_T1002	JUDAY CREEK	E. COLI
GREAT LAKES	04050001240060	ST JOSEPH CO	INJ01T6_M1001	ST. JOSEPH RIVER	E. COLI
GREAT LAKES	04050001240060	ST JOSEPH CO	INJ01T6_T1308	ST. JOSEPH RIVER TRIB	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001010020	ST JOSEPH CO	INK0112_00	ALDRICH DITCH - SCHANG DITCH	E. COLI
UPPER ILLINOIS	07120001010100	LA PORTE CO	INK011A_T1001	KANKAKEE RIVER-MAINSTEM	E. COLI
UPPER ILLINOIS	07120001010120	LA PORTE CO	INK011C_00	LITTLE KANKAKEE RIVER-BYRON	E. COLI

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UPPER ILLINOIS	07120001010130	LA PORTE CO	INK011D_T1002	KANKAKEE RIVER	E. COLI
UPPER ILLINOIS	07120001020050	ST JOSEPH CO	INK0125_00	POTATO CREEK-KARTOFFEL CREEK	E. COLI
UPPER ILLINOIS	07120001020060	LA PORTE CO	INK0126_00	PINE CREEK-HORACE MILLER DITCH	E. COLI
UPPER ILLINOIS	07120001030010	LA PORTE CO	INK0131_T1003	KANKAKEE RIVER - MAINSTEM	E. COLI
UPPER ILLINOIS	07120001030030	LA PORTE CO	INK0133_T1004	KANKAKEE RIVER - MAINSTEM	E. COLI
UPPER ILLINOIS	07120001030040	LA PORTE CO	INK0134_T1005	KANKAKEE RIVER-MAINSTEM	E. COLI
UPPER ILLINOIS	07120001030040	LA PORTE CO	INK0134_T1005	KANKAKEE RIVER-MAINSTEM	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001030080	LA PORTE CO	INK0138_00	KANKAKEE RIVER-LONG DITCH	E. COLI
UPPER ILLINOIS	07120001030080	LA PORTE CO	INK0138_T1006	KANKAKEE RIVER-MAINSTEM	E. COLI
UPPER ILLINOIS	07120001030080	LA PORTE CO	INK0138_T1006	KANKAKEE RIVER-MAINSTEM	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001030120	LA PORTE CO	INK013C_T1007	KANKAKEE RIVER-MAINSTEM	E. COLI
LOWER WABASH	07120001040060	LA PORTE CO	INK0146_T1008	KANKAKEE RIVER	E. COLI
UPPER ILLINOIS	07120001040070	LA PORTE CO	INK0147_T1009	KANKAKEE RIVER	E. COLI
UPPER ILLINOIS	07120001050030	ST JOSEPH CO	INK0153_T1016	UNNAMED DITCH	E. COLI
UPPER ILLINOIS	07120001050040	MARSHALL CO	INK0154_00	ARMEY DITCH - HEADWATERS	E. COLI
UPPER ILLINOIS	07120001050060	MARSHALL CO	INK0155_00	YELLOW RIVER - ARMEY DITCH - ALBERT ZEIGER DITCH	E. COLI
UPPER ILLINOIS	07120001050070	MARSHALL CO	INK0157_00	STOCK DITCH - BUNCH BRANCHES	E. COLI
UPPER ILLINOIS	07120001050080	MARSHALL CO	INK0158_00	YELLOW RIVER - RIVERSIDE CHURCH	E. COLI
UPPER ILLINOIS	07120001050150	MARSHALL CO	INK015F_00	YELLOW RIVER - MILNER SELTENRIGHT DITCH	E. COLI
UPPER ILLINOIS	07120001060050	MARSHALL CO	INK0165_00	YELLOW RIVER - LISTENBERGER/CLIFFTON DITCHES	E. COLI
UPPER ILLINOIS	07120001060060	STARKE CO	INK0166_00	YELLOW RIVER - OBER	E. COLI
UPPER ILLINOIS	07120001060100	STARKE CO	INK016A_00	YELLOW RIVER-KNOX	E. COLI
UPPER ILLINOIS	07120001080030	LA PORTE CO	INK0183_M1011	KANKAKEE RIVER-ENGLISH LAKE	E. COLI
UPPER ILLINOIS	07120001090050	PORTER CO	INK0195_T1013	CROOKED CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001090070	PORTER CO	INK0197_T1014	CROOKED CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001090100	PORTER CO	INK019A_00	COBB DITCH-SIEVERS CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001090150	PORTER CO	INK019F_M1104	KANKAKEE RIVER	E. COLI
LOWER WABASH	07120001090150	LAKE CO	INK019F_M1113	KANKAKEE RIVER	E. COLI
UPPER ILLINOIS	07120001090150	PORTER CO	INK019F_T1018	BREYFOGEL DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001130010	LAKE CO	INK01D1_T1107	EAST BRANCH STONY RUN	CHLORIDES
UPPER ILLINOIS	07120001130010	LAKE CO	INK01D1_T1107	EAST BRANCH STONY RUN	NUTRIENTS
UPPER ILLINOIS	07120001130010	LAKE CO	INK01D1_T1107	EAST BRANCH STONY RUN	TOTAL DISSOLVED SOLIDS
UPPER ILLINOIS	07120001130030	LAKE CO	INK01D3_00	SINGLETON DITCH-BRYANT DITCH	E. COLI
UPPER ILLINOIS	07120001130070	LAKE CO	INK01D7_T1025	CEDAR CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001130080	LAKE CO	INK01D8_00	SINGLETON DITCH-BRUCE DITCH/BAILEY DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001140010	LAKE CO	INK01E1_T1108	BULL RUN BASIN	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001060080	MARSHALL CO	INK01P1037_00	LAWRENCE LAKE	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120001060080	MARSHALL CO	INK01P1038_00	MYERS LAKE	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120002020010	JASPER CO	INK0221_T1017	ROWAN DITCH TRIBUTARY	DISSOLVED OXYGEN
UPPER ILLINOIS	07120002020010	JASPER CO	INK0221_T1017	ROWAN DITCH TRIBUTARY	NUTRIENTS
UPPER ILLINOIS	07120002020030	JASPER CO	INK0223_T1003	IROQUOIS RIVER	E. COLI
UPPER ILLINOIS	07120002020060	JASPER CO	INK0226_T1004	IROQUOIS RIVER	E. COLI
UPPER ILLINOIS	07120002030050	JASPER CO	INK0235_T1019	SLOUGH CREEK	E. COLI
UPPER ILLINOIS	07120002030070	JASPER CO	INK0237_T1020	CARPENTER CREEK TRIBUTARY	DISSOLVED OXYGEN
UPPER ILLINOIS	07120002030070	JASPER CO	INK0237_T1020	CARPENTER CREEK TRIBUTARY	NUTRIENTS
UPPER ILLINOIS	07120002030080	JASPER CO	INK0238_00	SLOUGH CREEK-CARPENTER CREEK (LOWER)	E. COLI
UPPER ILLINOIS	07120002040030	JASPER CO	INK0243_00	CURTIS CREEK-YEOMAN DITCH	CHLORIDES
UPPER ILLINOIS	07120002040030	JASPER CO	INK0243_00	CURTIS CREEK-YEOMAN DITCH	DISSOLVED OXYGEN
UPPER ILLINOIS	07120002040030	JASPER CO	INK0243_00	CURTIS CREEK-YEOMAN DITCH	NUTRIENTS
UPPER ILLINOIS	07120002040030	JASPER CO	INK0243_00	CURTIS CREEK-YEOMAN DITCH	TOTAL DISSOLVED SOLIDS
UPPER ILLINOIS	07120002040040	NEWTON CO	INK0244_T1006	IROQUOIS RIVER	E. COLI
UPPER ILLINOIS	07120002040060	NEWTON CO	INK0246_00	MOSQUITO CREEK-SIMONIN DITCH	DISSOLVED OXYGEN
UPPER ILLINOIS	07120002040060	NEWTON CO	INK0246_T1007	IROQUOIS RIVER	E. COLI
UPPER ILLINOIS	07120002040070	NEWTON CO	INK0247_T1008	IROQUOIS RIVER	E. COLI
UPPER ILLINOIS	07120002040080	NEWTON CO	INK0248_T1009	IROQUOIS RIVER	E. COLI
UPPER ILLINOIS	07120002050010	NEWTON CO	INK0251_T1010	IROQUOIS RIVER	E. COLI
UPPER ILLINOIS	07120002050020	NEWTON CO	INK0252_00	THOMPSON DITCH-CLARK DITCH	DISSOLVED OXYGEN
UPPER ILLINOIS	07120002050020	NEWTON CO	INK0252_00	THOMPSON DITCH-CLARK DITCH	NUTRIENTS
UPPER ILLINOIS	07120002050030	NEWTON CO	INK0253_00	THOMPSON DITCH-HAMBRIDGE DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120002050070	NEWTON CO	INK0257_00	MONTGOMERY DITCH-MORRISON DITCH NO. 2 DITCH	DISSOLVED OXYGEN
UPPER ILLINOIS	07120002050070	NEWTON CO	INK0257_00	MONTGOMERY DITCH-MORRISON DITCH NO. 2 DITCH	NUTRIENTS

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UPPER ILLINOIS	07120002070020	BENTON CO	INK0272_00	SUGAR CREEK-EARL PARK	E. COLI
UPPER ILLINOIS	07120002150030	NEWTON CO	INK02F3_T1014	BEAVER CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120003030030	LAKE CO	INK0333_T1003	DYER DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER ILLINOIS	07120003030050	LAKE CO	INK0335_T1004	LITTLE CALUMET RIVER	CYANIDE
UPPER ILLINOIS	07120003030050	LAKE CO	INK0335_T1005	LITTLE CALUMET RIVER	CYANIDE
UPPER ILLINOIS	07120003030060	LAKE CO	INK0336_T1002	LITTLE CALUMET RIVER	CYANIDE
UPPER ILLINOIS	07120003050010	LAKE CO	INK0351_T1001	GRAND CALUMET RIVER - ILLINOIS TO INDIANA HARBOR CANAL	AMMONIA
UPPER ILLINOIS	07120003050010	LAKE CO	INK0351_T1001	GRAND CALUMET RIVER - ILLINOIS TO INDIANA HARBOR CANAL	CHLORIDES
UPPER ILLINOIS	07120003050010	LAKE CO	INK0351_T1001	GRAND CALUMET RIVER - ILLINOIS TO INDIANA HARBOR CANAL	CYANIDE
UPPER ILLINOIS	07120003050010	LAKE CO	INK0351_T1001	GRAND CALUMET RIVER - ILLINOIS TO INDIANA HARBOR CANAL	E. COLI
UPPER ILLINOIS	07120003050010	LAKE CO	INK0351_T1001	GRAND CALUMET RIVER - ILLINOIS TO INDIANA HARBOR CANAL	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140101030040	JEFFERSON CO	INN0134_T1034	INDIAN KENTUCK CREEK	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140101030060	JEFFERSON CO	INN0136_00	WEST FORK INDIAN KENTUCK-HEADWATERS	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140101070090	CLARK CO	INN0179_00	FOURTEEN MILE CREEK-DRY BRANCH	E. COLI
OHIO TRIBUTARIES	05140101070100	CLARK CO	INN017A_00	YANKEE CREEK	E. COLI
OHIO TRIBUTARIES	05140101140110	CLARK CO	INN01EB_T1033	SILVER CREEK TRIB	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140104050070	HARRISON CO	INN0457_00	BUCK CREEK-MAIN STEM	E. COLI
OHIO TRIBUTARIES	05140104050070	HARRISON CO	INN0457_00	BUCK CREEK-MAIN STEM	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140104080020	FLOYD CO	INN0482_00	LITTLE INDIAN CREEK (NORTH)	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140104090040	HARRISON CO	INN0494_00	INDIAN CREEK-CRANDALL BRANCH	E. COLI
OHIO TRIBUTARIES	05140104090060	HARRISON CO	INN0496_T1051	INDIAN CREEK	E. COLI
OHIO TRIBUTARIES	05140104100030	HARRISON CO	INN04A3_00	INDIAN CREEK-DEVILS BACKBONE	DISSOLVED OXYGEN
OHIO TRIBUTARIES	05140104100030	HARRISON CO	INN04A3_00	INDIAN CREEK-DEVILS BACKBONE	E. COLI
OHIO TRIBUTARIES	05140104130080	WASHINGTON CO	INN04D8_T1041	SOUTH FORK BLUE RIVER	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140104130080	WASHINGTON CO	INN04D8_T1044	SOUTH FORK BLUE RIVER	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140104140010	HARRISON CO	INN04E1_T1001	BLUE RIVER	E. COLI
OHIO TRIBUTARIES	05140104140010	HARRISON CO	INN04E1_T1040	BLUE RIVER	E. COLI
OHIO TRIBUTARIES	05140104140050	HARRISON CO	INN04E5_T1002	BLUE RIVER	E. COLI
OHIO TRIBUTARIES	05140104150010	HARRISON CO	INN04F1_T1003	BLUE RIVER	E. COLI
OHIO TRIBUTARIES	05140104150020	HARRISON CO	INN04F2_T1004	BLUE RIVER	E. COLI
OHIO TRIBUTARIES	05140104150060	HARRISON CO	INN04F6_T1007	BLUE RIVER	E. COLI
OHIO TRIBUTARIES	05140104150060	HARRISON CO	INN04F6_T1039	BLUE RIVER	E. COLI
OHIO TRIBUTARIES	05140104150070	HARRISON CO	INN04F7_T1008	BLUE RIVER	E. COLI
OHIO TRIBUTARIES	05140104150070	HARRISON CO	INN04F7_T1008	BLUE RIVER	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140104180030	CRAWFORD CO	INN04J3_T1047	LITTLE BLUE RIVER	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140104180030	CRAWFORD CO	INN04J3_T1047	LITTLE BLUE RIVER	SULFATES
OHIO TRIBUTARIES	05140104180030	CRAWFORD CO	INN04J3_T1047	LITTLE BLUE RIVER	TOTAL DISSOLVED SOLIDS
OHIO TRIBUTARIES	05140104180040	CRAWFORD CO	INN04J4_T1048	OTTER CREEK TRIB	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140104180050	CRAWFORD CO	INN04J5_00	LITTLE BLUE RIVER-GRANTSBURG	E. COLI
OHIO TRIBUTARIES	05140104180070	CRAWFORD CO	INN04J7_T1046	BOGARD CREEK	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140104200070	PERRY CO	INN04M7_00	OIL CREEK-WEBB BRANCH	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05140104200080	PERRY CO	INN04M8_00	LITTLE OIL CREEK	DISSOLVED OXYGEN
OHIO TRIBUTARIES	05140104200080	PERRY CO	INN04M8_00	LITTLE OIL CREEK	E. COLI
OHIO TRIBUTARIES	05140104210030	PERRY CO	INN04N3_00	BIG POISON CREEK	DISSOLVED OXYGEN
OHIO TRIBUTARIES	05140104120040	WASHINGTON CO	INN04P1029_00	LAKE SALINDIA	ALGAE
OHIO TRIBUTARIES	05140104120040	WASHINGTON CO	INN04P1029_00	LAKE SALINDIA	TASTE AND ODOR
PATOKA	05120209030010	DUBOIS CO	INP0931_00	HALL CREEK-HEADWATERS	E. COLI
PATOKA	05120209050010	PIKE CO	INP0951_00	FLAT CREEK HEADWATERS	E. COLI
PATOKA	05120209050010	PIKE CO	INP0951_00	FLAT CREEK HEADWATERS	IMPAIRED BIOTIC COMMUNITIES
PATOKA	05120209050010	PIKE CO	INP0951_00	FLAT CREEK HEADWATERS	SULFATES
PATOKA	05120209050010	PIKE CO	INP0951_00	FLAT CREEK HEADWATERS	TOTAL DISSOLVED SOLIDS
PATOKA	05120209050020	PIKE CO	INP0952_00	FLAT CREEK-BUCK CREEK	E. COLI
PATOKA	05120209050020	PIKE CO	INP0952_00	FLAT CREEK-BUCK CREEK	IMPAIRED BIOTIC COMMUNITIES
PATOKA	05120209050020	PIKE CO	INP0952_00	FLAT CREEK-BUCK CREEK	SULFATES
PATOKA	05120209050020	PIKE CO	INP0952_00	FLAT CREEK-BUCK CREEK	TOTAL DISSOLVED SOLIDS
PATOKA	05120209050030	PIKE CO	INP0953_00	FLAT CREEK	E. COLI

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PATOKA	05120209050030	PIKE CO	INP0953_T1065	LITTLE FLAT CREEK	TOTAL DISSOLVED SOLIDS
PATOKA	05120209050030	PIKE CO	INP0953_T1066	UNNAMED TRIBUTARY (HOBBS CEMETERY)	E. COLI
PATOKA	05120209060050	PIKE CO	INP0965_00	PATOKA RIVER-LICK MILL CREEKS	TOTAL DISSOLVED SOLIDS
PATOKA	05120209060050	PIKE CO	INP0965_00	PATOKA RIVER-LICK MILL CREEKS	IMPAIRED BIOTIC COMMUNITIES
PATOKA	05120209060050	PIKE CO	INP0965_00	PATOKA RIVER-LICK MILL CREEKS	SULFATES
PATOKA	05120209070010	PIKE CO	INP0971_T1021	SOUTH FORK PATOKA RIVER	IMPAIRED BIOTIC COMMUNITIES
PATOKA	05120209070020	PIKE CO	INP0972_00	HOUCHIN DITCH	TOTAL DISSOLVED SOLIDS
PATOKA	05120209070020	PIKE CO	INP0972_T1022	SOUTH FORK PATOKA RIVER	IMPAIRED BIOTIC COMMUNITIES
PATOKA	05120209070030	PIKE CO	INP0973_00	SOUTH FORK PATOKA R-SPURGEON TRIBUTARIES	TOTAL DISSOLVED SOLIDS
PATOKA	05120209070030	PIKE CO	INP0973_T1023	SOUTH FORK PATOKA RIVER	IMPAIRED BIOTIC COMMUNITIES
PATOKA	05120209070040	PIKE CO	INP0974_00	HONEY CREEK (SOUTH FORK PATOKA) TRIBUTARIES	TOTAL DISSOLVED SOLIDS
PATOKA	05120209070050	GIBSON CO	INP0975_00	SOUTH FORK PATOKA R-WHEELER/LICK CREEKS	TOTAL DISSOLVED SOLIDS
PATOKA	05120209070050	GIBSON CO	INP0975_T1024	SOUTH FORK PATOKA RIVER	IMPAIRED BIOTIC COMMUNITIES
PATOKA	05120209080020	PIKE CO	INP0982_00	EAST FORK KEG CREEK	E. COLI
OHIO TRIBUTARIES	05090203030090	DEARBORN CO	INV0339_T1024	TANNERS CREEK	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05090203040070	RIPLEY CO	INV0347_T1026	SOUTH HOGAN CREEK	E. COLI
OHIO TRIBUTARIES	05090203040070	RIPLEY CO	INV0347_T1026	SOUTH HOGAN CREEK	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05090203040080	DEARBORN CO	INV0348_T1025	WHITAKER CREEK	E. COLI
OHIO TRIBUTARIES	05090203040080	DEARBORN CO	INV0348_T1025	WHITAKER CREEK	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05090203040090	DEARBORN CO	INV0349_T1027	SOUTH HOGAN CREEK	E. COLI
OHIO TRIBUTARIES	05090203040090	DEARBORN CO	INV0349_T1027	SOUTH HOGAN CREEK	IMPAIRED BIOTIC COMMUNITIES
OHIO TRIBUTARIES	05090203060110	RIPLEY CO	INV036B_T1029	LAUGHERY CREEK	E. COLI
OHIO TRIBUTARIES	05090203060130	RIPLEY CO	INV036D_T1030	LAUGHERY CREEK	E. COLI
OHIO TRIBUTARIES	05090203060140	RIPLEY CO	INV036E_T1031	LAUGHERY CREEK	E. COLI
OHIO TRIBUTARIES	05090203080030	OHIO CO	INV0383_00	SOUTH FORK LAUGHERY CREEK-LOWER	E. COLI
OHIO TRIBUTARIES	05090203180030	SWITZERLAND CO	INV03J3_T1040	THURSTON CREEK	E. COLI
WEST FORK WHITE	05120201010010	RANDOLPH CO	INW0111_T1001	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201010010	RANDOLPH CO	INW0111_T1221	OWL CREEK AND TRIBUTARY	E. COLI
WEST FORK WHITE	05120201010010	RANDOLPH CO	INW0111_T1222	WHITE RIVER HEADWATER TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201010020	RANDOLPH CO	INW0112_T1002	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201010020	RANDOLPH CO	INW0112_T1002	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201010030	RANDOLPH CO	INW0113_T1003	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201010040	RANDOLPH CO	INW0114_T1004	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201010050	RANDOLPH CO	INW0115_T1005	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201010060	RANDOLPH CO	INW0116_00	CABIN CREEK-LAMB CREEK	E. COLI
WEST FORK WHITE	05120201010070	RANDOLPH CO	INW0117_00	STONEY CREEK-LITTLE STONEY CREEK	E. COLI
WEST FORK WHITE	05120201010080	RANDOLPH CO	INW0118_00	LITTLE WHITE RIVER	E. COLI
WEST FORK WHITE	05120201010090	DELAWARE CO	INW0119_00	STONEY CREEK AND OTHER TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201010090	DELAWARE CO	INW0119_T1006	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201010100	DELAWARE CO	INW011A_00	MUD CREEK AND OTHER TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201010100	DELAWARE CO	INW011A_T1007	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201010120	DELAWARE CO	INW011C_T1008	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201010130	DELAWARE CO	INW011D_00	MUNCIE CREEK - OTHER TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201010130	DELAWARE CO	INW011D_T1009	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201020010	HENRY CO	INW0121_00	BUCK CREEK-LITTLE BUCK CREEK	E. COLI
WEST FORK WHITE	05120201020020	DELAWARE CO	INW0122_T1011	BUCK CREEK	E. COLI
WEST FORK WHITE	05120201020020	DELAWARE CO	INW0122_T1011	BUCK CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201020030	DELAWARE CO	INW0123_00	BELL CREEK-BETHEL BROOK	E. COLI
WEST FORK WHITE	05120201020040	DELAWARE CO	INW0124_00	BELL CREEK-WILLIAMS DITCH	E. COLI
WEST FORK WHITE	05120201020050	DELAWARE CO	INW0125_00	BELL CREEK-NO NAME CREEK	E. COLI
WEST FORK WHITE	05120201020060	DELAWARE CO	INW0126_T1012	BUCK CREEK	E. COLI
WEST FORK WHITE	05120201030010	DELAWARE CO	INW0131_00	YORK PRAIRIE CREEK AND OTHER TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201030020	MADISON CO	INW0132_00	SHOEMAKER DITCH AND OTHER TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201030030	MADISON CO	INW0133_T1015	WHITE RIVER - CHESTERFIELD TO ANDERSON	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201040080	MADISON CO	INW0148_T1018	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201040100	HAMILTON CO	INW014A_T1019	WHITE RIVER-PERKINSVILLE	CYANIDE
WEST FORK WHITE	05120201060040	HAMILTON CO	INW0164_00	LAMBERSON DITCH	E. COLI
WEST FORK WHITE	05120201060040	HAMILTON CO	INW0164_00	LAMBERSON DITCH	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201070020	HAMILTON CO	INW0172_T1032	WHITE RIVER - DUCK CR TO RIVERWOOD	IMPAIRED BIOTIC COMMUNITIES

Other Notices

WEST FORK WHITE	05120201070030	HAMILTON CO	INW0173_00	MALLORY GRANGER DITCH/ INGERMAN DITCH BASINS	E. COLI
WEST FORK WHITE	05120201070030	HAMILTON CO	INW0173_T1033	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201070070	HAMILTON CO	INW0177_T1041	STONY CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201080010	TIPTON CO	INW0181_00	COX DITCH-CHRISTY/KIGIN DITCHES	ALGAE
WEST FORK WHITE	05120201080010	TIPTON CO	INW0181_00	COX DITCH-CHRISTY/KIGIN DITCHES	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201080010	TIPTON CO	INW0181_00	COX DITCH-CHRISTY/KIGIN DITCHES	NUTRIENTS
WEST FORK WHITE	05120201080040	TIPTON CO	INW0184_00	CICERO CREEK-CAMPBELL DITCH	E. COLI
WEST FORK WHITE	05120201080050	TIPTON CO	INW0185_00	CICERO CREEK-TOBIN DITCH	E. COLI
WEST FORK WHITE	05120201080060	HAMILTON CO	INW0186_00	CICERO CREEK-BACON PRAIRIE CR/BUSCHER DT	E. COLI
WEST FORK WHITE	05120201080090	HAMILTON CO	INW0189_00	BENNETT DT/TAYLOR CREEK AND OTHER TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201080090	HAMILTON CO	INW0189_T1035	LITTLE CICERO CREEK	E. COLI
WEST FORK WHITE	05120201080120	HAMILTON CO	INW018C_00	SLY RUN AND TRIBS	E. COLI
WEST FORK WHITE	05120201090010	HAMILTON CO	INW0191_00	SHOEMAKER DITCH (HAMILTON) AND OTHER TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201090030	HAMILTON CO	INW0193_00	COOL CREEK BASIN	E. COLI
WEST FORK WHITE	05120201090040	MARION CO	INW0194_M1053	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201090080	MARION CO	INW0198_T1056	BROADRIPPLE TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201100010	HENRY CO	INW01A1_00	FALL CREEK-HONEY CREEK	E. COLI
WEST FORK WHITE	05120201100020	HENRY CO	INW01A2_00	FALL CREEK-SUGAR CREEK/DEER CREEK	E. COLI
WEST FORK WHITE	05120201100030	HENRY CO	INW01A3_00	FALL CREEK-MUD CREEK/LITTLE CREEK TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201100030	MADISON CO	INW01A3_T1042	FALL CREEK	E. COLI
WEST FORK WHITE	05120201100040	MADISON CO	INW01A4_00	SLY FORK-BRANDON DITCH	E. COLI
WEST FORK WHITE	05120201100050	MADISON CO	INW01A5_T1043	FALL CREEK	E. COLI
WEST FORK WHITE	05120201100060	MADISON CO	INW01A6_T1044	FALL CREEK	E. COLI
WEST FORK WHITE	05120201100070	MADISON CO	INW01A7_00	PRAIRIE CREEK (MADISON)	E. COLI
WEST FORK WHITE	05120201100080	MADISON CO	INW01A8_00	FOSTER BRANCH	E. COLI
WEST FORK WHITE	05120201100090	MADISON CO	INW01A9_T1045	FALL CREEK-PENDLETON TO LICK CREEK	E. COLI
WEST FORK WHITE	05120201100100	MADISON CO	INW01AA_00	LICK CREEK HEADWATERS (MARKLEVILLE)	E. COLI
WEST FORK WHITE	05120201100110	MADISON CO	INW01AB_00	LICK CREEK-MANIFOLD/MCFADDEN DITCHES	E. COLI
WEST FORK WHITE	05120201110060	MARION CO	INW01B6_T1051	FALL CREEK	E. COLI
WEST FORK WHITE	05120201110060	MARION CO	INW01B6_T1057	MINNIE CREEK TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201120010	BOONE CO	INW01C1_00	DIXON BRANCH AND OTHER TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201120010	BOONE CO	INW01C1_T1064	EAGLE CREEK	E. COLI
WEST FORK WHITE	05120201120020	BOONE CO	INW01C2_00	KREAGER DITCH AND OTHER TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201120020	BOONE CO	INW01C2_T1065	EAGLE CREEK	E. COLI
WEST FORK WHITE	05120201120020	BOONE CO	INW01C2_T1065	EAGLE CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201120030	BOONE CO	INW01C3_00	FINLEY CREEK AND OTHER	E. COLI
WEST FORK WHITE	05120201120030	BOONE CO	INW01C3_T1066	EAGLE CREEK	E. COLI
WEST FORK WHITE	05120201120040	BOONE CO	INW01C4_00	MOUNTS RUN-NEESE DITCH	E. COLI
WEST FORK WHITE	05120201120050	BOONE CO	INW01C5_00	JACKSON RUN AND OTHER TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201120050	BOONE CO	INW01C5_T1067	EAGLE CREEK	E. COLI
WEST FORK WHITE	05120201120060	HAMILTON CO	INW01C6_00	LITTLE EAGLE BRANCH-HEADWATERS	E. COLI
WEST FORK WHITE	05120201120070	BOONE CO	INW01C7_00	LITTLE EAGLE BRANCH-WOODRUFF BRANCH	E. COLI
WEST FORK WHITE	05120201120080	MARION CO	INW01C8_T1068	EAGLE CREEK	E. COLI
WEST FORK WHITE	05120201120090	MARION CO	INW01C9_00	FISHBACK CREEK (EAGLE CREEK RESERVOIR)	E. COLI
WEST FORK WHITE	05120201120110	MARION CO	INW01CB_T1071	EAGLE CREEK-DAM TO LITTLE EAGLE CREEK	E. COLI
WEST FORK WHITE	05120201120120	MARION CO	INW01CC_00	LITTLE EAGLE CREEK-GUION CREEK	E. COLI
WEST FORK WHITE	05120201120120	MARION CO	INW01CC_00	LITTLE EAGLE CREEK-GUION CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201120130	MARION CO	INW01CD_00	LITTLE EAGLE CREEK-FALCON CREEK/DRY RUN	E. COLI
WEST FORK WHITE	05120201120140	MARION CO	INW01CE_T1072	EAGLE CREEK-NEELD DITCH/BLUE LAKE	E. COLI
WEST FORK WHITE	05120201130010	MARION CO	INW01D1_T1061	POGUES RUN	E. COLI
WEST FORK WHITE	05120201130010	MARION CO	INW01D1_T1061	POGUES RUN	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201130020	MARION CO	INW01D2_T1058	INDIANAPOLIS TRIBUTARYS	E. COLI
WEST FORK WHITE	05120201130030	MARION CO	INW01D3_T1062	PLEASANT RUN	E. COLI
WEST FORK WHITE	05120201130030	MARION CO	INW01D3_T1062	PLEASANT RUN	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201130040	MARION CO	INW01D4_T1063	PLEASANT RUN	E. COLI
WEST FORK WHITE	05120201130040	MARION CO	INW01D4_T1063	PLEASANT RUN	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201130040	MARION CO	INW01D4_T1119	BEAN CREEK	E. COLI
WEST FORK WHITE	05120201130040	MARION CO	INW01D4_T1119	BEAN CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201130070	MARION CO	INW01D7_T1073	STATE DITCH	E. COLI
WEST FORK WHITE	05120201130070	MARION CO	INW01D7_T1073	STATE DITCH	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201130070	MARION CO	INW01D7_T1120	MARS DITCH	E. COLI
WEST FORK WHITE	05120201130070	MARION CO	INW01D7_T1120	MARS DITCH	IMPAIRED BIOTIC COMMUNITIES

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WEST FORK WHITE	05120201130080	MARION CO	INW01D8_M1076	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201130080	MARION CO	INW01D8_T1074	DOLLAR HIDE CREEK	E. COLI
WEST FORK WHITE	05120201130080	MARION CO	INW01D8_T1074	DOLLAR HIDE CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201130100	JOHNSON CO	INW01DA_M1077	WHITE RIVER-MANN CREEK/HARNESS DITCH	DISSOLVED OXYGEN
WEST FORK WHITE	05120201130110	JOHNSON CO	INW01DB_00	PLEASANT RUN CREEK-BUFFALO CREEK	E. COLI
WEST FORK WHITE	05120201140030	MORGAN CO	INW01E3_M1079	WHITE RIVER	CYANIDE
WEST FORK WHITE	05120201140030	MORGAN CO	INW01E3_M1079	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201140040	MORGAN CO	INW01E4_M1080	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201140050	MORGAN CO	INW01E5_00	CROOKED CREEK-BANTA CREEK	E. COLI
WEST FORK WHITE	05120201140060	MORGAN CO	INW01E6_M1081	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201140070	MORGAN CO	INW01E7_T1115	NORTH PRONG STOTTS CREEK LMTD USE WATERS	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201140080	MORGAN CO	INW01E8_T1121	NORTH PRONG STOTTS CREEK	E. COLI
WEST FORK WHITE	05120201140100	MORGAN CO	INW01EA_T1122	SOUTH PRONG STOTTS CREEK	E. COLI
WEST FORK WHITE	05120201140100	MORGAN CO	INW01EA_T1122	SOUTH PRONG STOTTS CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201140110	MORGAN CO	INW01EB_T1123	SOUTH PRONG STOTTS CREEK	E. COLI
WEST FORK WHITE	05120201140120	MORGAN CO	INW01EC_00	STOTTS CREEK-EXCHANGE	E. COLI
WEST FORK WHITE	05120201140130	MORGAN CO	INW01ED_M1082	WHITE RIVER-HENDERSON BRIDGE	E. COLI
WEST FORK WHITE	05120201140140	MORGAN CO	INW01EE_00	CLEAR CREEK-EAST/WEST/GRASSY FORKS	E. COLI
WEST FORK WHITE	05120201150040	HENDRICKS CO	INW01F4_00	TILDEN	E. COLI
WEST FORK WHITE	05120201150040	HENDRICKS CO	INW01F4_T1085	WHITE LICK CREEK	E. COLI
WEST FORK WHITE	05120201150050	HENDRICKS CO	INW01F5_T1086	WHITE LICK CREEK	E. COLI
WEST FORK WHITE	05120201150070	HENDRICKS CO	INW01F7_T1087	WHITE LICK CREEK-PLAINFIELD	E. COLI
WEST FORK WHITE	05120201150080	HENDRICKS CO	INW01F8_00	WEST FORK WHITE LICK CREEK-HEADWATERS	E. COLI
WEST FORK WHITE	05120201150090	HENDRICKS CO	INW01F9_00	WEST FORK WHITE LICK CREEK-THOMPSON CREEK	E. COLI
WEST FORK WHITE	05120201150100	HENDRICKS CO	INW01FA_T1224	WEST FORK WHITE LICK CREEK	E. COLI
WEST FORK WHITE	05120201150110	MORGAN CO	INW01FB_00	WEST FORK WHITE LICK CREEK-MAIN STEM	E. COLI
WEST FORK WHITE	05120201150120	MORGAN CO	INW01FC_T1088	WHITE LICK CREEK	E. COLI
WEST FORK WHITE	05120201150130	MORGAN CO	INW01FD_T1089	WHITE LICK CREEK-MOORSEVILLE	E. COLI
WEST FORK WHITE	05120201150140	MARION CO	INW01FE_00	EAST FORK WHITE LICK CREEK-HEADWATERS AND OTHER TRIBUTARIES	E. COLI
WEST FORK WHITE	05120201150140	MARION CO	INW01FE_T1107	EAST FORK WHITE LICK CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201150150	HENDRICKS CO	INW01FF_00	EAST FORK WHITE LICK CREEK-STERLING RUN	E. COLI
WEST FORK WHITE	05120201150150	HENDRICKS CO	INW01FF_T1108	EAST FORK WHITE LICK CREEK	E. COLI
WEST FORK WHITE	05120201150150	HENDRICKS CO	INW01FF_T1124	EAST FORK WHITE LICK CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201150160	MORGAN CO	INW01FG_00	EAST FORK WHITE LICK CREEK-SILON CREEK	E. COLI
WEST FORK WHITE	05120201150160	MORGAN CO	INW01FG_T1109	EAST FORK WHITE LICK CREEK	E. COLI
WEST FORK WHITE	05120201150170	MORGAN CO	INW01FH_T1090	WHITE LICK CREEK	E. COLI
WEST FORK WHITE	05120201150180	MORGAN CO	INW01FJ_T1091	WHITE LICK CREEK	E. COLI
WEST FORK WHITE	05120201160010	MORGAN CO	INW01G1_M1092	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201160020	MORGAN CO	INW01G2_00	SYCAMORE CREEK	E. COLI
WEST FORK WHITE	05120201170030	MORGAN CO	INW01G3_00	HIGHLAND CREEK	E. COLI
WEST FORK WHITE	05120201170030	MORGAN CO	INW01G3_M1093	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201160060	MORGAN CO	INW01G6_M1094	WHITE RIVER	CYANIDE
WEST FORK WHITE	05120201160060	MORGAN CO	INW01G6_M1094	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201160060	MORGAN CO	INW01G6_M1094	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201180030	MORGAN CO	INW01J3_M1104	WHITE RIVER-PARAGON BRIDGE	E. COLI
WEST FORK WHITE	05120201180030	MORGAN CO	INW01J3_M1104	WHITE RIVER-PARAGON BRIDGE	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120201180060	MORGAN CO	INW01J6_M1105	WHITE RIVER	E. COLI
WEST FORK WHITE	05120201080110	HAMILTON CO	INW01P1036_00	MORSE RESERVOIR	ALGAE
WEST FORK WHITE	05120201080110	HAMILTON CO	INW01P1036_00	MORSE RESERVOIR	TASTE AND ODOR
WEST FORK WHITE	05120201100150	MARION CO	INW01P1048_00	GEIST RESERVOIR	ALGAE
WEST FORK WHITE	05120201100150	MARION CO	INW01P1048_00	GEIST RESERVOIR	TASTE AND ODOR
WEST FORK WHITE	05120201120100	MARION CO	INW01P1069_00	EAGLE CREEK RESERVOIR	ALGAE
WEST FORK WHITE	05120201120100	MARION CO	INW01P1069_00	EAGLE CREEK RESERVOIR	TASTE AND ODOR
WEST FORK WHITE	05120202010010	BROWN CO	INW0211_00	BEANBLOSSOM CREEK-HEADWATERS	E. COLI
WEST FORK WHITE	05120202010010	BROWN CO	INW0211_T1001	BEANBLOSSOM CREEK	E. COLI
WEST FORK WHITE	05120202010020	BROWN CO	INW0212_00	NORTH BEAR FORK	E. COLI
WEST FORK WHITE	05120202010030	BROWN CO	INW0213_00	LICK CREEK	E. COLI
WEST FORK WHITE	05120202010030	BROWN CO	INW0213_T1002	BEANBLOSSOM CREEK	E. COLI
WEST FORK WHITE	05120202010040	MONROE CO	INW0214_T1053	BEANBLOSSOM CREEK	E. COLI
WEST FORK WHITE	05120202010050	MONROE CO	INW0215_00	HONEY CREEK	E. COLI
WEST FORK WHITE	05120202010050	MONROE CO	INW0215_T1004	BEANBLOSSOM CREEK	E. COLI
WEST FORK WHITE	05120202010060	MONROE CO	INW0216_T1005	BEANBLOSSOM CREEK	E. COLI
WEST FORK WHITE	05120202010070	MONROE CO	INW0217_T1015	S.F. GRIFFY CR	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202010080	MONROE CO	INW0218_T1006	BEANBLOSSOM CREEK	E. COLI
WEST FORK WHITE	05120202010090	MONROE CO	INW0219_00	INDIAN CREEK	E. COLI
WEST FORK WHITE	05120202010090	MONROE CO	INW0219_T1007	BEANBLOSSOM CREEK	E. COLI

Other Notices

WEST FORK WHITE	05120202010100	MONROE CO	INW021A_T1008	BEANBLOSSOM CREEK	E. COLI
WEST FORK WHITE	05120202010100	MONROE CO	INW021A_T1017	JACKS DEFEAT CREEK	E. COLI
WEST FORK WHITE	05120202020010	OWEN CO	INW0221_M1009	WHITE RIVER	E. COLI
WEST FORK WHITE	05120202020030	OWEN CO	INW0223_M1010	WHITE RIVER	E. COLI
WEST FORK WHITE	05120202020030	OWEN CO	INW0223_T1018	MCCORMICKS CREEK	E. COLI
WEST FORK WHITE	05120202020040	OWEN CO	INW0224_M1011	WHITE RIVER	CYANIDE
WEST FORK WHITE	05120202020040	OWEN CO	INW0224_M1011	WHITE RIVER	E. COLI
WEST FORK WHITE	05120202020050	OWEN CO	INW0225_00	RATTLESNAKE CREEK	E. COLI
WEST FORK WHITE	05120202020050	OWEN CO	INW0225_T1059	RATTLESNAKE CREEK	E. COLI
WEST FORK WHITE	05120202020050	OWEN CO	INW0225_T1059	RATTLESNAKE CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202020060	OWEN CO	INW0226_M1012	WHITE RIVER	E. COLI
WEST FORK WHITE	05120202020070	OWEN CO	INW0227_00	RACCOON CREEK-LITTLE RACCOON CREEK	E. COLI
WEST FORK WHITE	05120202020080	OWEN CO	INW0228_00	RACCOON CREEK-LICK CREEK	E. COLI
WEST FORK WHITE	05120202020090	OWEN CO	INW0229_M1013	WHITE RIVER	E. COLI
WEST FORK WHITE	05120202020100	OWEN CO	INW022A_00	EAST FORK FISH CREEK	E. COLI
WEST FORK WHITE	05120202020100	OWEN CO	INW022A_T1060	UNNAMED BRANCH E.F. FISH CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202020120	OWEN CO	INW022C_00	FISH CREEK-SAND LICK CREEK	E. COLI
WEST FORK WHITE	05120202020130	OWEN CO	INW022D_00	FISH CREEK-WEST FORK	E. COLI
WEST FORK WHITE	05120202020140	OWEN CO	INW022E_00	FISH CREEK-MACK CREEK	E. COLI
WEST FORK WHITE	05120202020150	GREENE CO	INW022F_M1061	WHITE RIVER	E. COLI
WEST FORK WHITE	05120202040010	GREENE CO	INW0241_T1019	RICHLAND CREEK	E. COLI
WEST FORK WHITE	05120202040010	GREENE CO	INW0241_T1164	LITTLE RICHLAND CREEK	E. COLI
WEST FORK WHITE	05120202040010	GREENE CO	INW0241_T1164	LITTLE RICHLAND CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202040020	GREENE CO	INW0242_T1020	RICHLAND CREEK	E. COLI
WEST FORK WHITE			INW0243_T1020	RICHLAND CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202040040	GREENE CO	INW0244_00	BEECH CREEK	E. COLI
WEST FORK WHITE	05120202040050	GREENE CO	INW0245_00	ORE BRANCH TRIBUTARIES	E. COLI
WEST FORK WHITE	05120202040050	GREENE CO	INW0245_T1022	RICHLAND CREEK	E. COLI
WEST FORK WHITE	05120202040060	GREENE CO	INW0246_00	BLACK ANKLE CREEK	E. COLI
WEST FORK WHITE	05120202040060	GREENE CO	INW0246_T1023	PLUMMER CREEK	E. COLI
WEST FORK WHITE	05120202040090	GREENE CO	INW0249_00	FLYBLOW BR - BURCHAM BR	E. COLI
WEST FORK WHITE	05120202040090	GREENE CO	INW0249_T1024	PLUMMER CREEK	E. COLI
WEST FORK WHITE	05120202050010	GREENE CO	INW0251_M1028	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202060020	GREENE CO	INW0262_00	BLACK CREEK-BREWER DITCH	TOTAL DISSOLVED SOLIDS
WEST FORK WHITE	05120202060020	GREENE CO	INW0262_00	BLACK CREEK-BREWER DITCH	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202060020	GREENE CO	INW0262_00	BLACK CREEK-BREWER DITCH	SULFATES
WEST FORK WHITE	05120202060030	GREENE CO	INW0263_00	BUCK CREEK (GREENE)	TOTAL DISSOLVED SOLIDS
WEST FORK WHITE	05120202060030	GREENE CO	INW0263_00	BUCK CREEK (GREENE)	E. COLI
WEST FORK WHITE	05120202060030	GREENE CO	INW0263_00	BUCK CREEK (GREENE)	SULFATES
WEST FORK WHITE	05120202060050	DAVIESS CO	INW0265_00	BLACK CREEK-RAMSEY/CALICO SLASH DITCHES	E. COLI
WEST FORK WHITE	05120202060060	DAVIESS CO	INW0266_00	SINGER DITCH(UPPER)-HILL DITCH	E. COLI
WEST FORK WHITE	05120202060070	KNOX CO	INW0267_00	BLACK CREEK-SINGER DITCH-WHITE R OXBOWS TRIBUTARIES	E. COLI
WEST FORK WHITE	05120202080030	DAVIESS CO	INW0283_T1047	NORTH FORK PRAIRIE CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202080060	DAVIESS CO	INW0286_T1167	EAGAN DITCH BASIN	NUTRIENTS
WEST FORK WHITE	05120202080070	DAVIESS CO	INW0287_T1063	PRAIRIE CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202080080	DAVIESS CO	INW0288_T1064	PRAIRIE CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202090010	DAVIESS CO	INW0291_M1039	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202090010	DAVIESS CO	INW0291_T1038	HAWKINS CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202090020	DAVIESS CO	INW0292_00	VEALE CREEK SLOUGH	E. COLI
WEST FORK WHITE	05120202090030	DAVIESS CO	INW0293_00	VEALE CREEK-LOWER	E. COLI
WEST FORK WHITE	05120202090040	KNOX CO	INW0294_00	UNNAMED TRIBUTARY NW OF OLD WHEATLAND RD	DISSOLVED OXYGEN
WEST FORK WHITE	05120202090040	KNOX CO	INW0294_00	UNNAMED TRIBUTARY NW OF OLD WHEATLAND RD	PH
WEST FORK WHITE	05120202090040	KNOX CO	INW0294_00	UNNAMED TRIBUTARY NW OF OLD WHEATLAND RD	TOTAL DISSOLVED SOLIDS
WEST FORK WHITE	05120202100030	KNOX CO	INW02A3_M1052	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202100050	PIKE CO	INW02A5_00	CONGER CREEK-LITTLE CONGER CREEK	E. COLI
WEST FORK WHITE	05120202100060	KNOX CO	INW02A6_00	HARBIN CREEK	E. COLI
WEST FORK WHITE	05120202100100	KNOX CO	INW02AA_M1055	WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120202080010	DAVIESS CO	INW02P1045_00	NORTH FORK PRAIRIE CREEK RESERVOIR #A-4-1(FISHER DAM)	E. COLI
WEST FORK WHITE	05120203010010	BOONE CO	INW0311_00	WEST FORK BIG WALNUT CREEK-HEADWATERS	E. COLI

Other Notices

WEST FORK WHITE	05120203010020	BOONE CO	INW0312_00	MAIN EDLIN DITCH-SMITH DITCH	E. COLI
WEST FORK WHITE	05120203010030	BOONE CO	INW0313_00	MAIN EDLIN DITCH-GRASSY BRANCH	E. COLI
WEST FORK WHITE	05120203010040	HENDRICKS CO	INW0314_00	WEST FORK BIG WALNUT CREEK-LOWER	E. COLI
WEST FORK WHITE	05120203010060	HENDRICKS CO	INW0316_00	EAST FORK BIG WALNUT CREEK-ROSS DITCH	E. COLI
WEST FORK WHITE	05120203010070	HENDRICKS CO	INW0317_00	EAST FORK BIG WALNUT CREEK-LOWER	E. COLI
WEST FORK WHITE	05120203020010	PUTNAM CO	INW0321_00	BIG WALNUT-BARNARD TRIBUTARIES	E. COLI
WEST FORK WHITE	05120203020010	PUTNAM CO	INW0321_T1001	BIG WALNUT CREEK	E. COLI
WEST FORK WHITE	05120203020020	PUTNAM CO	INW0322_T1002	BIG WALNUT CREEK-ERNIE PYLE MEMORIAL	E. COLI
WEST FORK WHITE	05120203020030	PUTNAM CO	INW0323_00	BLED SOE BRANCH BASIN	E. COLI
WEST FORK WHITE	05120203020030	PUTNAM CO	INW0323_T1003	BIG WALNUT CREEK	E. COLI
WEST FORK WHITE	05120203020040	PUTNAM CO	INW0324_00	CLEAR CREEK-HEADWATERS (PUTNAM)	E. COLI
WEST FORK WHITE	05120203020050	PUTNAM CO	INW0325_00	CLEAR CREEK-MILLER CREEK	E. COLI
WEST FORK WHITE	05120203020060	PUTNAM CO	INW0326_T1004	BIG WALNUT CREEK	E. COLI
WEST FORK WHITE	05120203020070	PUTNAM CO	INW0327_T1005	BIG WALNUT CREEK	E. COLI
WEST FORK WHITE	05120203030010	PUTNAM CO	INW0331_00	OWL CREEK	E. COLI
WEST FORK WHITE	05120203030020	PUTNAM CO	INW0332_00	LITTLE WALNUT CREEK-HEADWATERS	E. COLI
WEST FORK WHITE	05120203030030	PUTNAM CO	INW0333_00	JONES CREEK TRIBUTARIES	E. COLI
WEST FORK WHITE	05120203030030	PUTNAM CO	INW0333_T1008	JONES CREEK	E. COLI
WEST FORK WHITE	05120203030030	PUTNAM CO	INW0333_T1008	JONES CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120203030040	PUTNAM CO	INW0334_00	LITTLE WALNUT CREEK-LEATHERMAN CREEK	E. COLI
WEST FORK WHITE	05120203030050	PUTNAM CO	INW0335_00	LITTLE WALNUT CREEK-LONG BRANCH	E. COLI
WEST FORK WHITE	05120203040010	PUTNAM CO	INW0341_T1006	BIG WALNUT CREEK	E. COLI
WEST FORK WHITE	05120203040010	PUTNAM CO	INW0341_T1027	MAIDEN RUN	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120203040020	PUTNAM CO	INW0342_00	MILL CREEK	E. COLI
WEST FORK WHITE	05120203040020	PUTNAM CO	INW0342_T1007	BIG WALNUT CREEK	E. COLI
WEST FORK WHITE	05120203050020	PUTNAM CO	INW0352_T1009	LITTLE DEER CREEK	IMPAIRED BIOTIC COMMUNITIES
WEST FORK WHITE	05120203050050	PUTNAM CO	INW0355_00	DEER CREEK-MOSQUITO CREEK	E. COLI
WEST FORK WHITE	05120203050060	PUTNAM CO	INW0356_00	DEWESEE CREEK	E. COLI
WEST FORK WHITE	05120203050070	PUTNAM CO	INW0357_00	DEER CREEK-LEATHERWOOD CREEK	E. COLI
WEST FORK WHITE	05120203070010	CLAY CO	INW0371_00	CROYS CREEK-VAN BUREN CREEK	E. COLI
WEST FORK WHITE	05120203070020	PUTNAM CO	INW0372_00	CROYS CREEK-BILLY CREEK	E. COLI
WEST FORK WHITE	05120203070030	CLAY CO	INW0373_00	EEL RIVER-SLATE/AHLEMEYER BRANCHES	E. COLI
WEST FORK WHITE	05120203070050	OWEN CO	INW0375_00	JORDON CREEK-HEADWATERS (OWEN)	E. COLI
WEST FORK WHITE	05120203070060	OWEN CO	INW0376_00	NORTH FORK JORDAN CREEK	E. COLI
WEST FORK WHITE	05120203070070	CLAY CO	INW0377_00	JORDAN CREEK-LOWER	E. COLI
WEST FORK WHITE	05120203090140	GREENE CO	INW039D_T1025	EEL RIVER	E. COLI
EAST FORK WHITE	05120204010010	HENRY CO	INW0411_T1001	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010020	HENRY CO	INW0412_00	MOON BROOK AND OTHER TRIBUTARIES	E. COLI
EAST FORK WHITE	05120204010020	HENRY CO	INW0412_T1002	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010030	HENRY CO	INW0413_00	LITTLE BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010040	HENRY CO	INW0414_T1003	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010040	HENRY CO	INW0414_T1003	BIG BLUE RIVER	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120204010050	HENRY CO	INW0415_T1004	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010050	HENRY CO	INW0415_T1004	BIG BLUE RIVER	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120204010070	HENRY CO	INW0417_00	DUCK CREEK-DRY FORK	E. COLI
EAST FORK WHITE	05120204010080	HENRY CO	INW0418_T1005	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010090	RUSH CO	INW0419_01	BUCK CREEK (DOWNSTREAM OF BIG BLUE RESERVOIR)1.66	E. COLI
EAST FORK WHITE	05120204010110	RUSH CO	INW041B_00	MONTGOMERY CREEK	E. COLI
EAST FORK WHITE	05120204010110	RUSH CO	INW041B_T1006	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010120	RUSH CO	INW041C_T1007	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010130	RUSH CO	INW041D_T1008	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204010140	HANCOCK CO	INW041E_T1009	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204020030	HANCOCK CO	INW0423_00	SIXMILE CREEK	E. COLI
EAST FORK WHITE	05120204020030	HANCOCK CO	INW0423_T1010	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204020040	HANCOCK CO	INW0424_00	NAMELESS CREEK	E. COLI
EAST FORK WHITE	05120204020050	SHELBY CO	INW0425_T1011	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204020060	SHELBY CO	INW0426_T1012	BIG BLUE RIVER-PRAIRE BRANCH (SHELBY)	E. COLI
EAST FORK WHITE	05120204020070	SHELBY CO	INW0427_T1013	BIG BLUE RIVER-BASS DITCH	E. COLI
EAST FORK WHITE	05120204020080	SHELBY CO	INW0428_00	FOREMAN BRANCH TRIBUTARIES	E. COLI
EAST FORK WHITE	05120204020080	SHELBY CO	INW0428_T1014	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204030060	SHELBY CO	INW0436_00	RAYS CROSSING TRIBUTARIES	E. COLI
EAST FORK WHITE	05120204030060	SHELBY CO	INW0436_T1015	LITTLE BLUE RIVER	E. COLI
EAST FORK WHITE	05120204040070	SHELBY CO	INW0447_01	BRANDYWINE CREEK (DOWNSTREAM OF SWAMP CREEK)	E. COLI
EAST FORK WHITE	05120204040080	SHELBY CO	INW0448_00	BRANDYWINE CREEK	E. COLI
EAST FORK WHITE	05120204050010	SHELBY CO	INW0451_T1018	BIG BLUE RIVER-SR44	E. COLI
EAST FORK WHITE	05120204050030	SHELBY CO	INW0453_T1019	BIG BLUE RIVER-MARIETTA	E. COLI
EAST FORK WHITE	05120204050050	JOHNSON CO	INW0455_T1020	BIG BLUE RIVER	E. COLI
EAST FORK WHITE	05120204060030	HANCOCK CO	INW0463_T1030	SUGAR CREEK	E. COLI
EAST FORK WHITE	05120204060040	HANCOCK CO	INW0464_T1003	KIRKHOFF DITCH	E. COLI
EAST FORK WHITE	05120204060040	HANCOCK CO	INW0464_T1031	SUGAR CREEK	E. COLI

Other Notices

EAST FORK WHITE	05120204060050	SHELBY CO	INW0465 T1032	SUGAR CREEK SMITH-JOHNSON DITCH	E. COLI
EAST FORK WHITE	05120204070050	SHELBY CO	INW0475 00	BUCK CREEK	E. COLI
EAST FORK WHITE	05120204080010	SHELBY CO	INW0481 T1034	SUGAR CREEK-BROAD RIPPLE CAMP	E. COLI
EAST FORK WHITE	05120204080050	JOHNSON CO	INW0485 T1035	SUGAR CREEK-NEEDHAM	E. COLI
EAST FORK WHITE	05120204080080	JOHNSON CO	INW0488 00	LITTLE SUGAR CREEK-CUTSINGER DITCH	E. COLI
EAST FORK WHITE	05120204080090	SHELBY CO	INW0489 T1036	SUGAR CREEK	E. COLI
EAST FORK WHITE	05120204080100	JOHNSON CO	INW048A T1037	SUGAR CREEK	E. COLI
EAST FORK WHITE	05120204090010	JOHNSON CO	INW0491 01	EAST GRASSY CREEK	E. COLI
EAST FORK WHITE	05120204090020	JOHNSON CO	INW0492 00	ROBERTS DITCH AND OTHER TRIBUTARYS	E. COLI
EAST FORK WHITE	05120204090020	JOHNSON CO	INW0492 T1039	YOUNGS CREEK	E. COLI
EAST FORK WHITE	05120204090020	JOHNSON CO	INW0492 T1096	YOUNGS CREEK	E. COLI
EAST FORK WHITE	05120204090030	JOHNSON CO	INW0493 T1040	YOUNGS CREEK	E. COLI
EAST FORK WHITE	05120204090030	JOHNSON CO	INW0493 T1050	BREWER DITCH	E. COLI
EAST FORK WHITE	05120204090030	JOHNSON CO	INW0493 T1051	CANARY DITCH	E. COLI
EAST FORK WHITE	05120204090040	JOHNSON CO	INW0494 00	RAY CREEK TRIBUTARYS	E. COLI
EAST FORK WHITE	05120204090040	JOHNSON CO	INW0494 T1041	YOUNGS CREEK	E. COLI
EAST FORK WHITE	05120204090050	JOHNSON CO	INW0495 00	HURRICANE CREEK (JOHNSON)	E. COLI
EAST FORK WHITE	05120204090050	JOHNSON CO	INW0496 T1042	YOUNGS CREEK	E. COLI
EAST FORK WHITE	05120204090060	JOHNSON CO	INW0497 00	AMITY DITCH TRIBUTARYS	E. COLI
EAST FORK WHITE	05120204090060	JOHNSON CO	INW0497 T1043	YOUNGS CREEK	E. COLI
EAST FORK WHITE	05120204090080	JOHNSON CO	INW0498 00	HERRIOTTS CREEK (UPSTREAM OF PISGAH LAKE)	E. COLI
EAST FORK WHITE	05120204090080	JOHNSON CO	INW0498 T1038	SUGAR CREEK	E. COLI
EAST FORK WHITE	05120204100010	BARTHOLOMEW CO	INW04A1 M1045	DRIFTWOOD RIVER-HENDRICKS FORD (GAGE)	E. COLI
EAST FORK WHITE	05120204100040	BARTHOLOMEW CO	INW04A4 M1046	DRIFTWOOD RIVER-PLEASANT VIEW VILLAGE	E. COLI
EAST FORK WHITE	05120204100060	BARTHOLOMEW CO	INW04A6 M1047	DRIFTWOOD RIVER	E. COLI
EAST FORK WHITE	05120204100070	BARTHOLOMEW CO	INW04A7 M1048	DRIFTWOOD RIVER	E. COLI
EAST FORK WHITE	05120205030070	RUSH CO	INW0537 00	LITTLE FLATROCK RIVER-AT COUNTY LINE	E. COLI
EAST FORK WHITE	05120205040010	DECATUR CO	INW0541 T1010	FLATROCK RIVER-ST. OMER	E. COLI
EAST FORK WHITE	05120205040030	SHELBY CO	INW0543 T1011	FLATROCK RIVER-GERMANTOWN (GAGE)	E. COLI
EAST FORK WHITE	05120205050010	SHELBY CO	INW0551 T1012	FLATROCK RIVER-GENEVA	E. COLI
EAST FORK WHITE	05120205050210	BARTHOLOMEW CO	INW055N 00	FLATROCK RIVER-COLUMBUS TRIBUTARYS	E. COLI
EAST FORK WHITE	05120206010010	DECATUR CO	INW0611 00	CLIFTY CREEK-MIDDLE BRANCH	E. COLI
EAST FORK WHITE	05120206010020	DECATUR CO	INW0612 00	CLIFTY CREEK-SOUTH BRANCH	E. COLI
EAST FORK WHITE	05120206010030	DECATUR CO	INW0613 01	CLIFTY CREEK, NORTH FORK	E. COLI
EAST FORK WHITE	05120206010060	DECATUR CO	INW0616 00	CLIFTY CREEK (UPSTREAM OF POND BRANCH)	E. COLI
EAST FORK WHITE	05120206010070	BARTHOLOMEW CO	INW0617 00	CLIFTY CREEK-HARTSVILLE	E. COLI
EAST FORK WHITE	05120206010080	BARTHOLOMEW CO	INW0618 00	FALL FORK CLIFTY CREEK-HEADWATERS	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120206010120	BARTHOLOMEW CO	INW061C 00	CLIFTY CREEK-NEWBERN	E. COLI
EAST FORK WHITE	05120206010130	BARTHOLOMEW CO	INW061D_01	DUCK CREEK (DOWNSTREAM OF SHAEFER LAKE)	E. COLI
EAST FORK WHITE	05120206010140	BARTHOLOMEW CO	INW061E 00	CLIFTY CREEK	E. COLI
EAST FORK WHITE	05120206010150	BARTHOLOMEW CO	INW061F 00	SLOAN BRANCH CLIFTY CREEK	E. COLI
EAST FORK WHITE	05120206010160	BARTHOLOMEW CO	INW061G 00	CLIFTY CREEK-COLUMBUS	E. COLI
EAST FORK WHITE	05120206020030	BARTHOLOMEW CO	INW0623 M1013	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206020070	BARTHOLOMEW CO	INW0627 M1014	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206030010	DECATUR CO	INW0631 T1002	SAND CREEK	E. COLI
EAST FORK WHITE	05120206030030	DECATUR CO	INW0633 T1006	MUDDY FORK (DOWNSTREAM OF GREENSBURG CITY PARK LAKE)	E. COLI
EAST FORK WHITE	05120206030040	DECATUR CO	INW0634 T1004	SAND CREEK-GAYNORSVILLE	E. COLI
EAST FORK WHITE	05120206030070	DECATUR CO	INW0637 T1005	SAND CREEK	E. COLI
EAST FORK WHITE	05120206040010	JACKSON CO	INW0641 M1015	EAST FORK WHITE R-REDDINGTON	E. COLI
EAST FORK WHITE	05120206040030	JACKSON CO	INW0643 M1016	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206040050	JACKSON CO	INW0645 M1017	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657 00	WHITE CREEK	E. COLI
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657 01	WHITE CREEK, WEST BRANCH	E. COLI
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657 T1024	UNNAMED TRIBUTARY	CHLORIDES
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657 T1024	UNNAMED TRIBUTARY	DISSOLVED OXYGEN
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657 T1024	WHITE CREEK-UNNAMED TRIBUTARY	DISSOLVED OXYGEN
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657 T1024	WHITE CREEK-UNNAMED TRIBUTARY	E. COLI
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657 T1025	SPRAY CREEK	E. COLI
EAST FORK WHITE	05120206050070	JACKSON CO	INW0657 T1026	SPRAY CREEK-UNNAMED TRIBUTARY	E. COLI
EAST FORK WHITE	05120206060010	JACKSON CO	INW0661 M1018	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206060020	JACKSON CO	INW0662 M1019	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206060040	JACKSON CO	INW0664 M1020	EAST FORK WHITE RIVER	E. COLI
EAST FORK WHITE	05120206060050	JACKSON CO	INW0665 M1021	EAST FORK WHITE RIVER	E. COLI
WEST FORK WHITE	05120207010060	JEFFERSON CO	INW0716 00	BIG CREEK-HARBERTS CREEK	E. COLI
WEST FORK WHITE	05120207010090	JEFFERSON CO	INW0719 00	LITTLE CREEK-CHICKEN RUN	E. COLI
EAST FORK WHITE	05120207010090	JEFFERSON CO	INW0719 00	LITTLE CREEK	E. COLI
WEST FORK WHITE	05120207010100	JEFFERSON CO	INW071A 00	BIG CREEK-WALTON CREEK	E. COLI
EAST FORK WHITE	05120207010100	JEFFERSON CO	INW071A 00	BIG CREEK (UPSTREAM OF WALTON CREEK)	E. COLI
EAST FORK WHITE	05120207030070	JACKSON CO	INW0737 00	AUSTIN AND OTHER TRIBUTARYS	E. COLI
EAST FORK WHITE	05120207030070	JACKSON CO	INW0737 T1008	MUSCATATUCK RIVER	E. COLI
EAST FORK WHITE	05120207030070	JACKSON CO	INW0737 T1009	MUSCATATUCK RIVER	DISSOLVED OXYGEN
EAST FORK WHITE	05120207030070	JACKSON CO	INW0737 T1009	MUSCATATUCK RIVER	E. COLI
EAST FORK WHITE	05120207040130	SCOTT CO	INW074D 00	STUCKER FORK(W L MCCLAIN DITCH)	AMMONIA

Other Notices

EAST FORK WHITE	05120207040130	SCOTT CO	INW074D_00	STUCKER FORK(W L MCCLAIN DITCH)	CYANIDE
EAST FORK WHITE	05120207040130	SCOTT CO	INW074D_00	STUCKER FORK(W L MCCLAIN DITCH)	DISSOLVED OXYGEN
EAST FORK WHITE	05120207040130	SCOTT CO	INW074D_00	STUCKER FORK(W L MCCLAIN DITCH)	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120207080010	JACKSON CO	INW0781_01	MUTTON CREEK (DOWNSTREAM OF LITTLE MUTTON CREEK)	E. COLI
EAST FORK WHITE	05120207090010	JACKSON CO	INW0791_00	VERNON FORK-LEWIS BRANCH	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120207090060	JACKSON CO	INW0796_T1002	MUSCATATUCK RIVER (UPSTREAM OF VERNON FORK)	DISSOLVED OXYGEN
EAST FORK WHITE	05120207090060	JACKSON CO	INW0796_T1002	MUSCATATUCK RIVER (UPSTREAM OF VERNON FORK)	E. COLI
EAST FORK WHITE	05120207090060	JACKSON CO	INW0796_T1003	MUSCATATUCK RIVER (DOWNSTREAM OF VERNON FORK)	DISSOLVED OXYGEN
EAST FORK WHITE	05120207100060	WASHINGTON CO	INW07A6_01	ELK CREEK (DOWNSTREAM OF ARNOLD CREEK)	E. COLI
EAST FORK WHITE	05120207110010	JACKSON CO	INW07B1_M1003	MUCATATUCK RIVER	DISSOLVED OXYGEN
EAST FORK WHITE	05120207110010	JACKSON CO	INW07B1_M1003	MUCATATUCK RIVER	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120207110040	WASHINGTON CO	INW07B4_00	DELANY CREEK	E. COLI
EAST FORK WHITE	05120207110050	JACKSON CO	INW07B5_M1004	MUSCATATUCK RIVER-SNYDER DITCH	DISSOLVED OXYGEN
EAST FORK WHITE	05120207110050	JACKSON CO	INW07B5_M1004	MUSCATATUCK RIVER-SNYDER DITCH	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120208010020	WASHINGTON CO	INW0812_00	BUFFALO CREEK	E. COLI
EAST FORK WHITE	05120208010070	WASHINGTON CO	INW0817_00	TWIN CREEK-LOWER	E. COLI
EAST FORK WHITE	05120208020010	WASHINGTON CO	INW0821_00	CLIFTY CREEK	E. COLI
EAST FORK WHITE	05120208030040	LAWRENCE CO	INW0834_T1052	GUTHRIE CREEK	E. COLI
EAST FORK WHITE	05120208040030	LAWRENCE CO	INW0843_00	LEATHERWOOD CREEK-HEADWATERS	E. COLI
EAST FORK WHITE	05120208040040	LAWRENCE CO	INW0844_00	SOUTH FORK LEATHERWOOD CREEK	E. COLI
EAST FORK WHITE	05120208040050	LAWRENCE CO	INW0845_00	LEATHERWOOD CREEK AND OTHER TRIBUTARYS	E. COLI
EAST FORK WHITE	05120208090010	MONROE CO	INW0891_T1018	JACKSON CREEK	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120208090010	MONROE CO	INW0891_T1019	EAST FORK JACKSON CREEK	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120208090030	MONROE CO	INW0893_T1022	CLEAR CREEK	E. COLI
EAST FORK WHITE	05120208100030	MARTIN CO	INW08A3_M1058	EAST FORK WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120208100030	MARTIN CO	INW08A3_M1058	EAST FORK WHITE RIVER	LEAD
EAST FORK WHITE	05120208120030	MARTIN CO	INW08C3_T1059	BEAVER CREEK	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120208130070	MARTIN CO	INW08D7_00	BOGGS CREEK	E. COLI
EAST FORK WHITE	05120208150070	ORANGE CO	INW08F7_T1040	LOST RIVER-SINK	E. COLI
EAST FORK WHITE	05120208160050	ORANGE CO	INW08G5_T1062	LICK CREEK (SCOTT HOLLOW TO MOUTH)	E. COLI
EAST FORK WHITE	05120208160060	ORANGE CO	INW08G6_02	LICK CREEK	E. COLI
EAST FORK WHITE	05120208160070	ORANGE CO	INW08G7_T1063	FRENCH LICK CREEK (ABOVE FRENCH LICK WATER INTAKE)	E. COLI
WEST FORK WHITE	05120208160070	ORANGE CO	INW08G7_T1064	FRENCH LICK CREEK (SAND CREEK TO MOUTH)	E. COLI
WEST FORK WHITE	05120208160080	ORANGE CO	INW08G8_T1036	LOST RIVER-WEST BADEN	E. COLI
EAST FORK WHITE	05120208160080	ORANGE CO	INW08G8_T1036	LOST RIVER-WEST BADEN	E. COLI
EAST FORK WHITE	05120208160080	ORANGE CO	INW08G8_T1065	LOST RIVER (ABOVE SPRINGS VALLEY INTAKE)	E. COLI
EAST FORK WHITE	05120208160140	MARTIN CO	INW08GE_T1033	LOST RIVER	E. COLI
EAST FORK WHITE	05120208170010	DUBOIS CO	INW08H1_M1015	EAST FORK WHITE RIVER	IMPAIRED BIOTIC COMMUNITIES
EAST FORK WHITE	05120208170060	MONROE CO	INW08P1024_00	MONROE RESERVOIR (LOWER)	ALGAE
EAST FORK WHITE	05120208170060	MONROE CO	INW08P1024_00	MONROE RESERVOIR (LOWER)	TASTE AND ODOR
EAST FORK WHITE	05120208010050	WASHINGTON CO	INW08P1051_00	JOHN HAYS LAKE	ALGAE
EAST FORK WHITE	05120208010050	WASHINGTON CO	INW08P1051_00	JOHN HAYS LAKE	TASTE AND ODOR
EAST FORK WHITE	05120208080040	MONROE CO	INW08P1140_00	MONROE RESERVOIR (UPPER)	ALGAE
EAST FORK WHITE	05120208080040	MONROE CO	INW08P1140_00	MONROE RESERVOIR (UPPER)	TASTE AND ODOR
GREAT LAKES	04100003050010	STEUBEN CO	INA0351_T1064	FISH CREEK AND TRIBS	E. COLI
GREAT LAKES	04100003050020	STEUBEN CO	INA0352_T1065	WEST BRANCH FISH CREEK AND TRIBS	E. COLI
GREAT LAKES	04100003050050	DEKALB CO	INA0355_T1072	HERMAN SWEET DITCH	E. COLI
GREAT LAKES	04100003050060	DEKALB CO	INA0356_T1056	FISH CR TRIB/OUTLET OF BURDICK LK	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100003050060	DEKALB CO	INA0356_T1073	FISH CREEK TRIBS	E. COLI
GREAT LAKES	04100003050060	DEKALB CO	INA0356_T1074	FISH CREEK AND TRIBS	E. COLI
GREAT LAKES	04100003060060	DEKALB CO	INA0366_T1057	METCALF DITCH AND TRIBS	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100003070010	DEKALB CO	INA0371_T1059	ST. JOSEPH RIVER	E. COLI
GREAT LAKES	04100003080030	DEKALB CO	INA0383_T1028	CEDAR CREEK	E. COLI
GREAT LAKES	04100003080030	DEKALB CO	INA0383_T1028	CEDAR CREEK	NUTRIENTS
GREAT LAKES	04100003080050	DEKALB CO	INA0385_T1029	CEDAR CREEK	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100003080050	DEKALB CO	INA0385_T1029	CEDAR CREEK	E. COLI
GREAT LAKES	04100003090020	DEKALB CO	INA0392_T1075	DIEHL DITCH	E. COLI
GREAT LAKES	04100003090030	DEKALB CO	INA0393_T1032	GARRETT CITY DITCH	E. COLI

Other Notices

GREAT LAKES	04100003090030	DEKALB CO	INA0393_T1032	GARRETT CITY DITCH	TOTAL DISSOLVED SOLIDS
GREAT LAKES	04100003090030	DEKALB CO	INA0393_T1033	CEDAR CREEK-MAINSTEM	E. COLI
GREAT LAKES	04100003090030	DEKALB CO	INA0393_T1034	CEDAR CREEK	E. COLI
GREAT LAKES	04100003090030	DEKALB CO	INA0393_T1060	DOSCH DITCH	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100003090050	DEKALB CO	INA0395_T1062	LITTLE CEDAR CREEK	E. COLI
GREAT LAKES	04100003090060	DEKALB CO	INA0396_T1069	LITTLE CEDAR CREEK	E. COLI
GREAT LAKES	04100003090080	ALLEN CO	INA0398_T1036	CEDAR CREEK	E. COLI
GREAT LAKES	04100003090080	ALLEN CO	INA0398_T1077	WILLOW CREEK AND TRIB	E. COLI
GREAT LAKES	04100003090090	ALLEN CO	INA0399_T1037	CEDAR CREEK	E. COLI
GREAT LAKES	04100003070050	ALLEN CO	INA03P1024_00	CEDARVILLE RESERVOIR	ALGAE
GREAT LAKES	04100003070050	ALLEN CO	INA03P1024_00	CEDARVILLE RESERVOIR	E. COLI
GREAT LAKES	04100003070050	ALLEN CO	INA03P1024_00	CEDARVILLE RESERVOIR	TASTE AND ODOR
GREAT LAKES	04100003100040	ALLEN CO	INA03P1044_00	ST. JOSEPH RESERVOIR	E. COLI
GREAT LAKES	04100003100040	ALLEN CO	INA03P1044_00	ST. JOSEPH RESERVOIR	ALGAE
GREAT LAKES	04100005010110	ALLEN CO	INA051B_00	BLACK CREEK (ALLEN)	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100005010110	ALLEN CO	INA051B_00	BLACK CREEK (ALLEN)	NUTRIENTS
GREAT LAKES	04100005010110	ALLEN CO	INA051B_00	BLACK CREEK (ALLEN)	ALGAE
GREAT LAKES	04100005010140	ALLEN CO	INA051E_00	HAM INTERCEPTOR DITCH	NUTRIENTS
GREAT LAKES	04100005010140	ALLEN CO	INA051E_00	HAM INTERCEPTOR DITCH	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100007120020	ALLEN CO	INA07C2_00	FLATROCK CREEK-BROWN DITCH	E. COLI
GREAT LAKES	04100007120020	ALLEN CO	INA07C2_00	FLATROCK CREEK-BROWN DITCH	IMPAIRED BIOTIC COMMUNITIES
GREAT LAKES	04100007120020	ALLEN CO	INA07C2_00	FLATROCK CREEK-BROWN DITCH	NUTRIENTS
GREAT LAKES	04100007120040	ALLEN CO	INA07C4_T1001	GROMEAX DITCH	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101040010	JAY CO	INB0141_T1023	WABASH RIVER	E. COLI
UPPER WABASH	05120101050030	JAY CO	INB0153_T1005	BEAR CREEK (BELOW STROUBLE DITCH)	E. COLI
UPPER WABASH	05120101050050	JAY CO	INB0155_00	LIMBERLOST CREEK (FLOWING INTO OH)	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155_01	LIMBERLOST CREEK (FLOWING OUT OF OH)	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155_T1002	WILSON CREEK-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155_T1002	WILSON CREEK-UNNAMED TRIBUTARY	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155_T1002	WILSON CREEK-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155_T1003	WILSON CREEK	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155_T1003	WILSON CREEK	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155_T1003	WILSON CREEK	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155_T1005	WEST PRONG	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155_T1005	WEST PRONG	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155_T1005	WEST PRONG	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155_T1007	GRISSOM DITCH (NORTH OF CR 930S)	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155_T1007	GRISSOM DITCH (NORTH OF CR 930S)	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155_T1007	GRISSOM DITCH (NORTH OF CR 930S)	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155_T1008	WEST PRONG-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155_T1008	WEST PRONG-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155_T1008	WEST PRONG-UNNAMED TRIBUTARY	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155_T1009	YOUNG DITCH	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155_T1009	YOUNG DITCH	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155_T1009	YOUNG DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155_T1010	HARTZEL DITCH	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155_T1010	HARTZEL DITCH	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155_T1010	HARTZEL DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155_T1011	EAST PRONG	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155_T1011	EAST PRONG	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155_T1011	EAST PRONG	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155_T1012	FRANKS DRAIN	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155_T1012	FRANKS DRAIN	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155_T1012	FRANKS DRAIN	IBC/CONDUCTIVITY
UPPER WABASH	05120101050050	JAY CO	INB0155_T1013	EAST PRONG (HEADWATER)-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120101050050	JAY CO	INB0155_T1013	EAST PRONG (HEADWATER)-UNNAMED TRIBUTARY	IBC/AMMONIA
UPPER WABASH	05120101050050	JAY CO	INB0155_T1013	EAST PRONG (HEADWATER)-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	ADAMS CO	INB0156_00	LIMBERLOST CREEK (UPSTREAM OF PERRY DITCH)	IBC/AMMONIA
UPPER WABASH	05120101050060	ADAMS CO	INB0156_00	LIMBERLOST CREEK (UPSTREAM OF PERRY DITCH)	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	ADAMS CO	INB0156_00	LIMBERLOST CREEK (UPSTREAM OF PERRY DITCH)	IBC/CHLORIDES
UPPER WABASH	05120101050060	JAY CO	INB0156_01	LIMBERLOST CREEK (DOWNSTREAM OF PERRY DITCH)	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156_01	LIMBERLOST CREEK (DOWNSTREAM OF PERRY DITCH)	IBC/AMMONIA

UPPER WABASH	05120101050060	JAY CO	INB0156_01	LIMBERLOST CREEK (DOWNSTREAM OF PERRY DITCH)	IBC/CHLORIDES
UPPER WABASH	05120101050060	JAY CO	INB0156_T1001	LIMBERLOST CREEK-UNNAMED TRIBUTARY	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156_T1001	LIMBERLOST CREEK-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120101050060	JAY CO	INB0156_T1001	LIMBERLOST CREEK-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156_T1002	HAFFNER DITCH-UNNAMED TRIBUTARY	IBC/CHLORIDES
UPPER WABASH	05120101050060	JAY CO	INB0156_T1002	HAFFNER DITCH-UNNAMED TRIBUTARY	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156_T1002	HAFFNER DITCH-UNNAMED TRIBUTARY	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156_T1003	HAFFNER DITCH	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156_T1003	HAFFNER DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156_T1003	HAFFNER DITCH	IBC/CHLORIDES
UPPER WABASH	05120101050060	JAY CO	INB0156_T1004	DAVISON DITCH-GLENZTER DITCH	IBC/CHLORIDES
UPPER WABASH	05120101050060	JAY CO	INB0156_T1004	DAVISON DITCH-GLENZTER DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156_T1004	DAVISON DITCH-GLENZTER DITCH	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156_T1005	MONTGOMERY DITCH	IBC/CHLORIDES
UPPER WABASH	05120101050060	JAY CO	INB0156_T1005	MONTGOMERY DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156_T1005	MONTGOMERY DITCH	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156_T1006	OAKLEY DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156_T1006	OAKLEY DITCH	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156_T1007	METZNER DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156_T1007	METZNER DITCH	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156_T1008	WHEELER DITCH	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156_T1008	WHEELER DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101050060	JAY CO	INB0156_T1009	PERRY DITCH	IBC/AMMONIA
UPPER WABASH	05120101050060	JAY CO	INB0156_T1009	PERRY DITCH	IBC/CONDUCTIVITY
UPPER WABASH	05120101060010	ADAMS CO	INB0161_T1025	WABASH RIVER	TOTAL DISSOLVED SOLIDS
UPPER WABASH	05120101060010	ADAMS CO	INB0161_T1025	WABASH RIVER	CHLORIDES
UPPER WABASH	05120101060010	ADAMS CO	INB0161_T1025	WABASH RIVER	TOTAL DISSOLVED SOLIDS
UPPER WABASH	05120101060010	ADAMS CO	INB0161_T1025	WABASH RIVER	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101060020	ADAMS CO	INB0162_00	WABASH RIVER	E. COLI
UPPER WABASH	05120101060030	ADAMS CO	INB0163_00	WABASH RIVER - THREEMILE CREEK	E. COLI
UPPER WABASH	05120101060040	WELLS CO	INB0164_00	WABASH RIVER AND TRIBUTARY	E. COLI
UPPER WABASH	05120101060040	WELLS CO	INB0164_T1001	WABASH RIVER	E. COLI
UPPER WABASH	05120101070050	WELLS CO	INB0175_T1006	WABASH RIVER MAINSTEM	E. COLI
UPPER WABASH	05120101070060	HUNTINGTON CO	INB0176_T1007	WABASH RIVER MAINSTEM	E. COLI
UPPER WABASH	05120101080010	WELLS CO	INB0181_00	ROCK CREEK HEADWATERS	E. COLI
UPPER WABASH	05120101080010	WELLS CO	INB0181_00	ROCK CREEK HEADWATERS	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101080040	WELLS CO	INB0184_00	ROCK CREEK - MIDDLE	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101080060	HUNTINGTON CO	INB0186_00	ROCK CREEK - LOWER MIDDLE	E. COLI
UPPER WABASH	05120101080060	HUNTINGTON CO	INB0186_00	ROCK CREEK - LOWER MIDDLE	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101100060	HUNTINGTON CO	INB01A6_00	ABOITE CREEK	E. COLI
UPPER WABASH	05120101110020	WELLS CO	INB01B2_00	EIGHTMILE CREEK - UPPER MIDDLE	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101110020	WELLS CO	INB01B2_00	EIGHTMILE CREEK - UPPER MIDDLE	E. COLI
UPPER WABASH	05120101120040	HUNTINGTON CO	INB01C4_00	LITTLE RIVER - MUD CREEK	E. COLI
UPPER WABASH	05120101120040	HUNTINGTON CO	INB01C4_T1031	MUD CREEK	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101120040	HUNTINGTON CO	INB01C4_T1031	MUD CREEK	E. COLI
UPPER WABASH	05120101140010	HUNTINGTON CO	INB01E1_00	SILVER CREEK BASIN	COPPER
UPPER WABASH	05120101140010	HUNTINGTON CO	INB01E1_00	SILVER CREEK BASIN	E. COLI
UPPER WABASH	05120101150070	WABASH CO	INB01F7_00	MILL CREEK BASIN	IMPAIRED BIOTIC COMMUNITIES
UPPER WABASH	05120101160010	MIAMI CO	INB01G1_00	UNNAMED TRIBUTARIES	E. COLI
UPPER WABASH	05120101160010	MIAMI CO	INB01G1_M1018	WABASH RIVER	E. COLI
UPPER WABASH	05120101160020	MIAMI CO	INB01G2_00	LITTLE PIPE CREEK (UPSTREAM OF SALEM DITCH)	IMPAIRED BIOTIC COMMUNITIES

Table 11: Proposed Waterbodies for Category 5B of Indiana's 2006 303(d) List of Impaired Waters.

BASIN	14-DIGIT HUC	COUNTY	WATERBODY SEGMENT ID	WATERBODY SEGMENT NAME	CAUSE OF IMPAIRMENT
GREAT LAKES	04050001200020	LA GRANGE CO	INJ01P1128_00	ADAMS LAKE	FCA for MERCURY
GREAT MIAMI	05080003070180	UNION CO	ING03P1019_00	BROOKVILLE RESERVOIR	FCA for PCBs
UPPER ILLINOIS	07120001130060	LAKE CO	INK01P1022_00	CEDAR LAKE	FCA for PCBs
LOWER WABASH	05120111160090	SULLIVAN CO	INB11P1121_00	DUGGER LAKE	FCA for PCBs
WEST FORK WHITE	05120201100150	MARION CO	INW01P1048_00	GEIST RESERVOIR	FCA for MERCURY
WEST FORK WHITE	05120201100150	MARION CO	INW01P1048_00	GEIST RESERVOIR	FCA for PCBs
WEST FORK WHITE	05120201100150	MARION CO	INW01P1048_00	GEIST RESERVOIR	FCA for MERCURY
GREAT LAKES	04050001170050	SCOTT CO	INW07P1040_00	HARDY LAKE	FCA for MERCURY
GREAT LAKES	04050001170050	NOBLE CO	INJ01P1240_00	HENDERSON LAKE	FCA for PCBs
UPPER WABASH	05120102040080	WABASH CO	INB02P1009_00	HOMINY RIDGE LAKE	FCA for MERCURY
OHIO TRIBUTARIES	05140202070080	POSEY CO	INE02P1017_00	HOVEY LAKE	FCA for PCBs

Other Notices

UPPER WABASH	05120101090010	HUNTINGTON CO	INB01P1008_00	J. EDWARD ROUSH LAKE	FCA for MERCURY
GREAT LAKES	04050001090030	STEUBEN CO	INJ01P1038_00	LAKE JAMES	FCA for MERCURY
WEST FORK WHITE	05120202010040	MONROE CO	INW02P1003_00	LAKE LEMON	FCA for PCBs
UPPER WABASH	05120106060010	MARSHALL CO	INB06P1019_00	LAKE MAXINKUCKEE	FCA for PCBs
UPPER WABASH	05120106060010	MARSHALL CO	INB06P1019_00	LAKE MAXINKUCKEE	FCA for MERCURY
GREAT LAKES	04050001110110	MARSHALL CO	INK01P1073_00	LAKE OF THE WOODS	FCA for PCBs
UPPER WABASH	05120106120110	WHITE CO	INB06P1033_00	LAKE SHAFER	FCA for PCBs
GREAT LAKES	04050001200020	KOSCIUSKO CO	INJ01P1023_00	LAKE WAWASEE	FCA for PCBs
UPPER ILLINOIS	07120001010130	LA PORTE CO	INK01P1060_00	LOWER FISH LAKE	FCA for PCBs
UPPER ILLINOIS	07120001010130	LA PORTE CO	INK01P1060_00	LOWER FISH LAKE	FCA for MERCURY
GREAT LAKES	04040001020020	LAKE CO	INC01P1083_00	MARQUETTE PARK LAGOONS (EAST)	FCA for PCBs
GREAT LAKES	04040001020020	LAKE CO	INC01P1002_00	MARQUETTE PARK LAGOONS (WEST)	FCA for PCBs
UPPER WABASH	05120103060090	MIAMI CO	INB03P1022_00	MISSISSINewa RESERVOIR	FCA for PCBs
UPPER ILLINOIS	07120001010050	ST JOSEPH CO	INK01P1055_00	NORTH CHAIN LAKE	FCA for PCBs
UPPER ILLINOIS	07120001010050	ST JOSEPH CO	INK01P1055_00	NORTH CHAIN LAKE	FCA for MERCURY
UPPER WABASH	05120106030040	KOSCIUSKO CO	INB06P1077_00	PALESTINE LAKE	FCA for PCBs
UPPER WABASH	05120106030040	KOSCIUSKO CO	INB06P1077_00	PALESTINE LAKE	FCA for MERCURY
PATOKA RIVER	05120209020110	DUBOIS CO	INP09P1001_00	PATOKA RESERVOIR	FCA for MERCURY
UPPER WABASH	05120106020040	KOSCIUSKO CO	INB06P1005_00	PIKE LAKE	FCA for PCBs
UPPER WABASH	05120106020040	KOSCIUSKO CO	INB06P1005_00	PIKE LAKE	FCA for MERCURY
GREAT LAKES	04050001110040	STEUBEN CO	INJ01P1082_00	PLEASANT LAKE	FCA for PCBs
GREAT LAKES	04050001120070	LAGRANGE CO	INJ01P1022_00	SHIPSHEWANA LAKE	FCA for PCBs
UPPER WABASH	05120106010080	KOSCIUSKO CO	INB06P1002_00	TIPPECANOE LAKE	FCA for MERCURY
UPPER WABASH	05120106020060	SULLIVAN CO	INB11P1028_00	TURTLE CREEK RESERVOIR	FCA for PCBs
UPPER WABASH	05120106020060	ST JOSEPH CO	INK01P1066_00	WORSTER LAKE	FCA for PCBs
UPPER WABASH	05120106020060	KOSCIUSKO CO	INB06P1007_00	WINONA LAKE	FCA for MERCURY
UPPER WABASH	05120106020060	KOSCIUSKO CO	INB06P1007_00	WINONA LAKE	FCA for PCBs
GREAT LAKES	04040001020010	LAKE CO	INC01P1019_00	WOLF LAKE	FCA for PCBs
EAST FORK WHITE	05120204010010	HENRY CO	INW0411 T1001	BIG BLUE RIVER	FCA for PCBs
EAST FORK WHITE	05120204010020	HENRY CO	INW0412 T1002	BIG BLUE RIVER	FCA for PCBs
EAST FORK WHITE	05120204010040	HENRY CO	INW0414 T1003	BIG BLUE RIVER	FCA for PCBs
EAST FORK WHITE	05120204010050	HENRY CO	INW0415 T1004	BIG BLUE RIVER	FCA for PCBs
EAST FORK WHITE	05120204010080	HENRY CO	INW0418 T1005	BIG BLUE RIVER	FCA for PCBs
EAST FORK WHITE	05120204050050	JOHNSON CO	INW0455 T1020	BIG BLUE RIVER	FCA for PCBs
EAST FORK WHITE	05120204010110	RUSH CO	INW041B T1006	BIG BLUE RIVER	FCA for PCBs
EAST FORK WHITE	05120204010120	RUSH CO	INW041C T1007	BIG BLUE RIVER	FCA for PCBs
EAST FORK WHITE	05120204010130	RUSH CO	INW041D T1008	BIG BLUE RIVER	FCA for PCBs
EAST FORK WHITE	05120204020050	SHELBY CO	INW0425 T1011	BIG BLUE RIVER	FCA for PCBs
EAST FORK WHITE	05120204020080	SHELBY CO	INW0428 T1014	BIG BLUE RIVER	FCA for PCBs
EAST FORK WHITE	05120204030070	SHELBY CO	INW0437 T1017	BIG BLUE RIVER	FCA for PCBs
EAST FORK WHITE	05120204020070	SHELBY CO	INW0427 T1013	BIG BLUE RIVER-BASS DITCH	FCA for PCBs
EAST FORK WHITE	05120204050030	SHELBY CO	INW0453 T1019	BIG BLUE RIVER-MARIETTA	FCA for PCBs
EAST FORK WHITE	05120204020060	SHELBY CO	INW0426 T1012	BIG BLUE RIVER-PRAIRE BRANCH (SHELBY)	FCA for PCBs
EAST FORK WHITE	05120204050010	SHELBY CO	INW0451 T1018	BIG BLUE RIVER-SR44	FCA for PCBs
LOWER WABASH	05120108040090	WARREN CO	INB0849 T1008	BIG PINE CREEK	FCA for PCBs
LOWER WABASH	05120108040110	WARREN CO	INB084B T1009	BIG PINE CREEK	FCA for PCBs
LOWER WABASH	05120108040120	WARREN CO	INB084C T1010	BIG PINE CREEK	FCA for PCBs
LOWER WABASH	05120108060010	WARREN CO	INB0861 T1011	BIG PINE CREEK	FCA for PCBs
LOWER WABASH	05120108060030	WARREN CO	INB0863 T1012	BIG PINE CREEK EXC	FCA for PCBs
LOWER WABASH	05120108170040	PARKE CO	INB08H4 T1027	BIG RACCOON	FCA for MERCURY
LOWER WABASH	05120108170040	PARKE CO	INB08H4 T1027	BIG RACCOON	FCA for PCBs
LOWER WABASH	05120108170010	PARKE CO	INB08H1 T1025	BIG RACCOON CREEK	FCA for PCBs
LOWER WABASH	05120108170010	PARKE CO	INB08H1 T1025	BIG RACCOON CREEK	FCA for MERCURY
LOWER WABASH	05120108170030	PARKE CO	INB08H3 T1026	BIG RACCOON CREEK	FCA for PCBs
LOWER WABASH	05120108170030	PARKE CO	INB08H3 T1026	BIG RACCOON CREEK	FCA for MERCURY
LOWER WABASH	05120108190010	PARKE CO	INB08K1 T1028	BIG RACCOON CREEK	FCA for PCBs
LOWER WABASH	05120108190020	PARKE CO	INB08K2 T1029	BIG RACCOON CREEK - MECCA	FCA for MERCURY
LOWER WABASH	05120108190020	PARKE CO	INB08K2 T1029	BIG RACCOON CREEK - MECCA	FCA for PCBs
LOWER WABASH	05120108190050	PARKE CO	INB08K5 T1030	BIG RACCOON CREEK - MECCA TO MOUTH	FCA for PCBs
OHIO TRIBUTARIES	05140104140010	HARRISON CO	INN04E1 T1001	BLUE RIVER	FCA for PCBs
OHIO TRIBUTARIES	05140104140010	HARRISON CO	INN04E1 T1001	BLUE RIVER	FCA for MERCURY
OHIO TRIBUTARIES	05140104140010	HARRISON CO	INN04E1 T1040	BLUE RIVER	FCA for PCBs
OHIO TRIBUTARIES	05140104140010	HARRISON CO	INN04E1 T1040	BLUE RIVER	FCA for MERCURY
OHIO TRIBUTARIES	05140104140050	HARRISON CO	INN04E5 T1002	BLUE RIVER	FCA for MERCURY
OHIO TRIBUTARIES	05140104140050	HARRISON CO	INN04E5 T1002	BLUE RIVER	FCA for PCBs
OHIO TRIBUTARIES	05140104150010	HARRISON CO	INN04F1 T1003	BLUE RIVER	FCA for PCBs
OHIO TRIBUTARIES	05140104150010	HARRISON CO	INN04F1 T1003	BLUE RIVER	FCA for MERCURY
OHIO TRIBUTARIES	05140104150020	HARRISON CO	INN04F2 T1004	BLUE RIVER	FCA for PCBs
OHIO TRIBUTARIES	05140104150020	HARRISON CO	INN04F2 T1004	BLUE RIVER	FCA for MERCURY
OHIO TRIBUTARIES	05140104150030	HARRISON CO	INN04F3 T1005	BLUE RIVER	FCA for PCBs
OHIO TRIBUTARIES	05140104150030	HARRISON CO	INN04F3 T1005	BLUE RIVER	FCA for MERCURY
OHIO TRIBUTARIES	05140104150050	HARRISON CO	INN04F5 T1006	BLUE RIVER	FCA for MERCURY
OHIO TRIBUTARIES	05140104150050	HARRISON CO	INN04F5 T1006	BLUE RIVER	FCA for PCBs
OHIO TRIBUTARIES	05140104150060	HARRISON CO	INN04F6 T1007	BLUE RIVER	FCA for PCBs
OHIO TRIBUTARIES	05140104150060	HARRISON CO	INN04F6 T1007	BLUE RIVER	FCA for MERCURY

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OHIO TRIBUTARIES	05140104150060	HARRISON CO	INN04F6 T1039	BLUE RIVER	FCA for MERCURY
OHIO TRIBUTARIES	05140104150060	HARRISON CO	INN04F6 T1039	BLUE RIVER	FCA for PCBs
OHIO TRIBUTARIES	05140104150070	HARRISON CO	INN04F7 T1008	BLUE RIVER	FCA for MERCURY
OHIO TRIBUTARIES	05140104150070	HARRISON CO	INN04F7 T1008	BLUE RIVER	FCA for PCBs
WEST FORK WHITE	05120201020020	DELAWARE CO	INW0122 T1011	BUCK CREEK	FCA for PCBs
WEST FORK WHITE	05120201020060	DELAWARE CO	INW0126 T1012	BUCK CREEK	FCA for PCBs
GREAT LAKES	04040001040030	PORTER CO	INC0143 T1010	BURNS DITCH	FCA for MERCURY
GREAT LAKES	04040001040030	PORTER CO	INC0143 T1010	BURNS DITCH	FCA for PCBs
EAST FORK WHITE	05120208090010	MONROE CO	INW0891 T1020	CLEAR CREEK	FCA for PCBs
EAST FORK WHITE	05120208090020	MONROE CO	INW0892 T1021	CLEAR CREEK	FCA for PCBs
EAST FORK WHITE	05120208090030	MONROE CO	INW0893 T1022	CLEAR CREEK	FCA for PCBs
UPPER WABASH	05120105050080	CARROLL CO	INB0558 T1007	DEER CREEK	FCA for PCBs
UPPER WABASH	05120105050110	CARROLL CO	INB055B T1008	DEER CREEK	FCA for PCBs
UPPER WABASH	05120105050120	CARROLL CO	INB055C T1009	DEER CREEK	FCA for PCBs
UPPER WABASH	05120105050030	CARROLL CO	INB0553 T1015	DEER CREEK D/S OF BROWN DITCH	FCA for PCBs
WEST FORK WHITE	05120201150150	HENDRICKS CO	INW01FF T1108	EAST FORK WHITE LICK CREEK	FCA for PCBs
WEST FORK WHITE	05120201150150	HENDRICKS CO	INW01FF T1124	EAST FORK WHITE LICK CREEK	FCA for PCBs
EAST FORK WHITE	05120205060010	BARTHOLOMEW CO	INW0561 M1015	EAST FORK WHITE R-COLUMBUS	FCA for PCBs
EAST FORK WHITE	05120206020010	BARTHOLOMEW CO	INW0621 M1012	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120206020030	BARTHOLOMEW CO	INW0623 M1013	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120206020070	BARTHOLOMEW CO	INW0627 M1014	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120208170010	DUBOIS CO	INW08H1 M1015	EAST FORK WHITE RIVER	FCA for MERCURY
EAST FORK WHITE	05120208170010	DUBOIS CO	INW08H1 M1015	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120206040030	JACKSON CO	INW0643 M1016	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120206040050	JACKSON CO	INW0645 M1017	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120206060010	JACKSON CO	INW0661 M1018	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120206060020	JACKSON CO	INW0662 M1019	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120206060040	JACKSON CO	INW0664 M1020	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120206060050	JACKSON CO	INW0665 M1021	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120208020040	LAWRENCE CO	INW0824 M1004	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120208020060	LAWRENCE CO	INW0826 M1005	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120208040020	LAWRENCE CO	INW0842 M1006	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120208040050	LAWRENCE CO	INW0845 M1007	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120208100020	LAWRENCE CO	INW08A2 M1008	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120208100030	MARTIN CO	INW08A3 M1009	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120208100030	MARTIN CO	INW08A3 M1058	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120208120050	MARTIN CO	INW08C5 M1011	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120208140010	MARTIN CO	INW08E1 M1012	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120208140020	MARTIN CO	INW08E2 M1013	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120208140040	MARTIN CO	INW08E4 M1014	EAST FORK WHITE RIVER	FCA for PCBs
EAST FORK WHITE	05120208040050	LAWRENCE CO	INW0845_M1053	EAST FORK WHITE RIVER (ABOVE BEDFORD WATER INTAKE)	FCA for PCBs
EAST FORK WHITE	05120206040010	JACKSON CO	INW0641 M1015	EAST FORK WHITE R-REDDINGTON	FCA for PCBs
EAST FORK WHITE	05120208120010	MARTIN CO	INW08C1 M1010	EAST FORK WHITE R-SHOALS	FCA for PCBs
EAST FORK WHITE	05120208020020	LAWRENCE CO	INW0822 M1003	EAST FORK WHITE R-TUNNELTON	FCA for PCBs
GREAT MIAMI	05080003070020	WAYNE CO	ING0372 T1018	EAST FORK WHITEWATER RIVER	FCA for PCBs
WEST FORK WHITE	05120203090120	GREENE CO	INW039C T1024	EEL RIVER	FCA for PCBs
WEST FORK WHITE	05120203090140	GREENE CO	INW039D T1025	EEL RIVER	FCA for PCBs
UPPER WABASH	05120104050070	MIAMI CO	INB0457 T1015	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104060010	MIAMI CO	INB0461 T1016	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104060020	MIAMI CO	INB0462 T1017	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104060040	MIAMI CO	INB0464 T1018	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104040040	WABASH CO	INB0444 T1009	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104040050	WABASH CO	INB0445 T1010	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104040070	WABASH CO	INB0447 T1011	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104040080	WABASH CO	INB0448 T1012	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104050010	WABASH CO	INB0451 T1013	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104050030	WABASH CO	INB0453 T1014	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104010030	WHITLEY CO	INB0413 T1001	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104010030	WHITLEY CO	INB0413 T1001	EEL RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120104010040	WHITLEY CO	INB0414 T1002	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104010040	WHITLEY CO	INB0414 T1002	EEL RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120104030010	WHITLEY CO	INB0431 T1003	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104030010	WHITLEY CO	INB0431 T1003	EEL RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120104030020	WHITLEY CO	INB0432 T1004	EEL RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120104030020	WHITLEY CO	INB0432 T1004	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104030050	WHITLEY CO	INB0435 T1005	EEL RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120104030050	WHITLEY CO	INB0435 T1005	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104040010	WHITLEY CO	INB0441 T1006	EEL RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120104040010	WHITLEY CO	INB0441 T1006	EEL RIVER - MAINSTEM	FCA for MERCURY
GREAT LAKES	04050001190020	ELKHART CO	INJ01K2 T1018	ELKHART RIVER	FCA for PCBs
GREAT LAKES	04050001190040	ELKHART CO	INJ01K4 T1017	ELKHART RIVER	FCA for PCBs
GREAT LAKES	04050001190070	ELKHART CO	INJ01K7 T1016	ELKHART RIVER	FCA for PCBs
GREAT LAKES	04050001210010	ELKHART CO	INJ01N1 T1015	ELKHART RIVER	FCA for PCBs
GREAT LAKES	04050001210040	ELKHART CO	INJ01N4 T1014	ELKHART RIVER	FCA for PCBs
GREAT LAKES	04050001210060	ELKHART CO	INJ01N6 T1013	ELKHART RIVER	FCA for PCBs
LOWER WABASH	05120108020070	TIPPECANOE CO	INB0827 T1013	ELLIOT DITCH	FCA for PCBs

Other Notices

WEST FORK WHITE	05120201100120	HAMILTON CO	INW01AC T1046	FALL CREEK	FCA for PCBs
WEST FORK WHITE	05120201100030	MADISON CO	INW01A3 T1042	FALL CREEK	FCA for PCBs
WEST FORK WHITE	05120201100030	MADISON CO	INW01A3 T1042	FALL CREEK	FCA for MERCURY
WEST FORK WHITE	05120201100060	MADISON CO	INW01A6 T1044	FALL CREEK	FCA for MERCURY
WEST FORK WHITE	05120201100060	MADISON CO	INW01A6 T1044	FALL CREEK	FCA for PCBs
WEST FORK WHITE	05120201100150	MARION CO	INW01AF T1047	FALL CREEK	FCA for PCBs
WEST FORK WHITE	05120201110020	MARION CO	INW01B2 T1049	FALL CREEK	FCA for PCBs
WEST FORK WHITE	05120201110050	MARION CO	INW01B5 T1050	FALL CREEK-DEVON CREEK	FCA for PCBs
WEST FORK WHITE	05120201100090	MADISON CO	INW01A9 T1045	FALL CREEK-PENDLETON TO LICK CREEK	FCA for MERCURY
WEST FORK WHITE	05120201100090	MADISON CO	INW01A9 T1045	FALL CREEK-PENDLETON TO LICK CREEK	FCA for PCBs
WEST FORK WHITE	05120201100050	MADISON CO	INW01A5 T1043	FALL CREEK-SUGAR FORK	FCA for PCBs
WEST FORK WHITE	05120201100050	MADISON CO	INW01A5 T1043	FALL CREEK-SUGAR FORK	FCA for MERCURY
EAST FORK WHITE	05120205050010	SHELBY CO	INW0551 T1012	FLATROCK RIVER-GENEVA	FCA for PCBs
EAST FORK WHITE	05120205050010	SHELBY CO	INW0551 T1012	FLATROCK RIVER-GENEVA	FCA for MERCURY
EAST FORK WHITE	05120205040030	SHELBY CO	INW0543 T1011	FLATROCK RIVER-GERMANTOWN (GAGE)	FCA for MERCURY
EAST FORK WHITE	05120205040030	SHELBY CO	INW0543 T1011	FLATROCK RIVER-GERMANTOWN (GAGE)	FCA for PCBs
EAST FORK WHITE	05120205050020	SHELBY CO	INW0552 T1013	FLATROCK RIVER-WILLOW PARK	FCA for PCBs
EAST FORK WHITE	05120205050020	SHELBY CO	INW0552 T1013	FLATROCK RIVER-WILLOW PARK	FCA for MERCURY
GREAT LAKES	04040001020020	LAKE CO	INC0122 T1097	GRAND CALUMET RIVER - GARY TO INDIANA HARBOR CANAL	FCA for PCBs
GREAT LAKES	04040001020020	LAKE CO	INC0122 T1097	GRAND CALUMET RIVER - GARY TO INDIANA HARBOR CANAL	FCA for MERCURY
GREAT LAKES	04040001020020	LAKE CO	INC0122 00	GRAND CALUMET RIVER - HEADWATERS	FCA for PCBs
GREAT LAKES	04040001020020	LAKE CO	INC0122 00	GRAND CALUMET RIVER - HEADWATERS	FCA for MERCURY
UPPER ILLINOIS	07120003050010	LAKE CO	INK0351 T1001	GRAND CALUMET RIVER - ILLINOIS TO INDIANA HARBOR CANAL	FCA for MERCURY
UPPER ILLINOIS	07120003050010	LAKE CO	INK0351 T1001	GRAND CALUMET RIVER - ILLINOIS TO INDIANA HARBOR CANAL	FCA for PCBs
GREAT MIAMI	05080002090080	DEARBORN CO	ING0298 M1001	GREAT MIAMI RIVER	FCA for PCBs
GREAT LAKES	04040001020010	LAKE CO	INC0121 00	INDIANA HARBOR CANAL - LAKE GEORGE BR	FCA for MERCURY
GREAT LAKES	04040001020010	LAKE CO	INC0121 00	INDIANA HARBOR CANAL - LAKE GEORGE BR	FCA for PCBs
GREAT LAKES	04040001020010	LAKE CO	INC0121 T1001	INDIANA HARBOR CANAL MAIN CHANNEL	FCA for PCBs
GREAT LAKES	04040001020010	LAKE CO	INC0121 T1001	INDIANA HARBOR CANAL MAIN CHANNEL	FCA for MERCURY
UPPER ILLINOIS	07120002020020	JASPER CO	INK0222 T1002	IROQUOIS RIVER	FCA for PCBs
UPPER ILLINOIS	07120002020030	JASPER CO	INK0223 T1003	IROQUOIS RIVER	FCA for PCBs
UPPER ILLINOIS	07120002020060	JASPER CO	INK0226 T1004	IROQUOIS RIVER	FCA for PCBs
UPPER ILLINOIS	07120002040030	JASPER CO	INK0243 T1005	IROQUOIS RIVER	FCA for PCBs
UPPER ILLINOIS	07120002040040	NEWTON CO	INK0244 T1006	IROQUOIS RIVER	FCA for PCBs
UPPER ILLINOIS	07120002040060	NEWTON CO	INK0246 T1007	IROQUOIS RIVER	FCA for PCBs
UPPER ILLINOIS	07120002040070	NEWTON CO	INK0247 T1008	IROQUOIS RIVER	FCA for PCBs
UPPER ILLINOIS	07120002040080	NEWTON CO	INK0248 T1009	IROQUOIS RIVER	FCA for PCBs
UPPER ILLINOIS	07120002050010	NEWTON CO	INK0251 T1010	IROQUOIS RIVER	FCA for PCBs
UPPER ILLINOIS	07120002050040	NEWTON CO	INK0254 T1011	IROQUOIS RIVER	FCA for PCBs
UPPER ILLINOIS	07120002020010	JASPER CO	INK0221 T1001	IROQUOIS RIVER HEADWATERS	FCA for PCBs
UPPER ILLINOIS	07120002050100	NEWTON CO	INK025A T1012	IROQUOIS RIVER-SOUTH CONCORD BRANCH (ILL)	FCA for PCBs
GREAT LAKES	040500011240050	ST JOSEPH CO	INJ01T5 T1002	JUDAY CREEK	FCA for PCBs
UPPER ILLINOIS	07120001010130	LA PORTE CO	INK011D T1002	KANKAKEE RIVER	FCA for MERCURY
UPPER ILLINOIS	07120001010130	LA PORTE CO	INK011D T1002	KANKAKEE RIVER	FCA for PCBs
UPPER ILLINOIS	07120001040060	LA PORTE CO	INK0146 T1008	KANKAKEE RIVER	FCA for MERCURY
UPPER ILLINOIS	07120001040060	LA PORTE CO	INK0146 T1008	KANKAKEE RIVER	FCA for PCBs
UPPER ILLINOIS	07120001040070	LA PORTE CO	INK0147 T1009	KANKAKEE RIVER	FCA for PCBs
UPPER ILLINOIS	07120001040070	LA PORTE CO	INK0147 T1009	KANKAKEE RIVER	FCA for MERCURY
UPPER ILLINOIS	07120001080070	LA PORTE CO	INK0187 M1012	KANKAKEE RIVER	FCA for MERCURY
UPPER ILLINOIS	07120001080070	LA PORTE CO	INK0187 M1012	KANKAKEE RIVER	FCA for PCBs
UPPER ILLINOIS	07120001090150	LAKE CO	INK019F M1113	KANKAKEE RIVER	FCA for PCBs
UPPER ILLINOIS	07120001110020	LAKE CO	INK01B2 M1019	KANKAKEE RIVER	FCA for PCBs
UPPER ILLINOIS	07120001110030	LAKE CO	INK01B3 M1020	KANKAKEE RIVER	FCA for PCBs
UPPER ILLINOIS	07120001120040	LAKE CO	INK01C4 M1021	KANKAKEE RIVER	FCA for PCBs
UPPER ILLINOIS	07120001030010	LA PORTE CO	INK0131 T1003	KANKAKEE RIVER - MAINSTEM	FCA for PCBs
UPPER ILLINOIS	07120001030010	LA PORTE CO	INK0131 T1003	KANKAKEE RIVER - MAINSTEM	FCA for MERCURY
UPPER ILLINOIS	07120001030030	LA PORTE CO	INK0133 T1004	KANKAKEE RIVER - MAINSTEM	FCA for PCBs
UPPER ILLINOIS	07120001030030	LA PORTE CO	INK0133 T1004	KANKAKEE RIVER - MAINSTEM	FCA for MERCURY
UPPER ILLINOIS	07120001080030	LA PORTE CO	INK0183 M1011	KANKAKEE RIVER-ENGLISH LAKE	FCA for PCBs
UPPER ILLINOIS	07120001080030	LA PORTE CO	INK0183 M1011	KANKAKEE RIVER-ENGLISH LAKE	FCA for MERCURY
UPPER ILLINOIS	07120001010100	LA PORTE CO	INK011A T1001	KANKAKEE RIVER-MAINSTEM	FCA for MERCURY
UPPER ILLINOIS	07120001010100	LA PORTE CO	INK011A T1001	KANKAKEE RIVER-MAINSTEM	FCA for PCBs
UPPER ILLINOIS	07120001030040	LA PORTE CO	INK0134 T1005	KANKAKEE RIVER-MAINSTEM	FCA for PCBs
UPPER ILLINOIS	07120001030040	LA PORTE CO	INK0134 T1005	KANKAKEE RIVER-MAINSTEM	FCA for MERCURY
UPPER ILLINOIS	07120001030080	LA PORTE CO	INK0138 T1006	KANKAKEE RIVER-MAINSTEM	FCA for PCBs
UPPER ILLINOIS	07120001030080	LA PORTE CO	INK0138 T1006	KANKAKEE RIVER-MAINSTEM	FCA for MERCURY
UPPER ILLINOIS	07120001030120	LA PORTE CO	INK013C T1007	KANKAKEE RIVER-MAINSTEM	FCA for PCBs
UPPER ILLINOIS	07120001030120	LA PORTE CO	INK013C T1007	KANKAKEE RIVER-MAINSTEM	FCA for MERCURY
WEST FORK WHITE	05120201040050	MADISON CO	INW0145 T1016	KILLBUCK CREEK	FCA for PCBs
WEST FORK WHITE	05120201040070	MADISON CO	INW0147 T1017	KILLBUCK CREEK - TO MOUTH	FCA for PCBs
UPPER WABASH	05120107010110	HOWARD CO	INB071B T1007	KOKOMO CREEK - MAINSTEM HEADWATERS	FCA for PCBs
GREAT LAKES	04040001020010	LAKE CO	INC0121G G1074	LAKE MICHIGAN SHORELINE EAST OF IHC	FCA for MERCURY

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GREAT LAKES	04040001020010	LAKE CO	INC0121G G1074	LAKE MICHIGAN SHORELINE EAST OF IHC	FCA for PCBs
GREAT LAKES	04040001020010	LAKE CO	INC0121G G1075	LAKE MICHIGAN SHORELINE WEST OF IHC	FCA for MERCURY
GREAT LAKES	04040001020010	LAKE CO	INC0121G G1075	LAKE MICHIGAN SHORELINE WEST OF IHC	FCA for PCBs
EAST FORK WHITE	05120204030050	SHELBY CO	INW0435 T1016	LITTLE BLUE RIVER	FCA for PCBs
EAST FORK WHITE	05120204030060	SHELBY CO	INW0436 T1015	LITTLE BLUE RIVER	FCA for PCBs
GREAT LAKES	04040001040020	LAKE CO	INC0142 T1009	LITTLE CALUMET RIVER	FCA for MERCURY
GREAT LAKES	04040001040020	LAKE CO	INC0142 T1009	LITTLE CALUMET RIVER	FCA for PCBs
UPPER ILLINOIS	07120003030050	LAKE CO	INK0335 T1004	LITTLE CALUMET RIVER	FCA for PCBs
UPPER ILLINOIS	07120003030050	LAKE CO	INK0335 T1004	LITTLE CALUMET RIVER	FCA for MERCURY
UPPER ILLINOIS	07120003030050	LAKE CO	INK0335 T1005	LITTLE CALUMET RIVER	FCA for PCBs
UPPER ILLINOIS	07120003030050	LAKE CO	INK0335 T1005	LITTLE CALUMET RIVER	FCA for MERCURY
UPPER ILLINOIS	07120003030060	LAKE CO	INK0336 T1002	LITTLE CALUMET RIVER	FCA for PCBs
UPPER ILLINOIS	07120003030060	LAKE CO	INK0336 T1002	LITTLE CALUMET RIVER	FCA for MERCURY
GREAT LAKES	04040001060020	PORTER CO	INC0162 T1060	LITTLE CALUMET RIVER	FCA for PCBs
GREAT LAKES	04040001060020	PORTER CO	INC0162 T1060	LITTLE CALUMET RIVER	FCA for MERCURY
GREAT LAKES	04040001060020	PORTER CO	INC0162 T1082	LITTLE CALUMET RIVER	FCA for MERCURY
GREAT LAKES	04040001060020	PORTER CO	INC0162 T1082	LITTLE CALUMET RIVER	FCA for PCBs
GREAT LAKES	04040001060030	PORTER CO	INC0163 T1061	LITTLE CALUMET RIVER	FCA for PCBs
GREAT LAKES	04040001060030	PORTER CO	INC0163 T1061	LITTLE CALUMET RIVER	FCA for MERCURY
GREAT LAKES	04040001060040	PORTER CO	INC0164 T1086	LITTLE CALUMET RIVER	FCA for PCBs
GREAT LAKES	04040001060040	PORTER CO	INC0164 T1086	LITTLE CALUMET RIVER	FCA for MERCURY
GREAT LAKES	04040001060040	PORTER CO	INC0164 T1018	LITTLE CALUMET RIVER - EAST ARM	FCA for MERCURY
GREAT LAKES	04040001060040	PORTER CO	INC0164 T1018	LITTLE CALUMET RIVER - EAST ARM	FCA for PCBs
GREAT LAKES	04040001060010	PORTER CO	INC0161 T1023	LITTLE CALUMET RIVER HEADWATERS	FCA for PCBs
GREAT LAKES	04040001060010	PORTER CO	INC0161 T1023	LITTLE CALUMET RIVER HEADWATERS	FCA for MERCURY
UPPER WABASH	05120103010020	RANDOLPH CO	INB0312 T1002	LITTLE MISSISSINAWA RIVER MAINSTEM	FCA for PCBs
EAST FORK WHITE	05120204060060	HANCOCK CO	INW0466 T1026	LITTLE SUGAR CREEK	FCA for PCBs
LOWER WABASH	05120110040030	MONTGOMERY CO	INB1043 T1005	LITTLE SUGAR CREEK	FCA for PCBs
GREAT LAKES	04100005010010	ALLEN CO	INA0511 M1007	MAUMEE RIVER	FCA for PCBs
GREAT LAKES	04100005010040	ALLEN CO	INA0514 M1006	MAUMEE RIVER	FCA for PCBs
GREAT LAKES	04100005010060	ALLEN CO	INA0516 M1005	MAUMEE RIVER	FCA for PCBs
GREAT LAKES	04100005010080	ALLEN CO	INA0518 M1004	MAUMEE RIVER	FCA for PCBs
GREAT LAKES	04100005010100	ALLEN CO	INA051A M1003	MAUMEE RIVER	FCA for PCBs
GREAT LAKES	04100005010120	ALLEN CO	INA051C M1002	MAUMEE RIVER	FCA for PCBs
GREAT LAKES	04100005010130	ALLEN CO	INA051D M1001	MAUMEE RIVER	FCA for PCBs
UPPER WABASH	05120103060010	GRANT CO	INB0361 T1020	MISSISSINAWA RIVER	FCA for PCBs
UPPER WABASH	05120103060010	GRANT CO	INB0361 T1020	MISSISSINAWA RIVER	FCA for MERCURY
UPPER WABASH	05120103020070	DELAWARE CO	INB0327 T1011	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103030020	DELAWARE CO	INB0332 T1012	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103030040	DELAWARE CO	INB0334 T1013	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103030050	DELAWARE CO	INB0335 T1014	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103050010	GRANT CO	INB0351 T1015	MISSISSINAWA RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120103050010	GRANT CO	INB0351 T1015	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103050020	GRANT CO	INB0352 T1016	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103050020	GRANT CO	INB0352 T1016	MISSISSINAWA RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120103050040	GRANT CO	INB0354 T1017	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103050040	GRANT CO	INB0354 T1017	MISSISSINAWA RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120103050070	GRANT CO	INB0357 T1024	MISSISSINAWA RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120103050070	GRANT CO	INB0357 T1024	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103050100	GRANT CO	INB035A T1018	MISSISSINAWA RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120103050100	GRANT CO	INB035A T1018	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103050130	GRANT CO	INB035D T1019	MISSISSINAWA RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120103050130	GRANT CO	INB035D T1019	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103060020	GRANT CO	INB0362 T1021	MISSISSINAWA RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120103060020	GRANT CO	INB0362 T1021	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103010030	RANDOLPH CO	INB0313 T1003	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103010050	RANDOLPH CO	INB0315 T1004	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103010060	RANDOLPH CO	INB0316 T1005	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103010070	RANDOLPH CO	INB0317 T1006	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103020010	RANDOLPH CO	INB0321 T1007	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103020020	RANDOLPH CO	INB0322 T1008	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103020040	RANDOLPH CO	INB0324 T1009	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103020060	RANDOLPH CO	INB0326 T1010	MISSISSINAWA RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120103010010	RANDOLPH CO	INB0311 T1001	MISSISSINAWA RIVER - MAINSTEM ABOVE LTL MISSISSINAWA R	FCA for PCBs
EAST FORK WHITE	05120207110010	JACKSON CO	INW07B1 M1003	MUCATATUCK RIVER	FCA for MERCURY
EAST FORK WHITE	05120207110010	JACKSON CO	INW07B1 M1003	MUCATATUCK RIVER	FCA for PCBs
EAST FORK WHITE	05120206030030	DECATUR CO	INW0633 T1001	MUDDY FORK SAND CREEK	FCA for MERCURY
EAST FORK WHITE	05120206030030	DECATUR CO	INW0633 T1001	MUDDY FORK SAND CREEK	FCA for PCBs
EAST FORK WHITE	05120207090060	JACKSON CO	INW0796 T1002	MUSCATATUCK RIVER	FCA for MERCURY
EAST FORK WHITE	05120207090060	JACKSON CO	INW0796 T1002	MUSCATATUCK RIVER	FCA for PCBs
EAST FORK WHITE	05120207110070	WASHINGTON CO	INW07B7 M1005	MUSCATATUCK RIVER	FCA for MERCURY
EAST FORK WHITE	05120207110070	WASHINGTON CO	INW07B7 M1005	MUSCATATUCK RIVER	FCA for PCBs
EAST FORK WHITE	05120207110050	JACKSON CO	INW07B5 M1004	MUSCATATUCK RIVER-SNYDER DITCH	FCA for MERCURY
EAST FORK WHITE	05120207110050	JACKSON CO	INW07B5 M1004	MUSCATATUCK RIVER-SNYDER DITCH	FCA for PCBs
OHIO RIVER	05140101	CLARK CO	INH3 M01	OHIO RIVER - BATTLE CR TO MCALPINE DAM	FCA for PCBs
OHIO RIVER	05140201	WARRICK CO	INH6 00	OHIO RIVER - CANNELTON TO NEWBURGH	FCA for PCBs

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OHIO RIVER	05140202	POSEY CO	INH8_M01	OHIO RIVER - EVANSVILLE TO UNIONTOWN	FCA for PCBs
OHIO RIVER	05140202	VANDERBURGH CO	INH8_00	OHIO RIVER - GREEN RIVER TO EVANSVILLE	FCA for PCBs
OHIO RIVER	05140101	HARRISON CO	INH4_M01	OHIO RIVER - GREENWOOD, KY TO SALT CR	FCA for PCBs
OHIO RIVER	05140101	CLARK CO	INH3_00	OHIO RIVER - KENTUCKY R TO BATTLE CR	FCA for PCBs
OHIO RIVER	05090203	SWITZERLAND CO	INH2_00	OHIO RIVER - MARKLAND TO KENTUCKY RIVER	FCA for PCBs
OHIO RIVER	05140101	HARRISON CO	INH4_00	OHIO RIVER - MCALPINE TO GREENWOOD, KY	FCA for PCBs
OHIO RIVER	05140201	VANDERBURGH CO	INH7_00	OHIO RIVER - NEWBURGH TO GREEN R	FCA for PCBs
OHIO RIVER	05090203	SWITZERLAND CO	INH1_00	OHIO RIVER - OHIO STATE LINE TO MARKLAND DAM	FCA for PCBs
OHIO RIVER	05140201	PERRY CO	INH5_00	OHIO RIVER - SALT CR TO CANNELTON	FCA for PCBs
OHIO RIVER	05140202	POSEY CO	INH9_00	OHIO RIVER - UNIONTOWN TO WABASH R	FCA for PCBs
LOWER WABASH	05120111030030	VIGO CO	INB1133_T1022	OTTER CREEK	FCA for PCBs
LOWER WABASH	05120111030030	VIGO CO	INB1133_T1022	OTTER CREEK	FCA for MERCURY
LOWER WABASH	05120111030080	VIGO CO	INB1138_T1023	OTTER CREEK	FCA for MERCURY
LOWER WABASH	05120111030080	VIGO CO	INB1138_T1023	OTTER CREEK	FCA for PCBs
PATOKA RIVER	05120209020010	DUBOIS CO	INP0921_T1002	PATOKA RIVER	FCA for MERCURY
PATOKA RIVER	05120209020010	DUBOIS CO	INP0921_T1002	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209020040	DUBOIS CO	INP0924_T1003	PATOKA RIVER	FCA for MERCURY
PATOKA RIVER	05120209020040	DUBOIS CO	INP0924_T1003	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209020080	DUBOIS CO	INP0928_T1005	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209020080	DUBOIS CO	INP0928_T1005	PATOKA RIVER	FCA for MERCURY
PATOKA RIVER	05120209040060	DUBOIS CO	INP0946_T1006	PATOKA RIVER	FCA for MERCURY
PATOKA RIVER	05120209040060	DUBOIS CO	INP0946_T1006	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209040070	DUBOIS CO	INP0947_T1007	PATOKA RIVER	FCA for MERCURY
PATOKA RIVER	05120209040070	DUBOIS CO	INP0947_T1007	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209040080	DUBOIS CO	INP0948_T1008	PATOKA RIVER	FCA for MERCURY
PATOKA RIVER	05120209040080	DUBOIS CO	INP0948_T1008	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209080010	GIBSON CO	INP0981_T1016	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209080050	GIBSON CO	INP0985_T1017	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209080060	GIBSON CO	INP0986_T1018	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209080070	GIBSON CO	INP0987_T1019	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209080080	GIBSON CO	INP0988_T1020	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209060010	PIKE CO	INP0961_T1009	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209060020	PIKE CO	INP0962_T1010	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209060040	PIKE CO	INP0964_T1011	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209060050	PIKE CO	INP0965_T1012	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209060060	PIKE CO	INP0966_T1013	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209060080	PIKE CO	INP0968_T1014	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209060090	PIKE CO	INP0969_T1015	PATOKA RIVER	FCA for PCBs
PATOKA RIVER	05120209020060	DUBOIS CO	INP0926_T1004	PATOKA RIVER-LOND DITCH	FCA for PCBs
GREAT LAKES	04050001110010	STEUBEN CO	INJ01B1_T1035	PIGEON CREEK	FCA for PCBs
GREAT LAKES	04050001110020	STEUBEN CO	INJ01B2_T1034	PIGEON CREEK	FCA for PCBs
GREAT LAKES	04050001110030	STEUBEN CO	INJ01B3_T1032	PIGEON CREEK	FCA for PCBs
GREAT LAKES	04050001110040	STEUBEN CO	INJ01B4_T1031	PIGEON CREEK	FCA for PCBs
GREAT LAKES	04050001110040	STEUBEN CO	INJ01B4_T1297	PIGEON CREEK	FCA for PCBs
GREAT LAKES	04050001110050	STEUBEN CO	INJ01B5_T1030	PIGEON CREEK	FCA for PCBs
GREAT LAKES	04050001110060	STEUBEN CO	INJ01B6_T1029	PIGEON CREEK	FCA for PCBs
GREAT LAKES	04050001110070	STEUBEN CO	INJ01B7_T1028	PIGEON CREEK	FCA for PCBs
GREAT LAKES	04050001110080	STEUBEN CO	INJ01B8_T1027	PIGEON CREEK	FCA for PCBs
OHIO TRIBUTARIES	05140202040010	VANDERBURGH CO	INE0241_T1001	PIGEON CREEK	FCA for PCBs
OHIO TRIBUTARIES	05140202040120	VANDERBURGH CO	INE024C_T1004	PIGEON CREEK	FCA for PCBs
OHIO TRIBUTARIES	05140202040080	VANDERBURGH CO	INE0248_T1002	PIGEON CREEK-HARPER DITCH	FCA for PCBs
OHIO TRIBUTARIES	05140202040100	VANDERBURGH CO	INE024A_T1003	PIGEON CREEK-KLEYMEYER PARK	FCA for PCBs
WEST FORK WHITE	05120201050020	MADISON CO	INW0152_T1020	PIPE CREEK	FCA for PCBs
WEST FORK WHITE	05120201050030	MADISON CO	INW0153_T1021	PIPE CREEK	FCA for PCBs
WEST FORK WHITE	05120201050040	MADISON CO	INW0154_T1022	PIPE CREEK	FCA for PCBs
WEST FORK WHITE	05120201050060	MADISON CO	INW0156_T1023	PIPE CREEK	FCA for PCBs
WEST FORK WHITE	05120201050070	MADISON CO	INW0157_T1024	PIPE CREEK	FCA for PCBs
WEST FORK WHITE	05120201050080	MADISON CO	INW0158_T1025	PIPE CREEK	FCA for PCBs
WEST FORK WHITE	05120201050090	MADISON CO	INW0159_T1026	PIPE CREEK - SWANFELT DT TO COUNTY LINE	FCA for PCBs
EAST FORK WHITE	05120208090090	LAWRENCE CO	INW0899_T1028	PLEASANT RUN	FCA for PCBs
GREAT LAKES	04040001060040	PORTER CO	INC0164_T1108	PORTAGE BURNS WATERWAY	FCA for MERCURY
GREAT LAKES	04040001060040	PORTER CO	INC0164_T1108	PORTAGE BURNS WATERWAY	FCA for PCBs
WEST FORK WHITE	05120202040010	GREENE CO	INW0241_T1019	RICHLAND CREEK	FCA for PCBs
WEST FORK WHITE	05120202040020	GREENE CO	INW0242_T1020	RICHLAND CREEK	FCA for PCBs
WEST FORK WHITE	05120202040030	GREENE CO	INW0243_T1021	RICHLAND CREEK	FCA for PCBs
WEST FORK WHITE	05120202040050	GREENE CO	INW0245_T1022	RICHLAND CREEK	FCA for PCBs
EAST FORK WHITE	05120208090040	LAWRENCE CO	INW0894_T1023	SALT CREEK	FCA for PCBs
EAST FORK WHITE	05120208090090	LAWRENCE CO	INW0899_T1027	SALT CREEK	FCA for PCBs
EAST FORK WHITE	05120208090110	LAWRENCE CO	INW089B_T1029	SALT CREEK	FCA for PCBs
EAST FORK WHITE	05120208090130	LAWRENCE CO	INW089D_T1031	SALT CREEK	FCA for PCBs
EAST FORK WHITE	05120208080060	MONROE CO	INW0886_T1026	SALT CREEK	FCA for PCBs
EAST FORK WHITE	05120208090030	MONROE CO	INW0893_T1025	SALT CREEK	FCA for PCBs
EAST FORK WHITE	05120208090120	LAWRENCE CO	INW089C_T1030	SALT CREEK-DARK HOLLOW KARST AREA	FCA for PCBs
EAST FORK WHITE	05120206030010	DECATUR CO	INW0631_T1002	SAND CREEK	FCA for MERCURY
EAST FORK WHITE	05120206030010	DECATUR CO	INW0631_T1002	SAND CREEK	FCA for PCBs

Other Notices

EAST FORK WHITE	05120206030020	DECATUR CO	INW0632 T1003	SAND CREEK	FCA for MERCURY
EAST FORK WHITE	05120206030020	DECATUR CO	INW0632 T1003	SAND CREEK	FCA for PCBs
EAST FORK WHITE	05120206030070	DECATUR CO	INW0637 T1005	SAND CREEK	FCA for PCBs
EAST FORK WHITE	05120206030070	DECATUR CO	INW0637 T1005	SAND CREEK	FCA for MERCURY
EAST FORK WHITE	05120206030080	DECATUR CO	INW0638 T1006	SAND CREEK	FCA for MERCURY
EAST FORK WHITE	05120206030080	DECATUR CO	INW0638 T1006	SAND CREEK	FCA for PCBs
EAST FORK WHITE	05120206030190	JACKSON CO	INW063K T1011	SAND CREEK	FCA for PCBs
EAST FORK WHITE	05120206030190	JACKSON CO	INW063K T1011	SAND CREEK	FCA for MERCURY
EAST FORK WHITE	05120206030090	JENNINGS CO	INW0639 T1007	SAND CREEK	FCA for PCBs
EAST FORK WHITE	05120206030090	JENNINGS CO	INW0639 T1007	SAND CREEK	FCA for MERCURY
EAST FORK WHITE	05120206030090	JENNINGS CO	INW0639 T1007	SAND CREEK	FCA for PCBs
EAST FORK WHITE	05120206030100	JENNINGS CO	INW063A T1008	SAND CREEK	FCA for PCBs
EAST FORK WHITE	05120206030110	JENNINGS CO	INW063B T1009	SAND CREEK	FCA for PCBs
EAST FORK WHITE	05120206030170	JENNINGS CO	INW063H T1010	SAND CREEK	FCA for PCBs
EAST FORK WHITE	05120206030100	JENNINGS CO	INW063A T1008	SAND CREEK	FCA for MERCURY
EAST FORK WHITE	05120206030110	JENNINGS CO	INW063B T1009	SAND CREEK	FCA for MERCURY
EAST FORK WHITE	05120206030170	JENNINGS CO	INW063H T1010	SAND CREEK	FCA for MERCURY
EAST FORK WHITE	05120206030040	DECATUR CO	INW0634 T1004	SAND CREEK-GAYNORSVILLE	FCA for PCBs
EAST FORK WHITE	05120206030040	DECATUR CO	INW0634 T1004	SAND CREEK-GAYNORSVILLE	FCA for MERCURY
OHIO TRIBUTARIES	05140101140170	FLOYD CO	INN01EH T1003	SILVER CREEK	FCA for PCBs
GREAT LAKES	04100003100010	ALLEN CO	INA03A1 M1038	ST JOSEPH RIVER - MAINSTEM	FCA for PCBs
GREAT LAKES	04100003100010	ALLEN CO	INA03A2 M1040	ST JOSEPH RIVER - MAINSTEM	FCA for PCBs
GREAT LAKES	04100003100040	ALLEN CO	INA03A4 M1042	ST. JOSEPH RIVER	FCA for PCBs
GREAT LAKES	04050001130030	ELKHART CO	INJ01D3 M1012	ST. JOSEPH RIVER	FCA for PCBs
GREAT LAKES	04050001150010	ELKHART CO	INJ01F1 M1011	ST. JOSEPH RIVER	FCA for PCBs
GREAT LAKES	04050001150020	ELKHART CO	INJ01F2 M1010	ST. JOSEPH RIVER	FCA for PCBs
GREAT LAKES	04050001150050	ELKHART CO	INJ01F5 M1009	ST. JOSEPH RIVER	FCA for PCBs
GREAT LAKES	04050001210060	ELKHART CO	INJ01N6 M1008	ST. JOSEPH RIVER	FCA for PCBs
GREAT LAKES	04050001220010	ELKHART CO	INJ01P1 M1007	ST. JOSEPH RIVER	FCA for PCBs
GREAT LAKES	04050001240010	ST JOSEPH CO	INJ01T1 M1006	ST. JOSEPH RIVER	FCA for MERCURY
GREAT LAKES	04050001240010	ST JOSEPH CO	INJ01T1 M1006	ST. JOSEPH RIVER	FCA for PCBs
GREAT LAKES	04050001240020	ST JOSEPH CO	INJ01T2 M1005	ST. JOSEPH RIVER	FCA for PCBs
GREAT LAKES	04050001240020	ST JOSEPH CO	INJ01T2 M1005	ST. JOSEPH RIVER	FCA for MERCURY
GREAT LAKES	04050001240030	ST JOSEPH CO	INJ01T3 M1004	ST. JOSEPH RIVER	FCA for MERCURY
GREAT LAKES	04050001240030	ST JOSEPH CO	INJ01T3 M1004	ST. JOSEPH RIVER	FCA for PCBs
GREAT LAKES	04050001240040	ST JOSEPH CO	INJ01T4 M1003	ST. JOSEPH RIVER	FCA for MERCURY
GREAT LAKES	04050001240040	ST JOSEPH CO	INJ01T4 M1003	ST. JOSEPH RIVER	FCA for PCBs
GREAT LAKES	04050001240060	ST JOSEPH CO	INJ01T6 M1001	ST. JOSEPH RIVER	FCA for MERCURY
GREAT LAKES	04050001240060	ST JOSEPH CO	INJ01T6 M1001	ST. JOSEPH RIVER	FCA for PCBs
GREAT LAKES	04100003070040	ALLEN CO	INA0374 T1022	ST. JOSEPH RIVER-MAINSTEM	FCA for PCBs
GREAT LAKES	04100003070050	ALLEN CO	INA0375 T1025	ST. JOSEPH RIVER-MAINSTEM	FCA for PCBs
GREAT LAKES	04100004050040	ALLEN CO	INA0454 T1005	ST. MARYS RIVER	FCA for PCBs
GREAT LAKES	04100004050040	ALLEN CO	INA0454 T1005	ST. MARYS RIVER	FCA for MERCURY
GREAT LAKES	04100004060010	ALLEN CO	INA0461 T1004	ST. MARYS RIVER	FCA for PCBs
GREAT LAKES	04100004060010	ALLEN CO	INA0461 T1004	ST. MARYS RIVER	FCA for MERCURY
GREAT LAKES	04100004060030	ALLEN CO	INA0463 T1003	ST. MARYS RIVER	FCA for MERCURY
GREAT LAKES	04100004060030	ALLEN CO	INA0463 T1003	ST. MARYS RIVER	FCA for PCBs
GREAT LAKES	04100004060050	ALLEN CO	INA0465 T1002	ST. MARYS RIVER	FCA for MERCURY
GREAT LAKES	04100004060050	ALLEN CO	INA0465 T1002	ST. MARYS RIVER	FCA for PCBs
GREAT LAKES	04100004060060	ALLEN CO	INA0466 T1022	ST. MARYS RIVER	FCA for PCBs
GREAT LAKES	04100004060060	ALLEN CO	INA0466 T1022	ST. MARYS RIVER	FCA for MERCURY
WEST FORK WHITE	05120201070050	HAMILTON CO	INW0175 T1039	STONE CREEK	FCA for PCBs
WEST FORK WHITE	05120201070060	HAMILTON CO	INW0176 T1040	STONE CREEK	FCA for PCBs
WEST FORK WHITE	05120201070070	HAMILTON CO	INW0177 T1041	STONE CREEK	FCA for PCBs
WEST FORK WHITE	05120202010080	MONROE CO	INW0218 T1016	STOUT CREEK	FCA for PCBs
EAST FORK WHITE	05120204060010	HANCOCK CO	INW0461 T1028	SUGAR CREEK	FCA for MERCURY
EAST FORK WHITE	05120204060020	HANCOCK CO	INW0462 T1029	SUGAR CREEK	FCA for MERCURY
EAST FORK WHITE	05120204060030	HANCOCK CO	INW0463 T1030	SUGAR CREEK	FCA for MERCURY
EAST FORK WHITE	05120204060040	HANCOCK CO	INW0464 T1031	SUGAR CREEK	FCA for MERCURY
EAST FORK WHITE	051202040800100	JOHNSON CO	INW048A T1037	SUGAR CREEK	FCA for MERCURY
EAST FORK WHITE	05120204090080	JOHNSON CO	INW0498 T1038	SUGAR CREEK	FCA for MERCURY
LOWER WABASH	05120110020060	MONTGOMERY CO	INB1026 T1001	SUGAR CREEK	FCA for PCBs
LOWER WABASH	05120110020070	MONTGOMERY CO	INB1027 T1002	SUGAR CREEK	FCA for PCBs
LOWER WABASH	05120110050010	MONTGOMERY CO	INB1051 T1006	SUGAR CREEK	FCA for PCBs
LOWER WABASH	05120110050040	MONTGOMERY CO	INB1054 T1007	SUGAR CREEK	FCA for PCBs
LOWER WABASH	05120110050060	MONTGOMERY CO	INB1056 T1008	SUGAR CREEK	FCA for PCBs
LOWER WABASH	05120110050070	MONTGOMERY CO	INB1057 T1009	SUGAR CREEK	FCA for PCBs
LOWER WABASH	05120110050090	PARKE CO	INB1059 T1010	SUGAR CREEK	FCA for MERCURY
LOWER WABASH	05120110050100	PARKE CO	INB105A T1011	SUGAR CREEK	FCA for MERCURY
LOWER WABASH	05120110060070	PARKE CO	INB1067 T1012	SUGAR CREEK	FCA for MERCURY
LOWER WABASH	05120110050090	PARKE CO	INB1059 T1010	SUGAR CREEK	FCA for PCBs
LOWER WABASH	05120110050100	PARKE CO	INB105A T1011	SUGAR CREEK	FCA for PCBs
LOWER WABASH	05120110060070	PARKE CO	INB1067 T1012	SUGAR CREEK	FCA for PCBs
EAST FORK WHITE	05120204080090	SHELBY CO	INW0489 T1036	SUGAR CREEK	FCA for MERCURY
LOWER WABASH	05120110040010	MONTGOMERY CO	INB1041 T1003	SUGAR CREEK - GARFIELD	FCA for PCBs
EAST FORK WHITE	05120204060050	SHELBY CO	INW0465 T1032	SUGAR CREEK SMITH-JOHNSON DITCH	FCA for MERCURY

Other Notices

EAST FORK WHITE	05120204080010	SHELBY CO	INW0481 T1034	SUGAR CREEK-BROAD RIPPLE CAMP	FCA for MERCURY
LOWER WABASH	05120110060090	PARKE CO	INB1069 T1013	SUGAR CREEK-MAIN STEM	FCA for MERCURY
LOWER WABASH	05120110060090	PARKE CO	INB1069 T1013	SUGAR CREEK-MAIN STEM	FCA for PCBs
EAST FORK WHITE	05120204080050	JOHNSON CO	INW0485 T1035	SUGAR CREEK-NEEDHAM	FCA for MERCURY
EAST FORK WHITE	05120204060080	SHELBY CO	INW0468 T1033	SUGAR CREEK-SUGAR CREEK (TOWN)	FCA for MERCURY
UPPER WABASH	05120106040080	FULTON CO	INB0648 T1014	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106040080	FULTON CO	INB0648 T1014	TIPPECANOE RIVER	FCA for MERCURY
UPPER WABASH	05120106040080	FULTON CO	INB0648 T1042	TIPPECANOE RIVER	FCA for MERCURY
UPPER WABASH	05120106040080	FULTON CO	INB0648 T1042	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106040090	FULTON CO	INB0649 T1015	TIPPECANOE RIVER	FCA for MERCURY
UPPER WABASH	05120106040090	FULTON CO	INB0649 T1015	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106050030	FULTON CO	INB0653 T1017	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106050030	FULTON CO	INB0653 T1017	TIPPECANOE RIVER	FCA for MERCURY
UPPER WABASH	05120106050040	FULTON CO	INB0654 T1018	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106050040	FULTON CO	INB0654 T1018	TIPPECANOE RIVER	FCA for MERCURY
UPPER WABASH	05120106060020	FULTON CO	INB0662 T1020	TIPPECANOE RIVER	FCA for MERCURY
UPPER WABASH	05120106060020	FULTON CO	INB0662 T1020	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106010070	KOSCIUSKO CO	INB0618 T1003	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106020010	KOSCIUSKO CO	INB0621 T1004	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106020010	KOSCIUSKO CO	INB0621 T1037	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106020040	KOSCIUSKO CO	INB0624 T1006	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106030010	KOSCIUSKO CO	INB0631 T1009	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106030020	KOSCIUSKO CO	INB0632 T1010	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106030050	KOSCIUSKO CO	INB0635 T1011	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106030050	KOSCIUSKO CO	INB0635 T1040	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106030080	KOSCIUSKO CO	INB0638 T1012	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106060030	PULASKI CO	INB0663 T1021	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106060060	PULASKI CO	INB0666 T1022	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106060070	PULASKI CO	INB0667 T1023	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106060090	PULASKI CO	INB0669 T1024	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106060110	PULASKI CO	INB066B T1025	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106080020	PULASKI CO	INB0682 M1026	TIPPECANOE RIVER	FCA for PCBs
UPPER WABASH	05120106100010	PULASKI CO	INB06A1 M1029	TIPPECANOE RIVER	FCA for PCBs
GREAT LAKES	04040001070030	LA PORTE CO	INC0173 T1020	TRAIL CREEK	FCA for PCBs
LOWER WABASH	05120108030090	FOUNTAIN CO	INB0839 M1006	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120108080010	FOUNTAIN CO	INB0881 M1015	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120108080020	FOUNTAIN CO	INB0882 M1016	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120108080040	FOUNTAIN CO	INB0884 M1017	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120108080060	FOUNTAIN CO	INB0886 M1018	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120108090010	FOUNTAIN CO	INB0891 M1019	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113050040	GIBSON CO	INB1354 M1007	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113060010	GIBSON CO	INB1361 M1008	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120111170020	KNOX CO	INB11H2 M1015	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120111170020	KNOX CO	INB11H2 M1015	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120111180010	KNOX CO	INB11J1 M1017	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120111180010	KNOX CO	INB11J1 M1017	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120111190040	KNOX CO	INB11K4 M1018	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120111190040	KNOX CO	INB11K4 M1018	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120111200010	KNOX CO	INB11M1 M1019	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120111200010	KNOX CO	INB11M1 M1019	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120111200030	KNOX CO	INB11M3 M1020	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120111200030	KNOX CO	INB11M3 M1020	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113010010	KNOX CO	INB1311 M1001	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113010010	KNOX CO	INB1311 M1001	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120113010050	KNOX CO	INB1315 M1002	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120113010050	KNOX CO	INB1315 M1002	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113010060	KNOX CO	INB1316 M1003	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113010060	KNOX CO	INB1316 M1003	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120113030010	KNOX CO	INB1331 M1004	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120113030010	KNOX CO	INB1331 M1004	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113030030	KNOX CO	INB1333 M1005	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113030030	KNOX CO	INB1333 M1005	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120113080010	POSEY CO	INB1381 M1009	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113080010	POSEY CO	INB1381 M1009	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120113080020	POSEY CO	INB1382 M1010	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113080020	POSEY CO	INB1382 M1010	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120113100010	POSEY CO	INB13A1 M1011	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113100010	POSEY CO	INB13A1 M1011	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120113100030	POSEY CO	INB13A3 M1012	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113100030	POSEY CO	INB13A3 M1012	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120113100040	POSEY CO	INB13A4 M1013	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113100040	POSEY CO	INB13A4 M1013	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120113120020	POSEY CO	INB13C2 M1016	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113120020	POSEY CO	INB13C2 M1016	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120113130010	POSEY CO	INB13D1 M1017	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120113130010	POSEY CO	INB13D1 M1017	WABASH RIVER	FCA for MERCURY

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LOWER WABASH	05120113130020	POSEY CO	INB13D2_M1018	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120113130020	POSEY CO	INB13D2_M1018	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120111120040	SULLIVAN CO	INB11C4_M1009	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120111120040	SULLIVAN CO	INB11C4_M1009	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120111150010	SULLIVAN CO	INB11F1_M1010	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120111150010	SULLIVAN CO	INB11F1_M1010	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120111150030	SULLIVAN CO	INB11F3_M1011	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120111150030	SULLIVAN CO	INB11F3_M1011	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120111170010	SULLIVAN CO	INB11H1_M1014	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120111170010	SULLIVAN CO	INB11H1_M1014	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120108010030	TIPPECANOE CO	INB0813_M1001	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120108010030	TIPPECANOE CO	INB0813_M1001	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120108010040	TIPPECANOE CO	INB0814_M1002	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120108010040	TIPPECANOE CO	INB0814_M1002	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120108090040	VERMILLION CO	INB0894_M1020	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120108150020	VERMILLION CO	INB08F2_M1024	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120108200010	VERMILLION CO	INB08M1_M1031	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120108200030	VERMILLION CO	INB08M3_M1032	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120108200040	VERMILLION CO	INB08M4_M1033	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120108090040	VERMILLION CO	INB0894_M1020	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120108150020	VERMILLION CO	INB08F2_M1024	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120108200010	VERMILLION CO	INB08M1_M1031	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120108200030	VERMILLION CO	INB08M3_M1032	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120108200040	VERMILLION CO	INB08M4_M1033	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120111040050	VIGO CO	INB1145_M1003	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120111040050	VIGO CO	INB1145_M1003	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120111070040	VIGO CO	INB1174_M1005	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120111070040	VIGO CO	INB1174_M1005	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120111090040	VIGO CO	INB1194_M1007	WABASH RIVER	FCA for MERCURY
LOWER WABASH	05120111090040	VIGO CO	INB1194_M1007	WABASH RIVER	FCA for PCBs
LOWER WABASH	05120108070010	FOUNTAIN CO	INB0871_M1014	WABASH RIVER - ATTICA	FCA for PCBs
UPPER WABASH	05120101090020	HUNTINGTON CO	INB0192_T1009	WABASH RIVER - BELOW HUNTINGTON LAKE DAM	FCA for PCBs
UPPER WABASH	05120101090020	HUNTINGTON CO	INB0192_T1009	WABASH RIVER - BELOW HUNTINGTON LAKE DAM	FCA for MERCURY
LOWER WABASH	05120108030110	TIPPECANOE CO	INB083B_M1007	WABASH RIVER - BELOW INDEPENDENCE	FCA for PCBs
LOWER WABASH	05120108030110	TIPPECANOE CO	INB083B_M1007	WABASH RIVER - BELOW INDEPENDENCE	FCA for MERCURY
LOWER WABASH	05120108140010	VERMILLION CO	INB08E1_M1050	WABASH RIVER - CAYUGA GEN STA TO MILL CR	FCA for PCBs
LOWER WABASH	05120108030050	FOUNTAIN CO	INB0835_M1005	WABASH RIVER - COUNTY LINE TO LITTLE PINE CREEK	FCA for PCBs
LOWER WABASH	05120108030010	TIPPECANOE CO	INB0831_M1003	WABASH RIVER - D/S WEA CREEK	FCA for MERCURY
LOWER WABASH	05120108030010	TIPPECANOE CO	INB0831_M1003	WABASH RIVER - D/S WEA CREEK	FCA for PCBs
LOWER WABASH	05120108030030	TIPPECANOE CO	INB0833_M1004	WABASH RIVER - GRANVILLE BRDG TO FLINT CREEK	FCA for PCBs
LOWER WABASH	05120108030030	TIPPECANOE CO	INB0833_M1004	WABASH RIVER - GRANVILLE BRDG TO FLINT CREEK	FCA for MERCURY
LOWER WABASH	05120108140060	VERMILLION CO	INB08E6_M1051	WABASH RIVER - LTL VERMILLION R TO SUGAR CR	FCA for PCBs
UPPER WABASH	05120105020010	CARROLL CO	INB0521_M1002	WABASH RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120105030020	CARROLL CO	INB0532_M1003	WABASH RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120105030030	CARROLL CO	INB0533_M1004	WABASH RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120105030040	CARROLL CO	INB0534_M1005	WABASH RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120105010010	CASS CO	INB0511_M1001	WABASH RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120105010010	CASS CO	INB0511_M1001	WABASH RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120105060010	TIPPECANOE CO	INB0561_M1010	WABASH RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120105060010	TIPPECANOE CO	INB0561_M1010	WABASH RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120105060020	TIPPECANOE CO	INB0562_M1011	WABASH RIVER - MAINSTEM	FCA for PCBs
UPPER WABASH	05120105060020	TIPPECANOE CO	INB0562_M1011	WABASH RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120105070030	TIPPECANOE CO	INB0573_M1012	WABASH RIVER - MAINSTEM	FCA for MERCURY
UPPER WABASH	05120105070030	TIPPECANOE CO	INB0573_M1012	WABASH RIVER - MAINSTEM	FCA for PCBs
LOWER WABASH	05120108140060	VERMILLION CO	INB08E6_M1022	WABASH RIVER - MILL CR TO BELOW LTL VERMILLION R	FCA for PCBs
LOWER WABASH	05120111040020	VIGO CO	INB1142_M1002	WABASH RIVER - OTTER CREEK TO ABOVE WABASH GEN STA OUTFALL	FCA for MERCURY
LOWER WABASH	05120111040020	VIGO CO	INB1142_M1002	WABASH RIVER - OTTER CREEK TO ABOVE WABASH GEN STA OUTFALL	FCA for PCBs
LOWER WABASH	05120111030080	VIGO CO	INB1138_M1001	WABASH RIVER - SPRING CREEK TO OTTER CREEK	FCA for PCBs
LOWER WABASH	05120111030080	VIGO CO	INB1138_M1001	WABASH RIVER - SPRING CREEK TO OTTER CREEK	FCA for MERCURY
LOWER WABASH	05120108150010	VERMILLION CO	INB08F1_M1023	WABASH RIVER - SUGAR CR TO LTL RAC-COON CR (VERMILLION)	FCA for PCBs
LOWER WABASH	05120108140010	VERMILLION CO	INB08E1_M1021	WABASH RIVER - VERMILLION R TO CAYUGA GEN STA	FCA for PCBs
LOWER WABASH	05120111040020	VIGO CO	INB1142_M1025	WABASH RIVER - WABASH GEN STA TO LOST CREEK	FCA for PCBs

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LOWER WABASH	05120111040020	VIGO CO	INB1142_M1025	WABASH RIVER - WABASH GEN STA TO LOST CREEK	FCA for MERCURY
UPPER WABASH	05120101160040	CASS CO	INB01G4_M1020	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101160040	CASS CO	INB01G4_M1020	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101180020	CASS CO	INB01J2_M1021	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101180020	CASS CO	INB01J2_M1021	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101180040	CASS CO	INB01J4_M1022	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101180040	CASS CO	INB01J4_M1022	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101070060	HUNTINGTON CO	INB0176_T1007	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101070060	HUNTINGTON CO	INB0176_T1007	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101140010	HUNTINGTON CO	INB01E1_M1010	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101140010	HUNTINGTON CO	INB01E1_M1010	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101150080	MIAMI CO	INB01F8_M1015	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101150080	MIAMI CO	INB01F8_M1015	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101150090	MIAMI CO	INB01F9_M1016	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101150090	MIAMI CO	INB01F9_M1016	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101150100	MIAMI CO	INB01FA_M1017	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101150100	MIAMI CO	INB01FA_M1017	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101160010	MIAMI CO	INB01G1_M1018	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101160010	MIAMI CO	INB01G1_M1018	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101160030	MIAMI CO	INB01G3_M1019	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101160030	MIAMI CO	INB01G3_M1019	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101140030	WABASH CO	INB01E3_M1011	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101140030	WABASH CO	INB01E3_M1011	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101140030	WABASH CO	INB01E3_M1029	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101140030	WABASH CO	INB01E3_M1029	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101150010	WABASH CO	INB01F1_M1012	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101150010	WABASH CO	INB01F1_M1012	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101150020	WABASH CO	INB01F2_M1013	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101150020	WABASH CO	INB01F2_M1013	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101150050	WABASH CO	INB01F5_M1014	WABASH RIVER MAINSTEM	FCA for MERCURY
UPPER WABASH	05120101150050	WABASH CO	INB01F5_M1014	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101060040	WELLS CO	INB0164_T1001	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101070010	WELLS CO	INB0171_T1002	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101070020	WELLS CO	INB0172_T1003	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101070030	WELLS CO	INB0173_T1004	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101070040	WELLS CO	INB0174_T1005	WABASH RIVER MAINSTEM	FCA for PCBs
UPPER WABASH	05120101070050	WELLS CO	INB0175_T1006	WABASH RIVER MAINSTEM	FCA for PCBs
LOWER WABASH	05120111070060	VIGO CO	INB1176_M1006	WABASH RIVER-ASHMORE CREEK (ILL)	FCA for PCBs
LOWER WABASH	05120111070060	VIGO CO	INB1176_M1006	WABASH RIVER-ASHMORE CREEK (ILL)	FCA for MERCURY
LOWER WABASH	05120111150040	SULLIVAN CO	INB11F4_M1012	WABASH RIVER-BUZZARD POND	FCA for PCBs
LOWER WABASH	05120111150040	SULLIVAN CO	INB11F4_M1012	WABASH RIVER-BUZZARD POND	FCA for MERCURY
LOWER WABASH	05120113040010	GIBSON CO	INB1341_M1006	WABASH RIVER-GREATHOUSE CREEK (ILL)	FCA for PCBs
LOWER WABASH	05120111100050	SULLIVAN CO	INB11A5_M1008	WABASH RIVER-RIVERVIEW	FCA for PCBs
LOWER WABASH	05120111100050	SULLIVAN CO	INB11A5_M1008	WABASH RIVER-RIVERVIEW	FCA for MERCURY
LOWER WABASH	05120111050060	VIGO CO	INB1156_M1004	WABASH RIVER-TERRE HAUTE AREA	FCA for PCBs
LOWER WABASH	05120111050060	VIGO CO	INB1156_M1004	WABASH RIVER-TERRE HAUTE AREA	FCA for MERCURY
LOWER WABASH	05120113100050	POSEY CO	INB13A5_M1014	WABASH RIVER-WABASH LEVEE DITCH (ILL)	FCA for MERCURY
LOWER WABASH	05120113100050	POSEY CO	INB13A5_M1014	WABASH RIVER-WABASH LEVEE DITCH (ILL)	FCA for PCBs
LOWER WABASH	05120110040060	MONTGOMERY CO	INB1046_T1014	WALNUT FORK - BELOW LITTLE SUGAR CREEK	FCA for PCBs
LOWER WABASH	05120108020030	TIPPECANOE CO	INB0823_T1044	WEA CREEK	FCA for PCBs
LOWER WABASH	05120108020060	TIPPECANOE CO	INB0826_T1045	WEA CREEK	FCA for PCBs
LOWER WABASH	05120108020090	TIPPECANOE CO	INB0829_T1039	WEA CREEK - ELLIOT DT TO MOUTH	FCA for PCBs
WEST FORK WHITE	05120201150010	HENDRICKS CO	INW01F1_T1083	WHITE LICK CREEK	FCA for PCBs
WEST FORK WHITE	05120201150020	HENDRICKS CO	INW01F2_T1084	WHITE LICK CREEK	FCA for PCBs
WEST FORK WHITE	05120201150040	HENDRICKS CO	INW01F4_T1085	WHITE LICK CREEK	FCA for PCBs
WEST FORK WHITE	05120201150050	HENDRICKS CO	INW01F5_T1086	WHITE LICK CREEK	FCA for PCBs
WEST FORK WHITE	05120201150120	MORGAN CO	INW01FC_T1088	WHITE LICK CREEK	FCA for PCBs
WEST FORK WHITE	05120201150170	MORGAN CO	INW01FH_T1090	WHITE LICK CREEK	FCA for PCBs
WEST FORK WHITE	05120201150180	MORGAN CO	INW01FJ_T1091	WHITE LICK CREEK	FCA for PCBs
WEST FORK WHITE	05120201150130	MORGAN CO	INW01FD_T1089	WHITE LICK CREEK-MOORSEVILLE	FCA for PCBs
WEST FORK WHITE	05120201150070	HENDRICKS CO	INW01F7_T1087	WHITE LICK CREEK-PLAINFIELD	FCA for PCBs
WEST FORK WHITE	05120202050090	DAVIESS CO	INW0259_M1032	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120202050090	DAVIESS CO	INW0259_M1032	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202090070	DAVIESS CO	INW0297_M1040	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120202090070	DAVIESS CO	INW0297_M1040	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201010090	DELAWARE CO	INW0119_T1006	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201010090	DELAWARE CO	INW0119_T1006	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201010100	DELAWARE CO	INW011A_T1007	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201010100	DELAWARE CO	INW011A_T1007	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201010120	DELAWARE CO	INW011C_T1008	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201010120	DELAWARE CO	INW011C_T1008	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201010130	DELAWARE CO	INW011D_T1009	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201010130	DELAWARE CO	INW011D_T1009	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201020060	DELAWARE CO	INW0126_T1010	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201020060	DELAWARE CO	INW0126_T1010	WHITE RIVER	FCA for MERCURY

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WEST FORK WHITE	05120201030010	DELAWARE CO	INW0131 T1013	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201030010	DELAWARE CO	INW0131 T1013	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202020150	GREENE CO	INW022F M1014	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202020150	GREENE CO	INW022F M1061	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202030010	GREENE CO	INW0231 M1026	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202030050	GREENE CO	INW0235 M1027	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202050010	GREENE CO	INW0251 M1028	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201090010	HAMILTON CO	INW0191 M1038	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201090010	HAMILTON CO	INW0191 M1038	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201090020	HAMILTON CO	INW0192 M1052	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201090020	HAMILTON CO	INW0192 M1052	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202100030	KNOX CO	INW02A3 M1052	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202100030	KNOX CO	INW02A3 M1052	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120202100100	KNOX CO	INW02AA M1055	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120202100100	KNOX CO	INW02AA M1055	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202100120	KNOX CO	INW02AC M1056	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202100120	KNOX CO	INW02AC M1056	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201030020	MADISON CO	INW0132 T1014	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201090040	MARION CO	INW0194 M1053	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201090040	MARION CO	INW0195 M1054	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201090080	MARION CO	INW0198 M1055	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201090080	MARION CO	INW0198 M1055	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201090080	MARION CO	INW0198 M1118	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201090080	MARION CO	INW0198 M1118	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201130020	MARION CO	INW01D2 M1059	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201130020	MARION CO	INW01D2 M1059	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201130040	MARION CO	INW01D4 M1060	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201130040	MARION CO	INW01D4 M1060	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201130060	MARION CO	INW01D6 M1075	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201130060	MARION CO	INW01D6 M1075	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201130080	MARION CO	INW01D8 M1076	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201130080	MARION CO	INW01D8 M1076	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201140030	MORGAN CO	INW01E3 M1079	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201140040	MORGAN CO	INW01E4 M1080	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201140060	MORGAN CO	INW01E6 M1081	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201160010	MORGAN CO	INW01G1 M1092	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201170030	MORGAN CO	INW01G3 M1093	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201160060	MORGAN CO	INW01G6 M1094	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201180060	MORGAN CO	INW01J6 M1105	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201180090	OWEN CO	INW01J9 M1106	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201180090	OWEN CO	INW01J9 M1106	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202020010	OWEN CO	INW0221 M1009	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120202020010	OWEN CO	INW0221 M1009	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202020030	OWEN CO	INW0223 M1010	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202020030	OWEN CO	INW0223 M1010	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120202020040	OWEN CO	INW0224 M1011	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202020040	OWEN CO	INW0224 M1011	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120202020060	OWEN CO	INW0226 M1012	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202020060	OWEN CO	INW0226 M1012	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120202020090	OWEN CO	INW0229 M1013	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120202020090	OWEN CO	INW0229 M1013	WHITE RIVER	FCA for MERCURY
WEST FORK WHITE	05120201010010	RANDOLPH CO	INW0111 T1001	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201010020	RANDOLPH CO	INW0112 T1002	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201010030	RANDOLPH CO	INW0113 T1003	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201010040	RANDOLPH CO	INW0114 T1004	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201010050	RANDOLPH CO	INW0115 T1005	WHITE RIVER	FCA for PCBs
WEST FORK WHITE	05120201040080	MADISON CO	INW0148 T1018	WHITE RIVER - ANDERSON TO INDIAN CR	FCA for PCBs
WEST FORK WHITE	05120202070010	KNOX CO	INW0271 M1035	WHITE RIVER - BLACK CR EDWARDSPORT	FCA for MERCURY
WEST FORK WHITE	05120202070010	KNOX CO	INW0271 M1035	WHITE RIVER - BLACK CR EDWARDSPORT	FCA for PCBs
WEST FORK WHITE	05120201030030	MADISON CO	INW0133 T1015	WHITE RIVER - CHESTERFIELD TO ANDERSON	FCA for PCBs
WEST FORK WHITE	05120201070020	HAMILTON CO	INW0172 T1032	WHITE RIVER - DUCK CR TO RIVERWOOD	FCA for PCBs
WEST FORK WHITE	05120201070020	HAMILTON CO	INW0172 T1032	WHITE RIVER - DUCK CR TO RIVERWOOD	FCA for MERCURY
WEST FORK WHITE	05120202070020	KNOX CO	INW0272_M1036	WHITE RIVER - EDWARDSPORT TO INDIAN CREEK	FCA for MERCURY
WEST FORK WHITE	05120202070020	KNOX CO	INW0272_M1036	WHITE RIVER - EDWARDSPORT TO INDIAN CREEK	FCA for PCBs
WEST FORK WHITE	05120202050100	DAVIESS CO	INW025A_M1033	WHITE RIVER - ELNORA TO SMOTHERS CR CUTOFF	FCA for PCBs
WEST FORK WHITE	05120202050100	DAVIESS CO	INW025A_M1033	WHITE RIVER - ELNORA TO SMOTHERS CR CUTOFF	FCA for MERCURY
WEST FORK WHITE	05120202090010	DAVIESS CO	INW0291 M1039	WHITE RIVER - MAYSVILLE	FCA for MERCURY
WEST FORK WHITE	05120202090010	DAVIESS CO	INW0291 M1039	WHITE RIVER - MAYSVILLE	FCA for PCBs
WEST FORK WHITE	05120201070010	HAMILTON CO	INW0171 T1027	WHITE RIVER - PIPE CR TO DUCK CR	FCA for PCBs
WEST FORK WHITE	05120201070010	HAMILTON CO	INW0171 T1027	WHITE RIVER - PIPE CR TO DUCK CR	FCA for MERCURY
WEST FORK WHITE	05120201070030	HAMILTON CO	INW0173 T1033	WHITE RIVER - RIVERWOOD TO CICERO CR	FCA for PCBs
WEST FORK WHITE	05120201070030	HAMILTON CO	INW0173 T1033	WHITE RIVER - RIVERWOOD TO CICERO CR	FCA for MERCURY

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WEST FORK WHITE	05120202060070	DAVIESS CO	INW0267_M1034	WHITE RIVER - SMOTHER CR CUTOFF TO BLACK CR	FCA for MERCURY
WEST FORK WHITE	05120202060070	DAVIESS CO	INW0267_M1034	WHITE RIVER - SMOTHER CR CUTOFF TO BLACK CR	FCA for PCBs
WEST FORK WHITE	05120202070050	KNOX CO	INW0275_M1037	WHITE RIVER - WHEATLAND	FCA for PCBs
WEST FORK WHITE	05120202070050	KNOX CO	INW0275_M1037	WHITE RIVER - WHEATLAND	FCA for MERCURY
WEST FORK WHITE	05120201090050	MARION CO	INW0195_M1054	WHITE RIVER-HAVERSTICK CREEK/HOWLAND DITCH TRIBUTARYS	FCA for MERCURY
WEST FORK WHITE	05120201090050	MARION CO	INW0195_M1054	WHITE RIVER-HAVERSTICK CREEK/HOWLAND DITCH TRIBUTARYS	FCA for PCBs
WEST FORK WHITE	05120201140130	MORGAN CO	INW01ED_M1082	WHITE RIVER-HENDERSON BRIDGE	FCA for PCBs
WEST FORK WHITE	05120202050040	GREENE CO	INW0254_M1029	WHITE RIVER-NEWBERRY TRIBS	FCA for PCBs
WEST FORK WHITE	05120201180030	MORGAN CO	INW01J3_M1104	WHITE RIVER-PARAGON BRIDGE	FCA for PCBs
WEST FORK WHITE	05120201040100	HAMILTON CO	INW014A_T1019	WHITE RIVER-PERKINSVILLE	FCA for MERCURY
WEST FORK WHITE	05120201040100	HAMILTON CO	INW014A_T1019	WHITE RIVER-PERKINSVILLE	FCA for PCBs
GREAT MIAMI	05080003080100	DEARBORN CO	ING038A_T1041	WHITEWATER RIVER	FCA for MERCURY
GREAT MIAMI	05080003080100	DEARBORN CO	ING038A_T1041	WHITEWATER RIVER	FCA for PCBs
GREAT MIAMI	05080003080110	DEARBORN CO	ING038B_T1021	WHITEWATER RIVER	FCA for MERCURY
GREAT MIAMI	05080003080110	DEARBORN CO	ING038B_T1021	WHITEWATER RIVER	FCA for PCBs
GREAT MIAMI	05080003080090	DEARBORN CO	ING0389_T1020	WHITEWATER RIVER - MAINSTEM	FCA for MERCURY
GREAT MIAMI	05080003080090	DEARBORN CO	ING0389_T1020	WHITEWATER RIVER - MAINSTEM	FCA for PCBs
GREAT MIAMI	05080003080120	DEARBORN CO	ING038C_T1022	WHITEWATER RIVER - MAINSTEM	FCA for MERCURY
GREAT MIAMI	05080003080120	DEARBORN CO	ING038C_T1022	WHITEWATER RIVER - MAINSTEM	FCA for PCBs
GREAT MIAMI	05080003020070	WAYNE CO	ING0327_T1006	WHITEWATER RIVER - WEST FORK	FCA for MERCURY
GREAT MIAMI	05080003020070	WAYNE CO	ING0327_T1006	WHITEWATER RIVER - WEST FORK	FCA for PCBs
GREAT MIAMI	05080003070060	WAYNE CO	ING0376_T1027	WHITEWATER RIVER, EAST FORK	FCA for PCBs
GREAT MIAMI	05080003070090	WAYNE CO	ING0379_T1014	WHITEWATER RIVER, EAST FORK	FCA for PCBs
GREAT MIAMI	05080003040010	FAYETTE CO	ING0341_T1007	WHITEWATER RIVER, WEST FORK	FCA for PCBs
GREAT MIAMI	05080003040010	FAYETTE CO	ING0341_T1007	WHITEWATER RIVER, WEST FORK	FCA for MERCURY
GREAT MIAMI	05080003040030	FAYETTE CO	ING0343_T1008	WHITEWATER RIVER, WEST FORK	FCA for PCBs
GREAT MIAMI	05080003040030	FAYETTE CO	ING0343_T1008	WHITEWATER RIVER, WEST FORK	FCA for MERCURY
GREAT MIAMI	05080003040040	FAYETTE CO	ING0344_T1009	WHITEWATER RIVER, WEST FORK	FCA for PCBs
GREAT MIAMI	05080003040040	FAYETTE CO	ING0344_T1009	WHITEWATER RIVER, WEST FORK	FCA for MERCURY
GREAT MIAMI	05080003040080	FAYETTE CO	ING0348_T1010	WHITEWATER RIVER, WEST FORK	FCA for MERCURY
GREAT MIAMI	05080003040080	FAYETTE CO	ING0348_T1010	WHITEWATER RIVER, WEST FORK	FCA for PCBs
GREAT MIAMI	05080003040090	FRANKLIN CO	ING0349_T1011	WHITEWATER RIVER, WEST FORK	FCA for MERCURY
GREAT MIAMI	05080003040090	FRANKLIN CO	ING0349_T1011	WHITEWATER RIVER, WEST FORK	FCA for PCBs
GREAT MIAMI	05080003010020	WAYNE CO	ING0312_T1002	WHITEWATER RIVER, WEST FORK	FCA for PCBs
GREAT MIAMI	05080003010010	WAYNE CO	ING0311_T1001	WHITEWATER RIVER, WF	FCA for PCBs
GREAT MIAMI	05080003010020	WAYNE CO	ING0312_T1002	WHITEWATER RIVER, WEST FORK	FCA for MERCURY
GREAT MIAMI	05080003010010	WAYNE CO	ING0311_T1001	WHITEWATER RIVER, WF	FCA for MERCURY
UPPER WABASH	05120107020070	HOWARD CO	INB0727_T1013	WILDCAT - MAINSTEM	FCA for PCBs
UPPER WABASH	05120107020070	CARROLL CO	INB0727_T1040	WILDCAT CREEK - MAINSTEM	FCA for PCBs
UPPER WABASH	05120107020080	CARROLL CO	INB0728_T1014	WILDCAT CREEK - MAINSTEM	FCA for PCBs
UPPER WABASH	05120107020090	CARROLL CO	INB0729_T1015	WILDCAT CREEK - MAINSTEM	FCA for PCBs
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1006	WILDCAT CREEK - MAINSTEM	FCA for PCBs
UPPER WABASH	05120107020010	HOWARD CO	INB0721_T1008	WILDCAT CREEK - MAINSTEM	FCA for PCBs
UPPER WABASH	05120107020050	HOWARD CO	INB0725_T1011	WILDCAT CREEK - MAINSTEM	FCA for PCBs
UPPER WABASH	05120107020060	HOWARD CO	INB0726_T1012	WILDCAT CREEK - MAINSTEM	FCA for PCBs
UPPER WABASH	05120107020100	TIPPECANOE CO	INB072A_T1016	WILDCAT CREEK - MAINSTEM	FCA for PCBs
UPPER WABASH	05120107010100	HOWARD CO	INB071A_T1025	WILDCAT CREEK - UPSTREAM OF WATER INTAKE	FCA for PCBs
EAST FORK WHITE	05120204090020	JOHNSON CO	INW0492_T1039	YOUNGS CREEK	FCA for PCBs
EAST FORK WHITE	05120204090020	JOHNSON CO	INW0492_T1096	YOUNGS CREEK	FCA for PCBs
EAST FORK WHITE	05120204090030	JOHNSON CO	INW0493_T1040	YOUNGS CREEK	FCA for PCBs
EAST FORK WHITE	05120204090040	JOHNSON CO	INW0494_T1041	YOUNGS CREEK	FCA for PCBs
EAST FORK WHITE	05120204090050	JOHNSON CO	INW0496_T1042	YOUNGS CREEK	FCA for PCBs
EAST FORK WHITE	05120204090060	JOHNSON CO	INW0497_T1043	YOUNGS CREEK	FCA for PCBs

INDIANA'S ASSESSMENT AND 303(D) LISTING METHODOLOGY FOR IMPAIRED WATERBODIES AND TOTAL MAXIMUM DAILY LOADING CYCLE 2006

Regulatory Background

Section 303(d) of the 1972 Federal Clean Water Act (CWA) requires each state to identify those waters that do not meet the state's WQS for designated uses. For these impaired waters, states are required to establish total maximum daily loads (TMDLs) to meet the state WQS. In addition, the U.S. EPA has released guidance recommending that states, territories, and authorized tribes submit an Integrated Water Quality Monitoring and Assessment Report that will satisfy CWA requirements for both the Section 305(b) water quality report and Section 303(d) list of impaired waters. Indiana has integrated this guidance into the IDEM's 303(d) listing methodology.

Indiana Department of Environmental Management's (IDEM's) Surface Water Quality Monitoring Strategy

IDEM has developed a surface water quality monitoring strategy to assess the quality of Indiana's ambient waters. The goals of this monitoring strategy are as follows:

1. Measure the physical, chemical, bacteriological and biological quality of the aquatic environment in all river basins and

identify factors responsible for impairment.

2. Assess the impact of human and other activities on the surface water resource.
3. Identify trends through the analysis of environmental data, and
4. Provide environmental quality assessment to support water quality management programs.

To achieve the goals listed above, IDEM has divided the state into five (5) major water management basins. The monitoring strategy calls for rotating through each of these basins once every five (5) years to monitor Indiana's rivers, streams, and lakes under the following data-collection sampling programs:

- A. Watershed Monitoring Program.
- B. Fixed Station Monitoring Program.
- C. *E. Coli* Monitoring Program.
- D. Fish Community Monitoring Program.
- E. Fish Tissue Contaminant Monitoring Program.
- F. Macroinvertebrate Community Monitoring Program.
- G. Special Projects.

Designated Uses

IDEM, within the framework of the state's water quality monitoring strategy, monitors and assesses Indiana's surface waters to ensure they meet the state WQS for designated uses. The WQS are designed to insure that all waters of the state, unless specifically exempted, are safe for full body contact recreation and are protective of aquatic life, wildlife, and human health.

Water Quality Assessment Methodology

Use Support/Impairment status is determined for each stream waterbody using the assessment guidelines provided in the U.S. EPA documents Guidelines for Preparation of the State Water Quality Assessments (305[b] Reports) and Electronic Updates: Report Contents. Washington, DC: U. S. Environmental Protection Agency. (EPA-841-B-97-002A.) and the draft Guidance for 2006 Assessment, Listing, and Reporting Requirements Pursuant to Sections 303(d), 305(b) and 314 of the Clean Water Act published February 22, 2005, Watershed Branch, U. S. Environmental Protection Agency. Available results from six (6) monitoring result types listed below are integrated to provide an assessment for each stream waterbody for 305(b) reporting and 303(d) listing purposes*:

- Physical or chemical water results.
- Fish community assessment.
- Benthic aquatic macroinvertebrate community assessments.
- Fish tissue and surficial aquatic sediment contaminant results.
- Habitat evaluation.
- *E. coli* monitoring results.

Hydrologic Unit Areas

Waterbodies are identified based on watershed areas known as 14-digit hydrologic unit areas (HUAs). These watersheds range from about five thousand (5,000) to twenty thousand (20,000) acres in Indiana. The average 14-digit hydrologic unit area in Indiana is about twelve thousand (12,000) acres or twenty (20) square miles. River miles in a 14-digit watershed are designated as one waterbody. These waterbodies may be broken into smaller segments to properly reflect the water quality assessment. Each lake in a watershed is reported as a separate waterbody.

Large rivers with over one thousand (1,000) square miles of drainage area are tracked by reach of the mainstem within hydrologic unit areas. This way the wadeable streams and nonwadeable streams are separated so that issues such as sampling techniques, which might bias results, can be considered within a class of streams.

Lakes, reservoirs, and wetlands are tracked individually. They are reported with the hydrologic unit area in which they are located whether or not the lake or reservoir is also included as a linear stream feature in the National Hydrography Dataset.

Lake Michigan is tracked both as Great Lake shoreline miles and as a lake with its own United States Geological Survey (USGS) cataloging unit (8-digit hydrologic unit area). The shoreline is assigned mileage units. Lake Michigan as a separate lake waterbody is assigned acreage units. Hopefully, separate tracking will lead to better assessment and understanding of the water quality of the Indiana waters of this lake.

Water Quality Assessment Decisions

The water quality assessment process is applied to each data-sampling program. Then the individual assessments are integrated into a comprehensive assessment for each waterbody by use designation: aquatic life support, fish consumption, drinking water supply, and recreational use. Smaller segments are identified for stream reaches as needed when the assessment for a stream reach differed from the default waterbody segment assessment. Each segment in the 305(b) assessment database corresponds to a linear, polygonal, or point feature in the Indiana Reach Index geo-referenced with the National Hydrography Dataset.

Water quality assessments are done by evaluating and coordinating data from site specific chemical (water, sediment and fish tissue), physical (habitat, flow data), and biological (fish community, macroinvertebrates, and *E. coli*) monitoring of Indiana's rivers, streams, and lakes. Chemical data for toxicants [total recoverable or dissolved metals, polynuclear aromatic hydrocarbons (PAHs),

Other Notices

pesticides, ammonia, and cyanide], conventional water chemistry parameters (dissolved oxygen, pH, temperature, and anions), and bacteria (*E. coli*) were evaluated for compliance with Indiana's Water Quality Standards (327 IAC 2-1-6 and 327 IAC 2-1.5-8). U.S. EPA 305(b) Guidelines were applied to chemical and biological data as indicated in *Guidelines for Preparation of the State Water Quality Assessments (305[b] Reports) and Electronic Updates: Supplement*. Washington, DC: U. S. Environmental Protection Agency. *EPA-841-B-97-002B*. A complete list of criteria used for use support assessments for aquatic life and human health for the 303(d) listing is provided in Table 1.

Table 1. Criteria for Use Support Assessment for 303(d) Listing

Aquatic Life Use Support - Rivers and Streams		
Toxicants	Metals, pesticides, PAHs, cyanide, ammonia were evaluated on a site-by-site basis and judged according to the magnitude of the exceedance(s) of Indiana's WQS and the number of times exceedances occurred. For any one pollutant (grab or composite samples), the following assessment criteria are applied.	
	Fully Supporting	Not Supporting
	≤1 exceedance of the acute criteria within a three-year period, and ≤1 exceedance of the chronic criteria within a three-year period.	>1 exceedance of the acute or chronic criteria within a three-year period
Conventional inorganics	Dissolved oxygen, pH, total dissolved solids, specific conductance, sulfate, chloride were evaluated for the exceedance(s) of WQS using U.S. EPA guidelines. For any one pollutant, the following assessment criteria are applied.	
	Fully Supporting	Not Supporting
	Criteria exceeded in ≤10% of measurements	Criteria exceeded in >10% of measurements
Nutrients	<p>Nutrient conditions were evaluated on a site-by-site basis using the benchmarks described below. In most cases, it requires two or more of these conditions to be met in order to classify a waterbody as impaired:</p> <p>Total Phosphorus</p> <ul style="list-style-type: none"> One/more values ≥0.3 mg/l <p>Nitrogen (measured as NO₃ + NO₂)</p> <ul style="list-style-type: none"> One/more values ≥10.0 mg/l <p>Dissolved Oxygen (DO)</p> <ul style="list-style-type: none"> Values below the water quality standard of 4.0 mg/l or values consistently at/close to the standard, in the range of 4.0 - 5.0 mg/l. Values ≥12.0 mg/l <p>pH measurements</p> <ul style="list-style-type: none"> Values above the water quality standard of 9.0 or values consistently at/close to the standard, in the range of 8.7 to 9. <p>Algal Conditions</p> <ul style="list-style-type: none"> Algae are described as "excessive" based on field observations by trained staff. 	
Benthic aquatic macroinvertebrate Index of Biotic Integrity (mIBI)*	Fully Supporting	Not Supporting
	<p>For samples collected with an artificial substrate sampler:</p> <p style="text-align: center;">mIBI ≥ 1.4</p> <p>For samples collected using kick methods:</p> <p style="text-align: center;">mIBI ≥ 2.2</p>	<p>For samples collected with an artificial substrate sampler:</p> <p style="text-align: center;">mIBI < 1.4</p> <p>For samples collected using kick methods:</p> <p style="text-align: center;">mIBI < 2.2</p>
Qualitative habitat use evaluation (QHEI)*	QHEI ≥ 64.	QHEI < 51.
Fish community (IBI)	IBI ≥ 36	IBI < 35

Aquatic Life Use Support – Lakes and Reservoirs		
Lake sport fishery survey by Indiana Department of Natural Resources	Fully Supporting	Not Supporting
	Supports cold water fishery, including native cisco and stocked trout, or both.	Native cisco population is gone or lake unable to support stocked trout and Lake attributes, or both, appear to contribute to warm water fishery condition.
Temperature and pH	Lakes in which thermal modifications have caused an adverse effect on aquatic life and lakes that do not meet Indiana’s water quality standards for pH have been assessed as not supporting of aquatic life use.	
Human Health Use Support – Fish Consumption (Fishable)		
Fish tissue (Contaminants)	Fully Supporting	Not Supporting
	Group 1** Unlimited Consumption	Group 2 – 4** Limited Consumption or Group 5** Do Not Eat
** The Indiana Fish Consumption Advisory includes a state wide advisory for carp consumption for rivers and streams. Only site specific fish consumption advisories were considered in determining use support status.		
Human Health Recreational Use Support (Swimmable)		
Bacteria (E. coli): at least five (5) equally spaced samples over thirty (30) days.	Fully Supporting	Not Supporting
	Meets both geometric mean and no more than one sample >576 cfu/100mL.	Exceeds geometric mean of 125 cfu/100mL.
Bacteria (E. coli): grab samples (cfu = colony forming units)	No more than one grab sample (no more than 10% if 10 or more samples) >576 cfu/100mL.	More than 10% of samples >576 cfu/100mL. No more than one sample >2,400 cfu/100ml
Drinking Water – Rivers ¹		
Toxicants	Metals, pesticides, PAHs, cyanide, ammonia were evaluated on a site by site basis and judged according to magnitude of the exceedance(s) of Indiana drinking WQS and the number of times exceedances occurred.	
Conventional inorganics	Dissolved oxygen, pH, total dissolved solids, specific conductance, sulfate, chloride were evaluated for the exceedance(s) of Indiana drinking WQS using USEPA guidelines.	
Drinking Water – Lakes and Reservoirs		
Pesticide application to surface drinking water reservoir	Drinking water reservoirs or lakes that received pesticide (algicide) application for taste and odor caused by algae were classified as partially supporting because of the additional treatment required to prepare the water for drinking.	
Exotic species	Drinking water reservoirs or lakes in which the exotic algae <i>Cylindrospermopsis raciborskii</i> has been discovered were classified as fully supporting but threatened because the long term effects of this exotic on lake water quality is presently unknown.	
Other Assessments – Lakes and Reservoirs		
Indiana Trophic State Index (TSI)	Nutrients, ammonia, dissolved oxygen, light transmission and light penetration in the water column turbidity, and algae growth were used to determine TSI scores. Trophic scores were used to classify lakes according to their trophic state. Lake trends were also assessed for lakes with two (2) or more trophic scores if at least one of the scores was less than five (5) years old. Trophic scores and lake trends are not used to determine use support status. These assessments are conducted to fulfill CWA Section 314 reporting requirements for publicly owned lakes and reservoirs.	

¹There are a total of one hundred thirty-two (132) stream miles currently designated for drinking water in Indiana. The only stream miles that have been assessed for this use are actually located along the lake Michigan shoreline east and west of the Indiana Harbor Canal (thirty-three (33) miles total). These assessments are reported as Great Lakes Shoreline miles. The remaining ninety-nine (99) stream miles designated for drinking water have not yet been assessed for this use.

Lake assessments were based on the Indiana Trophic State (or eutrophication) Index, a modified version of the BonHomme Index developed for Indiana lakes in 1972 (Table 2). This multi-metric index combines chemical, physical, and biological data into one overall trophic score for each public lake and reservoir sampled. Scores range from zero (0) to seventy-five (75). Lower values reflect lower concentrations of nutrients. This information is useful in evaluating watershed impacts on lakes. Declining or extirpated Cisco populations and the presence of exotic and potentially toxic blue-green algae species were also considered when evaluating lake water quality. For drinking water reservoirs, taste and odor was also considered as a potential indicator of other water quality problems within the waterbody.

Table 2: The Indiana Trophic State Index

Parameter	Range	Eutrophy Points
Total Phosphorus (mg/L)	Below 0.03	0
	At least 0.03	1
	0.04 to 0.05	2
	0.06 to .19	3
	0.2 to 0.99	4
	1.0 or more	5
Soluble Phosphorus (mg/L)	Below 0.03	0
	At least 0.03	1
	0.04 to 0.05	2
	0.06 to .19	3
	0.2 to 0.99	4
	1.0 or more	5
Organic Nitrogen (mg/L)	Below 0.5	0
	At least 0.5	1
	0.6 to 0.8	2
	0.9 to 1.9	3
	2.0 or more	4
Nitrate (mg/L)	Below 0.3	0
	At least 0.3	1
	0.4 to 0.8	2
	0.9 to 1.9	3
	2.0 or more	4
Ammonia (mg/L)	Below 0.3	0
	At least 0.3	1
	0.4 to 0.5	2
	0.6 to 0.9	3
	1.0 or more	4
Dissolved Oxygen: Percent Saturation at 5 foot Depth	114% or less	0
	115% to 119%	1
	120% to 129%	2
	130% to 149%	3
	150% or more	4
Dissolved Oxygen: Percent of measured water column with at least 0.1 ppm dissolved oxygen	28% or less	4
	29 to 49%	3
	50 to 65%	2
	66 to 75%	1
	76 to 100%	0
Light Penetration (Secchi disk)	Five feet or under	6
	Greater than five feet	0
Light Transmission (Photocell): Percent of light transmission at a depth of 3 feet	0 to 30%	4
	31 to 50%	3

	51 to 70%	2
	71% or more	0
Total Plankton per Liter of Water - sampled from a single vertical tow between the 1% light level and the surface	Less than 3,000 organisms	0
	3,000 to 6,000 organisms	1
	6,001 to 16,000 organisms	2
	16,001 to 26,000 organisms	3
	26,001 to 36,000 organisms	4
	36,001 to 60,000 organisms	5
	60,001 to 95,000 organisms	10
	95,001 to 150,000 organisms	15
	150,001 to 500,000 organisms	20
	Greater than 500,000 organisms	25
	Dominance of blue-green algae	10 additional points

Changes to IDEM's Use Support Criteria for Biological Data

IDEM's use support criteria for fish community and macroinvertebrate community data have undergone significant changes since they were first adopted in 1996. Table 3 summarizes the evolution of IDEM's criteria for making assessments with biological data. The criteria developed in 2002 are calibrated to reference conditions in Indiana and remain in effect today. However, with the changes in 2002 and each change prior to that time, resulting criteria were applied only to the basins being assessed at the time. IDEM is currently in the process of reviewing all aquatic life use support assessments made prior to 2002 against the new criteria to identify any waterbodies that may now be considered fully supporting. This process is expected to be completed later in 2005.

Table 3: Evolution of the criteria used in making aquatic life use assessments with biological data.

Year	Criteria Development and Changes
Monitored: 1996 Assessed: 1997 Reported: 1998	<p>IDEM used Karr's 1986 Index of Biotic Integrity (IBI) Classification and Attributes Table to establish criteria to apply to fish community (IBI) data for use support assessments:</p> <p>IBI \geq 44 = Fully supporting (Excellent/Good) IBI $<$ 44 and \geq 22 = Partially supporting (Fair/Poor) IBI $<$ 22 = Not supporting (Very Poor/No Fish)</p> <ul style="list-style-type: none"> IDEM's criteria for macroinvertebrate community (mIBI) data collected using kick methods: mIBI \geq 4 = Fully supporting mIBI $<$ 4 and \geq 2 = Partially supporting mIBI $<$ 2 = Not supporting
Monitored: 1997 and 1998 Assessed: 1998 and 1999 Reported: 2000	<p>IDEM reviewed fish community data from 1990-1995 (n=831) to determine new, more accurate limits reflective of Indiana fish communities by subtracting $\frac{1}{2}$ standard deviation from the statewide mean to calculate the following criteria:</p> <p>IBI $>$ 34 = Fully supporting IBI \leq 34 and \geq 32 = Partially supporting IBI $<$ 32 = Not supporting</p> <p>Criteria for macroinvertebrate community data were unchanged.</p>
Monitored: 1999 and 2000 Assessed: 2000 and 2001 Reported: 2002	<p>Based on IDEM's adoption of U.S. EPA's integrated reporting format, the category for partially supporting was eliminated for both fish community data and macroinvertebrate community data:</p> <p>IBI \geq 32 = Fully supporting IBI $<$ 32 = Not supporting</p> <p>Criteria for macroinvertebrate community data were unchanged.</p>
Monitored: 2001 and 2002 Assessed: 2002 and 2003 Reported: 2004	<p>IDEM completes its first five-year basin monitoring rotation. After reviewing the narrative biological criteria [327 IAC 2-1-3(2)] and water quality standard definition [327 IAC 2-1-9(49)] of a well balanced aquatic community, IDEM determined that IBI values previously considered partially supporting are reflective of poorer conditions and should be classified as not supporting. The resulting criteria are now applied to all basins in Indiana:</p> <p>IBI \geq 36 = Fully supporting IBI \leq 35 = Not supporting</p> <p>With a more robust set of macroinvertebrate community data, IDEM was also able to calibrate</p>

	<p>its criteria for this type of data, developing specific criteria applicable to all basins in the state.</p> <ul style="list-style-type: none"> • For samples collected with an artificial substrate sampler: $mIBI \geq 1.4$ = Fully supporting $mIBI < 1.4$ = Not supporting • For samples collected using kick methods: $mIBI \geq 2.2$ = Fully supporting $mIBI < 2.2$ = Not supporting
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Biological impairment classifications for streams were based on the sampling and evaluation of either the fish communities or benthic aquatic macroinvertebrate communities, or both. Indices of Biotic Integrity (IBI) for fish and macroinvertebrate IBI (mIBI) assessment scores, or both, were calculated and compared to regionally calibrated models. In evaluating fish communities, streams rating as “fair” or worse were classified as non-supporting for aquatic life uses. For benthic aquatic macroinvertebrate communities, individual sites were compared to a statewide calibration at the family level of identification for Indiana. All sites at or above background for the calibration were considered to be supporting aquatic life uses. Those sites rated as moderately or severely impaired in the calibration were considered to be non-supporting. Non-support for aquatic life use was considered an impairment of the biological community. Consideration was also given to the size of the stream being assessed. Habitat evaluations were considered in determining the potential for waters to support aquatic communities. If habitat was the primary reason for non-support, then the waterbody was not considered for inclusion on IDEM’s 303(d) List of Impaired Waters (Category 5) (see Category 4C under “Consolidated Listing Methodology”).

Assessment Criteria Applied to Multivariate Statistical Data

In 2004, IDEM conducted a number of studies aimed at identifying the sources of impairments to aquatic communities that were previously identified through the agency’s probabilistic monitoring program. These impairments appear on the 303(d) list as “Impaired Biotic Communities” (IBCs). IBCs are problematic from a water quality management perspective because U.S. EPA requires that they be treated as a cause of impairment for listing purposes when they actually represent the secondary effect of other causes of impairment (that is, stressors in the watershed). Given this, it is difficult to imagine how a TMDL might be developed for a stream listed for IBC without more information regarding the specific activities or pollutants driving the impairment of the stream’s aquatic communities.

To address these issues, IDEM employed a multivariate statistical approach (Morris *et al.*, *Archives of Environmental Contamination and Toxicology*, in press) in the following watersheds to more fully characterize the impaired biotic communities and identify the sources driving these impairments:

- Wildcat Watershed (HUC 05120107).
- Eel (HUC 05120102).
- Limberlost (05120101).

The Morris *et al.* method reveals patterns between interrelated variables and identifies variables that are strongly correlated to the IBC in each watershed, providing information necessary to begin addressing the problem through the TMDL process or other appropriate means.

In reviewing the results of these studies, IDEM determined that the water quality criteria outlined in Table 1, which are applied to probabilistic and fixed station data to determine use support, are not adequate for making assessment decisions based on conclusions drawn from a multivariate statistical analysis. These criteria are based on Indiana’s WQS and provide a pass or fail framework in which to analyze water quality data for the purposes of making assessment decisions and identifying impairments. This framework continues to be applicable to most of the data IDEM uses in water quality assessments. However, the results produced by IDEM’s multivariate statistical studies identify multiple stressors that have a synergistic effect on the water quality in a stream, many of which may be impacting its biotic communities at much lower levels than those prescribed by Indiana’s WQS and include many others for which applicable WQS do not exist. There is no way to incorporate these kinds of results into a pass or fail framework. Recognizing the importance of the information provided by these studies to the success of any restoration effort aimed at addressing the IBCs in these streams, IDEM determined that a separate set of decision-making criteria was needed to assess the waterbodies in these watersheds.

Figure 2 shows the decision-making process to make aquatic life use assessments in watersheds where the Morris *et al.* method was applied. Using this approach, correlates (parameters shown to be strongly associated with the IBC) are not treated as separate impairments. Rather, correlates identified using this approach must be considered together as a whole reflecting the complex interactions between them that are driving the IBC. IDEM recognizes the limitations inherent in multivariate statistical approaches and that even with a high degree of statistical confidence, the possibility of spurious correlation still exists. Under these circumstances, including each correlate on the 303(d) list as an individual cause of impairment would make TMDL development a very costly and ineffective means of addressing the IBC. For 303(d) listing purposes, IDEM links any correlates violating a water quality standard to the IBC with a slash (IBC/Chlorides, for example) in order to distinguish impairments identified through cluster analysis from those identified using probabilistic data, fixed station data, or both. The latter continue to be listed as IBC only. This

distinction is expected to facilitate effective TMDL development in these watersheds by identifying IBC impairments for which the sources are better known.

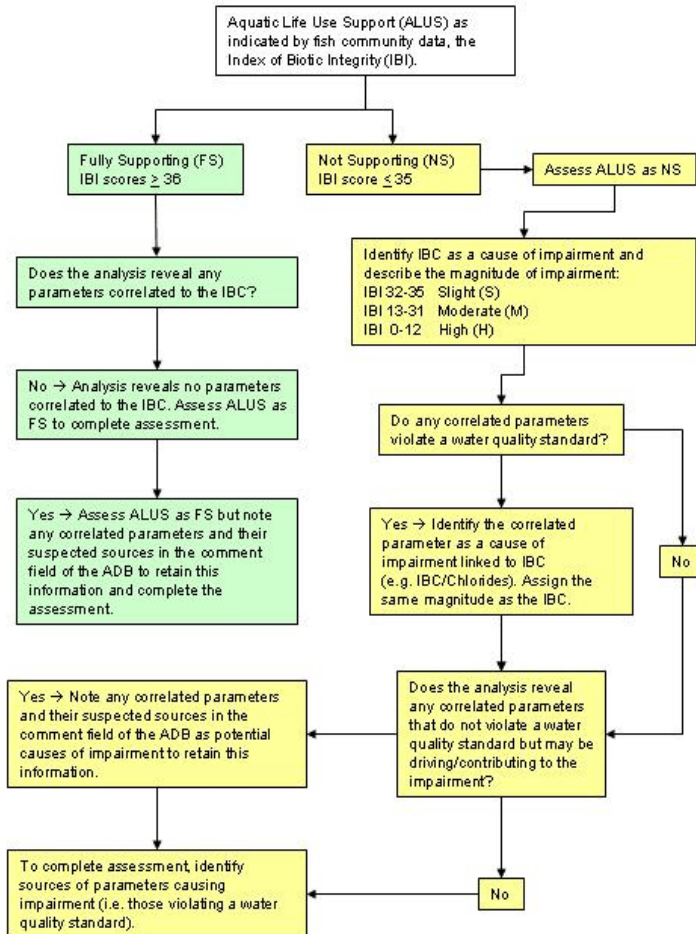


Figure 2: Decision Tree used in water quality assessments with multivariate statistical data.

Consolidated Listing Methodology

For the development of the 2004 303(d) list, IDEM has followed, to the degree possible, the 305(b) and 303(d) reporting methods outlined in the U.S. EPA's 2002 Integrated Water Quality Monitoring and Assessment Report Guidance and 2004 Assessment, Listing and Reporting Requirements documents. The integrated report is designed to satisfy the Clean Water Act (CWA) requirements for both Section 305(b) water quality reports, and Section 303(d) lists. The 303(d) list was developed using the 305(b) Assessment Database.

Waterbodies were classified as monitored if surface water quality data used for assessments were no more than five (5) years old, or were still considered representative of current conditions. Data from a given monitoring site are considered representative of the waterbody for that distance upstream and downstream in which there are no significant influences to the waterbody that might cause a change in water quality. Using this same rationale, data may also be extrapolated to some distance into tributaries upstream of a given sampling location. Waterbodies with monitoring site(s) upstream and downstream and those for which reliable assessments can be made based on extrapolation of representative data are classified as monitored. Waterbodies were classified as evaluated if the primary data used for assessment was more than five (5) years old and little was known concerning changes in the watershed, or the assessment was based on other monitored waterbodies in the watershed. Only waterbodies designated as monitored were considered for 303(d) listing purposes. All waterbodies assessed as "Not Supporting" in accordance with the criteria described in Table were considered for 303(d) listing purposes.

Interpretation of the data and 303(d) listing decisions take into account IDEM's assessment methodologies for the 305(b) report and U.S. EPA guidance. One aspect of U.S. EPA's guidance calls for a comprehensive listing of all monitored or assessed water bodies in the state, based on the state's assessment and listing methodology. Each waterbody is to be placed in one or more of five categories depending on the degree to which it supports designated uses. Prior to 2006, U.S. EPA required that states place each

waterbody into only one category. The draft guidance issued by U.S. EPA in 2005 encourages states to place waterbodies in additional categories as appropriate in order to more clearly illustrate where progress has been made in TMDL development and other restoration efforts.

Delineation of these waterbodies or assessment units (AUs) will be based on the National Hydrography Dataset (NHD). The NHD is a database created by U.S. EPA and the USGS that provides a comprehensive coverage of hydrographic data for the United States. It uniquely identifies and interconnects the stream segments that comprise the nation's surface water drainage system. It also contains information for other common surface water bodies such as lakes, reservoirs, estuaries, and coastlines. States may use spatial resolution on a finer scale than the NHD, and U.S. EPA will translate that resolution into the NHD system. An explanation of the five (5) categories is given below. Indiana's 303(d) List of Impaired Waterbodies will consist of waterbodies listed in Category 5.

Listing of Waterbodies by Category

- Category 1** **Attaining the water quality standard for all designated uses and no use is threatened.** Waterbodies should be listed in this category if there are data and information that meet the requirements of the state's assessment and listing methodology and support a determination that all WQS are attained and no designated use is threatened.
- Category 2** **Attaining some of the designated uses; no use is threatened; and insufficient or no data and information are available to determine if the remaining uses are attained or threatened.** Waterbodies should be listed in this category if there are data and information which meet the requirements of the state's assessment and listing methodology to support a determination that some, but not all, designated uses are attained and none are threatened.
- Category 3** **Insufficient data and information to determine if any designated use is attained.**
- A. Little or no information is available with which to make an assessment.** Waterbodies should be listed in this category where the data or information to support an attainment determination for any designated use are not available or are not consistent with the requirements of the State's assessment and listing methodology. States should schedule monitoring on a priority basis to obtain data and information necessary to classify these waters as Category 1, Category 2, Category 4, or Category 5.
- B. The waterbodies for which available data suggest that a problem may exist but more information is needed to verify whether impairment exists or will occur within the next two (2) years.** These are waterbodies previously identified by the state as threatened but do not meet U.S. EPA's definition of threatened status. This category allows the state to distinguish these waterbodies from others previously identified in Category 3 for which no information is presently available and facilitates effective planning by identifying waterbodies for which follow-up monitoring might be needed.
- Category 4** **Impaired or threatened for one or more designated uses but does not require the development of a TMDL.**
- A. A TMDL has been completed that results in attainment of all applicable WQS, and has been approved by U.S. EPA.** Monitoring should be scheduled for these waterbodies to verify that the WQS are met when the water quality management actions needed to achieve all TMDLs are implemented.
- B. Other pollution control requirements are reasonably expected to result in the attainment of the WQS a reasonable period of time.** Consistent with the regulation under 130.7(b)(i),(ii), and (iii), waterbodies should be listed in this subcategory where other pollution control requirements required by local, state, or federal authority are stringent enough to achieve any water quality standard (WQS) applicable to such waters. Monitoring should be scheduled for these waterbodies to verify that the WQS are attained as expected.
- C. Impairment is not caused by a pollutant.** Waterbodies should be listed in this subcategory if the impairment is not caused by a pollutant but is attributed to other types of pollution for which a total maximum daily load cannot be calculated.
- Category 5** **The water quality standard is not attained.** Waterbodies may be listed in both 5A and 5B depending on the parameters causing the impairment.
- A. The waterbodies are impaired or threatened for one or more designated uses by a pollutant(s), and require a TMDL. This category constitutes the Section 303(d) list of waters impaired or threatened by a pollutant(s) for which one (1) or more TMDL(s) are needed.** A waterbody should be listed in this category if it is determined in accordance with the state's assessment and listing methodology that a pollutant has caused, is suspected of causing, or is projected to cause impairment. Where more than one (1) pollutant is associated with the impairment of a single waterbody, the waterbody will remain in Category 5 until TMDLs for all pollutants have been completed and approved by U.S. EPA.
- B. The waterbodies are impaired due to a Fish Consumption Advisory for PCB's or mercury, or both.** This category also composes a portion of the Section 303(d) list of impaired waters, but the state believes that a conventional TMDL is not the appropriate approach. The state will continue to work with the general public and U.S. EPA on actual steps needed ultimately to address these impairments.

Because each situation is unique, resources, and data sets are sometimes limited, the 2004 listing process may at times require IDEM staff to apply rational professional discretion. Any waterbody assessed differently than indicated in the water quality assessment methodology outlined above will be accompanied by written justification, so that stakeholders will understand how each decision was made.

The 2006 303(d) list includes impaired waterbodies from the 2004 303(d) list that still require TMDL development. For a stream to be listed, it must have been assessed using representative data, and the data must support listing. Any data, both internal or from outside sources, that is used for listing decisions must meet IDEM's quality assurance and quality control (QAQC) requirements as outlined in IDEM's surface water quality monitoring Quality Assurance Project Plan.

Delisting of Waterbodies

The U.S. EPA's new guidance does not change existing rules for listing and de-listing. The existing regulations require states, at the request of the U.S. EPA's Regional Administrator, to demonstrate good cause for not including waterbodies on the 303(d) list that were included on previous 303(d) lists (pursuant to 40 C.F.R. 130.7(b)(6)(iv)). In general IDEM will only consider de-listing a waterbody if one of the following is true:

1. New data indicates that WQS are now being met for the waterbody under consideration.
2. The listing methodology has changed, and the waterbody under consideration would not be considered impaired under the new methodology.
3. A change has been made to the states WQS which would indicate that a listed waterbody is now considered supporting of designated uses.
4. An error is discovered in either the sampling, testing, or reporting of data that led to an inappropriate listing.
5. If it is determined that another program, besides the TMDL program, is better suited to address the water quality problem, or the problem is determined not to be caused by a pollutant (see category 4B** and 4C above).
6. A TMDL has been completed, and the waterbody is expected to meet WQS after implementation of the TMDL (see category 4A above).

TMDL Development Schedule and Prioritization

The TMDL development schedule corresponds with IDEM's basin-rotation water quality monitoring schedule. To take advantage of all available resources for TMDL development, waters on the 303(d) list (Category 5) will be scheduled for TMDL development according to the basin-rotation schedule unless there is a significant reason to deviate from this schedule. Waterbodies will also be scheduled based on the following:

1. Waterbodies may be given a high or low priority for TMDL development depending on the specific designated uses that are not being met, or in relation to the magnitude of the impairment.
2. TMDL development of waterbodies where other interested parties, such as local watershed groups, are working on alleviating the water quality problem may be delayed to give these other actions time to have a positive impact on the waterbody. If WQS still are not met, then the TMDL process will be initiated.
3. TMDLs that are required due to water quality violations relating to pollutant parameters where no U.S. EPA guidance is available, may be delayed to give time to develop guidance.

Waterbodies on the 2004 303(d) list are scheduled to complete the TMDL development process within fifteen (15) years. Since the CWA does not clearly define the timeline for TMDL development, U.S. EPA, in response to the Federal Advisory Committee Act (FACA) Committee's recommendations, issued guidance for states to develop expeditious schedules of not more than eight (8) to fifteen (15) years. 40 CFR section 130.7 also dictates that the 303(d) list specifically include the identification of waters targeted for TMDL development in the next two (2) years.

REFERENCES CITED

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* IDEM staff from the following program areas were involved in the evaluation of Indiana's waterbodies: the TMDL Group, Biological Studies Section, Water Quality Surveys Section, and Water Quality Standards Section. Staff from other program areas were consulted where appropriate.

** A decision to list a water in Category 4B using §130.7 (b)(1)(i) must be supported by the issuance of technology-based effluent limitations required by Sections 301(b), 306, 307 or other sections of the CWA. A decision to list in Category 4B using §130.7 (b)(1)(ii) must be supported by the issuance of more stringent effluent limitations required by either Federal, State or local authority. EPA expects that the State will provide a rationale for why they believe that these effluent limits will achieve WQS within a reasonable period of time. Placement of waters in Category 4B based on §130.7 (b)(iii) must be supported by the existence of "other pollution control requirements (for example, best management practices) required by local, State, or federal authority" that are stringent enough to implement WQS. EPA expects that the State will demonstrate that these control requirements will achieve WQS within a reasonable period of time.

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 05-21

FOR: GREENING THE GOVERNMENT

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS'.

WHEREAS, Executive Order 99-07, dated April 22, 1999, created the Indiana Greening the Government Initiatives, and Executive Order 03-27, effective September 13, 2003 (collectively, with Executive Order 99-07, the "Prior Orders"), continued the Indiana Greening the Government Initiatives;

WHEREAS, sustainable and environmentally sound policies means meeting the needs of current generations without impairing the ability of future generations to meet their own needs, and is an important strategy for the long-term health of the state's economy, environment and citizens;

WHEREAS, efficiency and cost effectiveness are continuing objectives of state government;

WHEREAS, state government recycling efforts have significantly reduced the amount of waste generated at state facilities and the related costs of waste disposal;

WHEREAS, improved pollution prevention, energy efficiency and air quality efforts within state government and by state government employees will continue to decrease demand on resources to the benefit of all Indiana citizens; and

WHEREAS, state government and its employees recognize the importance of setting a positive example in efforts to improve Indiana's environment; therefore, state government activities should support sustainable products and services;

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as the Governor of the State of Indiana, do hereby order that:

I. Steps for Greening the Government

The following requirements are policy for all state agencies. The Departments of Administration (IDOA) and Environmental Management (IDEM) will continue to work, through a cooperative effort with Greening Taskforce members from the State's largest agencies, to assist and monitor agencies in pursuit of the goals below as well as other provisions of the Greening the Government Plan which has been previously developed under the Prior Orders.

- a. Agencies shall appoint a Greening Coordinator who will be responsible for implementing the following policies, promote the availability and encourage use of the www.IN.gov/greening website to co-workers and who will act as their agency's liaison with the Greening the Government Program.
- b. Agencies shall establish goals and work to reduce office paper usage through the following means whenever possible:
 1. If not already doing so, agencies shall create an electronic letterhead template and encourage its use for agency business in lieu of using pre-printed letterhead.
 2. Agencies shall duplex (double side) all copy and laser printing operations. Exceptions will be made when current technology does not allow for this provision or when specific documents require single-side printing. Whenever possible, new copy and printing machines will have duplex capabilities.
 3. Agencies shall cooperate with the Government Management Information System (GMIS) team to develop and implement additional procedures to reduce paper usage. The GMIS team has and will continue to develop and implement several state wide operational changes that will reduce paper requirements in state government. These efforts are supported as a significant step toward the state's waste reduction goals.
- c. By July 1, 2005, all facilities that use office supplies will be required to establish a Green Room area to provide for the re-use of gently used office supplies. Instructions for Green Rooms are available on the Greening website. State employees are directed to check the available stock in the Green Room before being authorized to purchase new office supplies.
- d. Agencies shall conduct a Clean Your Files Day at least annually, being sure to stress proper document retention requirements. The goal of these clean-outs is to make efficient use of office space and supply resources. Reusable office supply items that employees no longer need will be directed to the Green Room noted in (c.) above. Office paper and other recyclable materials will be recycled according to established programs and guidelines. The Greening Program will provide technical assistance or organize these clean-outs. Large items will be directed to State Surplus as required by state statute.

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e. Facilities shall continue to recycle office paper, newspaper, beverage containers, and other items, unless implementation is not feasible for a given facility. Facilities are encouraged to find recycling options for additional materials, as well. The goal of these efforts is to conserve resources, reduce disposal costs and earn revenue. The Greening Program will provide technical assistance as needed.

f. The State shall continue to review the price, performance, availability, as well as the environmental attributes of various goods and services for state purchase and use. Environmentally preferable products, such as durable, recycled-content, energy efficient, non-mercury, low-toxicity and products with multiple environmental benefits shall be specified whenever possible.

g. Facilities shall continue to implement measures to meet their environmental responsibilities and to enhance pollution prevention, resource conservation, waste prevention and energy efficiency in building projects and in on-going building and equipment operations.

h. Agencies shall be strongly encouraged to use the IDOA 5-Star Environmentally Recognized MotorPool for vehicle-maintenance services. Additionally, all fleet vehicles based in Indianapolis that are capable of using Ethanol-85 are directed to refuel with E-85 at the designated City-State refueling site whenever possible. Agencies shall continue to purchase re-refined lubricating oil and recycle it through the same vendor in a closed-loop system. This policy does not preclude the use of bio-based fuels and oils.

i. In order to improve regional air quality, reduce energy consumption, reduce traffic congestion and reduce demand on state parking facilities, as well as make it easier for state employees to save money, the state will continue to actively promote participation in community-based alternative transportation methods. In the central Indiana region, the state's goal is to continually increase participation in the Central Indiana Commuter Services program to at least 5% of total employees by December 31, 2005. Alternative work schedules and parking cash-outs will continue to be pursued.

j. In order to maximize employee participation in Greening Programs, IDOA will continue to provide educational resources, technical expertise and tools to measure success to ensure employee access to Greening Programs. An awards program will recognize agencies and/or employees who implement additional procedures that positively impact the environment.

This order is effective Earth Day, April 22, 2005.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 20th day of April, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-22

FOR: CONTINUATION OF THE GOVERNOR'S COUNCIL FOR PHYSICAL FITNESS AND SPORTS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, engaging in regular physical activity, making proper dietary decisions, and avoiding harmful substances are essential components of public health; and

WHEREAS, decisions to the contrary greatly increase the risk of the development of health problems, including cardiovascular disease, diabetes, obesity, respiratory problems, certain cancers, mental health problems, and osteoarthritis; and

WHEREAS, Hoosiers should be encouraged to develop healthy lifestyle habits at a young age and to continue them through their lifetimes; and

WHEREAS, doing so leads to higher performance in school, work, and personal pursuits; and

WHEREAS, businesses prefer to employ a vibrant workforce, making a healthy population attractive to organizations looking to do business in and with Indiana; and

WHEREAS, direct and indirect costs related to inadequate physical activity place a significant burden on individuals, businesses, and the state; and

WHEREAS, Indiana has the environment and human resources to effect a significant positive change in the health of the population;

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Governor's Council for Physical Fitness and Sports is reestablished and continued.
2. The Council shall coordinate and promote public programs, private initiatives, and public-private partnership efforts to promote physical activity and health in order to encourage healthy lifestyles for persons of all ages.
3. The Council shall recommend to the Governor guidelines, programs, and activities related to Hoosiers' participation in physical activity and sports.
4. The Council shall consist of no more than twenty-one (21) members to be appointed by and to serve at the pleasure of the Governor. These members shall represent a diversity of interests related to health and fitness in Indiana. The commissioner of the Indiana State Department of Health shall be an *ex officio* member of the Council.
5. Each member of the Council shall be appointed for a term of two (2) years. In the event of a vacancy arising on the Council for any reason, the Governor may, in his discretion, appoint a substitute member to serve the unexpired term. Members of the Council may be reimbursed for their actual expenses incurred on Council business in accordance with state law and with the policies of the Department of Administration and the State Budget Agency.
6. The Governor may appoint to the Council an honorary chairperson for a term of two (2) years. An honorary chairperson may not vote on Council business.
7. The Governor shall appoint the chairperson and vice-chairperson of the Council from among its members.
8. The Council may, by majority vote, form task forces when necessary to study and make recommendations regarding matters before the Council. Task force participants, who do not otherwise hold lucrative state offices, may be reimbursed for their actual expenses incurred on Council business in accordance with state law and with the policies of the Department of Administration and the State Budget Agency.
9. The Council shall meet a [*sic.*] least four (4) times per year and shall perform such other duties and carry out such other responsibilities as shall be requested by the Governor for the purpose of promoting public health and fitness initiatives.
10. Staff of the Office of the Governor or other state agencies may be assigned to assist the Council in carrying out its duties.
11. This Order is issued to be effective as of January 10, 2005.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 13th day of July, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-23

FOR: CLEMENCY FOR ARTHUR PAUL BAIRD II, DOC No. 872036

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, In 1987, a Montgomery County jury found Arthur Paul Baird II guilty of the September 1985 murders of his pregnant wife, Nadine Baird, his mother, Kathryn Baird, and his father, Arthur Baird I;

WHEREAS, The Montgomery Circuit Court followed the jury's recommendation and sentenced Baird to death for the murder of his parents; the trial court also imposed a sixty-year sentence for the murder of Baird's wife and an eight-year sentence for the feticide involving his unborn child;

Executive Orders

WHEREAS, Baird is guilty of the murders of Nadine Baird, Arthur Paul Baird I and Kathryn Baird and is legally eligible for the death penalty under I.C. 35-50-2-9(b)(8);

WHEREAS, Baird's claims have received proper and thorough consideration in the judicial system;

WHEREAS, Baird has asked that his sentence of death be commuted to Life Without Parole;

WHEREAS, There exists sufficient reasons to commute Baird's sentence, as explained in detail in the document titled Grant of Commutation to Arthur Paul Baird II, attached hereto and incorporated by reference in this Executive Order; and

WHEREAS, My review of the facts of this case leads me to exercise clemency by commuting Baird's sentence. This decision is based on the unique circumstances of this case. All the facts, not one single element, cause me to grant clemency.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., the Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and laws of the State of Indiana, hereby commute the death sentence imposed on Arthur Paul Baird II for the murders of Arthur Paul Baird I and Kathryn Baird to Life Without Parole.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 29th day of August, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

ATTACHMENT

GRANT OF COMMUTATION TO ARTHUR PAUL BAIRD II

The case of Arthur Baird would justify the death penalty based upon the nature of his crimes, the unchallenged certainty that he committed them, and the care and completeness of the legal process in imposing that sentence and in consistently upholding it over the years since those crimes occurred. Nonetheless, given certain unusual, probably unique circumstances in this case, a different outcome seems more just. These circumstances include:

- Life without parole was not an option in Indiana when Mr. Baird was sentenced. Such a sentence has since become an option and would be available to the jury today.
- The unanimous sentiment expressed by family members at the time of the trial and years later demonstrates that they believed life without parole was the most appropriate penalty for Mr. Baird. All members of the jury whose views are known also indicate that, had life without parole been an alternative available to them, they would have imposed it instead of the death penalty.
- Further reflecting that consensus, the State offered the equivalent of life without parole in a plea agreement that Mr. Baird appeared ready to accept before trial. However, at the time of submitting his plea, he suddenly reversed course and, apparently due to his delusional state, rejected the bargain the State saw fit to offer him.

Courts recognized Mr. Baird as suffering from mental illness at the time he committed the murders, and Indiana Supreme Court Justice Ted Boehm recently wrote that Mr. Baird is "insane in the ordinary sense of the word." It is difficult to find reasons not to agree.

However, I reached today's decision without substituting my judgment for others on the ambiguous issue of Mr. Baird's degree of insanity. To me, it suffices to note that, had the sentence of life without parole been available in 1987, the jury and the State would have imposed it with the support of the victims' families.

I conclude that the proper and just result in this case is for Arthur Paul Baird II to serve a term of life without parole, and I therefore commute his sentence accordingly.

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 05-24

FOR: OPERATION HOOSIER RELIEF – HURRICANE KATRINA

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, Indiana is a member of the Emergency Management Assistance Compact (“Compact”), an interstate agreement entered into by and among participating states for the purpose of providing mutual assistance in managing an emergency declared by the governor of an affected state as a result of, among other things, a natural disaster;

WHEREAS, on behalf of the governor of each state participating in the Compact, the designated state official assigned responsibility for emergency management is tasked with the formulation of appropriate interstate mutual aid plans and procedures necessary to implement the Compact;

WHEREAS, Indiana’s Executive Director of Homeland Security (“Executive Director”) is the designated state official assigned responsibility for emergency management in Indiana;

WHEREAS, any state requested to render mutual aid must take actions necessary to provide and make available the resources contemplated by the Compact in accordance with its terms;

WHEREAS, the Gulf Coast states have been devastated by the destructive forces of Hurricane Katrina; and

WHEREAS, Governor Haley Barbour has declared a state of emergency in the State of Mississippi and has requested assistance from the State of Indiana under the terms of the Compact.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Executive Director is authorized and empowered to establish one or more mobile support units pursuant to IC 10-14-3-19 in order to respond to requests for assistance in the aftermath of Hurricane Katrina. At the direction of the Executive Director, any such unit shall be deployed for the purpose of providing assistance to a state that has suffered devastation by Hurricane Katrina and that has requested such assistance from the State of Indiana in accordance with the Compact under IC 10-14-5. The duration of a mobile support unit’s deployment shall not exceed sixty (60) days, subject to extension by executive order.
2. The Executive Director is authorized, to the fullest extent permitted by law, to take such actions as he deems necessary and appropriate for the purpose of establishing and deploying a mobile support unit, including without limitation drawing upon state and local government and private sector resources in Indiana to provide requested relief in accordance with the Compact. Such resources may include, without limitation, teams assembled from personnel of the Indiana Department of Health, the Department of Natural Resources, the Family and Social Services Administration, the Indiana State Police, city and county government agencies, and any private medical providers who offer assistance.
3. Individual members of such a mobile support unit who are not employed by the State of Indiana or a political subdivision thereof shall be designated as deputy directors of the Department of Homeland Security (each, a “Deputy Director”) in accordance with the provisions of IC 10-19-6 and IC 10-14-3-7(a)(4). Such designation shall be solely for the purpose of participation as a member of the mobile support unit deployed in connection with Hurricane Katrina, and shall be limited to the duration of such deployment.
4. During the duration of his or her deployment with a mobile support unit, a Deputy Director shall continue to receive compensation and benefits from his or her current employer at levels existing as of the date hereof, provided, that the State of Indiana shall be obligated to reimburse such employer for the aggregate amount of such compensation and benefits accruing during the period of deployment. Such reimbursement shall be paid at such times as funds are made available, in accordance with the terms of the Compact, to the State of Indiana from a state that has received assistance thereunder.
5. A Deputy Director shall be considered an “employee” of the State of Indiana solely for the purpose of such Deputy Director’s participation, while deployed with such unit, in the worker’s compensation program described in IC 22-3 through 22-6, and shall not be considered a state employee for purposes of IC 10-14-3-19 or any other purpose. The terms and conditions of the worker’s compensation program shall govern exclusively any claim for death, injury, illness, or loss of compensation occurring

Executive Orders

with respect to a Deputy Director while on deployment or as a result of deployment with the mobile support unit, and the sole and exclusive means for making any such claim shall be by filing with the Indiana Workers Compensation Board in accordance with its rules and procedures. No claim by any person or other entity, including without limitation a Deputy Director, for death, injury, illness or loss of compensation occurring with respect to a Deputy Director while on deployment or as a result of deployment with a mobile support unit may be made against the State of Indiana or any of its agencies, instrumentalities, elected or appointed officials or employees, or against the current employer of the Deputy Director, except as expressly provided herein for claims made by Deputy Directors exclusively under the worker's compensation program applicable to employees of the State of Indiana. The foregoing shall not operate to preclude any other claims a Deputy Director may have against third parties for harms incurred by him or her while on deployment resulting from such third parties' negligence or intentional misconduct.

6. The Executive Director is hereby authorized and empowered to enter into an Employee Interchange Agreement with one or more political subdivisions in connection with the establishment of a mobile support unit. Under such an agreement, an employee of a political subdivision shall be deemed assigned to the Department of Homeland Security as a "receiving" agency via an employee interchange program described in IC 5-10-7. Any such agreement shall be on terms and conditions and be of such duration as the Executive Director deems necessary and appropriate to comply with the provisions of IC 5-10-7 and to further the mission of the mobile support unit.

7. Pursuant to the Compact, law enforcement personnel dispatched by the State of Indiana or any of its political subdivisions at the direction of the Executive Director shall be vested with the same powers, duties, rights and privileges as are afforded law enforcement officers of a state requesting assistance, including without limitation arrest powers where specifically authorized. The Executive Director shall coordinate with the relevant authorities in a requesting state in order to obtain express authorization from such state for the exercise of arrest powers by Indiana law enforcement personnel who are members of a mobile support unit.

8. The Executive Director is authorized and empowered to include in a mobile support unit such state resources, including state personnel, as he deems necessary and appropriate to further the mission of that unit. All instrumentalities, agencies, authorities, boards, commissions, and officers of the executive, including the administrative, department of state government, as well as all bodies corporate and politic set up as instrumentalities of the State, are requested to cooperate and provide assistance to the Executive Director in implementing this Executive Order to the fullest extent permitted by law.

9. In establishing and deploying a mobile support unit, the Executive Director shall coordinate with the planning and operations of the Indiana National Guard, the Federal Emergency Management Agency and other authorities involved in the Hurricane Katrina relief effort.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 2nd day of September, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-25

FOR: DECLARING A STATE OF DISASTER EMERGENCY IN THE STATE OF INDIANA DUE TO THE INFLUX OF
 EVACUEES FROM AREAS DEVASTATED BY HURRICANE KATRINA

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS

WHEREAS, the Gulf Coast states have been devastated by the destructive forces of Hurricane Katrina resulting in the forced relocation of tens of thousands of residents of those states;

WHEREAS, many of the evacuees have sought refuge in Indiana;

WHEREAS, the continuing influx of evacuees has strained the capacity of state, local and private resources to provide shelter, food, and other necessary services to these displaced individuals; and

WHEREAS, the influx of evacuees is of such severity and magnitude that effective response is beyond the capabilities of state and local governments in Indiana and that federal assistance is necessary.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby declare that a state of disaster emergency exists in the entire State of Indiana and order:

1. The Indiana Department of Homeland Security, having implemented the State Emergency Operations Plan, shall provide needed services to the evacuees relocating to the State of Indiana as a result of the catastrophic events caused by Hurricane Katrina, and shall coordinate the provision of such services with appropriate federal, state, and local agencies and with private and non-profit organizations involved in the hurricane relief effort; and

2. The Executive Director is authorized, to the fullest extent permitted by law, to take such actions as he deems necessary and appropriate in order to draw upon state and local government and private sector resources in Indiana for the purpose of providing needed assistance to these evacuees.

This declaration of disaster emergency was in effect beginning August 29, 2005 and continues.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 6th day of September, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-26

FOR: WAIVER OF REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS TRANSPORTING GASOLINE, DIESEL FUEL, AND JET FUEL AND THE TRANSPORT OF OVERSIZED TRACTOR TRAILER LOADS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, Hurricane Katrina has temporarily halted off-shore oil and gas production in the Gulf of Mexico, shut down most of the refineries and pipelines along the Gulf Coast, and damaged storage facilities and transportation infrastructure throughout the region;

WHEREAS, the hurricane disaster has had nationwide effects;

WHEREAS, in order to prevent significant disruptions to the nation's transportation system, existing stocks of gasoline, diesel fuel and jet fuel will need to be re-distributed by commercial motor vehicles in order to meet demand normally supplied by Gulf Coast operations;

WHEREAS, the United States Department of Transportation Federal Motor Carrier Safety Administration has declared that a

Executive Orders

regional emergency exists in the Midwest Region, including Indiana, in the highway transportation of certain petroleum products;

WHEREAS, as a result of the declared regional transportation emergency, the Federal Motor Carrier Safety Administration, acting pursuant to 49 CFR 390.23, has exempted motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel from 49 CFR Parts 390-399 in order to address transportation needs arising from the impact of Hurricane Katrina. The exemption is effective from 1:00 P.M. EDT, August 31, 2005 until 1:00 p.m. EDT, September 14, 2005;

WHEREAS, appropriate measures must be taken at the state level in response to the energy emergency to ensure that petroleum supplies will remain sufficient and to assure the health, safety, and welfare of Indiana residents and visitors; and

WHEREAS, in response to the immediate need for shelter for the hundreds of thousands of people left homeless by Hurricane Katrina, the federal government must immediately procure approximately one hundred fifty thousand (150,000) single and double wide homes to be transported to the areas affected by the hurricane disaster.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. Motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel in Indiana to address transportation needs arising from the hurricane disaster are exempt from compliance with any applicable state statute, order, or rule substantially similar to, or giving effect to, 49 CFR Parts 390-399. Any such provision of a state statute, order, or rule is suspended as it relates to such motor carriers and drivers. The exemption and suspension is effective from the time of the issuance of this Order until 1:00 p.m. EDT, September 14, 2005.
2. The exemption and suspension provided in this Executive Order applies only to gasoline, diesel fuel, and jet fuel. No other petroleum products are covered hereby.
3. Nothing contained in this Executive Order shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382 and any similar state statute, order, or rule), the commercial driver's license requirements (49 CFR Part 383 and any similar state statute *[sic.]*, order, or rule), the financial responsibility requirements (49 CFR Part 387 and any similar state statute *[sic.]*, order, or rule), applicable size and weight requirements, or any other portion of the regulations not specifically identified.
4. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption until the order expires or they have met the conditions for its rescission.
5. Consistent with the requirement imposed by the Federal Motor Carrier Safety Administration, drivers for motor carriers operating under the Declaration of Emergency issued under federal regulations must have a copy of the federal Declaration of Emergency in their possession. A copy of that Declaration of Emergency is attached to this Executive Order.
6. The State of Indiana will waive the enforcement of all applicable laws and regulations governing the transport of oversized tractor trailer loads for the limited purpose of allowing federal government contractors to transport mobile homes for Hurricane Katrina relief efforts for a period of ninety (90) days, subject to renewal if necessary.
7. This Executive Order shall be disseminated to all applicable state and local law enforcement officials.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 6th day of September, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

ATTACHMENT:



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
MIDWESTERN SERVICE CENTER
19900 Governors Drive Suite 210
Olympia Fields, IL 60461
(708) 283-3577

DECLARATION OF REGIONAL EMERGENCY
49 CFR 390.23

Hurricane Katrina has temporarily halted off-shore oil and gas production in the Gulf of Mexico; shut down most of the refineries and pipelines along the Gulf Coast; and damaged storage facilities and transportation infrastructure throughout the region. The disaster has nationwide effects.

In order to prevent significant disruptions to the nation's transportation system, existing stocks of gasoline, diesel fuel, and jet fuel will need to be re-distributed by commercial motor vehicle in order to meet demand normally supplied by Gulf Coast operations.

I am therefore declaring that a regional emergency exists in the Midwest Region (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin) in the highway transportation of certain petroleum products. Motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel to address transportation needs arising from the hurricane disaster (such as fuel supply shortages) are exempt from 49 CFR Parts 390-399 from 1:00 p.m. EDT, August 31, 2005 until 1:00 p.m. EDT, September 14, 2005. No other petroleum products are covered by the exemption.

Nothing contained in this declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility requirements (49 CFR Part 387), applicable size and weight requirements, or any other portion of the regulations not specifically identified.

Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption until the order expires or they have met the conditions for its rescission.

Drivers for motor carriers that operate under this declaration of emergency must have a copy of it in their possession.

Signed

Doug Sawin
Field Administrator
Midwest Service Center

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-27

FOR: EFFORTS BY INDIANA AGENCIES AND INSTRUMENTALITIES TO ASSIST IN HURRICANE KATRINA RELIEF

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS

WHEREAS, the Gulf Coast states have been devastated by Hurricane Katrina, resulting in a tragic loss of life and property, the forced relocation of tens of thousands of residents of the States of Louisiana, Mississippi and Alabama, and significant economic disruption;

Executive Orders

WHEREAS, all of the states and the federal government are working together in a cooperative manner to assist with relief efforts in the affected areas and to accommodate displaced evacuees;

WHEREAS, under IC 10-14-3-11 (the Emergency Management and Disaster Law), the Governor may, among other things:

- cooperate with the President of the United States and the heads of the armed forces, the Federal Emergency Management Agency, and the officers and agencies of other states in matters pertaining to emergency management and disaster preparedness, response and recovery of the state and nation;
- take any measures that the Governor considers proper to carry into effect any request of the President and the appropriate federal officers and agencies for any emergency management action; and
- make, amend, and rescind the necessary orders, rules, and regulations to carry out the emergency management functions within Indiana with due consideration of the plans of the federal government; and

WHEREAS, all instrumentalities, agencies, authorities, boards, commissions, and officers of the executive, including the administrative, department of state government, as well as all bodies corporate and politic set up as instrumentalities of the State, have previously been requested to cooperate and provide assistance to the Executive Director of the Indiana Department of Homeland Security in connection with providing relief in the areas affected by Hurricane Katrina; and

WHEREAS, a state of disaster emergency has been declared related to the need to provide services to evacuees arriving in the State of Indiana.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order:

1. The heads of all instrumentalities of the executive, including the administrative, department of state government, as well as all bodies corporate and politic set up as instrumentalities of the State (collectively, "agency heads"), shall be authorized and empowered to take such actions as they deem necessary or appropriate to support ongoing emergency management and disaster relief efforts relating to, or to cope with temporary economic disruption caused by, Hurricane Katrina, including without limitation (i) the amendment, rescission, suspension or waiver of rules, regulations, orders, policies, procedures, guidelines, or statutory penalties consistent with any initiatives taken or authorized by federal agencies having the same or similar subject matter jurisdiction, and (ii) the exercise of emergency rulemaking authority, where applicable, or the taking of other administrative actions necessary to adopt, issue, amend, suspend or waive rules, regulations, orders, policies, procedures, guidelines or statutory penalties for the purpose of supporting emergency management and disaster relief efforts, providing assistance and services to evacuees relocating to Indiana, or coping with temporary economic disruption caused by Hurricane Katrina, including fuel shortages.

2. The authority conferred by this Executive Order shall apply to all actions taken prior to the date hereof by agency heads in connection with providing emergency management and disaster relief efforts related to, or coping with temporary economic disruption caused by, Hurricane Katrina.

3. The authority provided in this Executive Order shall expire thirty (30) days from the date hereof unless extended by further action of the Governor, and any agency action taken within such 30-day period shall not extend beyond a period of ninety (90) days from the date of such action, unless otherwise authorized by the Governor.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 9th day of September, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**DEPARTMENT OF STATE REVENUE
COMMISSIONER'S DIRECTIVE #16**

September 2005

(Replaces Commissioner's Directive #16 dated July 2005)

DISCLAIMER: Commissioner's Directives are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the Department or the taxpayer. Therefore the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

SUBJECT: New or Replacement Tires on Vehicles

REFERENCES: IC 13-11-2-231; IC 13-11-2-245; and IC 13-20-13-7

I. INTRODUCTION

The purpose of this Directive is to outline the procedures to be followed in collecting and remitting the tire fee. The statute does not apply to the sale of used or retreaded tires.

II. IMPOSITION OF FEE

There is a \$0.25 fee imposed on each new tire sold in Indiana for use on a motor vehicle, and types of equipment, machinery, implements or other devices used in transportation, manufacturing, agriculture, construction or mining. Effective July 1, 2005, the fee includes tires mounted on farm tractors, implements of husbandry and semi trailers. The fee is also imposed on garden tractors with twenty-five (25) horsepower or more. "New tire" means a tire that has never been mounted on the wheel of a vehicle.

The fee is also imposed on each new tire mounted on a vehicle at the time the vehicle is sold, and any spare tire that is included with the vehicle. Purchases by governmental units and nonprofit organizations **are not** exempt from the tire fee. The fee imposed shall be collected by the person selling the new tire to the ultimate consumer of the tire or vehicle. If an out-of-state seller is registered to collect and remit the sales and use tax, then the out-of-state seller is required to collect and remit the tire fee.

III. EXEMPTIONS

The fee is not imposed on tires used on lawn mowers and garden tractors that are propelled by motors with less than twenty-five (25) horsepower. The fee is not imposed on new tires mounted on a non self-propelled vehicle for personal use such as a boat trailer or a camper trailer. Tires purchased for resale without being mounted on a motor vehicle are exempt from the tire fee.

IV. REMITTANCE OF THE FEE

The law requires the tire fee to be remitted at the same time as the sales tax. If a taxpayer is required to file by the 20th of the month through electronic funds transfer, the taxpayer is also required to remit the tire fee by the 20th of the month through electronic funds transfer.

The taxpayer that is remitting the tire fee is entitled to retain one percent (1%) of the amount collected as compensation for filing and remitting the fee.

The tire fee is to be remitted using Form TF-103. This form is required to be filed with the remittance of the tire fee unless the payment is remitted through electronic funds transfer and then only a quarterly recap is required to be filed.

The tire fee can also be remitted and returns can be filed by using INTAX at www.intax.in.gov.

V. USAGE OF THE FEES COLLECTED

Revenue from the tire fee is deposited in the waste tire management fund. All money deposited in the fund may be used by the Department of Environmental Management for waste reduction, recycling, removal, or remediation projects.

John Eckart
Commissioner

DEPARTMENT OF STATE REVENUE

0320030131.LOF

LETTER OF FINDINGS NUMBER: 03-0131

**Income Tax Withholding
For the Year 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. Income Tax Withholding—S corporation distributions; Indiana sourced income

Authority: IC 6-8.1-5-1(b); IC 6-3-2-1(b); IC 6-3-2-2.8(2); IC 6-3-4-13(a); IC 6-3-2-2(b) and (e); Enterprise Leasing Co. v. Ind.

Dep't of State Revenue, 779 N.E.2d 1284 (Ind. Tax 2002); Revenue Cabinet, Commonwealth of Kentucky v. Rohm and Haas Kentucky, Inc., 929 S.W.2d 741 (Ky. Ct. App. 1996); Ky. Rev. Stat Ann. § 136.070(3)(d)(1); Ky. Rev. Stat. Ann. § 141.120(8)(c)(1); Ky. Rev. Stat. Ann. § 71.07(2)(c)(2)

Taxpayer protests the assessment of income tax withholding on revenues it argues are not Indiana sourced income.

II. Abatement of Penalties

Authority: IC 6-8.1-10-2.1(h); IC 6-3-4-13.

Taxpayer requests the abatement of penalties.

STATEMENT OF FACTS

Taxpayer is incorporated and headquartered in Kentucky and is taxed as an S corporation for federal and state income tax purposes. Taxpayer operates a manufacturing facility in Kentucky where it produces custom-built over-the-road trailers for sale to customers. Because the trailers are custom built, Taxpayer does not maintain an inventory to sell; the trailers are built after being ordered.

Taxpayer stated that the trailers are built, sold, and invoiced in Kentucky. If the customer's order also requests it, decals are added to advertise and identify the customer's business. The decal work is done at Taxpayer's customer service center in Indiana.

The Department conducted a field audit covering Taxpayer's 1999 and 2000 Indiana S corporation income tax returns—which resulted in proposed adjustments to the Indiana sales and property factors. Because an S corporation is exempt from Indiana adjusted gross income tax, the adjustments did not create additional Indiana corporate income tax for Taxpayer. However, a withholding audit was conducted that resulted in the assessment of additional withholding tax against Taxpayer for payments made to its non-resident shareholders during the audit period. Taxpayer contends that the Department has misinterpreted the facts and law related to its Indiana apportionment factor. Taxpayer filed a protest and a hearing was held.

I. Income Tax Withholding—S corporation distributions; Indiana sourced income

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b).

Taxpayer built and sold the trailers from its Kentucky offices. The customer was invoiced and received title to each trailer when the fabrication of the trailer was completed in Kentucky. If decaling had been requested, Taxpayer took the trailer to its service center in Indiana to have that work done, and from there the customer picked up the trailer. Taxpayer argues that under its course of business, the trailer was sold in Kentucky; the subsequent decaling in Indiana did not change where the sale was completed. Taxpayer states that title and ownership rights to the trailer transferred at the time of sale at the Kentucky facility, not at the completion of the decaling in Indiana.

Taxpayer argues that the income earned from the sale of the trailer was not Indiana sourced income—because the customer had been invoiced and had made arrangements to pay for the trailer, the customer owned the trailer, and the customer received title to the trailer when the fabrication in Kentucky was completed. Taxpayer argues that it acted only as a bailee when it did the decaling work in Indiana. The audit included in the sales and property formula of the adjusted gross income tax calculation those trailers that had been sent to Indiana for decaling—reasoning that the sale and delivery of the trailer had been completed in Indiana.

IC 6-3-2-1(b) imposes adjusted gross income tax upon a corporation's income derived from Indiana sources. Under IC 6-3-2-2.8(2), qualifying corporations electing S corporation status for federal income tax purposes are exempt from Indiana's adjusted gross income tax. IC 6-3-4-13(a) states that when an S corporation derives Indiana sourced income, it must withhold adjusted gross income tax on amounts credited to or distributed to its non-resident shareholders. An S corporation determines its Indiana sourced income by multiplying its income by the standard three factor property, payroll, and sales apportion formula stated in IC 6-3-2-2(b). This percentage is used to determine the amount of tax required to be withheld from amounts credited or distributed to the non-resident shareholders on their Indiana Form K-1.

Sales of tangible personal property are within Indiana if: (1) the property is delivered or shipped to the purchaser—other than the U.S. government—within Indiana, regardless of the F.O.B. point or other conditions of the sale, or (2) the property is shipped from an office, a store, a warehouse, a factory, or other place of storage in the state and the purchaser is the United States government or the taxpayer is not taxable in the state of the purchase. *See* IC 6-3-2-2(e).

What is at issue is where the trailers were delivered at the request of the customer. Taxpayer argues that the sale was concluded in Kentucky because this is where the title passed and the invoicing occurred. Taxpayer argues that the sale was concluded when it finished manufacturing the trailer in Kentucky, invoiced the customer, and then subsequently transferred the trailer to Indiana to complete the decaling at the request of the customer. This means that Taxpayer was acting as a bailee when it did the decaling in Indiana. This means that the trailer was delivered to the customer in Indiana at Taxpayer's Indiana service center. Taxpayer states that it invoiced customers and expected payment when each trailer was finished being fabricated in Kentucky, not when it was decaled. The invoices provided by Taxpayer state the date of billing. Concurrent with the billing are statements that each trailer was shipped on the same date as the billing and the statements that the trailer was being shipped the same day for the decaling services.

Taxpayer argued and the Department accepts for the purposes of argument only Taxpayer's assertions that Taxpayer was acting as a bailee for its customers when Taxpayer shipped and delivered the trailers to Indiana for decaling. This reintroduces IC 6-3-2-2(e) which states that sales are within Indiana when the property is shipped to the purchaser in Indiana. When Taxpayer acted as a bailee

for its customers, Taxpayer delivered the trailers to its customers at the Indiana service center location. Delivery was terminated in Indiana, and thus, these are Indiana sales. As well, the Indiana location is where the customers would receive their trailer after the decaling was completed.

Kentucky views apportionment of income from sales in a manner similar to Indiana. Kentucky has statutes similar to Indiana's IC 6-3-2-2(e). *See*, Ky. Rev. Stat. Ann. § 136.070(3)(d)(1); Ky. Rev. Stat. Ann. § 141.120(8)(c)(1); and Ky. Rev. Stat. Ann. § 71.07(2)(c)(2). In its protest, Taxpayer provided the Department with a Kentucky court case that defines and discusses apportionment of income from sales. In Revenue Cabinet, Commonwealth of Kentucky v. Rohm and Haas Kentucky, Inc., 929 S.W.2d 741 (Ky. Ct. App. 1996), the court stated that sales of tangible personal property should be apportioned to the state of destination. Taxpayer acted as bailee and at the request of the customer delivered the trailers to Indiana for decaling. This makes Indiana the state of destination and in accord with Indiana and Kentucky statutes, these are Indiana sales and are apportioned as Indiana income.

Accepting *arguendo* Taxpayer's assertions concerning the form of the sales, Taxpayer in its brief states that the form of the sales is merely a bookkeeping practice.

For GAAP (generally accepted accounting principles) and internal book and record keeping purposes, the equipment sales are removed from inventory "prior to" shipment from the [Kentucky] manufacturing facility. The equipment inventory account is reduced by the amount of the equipment and a corresponding charge is made to cost of sales. A sale and corresponding account receivable for the sales price of the equipment is also recorded on the books at this time. Thereafter, [Taxpayer] no longer carries the equipment as inventory on its books and records as the title to the equipment has passed to the customer.

Taxpayer bases its protest upon its bookkeeping method of recording the sales. But tax transactions are evaluated on the substance, not mere form of the transaction; the Indiana Tax Court has stated so. *See Enterprise Leasing Co. v. Ind. Dep't of State Revenue*, 779 N.E.2d 1284, 1291 (Ind. Tax 2002). Taxpayer statements in its protest brief acknowledge that the trailer inventory is delivered into Indiana. That makes the sales and the inventory Indiana based. The substance of the transactions is sales and property sourced from the Indiana service center.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

II. Abatement of Penalties

DISCUSSION

Taxpayer requests that the Department abate the 20% penalties on the basis that Taxpayer failed to withhold due to reasonable cause, not willful neglect. IC 6-8.1-10-2.1(h) requires that a 20% penalty be imposed if an S-corporation fails to withhold income taxes as required under IC 6-3-4-13. IC 6-8.1-10-2.1(h) does not include a negligence standard as a qualifier for imposition of the penalty for not withholding; the penalty is statutorily applied.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

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LETTER OF FINDINGS NUMBER: 04-0047,04-0178, 04-0048

Sales Tax and County Innkeeper Tax

For Tax Years 2000-02

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 Tax and County Innkeeper Tax—Long Distance Mark Up

Authority: IC 6-9-8-2; 45 IAC 2.2-4-8

Taxpayer protests imposition of sales tax and county innkeeper tax on the amount it adds to telephone fees it charges its guests.

II. Tax Administration—Negligence Penalty

Authority: 45 IAC 15-11-2

Taxpayer protests imposition of a ten percent (10%) negligence penalty.

STATEMENT OF FACTS

Taxpayer operated two hotels in Marion County. As the result of an audit, the Indiana Department of Revenue ("Department") issued proposed assessments for sales tax and county innkeeper tax on several issues. Taxpayer disagreed with three issues of the assessments and the Department agreed to remove two of the disputed issues from the proposed assessments. Taxpayer continues

to protest the imposition of tax on the mark up costs it charges its guests for long distance calls. Taxpayer also protests the imposition of a ten percent (10%) negligence penalty. Further facts will be provided as necessary.

DISCUSSION

Taxpayer charged its guests seventy-five cents (\$.75) in addition to the long-distance charges when the guests made long-distance phone calls. The Department determined that the seventy-five cent mark up was subject to sales tax and the county innkeeper tax. Taxpayer protests the imposition of tax on the mark up.

The Department refers to 45 IAC 2.2-4-8, which states:

(a) For the purpose of the state gross retail tax and use tax: Every person engaged in the business of renting or furnishing for periods of less than thirty (30) days any accommodation including booths, display spaces and banquet facilities, in any place where accommodations are regularly furnished for a consideration is a retail merchant making retail transactions in respect thereto and the gross income received therefrom shall constitute gross retail income from retail unitary transactions.

(b) In general, the gross receipts from renting or furnishing accommodations are taxable. An accommodation which is rented for a period of thirty (30) days or more is not subject to the gross retail tax.

(c) There is no exemption for purchases made by persons who are engaged in renting or furnishing accommodations. Such persons are deemed to purchase or otherwise acquire tangible personal property for use or consumption in the regular course of their business.

(d) The renting or furnishing of an accommodation for less than thirty (30) days constitutes a retail merchant making a retail transaction. Every person so engaged must collect the gross retail tax on the gross receipts from such transactions. The tax is borne by the person or organization who uses the accommodation.

(e) The tax is imposed on the gross receipts from "furnishing" an accommodation. The gross receipts subject to tax include the amount which represents consideration for the rendition of those 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.

(f) The tax is imposed on the gross receipts from accommodations which are furnished from periods of less than thirty (30) days.

The Department also refers to IC 6-9-8-2, dealing with the Marion County Innkeeper tax, which 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 county fiscal body may adopt an ordinance to require that the tax be reported on forms approved by the county treasurer and the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, 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.

(c) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration shall be applicable to the imposition and administration of the tax imposed by this section except to the extent such provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. Specifically, and not in limitation of the forgoing sentence, the terms "person" and "gross income" shall have the same meaning in this section as they have in IC 6-2.5.

...

As IC 6-9-8-2 explains, what goes for sales tax goes for county innkeeper tax.

Taxpayer points out that 45 IAC 2.2-4-8 does not specifically state that the telephone mark up is taxable. Taxpayer believes that a telephone, while customary in a room, would not necessarily be "essential" to the furnishing of the accommodation in the same manner as providing a bed, heat, electricity or water. Taxpayer proposes that direct expenses such as payroll, payroll taxes and benefits of switchboard operators incurred in generating long distance and local telephone revenue should be considered in computing the long distance mark up. Taxpayer offers no citation to statute or regulation to support this proposal.

The Department refers to the second sentence of 45 IAC 2.2-4-8(e), which states, "The gross receipts subject to tax include the amount which represents consideration for the rendition of those services which are essential to the furnishing of the accommodation, *and those services which are regularly provided in furnishing the accommodation.*" (emphasis added). The provision of long distance telephone service clearly falls within the definition of services which are regularly provided in furnishing the accommodation of the hotel room. As explained in 45 IAC 2.2-4-8(b), "The gross receipts subject to tax include the amount which represents consideration for the rendition of those services which are essential to the furnishing of the accommodation, and those services which are regularly provided in furnishing the accommodation." There is no provision for deductions from the gross receipts subject to tax.

As explained in IC 6-9-8-2(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." IC 6-9-8-2(b) also provides that the county innkeeper tax is, "...collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5." Since taxpayer has provided no citation to explain why the Department

should not collect the sales tax on the long distance mark up, taxpayer has not provided any citation to explain why the Department should not collect the county innkeeper tax.

In conclusion, the long distance mark up is subject to sales tax under 45 IAC 2.2-4-8. Additionally, the long distance mark up is subject to the county innkeeper tax under IC 6-9-8-2. Taxpayer has referred to no case, statute or regulation to support its position.

FINDING

Taxpayer's protest is denied.

DISCUSSION

II. Tax Administration—Negligence Penalty

The Department issued proposed assessments and the ten percent (10%) negligence penalty for the tax years in question. Taxpayer protests the imposition of penalty. The Department refers to IC 6-8.1-10-2.1(a), which states in relevant part:

If a person:

...

(3) incurs, upon examination by the department, a deficiency that is due to negligence;

...

the person is subject to a penalty.

The Department refers to 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 reach 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) provides in pertinent part:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 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 out or failing to carry out a duty giving rise to the penalty imposed under this section.

In this case, taxpayer incurred a deficiency which the Department determined was due to negligence under 45 IAC 15-11-2(b), and so was subject to a penalty under IC 6-8.1-10-2.1(a). As explained in Issue I, taxpayer offered no citation explaining why it did not collect sales tax and county innkeeper tax. Taxpayer has not affirmatively established that its failure to pay the deficiency was due to reasonable cause and not due to negligence, as required by 45 IAC 15-11-2(c).

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

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LETTER OF FINDINGS NUMBER: 04-0068 & 04-0252

Sales Tax—Bad Debt Deduction

For Periods in 1999-2002

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

I. Sales Tax—Bad Debt Deduction

Authority: IC 6-2.5-6-9; IC 6-8.1-5-1(b); IC 24-4.5; IC 24-4.5-1-102; IC 24-4.5-2-412; Chrysler Financial Co., LLC v. Indiana Dept. of Revenue, 761 N.E.2d 909 (Ind. Tax 2002); Indiana Dept. of Revenue v. 1 Stop Auto Sales, Inc., 810 N.E.2d 686 (Ind. 2004); *Black's Law Dictionary*, Seventh Edition.

Taxpayer protests the characterization of its assignments of Retail Installment Contract and Security Agreements as being with recourse—rather than being without recourse.

STATEMENT OF FACTS

Taxpayer operates a retail used motor vehicle business with numerous locations in Northern Indiana. Taxpayer is a registered retail merchant with the Department and is a registered auto dealer with the Bureau of Motor Vehicles. Taxpayer operates under its

Indiana taxpayer identification numbers (TID) with all of their locations registered under that number. Taxpayer has consolidated its TID number and reports its retail taxable sales on a consolidated filing basis.

Taxpayer offers its customers financing options to buy vehicles on installment credit arrangements. Taxpayer executes these arrangements by completing a Retail Installment Loan and Security Agreement with their customers. The contract is assigned to a related financing company who operates corporate offices together with Taxpayer. Taxpayer and the related financing company also share common shareholders, as well as the shared corporate offices. The related financing company services the customers' financing and holds a security interest—a lien on the vehicle—until the contract has been satisfied.

The Department conducted an audit of Taxpayer and determined that Taxpayer had incorrectly reported their taxable sales. The audit examined Taxpayer's deductions for bad debt and determined that an adjustment was necessary. Taxpayer had computed the bad debt sales tax credit based on charge-off reports provided to Taxpayer by the related financing company. The audit determined that Taxpayer was underreporting taxable sales because the charge-off report included retail sales not made by Taxpayer. The related financing company not only provides financing to Taxpayer but also provides financing to unrelated, third-party used auto dealers. The charge-off report included bad debts for contracts assigned to the related financing company by the unrelated, third-party used auto dealers. The audit determined that because these contracts had not been assigned by Taxpayer, Taxpayer had no claim to deduct a bad debt sales tax deduction. The charge-off computations included loans, purchased by the related financing company, from the third-party used auto dealers; however Taxpayer was reducing its sales tax liability by the amount of these transactions.

The following facts are included so that the entirety of the scope of the audit and its consequences leading to the filing of Taxpayer's protest can be understood.

When the Retail Installment Contracts and Security Agreements are assigned to the related financing company, the assignment section states that the assignment of the installment contracts are done with recourse. Audit determined that because the assignments are made with recourse, the related financing company has remedies against Taxpayer to recover losses. Because Audit determined that the assignment of the installment contracts are made with recourse, the related financing company has remedies against the unrelated third-party used auto dealers to recover losses.

Audit proposed adjustments to Taxpayer's sales tax liabilities—excluding the bad debt that Taxpayer had written off that did not belong to it, but was bad debt that the related financing company had recourse against the unrelated third-party used auto dealers. Subsequent to the proposed adjustments, the related financing company filed claims for sales tax refund—on the basis that the assignments were made without recourse, and thus the related financing company had claim upon the bad debt deduction—not Taxpayer.

The effect of this would increase the sales tax assessments against Taxpayer. It is important to note this so that the nature of Taxpayer's protest is understood. Taxpayer is not protesting that the assessment is overstated; Taxpayer is protesting that the assessment is understated—that the assessment should be larger to reflect the shift of the bad debt from it to the related finance company.

A hearing was held in which Taxpayer and the related financing company appeared before the hearing officer for the Department. This letter of findings addresses the protest filed by Taxpayer. An Order addresses the protest filed by the related financing company. At the hearing, the hearing officer clarified that both Taxpayer and the related financing company were appearing before the Department.

I. Sales Tax—Bad Debt Deduction

DISCUSSION

At the outset, it is important to note that an order denying the related financing company's claim for sales tax refund was issued. The Department determined that the assignments of the Retail Installment Contract and Security Agreements were made with recourse. This letter of findings—in consistency with that order—determines that because the assignments are with recourse, the bad debt deduction belongs to Taxpayer and not to the related financing company. Because the representatives for Taxpayer also represented the related financing company, and because the basis of the protest filed by Taxpayer and the related financing company is that the contracts were assigned without recourse, the representatives focused the presentation of their protest on the related financing company's protest. The title of the brief presented to the hearing officer is entitled: **BRIEF IN SUPPORT OF PROTEST OF [RELATED FINANCING COMPANY] AGAINST THE DENIAL OF ITS INDIANA GROSS RETAIL (SALES) TAX REFUND CLAIMS FOR THE 1999-2003 TAX YEARS**. The first footnote in the brief states:

In addition to [Related Financing Company's] protest, the Department today is hearing the protests of [Taxpayer] regarding the Department's proposed assessments for the 1999-2002 tax years. The Department's total proposed assessments, including interest and penalties, exceed [\$xx,xxx]. [Taxpayer] does not waive its arguments regarding any issue raised with respect to its protests of these proposed assessments.

Because the related financing company lead the presentation of the protest at the hearing, this letter of findings is written based on the disposition of the related financing company's protest. This is necessary to do because someone is entitled to claim the bad debt deduction and Indiana statute requires that the bad debt be deducted. *See* IC 6-2.5-6-9. So the focus of the hearing was to determine whether Taxpayer or the related financing company is entitled to claim the deduction—based on whether the assignments were made with recourse or without recourse. For this reason, much of the discussion below reads from the perspective of the related financing company—since that protest had to be decided first. Having been decided that the related financing company is not entitled

to the bad debt deduction, the consequence is to grant the bad debt deduction to Taxpayer—but only those bad debts from contracts that were assigned by Taxpayer to the related financing company.

IC 6-8.1-5-1(b) states that all tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-2.5-6-9 requires that a retail merchant deduct from its gross retail income receivables:

- in which the retail merchant did not collect the sales or use tax;
- on which the retail merchant previously paid the sales or use tax liability; and
- which were written off as uncollectible debt for federal tax purposes.

This provision commonly is called the **bad debt deduction**. Application of the bad debt deduction was discussed by the Indiana Tax Court in Chrysler Financial Co., LLC v. Indiana Dept. of Revenue, 761 N.E.2d 909 (Ind. Tax 2002) and by the Indiana Supreme Court in Indiana Dept. of Revenue v. 1 Stop Auto Sales, Inc., 810 N.E.2d 686 (Ind. 2004).

Discussion of Chrysler Financial and 1 Stop Auto Sales

In Chrysler Financial, the Indiana Tax Court held that automobile dealers could assign their right to a sales tax deduction under the bad debt statute to companies that finance installment sales contracts. A company that finances automobile dealers' installment sales contracts qualifies under the bad debt statute for the sales tax deduction as the dealers' assignee. It does not matter whether the company is a retail merchant; it also does not matter whether the company is the one who paid or owed the sales tax because as assignee the company stands in the shoes of the dealer. A valid assignment gives the assignee neither greater nor lesser rights than those held by the assignor. The Tax Court specifically noted in the case that the finance company was assigned the contract without recourse from the dealer. Chrysler Financial, 761 N.E.2d at 911. In its holding, the Tax Court specifically stated in a footnote in the Conclusion that remanded the case to the Department with an order that the Department refund the sales tax to the finance company:

The record does not reflect that any of Chrysler's contracts were assigned **with recourse**. Nevertheless, **should the Department determine that such contracts exist**, then Chrysler **should receive a refund for contracts that were assigned without recourse only**....

Id. at 917, n. 18 [bold and underline emphasis added]. The Tax Court stated that the Department has the power to determine whether contracts are made with recourse or without recourse. This implies that the Department is to consider the entirety of the circumstances surrounding the assignment of installment loan contracts.

Discussion of “with recourse” and “without recourse”

Black's Law Dictionary, Seventh Edition, states that “with recourse” stipulates that one who endorses an instrument indicates that he remains liable to the holder for payment and that “without recourse” stipulates that one who endorses an instrument indicates that he has no further liability to any subsequent holder for payment. In this protest before the Department, it is important to determine whether the contracts assigned by Taxpayer to the related financing company are with recourse or without recourse. The auditor based the determination of this on what the face of each retail installment contract stated.

Discussion of the individual Retail Installment Contract and Security Agreements

The auditor for the Department stated that the audit examined 414 contracts with loan origination dates from June 1996 through September 2001. That is a period of over five years. The related financing company stated that it purchased retail loan agreements not only from Taxpayer but from third-party dealers. The related financing company provided affidavits from the secretary of Taxpayer and affidavits from three third-party dealers. Each affidavit states that the dealer does not and never has intended to assign any contract “with recourse” regardless of what box appears to be checked on the pre-printed forms used by the dealer. It is important to note that in a period of over five years no dealer contested the fact that the box for “with recourse” was checked instead of the box for “without recourse.” A plain reading of the Retail Installment and Security Agreements demonstrates a representation that the assignment of the contract is “with recourse.” The Department weighed the probative value of these affidavits in light of the entirety of the circumstances.

Viewed from the perspective of Taxpayer—it is difficult to believe that Taxpayer and the other dealers would allow contracts to remain marked as “with recourse.” That is a substantial liability against the Taxpayer and the other dealers. A reasonable and prudent dealer would undertake some action to correct that misstatement of contract obligations and rights stated on the face of the contract. One action would be to mark out “with recourse” and mark “without recourse.” Such an action would demonstrate that a misstatement has been made upon the face of the contract. No contract examined by the Department had such a correction made upon it. Another reasonable and prudent action would be to correct the alleged computer and printer errors. Over a span of five years—give or take—it is incredible that such an “error” went uncorrected for so long. Again, this is a huge liability that Taxpayer and the other dealers assumed by not fixing what is stated as being an error. The Department doubts that such a great liability would be assumed by Taxpayer and the other dealers without an attempt to correct it—manually or by bringing it to the attention of the related financing company.

Page 2 of the Retail Installment Contract and Security Agreement states the additional terms of the contract and security agreement. The bottom of the page is headed, “Assignment by Seller.” Within this section is a statement in capital letters, reading:

UNLESS OTHERWISE INDICATED ON PAGE 1, THIS ASSIGNMENT IS WITHOUT RECOURSE.

Below this statement is a paragraph headed, **WITH RECOURSE**. The paragraph states that a “with recourse” assignment obligates the assignor to reimburse the assignee upon demand if the buyer defaults on the obligation of payment and performance. This statement is intended to be read by the consumer, Taxpayer, and the related financing company. The Department is unconvinced by

representations that Taxpayer was assigning the contracts without recourse. A reasonable and prudent dealer would want to affirmatively state that the assignments were without recourse—so that liability would be minimized. The presence of the statement, “**UNLESS OTHERWISE INDICATED ON PAGE 1, THIS ASSIGNMENT IS WITHOUT RECOURSE,**” coupled with the marking on the face (Page 1) of the contract to indicate with recourse, coupled with the proximity to the statement of a definition and explanation of the liability assumed by marking “with recourse,” coupled with a lack of correction over a five year period of the error of marking “with recourse” on the face of the contract is overwhelming evidence of the intent of the assignors and assignees; these contracts were intended to be assigned with recourse. Affidavits by Taxpayer and the other dealers of their intent that the contracts are “without recourse” is weak evidence to rebut the outstanding documentation and lack of correction of “with recourse.”

Discussion of the Loan Purchase Agreement

Taxpayer's representatives stated that Taxpayer and the other dealers signed a Loan Purchase Agreement that demonstrates that the assignments were without recourse. This document is silent on the matter. Nothing in the document implies that the contracts are without recourse. The proffered affidavits—with duplicated language that the intent of the parties is that the assignments are without recourse—are unconvincing.

But for the sake of developing the analysis—let it be assumed that the intent of the parties is that the assignments be without recourse. Below is pertinent language from the Loan Purchase Agreement. Emphasis by underlining is added to the text where needed.

4. Representation, Warranties, and Covenants of Seller:

A. The loan documents represent the genuine obligation of the name obligor thereon, are valid and binding in accordance with their terms, are enforceable by Buyer and its assigns, and are subject to no legal or equitable defenses, set-offs or counterclaim.

C. Seller has complied with and the applicable Loan Documents are in compliance with all applicable federal and state laws, rules and regulations including, but not limited to, the Truth-in-Lending Act, the Equal Credit Opportunity Act and all federal and state laws relating to consumer credit transactions.

D. Seller will deliver or cause to be delivered to Buyer the original motor vehicle title issued by the applicable state authority, Buyer, as owner of the Loan, will have a valid perfected security interest in the collateral described in the Loan Documents and will be entitled to enforce its rights in the collateral as provided in the Loan Documents.

J. The Loan Documents are complete in all respects, including placing N/A in any spot not utilized, and all disclosures required by law were made in the manner required by law prior to the borrower's execution of the Loan Documents.

L. Knowledge of any fact that would impair the validity or value of the Loan documents will be communicated to Buyer before document execution.

O. (6) seller warrants that all documents delivered pursuant to this agreement do not contain any false or misleading statements and that all signatures are genuine ...

5. **Repurchase Obligations:** Upon breach of any representation, warranty, covenant or condition of this Agreement as to any Loan, Seller will, on demand, repurchase such Loan. The repurchase price shall be equal to the then remaining unpaid balance of the amount financed under the Loan less any unamortized discount. In addition, Seller shall pay all cost incurred by Buyer for any action previously taken to enforce the terms and conditions of the Loan Documents.

6. **Waiver of Notices:** Other than notice as required by paragraph 5, Seller waives any further notice of any breach under the Loan Document.

9. **Entire Agreement:** This document contains the entire Agreement of the parties. Buyer retains the right to amend this Agreement by written notice to Seller Specifying the effective date of the amendment and all Loans purchased by Buyer from and after the effective date shall be governed by the terms of the amendment.

12. **Governing Law:** This agreement shall be governed and construed in accordance with the laws of the State of Indiana.

The Department notices some important provisions of this agreement. One is that statement in Paragraph (9.) **Entire Agreement.** The parties state that the document is the entire agreement of the parties. The agreement is silent as to whether the assignments are made with recourse or without recourse. Since the agreement is silent, it is each Retail Installment Contract and Security Agreement that states whether the assignment is made with recourse or without recourse. The Retail Installment Contracts are marked as “with recourse.” Those contracts are assigned by Taxpayer to the related financing company with recourse against Taxpayer. Taxpayer wishes to introduce extra-contractual evidence of the parties' intentions. This invokes the parol evidence rule—the gist of which is that a written agreement is the final expression of the agreement of the parties, not to be varied or contradicted by prior or contemporaneous oral or written negotiations.

Clause (4. J) states that each dealer is to warrant that the contracts are complete in all respects. Clause (4. L) states, “Knowledge of any fact that would impair the validity or value of the Loan documents will be communicated to Buyer before document execution.” If the understood agreement between Taxpayer and a dealer is that the assignments are without recourse, the representation on a Retail Installment Contract that the assignment is with recourse would affect the validity and value of the contract. This would trigger the right of the related financing company to invoke Paragraph (5.), which states that a breach of a representation permits the related financing company to seek on-demand reimbursement from Taxpayer.

It seems that a legal conundrum has been created. Taxpayer and the other dealers do not correct the misrepresentation of “with recourse.” The Retail Installment Contract and Security Agreement is assigned to the related financing company. As soon as it is

assigned, Taxpayer and the others dealers have breached the Loan Purchase Agreement with the related financing company, thus allowing the related financing company to seek on-demand reimbursement for the misrepresentation. Not only does the face of the Retail Installment Contract make the assignment with recourse, but by incorrectly marking “with recourse” and assigning the instrument to the related financing company, this misrepresentation is a breach of the Loan Purchase Agreement—so the related financing company has a right to recourse.

Taxpayer's representatives stated at the hearing that the assignments were without recourse as a course of trade. This requires a discussion of consumer credit laws.

Discussion of federal and Indiana credit laws

Indiana and the federal government have enacted several laws to protect the rights of consumer borrowers. The federal **Truth in Lending Act**, which is part of the **Consumer Credit Protection Act**, was enacted with the purpose to strengthen the informed use of credit by consumers. It requires clear disclosure of key terms of the lending arrangement and all costs. Indiana has enacted the **Uniform Consumer Credit Code (UCCC)**, found at IC 24-4.5. IC 24-4.5-1-102 states the purposes of the UCCC. Those purposes include furthering consumer understanding of the terms of credit transactions, IC 24-4.5-2-102(2)(c), and protecting consumer buyers, lessees, and borrowers against unfair practices, IC 24-4.5-2-102(2)(d). IC 24-4.5-2-412, **Notice of assignment**, states that a consumer pays the original seller unless the consumer receives notification of assignment. The provision also states that notification which does not reasonably identify the rights assigned is ineffective.

The face of the Retail Installment Contract and Security Agreement—seen and signed by the consumer—has a section for assignment that names the related financing company as the one to whom the contract will be assigned. The consumer sees that the assignment is marked as “with recourse.” The back of the Agreement explains to the consumer what “with recourse” and “without recourse” means. Consumer also sees on the back of the Agreement that the assignment is made without recourse unless otherwise indicated on the face (Page 1) of the Agreement. A reasonable and prudent consumer will see that “with recourse” is marked on the face of the Agreement he is signing. A reasonable and prudent consumer will understand that this means that either Taxpayer or the financing company may be coming after him if he does not pay the loan or breaches the agreement in other ways. Since the consumer lending laws were put into place to protect the rights of consumers, to expect consumer to know and understand that the course of dealing between Taxpayer and the related financing company is that the contracts are assigned without recourse—despite the fact they are marked “with recourse” defeats the purposes of the consumer lending protection laws. It is a misrepresentation of how that individual contract will be assigned. Marking “with recourse” signifies to the consumer that the related financing company or Taxpayer may be the one who may come to collect on the debt. It is inequitable for Taxpayer to state that it and the related financing company have an agreement that the contracts will be assigned without recourse—but to represent to consumers that Taxpayer or the related financing company may be the one seeking collection. The consumer lending laws were enacted to promote informed consumers who were told what the costs of the credit would be, their rights and their responsibilities, and how the loan will be handled. Taxpayer and the related financing company allowing a computer and printer “error” to exist for five years without informing or correcting the mistake becomes estoppel. Whatever agreement Taxpayer and the related financing company may claim to have concerning “with recourse” or “without recourse,” both have represented to their consumers and to others that the assignments are “with recourse.”

Discussion of the charge-off reports

The most telling indicator of Taxpayer's intentions regarding whether the assignments were with recourse or without recourse is the issuing of the charge-off reports to them by the related financing company. This is strong evidence that the contracts were assigned with recourse because the contracts were returned to Taxpayer to write off the bad debt.

When an audit of Taxpayer was conducted, the auditor for the Department determined that Taxpayer was deducting bad debt that the third-party dealers had assigned to the related financing company. Proposed assessments were issued against Taxpayer to adjust its sales tax liability to exclude amounts written off as bad debt that had not been incurred by Taxpayer. This meant that Taxpayer would be liable for a substantial assessment to reimburse the State of Indiana for bad debt deductions that the Taxpayer had claimed. This would affect the profitability of taxpayer; this would affect what the shareholders would receive. Taxpayer and the related financing company have common shareholders and share corporate offices.

Subsequent to the proposed assessment, the related financing company filed claims for refund—asserting that the assignments were without recourse, despite what the face of the Retail Installment Contract and Security Agreements were marked as. To sustain these claims for refund would allow the bad debt to be swept in and deducted by the related financing company for both Taxpayer and the third-party dealers. The deduction of the bad debt assigned by Taxpayer would be a wash. The bad debt is shifted from Taxpayer to the related financing company, and that portion of overall profitability—as perceived by the common shareholders—is not affected. But eliminating the bad debt deduction of the third-party dealers that now has to be repaid to the State of Indiana by Taxpayer would affect the profitability of Taxpayer—and would affect what the common shareholders would receive. Having the Department believe that the assignments were without recourse would nullify the effect of having to reimburse the State of Indiana for bad debt that Taxpayer had been deducting.

Summary

The Department has determined that these assignments were made with recourse. Despite what Taxpayer, the third-party dealers, and the related financing company would have the Department believe the assignments are, the assignments were represented

as with recourse. The rights of Taxpayer, the third-party dealers, the related financing company, the consumers, and the Department are affected by this representation. The fact that no one in five years corrected the “error” demonstrates that Taxpayer, the other dealers, and the related financing company were willing to adopt the “error.” The fact that the related financing company issued charge-off reports to Taxpayer indicates that the related financing dealer intended that Taxpayer deduct the bad debt against Taxpayer’s sales tax liability. This is the most telling indicator that the assignments were with recourse.

FINDING

For the reasons stated above, Taxpayer’s protest is denied.

DEPARTMENT OF STATE REVENUE

0220040198.LOF

LETTER OF FINDINGS NUMBER: 04-0198

Corporate Income Tax

For the Years 2000-2002

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

Corporate Income Tax—Unrelated Business Income

Authority: IC 6-8.1-5-1(b); IC 4-33-1-1; IC 4-33-1-2; IC 4-33-6; IC 4-33-6-1; 4-33-6-3.5; IC 4-33-7; 4-33-8; IC 4-33-8-2; IC 4-33-8-4; IC 4-33-8-6; IC 4-33-8-3; IC 4-33-9-8; IC 4-33-9-12; IC 4-33-13-1; IC 4-33-13-1.5; IC 6-3-2-1(b); 68 IAC 2-6-29(1); IRS Publication 598, 3079, and 3386.

Taxpayer protests that the income from its unsanctioned electronic gambling machines is not unrelated business income.

STATEMENT OF FACTS

Taxpayer is a tax exempt veterans organization under IRC § 501(c)(19). Taxpayer was assessed unrelated business income on revenues from unsanctioned electronic gambling machines operated by Taxpayer. The income was computed by deducting payouts from receipts. The Department assessed gross income tax, adjusted income tax, and supplemental income tax on this unrelated business income. Taxpayer protested the assessment—stating that the IRS does not consider the revenues to be unrelated business income and because the IRS does not, neither should the State of Indiana.

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b).

The Indiana General Assembly has passed into law what is permitted and unpermitted gambling in the State of Indiana. IC 4-30 establishes an Indiana state lottery. IC 4-31 establishes pari-mutuel wagering on horse races. 4-32 establishes games of chance. And IC 4-33 establishes riverboat gambling. Gambling in Indiana is highly regulated—organizations are required to be registered and licensed.

The people of Indiana—acting through the General Assembly—restrict casino gambling solely to licensed riverboats. Casino gambling is restricted to counties that border Lake Michigan, the Ohio River, or a historic hotel district. *See* IC 4-33-1-1. The General Assembly highly restricts where casino gambling may be conducted. The Indiana General Assembly has stated that the purpose of permitting riverboat casino gambling is “to benefit the people of Indiana by promoting tourism and assisting economic development. The public’s confidence and trust will be maintained only through: (1) comprehensive law enforcement supervision; and (2) the strict regulation of facilities, persons, associations, and gambling operations under this article.” IC 4-33-1-2, Legislative intent. Owners are to be licensed. *See* IC 4-33-6. There are restrictions on who may be an owner, *id.*, and how many licenses may be issued, IC 4-33-6-1 and 4-33-6-3.5. Suppliers are to be licensed. *See* IC 4-33-7. The occupational employees of a riverboat are to be licensed. *See* IC 4-33-8. The backgrounds of the employees are investigated and they are fingerprinted. *See* IC 4-33-8-2, IC 4-33-8-4, and IC 4-33-8-6. Felons are not permitted to hold an occupational license. IC 4-33-8-3. An occupational license is valid for only one year—it must be renewed annually. IC 4-33-8-2. The person only may be employed by one riverboat. IC 4-33-8-4(2). All of the above mentioned statutes have been named, so as to outline the strict regulatory guidelines established by the people of the State of Indiana—acting through their elected voice in the General Assembly.

Under IC 4-33-9-8 casino gambling equipment and supplies may be purchased or leased only from licensed suppliers. IC 4-33-9-12 does not permit those under the age of twenty-one to be in any area in which casino gambling is occurring. IC 4-33-13-1 and IC 4-33-13-1.5 state the tax schedules for revenues earned from casino gambling. This tax rate is as low as 15% and as high as 35%. Currently, the corporate income tax rate is 8.5%. *See* IC 6-3-2-1(b). The 8.5% corporate income rate is substantially less than the 15% minimum tax assessed against casino gambling on riverboats—at a little over one-half. Stated another way—were Taxpayer legally sanctioned to operate a casino, it would have to pay almost double the tax rate that the Department assessed for Taxpayer’s unsanctioned operation of electronic gambling machines. Were Taxpayer legally operating its machines, it would be held to the

gaming regulations as to the payout requirements. *See* 68 IAC 2-6-29(1).

It is important to note that tax assessments on activities are not based upon the morality or legality of the activities. The Department does not base an assessment upon whether the income earned by a taxpayer is earned legally; the Department simply applies the tax statutes and regulations. At issue in this case is income earned by Taxpayer from unrelated business activities. This requires a discussion of gaming income earned by non-profit organizations.

The IRS has issued three publications useful to this discussion:

Publication 598 Tax on Unrelated Business Income of Exempt Organizations (3/05)

Publication 3079 Gaming Publication for Tax-Exempt Organizations (4/98).

Publication 3386 Tax Guide—Veterans’ Organizations (6/99)

These publications discuss charitable gaming, which primarily include bingo, pull-tabs, tip board, raffles, and other similar games of chance. Publication 598 states on page 7 that income from bingo games is unrelated business income if the games are conducted in violation of state and local law. The principle behind the statement is that the gaming must be conducted in compliance with state and local law in order to be considered as tax-exempt income in furtherance of the non-profit organization’s purpose; income earned in violation of state and local law is unrelated business income. The federal government defers to state and local regulations regarding such income; such unrelated business income becomes unrelated business income not only for state purposes but for federal purposes. IRS Publication 3079 states on page 2 that tax-exempt organizations may be subject to unrelated business income on gambling receipts. On page 5, the Publication 3079 states:

The conduct of gaming is no different than the conduct of any other trade or business carried on for profit. The fact that an organization may use the proceeds from its gaming to pay for the expenses associated with the conduct of its charitable programs will not make the gaming a “charitable” activity.

Publications 598, 3079, and 3386 discuss bingo and other similar games in detail. But there is little discussion of casino games—because the IRS does not in general consider casino games to be charitable gaming eligible for consideration as non-taxable income. Page 6 of Publication 3079 states that certain bingo games are eligible for an exception to the unrelated business income guidelines. The assessment in this case is not related to charitable bingo games—but to income from electronic casino machines.

Publication 3386 is specifically addressed to veteran organizations. The reinforced theme throughout the booklet is that income from activities and services confined to members may be eligible for non-taxable status. But the booklet outlines that activities and services provides to the general public jeopardize a veteran organization’s tax-exempt status and such income is taxable as unrelated business income. The fact that veteran organizations are permitted under IRS guidelines to conduct recreational gaming activities for their members and not jeopardize their tax-exempt status does not automatically sanction either legal or illegal gambling at the state and local level nor does it automatically exclude the revenues from taxability. The other IRS publications and respect of state and local laws work in concert to determine whether income is unrelated business income.

The federal government, acting through the Internal Revenue Service, states that revenue from unsanctioned gambling conducted by a tax-exempt organization is unrelated business income. Likewise it is unrelated business income for Indiana purposes.

FINDING

Taxpayer’s protest is denied. The assessment of corporate income tax is due.

DEPARTMENT OF STATE REVENUE

0420040226.LOF

LETTER OF FINDINGS NUMBER: 04-0226

Use Tax for the Period 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

I. Sales Tax—Game birds that are hunted

Authority: IC 6-8.1-5-1(b); IC 6-2.5-3-2; IC 6-2.5-3-4; IC 6-2.5-3-5; 6-2.5-5-1; IC 6-2.5-4-1(b); IC 6-2.5-5-8(b).

Taxpayer argues the assessment of use tax on game birds it asserts were purchased as food.

STATEMENT OF FACTS

Taxpayer’s main business is a hunting preserve for sportsmen to shoot pheasants, quail, partridges, and chukars during the legal hunting season. The hunters purchase the number of game birds they wish released into the fields. The hunters are allowed to bring their dogs or they may use Taxpayer’s dogs to flush the birds from cover. The hunter must retrieve any birds shot and take them home as required by the wanton waste rules of the Indiana Department of Natural Resources. Any birds that fly away unharmed are left in the surrounding fields to remain free in the wild.

Taxpayer purchased game birds from various farms in and outside Indiana. Sales tax was not paid by Taxpayer at the time it

purchased the birds. Taxpayer then used these birds as the game birds released into the field for hunting. Audit determined that the hunters were paying for the right to hunt the birds, which is not a taxable transaction; therefore, the birds purchased by Taxpayer for release to be hunted were not purchased as food and were subject to use tax.

Taxpayer protested—asserting that the game birds on the hunting grounds were food for human consumption.

I. Sales Tax—Game birds that are hunted

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b).

IC 6-2.5-3-2 imposes an excise tax, commonly known as the use tax, on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction. Credit is given if sales or use tax has already been paid. *See* IC 6-2.5-3-4 and IC 6-2.5-3-5. Under IC 6-2.5-3-4, use tax is not due if the property was acquired in a transaction that is wholly or partially exempt from the state gross retail tax under any part of IC 6-2.5-5.

IC 6-2.5-5-1 exempts animals, feed, seed, and other tangible personal property if the taxpayer acquiring the property acquires it for direct use in the direct production of food and food ingredients or commodities for sale or for further use in the production of food and food ingredients or commodities for sale; and the taxpayer is occupationally engaged in the production of food and food ingredients or commodities which are sold for human or animal consumption or used for further food and food ingredient or commodity production.

Taxpayer is not occupationally engaged in the production of food; Taxpayer is occupationally engaged in operating an animal preserve and a shooting preserve. Taxpayer asserts that the game birds are food. Admittedly, the game birds can be eaten and likely are being eaten by those who hunt them. But Taxpayer is not raising and maintaining an inventory of game birds for hunters to purchase and eat; Taxpayer is raising and maintaining an inventory of game birds for hunters to flush and shoot. Taxpayer offer its patrons the opportunity to hunt game birds—with no guarantee of success. Taxpayer stated in its hearing brief:

If what is being offered is the opportunity to hunt game fowl, there is no selling at retail. From that analysis, the hunter does not acquire the fowl, but only the opportunity to hunt. The opportunity to hunt game fowl is not a retail transaction and is not subject to tax.

Taxpayer is correct. Under the facts of this particular case, this opportunity is not considered a retail transaction subject to tax. IC 6-2.5-4-1(b) defines selling at retail:

A person is engaged in selling at retail when, in the ordinary course of his regularly conducted trade or business, he:

- (1) acquires tangible personal property for the purpose of resale; and
- (2) transfers that property to another person for consideration.

Taxpayer did not purchase the game birds for the purpose of reselling them and transferring them to the hunters. While hunters likely will go home with game birds, this is the result of having shot the birds after having purchased the opportunity to hunt those birds. The audit progress report states that Taxpayer has not sold any birds directly to individuals for food. All the birds taken from Taxpayer's property are the result of having been shot and bagged after having been released. Taxpayer is not operating as a butcher shop, a grocery store, or a farm market.

The Department has issued Sales Tax Information Bulletin #70 which addresses farm markets. The bulletin states that persons selling produce and various items of food for human consumption are not required to charge and remit sales tax on these items. Taxpayer is not a market; hunters do not select the game birds they wish and then leave with them. There is the intervening activity of hunting the game birds. For Taxpayer to argue that it is a farm market, Taxpayer would need to show that there is a direct one-to-one correlation between the birds selected and sold and the birds taken away by the customer. There is not; while hunters get to choose the birds to be released, the hunters are not guaranteed they will receive what they have selected. Using common principles of contract and retail law, if Taxpayer were operating as a farm market, the customer would select the game birds and the merchant would then transfer those game birds to the customer.

Taxpayer is not entitled to the exemption for resale provided in IC 6-2.5-5-8(b); Taxpayer is not selling at retail. Because Taxpayer is not selling at retail, sales tax is not charged the hunter for the opportunity to flush and shoot. Taxpayer is liable for the use tax on the sales tax it did not pay when it acquired the game birds that would be hunted. Taxpayer did not acquire the game birds to transfer to the hunters as food; Taxpayer acquired the game birds so that the hunters had a target at which to aim and shoot.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 04-0237
Income Tax for 2000

0120040237.LOF

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

Abatement of Penalty

Authority: IC 6-8.1-5-1(b); IC 6-8.1-10-2.1.

Taxpayer requests the abatement of the 10% penalty.

STATEMENT OF FACTS

An examination of Taxpayer's state income tax return revealed that in 2000 Taxpayer received \$67,480 in gambling winnings from various casinos. Taxpayer reported the winnings on a federal schedule C and deducted an equal amount for gambling losses. Consequently, the gambling winnings were not included in Taxpayer's Indiana adjusted gross income. The Department assessed the income tax due and assessed a 10% negligence penalty. Taxpayer protested the penalty. A hearing was scheduled and Taxpayer was notified, but Taxpayer did not appear at the hearing. This LOF is written based upon the information available in the file.

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b). Taxpayer requests that the Department waive the 10% penalty. IC 6-8.1-10-2.1 subjects a Taxpayer to a 10% penalty if the Department has determined a deficiency in taxes due exists due to negligence. Taxpayer has presented no evidence to rebut the imposition of the penalty, other than the request to waive the penalty.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420040238.LOF

LETTER OF FINDINGS NUMBER: 04-0238

Sales Tax

For the Periods 2000, 2001, and 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

I. Sales Tax—Requirement to withhold and submit sales tax

Authority: IC 6-8.1-5-1; IC 6-2.5-2-1; IC 6-2.5-6-1; IC 6-2.5-9-3.

Taxpayer protests the assessment of sales tax due, requesting the opportunity to provide additional documentation.

II. Abatement of Penalties

Authority: IC 6-8.1-10-3(b).

Taxpayer requests the abatement of penalties.

STATEMENT OF FACTS

Taxpayer is a cleaning service that cleans floors and furniture for residential and commercial purposes. The Department conducted an examination of Taxpayer's sales invoices. The audit revealed that although Taxpayer was not registered with the Department as a retail merchant, Taxpayer had collected a sales tax charge for cleaning services provided to Indiana customers; the sales tax charge collected was not remitted to the Department.

Taxpayer filed a protest to the assessment of withholding sales tax due. A hearing was scheduled. Taxpayer was notified of the hearing, but did not appear at the hearing. This letter of finding is based upon the information available in the case file.

Taxpayer filed for Chapter 13 bankruptcy in December 2001; therefore, a separate sales tax audit was prepared for the post-bankruptcy period. There are two sales tax audits: one for pre-bankruptcy activities and one for post-bankruptcy activities. This LOF consolidates the two audit reports for efficiency of disposition.

I. Sales Tax—Requirement to withhold and submit sales tax

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b). IC 6-2.5-2-1 imposes sales tax on retail transactions made in Indiana and a retail merchant is required to collect the tax as agent for the state. IC 6-2.5-6-1 requires the merchant to remit the collected sales tax to the Department. IC 6-2.5-9-3 states that a responsible officer of the merchant is required to remit the collected sales taxes to the Department, and failure to do so makes the responsible officer personally liable for payment of the taxes due. If the Department reasonably believes that a person has not

reported the proper amount of tax due, the Department is required by IC 6-8.1-5-1 to make a proposed assessment of the amount of the unpaid tax on the basis of the best information available to the Department.

Although Taxpayer was asked to provide all of their 2000, 2001, and 2002 invoices for examination, it only produced a portion of those invoices. The Department was able to retrieve additional invoices by requesting copies from three of Taxpayer's largest customers. However, in total, the Department was able to examine only one-quarter of Taxpayer's invoices; the others were not available. As allowed by IC 6-8.1-5-1, the Department issued an assessment based on the best information available. Taxpayer filed a protest, requesting the opportunity to present additional invoices so as to substantiate a different calculation of the sales tax that should have been charged, collected, and remitted. Taxpayer has not submitted the additional documentation and did not appear at the scheduled hearing to support its protest. Based on this, there is not evidence to support a different assessment.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

II. Abatement of Penalties

DISCUSSION

Taxpayer requests that the Department waive the 20% penalty. IC 6-8.1-10-3(b) subjects a Taxpayer to a 20% penalty if the Department has to prepare a return on unpaid taxes on behalf of the Taxpayer. Because the Department prepared the required returns for Taxpayer, the penalty was imposed. Taxpayer has presented no evidence to rebut the imposition, other than the request to waive the penalty.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0320040270.LOF

LETTER OF FINDINGS NUMBER: 04-0270

Withholding Tax Responsible Officer

For the Tax Period March, 1998-April, 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

1. Withholding Tax-Responsible Officer Liability

Authority: IC 6-8.1-5-1(b), IC 6-3-4-8(f).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate withholding taxes.

STATEMENT OF FACTS

The taxpayer was an incorporator, officer and employee of a corporation that did not remit the proper amount of withholding taxes during the tax period of March, 1998-April, 2000. The Indiana Department of Revenue assessed the unpaid withholding taxes, interest, and penalty against the taxpayer as a responsible officer of that corporation. The taxpayer protested the assessment of tax and a hearing was held.

1. Withholding Tax-Responsible Officer Liability

DISCUSSION

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8.1-5-1(b).

The proposed withholding taxes were assessed against the taxpayer pursuant to IC 6-3-4-8(f), which provides that "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest."

The taxpayer was the secretary/treasurer of the corporation. As the secretary/treasurer, the taxpayer is presumed to be in a position to exercise control over the fiscal aspects of the corporation. She argues, however, that in reality she had no control over the finances and did not determine which creditors would be paid. Since she did not produce any documentation to substantiate this claim, she failed to sustain her burden of proving that she did not have a duty to deduct and remit withholding taxes to the state.

The taxpayer also argued that she was removed from the Board of Directors on January 12, 1999 and had no management authority after that date. She did produce substantial documentation supporting this contention. Therefore, she had no duty to collect and remit withholding taxes after January 12, 1999. She is not personally responsible for the payment of the corporate withholding tax liabilities due after January 12, 1999.

FINDING

The taxpayer's protest is sustained for all corporate withholding taxes due after January 12, 1999.

DEPARTMENT OF STATE REVENUE

0420040278.LOF

LETTER OF FINDINGS NUMBER: 04-0278**Use Tax for the Periods 2001 - 2003**

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—Game birds that are hunted**

Authority: IC 6-8.1-5-1(b); IC 6-2.5-3-2; IC 6-2.5-3-4; IC 6-2.5-3-5; 6-2.5-5-1; IC 6-2.5-4-1(b); IC 6-2.5-5-8(b).

Taxpayer argues the assessment of use tax on game birds it asserts were purchased as food.

STATEMENT OF FACTS

Taxpayer's main business is a sporting place to shoot pheasant, quail, partridge, and clay skeet. The hunters purchase the number of game birds they wish released into the fields. Hunters also may purchase reloading supplies and participate in tournaments. Hunters are allowed to bring their own dogs.

Taxpayer purchased game birds from various farms in and outside Indiana. Sales tax was not paid by Taxpayer at the time it purchased the birds. Taxpayer then used these birds as the game birds released into the field for hunting. Audit determined that the hunters were paying for the right to hunt the birds, which is not a taxable transaction; therefore, the birds purchased by Taxpayer for release to be hunted were not purchased as food and were subject to use tax.

Taxpayer protested—asserting that the game birds on the hunting grounds were food for human consumption.

I. Sales Tax—Game birds that are hunted**DISCUSSION**

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b).

IC 6-2.5-3-2 imposes an excise tax, commonly known as the use tax, on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction. Credit is given if sales or use tax has already been paid. *See* IC 6-2.5-3-4 and IC 6-2.5-3-5. Under IC 6-2.5-3-4, use tax is not due if the property was acquired in a transaction that is wholly or partially exempt from the state gross retail tax under any part of IC 6-2.5-5.

IC 6-2.5-5-1 exempts animals, feed, seed, and other tangible personal property if the taxpayer acquiring the property acquires it for direct use in the direct production of food and food ingredients or commodities for sale or for further use in the production of food and food ingredients or commodities for sale; and the taxpayer is occupationally engaged in the production of food and food ingredients or commodities which are sold for human or animal consumption or used for further food and food ingredient or commodity production.

Taxpayer is not occupationally engaged in the production of food; Taxpayer is occupationally engaged in operating an animal preserve and a shooting preserve. Taxpayer asserts that the game birds are food. Admittedly, the game birds can be eaten and likely are being eaten by those who hunt them. But Taxpayer is not raising and maintaining an inventory of game birds for hunters to purchase and eat; Taxpayer is raising and maintaining an inventory of game birds for hunters to flush and shoot. Taxpayer offer its patrons the opportunity to hunt game birds—with no guarantee of success. Taxpayer stated in its hearing brief:

If what is being offered is the opportunity to hunt game fowl, there is no selling at retail. From that analysis, the hunter does not acquire the fowl, but only the opportunity to hunt. The opportunity to hunt game fowl is not a retail transaction and is not subject to tax.

Taxpayer is correct. Under the facts of this particular case, this opportunity is not considered a retail transaction subject to tax. IC 6-2.5-4-1(b) defines selling at retail:

A person is engaged in selling at retail when, in the ordinary course of his regularly conducted trade or business, he:

- (1) acquires tangible personal property for the purpose of resale; and
- (2) transfers that property to another person for consideration.

Taxpayer did not purchase the game birds for the purpose of reselling them and transferring them to the hunters. While hunters likely will go home with game birds, this is the result of having shot the birds after having purchased the opportunity to hunt those birds. All the birds taken from Taxpayer's property are the result of having been shot and bagged after having been released. Taxpayer is not operating as a butcher shop, a grocery store, or a farm market.

The Department has issued Sales Tax Information Bulletin #70 which addresses farm markets. The bulletin states that persons selling produce and various items of food for human consumption are not required to charge and remit sales tax on these items. Taxpayer is not a market; hunters do not select the game birds they wish and then leave with them. There is the intervening activity of hunting the game birds. For Taxpayer to argue that it is a farm market, Taxpayer would need to show that there is a direct one-to-one correlation between the birds selected and sold and the birds taken away by the customer. There is not; while hunters get to choose the birds to be released, the hunters are not guaranteed they will receive what they have selected. Using common principles of contract and retail law, if Taxpayer were operating as a farm market, the customer would select the game birds and the merchant would then transfer those game birds to the customer.

Taxpayer is not entitled to the exemption for resale provided in IC 6-2.5-5-8(b); Taxpayer is not selling at retail. Because Taxpayer is not selling at retail, sales tax is not charged the hunter for the opportunity to flush and shoot. Taxpayer is liable for the use tax on the sales tax it did not pay when it acquired the game birds that would be hunted. Taxpayer did not acquire the game birds to transfer to the hunters as food; Taxpayer acquired the game birds so that the hunters had a target at which to aim and shoot.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

ADDITIONAL DISPOSITION

Subsequent to Taxpayer's filing of its protest, Taxpayer submitted additional invoices to audit to rebut an assessment. After review of the invoices, Taxpayer and audit agreed that the total tax due on that assessment should be reduced by \$298.66 to reflect invoices upon which sales tax was paid or for services not subject to tax. The reduction has not yet been made, and at the request of audit, the reduction agreement is incorporated into this letter of findings. The assessment needs to be reduced by \$298.66.

DEPARTMENT OF STATE REVENUE

0120040281P.LOF

LETTER OF FINDINGS NUMBER: 04-0281P

Income Tax

For the Calendar Year 2003

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 the missing payment from the filing of an income tax return for the calendar year 2003.

The taxpayer is a resident of Indiana.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer requests the negligence penalty be abated as the taxpayer forgot to send the check with the income tax return, and, the taxpayer has a good compliance record.

The Department will waive penalty in the event of an unusual error coupled with a good compliance record. The Department agrees that the taxpayer has a good compliance record. However, forgetting to send the check is not an unusual error.

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 was inattentive of tax duties. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

FINDING

The taxpayer's penalty protest is denied.

DEPARTMENT OF STATE REVENUE

0420040296.LOF

LETTER OF FINDINGS NUMBER: 04-0296

Sales and Use Tax

For the Years 2000-2001

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.

ISSUES

I. Sales and Use Tax-Exemption Certificates

Authority: IC 6-8.1-5-1 (b), IC 6-2.5-2-1, IC 6-2.5-5-8, IC 6-2.5-8-8, 45 IAC 2.2-8-12.

The taxpayer protests the disallowance of certain exemption certificates.

II. Tax Administration-Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b)

The taxpayer protests the imposition of the ten (10%) percent negligence penalty.

STATEMENT OF FACTS

The taxpayer is a corporation engaged in the rental of lifts, primarily to contractors. 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 a portion of the sales tax and penalty. A hearing was held and this Letter of Findings results.

I. Sales and Use Tax-Exemption Certificates

DISCUSSION

The department assessed sales tax on certain rentals of lifts to contractors. The taxpayer did not have a properly executed exemption certificate in its files and did not obtain an exemption certificate from its customers at the time of the audit for the protested sales tax assessments. In support of its protest, the taxpayer provided affidavits signed by its president alleging that the protested rentals were not properly subject to the imposition of sales tax. The issue to be determined is whether the department properly imposed sales tax on these rentals.

All tax assessments are presumed to be accurate and the taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b).

Indiana retail sales of tangible personal property are subject to the Indiana sales tax unless they qualify for a statutory exemption. The sellers of the property are required to collect the sales tax from the purchasers and remit that tax to the state. IC 6-2.5-2-1. The rental of tangible personal property is defined as a retail sale for purposes of the imposition of sales tax. IC 6-2.5-5-8. There is no statutory exemption for the rental of lifts to contractors. Therefore, the taxpayer's rentals of lifts to contractors were subject to the sales tax.

IC 6-2.5-8-8 provides for exemption certificates from sales tax in pertinent part as follows:

(a) A person, authorized under subsection (b), who makes a purchase in a transaction which is exempt from the state gross retail and use taxes, may issue an exemption certificate to the seller instead of paying the tax. The person shall issue the certificate on forms and in the manner prescribed by the department. A seller accepting a proper exemption certificate under this section has no duty to collect or remit the state gross retail or use tax on that purchase.

45 IAC 2.2-8-12 clarifies the law concerning exemption certificates in pertinent part as follows:

(a) Exemption certificates may be issued [sic.] only by purchasers authorized to issue such certificates by the Department of Revenue. Retail merchants, manufacturers, wholesalers and others who must register with the Department of Revenue and who qualify to purchase exempt from tax under this Act [IC 6-2.5] may issue exemption certificates with respect to exempt transactions. All persons or entities not required to register with the Department as retail merchants, manufacturers, or wholesalers, and who are exempt under this [Act IC 6-2.5] with respect to all or a portion of their purchases are authorized to issue exemption certificates with respect to exempt transaction provided an exemption number has been assigned by the Department of Revenue, or provided that the Department of Revenue has specifically provided a form and manner for issuing exemption certificates without the need for assigning an exemption number...

Pursuant to the statute and explanatory regulation, the production of a valid exemption certificate exempts the merchant from the duty of collecting and remitting sales tax. Without a valid exemption certificate, the burden shifts back to the merchant to prove that the sales were not actually subject to sales tax as provided in 45 IAC 2.2-8-12 as follows:

(d) Unless the seller receives a properly completed exemption certificate the merchant must prove that sales tax was collected and remitted to the state or that the purchaser actually used the item for an exempt purpose. It is, therefore, very important to the seller to obtain an exemption certificate in order to avoid the necessity for such proof...

The taxpayer never produced exemption certificates executed by the taxpayer's customers on department forms as required by the law. Rather the taxpayer presented affidavits signed by its own president stating that certain rentals were exempt from the Indiana sales tax. These affidavits do not meet the statutory requirements for valid exemption certificates. They did not absolve the taxpayer

Nonrule Policy Documents

of collecting and remitting the sales tax due to the state on the subject rentals.

FINDING

The taxpayer's protest is denied.

II. Tax Administration-Penalty

The taxpayer protested the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

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.

During the period of the audit, the taxpayer ignored the law and departmental instructions for the payment of Indiana sales tax. The taxpayer did not pay sales tax on office and cleaning supplies as clearly required by the law. This breach of the taxpayer's duty constitutes negligence.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0220040313P.LOF

LETTER OF FINDINGS NUMBER: 04-0313P

Income Tax

For the Calendar Year 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

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 the non-filing of a calendar year income tax return for the year 2002.

The taxpayer is a company located in Indiana.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer requests the negligence penalty be abated as the taxpayer had an incapacitating illness.

The Department points out that the taxpayer has not provided any documentation with regard to the incapacitating illness.

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 was inattentive of tax duties as the taxpayer has not provided documentation for the incapacitating illness. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

FINDING

The taxpayer's penalty protest is denied.

DEPARTMENT OF STATE REVENUE

04-20040347.LOF

LETTER OF FINDINGS NUMBER: 04-0347

STATE GROSS RETAIL TAX

For Years 2001 AND 2002

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. State Gross Retail 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 State Gross Retail tax.

STATEMENT OF FACTS

Taxpayer is a sole proprietorship. An audit found that taxpayer's reported taxable sales was less than the amount of sales on taxpayer's Federal Schedule C. Taxpayer insisted that a portion of its sales were to exempt customers, although there were no exempt purchases noted in the sales originally reported to the department. Taxpayer, at the time of the audit could not provide either exemption certificates or sales invoices to support its' claim of exempt sales.

Taxpayer filed a protest and a hearing was held. At the hearing, taxpayer's representative stated that further effort by the taxpayer had secured additional documentation for the Department's review. The hearing officer for the Department granted additional time to Taxpayer after the hearing to produce and provide coherent documentation to substantiate taxpayer's claim of exempt sales.

I. State Gross Retail Tax —Adequate Documentation

DISCUSSION

This issue revolves around the burden of proof in an audit situation, which IC § 6-8.1-5-4 defines as:

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 in this subsection include all source documents necessary to determine the tax, including invoices, register tapes, receipts, and canceled checks.

Subject to the guidelines above, the Department will grant credit for the applicable transactions for which valid documentation has been provided. Also, as required by the above guidelines, no credit will be granted for transactions for which no documentation has been provided. Taxpayer provided documentation that, aside from being disorganized, was internally inconsistent, incomplete, and frequently demonstrated nothing more than the fact that the purchaser of the item had an out of state address. In short, taxpayer has failed to provide documentation establishing the exemptions taxpayer wishes to claim. Pursuant to the above statute and the requirements of IC § 6-8.1-5-1 and 45 IAC 15-5-4, taxpayer has not established a basis for reversal of the sales tax assessment.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

04-20040392P.LOF

LETTER OF FINDINGS NUMBER 04-0392P

TAX ADMINISTRATION—NEGLIGENCE PENALTY FOR THE PERIOD COVERING CALENDAR YEARS 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.

ISSUE

I. Tax Administration—Negligence Penalty

Authority: I.R.C. (26 U.S.C.) § 6651(a)(1) and (a)(3) (1976) (current version at *id.* (2000)); IC §§ 6-8.1-1-1 and -5-1(b) (2004); IC § 6-8.1-10-2.1 (1998) (current version at *id.* (2004)); *United States v. Boyle*, 469 U.S. 241 (1985); *State Bd. of Tax Comm'rs v. New Castle Lodge # 147, L.O.O.M.*, 765 N.E.2d 1257 (Ind. 2002); *Hoogenboom-Nofziger v. State Bd. of Tax Comm'rs*, 715 N.E.2d 1018 (Ind. Tax Ct. 1999); 45 IAC art. 2.2 and § 15-11-2(b) and (c) (1996) (current respective versions at *id.* (2004))

The taxpayer protests the assessment of the negligence penalty for incurring a deficiency of gross retail (sales) and use tax for calendar years 1998-2000.

STATEMENT OF FACTS

The Department conducted a sales and use tax audit of the taxpayer for its calendar years 1998-2000 (hereinafter "the audit period"). During these years the taxpayer was a for-profit corporation engaged in the manufacture of furniture and furniture parts. It had its commercial domicile outside Indiana. The taxpayer was authorized to do business in Indiana from December 1974 to December 1987, when it briefly withdrew from the state. It was reauthorized to do business in Indiana in November 1988 and has been in good standing with the Business Services Division (formerly the Corporations Division) of the Secretary of State's office

ever since. The taxpayer operated three manufacturing plants in Indiana during the audit period.

The Audit Division of the Department issued and mailed the taxpayer Notices of Proposed Assessment advising it of its potential tax liability for each year of the audit period. The base tax set out in each notice consisted of both sales and use tax, along with accrued interest and a negligence penalty. The taxpayer tendered the Department a check for the full amount of the base tax and accrued interest, and filed a timely protest of the negligence penalty. The Department will provide additional facts as needed.

DISCUSSION

The field auditor made adjustments to the taxpayer's sales and use tax liability for the audit period in fifteen categories of tangible personal property purchases he selected from the taxpayer's chart of accounts. In the Audit Summary he cited to a Department regulation to support each adjustment. One of these was to sales tax liability, two were to combined sales and use tax liability, and the remaining twelve were solely to use tax liability. The combined sales/use adjustment and two of the twelve use tax adjustments reclassified the category in question from wholly taxable to wholly tax-exempt. Four other use tax adjustments were to categories of property used partly in the production process (i.e., tax-exempt) and partly outside that process (i.e., taxable).

The remaining adjustments imposed or increased liability. One of these was a sales tax adjustment for vending machine soft drink sales. The four adjustments for partial taxability imposed use tax on non-exempt purchases of property in the Shipping, Equipment Parts, Forklifts and Rentals of Tangible Pers[onal] Prop[erty] categories. The remaining seven were also use tax adjustments. The taxpayer failed to pay either sales or use tax on some purchases in each of four of these latter categories. A fifth category, Building Supplies, consisted of purchases of materials the taxpayer had originally bought exempt for resale, but used for construction or maintenance of one or more of its Indiana buildings instead. A sixth, Tools/Consumables, was made up of purchases of such items for taxable uses (i.e., maintenance and repairs) from vendors that held exemption certificates from the taxpayer. The seventh category, Tax Paid to Wrong State, consisted of purchases on which the taxpayer had paid tax on an Indiana sale to another state. The Audit Division assessed and, as previously noted, billed, a negligence penalty.

IC § 6-8.1-10-2.1 (1998) (current version at *id.* (2004)) is the statute that authorizes the Department to impose a penalty for any negligence of a taxpayer in failing to comply with the tax laws that the Department administers. IC § 6-8.1-10-2.1(a)(3) states that "(a) [i]f a person: ... (3) [i]ncurs, upon examination by the department, a deficiency that is due to negligence; ... the person is subject to a penalty." *Id.* Title 45 IAC § 15-11-2(b) (1996) (current version at *id.* (2004)) defines "negligence" in relevant part as follows:

(b) "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.*

Id. (Emphasis added.) "[L]isted tax laws" refers to the definition of the term "listed taxes" found in IC § 6-8.1-1-1 (2004). The listed taxes are all of the tax laws for which the General Assembly has explicitly made the Department responsible. They include the Gross Retail and Use Tax Act of 1963, IC article 6-2.5 (1998) (current version at *id.* (2004)) ("GRUTA").

"If a person subject to the penalty imposed under this section [IC § 6-8.1-10-2.1] can show that the failure to...pay the deficiency determined by the department was *due to reasonable cause* and not due to willful neglect, the department shall waive the penalty." IC § 6-8.1-10-2.1(d) (emphasis added.). The implementing regulation restates this requirement as requiring the taxpayer to show that the failure to discharge its tax duties "was due to reasonable cause and not due to negligence." 45 IAC § 15-11-2(c). This subsection of the regulation goes on to state that "[i]n 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 under this section." *Id.* (Emphasis added.) The taxpayer "must make an affirmative showing of all facts alleged as a reasonable cause for [its] failure to ... pay the deficiency[.]" IC § 6-8.1-10-2.1(e). The evidentiary showing the taxpayer must make under IC § 6-8.1-10-2.1(d) and (e) and 45 IAC § 15-11-2(c) is consistent with IC § 6-8.1-5-1(b), which places the burden of proof in all protests on the person against whom a proposed assessment is made to prove that it is wrong.

The taxpayer's argument in support of its protest is twofold. First, it claims that it takes all prudent measures to collect and pay taxes due. However, it has not substantiated this conclusory generality by proving any facts concerning the specifics of its use tax self-assessment system, procedures or internal controls that would constitute reasonable cause, as IC §§ 6-8.1-5-1(b) and -10-2.1(d) require. Second, the taxpayer submits that the purchases giving rise to the deficiency represented only a small fraction of its total purchases for the audit period. The taxpayer is essentially arguing that the Department should waive the negligence penalty because the amount of the purchases on which it failed to pay tax is, in the taxpayer's view, *de minimis*.

There is nothing in IC § 6-8.1-10-2.1(d) or (e) that even authorizes the Department to waive a negligence penalty on *de minimis* grounds, much less anything setting out a number, or a formula to determine a number, that the Department could treat as being *de minimis*. Had the General Assembly wanted to set a floor number below which it would deem the taxpayer not to have been negligent as a matter of law, it could have done so, analogously to what it did in making contributory fault of negligence plaintiffs a bar to recovery from the defendant/s in some circumstances. *Cf.* IC § 34-51-2-6 (1998) (current version at *id.* (2004)) (negligence claimant whose contributory fault percentage is greater than the combined fault percentage of the defendant/s barred from recovery).

The only ground on which IC § 6-8.1-10-2.1(d) requires the Department to waive a negligence penalty is "reasonable cause," *id.* The legislature's use of this term necessarily implies that the determinative factor for the Department in deciding whether to waive a negligence penalty is causation, not the number, amount or percentage of compliance failure. The only material reference to a

number concerning the negligence penalty IC § 6-8.1-10-2.1(a) imposes, and the only purpose for which it is relevant under that subsection, is to the amount of unpaid, underpaid, unreported or underreported taxes. Subsection (b) uses the relevant amount as the multiplicand to which the Department applies the ten percent multiplier to determine the amount of the subsection (a) penalty. *See* IC § 6-8.1-10-2.1(b) (setting out the computation formulae). The size of this multiplicand, standing alone, is irrelevant to answering the questions of why and how it came into being and whether or not the failure that created it was the taxpayer's fault.

The taxpayer has not made any alternative argument, much less submitted any evidence in support of such an argument, as to why its "failure to...pay the deficiency determined by the department was due to reasonable cause and not due to willful neglect[.]" IC § 6-8.1-10-2.1(d). Indiana law is settled that this state's taxation hearing officers, and by extension the state-level taxing authorities of which they are agents, "do not have the duty to make a taxpayer's case." *Hoogenboom-Nofziger v. State Bd. of Tax Comm'rs*, 715 N.E.2d 1018, 1024 (Ind. Tax Ct. 1999), *cited with approval in State Bd. of Tax Comm'rs v. New Castle Lodge # 147, L.O.O.M.*, 765 N.E.2d 1257, 1264 (Ind. 2002). The Tax Court stated its rationale for this rule later in *Hoogenboom-Nofziger* as follows:

[T]o allow [a taxpayer] to prevail after it made such a cursory showing at the administrative level would result in a tremendous workload increase for [the Department and] the State Board [now the Indiana Board of Tax Review],...administrative agenc[ies] that already bear[]...difficult burden[s] in administering this State's [listed and] property tax system[s]. If taxpayers could make a de minimis showing and then force [the Department or] the State Board to support its decisions with detailed factual findings, the [Indiana taxing authorities] would be overwhelmed with cases such as this one. This would be patently unfair to other taxpayers who do make detailed presentations to the [taxing authorities] because resolution of their appeals would necessarily be delayed.

715 N.E.2d at 1024-25. The Department will therefore base its determination of the presence or absence of reasonable cause for the taxpayer's failures solely on the evidence in the audit file.

The audit adjustments, summarized above, indicate the taxpayer's failures to collect sales tax on its vending machine transactions, and to self-assess and remit use tax, were not "due to reasonable cause[.]" IC § 6-8.1-10-2.1(d). Rather, they were due to the taxpayer's negligence. The taxpayer has been doing business in Indiana almost continuously for over thirty years and has been subject to GRUTA for all of those years. The Department promulgated the regulations the auditor cited in the Audit Summary to support those adjustments on December 1, 1982. 45 IAC art. 2.2, LSA Doc. #82-86(F), 6 I.R. 8 (Jan. 1, 1983) (codified as amended at *id.* (1996) (current version at *id.* (2004))). They thus have been in effect for over twenty-two years. The taxpayer is charged with constructive knowledge of all of these authorities. The auditor nevertheless had to point out that the taxpayer's purchases in three categories were wholly, and in four others partially, exempt. More relevantly for penalty purposes, he also had to make adjustments imposing liability in whole or in part, or increasing the tax due, on no less than twelve purchase or sale categories.

Indeed, in three of these latter categories the taxpayer's negligence was at least gross, and may have amounted to "willful neglect," IC § 6-8.1-10-2.1(d), i.e. "a conscious, intentional failure or reckless indifference." *United States v. Boyle*, 469 U.S. 241, 245-46 (1985) (defining the same term in I.R.C. (26 U.S.C.) § 6651(a)(1) (1976) (current version at *id.* (2000))) (penalizing failure to file, or timely file, a tax return). *See also* I.R.C. § 6651(a)(3) (using the same term and penalizing failure to pay any tax not shown on a return). The taxpayer obtained tools and consumables under exemption certificates when it knew or should have known it was not entitled to do so, and used property it had rightfully bought as exempt for what it knew or should have known were taxable purposes. The taxpayer even made the elementary error of paying sales tax to the wrong state when it knew or should have known Indiana was the proper taxing authority.

The taxpayer's overall failures to remit sales or use tax on the assessed transactions are hardly consistent, and the failures described in the immediately preceding paragraph in particular are positively inconsistent, with "ordinary business care and prudence[.]" 45 IAC § 15-11-2(c). They therefore cannot constitute "reasonable cause[.]" *See id.* Rather, they are evidence of either "carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code [and] department regulations[.]" "[i]gnorance of the listed tax laws, rules and/or regulations[.]" or both. 45 IAC § 15-11-2(b). As such, the foregoing failures constituted "negligence" as 45 IAC § 15-11-2(b) defines that word. Accordingly, the Department finds that the taxpayer was negligent and the Audit Division properly assessed the negligence penalty.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

03-20040393P.LOF

LETTER OF FINDINGS NUMBER 04-0393P TAX ADMINISTRATION—NEGLIGENCE PENALTY FOR THE PERIOD COVERING 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

I. Tax Administration—Negligence Penalty

Authority: IC § 6-2.1-1-17 and ch. 6-2.1-6 (1998) (repealed 2003); IC §§ 6-8.1-1-1 and -5-1(b) (2004); IC § 6-8.1-10-2.1 (1998) (current version at *id.* (2004)); *State Bd. of Tax Comm'rs v. New Castle Lodge # 147, L.O.O.M.*, 765 N.E.2d 1257 (Ind. 2002); *Hoogenboom-Nofziger v. State Bd. of Tax Comm'rs*, 715 N.E.2d 1018 (Ind. Tax Ct. 1999); 45 IAC §§ 1.1-1-24 and -5-8 (Supp. 1999) (both repealed 2003); 45 IAC § 15-11-2(b) and (c) (1996) (current version at *id.* (2004))

The taxpayer protests the assessment of the negligence penalty for the withholding tax deficiency incurred for calendar year 1999.

STATEMENT OF FACTS

The Department conducted a withholding tax audit of the taxpayer for its calendar years 1999-2000 (hereinafter "the audit period"). During these years the taxpayer was a for-profit corporation engaged in the manufacture of furniture and furniture parts. It had its commercial domicile outside Indiana. The taxpayer was admitted to do business in Indiana from December 1974 to December 1987, when it briefly withdrew from the state. It was readmitted to do business in Indiana in November 1988 and has been in good standing with the Business Services Division (formerly the Corporations Division) of the Secretary of State's office ever since. The taxpayer operated three manufacturing plants in Indiana during the audit period.

The Department issued and mailed the taxpayer a Notice of Proposed Assessment advising it of its potential withholding tax liability for 1999. That notice set out the base tax for which the auditor made the adjustment, along with accrued interest and a negligence penalty. The taxpayer tendered the Department a check for the full amount of the base tax and accrued interest, and filed a timely protest of the negligence penalty. The Department will provide additional facts as needed.

DISCUSSION

During the audit period the taxpayer hired various contractors to perform services for it at its Indiana locations. Most were headquartered or authorized to do business in Indiana. However, a few of the foreign corporations were not so authorized when they performed their respective contracts. The taxpayer failed to check with the Business Services Division of the Secretary of State's office to see which of its out-of-state contractors were authorized to do business in Indiana. As a result, the taxpayer also failed to withhold and remit to the Department gross income tax (GIT) from the respective payments the taxpayer made in 1999 to its unauthorized foreign corporate contractors (hereinafter "nonresident contractors"). See IC § 6-2.1-6-1(a) (1998) and 45 IAC § 1.1-1-24(c) (Supp. 1999) (both repealed 2003) (both defining "nonresident contractor" as excluding "a foreign corporation qualified to do business in Indiana[]"). See generally IC ch. 6-2.1-6 (1998) and 45 IAC § 1.1-5-8 (Supp. 1999) (both repealed 2003) (setting out the duties of a withholding agent and the powers of the Department regarding the withholding, reporting and remitting of GIT from payments to nonresident contractors), and IC § 6-2.1-1-17 and 45 IAC § 1.1-1-24(a) (both defining "withholding agent" as a person or entity "required to withhold gross income taxes under IC 6-2.1-6[]"). The field auditor accordingly adjusted the 1999 withholding tax liability to assess the taxpayer the GIT it should have withheld from its total payments to each such nonresident subcontractor in excess of one thousand dollars (\$1,000). As authority for this adjustment, the auditor cited to 45 IAC § 1.1-1-24(b)(1), (4) and (5), which are examples of the kind of service work requiring withholding from a nonresident contractor. (The auditor made no other adjustment to the taxpayer's 1999 withholding tax liability, and no change to its liability for 2000).

IC § 6-8.1-10-2.1 (1998) (current version at *id.* (2004)) is the statute that authorizes the Department to impose a penalty for any negligence of a taxpayer in failing to comply with the tax laws that the Department administers. IC § 6-8.1-10-2.1(a)(3) states that "(a) [i]f a person: ... (3) [i]ncurs, upon examination by the department, a deficiency that is due to negligence; ... the person is subject to a penalty." *Id.* Title 45 IAC § 15-11-2(b) (1996) (current version at *id.* (2004)) defines "negligence" in relevant part as being "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" *Id.*

"If a person subject to the penalty imposed under this section [IC § 6-8.1-10-2.1] can show that the failure to...pay the deficiency determined by the department was *due to reasonable cause* and not due to willful neglect, the department shall waive the penalty." IC § 6-8.1-10-2.1(d) (emphasis added.). The implementing regulation restates this requirement as requiring the taxpayer to show that the failure to discharge its tax duties "was due to reasonable cause and not due to negligence." 45 IAC § 15-11-2(c). This subsection of the regulation goes on to state that "[i]n 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 under this section." *Id.* (Emphasis added.) The taxpayer "must make an affirmative showing of all facts alleged as a reasonable cause for [its] failure to ... pay the deficiency[.]" IC § 6-8.1-10-2.1(e). The evidentiary showing the taxpayer must make under IC § 6-8.1-10-2.1(d) and (e) and 45 IAC § 15-11-2(c) is consistent with IC § 6-8.1-5-1(b), which places the burden of proof in all protests on the person against whom a proposed assessment is made to prove that it is wrong.

The taxpayer's argument in support of its protest is twofold. First, it claims that it takes all prudent measures to collect and pay taxes due. However, it has not substantiated this conclusory generality by proving any facts concerning the specifics of its use tax self-assessment system, procedures or internal controls that would constitute reasonable cause, as IC §§ 6-8.1-5-1(b) and -10-2.1(d)

require. Second, it submits that it failed to withhold gross income tax on only two nonresident contractors out of all the contractors with which it dealt during the audit period. The taxpayer is essentially arguing that the Department should waive the negligence penalty because these compliance failures are, in the taxpayer's view, *de minimis*.

There is nothing in IC § 6-8.1-10-2.1(d) or (e) that even authorizes the Department to waive a negligence penalty on *de minimis* grounds, much less anything setting out a number, or a formula to determine a number, that the Department could treat as being *de minimis*. Had the General Assembly wanted to set a floor number below which it would deem the taxpayer not to have been negligent as a matter of law, it could have done so, analogously to what it did in making contributory fault of negligence plaintiffs a bar to recovery from the defendant/s in some circumstances. *Cf.* IC § 34-51-2-6 (1998) (current version at *id.* (2004)) (negligence claimant whose contributory fault percentage is greater than the combined fault percentage of the defendant/s barred from recovery).

The only ground on which IC § 6-8.1-10-2.1(d) requires the Department to waive a negligence penalty is "reasonable cause," *id.* The legislature's use of this term necessarily implies that the determinative factor for the Department in deciding whether to waive a negligence penalty is causation, not the number, amount or percentage of compliance failure. The only material reference to a number concerning the negligence penalty IC § 6-8.1-10-2.1(a) imposes, and the only purpose for which it is relevant under that subsection, is to the amount of unpaid, underpaid, unreported or underreported taxes. Subsection (b) uses the relevant amount as the multiplicand to which the Department applies the ten percent multiplier to determine the amount of the subsection (a) penalty. *See* C § 6-8.1-10-2.1(b) (setting out the computation formulae). The size of this multiplicand, standing alone, is irrelevant to answering the questions of why and how it came into being and whether or not the failure that created it was the taxpayer's fault.

The taxpayer has not made any alternative argument, much less submitted any evidence in support of such an argument, as to why its "failure to...pay the deficiency determined by the department was due to reasonable cause and not due to willful neglect[.]" IC § 6-8.1-10-2.1(d). Indiana law is settled that this state's taxation hearing officers, and by extension the state-level taxing authorities of which they are agents, "do not have the duty to make a taxpayer's case." *Hoogenboom-Nofziger v. State Bd. of Tax Comm'rs*, 715 N.E.2d 1018, 1024 (Ind. Tax Ct. 1999), *cited with approval in State Bd. of Tax Comm'rs v. New Castle Lodge # 147, L.O.O.M.*, 765 N.E.2d 1257, 1264 (Ind. 2002). The Tax Court stated its rationale for this rule later in *Hoogenboom-Nofziger* as follows:

[T]o allow [a taxpayer] to prevail after it made such a cursory showing at the administrative level would result in a tremendous workload increase for [the Department and] the State Board [now the Indiana Board of Tax Review],...administrative agenc[ies] that already bear[]...difficult burden[s] in administering this State's [listed and] property tax system[s]. If taxpayers could make a *de minimis* showing and then force [the Department or] the State Board to support its decisions with detailed factual findings, the [Indiana taxing authorities] would be overwhelmed with cases such as this one. This would be patently unfair to other taxpayers who do make detailed presentations to the [taxing authorities] because resolution of their appeals would necessarily be delayed.

715 N.E.2d at 1024-25. The Department will therefore base its determination of the presence or absence of reasonable cause for the taxpayer's failures solely on the evidence in the audit file.

The audit adjustment, summarized above, indicates the taxpayer's failures to investigate and discover the nonresident status of the contractors, to withhold GIT from, and to report and remit GIT to the Department on, the nonresident contractors, are inconsistent with "ordinary business care and prudence[.]" 45 IAC § 15-11-2(c). For that reason, these failures therefore were not "due to reasonable cause[.]" IC § 6-8.1-10-2.1(d). Rather, they were due to the taxpayer's negligence. They are evidence of either a "failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer[.]" "carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code [and] department regulations[.]" or both. 45 IAC § 15-11-2(b). As such, the foregoing failures constituted "negligence" as 45 IAC § 15-11-2(b) defines that word. Accordingly, the Department finds that the taxpayer was negligent and the Audit Division properly assessed the negligence penalty.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

02-20040422P.LOF

LETTER OF FINDINGS NUMBER 04-0422P TAX ADMINISTRATION—NEGLIGENCE PENALTY FOR THE PERIOD COVERING CALENDAR 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. Tax Administration—Protest--Negligence Penalty

Authority: I.R.C. (26 U.S.C.) § 63 (1994 and Supp. III 1997); IC §§ 6-3-1-3.5(b) and -11(b) (Supp. 1997) (current respective versions at *id.* (2004)); IC § 6-3-8-2(b) (1993) (repealed 2003); IC §§ 6-8.1-1-1, -5-1(b) (2004); IC § 6-8.1-10-2.1 (1993) (current version at *id.* (2004)); *State Bd. of Tax Comm'rs v. New Castle Lodge # 147, L.O.O.M.*, 765 N.E.2d 1257 (Ind. 2002); *Ind. Dep't of State Revenue v. Endress & Hauser, Inc.*, 404 N.E.2d 1173 (Ind. Ct. App. 1980); *Hoogenboom-Nofziger v. State Bd. of Tax Comm'rs*, 715 N.E.2d 1018 (Ind. Tax Ct. 1999); *Cooper Indus., Inc. v. Ind. Dep't of State Revenue*, 673 N.E.2d 1209 (Ind. Tax Ct. 1996); 45 IAC § 15-11-2(b) (1996) (current version at *id.* (2004))

The taxpayer has protested the negligence penalty the Department assessed for incurring a deficiency of adjusted gross income tax and supplemental net income tax for calendar year 1997.

STATEMENT OF FACTS

The Department conducted an income tax audit of the taxpayer for its calendar years 1997-2000 (hereinafter "the audit period"). During these years the taxpayer was a for-profit corporation with its commercial domicile outside Indiana and engaged in the manufacture of furniture and furniture parts. The taxpayer's business was unitary. It was admitted to do business in Indiana from December 1974 to December 1987, when it briefly withdrew from the state, but was readmitted to do business in Indiana in November 1988. The taxpayer has been in good standing with the Business Services Division (formerly the Corporations Division) of the Secretary of State's office ever since. It operated three locations in Indiana during the audit period. Although the taxpayer joined in consolidated returns for federal income tax purposes, it filed separate Indiana income tax returns during the audit period.

Among other adjustments not relevant here, the field auditor adjusted the taxpayer's liabilities for adjusted gross income tax ("AGIT") and supplemental net income tax ("SNIT") for 1997. Part of the AGIT component of the adjustment for this year was as a result of changes to the taxpayer's federal taxable income the IRS had made in an audit it conducted that also included calendar year 1997. The taxpayer tendered this Department's auditor a Form IT-20X for that year with a copy of the IRS Revenue Agent Report ("RAR") attached documenting the federal adjustments for 1997 available to this Department's auditor in lieu of amended Indiana income tax returns. In particular, the RAR increased federal taxable income, and the Department's auditor made a corresponding increase to pre-apportionment adjusted gross income ("AGI") for that year, by over seven and one-tenth percent (7.1%). The auditor also corrected the taxpayer's computation of the property apportionment factor by adding the rental values of certain equipment listed on Statement 3 of the taxpayer's 1997 Form 1120 to the "property everywhere" denominator. Lastly, the auditor also adjusted the taxpayer's SNIT liability for 1997. The result of these adjustments was that the taxpayer incurred a mid-four-figure deficiency for that year.

The Department issued and mailed the taxpayer a Notice of Proposed Assessment advising it of its potential income tax liability for 1997. The base tax set out in that notice consisted of both AGIT and SNIT, along with accrued interest and a negligence penalty. The taxpayer tendered the Department a check for the full amount of the base tax and accrued interest, and filed a timely protest of the negligence penalty. The Department will provide additional facts as needed.

DISCUSSION

IC § 6-8.1-10-2.1 (1993) (current version at *id.* (2004)) is the statute that authorizes the Department to impose a penalty for any negligence of a taxpayer in failing to comply with the tax laws that the Department administers. IC § 6-8.1-10-2.1(a)(3) states that "(a) [i]f a person: ... (3) [i]ncurs, upon examination by the department, a deficiency that is due to negligence; ... the person is subject to a penalty." *Id.* Title 45 IAC § 15-11-2(b) (1996) (current version at *id.* (2004)), which defines "negligence," states in relevant part that "[i]gnorance of the listed tax laws, rules and/or regulations is treated as negligence." *Id.* "[L]isted tax laws" refers to the definition of the term "listed taxes" found in IC § 6-8.1-1-1 (2004). The listed taxes are all of the tax laws for which the General Assembly has explicitly made the Department responsible. They include those imposed under the Adjusted Gross Income Tax Act of 1963 ("AGITA"), codified as amended at IC chapters 6-3-1 to -7 (1993) (current version at *id.* (2004)). The listed taxes also include any SNIT assessed for tax periods ending before the 2003 repeal of the Supplemental Corporate Net Income Tax Act, IC chapter 6-3-8 (1993) ("SCNITA") (including the SNIT component of the taxpayer's deficiency for 1997).

In addition, the "listed tax laws" to which 45 IAC § 15-11-2(b) refers include those provisions of the Internal Revenue Code (26 U.S.C.) ("I.R.C.") that IC § 6-3-1-11(b) incorporates into IC article 6-3. IC § 6-3-1-11(b) coordinates the federal and Indiana net income tax laws applicable to a given tax year by using as a reference point January 1 of a stated year (hereinafter "the benchmark date"). It "incorporates into Indiana law all pertinent provisions of the Internal Revenue Code, together with the rules and [Treasury] [R]egulations of the Code[] [in effect on the benchmark date]." *Ind. Dep't of State Revenue v. Endress & Hauser, Inc.*, 404 N.E.2d 1173, 1175 (Ind. Ct. App. 1980) (discussing former IC § 6-3-1-17 (1988) (repealed and recodified in 1990 as IC § 6-3-1-11(b)). The incorporated sections of the Code thereby also become part of the "listed tax laws" as 45 IAC § 15-11-2(b) uses that term in defining "negligence." (The legislature regularly makes technical amendments to IC § 6-3-1-11 to keep the benchmark date current or nearly current. The version of IC § 6-3-1-11(b) in effect for calendar year 1997 was *id.* (Supp. 1997), as enacted by P.L. 60-1997, § 2, 1997 Ind. Acts 1833, 1834 (emergency effective retroactive to Jan. 1, 1997, *id.* and § 4 at 1836, respectively)).

"If a person subject to the penalty imposed under this section [IC § 6-8.1-10-2.1] can show that the failure to ... pay the deficiency determined by the department was *due to reasonable cause and not due to willful neglect*, the department shall waive the penalty." IC § 6-8.1-10-2.1(d) (emphasis added.). The taxpayer "must make an affirmative showing of all facts alleged as a reasonable cause for [its] failure to ... pay the deficiency[.]" IC § 6-8.1-10-2.1(e). This requirement is consistent with IC § 6-8.1-5-1(b), which places the burden of proof in all protests on the person against whom a proposed assessment is made to prove that it is

wrong.

The taxpayer argues that the Department should waive the 1997 negligence penalty because the 1997 deficiency stemmed from the RAR adjustment, and as such was due to reasonable cause and not willful neglect. At the outset, the Department notes that this argument by its own terms cannot apply to the part of this penalty attributable to the portion of the deficiency derived separately from the RAR. Since the taxpayer has made no independent argument concerning this component of the penalty, the Department summarily denies the taxpayer's protest to that extent.

The RAR argument implies that the taxpayer's incurring of the proposed 1997 Indiana deficiency was due to the action of a third party, i.e. the IRS, and as such was beyond the taxpayer's control. The Department disagrees. The RAR merely documents the IRS' discovery of the taxpayer's own failure to include one or more items in its 1997 federal taxable income, among other matters. It is that failure, and not the action of the IRS in memorializing it, that in part prompted this Department's field auditor to adjust the taxpayer's 1997 AGIT and SNIT liability. An Indiana corporate taxpayer's failure to report federal taxable income is also a failure to report income for AGIT and SNIT purposes. IC § 6-3-1-3.5(b) (Supp. 1997) (current version at *id.* (2004)) defines corporate AGI as being "the same as 'taxable income' (as defined in Section 63 of the Internal Revenue Code)[,]" *id.*, "not as reported by the taxpayer." *Cooper Indus., Inc. v. Ind. Dep't of State Revenue*, 673 N.E.2d 1209, 1213 (Ind. Tax Ct. 1996) (emphasis in original). For SNIT purposes, former IC § 6-3-8-2(b) defined "net income" as being "adjusted gross income [i.e., I.R.C. § 63 taxable income] derived from sources within the state of Indiana," *id.* (In addition, IC § 6-3-1-3.5(b) contains, and former IC § 6-3-8-2(b) contained, certain modifications to the starting points for their respective definitions not material here.) "Thus, computation of the supplemental corporate net income tax [also] is basically determined by the concept of [corporate] adjusted gross income." *Endress & Hauser*, 404 N.E.2d at 1175. The taxpayer had been authorized to do business in Indiana almost continuously for over two decades by 1997 and was chargeable with constructive knowledge of the listed tax laws, including the above-cited authorities. Its actual ignorance of, or failure to follow, them, was therefore negligent as 45 IAC § 15-11-2(b) defines "negligence."

The taxpayer has not made any alternative argument, much less submitted any evidence in support of such an argument, as to why its failure to...pay the deficiency determined by the department was due to reasonable cause and not due to willful neglect[.]" IC § 6-8.1-10-2.1(d). Indiana law is settled that this state's taxation hearing officers, and by extension the state-level taxing authorities of which they are agents, "do not have the duty to make a taxpayer's case." *Hoogenboom-Nofziger v. State Bd. of Tax Comm'rs*, 715 N.E.2d 1018, 1024 (Ind. Tax Ct. 1999), *cited with approval in State Bd. of Tax Comm'rs v. New Castle Lodge # 147, L.O.O.M.*, 765 N.E.2d 1257, 1264 (Ind. 2002). The Tax Court stated its rationale for this rule later in *Hoogenboom-Nofziger* as follows:

[T]o allow [a taxpayer] to prevail after it made such a cursory showing at the administrative level would result in a tremendous workload increase for [the Department and] the State Board [now the Indiana Board of Tax Review],...administrative agenc[ies] that already bear[]...difficult burden[s] in administering this State's [listed and] property tax system[s]. If taxpayers could make a de minimis showing and then force [the Department or] the State Board to support its decisions with detailed factual findings, the [Indiana taxing authorities] would be overwhelmed with cases such as this one. This would be patently unfair to other taxpayers who do make detailed presentations to the [taxing authorities] because resolution of their appeals would necessarily be delayed.

715 N.E.2d at 1024-25.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

1820040430.LOF

LETTER OF FINDINGS NUMBER: 04-0430

Financial Institutions Tax

For the Period December 1, 1998 – November 30, 2001

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Constitutionality of the Financial Institutions Tax

Authority: IC 6-8.1-5-1(b); IC 6-5.5-2-1; IC 6-5.5-1-17(d); IC 6-5.5-3-1.

Taxpayer argues that it does not have "substantial nexus" with Indiana to meet the Commerce Clause requirements to impose the Financial Institutions Tax (FIT) upon it and its affiliates.

II. Application of the Financial Institutions Tax

Authority: IC 6-5.5-1-17(d)(2), IC 6-2.1-2-2a(2), IC 6-3-2-1, IC 6-3-2-2, IC 6-3-8-1, IC 6-3-8-2(b), IC 6-5.5-9-4(a).

Taxpayer asserts that one of its affiliates should not be included in the unitary group assessment because the affiliate does not meet the definition of “transacting the business of a financial institution.”

III. Abatement of Penalties

Authority: IC 6-8.1-10-2.1; 45 IAC 15-11-2(b) and (c).

Taxpayer requests the abatement of penalties.

STATEMENT OF FACTS

Taxpayer and affiliates are wholly owned subsidiaries of Parent Company. Parent Company is the result of a merger. The headquarters of the financial services operations is in Illinois.

Taxpayer is a Delaware corporation, headquartered in Illinois. During the audit period, Taxpayer was the only entity filing Indiana tax returns. Taxpayer primarily issued consumer loans consisting of mortgages, home equity loans, and auto loans throughout the United States. Taxpayer held consumer loans during the entire audit period which were secured by personal or real property located in Indiana. Taxpayer’s returns—as filed—indicated large losses or offset income by carryforward losses for the audit period.

One of the affiliates, CC Bank, is a state-chartered bank organized under the laws of Delaware and is commercially domiciled in Delaware. Most of the company’s proprietary general purpose credit cards are issued by this subsidiary. The audit report states that CC Bank had no physical locations in Indiana during the audit period, but that CC Bank had approximately one million Indiana resident cardholders. CC Bank’s revenue consisted of credit card interest income and related fees. CC Bank states that it paid income tax to Delaware on 100% of its net income.

CC Services provides the majority of the operation support for the credit cards. CC Services is responsible for acquiring merchants to accept the credit cards, sells transaction authorization equipment, and owns the merchant agreements. The audit report states that CC Services had no physical presence in Indiana during the audit period, but acquired contracts, equipment sales, and merchant agreements with Indiana merchants. In the audit report, CC Services was included in the unitary group. CC Services argues that it does not meet the definition required to subject it to the Financial Institutions Tax.

Financial Bank, located in Utah, issued a specialized credit card. The audit report states that Financial Bank had no physical locations in Indiana during the audit period, but that Financial Bank had approximately 48,000 Indiana resident cardholders.

Taxpayer’s position is that it and its affiliates do not have the requisite nexus to subject them to the Indiana Financial Institutions Tax.

I. Constitutionality of the Financial Institutions Tax

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b). IC 6-5.5-2-1 imposes a franchise tax on a taxpayer’s adjusted gross income or apportioned income for the privilege of exercising its franchise or the corporate privilege of transacting the business of a financial institution in Indiana. The phrase “transacting the business of a financial institution” is defined in IC 6-5.5-1-17(d). It includes the following activities: making, acquiring, selling, or servicing loans or extensions of credit; leasing or acting as an agent, broker, or advisor in connection with leasing real and personal property that is the economic equivalent of the extension of credit if the transaction is not treated as a lease for federal income tax purposes; and operating a credit card, debit card, charge card, or similar business. *Id.* Taxpayer, CC Bank, and Financial Bank fall squarely within the definition. Taxpayer concedes this. A discussion of whether CC Services falls within the definition is discussed below.

While Taxpayer concedes that it, CC Bank, and Financial Bank are defined as transacting the business of a financial institution, it challenges the constitutionality of the statutes requiring a taxpayer transacting business in Indiana to be subject to the Financial Institutions Tax (FIT). IC 6-5.5-3-1 defines transacting business within Indiana—for the imposition of FIT. A taxpayer is transacting business within Indiana if the taxpayer has activities that include the following:

- (1) maintains an office in Indiana;
- (2) has an employee, representative, or independent contractor conducting business in Indiana;
- (3) regularly sells products or services of any kind or nature to customers in Indiana that receive the product or service in Indiana;
- (4) regularly solicits business from potential customers in Indiana;
- (5) regularly performs services outside Indiana that are consumed within Indiana;
- (6) regularly engages in transactions with customers in Indiana that involve intangible property, including loans, but not property described in section 8(5) of this chapter, and result in receipts flowing to the taxpayer from within Indiana;
- (7) owns or leases tangible personal or real property located in Indiana; or
- (8) regularly solicits and receives deposits from customers in Indiana.

Id. The business activities of Taxpayer, CC Bank, and Financial Bank in Indiana do include many of these listed activities with Indiana customers—notably (3), (4), (5), (6), and (8). According to the statute, IC 6-5.5-3-1, Taxpayer, CC Bank, and Financial Bank are liable for the Financial Institutions Tax.

Taxpayer does not argue that the application of the statute as to this taxpayer is unconstitutional. Rather Taxpayer argues that the statute itself is unconstitutional. The Department does not rule on the constitutionality of a statute. That issue is to be addressed by the Indiana Tax Court.

Taxpayer meets the requirements of the Financial Institutions Tax statutory scheme; the tax is due.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

II. Application of the Financial Institutions Tax

DISCUSSION

CC Services argues that it does not meet the definition of FIT taxpayer under the statute. CC Services is a Delaware Corporation, commercially domiciled in Illinois. Taxpayer states that CC Services is primarily engaged in the marketing, data processing, and administrative services business. During the audit years, CC Services stated it performed credit card processing services at locations outside Indiana. CC Services provided data processing, payment processing, and billing services pursuant to its agreement with CC Bank. CC Services also provided similar services to other credit card companies. CC Services stated that the service fee income it received was in excess of 55% of its total receipts.

CC Services also contracted with merchants across the country to accept CC Bank credit cards and to provide data processing services for these merchants. These services included credit card authorization to cover a cardmember's purchase at the merchant's location. The authorization includes determining whether the cardmember's account is active and has a sufficient credit line to cover the purchase. CC Services also receives from the merchant the detail totals at the end of each day, and it also settles with the merchant, electronically depositing payments into the merchant's bank account. CC Services stated that receipts from these services represented about 35% to 40% of its total receipts during the audit period.

CC Services stated that it did not lend or extend credit. It is not the issuer of any credit cards. It is a service provider and its income is attributable to the services it performs. CC Services further states that it has not filed nor has been required to file as a financial institution in states where there is a separate financial institutions classification for tax purposes. CC Services did not state what category it has been required to file as in those states—be it gross or adjusted gross income tax returns.

IC 6-5.5-1-17(d)(2) states that the definition of "business of a financial institution" means a taxpayer that has at least 80% of its income from, as would apply in this case, credit card loans, or operating a credit card, debit card, or similar business. According to CC Services, it merely is a service provider, not a credit card company.

The determination of the status of CC Services bears into whether it is included in the unitary audit and assessment. Assuming for a moment that CC Services does not fit into the definition of "transacting the business of a financial institution," that would mean that CC Services would have been subject in Indiana to file a gross income, an adjusted gross income, and/or a supplemental income tax return for the years in question—which it did not do.

For the periods in dispute, Indiana required businesses deriving income from sources within Indiana to file income tax returns. This required the calculation of gross income tax, adjusted gross income tax, and supplemental net income tax. Gross income tax was imposed on the taxable gross income derived from activities and businesses or any other sources within Indiana by a taxpayer who is not a resident or a domiciliary of Indiana. *See* IC 6-2.1-2-2a(2) [repealed]. Since CC Services contracted to provide services and goods to merchants and others across the United States—including Indiana, it earned gross income from sources within Indiana and a return would need to have been filed. Adjusted gross income tax was imposed on income derived from sources from within Indiana, which included income from doing business within Indiana. *See* IC 6-3-2-1 and IC 6-3-2-2. Since CC Services contracted to provide services and goods to merchants and other across the United States—including Indiana, it earned income from sources within Indiana and a return would need to have been filed. Supplemental net income tax was imposed on the net income of all corporations. *See* IC 6-3-8-1 and IC 6-3-8-2(b). Since CC Services contracted to provide services and goods to merchants and other across the United States—including Indiana, it earned income from sources within Indiana and a return would need to have been filed. But no income tax returns were filed by CC Services during the periods in question on the income it earned from Indiana sources.

Those subject to FIT during the periods in question were not also subject to gross income tax, adjusted gross income tax, or supplemental net income tax. *See* IC 6-5.5-9-4(a) [amended 2002] and IC 6-3-8-1 [repealed].

Viewing the activities of CC Services, it is engaged in the business of a financial institution. The company was responsible for acquiring merchants to accept the cards, sold transaction authorization equipment, and owned the merchant agreements. Taxpayer solicited and acquired contracts, equipment sales, and agreements with Indiana merchants. This is the heart of credit card services—the servicing of loans and extensions of credit which IC 6-5.51-17(d)(2) includes in the business of a financial institution. CC Services provided the core extension of credit services necessary to conduct credit card transactions.

CC Services falls within the definition of "business as a financial institution." It services the extension of credit.

FINDING

For the reasons stated above, CC Services protest is denied.

III. Abatement of Penalties

DISCUSSION

Taxpayer asks the Department to abate the 10% negligence penalties because the position of Taxpayer and its affiliates for the audit years in question were based upon reasonable and proper interpretation of both state and federal law. Taxpayer adds it was acting consistently with longstanding interpretations of Commerce Clause limitations on state taxation.

IC 6-8.1-10-2.1 requires that a 10 % penalty be imposed if the tax deficiency results from the taxpayer's negligence. 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.” 45 IAC 15-11-2(c) requires that in order to establish “reasonable cause,” the taxpayer must demonstrate that it “exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed....”

Taxpayer is a substantial and sophisticated business receiving large amounts of money from sources within Indiana. Taxpayer’s larger constitutional question aside, the decision to overlook Indiana’s Financial Institutions Tax is not the evidence of the “ordinary business care and prudence” expected of an “ordinary reasonable taxpayer” that would warrant abatement of the negligence penalty.

FINDING

For the reasons stated above, Taxpayer’s protest is denied.

DEPARTMENT OF STATE REVENUE

0120050008.LOF

LETTER OF FINDINGS: 05-0008 Individual Adjusted Gross Income Tax For the 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 the document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE

I. Proposed Assessment – Individual State Income Tax.

Authority: IC 6-8.1-5-1(b); 45 IAC 3.1-1-25.

Taxpayer argues that the notice of proposed assessment of Indiana income tax is incorrect because taxpayer was not an Indiana resident during 2000.

STATEMENT OF FACTS

The Department of Revenue (Department) issued taxpayer a notice of “Proposed Assessment” on July 6, 2004. Taxpayer challenged the assessment. Taxpayer stated that he was not a resident of Indiana during 2000 and was not employed by a company based in Indiana during that year. The Department accepted taxpayer’s challenge as a protest, and the matter was assigned to a Hearing Officer. Taxpayer declined the opportunity to take part in an administrative hearing on the matter; however, taxpayer spoke by telephone with the Hearing Officer and sent a number of letters setting out taxpayer’s various arguments. This Letter of Findings has been prepared based upon these phone conversations, taxpayer’s correspondence submitted to the Hearing Officer, and the information contained within the Department’s file.

DISCUSSION

I. Proposed Assessment – Individual State Income Tax.

Taxpayer did not file a federal 2000 return. Instead, the IRS conducted an audit and prepared a return on taxpayer’s behalf. The IRS return was prepared in 2004 and listed taxpayer as having an Indiana address. The return indicated that taxpayer had earned approximately \$31,000 during 2000.

Based upon that federal return, the Department sent taxpayer a notice of “Proposed Assessment” Taxpayer responded in writing stating that he “did not file any tax returns – state or federal – for the tax years in question because [he] did not receive gross income over the threshold amounts which trigger any requirement to file said returns.” In addition, taxpayer stated that he was not an Indiana resident during 2000 but was living in Colorado that year.

45 IAC 3.1-1-25 states in relevant part that, “All persons who are not residents of Indiana are required to report that portion of their entire income directly or constructively from or attributable to business activities or any other source within Indiana... A nonresident must include on his tax return all gross income received from a business, activities or any other source in Indiana whether taxable or not.” Therefore, even if taxpayer was a Colorado resident during 2000, he would have been required to file an Indiana return if he received Indiana source income.

Taxpayer was initially unwilling to supply any documentary information establishing his Colorado residency and establishing the fact that he did not obtain Indiana source income during 2000. Instead taxpayer “[swore] and affirmed that [he] was NOT a resident of Indiana in the year in question and require[d] you and the state to hold this and my two previous declarations as Prima Facie evidence as such.” (Emphasis in original). As a matter of law, the Department is unwilling to accept the proposition that a self-serving affidavit alone is sufficient to overcome the presumption of correctness which attaches to the notice of proposed assessment. “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’s sworn attestation standing alone does not meet that burden.

However, taxpayer eventually agreed to provide unredacted copies of his 2000 W-2 forms. Taxpayer provided unredacted copies of two W-2 forms. The first W-2 form indicated that taxpayer received approximately \$13,000 in income during 2000 from a Colorado employer while living at a Colorado address. The second W-2 form indicated that taxpayer received approximately \$18,000 in income during 2000 from a Texas employer while taxpayer was living at that same Colorado address.

Setting aside the obvious question of whether taxpayer should have filed a Colorado income tax return for 2000, taxpayer has met his burden of proving that the proposed assessment of Indiana income tax was erroneous. Taxpayer has provided W-2 forms demonstrating that he earned approximately \$31,000 in income from sources outside Indiana while living at a Colorado address during 2000. This income amount corresponds with the amount reported on the federal 2000 return prepared by the IRS and upon which the July 6, 2004 Indiana assessment was based.

FINDING

Taxpayer’s protest is sustained.

DEPARTMENT OF STATE REVENUE

0420050049.LOF

LETTER OF FINDINGS NUMBER: 05-0049

Sales and Use Tax for 2004

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.

ISSUE

I. Sales/Use Tax—Assessment on Purchase of Aircraft

Authority: IC 6-8.1-5-1(b); IC 6-2.5-2-1; IC 6-2.5-5; IC 6-2.5-5-8(b); IC 6-2.5-8-8; IC 6-6-6.5-2; IC 6-2.5-3-2; IC 6-2.5-3-4; IC 6-2.5-3-5; IC 6-2.5-4-10(a); 45 IAC 2.2-3-6(c)(1); FAR 1, 91, 121, 135; Form ST-108AC; Form 7695; Indiana Dept. of Revenue v. Interstate Warehousing, 783 N.E.2d 248 (Ind. 2003); Gregory v. Helving, 293 U.S. 465 (1935); Horn v. Commissioner of the Internal Revenue, 968 F.2d 1229 (D.C. Cir. 1992); Cambria Iron Co., v. Union Trust Co., 154 Ind. 291, 55 N.E. 745 (1899); *Black’s Law Dictionary*, Seventh Edition.

Taxpayer protests the assessment of sales and use tax on the purchase of an aircraft Taxpayer asserts is rented and leased.

STATEMENT OF FACTS

Taxpayer is a limited liability company. It purchased an aircraft in July 2004 which it leases to affiliated entities, Truck Company and Trailer Company. Taxpayer filed its application for aircraft registration and claimed a sales and use tax exemption for rental or lease to others per IC 6-2.5-5-8. The Department denied the exemption, finding there was insufficient evidence to support the claim of rental or leasing. Sales and use tax were assessed. A protest was filed and a hearing was held.

I. Sales/Use Tax—Assessment on Purchase of Aircraft

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b).

In July 2004, Taxpayer purchased an aircraft from an Indiana dealer for \$345,000. At the time of sale, a licensed Indiana aircraft dealer is required to collect sales tax from the purchaser. 45 IAC 2.2-3-6(c)(1). The dealer is required to complete Sales Tax Form ST-108AC and record the selling price of the aircraft and the amount of sales tax collected. *Id.* Form ST-108AC is used by the purchaser as proof of payment of sales tax when registering the aircraft in Indiana. *Id.* The dealer is required to send the original to the Department within 31 days. *See* Form ST-108AC. The purchaser must file a copy of the ST-108AC with his application for aircraft registration, Form 7695. *See id.* The third copy of the ST-108AC is retained by the aircraft dealer. *See id.*

IC 6-2.5-2-1 imposes an excise tax, commonly known as the sales tax, on retail transactions made in Indiana. The person who acquires property in a retail transaction is liable for the tax on the transaction and is required to pay the sales tax to the retail merchant as a separate added amount to the consideration in the transaction. *Id.* The retail merchant is required to collect the tax as agent for the state. *Id.* The purchase of an aircraft from a dealer is a retail transaction.

Exemptions to the imposition of sales tax exist. *See* IC 6-2.5-5. IC 6-2.5-5-8(b) exempts from sales tax, property acquired for resale, rental, or leasing in the ordinary course of the person’s business. The Indiana Supreme Court has stated:

It is well established that exemption statutes are strictly construed against a taxpayer so long as the intent and purpose of the Indiana Legislature is not thwarted. As such, a taxpayer has the burden of establishing its entitlement to an exemption.

Indiana Dept. of Revenue v. Interstate Warehousing, 783 N.E.2d 248, 250 (Ind. 2003). IC 6-2.5-8-8 states that a person who makes a purchase exempt from the sales or use taxes may issue an exemption certificate to the seller to not be charged the tax. No

sales tax was collected by the dealer from Taxpayer. On the Form ST-108AC, the dealer recorded that \$345,000 was subject to sales or use tax, but that \$0 was collected from Taxpayer. In the Sales or Use Tax Exemption box on the ST-108AC, Taxpayer certified under penalty of perjury that the aircraft was purchased by a retail merchant to be rented or leased to others in the course of purchaser's business as provided in 6-2.5-5-8.

IC 6-6-6.5-2 requires an Indiana resident to register his aircraft with the state through the Department within 31 days of the purchase date. The owner files a Form 7695 and attaches a copy of Form ST-108AC if the aircraft was purchased through a dealer. Taxpayer filed a Form 7695 and claimed in Section D, a sale and use tax exemption for "Rental or Lease to others."

IC 6-2.5-3-2 imposes a complementary excise tax to the sales tax, known as the use tax. Use tax is imposed on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction. *Id.* The use tax is imposed on the storage, use, and consumption of an aircraft, if it (1) is acquired in a transaction that is an isolated or occasional sale; and (2) is required to be titled, licensed, or registered by this state for use in Indiana. *Id.* If sales or use tax has been paid, a person is given credit for that payment against the imposition of the use tax. IC 6-2.5-3-4 and IC 6-2.5-3-5. IC 6-2.5-3-4 states if a person issues a state gross retail or use tax exemption certificate for the acquisition of tangible personal property and subsequently uses, stores, or consumes that property for a nonexempt purpose, then the person shall pay the use tax.

IC 6-2.5-4-10(a) states that the rental or leasing of tangible personal property to another person is a retail transaction. In accord with IC 6-2.5-2-1, sales tax is to be imposed on the rental of the aircraft by Taxpayer to others. This means that sales tax is to be imposed on and collected from the related Truck Company and the related Trailer Company when it uses Taxpayer's aircraft.

Taxpayer claims it is entitled to a sales and use tax exemption because it is engaged in the rental of the aircraft to others. This requires an analysis of the substance and form of the agreements Taxpayer has entered into with the related Truck Company and the related Trailer Company. This requires a discussion of FAA regulations.

Aircraft operated in the United States are subject to strict regulation by the United States Department of Transportation, Federal Aviation Administration. Among its responsibilities and duties, the FAA regulates the registration, airworthiness certification, and continued operational safety of aircraft. Title 14, Chapter I of the Code of Federal Regulations contain the FAA's regulations (FAR). The regulations are organized by Parts and Subparts. Part 91 contains the general operating and flight rules. In general—with few exceptions not relevant to this protest before the Department—Part 91 applies to the operation of all aircraft and regulates all persons on board an aircraft. *See* FAR § 91.1. FAR § 91.315 and FAR § 91.325 do not permit a person to operate an aircraft for compensation or hire to carry others or to carry property. Operations for compensation and hire are regulated by Parts 121 and 135. Part 121 regulates operations of a commercial airliner and Part 135 regulates operations of a charter or air-taxi service. Those whose business is the transportation for compensation and hire under Part 121 and Part 135 are held to higher, stricter operating standards. Taxpayer has acknowledged these facts and has noted that the acquisition of a Part 121 or Part 135 certification is time-consuming and expensive.

Those operating solely under Part 91 authority operate in personal transportation of themselves only. Guests and other passengers are to be transported for no charge. FAR § 91.501 does name the narrow exceptions permitted to recover specific expenses for demonstrations to prospective customers, the carriage of property within the scope of business or employment, and in time-share agreements. But in general, those operating under Part 91 are required to operate in personal transportation only. Under Part 91, the FAA highly restricts the carriage of property and others for hire and compensation. It does permit the leasing of an aircraft to others, but to do so and remain within the requirements of Part 91, the operational control of the aircraft has to be transferred from the owner of the aircraft to the user of the aircraft. This type of lease is termed a dry lease. Operational control is defined in FAR § 1.1 as the exercise of authority over initiating, conducting or terminating a flight.

In a dry lease, the owner of the aircraft only charges for the physical use of the aircraft—with no charges for incidental costs. The lessee is required and responsible to provide and pay the costs for pilots, operational supplies, and maintenance under the requirements of Part 91. When a dry lease is used, the FAA does not consider the use of the aircraft to be a transportation service. Analysis of the form and function

The related Truck Company and the related Trailer Company each have a need for an aircraft to transport their officers and employees. Because the companies are related, many of the officers and employees of Taxpayer and the affiliated companies are the same persons. If each company had purchased an aircraft or a fractional share in an aircraft, sales tax would have been due because the aircraft is acquired in a retail transaction and no exemption exists. But if the aircraft is purchased by an affiliated company and it holds the asset, those who seek to benefit their primary business enterprises can purchase the aircraft in an attempt to avoid paying sales tax by claiming to "rent" the aircraft to themselves. The 6% sales tax on \$335,000 is \$20,100. That is a substantial amount to seek to avoid paying. But in order to comply with FAA Part 91 requirements, Taxpayer cannot operate the aircraft on behalf of the related Truck Company and the related Trailer Company. Under FAA regulations, control of the aircraft has to be placed with the related Truck Company and the related Sales Company. Taxpayer claims that the placement of the aircraft into a separate entity serves to insulate it from liability. But Taxpayer doesn't operate the aircraft—it merely holds the asset for the benefit of the related Truck Company and related Trailer Company. Taxpayer was asked to produce copies of the insurance policies held by the related companies. Taxpayer did not produce copies of those insurance policies and stated that only Taxpayer maintains insurance coverage on the aircraft to protect its asset. However, the policy states:

THE USE OF THE AIRCRAFT: The aircraft will be used for your pleasure and business related purposes where no charge is made for such use and also will be used for the following purposes:

NO OTHER USE APPROVED.

These statements indicate that the insurance covers the use of the aircraft by Taxpayer and no other use. This contradicts the leasing arrangement that Taxpayer has with the affiliated companies. Taxpayer obtained insurance at a favorable rate based on the use it stated to the insurance company. But Taxpayer does not and cannot operate the aircraft because the sole purpose for the creation of Taxpayer as a business entity is to hold the aircraft as an asset. If it operates the aircraft—it becomes a transportation company and is held to the higher FAA regulations of Part 135. Part 91 requires that a lessee in a dry lease provide and pay for operation expenses, such as pilot services, maintenance, fuel, and insurance. FAR § 91.403 states that those with operational control are responsible for maintaining an aircraft in an airworthy condition.

Taxpayer stated in its brief submitted to Department that the reason that the aircraft is held in a separate entity is for liability reasons.

The use of a subsidiary company provides some asset protection. Because there is only a handful of insurance companies in the aircraft insurance business, there is no adequate source of liability insurance for Part 91 operators.

...

In the case of Part 91 operators, the aircraft is held in a separate corporation primarily for liability reasons. As a general rule, Part 91 operators can obtain no more than \$100,000 per seat in liability coverage which is far below any actual potential damages resulting in injury or death to a passenger.

Taxpayer and the affiliated companies seek to limit liability and protect assets, but these related companies have not secured insurance for their operations of the aircraft. Since under Part 91, operational control has to be transferred to the lessee, it is the lessee—in this case Truck Company and Trailer Company—that bears liability when operating the aircraft. Neither Truck Company nor Trailer Company have provided evidence that they have purchased insurance coverage on the aircraft. Taxpayer has stated that the only insurance policy on the aircraft is the one held and paid for by Taxpayer. The leases between Taxpayer and the related companies require that the related companies maintain liability insurance covering public liability and property damage of no less than \$1 million. The lease outlines other insurance requirements. The lack of insurance coverage by the affiliated companies is an indication that the relationship between Taxpayer and the affiliated companies can be collapsed.

Application of the Sham Transaction Doctrine

The lease agreements and the effect of the operation of the aircraft fall squarely within the doctrine of sham transaction. The sham transaction doctrine is well establish in state and federal tax jurisprudence. In *Gregory v. Helving*, 293 U.S. 465, 469 (1935), the United States Supreme Court held that in order to qualify for a favorable tax treatment, a corporate reorganization must be motivated by the furtherance of a legitimate corporate business purpose. A corporate business activity undertaken merely for the purpose of avoiding taxes was without substance and to hold otherwise would be to exalt artifice above reality and to deprive the statutory provision in question of all serious purpose. *Id.* at 470. Transactions invalidated by the sham transaction doctrine are those motivated by nothing more than the taxpayer's desire to secure the attached tax benefit but are devoid of any economic substance. See *Horn v. Commissioner of the Internal Revenue*, 968 F.2d 1229, 1236-7 (D.C. Cir. 1992).

If the affiliated companies were required to purchase transportation services in accordance with FAA regulations, they would need to secure a third-party to provide them with air travel services—operated under Part 121, an airline, or Part 135, an air-taxi/charter service. What the affiliated companies would pay to the third-party would be applied to the costs of third-party to have purchased an aircraft and to operate that aircraft. But the affiliated companies do not wish to pay those costs—and they need not. What the affiliated companies want is an aircraft of their own that they can control. And that is what they have acquired. The acquisition of the aircraft triggered sales and use tax. Taxpayer and the affiliated companies structured the transaction to secure the benefits of an exemption—but did not assume the associated burdens. The Indiana Supreme Court—as well as courts across the land—have stated that a party cannot have the benefits without the burdens. See *Cambria Iron Co., v. Union Trust Co.*, 154 Ind. 291, 301-02; 55 N.E. 745, 749 (1899).

Taxpayer has secured the tax benefit of avoiding sales and use tax on the purchase of the aircraft. Additionally, because of the requirements of FAA regulations, Taxpayer cannot operate the aircraft on behalf of the related Truck Company and the related Trailer Company; Taxpayer has to give the aircraft and operational control to each of them and each is required to maintain the aircraft and pay the necessary associated expenses. The rental rate is set to cover the cost of using the aircraft asset—and that is all that can be charged and still comply with FAA regulations. The hourly rental rate is \$85. Taxpayer acknowledges the fair market value comparison rate is \$245 per hour. Taxpayer states that the rental rate paid by the affiliated companies is reduced because they are responsible for maintaining the aircraft. The net effect of all this is that the Truck Company and Trailer Company get what they wanted all along—control and use of an aircraft; but they have avoided the upfront, one-time cost of having to pay the sales tax due. If the related businesses had purchased the aircraft outright, they still would be responsible for the associated costs of operating and maintaining the aircraft. But by structuring the transaction as they have, while they still pay those associated costs, the lease payments made to Taxpayer remain in the coffers of the those who have ownership interests—the members and shareholders. The lease payment is a wash. As well, the lease payments due to Taxpayer are reduced to reflect the assumption of the associated costs by the related companies. The net effect is that negligible sales tax is imposed, collected, and remitted on what is a transaction without

economic substance. The business of America is business—and no business is generated here.

The relationship between Taxpayer, Truck Company, and Trailer Company is interfamilial. On both leases, the member who signs for Taxpayer is the same person who signs as president of the related company. There is no arms-length transaction to others; these are one and the same persons benefiting. IC 6-2.5-5-8(b) grants a sales tax exemption if the person acquiring the property acquires it for resale, rental, or leasing in the ordinary course of the person's business. *Black's Law Dictionary*, Seventh Edition, defines business as "a commercial enterprise carried on for profit; a particular occupation or employment habitually engaged in for livelihood or gain." Taxpayer does not have a profit motive; Taxpayer has stated that the purpose of establishing the separate entity to hold the aircraft is for liability benefits. The sales and use tax exemption for resale, rental, or leasing in the ordinary course of the person's business is not granted for those seeking to secure liability benefits; it is granted to those with a profit motive who will generate revenues from rental and lease transactions upon which sales tax is imposed. Taxpayer is not engaged in rental or leasing for the purposes of the sales and use tax statutes.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0320050069P.LOF

LETTER OF FINDINGS NUMBER: 05-0069P

Withholding Tax

For the Calendar Year 2003

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on the 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. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1; IC 6-3-4-8; 45 IAC 15-11-2

The taxpayer protests the penalty assessed for failure to remit its withholding tax due by the due date of its return.

II. Tax Administration – Interest

Authority: IC 6-8.1-10-1

The taxpayer protests the assessment of interest.

STATEMENT OF FACTS

The taxpayer filed its annual withholding tax return for 2003 after the due date. The calculated amount of tax due was remitted with the return. Accordingly, the department assessed a penalty for the taxpayer's failure to timely remit its tax. In his letter of protest, the taxpayer's representative requested that the penalty be abated due to reasonable cause.

I. Tax Administration – Penalty

The representative asserts that the taxpayer filed its return and remitted its tax late because it relied on the advice of its tax preparer. The preparer failed to provide the taxpayer with the appropriate withholding tax form and instructions until after the due date of the return. In the view of the representative, "...the reasonable cause was due to reliance on a tax professional for advice on the correct time and amount to pay when filing Form WH-1." The department does not consider this to be reasonable cause.

IC 6-3-4-8 states in relevant part:

(a)...every employer making payments of wages subject to tax under this article, ...shall, at the time of payment of such wages, deduct and retain therefrom the amount prescribed in withholding instructions issued by the department. ...Such employer making payments of any wages:

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and withheld under this section;... and...

(b) An employer shall pay taxes withheld under subsection (a) during a particular month to the department no later than thirty (30) days after the end of that month. However, in place of monthly reporting periods, the department may permit an employer to report and pay the tax for:

(1) a calendar year reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed ten dollars (\$10);...

The statute does not provide for any transfer of responsibility from the employer (taxpayer) to the tax preparer. The taxpayer is responsible for the timely filing of returns and payment of the tax due.

Administrative Rule 45 IAC 15-11-2(b) states the following:

"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 taxpayer has not established that its failure to timely file the return in question and pay the appropriate tax was due to reasonable cause and not due to negligence.

FINDING

The taxpayer's protest is denied.

II. Tax Administration – Interest

The taxpayer requests that the department waive the imposition of interest. According to IC 6-8.1-10-1(e), the department does not have the authority to waive the interest on tax liabilities.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420050081.LOF

LETTER OF FINDINGS NUMBER: 05-0081

Sales and Use Tax for 2004

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.

ISSUE

I. Sales/Use Tax—Assessment on Purchase of Aircraft

Authority: IC 6-8.1-5-1(b); IC 6-2.5-3-2; IC 6-2.5-3-6(d)(2); IC 6-2.5-5; IC 6-2.5-5-8(b); IC 6-2.5-3-2; IC 6-2.5-4-10(a); IC 6-2.5-2-1; FAR 1, 91, 121, 135; Form 7695; Indiana Dept. of Revenue v. Interstate Warehousing, 783 N.E.2d 248 (Ind. 2003); Gregory v. Helving, 293 U.S. 465 (1935); Horn v. Commissioner of the Internal Revenue, 968 F.2d 1229 (D.C. Cir. 1992); Cambria Iron Co., v. Union Trust Co., 154 Ind. 291, 55 N.E. 745 (1899); *Black's Law Dictionary*, Seventh Edition.

Taxpayer protests the assessment of sales and use tax on the purchase of an aircraft. Taxpayer asserts is rented and leased.

STATEMENT OF FACTS

Taxpayer is a limited liability company. It purchased an aircraft in June 2003 which it leases to affiliated entity, Logo. Taxpayer filed its application for aircraft registration and claimed a sales and use tax exemption for rental or lease to others per IC 6-2.5-5-8. The Department denied the exemption, finding there was insufficient evidence to support the claim of rental or leasing. Sales and use tax were assessed. A protest was filed and a hearing was held.

I. Sales/Use Tax—Assessment on Purchase of Aircraft

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b).

In June 2003, Taxpayer purchased an aircraft for \$88,527. IC 6-2.5-3-2 imposes an excise tax, commonly known as the use tax, on the storage, use, or consumption of an aircraft if the aircraft (1) is acquired in a transaction that is an isolated or occasional sale; and (2) is required to be titled, licensed, or registered by this state for use in Indiana. In the case of aircraft, taxpayers are to pay the tax directly to the Department when registering the aircraft—unless the aircraft qualifies for an exemption. IC 6-2.5-3-6(d)(2).

Exemptions to the imposition of use tax exist. *See* IC 6-2.5-5. IC 6-2.5-5-8(b) exempts from use tax, property acquires for resale, rental, or leasing in the ordinary course of the person's business. The Indiana Supreme Court has stated:

It is well established that exemption statutes are strictly construed against a taxpayer so long as the intent and purpose of the Indiana Legislature is not thwarted. As such, a taxpayer has the burden of establishing its entitlement to an exemption.

Indiana Dept. of Revenue v. Interstate Warehousing, 783 N.E.2d 248, 250 (Ind. 2003).

IC 6-6.5-2 requires an Indiana resident to register his aircraft with the state through the Department within 31 days of the purchase date. The owner files a Form 7695. Taxpayer filed a Form 7695 and claimed in Section D, a sale and use tax exemption for "Rental or Lease to others."

IC 6-2.5-4-10(a) states that the rental or leasing of tangible personal property to another person is a retail transaction. In accord with IC 6-2.5-2-1, sales tax is to be imposed on the rental of the aircraft by Taxpayer to others. This means that sales tax is to be imposed on and collected from the related entity, Logo, when it uses Taxpayer's aircraft.

Taxpayer claims it is entitled to a sales and use tax exemption because it is engaged in the rental of the aircraft to others. This requires an analysis of the substance and form of the agreements Taxpayer has entered into with affiliate Logo. This requires a

discussion of FAA regulations.

Aircraft operated in the United States are subject to strict regulation by the United States Department of Transportation, Federal Aviation Administration. Among its responsibilities and duties, the FAA regulates the registration, airworthiness certification, and continued operational safety of aircraft. Title 14, Chapter I of the Code of Federal Regulations contain the FAA's regulations (FAR). The regulations are organized by Parts and Subparts. Part 91 contains the general operating and flight rules. In general—with few exceptions not relevant to this protest before the Department—Part 91 applies to the operation of all aircraft and regulates all persons on board an aircraft. *See* FAR § 91.1. FAR § 91.315 and FAR § 91.325 do not permit a person to operate an aircraft for compensation or hire to carry others or to carry property. Operations for compensation and hire are regulated by Parts 121 and 135. Part 121 regulates operations of a commercial airliner and Part 135 regulates operations of a charter or air-taxi service. Those whose business is the transportation for compensation and hire under Part 121 and Part 135 are held to higher, stricter operating standards. Taxpayer has acknowledged these facts and has noted that the acquisition of a Part 121 or Part 135 certification is time-consuming and expensive.

Those operating solely under Part 91 authority operate in personal transportation of themselves only. Guests and other passengers are to be transported for no charge. FAR § 91.501 does name the narrow exceptions permitted to recover specific expenses for demonstrations to prospective customers, the carriage of property within the scope of business or employment, and in time-share agreements. But in general, those operating under Part 91 are required to operate in personal transportation only. Under Part 91, the FAA highly restricts the carriage of property and others for hire and compensation. It does permit the leasing of an aircraft to others, but to do so and remain within the requirements of Part 91, the operational control of the aircraft has to be transferred from the owner of the aircraft to the user of the aircraft. This type of lease is termed a dry lease. Operational control is defined in FAR § 1.1 as the exercise of authority over initiating, conducting or terminating a flight.

In a dry lease, the owner of the aircraft only charges for the physical use of the aircraft—with no charges for incidental costs. The lessee is required and responsible to provide and pay the costs for pilots, operational supplies, and maintenance under the requirements of Part 91. When a dry lease is used, the FAA does not consider the use of the aircraft to be a transportation service.

Analysis of the form and function

The related entity, Logo, has a need for an aircraft to transport its officers and employees. Because the companies are related, some of the officers and employees of Taxpayer and Logo are the same persons. If Logo had purchased an aircraft or a fractional share in an aircraft, sales and use tax would have been due. But if the aircraft is purchased by an affiliated company, in this case—Taxpayer, and it holds the asset, those who seek to benefit their primary business enterprises can purchase the aircraft in an attempt to avoid paying sales tax by claiming to “rent” the aircraft to themselves. The sales tax on \$88,527 is \$5,312. That is a substantial amount to seek to avoid paying. But in order to comply with FAA Part 91 requirements, Taxpayer cannot operate the aircraft on behalf of Logo. Under FAA regulations, control of the aircraft has to be placed with Logo. Taxpayer claims that the placement of the aircraft into a separate entity serves to insulate it from liability. But Taxpayer doesn't operate the aircraft—it merely holds the asset for the benefit of Logo.

Taxpayer does not and cannot operate the aircraft because the sole purpose for the creation of Taxpayer as a business entity is to hold the aircraft as an asset. If it operates the aircraft—it becomes a transportation company and is held to the higher FAA regulations of Part 135. Part 91 requires that a lessee in a dry lease provide and pay for operation expenses, such as pilot services, maintenance, fuel, and insurance. FAR § 91.403 states that those with operational control are responsible for maintaining an aircraft in an airworthy condition.

Taxpayer stated in its brief submitted to Department that the reason that the aircraft is held in a separate entity is for liability reasons.

The use of a subsidiary company provides some asset protection. Because there is only a handful of insurance companies in the aircraft insurance business, there is no adequate source of liability insurance for Part 91 operators.

...

In the case of Part 91 operators, the aircraft is held in a separate corporation primarily for liability reasons. As a general rule, Part 91 operators can obtain no more than \$100,000 per seat in liability coverage which is far below any actual potential damages resulting in injury or death to a passenger.

Taxpayer and the affiliated company, Logo, seek to limit liability and protect assets. But under Part 91, operational control has to be transferred to the lessee, it is the lessee—Logo—that bears liability when operating the aircraft.

Application of the Sham Transaction Doctrine

The effect of the operation of the aircraft by Logo and the ownership by Taxpayer falls squarely within the doctrine of sham transaction. The sham transaction doctrine is well establish in state and federal tax jurisprudence. In Gregory v. Helving, 293 U.S. 465, 469 (1935), the United States Supreme Court held that in order to qualify for a favorable tax treatment, a corporate reorganization must be motivated by the furtherance of a legitimate corporate business purpose. A corporate business activity undertaken merely for the purpose of avoiding taxes was without substance and to hold otherwise would be to exalt artifice above reality and to deprive the statutory provision in question of all serious purpose. *Id.* at 470. Transactions invalidated by the sham transaction doctrine are those motivated by nothing more than the taxpayer's desire to secure the attached tax benefit but are devoid of any economic substance. *See* Horn v. Commissioner of the Internal Revenue, 968 F.2d 1229, 1236-7 (D.C. Cir. 1992).

If Logo were required to purchase transportation services in accordance with FAA regulations, it would need to secure a third-party to provide it with air travel services—operated under Part 121, an airline, or Part 135, an air-taxi/charter service. What Logo would pay to the third-party would be applied to the costs of third-party to have purchased an aircraft and to operate that aircraft. But Logo does not wish to pay those costs—and it need not. What Logo wants is an aircraft of its own that it can control. And that is what it has acquired. The acquisition of the aircraft triggered sales and use tax. Taxpayer and the affiliated company, Logo, structured the transaction to secure the benefits of an exemption—but did not assume the associated burdens. The Indiana Supreme Court—as well as courts across the land—have stated that a party cannot have the benefits without the burdens. See Cambria Iron Co., v. Union Trust Co., 154 Ind. 291, 301-02; 55 N.E. 745, 749 (1899).

Taxpayer has secured the tax benefit of avoiding sales and use tax on the purchase of the aircraft. Additionally, because of the requirements of FAA regulations, Taxpayer cannot operate the aircraft on behalf of the related company; Taxpayer has to give the aircraft and operational control to Logo and Logo is required to maintain the aircraft and pay the necessary associated expenses. The rental rate is set to cover the cost of using the aircraft asset—and that is all that can be charged and still comply with FAA regulations. The hourly rental rate is \$60. Taxpayer acknowledges the fair market value comparison rate is \$550 per hour. Taxpayer states that the rental rate paid by Logo is reduced because Logo is responsible for maintaining the aircraft. The net effect of all this is that Logo gets what it wanted all along—control and use of an aircraft; but it has avoided the upfront, one-time cost of having to pay the sales tax due. If Logo had purchased the aircraft outright, it still would be responsible for the associated costs of operating and maintaining the aircraft. But by structuring the transaction as they have, while Logo still pays those associated costs, the lease payments made to Taxpayer remain in the coffers of the those who have ownership interests—the members and shareholders. The lease payment is a wash. As well, the lease payments due to Taxpayer are reduced to reflect the assumption of the associated costs by the related companies. The net effect is that negligible sales tax is imposed, collected, and remitted on what is a transaction without economic substance. The business of America is business—and no business is generated here.

The relationship between Taxpayer and the related entity, Logo, is interfamilial. On both leases, the member who signs for Taxpayer is the same person who signs as president of the related company. There is no arms-length transaction to others; these are one and the same persons benefiting. IC 6-2.5-5-8(b) grants a sales tax exemption if the person acquiring the property acquires it for resale, rental, or leasing in the ordinary course of the person's business. *Black's Law Dictionary*, Seventh Edition, defines business as "a commercial enterprise carried on for profit; a particular occupation or employment habitually engaged in for livelihood or gain." Taxpayer does not have a profit motive; Taxpayer has stated that the purpose of establishing the separate entity to hold the aircraft is for liability benefits. The sales and use tax exemption for resale, rental, or leasing in the ordinary course of the person's business is not granted for those seeking to secure liability benefits; it is granted to those with a profit motive who will generate revenues from rental and lease transactions upon which sales tax is imposed. Taxpayer is not engaged in rental or leasing for the purposes of the sales and use tax statutes.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420050082.LOF

LETTER OF FINDINGS NUMBER: 05-0082

Sales and Use Tax for 2002

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.

ISSUE

I. Sales/Use Tax—Assessment on Purchase of Aircraft

Authority: IC 6-8.1-5-1(b); IC 6-2.5-3-2; IC 6-2.5-3-6(d)(2); IC 6-2.5-5; IC 6-2.5-5-8(b); IC 6-6-6.5-2; Indiana Dept. of Revenue v. Interstate Warehousing, 783 N.E.2d 248 (Ind. 2003).

Taxpayer protests the assessment of sales and use tax on the purchase of an aircraft Taxpayer asserts was rented and leased.

STATEMENT OF FACTS

Taxpayer is a corporation. It purchased an aircraft in August 2002. Taxpayer filed its application for aircraft registration and claimed a sales and use tax exemption for rental or lease to others per IC 6-2.5-5-8. The Department denied the exemption, finding there was insufficient evidence to support the claim of rental or leasing. Sales and use tax were assessed. A protest was filed and a hearing was held.

I. Sales/Use Tax—Assessment on Purchase of Aircraft

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC

6-8.1-5-1(b).

In August 2002, Taxpayer purchased an aircraft for \$1,350,000. IC 6-2.5-3-2 imposes an excise tax, commonly known as the use tax, on the storage, use, or consumption of an aircraft if the aircraft (1) is acquired in a transaction that is an isolated or occasional sale; and (2) is required to be titled, licensed, or registered by this state for use in Indiana. In the case of aircraft, a taxpayer is to pay the tax directly to the Department when registering the aircraft—unless the aircraft qualifies for an exemption. IC 6-2.5-3-6(d)(2).

Exemptions to the imposition of sales and use tax exist. *See* IC 6-2.5-5. IC 6-2.5-5-8(b) exempts from sales and use tax, property acquires for resale, rental, or leasing in the ordinary course of the person's business. The Indiana Supreme Court has stated:

It is well established that exemption statutes are strictly construed against a taxpayer so long as the intent and purpose of the Indiana Legislature is not thwarted. As such, a taxpayer has the burden of establishing its entitlement to an exemption.

Indiana Dept. of Revenue v. Interstate Warehousing, 783 N.E.2d 248, 250 (Ind. 2003).

IC 6-6-6.5-2 requires an Indiana resident to register his aircraft with the state through the Department within 31 days of the purchase date. Taxpayer filed a Form 7695 and claimed in Section D, a sale and use tax exemption for "Rental or Lease to others."

The Department sent letters to Taxpayer requesting documentation to support the leasing of the aircraft to others. Specifically, the Department requested copies of insurance policies and copies of the rental and lease agreements. No copies of insurance policies have been submitted to the Department. A draft of a rental agreement between Taxpayer and another was submitted, but the draft was blank; it was not signed or dated. There is no documentation that the agreement was ratified and there is no documentation as to whom the agents for the parties are. Thus, there is no proof or documentation that the aircraft was leased or rented. Taxpayer has been asked repeatedly to supply copies of the insurance and the lease agreement and has failed to do so. Taxpayer has not established that it leased or rented the aircraft. Taxpayer has not established it is entitled to an exemption.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420050083.LOF

LETTER OF FINDINGS NUMBER: 05-0083

Sales and Use Tax for 2003

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.

ISSUE

I. Sales/Use Tax—Assessment on Purchase of Aircraft

Authority: IC 6-8.1-5-1(b); IC 6-2.5-3-2; IC 6-2.5-3-6(d)(2); IC 6-2.5-5; IC 6-2.5-5-8(b);

IC 6-6-6.5-2; IC 6-2.5-4-10(a); IC 6-2.5-2-1; FAR 1, 91, 121, 135; Form 7695; Indiana Dept. of Revenue v. Interstate Warehousing, 783 N.E.2d 248 (Ind. 2003); Gregory v. Helving, 293 U.S. 465 (1935); Horn v. Commissioner of the Internal Revenue, 968 F.2d 1229 (D.C. Cir. 1992); Cambria Iron Co., v. Union Trust Co., 154 Ind. 291, 55 N.E. 745 (1899); *Black's Law Dictionary*, Seventh Edition.

Taxpayer protests the assessment of sales and use tax on the purchase of an aircraft Taxpayer asserts is rented and leased.

STATEMENT OF FACTS

Taxpayer is a limited liability company. It purchased an aircraft in April 2003 which it leases to two affiliated entities, Consulting and RE. Taxpayer filed its application for aircraft registration and claimed a sales and use tax exemption for rental or lease to others per IC 6-2.5-5-8. The Department denied the exemption, finding there was insufficient evidence to support the claim of rental or leasing. Sales and use tax were assessed. A protest was filed and a hearing was held.

I. Sales/Use Tax—Assessment on Purchase of Aircraft

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b).

In April 2003, Taxpayer purchased an aircraft for \$575,000. IC 6-2.5-3-2 imposes an excise tax, commonly known as the use tax, on the storage, use, or consumption of an aircraft if the aircraft (1) is acquired in a transaction that is an isolated or occasional sale; and (2) is required to be titled, licensed, or registered by this state for use in Indiana. In the case of aircraft, taxpayers are to pay the tax directly to the Department when registering the aircraft—unless the aircraft qualifies for an exemption. IC 6-2.5-3-6(d)(2).

Exemptions to the imposition of sales and use tax exist. *See* IC 6-2.5-5. IC 6-2.5-5-8(b) exempts from sales and use tax, property acquired for resale, rental, or leasing in the ordinary course of the person's business. The Indiana Supreme Court has stated:

It is well established that exemption statutes are strictly construed against a taxpayer so long as the intent and purpose of the Indiana Legislature is not thwarted. As such, a taxpayer has the burden of establishing its entitlement to an exemption.

Indiana Dept. of Revenue v. Interstate Warehousing, 783 N.E.2d 248, 250 (Ind. 2003).

IC 6-6-6.5-2 requires an Indiana resident to register his aircraft with the state through the Department within 31 days of the purchase date. Taxpayer filed a Form 7695 and claimed in Section D, a sale and use tax exemption for “Rental or Lease to others.”

IC 6-2.5-4-10(a) states that the rental or leasing of tangible personal property to another person is a retail transaction. In accord with IC 6-2.5-2-1, sales tax is to be imposed on the rental of the aircraft by Taxpayer to others. This means that sales tax is to be imposed on and collected from the related affiliates, Consulting and RE when it uses Taxpayer’s aircraft.

Taxpayer claims it is entitled to a sales and use tax exemption because it is engaged in the rental of the aircraft to others. This requires an analysis of the substance and form of the agreements Taxpayer has entered into with the affiliates Consulting and RE. This requires a discussion of FAA regulations.

Aircraft operated in the United States are subject to strict regulation by the United States Department of Transportation, Federal Aviation Administration. Among its responsibilities and duties, the FAA regulates the registration, airworthiness certification, and continued operational safety of aircraft. Title 14, Chapter I of the Code of Federal Regulations contain the FAA’s regulations (FAR). The regulations are organized by Parts and Subparts. Part 91 contains the general operating and flight rules. In general—with few exceptions not relevant to this protest before the Department—Part 91 applies to the operation of all aircraft and regulates all persons on board an aircraft. *See* FAR § 91.1. FAR § 91.315 and FAR § 91.325 do not permit a person to operate an aircraft for compensation or hire to carry others or to carry property. Operations for compensation and hire are regulated by Parts 121 and 135. Part 121 regulates operations of a commercial airliner and Part 135 regulates operations of a charter or air-taxi service. Those whose business is the transportation for compensation and hire under Part 121 and Part 135 are held to higher, stricter operating standards. Taxpayer has acknowledged these facts and has noted that the acquisition of a Part 121 or Part 135 certification is time-consuming and expensive.

Those operating solely under Part 91 authority operate in personal transportation of themselves only. Guests and other passengers are to be transported for no charge. FAR § 91.501 does name the narrow exceptions permitted to recover specific expenses for demonstrations to prospective customers, the carriage of property within the scope of business or employment, and in time-share agreements. But in general, those operating under Part 91 are required to operate in personal transportation only. Under Part 91, the FAA highly restricts the carriage of property and others for hire and compensation. It does permit the leasing of an aircraft to others, but to do so and remain within the requirements of Part 91, the operational control of the aircraft has to be transferred from the owner of the aircraft to the user of the aircraft. This type of lease is termed a dry lease. Operational control is defined in FAR § 1.1 as the exercise of authority over initiating, conducting or terminating a flight.

In a dry lease, the owner of the aircraft only charges for the physical use of the aircraft—with no charges for incidental costs. The lessee is required and responsible to provide and pay the costs for pilots, operational supplies, and maintenance under the requirements of Part 91. When a dry lease is used, the FAA does not consider the use of the aircraft to be a transportation service.

Analysis of the form and function

The affiliates, Consulting and RE, each have a need for an aircraft to transport their officers and employees. Because the companies are related, many of the officers and employees of Taxpayer and the affiliated companies are the same persons. If each company had purchased an aircraft or a fractional share in an aircraft, sales and use tax would have been due. But if the aircraft is purchased by an affiliated company and it holds the asset, those who seek to benefit their primary business enterprises can purchase the aircraft in an attempt to avoid paying sales tax by claiming to “rent” the aircraft to themselves. The 6% sales tax on \$575,000 is \$34,500. That is a substantial amount to seek to avoid paying. But in order to comply with FAA Part 91 requirements, Taxpayer cannot operate the aircraft on behalf of the affiliates, Consulting and RE. Under FAA regulations, control of the aircraft has to be placed with the lessee, Consulting and RE. Taxpayer claims that the placement of the aircraft into a separate entity serves to insulate it from liability. But Taxpayer doesn’t operate the aircraft—it merely holds the asset for the benefit of Consulting and RE. Taxpayer was asked to produce copies of the insurance policies held by the related companies. Taxpayer did not produce copies of those insurance policies and stated that only Taxpayer maintains insurance coverage on the aircraft to protect its asset.

This contradicts the leasing arrangement that Taxpayer has with the affiliated companies. Taxpayer does not and cannot operate the aircraft on behalf of the affiliated entities and still remain in compliance with FAA regulations. The sole purpose for the creation of Taxpayer as a business entity is to hold the aircraft as an asset. If it operates the aircraft—it becomes a transportation company and is held to the higher FAA regulations of Part 135. Part 91 requires that a lessee in a dry lease provide and pay for operation expenses, such as pilot services, maintenance, fuel, and insurance. FAR § 91.403 states that those with operational control are responsible for maintaining an aircraft in an airworthy condition.

Taxpayer stated in its brief submitted to Department that the reason that the aircraft is held in a separate entity is for liability reasons.

The use of a subsidiary company provides some asset protection. Because there is only a handful of insurance companies in the aircraft insurance business, there is no adequate source of liability insurance for Part 91 operators.

...

In the case of Part 91 operators, the aircraft is held in a separate corporation primarily for liability reasons. As a general rule, Part 91 operators can obtain no more than \$100,000 per seat in liability coverage which is far below any actual potential damages resulting in injury or death to a passenger.

Taxpayer and the affiliated companies seek to limit liability and protect assets, but these related companies have not secured insurance for their operations of the aircraft. Since under Part 91, operational control has to be transferred to the lessee, it is the lessee—in this case Consulting and RE—that bears liability when operating the aircraft. Neither Consulting nor RE have provided evidence that they have purchased insurance coverage on the aircraft. Taxpayer has stated that the only insurance policy on the aircraft is the one held and paid for by Taxpayer. The leases between Taxpayer and the related companies require that the related companies maintain liability insurance covering public liability and property damage of no less than \$1 million. The lease outlines other insurance requirements. The lack of insurance coverage by the affiliated companies is an indication that the relationship between Taxpayer and the affiliated companies can be collapsed.

Application of the Sham Transaction Doctrine

The lease agreements and the effect of the operation of the aircraft fall squarely within the doctrine of sham transaction. The sham transaction doctrine is well established in state and federal tax jurisprudence. In Gregory v. Helving, 293 U.S. 465, 469 (1935), the United States Supreme Court held that in order to qualify for a favorable tax treatment, a corporate reorganization must be motivated by the furtherance of a legitimate corporate business purpose. A corporate business activity undertaken merely for the purpose of avoiding taxes was without substance and to hold otherwise would be to exalt artifice above reality and to deprive the statutory provision in question of all serious purpose. *Id.* at 470. Transactions invalidated by the sham transaction doctrine are those motivated by nothing more than the taxpayer's desire to secure the attached tax benefit but are devoid of any economic substance. See Horn v. Commissioner of the Internal Revenue, 968 F.2d 1229, 1236-7 (D.C. Cir. 1992).

If the affiliated companies were required to purchase transportation services in accordance with FAA regulations, they would need to secure a third-party to provide them with air travel services—operated under Part 121, an airline, or Part 135, an air-taxi/charter service. What the affiliated companies would pay to the third-party would be applied to the costs of third-party to have purchased an aircraft and to operate that aircraft. But the affiliated companies do not wish to pay those costs—and they need not. What the affiliated companies want is an aircraft of their own that they can control. And that is what they have acquired. The acquisition of the aircraft triggered sales and use tax. Taxpayer and the affiliated companies structured the transaction to secure the benefits of an exemption—but did not assume the associated burdens. The Indiana Supreme Court—as well as courts across the land—have stated that a party cannot have the benefits without the burdens. See Cambria Iron Co., v. Union Trust Co., 154 Ind. 291, 301-02; 55 N.E. 745, 749 (1899).

Taxpayer has secured the tax benefit of avoiding sales and use tax on the purchase of the aircraft. Additionally, because of the requirements of FAA regulations, Taxpayer cannot operate the aircraft on behalf of the affiliates, Consulting and RE; Taxpayer has to give the aircraft and operational control to each of them and each is required to maintain the aircraft and pay the necessary associated expenses. The rental rate is set to cover the cost of using the aircraft asset—and that is all that can be charged and still comply with FAA regulations. Consulting was required to pay a \$2,000 deposit on the first year's rent and to pay an hourly rental rate of \$60. Taxpayer acknowledges the fair market value comparison rate is \$1,100 per hour. RE was required to pay a \$2,000 deposit on the first year's rent and to pay an hourly rate of \$200. Taxpayer acknowledges that the fair market comparison rate is \$1,100 per hour. Taxpayer states that the rental rate paid by the affiliated companies is reduced because they are responsible for maintaining the aircraft. The net effect of all this is that the Consulting and RE get what they wanted all along—control and use of an aircraft; but they have avoided the upfront, one-time cost of having to pay the sales and use tax due. If the related businesses had purchased the aircraft outright, they still would be responsible for the associated costs of operating and maintaining the aircraft. But by structuring the transaction as they have, while they still pay those associated costs, the lease payments made to Taxpayer remain in the coffers of the those who have ownership interests—the members and shareholders. The lease payment is a wash. As well, the lease payments due to Taxpayer are reduced to reflect the assumption of the associated costs by the related companies. The net effect is that negligible sales tax is imposed, collected, and remitted on what is a transaction without economic substance. The business of America is business—and no business is generated here.

The relationship between Taxpayer, Consulting, and RE is interfamilial. On both leases, the member who signs for Taxpayer is the same person who signs as president or member of the related company. There is no arms-length transaction to others; these are one and the same persons benefiting. IC 6-2.5-5-8(b) grants a sales tax exemption if the person acquiring the property acquires it for resale, rental, or leasing in the ordinary course of the person's business. *Black's Law Dictionary*, Seventh Edition, defines business as "a commercial enterprise carried on for profit; a particular occupation or employment habitually engaged in for livelihood or gain." Taxpayer does not have a profit motive; Taxpayer has stated that the purpose of establishing the separate entity to hold the aircraft is for liability benefits. The sales and use tax exemption for resale, rental, or leasing in the ordinary course of the person's business is not granted for those seeking to secure liability benefits; it is granted to those with a profit motive who will generate revenues from rental and lease transactions upon which sales tax is imposed. Taxpayer is not engaged in rental or leasing for the purposes of the sales and use tax statutes.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420050084.LOF

LETTER OF FINDINGS NUMBER: 05-0084

Sales and Use Tax for 2004

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.

ISSUE

I. Sales/Use Tax—Assessment on Purchase of Aircraft

Authority: IC 6-8.1-5-1(b); IC 6-2.5-2-1; IC 6-2.5-5; IC 6-2.5-5-8(b); IC 6-2.5-8-8; IC 6-6-6.5-2; IC 6-2.5-3-2; IC 6-2.5-3-4; IC 6-2.5-3-5; IC 6-2.5-4-10(a); 45 IAC 2.2-3-6(c)(1); FAR 1, 91, 121, 135; Form ST-108AC; Form 7695; Indiana Dept. of Revenue v. Interstate Warehousing, 783 N.E.2d 248 (Ind. 2003); Gregory v. Helving, 293 U.S. 465 (1935); Horn v. Commissioner of the Internal Revenue, 968 F.2d 1229 (D.C. Cir. 1992); Cambria Iron Co., v. Union Trust Co., 154 Ind. 291, 55 N.E. 745 (1899); *Black's Law Dictionary*, Seventh Edition.

Taxpayer protests the assessment of sales and use tax on the purchase of an aircraft. Taxpayer asserts it is rented and leased.

STATEMENT OF FACTS

Taxpayer is a limited liability company. It purchased an aircraft in March 2002 which it leases to affiliated entity, Automation. Taxpayer filed its application for aircraft registration and claimed a sales and use tax exemption for rental or lease to others per IC 6-2.5-5-8. The Department denied the exemption, finding there was insufficient evidence to support the claim of rental or leasing. Sales and use tax were assessed. A protest was filed and a hearing was held.

I. Sales/Use Tax—Assessment on Purchase of Aircraft**DISCUSSION**

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b).

In March 2002, Taxpayer purchased an aircraft from an Indiana dealer for \$316,900. At the time of sale, a licensed Indiana aircraft dealer is required to collect sales tax from the purchaser. 45 IAC 2.2-3-6(c)(1). The dealer is required to complete Sales Tax Form ST-108AC and record the selling price of the aircraft and the amount of sales tax collected. *Id.* Form ST-108AC is used by the purchaser as proof of payment of sales tax when registering the aircraft in Indiana. *Id.* The dealer is required to send the original to the Department within 31 days. *See* Form ST-108AC. The purchaser must file a copy of the ST-108AC with his application for aircraft registration, Form 7695. *See id.* The third copy of the ST-108AC is retained by the aircraft dealer. *See id.*

IC 6-2.5-2-1 imposes an excise tax, commonly known as the sales tax, on retail transactions made in Indiana. The person who acquires property in a retail transaction is liable for the tax on the transaction and is required to pay the sales tax to the retail merchant as a separate added amount to the consideration in the transaction. *Id.* The retail merchant is required to collect the tax as agent for the state. *Id.* The purchase of an aircraft from a dealer is a retail transaction.

Exemptions to the imposition of sales tax exist. *See* IC 6-2.5-5. IC 6-2.5-5-8(b) exempts from sales tax, property acquires for resale, rental, or leasing in the ordinary course of the person's business. The Indiana Supreme Court has stated:

It is well established that exemption statutes are strictly construed against a taxpayer so long as the intent and purpose of the Indiana Legislature is not thwarted. As such, a taxpayer has the burden of establishing its entitlement to an exemption.

Indiana Dept. of Revenue v. Interstate Warehousing, 783 N.E.2d 248, 250 (Ind. 2003). IC 6-2.5-8-8 states that a person who makes a purchase exempt from the sales or use taxes may issue an exemption certificate to the seller to not be charged the tax. No sales tax was collected by the dealer from Taxpayer. On the Form ST-108AC, the dealer recorded that \$316,900 was subject to sales or use tax, but that \$0 was collected from Taxpayer. In the Sales or Use Tax Exemption box on the ST-108AC, Taxpayer certified under penalty of perjury that the aircraft was purchased by a retail merchant to be rented or leased to others in the course of purchaser's business as provided in 6-2.5-5-8.

IC 6-6-6.5-2 requires an Indiana resident to register his aircraft with the state through the Department within 31 days of the purchase date. The owner files a Form 7695 and attaches a copy of Form ST-108AC if the aircraft was purchased through a dealer. Taxpayer filed a Form 7695 and claimed in Section D, a sale and use tax exemption for "Rental or Lease to others."

IC 6-2.5-3-2 imposes a complementary excise tax to the sales tax, known as the use tax. Use tax is imposed on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction. *Id.* The use tax is imposed on the storage, use, and consumption of an aircraft, if it (1) is acquired in a transaction that is an isolated or occasional sale; and (2) is required to be titled, licensed, or registered by this state for use in Indiana. *Id.* If sales or use tax has been paid, a person is given credit for that payment against the imposition of the use tax. IC 6-2.5-3-4 and IC 6-2.5-3-5. IC 6-2.5-3-4 states if a person issues a state gross retail or use tax exemption certificate for the acquisition of tangible personal property and subsequently uses, stores, or consumes that property for a nonexempt purpose, then the person shall pay the use tax.

IC 6-2.5-4-10(a) states that the rental or leasing of tangible personal property to another person is a retail transaction. In accord

with IC 6-2.5-2-1, sales tax is to be imposed on the rental of the aircraft by Taxpayer to others. This means that sales tax is to be imposed on and collected from the affiliate, Automation, when it uses Taxpayer's aircraft.

Taxpayer claims it is entitled to a sales and use tax exemption because it is engaged in the rental of the aircraft to others. This requires an analysis of the substance and form of the agreements Taxpayer has entered into with the Automation. This requires a discussion of FAA regulations.

Aircraft operated in the United States are subject to strict regulation by the United States Department of Transportation, Federal Aviation Administration. Among its responsibilities and duties, the FAA regulates the registration, airworthiness certification, and continued operational safety of aircraft. Title 14, Chapter I of the Code of Federal Regulations contain the FAA's regulations (FAR). The regulations are organized by Parts and Subparts. Part 91 contains the general operating and flight rules. In general—with few exceptions not relevant to this protest before the Department—Part 91 applies to the operation of all aircraft and regulates all persons on board an aircraft. *See* FAR § 91.1. FAR § 91.315 and FAR § 91.325 do not permit a person to operate an aircraft for compensation or hire to carry others or to carry property. Operations for compensation and hire are regulated by Parts 121 and 135. Part 121 regulates operations of a commercial airliner and Part 135 regulates operations of a charter or air-taxi service. Those whose business is the transportation for compensation and hire under Part 121 and Part 135 are held to higher, stricter operating standards. Taxpayer has acknowledged these facts and has noted that the acquisition of a Part 121 or Part 135 certification is time-consuming and expensive.

Those operating solely under Part 91 authority operate in personal transportation of themselves only. Guests and other passengers are to be transported for no charge. FAR § 91.501 does name the narrow exceptions permitted to recover specific expenses for demonstrations to prospective customers, the carriage of property within the scope of business or employment, and in time-share agreements. But in general, those operating under Part 91 are required to operate in personal transportation only. Under Part 91, the FAA highly restricts the carriage of property and others for hire and compensation. It does permit the leasing of an aircraft to others, but to do so and remain within the requirements of Part 91, the operational control of the aircraft has to be transferred from the owner of the aircraft to the user of the aircraft. This type of lease is termed a dry lease. Operational control is defined in FAR § 1.1 as the exercise of authority over initiating, conducting or terminating a flight.

In a dry lease, the owner of the aircraft only charges for the physical use of the aircraft—with no charges for incidental costs. The lessee is required and responsible to provide and pay the costs for pilots, operational supplies, and maintenance under the requirements of Part 91. When a dry lease is used, the FAA does not consider the use of the aircraft to be a transportation service.

Analysis of the form and function

The related company, Automation, has a need for an aircraft to transport its officers and employees. Because the companies are related, many of the officers and employees of Taxpayer and the affiliated company, Automation, are the same persons. If Automation had purchased an aircraft or a fractional share in an aircraft, sales tax would have been due because the aircraft is acquired in a retail transaction and no exemption exists. But if the aircraft is purchased by an affiliated company, in this case—Taxpayer, and Taxpayer holds the asset, those who seek to benefit their primary business enterprises can purchase the aircraft in an attempt to avoid paying sales tax by claiming to “rent” the aircraft to themselves. The sales tax on \$316,900 is \$19,014. That is a substantial amount to seek to avoid paying. But in order to comply with FAA Part 91 requirements, Taxpayer cannot operate the aircraft on behalf of the affiliate, Automation. Under FAA regulations, control of the aircraft has to be placed with Automation. Taxpayer claims that the placement of the aircraft into a separate entity serves to insulate it from liability. But Taxpayer doesn't operate the aircraft—it merely holds the asset for the benefit of the affiliate, Automation. Taxpayer was asked to produce copies of the insurance policies held by the related companies. Taxpayer did not produce copies of those insurance policies and stated that only Taxpayer maintains insurance coverage on the aircraft to protect its asset. This contradicts FAA regulations. Part 91 requires that a lessee in a dry lease provide and pay for operation expenses, such as pilot services, maintenance, fuel, and insurance. FAR § 91.403 states that those with operational control are responsible for maintaining an aircraft in an airworthy condition.

Taxpayer stated in its brief submitted to Department that the reason that the aircraft is held in a separate entity is for liability reasons.

The use of a subsidiary company provides some asset protection. Because there is only a handful of insurance companies in the aircraft insurance business, there is no adequate source of liability insurance for Part 91 operators.

...

In the case of Part 91 operators, the aircraft is held in a separate corporation primarily for liability reasons. As a general rule, Part 91 operators can obtain no more than \$100,000 per seat in liability coverage which is far below any actual potential damages resulting in injury or death to a passenger.

Taxpayer and the affiliated company seek to limit liability and protect assets, but Automation has not secured insurance for its operations of the aircraft. Since under Part 91, operational control has to be transferred to the lessee, it is the lessee—Automation—that bears liability when operating the aircraft. Automation has not provided evidence that it has purchased insurance coverage on the aircraft. Taxpayer has stated that the only insurance policy on the aircraft is the one held and paid for by Taxpayer. The lack of insurance coverage by the affiliated company is an indication that the relationship between Taxpayer and Automation can be collapsed.

Application of the Sham Transaction Doctrine

The lease agreements and the effect of the operation of the aircraft fall squarely within the doctrine of sham transaction. The sham transaction doctrine is well established in state and federal tax jurisprudence. In Gregory v. Helving, 293 U.S. 465, 469 (1935), the United States Supreme Court held that in order to qualify for a favorable tax treatment, a corporate reorganization must be motivated by the furtherance of a legitimate corporate business purpose. A corporate business activity undertaken merely for the purpose of avoiding taxes was without substance and to hold otherwise would be to exalt artifice above reality and to deprive the statutory provision in question of all serious purpose. *Id.* at 470. Transactions invalidated by the sham transaction doctrine are those motivated by nothing more than the taxpayer's desire to secure the attached tax benefit but are devoid of any economic substance. See Horn v. Commissioner of the Internal Revenue, 968 F.2d 1229, 1236-7 (D.C. Cir. 1992).

If Automation were required to purchase transportation services in accordance with FAA regulations, it would need to secure a third-party to provide it with air travel services—operated under Part 121, an airline, or Part 135, an air-taxi/charter service. What Automation would pay to the third-party would be applied to the costs of third-party to have purchased an aircraft and to operate that aircraft. But Automation does not wish to pay those costs—and it need not. What Automation wants is an aircraft of its own that it can control. And that is what Automation has acquired. The acquisition of the aircraft triggered sales and use tax. Taxpayer and the affiliated company structured the transaction to secure the benefits of an exemption—but did not assume the associated burdens. The Indiana Supreme Court—as well as courts across the land—have stated that a party cannot have the benefits without the burdens. See Cambria Iron Co., v. Union Trust Co., 154 Ind. 291, 301-02; 55 N.E. 745, 749 (1899).

Taxpayer has secured the tax benefit of avoiding sales and use tax on the purchase of the aircraft. Additionally, because of the requirements of FAA regulations, Taxpayer cannot operate the aircraft on behalf of Automation; Taxpayer has to give the aircraft and operational control to the affiliated company and Automation is required to maintain the aircraft and pay the necessary associated expenses. The rental rate is set to cover the cost of using the aircraft asset—and that is all that can be charged and still comply with FAA regulations. The hourly rental rate is \$120. Taxpayer acknowledges the fair market value comparison rate is \$280 per hour. Taxpayer states that the rental rate paid by Automation is reduced because it is responsible for maintaining the aircraft. The net effect of all this is that Automation gets what it wanted all along—control and use of an aircraft; but it has avoided the upfront, one-time cost of having to pay the sales tax due. If Automation had purchased the aircraft outright, it still would be responsible for the associated costs of operating and maintaining the aircraft. But by structuring the transaction as they have, while Automation still pays those associated costs, the lease payments made to Taxpayer remain in the coffers of the those who have ownership interests—the members and shareholders. The lease payment is a wash. As well, the lease payments due to Taxpayer are reduced to reflect the assumption of the associated costs by the Automation. The net effect is that negligible sales tax is imposed, collected, and remitted on what is a transaction without economic substance. The business of America is business—and no business is generated here.

The relationship between Taxpayer and Automation is interfamilial. On the lease, the member who signs for Taxpayer is the same person who signs as CEO of Automation. There is no arms-length transaction to others; these are one and the same persons benefiting. IC 6-2.5-5-8(b) grants a sales tax exemption if the person acquiring the property acquires it for resale, rental, or leasing in the ordinary course of the person's business. *Black's Law Dictionary*, Seventh Edition, defines business as “a commercial enterprise carried on for profit; a particular occupation or employment habitually engaged in for livelihood or gain.” Taxpayer does not have a profit motive; Taxpayer has stated that the purpose of establishing the separate entity to hold the aircraft is for liability benefits. The sales and use tax exemption for resale, rental, or leasing in the ordinary course of the person's business is not granted for those seeking to secure liability benefits; it is granted to those with a profit motive who will generate revenues from rental and lease transactions upon which sales tax is imposed. Taxpayer is not engaged in rental or leasing for the purposes of the sales and use tax statutes.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420050085.LOF

LETTER OF FINDINGS NUMBER: 05-0085

Sales and Use Tax for 2004

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.

ISSUE

I. Sales/Use Tax—Assessment on Purchase of Aircraft

Authority: IC 6-8.1-5-1(b); IC 6-2.5-3-2; IC 6-2.5-3-6(d)(2); IC 6-2.5-5; IC 6-2.5-5-8(b); IC 6-6-6.5-2; IC 6-2.5-4-10(a); IC 6-2.5-2-1; FAR 1, 91, 121, 135; Form 7695; Indiana Dept. of Revenue v. Interstate Warehousing, 783 N.E.2d 248 (Ind. 2003); Gregory v. Helving, 293 U.S. 465 (1935); Horn v. Commissioner of the Internal Revenue, 968 F.2d 1229 (D.C. Cir. 1992); Cambria Iron Co.,

v. Union Trust Co., 154 Ind. 291, 55 N.E. 745 (1899); *Black's Law Dictionary*, Seventh Edition.

Taxpayer protests the assessment of sales and use tax on the purchase of an aircraft Taxpayer asserts is rented and leased.

STATEMENT OF FACTS

Taxpayer is a limited liability company. It purchased an aircraft in May 2002 which it leases to affiliated entity, Courier. Taxpayer filed its application for aircraft registration and claimed a sales and use tax exemption for rental or lease to others per IC 6-2.5-5-8. The Department denied the exemption, finding there was insufficient evidence to support the claim of rental or leasing. Sales and use tax were assessed. A protest was filed and a hearing was held.

I. Sales/Use Tax—Assessment on Purchase of Aircraft

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b).

In May 2002, Taxpayer purchased an aircraft for \$750,000. IC 6-2.5-3-2 imposes an excise tax, commonly known as the use tax, on the storage, use, or consumption of an aircraft if the aircraft (1) is acquired in a transaction that is an isolated or occasional sale; and (2) is required to be titled, licensed, or registered by this state for use in Indiana. In the case of aircraft, taxpayers are to pay the tax directly to the Department when registering the aircraft—unless the aircraft qualifies for an exemption. IC 6-2.5-3-6(d)(2).

Exemptions to the imposition of sales and use tax exist. *See* IC 6-2.5-5. IC 6-2.5-5-8(b) exempts from sales and use tax, property acquires for resale, rental, or leasing in the ordinary course of the person's business. The Indiana Supreme Court has stated:

It is well established that exemption statutes are strictly construed against a taxpayer so long as the intent and purpose of the Indiana Legislature is not thwarted. As such, a taxpayer has the burden of establishing its entitlement to an exemption.

Indiana Dept. of Revenue v. Interstate Warehousing, 783 N.E.2d 248, 250 (Ind. 2003).

IC 6-6-6.5-2 requires an Indiana resident to register his aircraft with the state through the Department within 31 days of the purchase date. Taxpayer filed a Form 7695 and claimed in Section D, a sale and use tax exemption for "Rental or Lease to others."

IC 6-2.5-4-10(a) states that the rental or leasing of tangible personal property to another person is a retail transaction. In accord with IC 6-2.5-2-1, sales tax is to be imposed on the rental of the aircraft by Taxpayer to others. This means that sales tax is to be imposed on and collected from the affiliate, Courier, when it uses Taxpayer's aircraft.

Taxpayer claims it is entitled to a sales and use tax exemption because it is engaged in the rental of the aircraft to others. This requires an analysis of the substance and form of the agreements Taxpayer has entered into with its affiliate, Courier. This requires a discussion of FAA regulations.

Aircraft operated in the United States are subject to strict regulation by the United States Department of Transportation, Federal Aviation Administration. Among its responsibilities and duties, the FAA regulates the registration, airworthiness certification, and continued operational safety of aircraft. Title 14, Chapter I of the Code of Federal Regulations contain the FAA's regulations (FAR). The regulations are organized by Parts and Subparts. Part 91 contains the general operating and flight rules. In general—with few exceptions not relevant to this protest before the Department—Part 91 applies to the operation of all aircraft and regulates all persons on board an aircraft. *See* FAR § 91.1. FAR § 91.315 and FAR § 91.325 do not permit a person to operate an aircraft for compensation or hire to carry others or to carry property. Operations for compensation and hire are regulated by Parts 121 and 135. Part 121 regulates operations of a commercial airliner and Part 135 regulates operations of a charter or air-taxi service. Those whose business is the transportation for compensation and hire under Part 121 and Part 135 are held to higher, stricter operating standards. Taxpayer has acknowledged these facts and has noted that the acquisition of a Part 121 or Part 135 certification is time-consuming and expensive.

Those operating solely under Part 91 authority operate in personal transportation of themselves only. Guests and other passengers are to be transported for no charge. FAR § 91.501 does name the narrow exceptions permitted to recover specific expenses for demonstrations to prospective customers, the carriage of property within the scope of business or employment, and in time-share agreements. But in general, those operating under Part 91 are required to operate in personal transportation only. Under Part 91, the FAA highly restricts the carriage of property and others for hire and compensation. It does permit the leasing of an aircraft to others, but to do so and remain within the requirements of Part 91, the operational control of the aircraft has to be transferred from the owner of the aircraft to the user of the aircraft. This type of lease is termed a dry lease. Operational control is defined in FAR § 1.1 as the exercise of authority over initiating, conducting or terminating a flight.

In a dry lease, the owner of the aircraft only charges for the physical use of the aircraft—with no charges for incidental costs. The lessee is required and responsible to provide and pay the costs for pilots, operational supplies, and maintenance under the requirements of Part 91. When a dry lease is used, the FAA does not consider the use of the aircraft to be a transportation service.

Analysis of the form and function

The affiliate, Courier, has a need for an aircraft to transport its officers and employees. Because the companies are related, many of the officers and employees of Taxpayer and Courier are the same persons. If Courier had purchased an aircraft or a fractional share in an aircraft, sales and use tax would have been due. But if the aircraft is purchased by an affiliated company and it holds the asset, those who seek to benefit their primary business enterprises can purchase the aircraft in an attempt to avoid paying sales tax by claiming to "rent" the aircraft to themselves. The sales and use tax on \$750,000 is \$45,000. That is a substantial amount to seek to avoid paying. But in order to comply with FAA Part 91 requirements, Taxpayer cannot operate the aircraft on behalf of the affiliate,

Courier. Under FAA regulations, control of the aircraft has to be placed with Courier. Taxpayer claims that the placement of the aircraft into a separate entity serves to insulate it from liability. But Taxpayer doesn't operate the aircraft—it merely holds the asset for the benefit of the affiliate, Courier. Taxpayer was asked to produce copies of the insurance policies held by Courier. Taxpayer did not produce copies of those insurance policies and stated that only Taxpayer maintains insurance coverage on the aircraft to protect its asset. However, the policy states:

THE USE OF THE AIRCRAFT: The aircraft will be used for your pleasure and business related purposes where no charge is made for such use and also will be used for the following purposes:

NO OTHER USE APPROVED.

These statements indicate that the insurance covers the use of the aircraft by Taxpayer and no other use. This contradicts the leasing arrangement that Taxpayer has with Courier. Taxpayer obtained insurance at a favorable rate based on the use it stated to the insurance company. But Taxpayer does not and cannot operate the aircraft because the sole purpose for the creation of Taxpayer as a business entity is to hold the aircraft as an asset. If it operates the aircraft—it becomes a transportation company and is held to the higher FAA regulations of Part 135. Part 91 requires that a lessee in a dry lease provide and pay for operation expenses, such as pilot services, maintenance, fuel, and insurance. FAR § 91.403 states that those with operational control are responsible for maintaining an aircraft in an airworthy condition.

Taxpayer stated in its brief submitted to Department that the reason that the aircraft is held in a separate entity is for liability reasons.

The use of a subsidiary company provides some asset protection. Because there is only a handful of insurance companies in the aircraft insurance business, there is no adequate source of liability insurance for Part 91 operators.

...

In the case of Part 91 operators, the aircraft is held in a separate corporation primarily for liability reasons. As a general rule, Part 91 operators can obtain no more than \$100,000 per seat in liability coverage which is far below any actual potential damages resulting in injury or death to a passenger.

Taxpayer and the affiliate, Courier, seek to limit liability and protect assets, but Courier has not secured insurance for its operations of the aircraft. Since under Part 91, operational control has to be transferred to the lessee, it is the lessee—Courier—that bears liability when operating the aircraft. Courier has not provided evidence that it has purchased insurance coverage on the aircraft. Taxpayer has stated that the only insurance policy on the aircraft is the one held and paid for by Taxpayer. The leases between Taxpayer and the affiliate, Courier, require that the Courier maintain liability insurance covering public liability and property damage of no less than \$1 million. The lease outlines other insurance requirements. The lack of insurance coverage by Courier is an indication that the relationship between Taxpayer and the affiliated company can be collapsed.

Application of the Sham Transaction Doctrine

The lease agreements and the effect of the operation of the aircraft fall squarely within the doctrine of sham transaction. The sham transaction doctrine is well establish in state and federal tax jurisprudence. In Gregory v. Helving, 293 U.S. 465, 469 (1935), the United States Supreme Court held that in order to qualify for a favorable tax treatment, a corporate reorganization must be motivated by the furtherance of a legitimate corporate business purpose. A corporate business activity undertaken merely for the purpose of avoiding taxes was without substance and to hold otherwise would be to exalt artifice above reality and to deprive the statutory provision in question of all serious purpose. *Id.* at 470. Transactions invalidated by the sham transaction doctrine are those motivated by nothing more than the taxpayer's desire to secure the attached tax benefit but are devoid of any economic substance. See Horn v. Commissioner of the Internal Revenue, 968 F.2d 1229, 1236-7 (D.C. Cir. 1992).

If Courier were required to purchase transportation services in accordance with FAA regulations, it would need to secure a third-party to provide it with air travel services—operated under Part 121, an airline, or Part 135, an air-taxi/charter service. What Courier would pay to the third-party would be applied to the costs of third-party to have purchased an aircraft and to operate that aircraft. But Courier does not wish to pay those costs—and it need not. What Courier wants is an aircraft of its own that it can control. And that is what Courier has acquired. The acquisition of the aircraft triggered sales and use tax. Taxpayer and the affiliated company structured the transaction to secure the benefits of an exemption—but did not assume the associated burdens. The Indiana Supreme Court—as well as courts across the land—have stated that a party cannot have the benefits without the burdens. See Cambria Iron Co., v. Union Trust Co., 154 Ind. 291, 301-02; 55 N.E. 745, 749 (1899).

Taxpayer has secured the tax benefit of avoiding sales and use tax on the purchase of the aircraft. Additionally, because of the requirements of FAA regulations, Taxpayer cannot operate the aircraft on behalf of Courier; Taxpayer has to give the aircraft and operational control to the affiliate and Courier is required to maintain the aircraft and pay the necessary associated expenses. The rental rate is set to cover the cost of using the aircraft asset—and that is all that can be charged and still comply with FAA regulations. The hourly rental rate is \$150. Taxpayer acknowledges the fair market value comparison rate is \$875 per hour. Taxpayer states that the rental rate paid by Courier is reduced because Courier is responsible for maintaining the aircraft. The net effect of all this is that Courier gets what it wanted all along—control and use of an aircraft; but it has avoided the upfront, one-time cost of having to pay the sales and use tax due. If Courier had purchased the aircraft outright, it still would be responsible for the associated costs of operating and maintaining the aircraft. But by structuring the transaction as its has, while Courier still pays those associated costs, the lease payments made to Taxpayer remain in the coffers of the those who have ownership interests—the members and

shareholders. The lease payment is a wash. As well, the lease payments due to Taxpayer are reduced to reflect the assumption of the associated costs by Courier. The net effect is that negligible sales tax is imposed, collected, and remitted on what is a transaction without economic substance. The business of America is business—and no business is generated here.

The relationship between Taxpayer and the affiliate, Courier, is interfamilial. Taxpayer and Courier have the same address. There is no arms-length transaction to others; these are one and the same persons benefiting. IC 6-2.5-5-8(b) grants a sales tax exemption if the person acquiring the property acquires it for resale, rental, or leasing in the ordinary course of the person's business. *Black's Law Dictionary*, Seventh Edition, defines business as "a commercial enterprise carried on for profit; a particular occupation or employment habitually engaged in for livelihood or gain." Taxpayer does not have a profit motive; Taxpayer has stated that the purpose of establishing the separate entity to hold the aircraft is for liability benefits. The sales and use tax exemption for resale, rental, or leasing in the ordinary course of the person's business is not granted for those seeking to secure liability benefits; it is granted to those with a profit motive who will generate revenues from rental and lease transactions upon which sales tax is imposed. Taxpayer is not engaged in rental or leasing for the purposes of the sales and use tax statutes.

FINDING

For the reasons stated above, Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420050086.LOF

LETTER OF FINDINGS NUMBER: 05-0086

Sales and Use Tax for 2004

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.

ISSUE

I. Sales/Use Tax—Assessment on Purchase of Aircraft

Authority: IC 6-8.1-5-1(b); IC 6-2.5-3-2; IC 6-2.5-3-6(d)(2); IC 6-2.5-5; IC 6-2.5-5-8(b); IC 6-6-6.5-2; IC 6-2.5-4-10(a); IC 6-2.5-2-1; FAR 1, 91, 121, 135; Form 7695; *Indiana Dept. of Revenue v. Interstate Warehousing*, 783 N.E.2d 248 (Ind. 2003); *Gregory v. Helving*, 293 U.S. 465 (1935); *Horn v. Commissioner of the Internal Revenue*, 968 F.2d 1229 (D.C. Cir. 1992); *Cambria Iron Co., v. Union Trust Co.*, 154 Ind. 291, 55 N.E. 745 (1899); *Black's Law Dictionary*, Seventh Edition.

Taxpayer protests the assessment of sales and use tax on the purchase of an aircraft Taxpayer asserts is rented and leased.

STATEMENT OF FACTS

Taxpayer is a limited liability company. It purchased an aircraft in August 2002 which it leases to affiliated entity, GHH. Taxpayer filed its application for aircraft registration and claimed a sales and use tax exemption for rental or lease to others per IC 6-2.5-5-8. The Department denied the exemption, finding there was insufficient evidence to support the claim of rental or leasing. Sales and use tax were assessed. A protest was filed and a hearing was held.

I. Sales/Use Tax—Assessment on Purchase of Aircraft

DISCUSSION

All tax assessments are presumed to be accurate; the taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b).

In August 2002, Taxpayer purchased an aircraft from an Indiana dealer for \$345,000. IC 6-2.5-3-2 imposes an excise tax, commonly known as the use tax, on the storage, use, or consumption of an aircraft if the aircraft (1) is acquired in a transaction that is an isolated or occasional sale; and (2) is required to be titled, licensed, or registered by this state for use in Indiana. In the case of aircraft, taxpayers are to pay the tax directly to the Department when registering the aircraft—unless the aircraft qualifies for an exemption. IC 6-2.5-3-6(d)(2).

Exemptions to the imposition of sales and use tax exist. *See* IC 6-2.5-5. IC 6-2.5-5-8(b) exempts from sales and use tax, property acquires for resale, rental, or leasing in the ordinary course of the person's business. The Indiana Supreme Court has stated:

It is well established that exemption statutes are strictly construed against a taxpayer so long as the intent and purpose of the Indiana Legislature is not thwarted. As such, a taxpayer has the burden of establishing its entitlement to an exemption.

Indiana Dept. of Revenue v. Interstate Warehousing, 783 N.E.2d 248, 250 (Ind. 2003).

IC 6-6-6.5-2 requires an Indiana resident to register his aircraft with the state through the Department within 31 days of the purchase date. Taxpayer filed a Form 7695 and claimed in Section D, a sale and use tax exemption for "Rental or Lease to others."

IC 6-2.5-4-10(a) states that the rental or leasing of tangible personal property to another person is a retail transaction. In accord with IC 6-2.5-2-1, sales tax is to be imposed on the rental of the aircraft by Taxpayer to others. This means that sales tax is to be imposed on and collected from the related entity GHH when it uses Taxpayer's aircraft.

Taxpayer claims it is entitled to a sales and use tax exemption because it is engaged in the rental of the aircraft to others. This

requires an analysis of the substance and form of the agreements Taxpayer has entered into with the affiliate, GHH. This requires a discussion of FAA regulations.

Aircraft operated in the United States are subject to strict regulation by the United States Department of Transportation, Federal Aviation Administration. Among its responsibilities and duties, the FAA regulates the registration, airworthiness certification, and continued operational safety of aircraft. Title 14, Chapter I of the Code of Federal Regulations contain the FAA's regulations (FAR). The regulations are organized by Parts and Subparts. Part 91 contains the general operating and flight rules. In general—with few exceptions not relevant to this protest before the Department—Part 91 applies to the operation of all aircraft and regulates all persons on board an aircraft. *See* FAR § 91.1. FAR § 91.315 and FAR § 91.325 do not permit a person to operate an aircraft for compensation or hire to carry others or to carry property. Operations for compensation and hire are regulated by Parts 121 and 135. Part 121 regulates operations of a commercial airliner and Part 135 regulates operations of a charter or air-taxi service. Those whose business is the transportation for compensation and hire under Part 121 and Part 135 are held to higher, stricter operating standards. Taxpayer has acknowledged these facts and has noted that the acquisition of a Part 121 or Part 135 certification is time-consuming and expensive.

Those operating solely under Part 91 authority operate in personal transportation of themselves only. Guests and other passengers are to be transported for no charge. FAR § 91.501 does name the narrow exceptions permitted to recover specific expenses for demonstrations to prospective customers, the carriage of property within the scope of business or employment, and in time-share agreements. But in general, those operating under Part 91 are required to operate in personal transportation only. Under Part 91, the FAA highly restricts the carriage of property and others for hire and compensation. It does permit the leasing of an aircraft to others, but to do so and remain within the requirements of Part 91, the operational control of the aircraft has to be transferred from the owner of the aircraft to the user of the aircraft. This type of lease is termed a dry lease. Operational control is defined in FAR § 1.1 as the exercise of authority over initiating, conducting or terminating a flight.

In a dry lease, the owner of the aircraft only charges for the physical use of the aircraft—with no charges for incidental costs. The lessee is required and responsible to provide and pay the costs for pilots, operational supplies, and maintenance under the requirements of Part 91. When a dry lease is used, the FAA does not consider the use of the aircraft to be a transportation service.

Analysis of the form and function

GHH has a need for an aircraft to transport its officers and employees. Because Taxpayer and GHH are affiliated, officers and employees of Taxpayer and GHH are the same person. If GHH had purchased an aircraft or a fractional share in an aircraft, sales and use tax would have been due. But if the aircraft is purchased by an affiliated company, Taxpayer, and it holds the asset, those who seek to benefit their primary business enterprises can purchase the aircraft in an attempt to avoid paying sales and use tax by claiming to “rent” the aircraft to themselves. The sales and use tax on \$5,200,000 is \$312,000. That is a substantial amount to seek to avoid paying. But in order to comply with FAA Part 91 requirements, Taxpayer cannot operate the aircraft on behalf of the affiliate, GHH. Under FAA regulations, control of the aircraft has to be placed with GHH.

Taxpayer claims that the placement of the aircraft into a separate entity serves to insulate it from liability. But Taxpayer doesn't operate the aircraft—it merely holds the asset for the benefit of the GHH. In its brief submitted to Department, Taxpayer stated:

The use of a subsidiary company provides some asset protection. Because there is only a handful of insurance companies in the aircraft insurance business, there is no adequate source of liability insurance for Part 91 operators.

...

In the case of Part 91 operators, the aircraft is held in a separate corporation primarily for liability reasons. As a general rule, Part 91 operators can obtain no more than \$100,000 per seat in liability coverage which is far below any actual potential damages resulting in injury or death to a passenger.

Taxpayer and GHH seek to limit liability and protect assets. But under Part 91, operational control has to be transferred to the lessee; it is the lessee—GHH—that bears liability when operating the aircraft.

Application of the Sham Transaction Doctrine

The effect of the operation of the aircraft by GHH and the ownership by Taxpayer falls squarely within the doctrine of sham transaction. The sham transaction doctrine is well established in state and federal tax jurisprudence. In *Gregory v. Helving*, 293 U.S. 465, 469 (1935), the United States Supreme Court held that in order to qualify for a favorable tax treatment, a corporate reorganization must be motivated by the furtherance of a legitimate corporate business purpose. A corporate business activity undertaken merely for the purpose of avoiding taxes was without substance and to hold otherwise would be to exalt artifice above reality and to deprive the statutory provision in question of all serious purpose. *Id.* at 470. Transactions invalidated by the sham transaction doctrine are those motivated by nothing more than the taxpayer's desire to secure the attached tax benefit but are devoid of any economic substance. *See Horn v. Commissioner of the Internal Revenue*, 968 F.2d 1229, 1236-7 (D.C. Cir. 1992).

If the affiliated company, GHH, were required to purchase transportation services in accordance with FAA regulations, they would need to secure a third-party to provide them with air travel services—operated under Part 121, an airline, or Part 135, an air-taxi/charter service. What GHH would pay to the third-party would be applied to the costs of third-party to have purchased an aircraft and to operate that aircraft. But GHH does not wish to pay those costs—and it need not. What GHH wants is an aircraft of its own that it can control. And that is what it has acquired. The acquisition of the aircraft triggered sales and use tax. Taxpayer and the affiliated company, GHH, structured the transaction to secure the benefits of an exemption—but did not assume the associated

burdens. The Indiana Supreme Court—as well as courts across the land—have stated that a party cannot have the benefits without the burdens. See *Cambria Iron Co., v. Union Trust Co.*, 154 Ind. 291, 301-02; 55 N.E. 745, 749 (1899).

Taxpayer has secured the tax benefit of avoiding sales and use tax on the purchase of the aircraft. Additionally, because of the requirements of FAA regulations, Taxpayer cannot operate the aircraft on behalf of GHH; Taxpayer has to give the aircraft and operational control to the affiliate company and GHH is required to maintain the aircraft and pay the necessary associated expenses. The rental rate is set to cover the cost of using the aircraft asset—and that is all that can be charged and still comply with FAA regulations. The hourly rental rate is \$617. Taxpayer acknowledges the fair market value comparison rate is \$2100 per hour. Taxpayer states that the rental rate paid by GHH is reduced because GHH is responsible for maintaining the aircraft. The net effect of all this is that the GHH gets what it wanted all along—control and use of an aircraft; but GHH has avoided the upfront, one-time cost of having to pay the sales and use tax due. If GHH had purchased the aircraft outright, it still would be responsible for the associated costs of operating and maintaining the aircraft. But by structuring the transaction as they have, while GHH still pays those associated costs, the lease payments made to Taxpayer remain in the coffers of the those who have ownership interests—the members and shareholders. The lease payment is a wash. As well, the lease payments due to Taxpayer are reduced to reflect the assumption of the associated costs by the related company, GHH. The net effect is that negligible sales tax is imposed, collected, and remitted on what is a transaction without economic substance. The business of America is business—and no business is generated here.

The relationship between Taxpayer and GHH is interfamilial. The relationship between Taxpayer and GHH can be collapsed. The member who signed for Taxpayer, “Bob,” was a shareholder and responsible officer for the affiliated company, GHH. The officer who signed the lease for GHH, “Sam,” is a directly related to “Bob.” Bob and Sam were common shareholders and responsible officers in GHH. There is no arms-length transaction to others; the same persons are benefiting. IC 6-2.5-5-8(b) grants a sales tax exemption if the person acquiring the property acquires it for resale, rental, or leasing in the ordinary course of the person’s business. *Black’s Law Dictionary*, Seventh Edition, defines business as “a commercial enterprise carried on for profit; a particular occupation or employment habitually engaged in for livelihood or gain.” Taxpayer does not have a profit motive; Taxpayer has stated that the purpose of establishing the separate entity to hold the aircraft is for liability benefits. The sales and use tax exemption for resale, rental, or leasing in the ordinary course of the person’s business is not granted for those seeking to secure liability benefits; it is granted to those with a profit motive who will generate revenues from rental and lease transactions upon which sales tax is imposed. Taxpayer is not engaged in rental or leasing for the purposes of the sales and use tax statutes.

FINDING

For the reasons stated above, Taxpayer’s protest is denied.

DEPARTMENT OF STATE REVENUE

0420050099.LOF

LETTER OF FINDINGS NUMBER: 05-0099

Sales Tax

Responsible Officer

For the Tax Period October, 2002 through June, 2003

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE

1. Sales Tax-Responsible Officer Liability

Authority: IC 6-2.5-9-3, IC 6-8-1-5-1(b).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate sales taxes.

STATEMENT OF FACTS

The taxpayer was an owner and officer of a corporation that did not remit the proper amount of sales taxes during the tax period October, 2002 through June, 2003. The Indiana Department of Revenue assessed the unpaid sales taxes, interest, and penalty against the taxpayer as a responsible officer of that corporation. The taxpayer protested the assessment of tax. A hearing was held and this Letter of Findings results.

1. Sales Tax-Responsible Officer Liability

DISCUSSION

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

An individual who:

- (1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant;

and

(2) has a duty to remit state gross retail or use taxes to the department; holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

The taxpayer agrees that he was the person with the duty to remit corporate sales taxes to the state. However, he disagreed with the amount of the assessment which was a "best information available" assessment. This means that the department did not have actual returns and based the assessment on estimates of the sales tax liability. Since the issuance of the assessments, the taxpayer has provided sufficient documentation and proof of the actual sales made and subsequent liabilities to warrant adjustment to the original assessments. The taxpayer has now filed the actual returns. Therefore, the proper amount of sales tax due the state is the amount on the filed and accepted returns.

FINDING

The taxpayer's protest is sustained to the extent supported by the documentation submitted.

DEPARTMENT OF STATE REVENUE

0220050114P.LOF

LETTER OF FINDINGS NUMBER: 05-0114P

Income Tax

For the Calendar Year 2003

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 late penalty.

STATEMENT OF FACTS

The late penalty was assessed on the late payment of a calendar year corporate income tax return for the year 2003. The error is the result of the federal income number being understated at the original due date. Upon completion of the Indiana return at the extension date, the taxpayer realized the federal income number was understated. This understatement resulted in a deficiency for the Indiana income tax return which the taxpayer paid upon the filing of the Indiana income tax return. The payment was six months late.

The taxpayer is an out-of-state company.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer argues that the penalty be abated as the taxpayer paid the tax that was reasonably expected at the original due date. Furthermore, the taxpayer has a good compliance record.

With regard to the compliance record, the taxpayer has had two previous corporate income tax errors, the Department does not believe these two errors equate to a good compliance record. The Department feels the taxpayer's compliance record is not a factor in the waiver of penalty.

With regard to "reasonably expected" at the original due date, the Department takes the position that "reasonably expected" equates to "reasonable cause" and "reasonable cause" is governed by 45 IAC 15-11-2(b). The Department points out the taxpayer stated in hearing that the taxpayer did not know why the federal income number was understated at the original due date.

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 was inattentive of tax duties as the taxpayer miscalculated the federal income tax number needed for the Indiana income tax return. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

FINDING

The taxpayer's penalty protest is denied.

DEPARTMENT OF STATE REVENUE

0420050153.LOF

LETTER OF FINDINGS NUMBER: 05-0153**Sales and Withholding Tax****Responsible Officer****For the Tax Period 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**1. Sales and Withholding Tax-Responsible Officer Liability**

Authority: IC 6-8.1-5-1(b), IC 6-3-4-8(f), IC 6-2.5-9-3.

The taxpayer protests the assessment of responsible officer liability for unpaid corporate withholding taxes.

STATEMENT OF FACTS

The taxpayer was an officer and employee of a corporation that did not remit the proper amount of sales and withholding taxes during the tax period of 1995-1996. The Indiana Department of Revenue assessed the unpaid sales taxes, withholding taxes, interest, and penalty against the taxpayer as a responsible officer of that corporation. The taxpayer protested the assessment of tax and a hearing was held.

1. Sales and Withholding Tax-Responsible Officer Liability**DISCUSSION**

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed withholding taxes were assessed against the taxpayer pursuant to IC 6-3-4-8(f), which provides that "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest."

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

An individual who:

(1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and

(2) has a duty to remit state gross retail or use taxes to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

The taxpayer was the treasurer of the corporation. As the treasurer, the taxpayer is presumed to be in a position to exercise control over the fiscal aspects of the corporation. She argues, however, that in reality she had no control over the finances and did not determine which creditors would be paid. Since she did not produce any documentation to substantiate this claim, she failed to sustain her burden of proving that she did not have a duty to deduct and remit corporate sales and withholding taxes to the state.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420050164P.LOF

LETTER OF FINDINGS NUMBER: 05-0164P**Sales and Use Tax****For the Years 2001-2003**

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- Ten Percent (10%) Negligence Penalty**

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b)(c).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer is a manufacturing concern. After an audit, the Indiana Department of Revenue, hereinafter referred to as the

"department," assessed additional use tax, interest, and penalty. The taxpayer paid the tax assessments and protested the imposition of the ten percent (10%) negligence penalty.

I. Tax Administration- Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

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 standard for waiving the negligence penalty is given at 45 IAC 15-11-2 (c) as follows:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 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 out or failing to carry out a duty giving rise to the penalty imposed under this section. Factors which may be considered in determining reasonable cause include, but are not limited to:

- (1) the nature of the tax involved;
- (2) judicial precedents set by Indiana courts;
- (3) judicial precedents established in jurisdictions outside Indiana;
- (4) published department instructions, information bulletins, letters of findings, rulings, letters of advice, etc;
- (5) previous audits or letters of findings concerning the issue and taxpayer involved in the penalty assessment.

Reasonable cause is a fact sensitive question and thus will be dealt with according to the particular facts and circumstances of each case.

The taxpayer provided substantial documentation to indicate that its failure to pay the assessed use tax was due to reasonable cause rather than negligence.

FINDING

The taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0420050165P.LOF

LETTER OF FINDINGS NUMBER: 05-0165P

Sales and Use Tax

For the Years 2001-2003

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-Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

II. Tax Administration-Interest

Authority: IC 6-8.1-10-1

The taxpayer protests the imposition of interest on its tax liability.

STATEMENT OF FACTS

The taxpayer is a dairy. 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 the imposition of the ten percent (10%) negligence penalty and interest. The taxpayer was given ample opportunity to schedule a hearing on the protest and/or submit additional information. Since the taxpayer did neither, this finding is based on the information in the file.

I. Tax Administration-Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

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 taxpayer argues that it did not timely pay the assessed sales and use taxes because it was a new business and misunderstood the sales and use tax laws. In support of this contention, it argues that it did not know that some of its electricity use was exempt. After it learned of the electricity exemption, the taxpayer requested and was granted a refund of some of the sales taxes paid on electricity. In fact, the refund of sales taxes paid was greater than the taxpayer's sales and use tax liability pursuant to the audit.

The taxpayer's successful request of a refund of some taxes paid does not obviate the taxpayer's failure to pay the proper amount of sales and use tax. The statute clearly states that "ignorance of the listed tax laws, rules and/or regulations is treated as negligence."

The taxpayer's failure to pay tax on clearly taxable items such as office supplies, a lawn mower, and repair parts for non-exempt machinery constitutes negligence.

FINDING

The taxpayer's protest is denied.

II. Tax Administration-Interest

DISCUSSION

The taxpayer requests that the department waive the imposition of penalty. Pursuant to IC 6-8.1-10-1(e), the department does not have the authority to waive the interest on tax liabilities.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420050167P.LOF

LETTER OF FINDINGS NUMBER: 05-0167P

Sales and Use Tax

For the Years 2001-2003

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- Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b)(c).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer produces hardwood and wood veneer products. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional use tax, interest, and penalty. The taxpayer paid the tax assessments and protested the imposition of the ten percent (10%) negligence penalty.

I. Tax Administration- Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

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 standard for waiving the negligence penalty is given at 45 IAC 15-11-2 (c) as follows:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 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 out or failing to carry out a duty giving rise to the penalty imposed under this section. Factors which may be considered in determining reasonable cause include, but are not limited to:

- (1) the nature of the tax involved;
- (2) judicial precedents set by Indiana courts;
- (3) judicial precedents established in jurisdictions outside Indiana;
- (4) published department instructions, information bulletins, letters of findings, rulings, letters of advice, etc;
- (5) previous audits or letters of findings concerning the issue and taxpayer involved in the penalty assessment.

Reasonable cause is a fact sensitive question and thus will be dealt with according to the particular facts and circumstances of each case.

The taxpayer provided substantial documentation to indicate that its failure to pay the assessed use tax was due to reasonable cause rather than negligence.

FINDING

The taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0420050168P.LOF

LETTER OF FINDINGS NUMBER: 05-0168P

Sales and Use Tax

For the Years 2001-2003

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ISSUE

I. Tax Administration- Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b)(c).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer provides sales services for various corporations. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional use tax, interest, and penalty. The taxpayer paid the tax assessments and protested the imposition of the ten percent (10%) negligence penalty.

I. Tax Administration- Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

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 standard for waiving the negligence penalty is given at 45 IAC 15-11-2 (c) as follows:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 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 out or failing to carry out a duty giving rise to the penalty imposed under this section. Factors which may be considered in determining reasonable cause include, but are not limited to:

- (1) the nature of the tax involved;
- (2) judicial precedents set by Indiana courts;
- (3) judicial precedents established in jurisdictions outside Indiana;
- (4) published department instructions, information bulletins, letters of findings, rulings, letters of advice, etc;
- (5) previous audits or letters of findings concerning the issue and taxpayer involved in the penalty assessment.

Reasonable cause is a fact sensitive question and thus will be dealt with according to the particular facts and circumstances of each case.

The taxpayer provided substantial documentation to indicate that its failure to pay the assessed use tax was due to reasonable

cause rather than negligence.

FINDING

The taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0420050169P.LOF

LETTER OF FINDINGS NUMBER: 05-0169P

Sales and Use Tax

For the Years 2001-2003

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ISSUE

I. Tax Administration- Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2(b)(c).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer is the general accounting office for several related corporations. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional use tax, interest, and penalty. The taxpayer paid the tax assessments and protested the imposition of the ten percent (10%) negligence penalty.

I. Tax Administration- Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2(b) clarifies the standard for the imposition of the negligence penalty as follows:

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 standard for waiving the negligence penalty is given at 45 IAC 15-11-2(c) as follows:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 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 out or failing to carry out a duty giving rise to the penalty imposed under this section. Factors which may be considered in determining reasonable cause include, but are not limited to:

- (1) the nature of the tax involved;
- (2) judicial precedents set by Indiana courts;
- (3) judicial precedents established in jurisdictions outside Indiana;
- (4) published department instructions, information bulletins, letters of findings, rulings, letters of advice, etc;
- (5) previous audits or letters of findings concerning the issue and taxpayer involved in the penalty assessment.

Reasonable cause is a fact sensitive question and thus will be dealt with according to the particular facts and circumstances of each case.

The taxpayer provided substantial documentation to indicate that its failure to pay the assessed use tax was due to reasonable cause rather than negligence.

FINDING

The taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0420050170P.LOF

LETTER OF FINDINGS NUMBER: 05-0170P

Sales and Use Tax

For the Years 2001-2003

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ISSUE

I. Tax Administration- Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2(b)(c).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer provides design, engineering, manufacturing, packaging and distribution of electronic assemblies and circuit boards on a contract basis to a variety of industries. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional use tax, interest, and penalty. The taxpayer paid the tax assessments and protested the imposition of the ten percent (10%) negligence penalty.

I. Tax Administration- Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2(b) clarifies the standard for the imposition of the negligence penalty as follows:

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 standard for waiving the negligence penalty is given at 45 IAC 15-11-2(c) as follows:

The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 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 out or failing to carry out a duty giving rise to the penalty imposed under this section. Factors which may be considered in determining reasonable cause include, but are not limited to:

- (1) the nature of the tax involved;
- (2) judicial precedents set by Indiana courts;
- (3) judicial precedents established in jurisdictions outside Indiana;
- (4) published department instructions, information bulletins, letters of findings, rulings, letters of advice, etc;
- (5) previous audits or letters of findings concerning the issue and taxpayer involved in the penalty assessment.

Reasonable cause is a fact sensitive question and thus will be dealt with according to the particular facts and circumstances of each case.

The taxpayer provided substantial documentation to indicate that its failure to pay the assessed use tax was due to reasonable cause rather than negligence.

FINDING

The taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

Revenue Ruling #2005-11ST

August 11, 2005

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 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

Sales Tax—Environmental Control Equipment

Authority: IC 6-2.5-2-1; IC 6-2.5-5-3; 45 IAC 2.2-5-8(g) and (j).

STATEMENT OF FACTS

The taxpayer manufactures stainless steel and plastic surgical instruments and accessories. All of the taxpayer's sales are to original equipment manufacturers for resale; the taxpayer has no sales which are subject to Indiana sales tax. All operations—including manufacturing, fabrication, assembly, product engineering, and administration—take place at the taxpayer's Indiana

location.

Taxpayer intends to purchase and install an environmental control system. The taxpayer states that the environmental control system is required to satisfy the medical industry's high standards for quality and product cleanliness; if the quality standards are not met, the products will be rejected by the taxpayer's customers and will be ultimately scrapped.

Taxpayer states that the machinery within the plant operates at extremely accurate and precise measurements; however, the accuracy and precision is diminished by humidity and temperature variations within the plant. As well, the steel and plastic materials used in the manufacturing can be affected by the temperatures within the plant and by the plant cleanliness. The environmental control system will ensure that the raw materials remain within tolerance through all phases of production and also will prevent dust and other particles from contaminating the final product.

The taxpayer seeks a ruling as to whether the environmental control system meets the criteria to qualify for the manufacturing exemption from sales tax.

DISCUSSION

IC 6-2.5-2-1 imposes sales tax on all retail transactions made within Indiana. IC 6-2.5-5 names the transactions that are exempt from sales tax. IC 6-2.5-5-3 exempts from sales tax the purchase of manufacturing machinery, tools, and equipment if the person acquiring that property acquires it for direct use in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property. The taxpayer does produce tangible personal property. The question is whether the environmental control system is directly used in the direct production of tangible personal property.

The determination of exempt use is fact sensitive. 45 IAC 2.2-5-8(g) interprets IC 6-2.5-5-3. The regulation discusses equipment having an immediate effect upon the article being produced. It states:

Machinery, tools, and equipment which are used during the production process and which have an immediate effect upon the article being produced are exempt from tax. Component parts of a unit of machinery or equipment, which unit has an immediate effect on the article being produced, are exempt if such components are an integral part of such manufacturing unit. The fact that particular property may be considered essential to the conduct of the business of manufacturing because its use is required either by law or by practical necessity does not itself mean that the property "has an immediate effect upon the article being produced." Instead, in addition to being essential for one of the above reasons, the property must also be an integral part of an integrated process which produces tangible personal property.

The environmental control system may be considered to be essential, but it needs to be an integrated part of an integrated process. The equipment does maintain a controlled environment to facilitate the manufacturing process, but the controlled environment is a general environment, not an environment restricted and integrated only to the manufacturing process. Additional support that the environmental control system does not qualify for exempt status is the fact that the prior system appears to have been adequate for production.

45 IAC 2.2-5-8(j) states that ventilation and cooling equipment for general temperature control is taxable. The environmental control system affects all stages of production, from pre-production, production, and post-production. Its effect is not upon the production phase alone but also upon storage before and after production. For this reason, it is general ventilation and cooling equipment, not production equipment.

RULING

The Department rules that the environmental control system does not qualify for a sales tax exemption under IC 6-2.5-2-1.

CAVEAT

This ruling is issued to the taxpayer requesting it on the assumption that the taxpayer's facts and circumstances, as stated herein are correct. If the facts and circumstances given are not correct, or if they change, then the taxpayer requesting this ruling may not rely on it. However, other taxpayers with substantially identical factual situations may rely on this ruling for informational purposes in preparing returns and making tax decisions. If a taxpayer relies on this ruling and the Department discovers, upon examination, that the fact situation of the taxpayer is different in any material respect from the facts and circumstances given in this ruling, then the ruling will not afford taxpayer any protection. It should be noted that subsequent to the publication of this ruling, a change in statute, regulation, or case law could void the ruling. If this occurs, the ruling will not afford the taxpayer any protection.

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46: Geocaching on DNR properties	28 IR 1376	29-2004-0338-A: Tom Arnbo	28 IR 3363
47: Horses on DNR properties (1/1/05)	28 IR 1377	29-2004-0338-B: Sally Arnbo	28 IR 3367
48: Resolution of the natural resources commission in support of the concepts embodied in the Marquette Greenway Project and expansion of the project to include the eastern portion of the coastal zone	28 IR 1927	29-2004-0339: Anderson Hoop Shooters, Inc.	28 IR 3697
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		98-0154 (1991-96): Sales to out-of-state residents who picked up the merchandise in Indiana; unreported cash sales	28 IR 2481
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04-0366 (2002): Credit for estimated taxes paid	28 IR 3386	03-0472 (2001): Contract for the purchase and installation of HVAC equipment	28 IR 2279
04-0368 (Individual) (2001): Constitutionality of the Indiana adjusted gross income tax; applicability of the state adjusted gross income tax	28 IR 1633	04-0046 (1999-2001): Automobile sales; penalty - request for waiver	28 IR 1397
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05-0034 (1998-2001): Federal return; liability	28 IR 2876	99-0062 (1995-97): Imposition of use tax on grating, applied air system, scale, decals, exhaust and wall fans, and equipment purchased from reeder heating; refund items; tax administration - imposition of penalty	28 IR 3079
05-0046 (1999-2000): Imposition of the state's individual income tax by reference to taxpayer's federal adjusted gross income; sufficiency of taxpayer's Indiana tax return; definition of "income" for purposes of imposing the state's individual income tax	28 IR 3115	99-0379 (1996-98): Liability for taxes	28 IR 1387
05-0052P (2003): Tax administration - penalty	28 IR 3392	99-0511 (1989-98): Imposition; tax administration - fraud penalty	28 IR 2252
05-0054P (2003): Tax administration - penalty	28 IR 3118	99-0537 (1992-96): Imposition	28 IR 3703
05-0055 (Individual) (2001): Sufficiency of proposed assessment notice; administrative due process; unapportioned state income tax	28 IR 3119	99-0557 (Supplemental) (1994-98): Tax administration - proposed assessment of tax	28 IR 1969
05-0071 (2000): Voluntary nature of the Indiana adjusted gross income tax; liability; authority to withhold income taxes; affidavit of nonliability	28 IR 2878	99-0617 (1996-98): Assessment of use tax on lump-sum contracts	28 IR 2483
05-0114P (2003): Tax administration - penalty	29 IR 379	01-0247 (1993-2003): Responsible officer liability	28 IR 2483
05-0131 (Individual) (1999-2003): Unapportioned state income tax	28 IR 3738	01-0288 (1997-present): Imposition of sales tax on purchase of aircraft	28 IR 1928
05-0141P (1999): Tax administration - penalty	28 IR 3394	02-0086 (1998-99): Maintenance agreements; software maintenance agreements; sale of telecommunications services to public utilities; rental agreements exceeding 30 days; proof of sales tax paid; use tax accrued; bulk mailing	28 IR 1389
05-0144P (2001-02): Tax administration - penalty, interest	28 IR 3739	02-0216 (1998): Use tax on purchase of riverboat	28 IR 1931
05-0156P (short period ended 6/30/03): Tax administration - penalty	28 IR 3740	02-0251 (1998-2000): Assessment - production supplies and parts washer cleaner, trial materials, materials to repair roof collapse, machinery, tools, equipment, rental of tangible personal property, publications, subscriptions, catering service charges, and other purchases	28 IR 2839
International Fuel Tax Agreement (IFTA):		02-0329 (1996-2000): Imposition	28 IR 1613
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04-0032 (2000-02): Sufficiency of documentation	28 IR 1949	02-0497 (1999-2000): Allocation percentage	28 IR 1931
04-0084 (2000-02): Assessment	28 IR 2855	02-0507 (1998-2000): Exemption certificates; brochures and prizes; tax administration - penalty	28 IR 2269
04-0272 (2001-02): Sufficiency of documentation	28 IR 1960	02-0605 (1995-2001): Exemption certificates	28 IR 2845
04-0273 (1999-02): Sufficiency of documentation	28 IR 2583	03-0029 (1999-2001): Imposition; tax administration - ten percent negligence penalty	28 IR 2846
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03-0084 (2001): Tractor	28 IR 2484		
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03-0286 (1999-2000): Print and copy center; phone cards; uniforms and doormats; exempt sales error percentage; tax administration - penalty	28 IR 1942	04-0178 (2000-02): Sales tax and county innkeeper tax - long distance mark up; tax administration - penalty	29 I R 335
03-0293 (2001): Responsible officer liability - duty to remit sales and withholding taxes	28 IR 2278	04-0185 (1996): Responsible officer liability	28 IR 2861
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03-0304 (2000-02): Imposition; tax administration - ten percent negligence penalty	28 IR 2495	04-0203 (2003): Aircraft purchase	28 IR 2546
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03-0320 (2000-02): Imposition of use tax	28 IR 1619	04-0205 (2001): Aircraft purchase	28 IR 2551
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03-0391 (2000-01): Assessment of sales on sales to an "out-of-state" customer; assessment of use tax on forklift	28 IR 3375	04-0207 (2003): Aircraft purchase	28 IR 2557
03-0460 (2000-02): Manufacturing exemptions; tax administration - imposition of penalty	28 IR 3384	04-0208 (2003): Aircraft purchase	28 IR 2559
03-0468 (1993-2001): Responsible officer liability	28 IR 1946	04-0209 (2001-02): Aircraft purchase	28 IR 2562
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04-0021 (Supplemental) (2000-01): Responsible officer liability	28 IR 1637	04-0227 (2001): Vehicles; services; imposition	28 IR 3725
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04-0039 (1993-98): Responsible officer liability	28 IR 3716	04-0248 (2003): Aircraft purchase	28 IR 2565
04-0047 (2000-02): Sales tax and county innkeeper tax - long distance mark up; tax administration - penalty	29 I R 335	04-0250 (2003): Aircraft purchase	28 IR 2569
04-0048 (2000-02): Sales tax and county innkeeper tax - long distance mark up; tax administration - penalty	29 I R 335	04-0252 (1999-2002): Bad debt reduction	29 I R 337
04-0050 (2003): Aircraft purchase	28 IR 3717	04-0254 (2000-02): Tax administration - penalty	28 IR 1956
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04-0126 (2001): Aircraft purchase	28 IR 2508	04-0290 (2003): Aircraft purchase	28 IR 2589
04-0126 (2004): Aircraft purchase	28 IR 3721	04-0291 (2003): Aircraft purchase	28 IR 2591
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04-0128 (2001): Aircraft purchase	28 IR 2514	04-0296 (2000-01): Exemption certificates; tax administration - penalty	29 I R 349
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04-0131 (2001): Aircraft purchase	28 IR 2521	04-0356 (2001-03): Agricultural exemptions; penalty - request for waiver	28 IR 2867
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04-0140 (2001): Aircraft purchase	28 IR 2527	04-0374 (2002): Assessment on unreported taxable sales	28 IR 3732
04-0141 (2001): Aircraft purchase	28 IR 2529	04-0404 (2004): Aircraft purchase	28 IR 2601
04-0141 (1998-99): Assessment of sales/use tax on computer; direct use in direct production; incorporation into product for sale	28 IR 1952	04-0441 (2003): Assessment on purchase of aircraft	28 IR 3733
04-0144 (2001): Responsible officer liability - duty to remit sales and withholding taxes	28 IR 1625	04-0447 (1998-2001): Responsible officer liability	28 IR 2870
04-0145 (2001): Responsible officer liability - duty to remit sales and withholding taxes	28 IR 1626	05-0001 (2003): Like kind exchange; trade in allowance on the purchase of an aircraft	28 IR 3114
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04-0156 (2003): Aircraft purchase	28 IR 2532	05-0012 (2002-04): Imposition	28 IR 2872
04-0157 (2003): Aircraft purchase	28 IR 2535	05-0020P (1/04, 2/04, 4/04, 5/04, 7/04, and 8/04): Tax administration - penalty	28 IR 2873
04-0158 (2003): Aircraft purchase	28 IR 2537	05-0022 (2002-03): Responsible officer liability	28 IR 2874
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		05-0049 (2004): Assessment on purchase of aircraft	29 I R 361
		05-0051 (1999-2003): Responsible officer liability	28 IR 3737
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05-0167P (2001-03): Tax administration - ten percent negligence penalty	29 IR 382	05-02 IT (5/16/05): Corporate adjusted gross income tax - Sourcing business receipts	28 IR 3123
05-0168P (2001-03): Tax administration - ten percent negligence penalty	29 IR 383	05-02 ST (1/19/05): Sales and use tax - Processing/fabricating charges on structural steel	28 IR 2297
05-0169P (2001-03): Tax administration - ten percent negligence penalty	29 IR 384	05-03 IT (7/15/05): Community revitalization enhancement district tax credit - Entitlement to CReED tax credit	28 IR 3742
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Single State Registration Tax:		05-04 IT (7/15/05): Community revitalization enhancement district tax credit - Entitlement to CReED tax credit	28 IR 3744
04-0031 (2000-02): Record keeping	28 IR 1949	05-04 ST (3/22/05): Sales and use tax - Imposition	28 IR 2609
04-0032 (2000-02): Record keeping	28 IR 1949	05-04 ST (4/21/05): Sales/use tax - Application of sales/use tax: tangible personal property purchased for the purpose of leasing - resale, rental, and leasing exemption; use of aircraft for purpose of providing public transportation - public transportation exemption	28 IR 2886
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04-0303P (1999-2001): Negligence penalties	28 IR 1634	05-07 ST (6/6/05): Sales and use tax - Purchase of tools and raw materials directly used in the direct fabrication of materials; purchase of wiring and other related items that enable production equipment to operate	28 IR 3396
04-0304P (2000-02): Negligence penalty	28 IR 3727	05-08 ST (7/25/05): Sales and use tax - Acquisition and use of construction materials in qualified projects and the subsequent leasing of the realty	28 IR 3745
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04-0372P (1999-2001): Negligence penalties	28 IR 1634	05-10 ST (7/26/05): Sales/use tax - Out-of-state delivery	28 IR 3747
04-0392 (1998-2000): Negligence penalty	29 IR 351	05-11 ST (8/11/05): Sales tax - Environmental control equipment	29 IR 385
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99-0183 (8/1/92-12/31/94): Responsible officer liability	28 IR 3083	1982	See 5 IR 2586 (December 1982)
02-0068 (1998-99): Nonresident withholding tax - addback of income taxes, applicability, computation	28 IR 1929	1983	See 7 IR 252 (December 1983)
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03-0442P (2000): Tax administration - penalty	28 IR 3384	1985	See 9 IR 932 (January 1986)
03-0447P (4/03): Tax administration - penalty, interest	28 IR 3106	1986	See 10 IR 173 (October 1986)
04-0040 (1998): Responsible officer liability	28 IR 2502	1987	See 11 IR 2786 (April 1988)
04-0066 (1999-2001): Responsible officer liability	28 IR 2505	1988	See 12 IR 1023 (January 1989)
04-0079 (1998-2000): Responsible officer liability	28 IR 2854	1989	See 13 IR 791 (January 1990)
04-0188P (1-5/02): Tax administration - penalty	28 IR 1627	1990	See 14 IR 956 (January 1991)
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04-0221P (2003): Tax administration - penalty	28 IR 3725	1993	See 17 IR 897 (January 1994)
04-0269 (1995-96): Responsible officer liability	28 IR 1628	1994	See 18 IR 1166 (January 1995)
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04-0327 (2000-02): Nonresident withholding tax - addback of income taxes, applicability, computation; tax administration - penalty	28 IR 1966	1999	See 23 IR 1013 (January 2000)
04-0450P (3/04): Tax administration - penalty	28 IR 2604	2000	See 24 IR 1241 (January 2001)
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05-0152 (4/99-2003): Responsible officer liability	28 IR 3739		
05-0161 (12/98): Responsible officer liability	28 IR 3741		
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04-02 IT (12/2/04): Adjusted gross income tax, et al. - Community revitalization enhancement district tax credit	28 IR 1638		
04-02 ST (11/3/04): Sales and use tax - Sale of gasoline from a metered pump	28 IR 1405		
04-04 ST (12/30/04): Sales and use tax - Medical devices	28 IR 2294		

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04-18 Clemency for Darnell Williams, Doc No. 872037-ISP	28 IR 1564
04-19 Declaring a disaster emergency in the state of Indiana due to severe storms, flooding and tornadoes	28 IR 1565
04-20 Michael A. McKinney #995375, medical clemency	28 IR 1566
04-21 Roger Good, pardon	28 IR 1567
04-22 Jodi L. Gillman, pardon	28 IR 1567
04-23 Ralph D. Hague, pardon	28 IR 1568
04-24 Michelle L. Miller, pardon	28 IR 1569
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04-26 Charles D. Stoner, pardon	28 IR 1570
04-27 The Hoosiers Helping Hoosiers food drive	28 IR 1571
04-28 David Grant Pursell, pardon	28 IR 1572
04-29 Christopher W. Vernon, pardon	28 IR 1572
04-30 Declaring a disaster emergency in the state of Indiana due to severe winter weather	28 IR 1573
04-31 Postponement of the date of expiration of rule until one year after date specified in Indiana Code 4-22-2.5	28 IR 1574
04-32 Declaring a utility service emergency in the state of Indiana during severe weather	28 IR 1882
04-33 Declaring a disaster emergency in the state of Indiana due to severe winter weather	28 IR 1882
04-34 James Lincoln, pardon	28 IR 1883
04-34 Extending a utility service emergency in the state of Indiana during severe weather	28 IR 1884
04-35 Charles I. Thurman, pardon	28 IR 1885
04-37 Clemency for Michael Daniels, no. 13135	28 IR 1886
05-1 Creation of the office of secretary of commerce and coordination of the state's economic development and job training efforts	28 IR 1886
05-2 Creation of the office of management and budget	28 IR 1888
05-3 Creation of the office of inspector general	28 IR 1889
05-4 Continuing the office of public finance	28 IR 1891
05-5 Establishment of the "Buy Indiana" presumption	28 IR 1892
05-6 Directive to account for all state assets and to divest of unused or underutilized assets	28 IR 1893
05-7 Directive to the department of administration to log written state contracts on the Internet	28 IR 1894
05-8 Creation of the office of federal grants and procurements	28 IR 1895
05-9 Establishing and clarifying duties of state agencies for all matters relating to emergency management	28 IR 1896
05-10 Directive to establish medical error reporting and quality system	28 IR 1900
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05-12 Establishing ethical rules of conduct for state officers, employees, and special appointees	28 IR 1902
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05-14 Providing a complaint procedure to state employees and rescinding certain prior executive orders	28 IR 1904
05-15 Creation of the Indiana department of child services	28 IR 1905
05-16 Creation of the office of faith-based and community initiatives	28 IR 1907
05-17 Creation of the office of technology	28 IR 1908
05-18 Maintenance of salary and health coverage for active duty military personnel employed by state government	28 IR 1910
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05-20	regarding school building project financings	28 IR 1911
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05-21	Greening the government	29 I R 323
05-22	Continuation of the Governor's Council for Physical Fitness and Sports	29 I R 324
05-23	Clemency for Arthur Paul Baird II, Doc No. 872036	29 I R 325
05-24	Operation Hoosier Relief - Hurricane Katrina	29 I R 327
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05-26	Waiver of regulations relating to motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel and the transport of oversized tractor trailer loads	29 I R 329
05-27	Efforts by Indiana agencies and instrumentalities to assist in Hurricane Katrina relief	29 I R 331

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04-6 Existing and planned runways	28 IR 1913
04-7 Gambling tax revenues and historic preservation	28 IR 1916
04-8 Department of insurance bulletin 123	28 IR 1917
04-9 Compensation for elected city officer	28 IR 1919
04-10 Distribution of wagering tax under Indiana Code section 4-33-13-5	28 IR 1920

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25 IAC 5-3-5	A	05-25	28 IR 2762	
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TITLE 28 STATE INFORMATION TECHNOLOGY OVERSIGHT COMMISSION

28 IAC	N	04-123	28 IR 986	*CPH (28 IR 1498)
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31 IAC 1-9-4	A	04-170	27 IR 4049	
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40 IAC 2-1-7	A	04-198	28 IR 988	*AROC (28 IR 3354)
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45 IAC 1.3	N	04-125	27 IR 3101	
45 IAC 18	R	04-292	28 IR 1518	
45 IAC 18-3-7	R	04-255	28 IR 624	*AWR (28 IR 971)
45 IAC 18-3-7.1	N	04-255	28 IR 623	*AWR (28 IR 971)
45 IAC 18-3-8	R	04-255	28 IR 624	*AWR (28 IR 971)
45 IAC 18-3-8.1	N	04-255	28 IR 623	*AWR (28 IR 971)
45 IAC 20	N	04-292	28 IR 1500	

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

50 IAC 20	N	04-174	27 IR 3603	*AROC (27 IR 3707)
				28 IR 1458
50 IAC 21	N	02-297	27 IR 4050	28 IR 1452
50 IAC 21-1-3	N	05-142	28 IR 3622	
50 IAC 21-2-1.5	N	05-142	28 IR 3622	
50 IAC 21-2-2	A	05-142	28 IR 3622	
50 IAC 21-2-2.5	N	05-142	28 IR 3622	
50 IAC 21-2-3	A	05-142	28 IR 3622	
50 IAC 21-3-3	A	05-142	28 IR 3623	
50 IAC 21-4-1	A	05-142	28 IR 3623	
50 IAC 21-4-2	A	05-142	28 IR 3624	
50 IAC 21-4-3	R	05-142	28 IR 3626	
50 IAC 21-5-2	A	05-142	28 IR 3624	
50 IAC 21-6-1	A	05-142	28 IR 3625	
50 IAC 21-7-1	A	05-142	28 IR 3625	
50 IAC 21-8-1	A	05-142	28 IR 3625	
50 IAC 21-9-1	A	05-142	28 IR 3625	
50 IAC 21-10-1	A	05-142	28 IR 3626	
50 IAC 21-11-1	A	05-142	28 IR 3626	

TITLE 65 STATE LOTTERY COMMISSION

65 IAC 1-4-5.5	A	04-237		*ER (28 IR 217)
65 IAC 4-2-6	A	05-36		*ER (28 IR 2153)
65 IAC 4-90	R	04-249		*ER (28 IR 227)
65 IAC 4-99	R	04-249		*ER (28 IR 227)
65 IAC 4-205	R	04-249		*ER (28 IR 227)
65 IAC 4-248	R	04-249		*ER (28 IR 227)
65 IAC 4-272	R	04-249		*ER (28 IR 227)
65 IAC 4-287	R	04-249		*ER (28 IR 227)
65 IAC 4-317	R	04-249		*ER (28 IR 227)

65 IAC 4-319	R	04-249		*ER (28 IR 227)
65 IAC 4-321	R	04-249		*ER (28 IR 227)
65 IAC 4-332	R	04-249		*ER (28 IR 227)
65 IAC 4-343	R	04-249		*ER (28 IR 227)
65 IAC 4-348	N	04-241		*ER (28 IR 221)
65 IAC 4-349	N	04-283		*ER (28 IR 975)
65 IAC 4-350	N	04-252		*ER (28 IR 229)
65 IAC 4-352	N	04-284		*ER (28 IR 978)
65 IAC 4-353	N	04-329		*ER (28 IR 1492)
65 IAC 4-354	R	04-249		*ER (28 IR 227)
65 IAC 4-355	N	05-32		*ER (28 IR 2147)
65 IAC 4-356	N	05-87		*ER (28 IR 2734)
65 IAC 4-359	R	04-249		*ER (28 IR 227)
65 IAC 4-367	R	04-249		*ER (28 IR 227)
65 IAC 4-383	R	04-249		*ER (28 IR 227)
65 IAC 4-390	R	04-249		*ER (28 IR 227)
65 IAC 4-401	R	04-249		*ER (28 IR 227)
65 IAC 4-402	R	04-249		*ER (28 IR 227)
65 IAC 4-403	R	04-249		*ER (28 IR 227)
65 IAC 4-404	R	04-249		*ER (28 IR 227)
65 IAC 4-405	R	04-249		*ER (28 IR 227)
65 IAC 4-406	R	04-249		*ER (28 IR 227)
65 IAC 4-408	R	04-249		*ER (28 IR 227)
65 IAC 4-437	R	04-249		*ER (28 IR 227)
65 IAC 4-439	R	04-249		*ER (28 IR 227)
65 IAC 4-440	R	04-249		*ER (28 IR 227)
65 IAC 4-441	R	04-249		*ER (28 IR 227)
65 IAC 4-442	R	04-249		*ER (28 IR 227)
65 IAC 4-443	R	04-249		*ER (28 IR 227)
65 IAC 4-445	R	04-249		*ER (28 IR 227)
65 IAC 4-446	R	04-249		*ER (28 IR 227)
65 IAC 4-447	R	04-249		*ER (28 IR 227)
65 IAC 4-448	R	04-249		*ER (28 IR 227)
65 IAC 4-450	R	04-249		*ER (28 IR 227)
65 IAC 4-453	R	04-249		*ER (28 IR 227)
65 IAC 5-2-6	A	05-36		*ER (28 IR 2153)
65 IAC 5-12-2	A	05-245		*ER (29 IR 41)
65 IAC 5-12-3	A	05-245		*ER (29 IR 42)
65 IAC 5-12-4	A	05-245		*ER (29 IR 42)
65 IAC 5-12-5	A	05-245		*ER (29 IR 43)
65 IAC 5-12-6	A	05-245		*ER (29 IR 43)
65 IAC 5-12-9	A	05-245		*ER (29 IR 44)
65 IAC 5-12-10	A	05-245		*ER (29 IR 45)
65 IAC 5-12-11	A	05-245		*ER (29 IR 45)
65 IAC 5-12-11.5	A	05-245		*ER (29 IR 46)
65 IAC 5-12-12	A	05-245		*ER (29 IR 46)
65 IAC 5-12-12.5	A	05-245		*ER (29 IR 47)
65 IAC 5-13	R	04-249		*ER (28 IR 227)
65 IAC 5-14	R	04-249		*ER (28 IR 227)
65 IAC 5-15	R	04-249		*ER (28 IR 227)
65 IAC 5-16	N	05-28		*ER (28 IR 2142)
65 IAC 5-16-4	A	05-247		*ER (29 IR 49)
65 IAC 5-16-5	A	05-247		*ER (29 IR 49)
65 IAC 5-16-6	A	05-247		*ER (29 IR 49)
65 IAC 5-16-7	A	05-247		*ER (29 IR 49)
65 IAC 5-16-8	A	05-247		*ER (29 IR 49)
65 IAC 5-17	N	05-83		*ER (28 IR 2731)
65 IAC 5-18	N	05-88		*ER (28 IR 2738)
65 IAC 5-18-5	A	05-136		*ER (28 IR 2993)
65 IAC 5-19	N	05-159		*ER (28 IR 3313)
65 IAC 6-2-6	A	05-36		*ER (28 IR 2154)

TITLE 68 INDIANA GAMING COMMISSION

68 IAC 1-5-1	A	04-103	27 IR 3115	28 IR 532
68 IAC 2-3-5	A	04-103	27 IR 3115	28 IR 533
68 IAC 2-3-6	A	04-103	27 IR 3117	28 IR 535
68 IAC 2-3-9	A	04-103	27 IR 3118	28 IR 535
68 IAC 2-6-49	A	04-102	27 IR 3109	28 IR 526
68 IAC 2-7-12	A	04-102	27 IR 3109	28 IR 526

Rules Affected by Volumes 28 and 29

68 IAC 5-3-2	A	04-102	27 IR 3109	28 IR 526	170 IAC 4-1-17	R	04-144	27 IR 4095	*CPH (28 IR 620)
68 IAC 5-3-7	A	04-102	27 IR 3109	28 IR 527					*AWR (28 IR 2730)
68 IAC 8-1-11	A	04-102	27 IR 3110	28 IR 527	170 IAC 4-1-23	A	04-68	27 IR 2765	28 IR 789
68 IAC 8-2-29	A	04-102	27 IR 3110	28 IR 527	170 IAC 4-1.2	N	04-144	27 IR 4057	*CPH (28 IR 620)
68 IAC 9-4-8	A	04-102	27 IR 3110	28 IR 527					*AWR (28 IR 2730)
68 IAC 10-1-5	A	04-102	27 IR 3110	28 IR 527	170 IAC 4-4.1-7	A	05-130	28 IR 3331	
68 IAC 11-1-8	A	04-102	27 IR 3110	28 IR 528	170 IAC 4-4.2	N	03-305	27 IR 2312	28 IR 786
68 IAC 11-3-1	A	04-102	27 IR 3110	28 IR 528	170 IAC 4-4.2-5	A	05-130	28 IR 3332	
68 IAC 12-1-15	A	04-102	27 IR 3111	28 IR 529	170 IAC 4-4.3	N	05-130	28 IR 3333	
68 IAC 14-4-8	A	04-102	27 IR 3112	28 IR 529	170 IAC 5-1-15	R	04-144	27 IR 4095	*CPH (28 IR 620)
68 IAC 14-5-6	A	04-102	27 IR 3112	28 IR 529					*AWR (28 IR 2730)
68 IAC 15-1-8	A	04-102	27 IR 3112	28 IR 530		A	05-100	28 IR 3627	
68 IAC 15-3-3	A	04-179	28 IR 237	28 IR 2014	170 IAC 5-1-16	R	04-144	27 IR 4095	*CPH (28 IR 620)
68 IAC 15-5-1.5	N	05-107	28 IR 3627	*CPH (29 IR 51)					*AWR (28 IR 2730)
68 IAC 15-5-2	A	04-179	28 IR 237	28 IR 2014		A	05-100	28 IR 3630	
68 IAC 15-6-2	A	04-179	28 IR 238	28 IR 2015	170 IAC 5-1-16.5	R	04-144	27 IR 4095	*CPH (28 IR 620)
68 IAC 15-6-3	A	04-179	28 IR 239	28 IR 2016					*AWR (28 IR 2730)
68 IAC 15-6-5	A	04-179	28 IR 240	28 IR 2016	170 IAC 5-1-16.6	R	04-144	27 IR 4095	*CPH (28 IR 620)
68 IAC 15-9-4	A	04-102	27 IR 3112	28 IR 530					*AWR (28 IR 2730)
68 IAC 15-10-4.1	A	04-102	27 IR 3113	28 IR 530	170 IAC 5-1-17	R	04-144	27 IR 4095	*CPH (28 IR 620)
68 IAC 15-13-2.5	N	04-102	27 IR 3113	28 IR 531					*AWR (28 IR 2730)
68 IAC 16-1-16	A	04-102	27 IR 3113	28 IR 531	170 IAC 5-1.2	N	04-144	27 IR 4065	*CPH (28 IR 620)
68 IAC 17-1-5	A	04-102	27 IR 3114	28 IR 531					*AWR (28 IR 2730)
68 IAC 17-2-6	A	04-102	27 IR 3114	28 IR 531	170 IAC 6-1-15	R	04-144	27 IR 4095	*CPH (28 IR 620)
68 IAC 18-1-2	A	04-102	27 IR 3114	28 IR 531					*AWR (28 IR 2730)
68 IAC 18-1-6	A	04-102	27 IR 3114	28 IR 532	170 IAC 6-1-16	R	04-144	27 IR 4095	*CPH (28 IR 620)
									*AWR (28 IR 2730)
TITLE 71 INDIANA HORSE RACING COMMISSION					170 IAC 6-1-17	R	04-144	27 IR 4095	*CPH (28 IR 620)
71 IAC 3-2-9	A	05-115		*ER (28 IR 2745)					*AWR (28 IR 2730)
71 IAC 3-3-11	A	05-115		*ER (28 IR 2746)	170 IAC 6-1.1	N	04-268	28 IR 1518	*CPH (28 IR 1710)
71 IAC 3-4-1	A	05-115		*ER (28 IR 2746)	170 IAC 6-1.2	N	04-144	27 IR 4073	*CPH (28 IR 620)
71 IAC 3-7-3	R	05-115		*ER (28 IR 2751)					*AWR (28 IR 2730)
71 IAC 3-11-1	A	05-115		*ER (28 IR 2746)	170 IAC 7-1.3-2	A	04-144	27 IR 4080	*CPH (28 IR 620)
71 IAC 5-3-1	A	05-115		*ER (28 IR 2746)					*AWR (28 IR 2730)
71 IAC 6-1-3	A	05-115		*ER (28 IR 2747)	170 IAC 7-1.3-3	A	04-144	27 IR 4081	*CPH (28 IR 620)
71 IAC 6-1-4	N	05-115		*ER (28 IR 2748)					*AWR (28 IR 2730)
71 IAC 7-1-29	A	05-115		*ER (28 IR 2748)	170 IAC 7-1.3-8	A	04-144	27 IR 4083	*CPH (28 IR 620)
71 IAC 7-3-7	A	05-115		*ER (28 IR 2749)					*AWR (28 IR 2730)
71 IAC 7-3-13	A	05-115		*ER (28 IR 2750)	170 IAC 7-1.3-9	A	04-144	27 IR 4084	*CPH (28 IR 620)
71 IAC 7-3-18	A	05-115		*ER (28 IR 2750)					*AWR (28 IR 2730)
71 IAC 7-3-29	A	05-115		*ER (28 IR 2751)	170 IAC 7-1.3-10	A	04-144	27 IR 4085	*CPH (28 IR 620)
71 IAC 7-3-36	N	05-115		*ER (28 IR 2751)					*AWR (28 IR 2730)
71 IAC 7-5-1	A	05-115		*ER (28 IR 2751)	170 IAC 7-6	RA	05-22	28 IR 2458	29 IR 144
71 IAC 7-5-2	A	05-115		*ER (28 IR 2751)	170 IAC 8.5-2-1	A	04-144	27 IR 4086	*CPH (28 IR 620)
71 IAC 7.5-6-3	A	05-27		*ER (28 IR 2154)					*AWR (28 IR 2730)
71 IAC 8.5-13	N	05-221		*ER (28 IR 3599)	170 IAC 8.5-2-3	A	04-144	27 IR 4087	*CPH (28 IR 620)
71 IAC 13.5-3-3	A	05-115		*ER (28 IR 2751)					*AWR (28 IR 2730)
					170 IAC 8.5-2-4	A	04-144	27 IR 4089	*CPH (28 IR 620)
									*AWR (28 IR 2730)
TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION					170 IAC 8.5-2-5	A	04-144	27 IR 4092	*CPH (28 IR 620)
105 IAC 13	N	05-161	29 IR 59						*AWR (28 IR 2730)
TITLE 140 BUREAU OF MOTOR VEHICLES					TITLE 203 VICTIM SERVICES DIVISION				
140 IAC 4-4	RA	04-162	28 IR 323	28 IR 1315	203 IAC	N	04-63	27 IR 2526	28 IR 6
140 IAC 7-4	N	05-237	29 IR 64		TITLE 207 CORONERS TRAINING BOARD				
140 IAC 8-4	RA	04-162	28 IR 323	28 IR 1315	207 IAC 2	N	04-231	28 IR 624	*ARR (28 IR 2392)
TITLE 170 INDIANA UTILITY REGULATORY COMMISSION					TITLE 240 STATE POLICE DEPARTMENT				
170 IAC 1-4	RA	04-163	27 IR 4140	*CPH (28 IR 620)	240 IAC 8	RA	04-164	27 IR 4140	28 IR 677
				28 IR 1315	TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS				
170 IAC 1-5	RA	04-163	27 IR 4140	*CPH (28 IR 620)	305 IAC 1-2	RA	05-60	28 IR 3052	
				28 IR 1315	305 IAC 1-2-6	A	03-212	27 IR 216	*ARR (28 IR 215)
170 IAC 4-1-15	R	04-144	27 IR 4095	*CPH (28 IR 620)					28 IR 12
				*AWR (28 IR 2730)	305 IAC 1-3-4	A	03-212	27 IR 216	*ARR (28 IR 215)
170 IAC 4-1-16	R	04-144	27 IR 4095	*CPH (28 IR 620)					28 IR 12
				*AWR (28 IR 2730)	305 IAC 1-4-1	A	03-212	27 IR 217	*ARR (28 IR 215)
170 IAC 4-1-16.5	R	04-144	27 IR 4095	*CPH (28 IR 620)					28 IR 12
				*AWR (28 IR 2730)					
170 IAC 4-1-16.6	R	04-144	27 IR 4095	*CPH (28 IR 620)					
				*AWR (28 IR 2730)					

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305 IAC 1-4-2	A	03-212	27 IR 217	*ARR (28 IR 215) 28 IR 13	312 IAC 9-5-9	A	03-311	27 IR 1955	28 IR 545
305 IAC 1-5	N	03-212	27 IR 217	*ARR (28 IR 215) 28 IR 13	312 IAC 9-5-11	N	03-311	27 IR 1956	28 IR 2950
TITLE 312 NATURAL RESOURCES COMMISSION					312 IAC 9-6-9	A	03-311	27 IR 1957	28 IR 546
312 IAC 2-4-6	A	04-215	28 IR 626	28 IR 2348	312 IAC 9-7-2	A	03-311	27 IR 1957	28 IR 547
312 IAC 2-4-12	A	04-67	27 IR 3604	28 IR 1460	312 IAC 9-7-6	A	03-311	27 IR 1959	28 IR 549
312 IAC 2-4-14	N	04-215	28 IR 626	28 IR 2348	312 IAC 9-7-13	A	03-311	27 IR 1960	28 IR 550
312 IAC 3-1-7	A	04-263	28 IR 1203	28 IR 2660	312 IAC 9-10-9	A	03-311	27 IR 1960	28 IR 550
312 IAC 3-1-9	A	05-57	28 IR 3003		312 IAC 9-10-9.5	N	03-311	27 IR 1961	28 IR 551
312 IAC 4-6-6	A	04-208	28 IR 625	*ARR (28 IR 2140)	312 IAC 9-10-10	A	03-311	27 IR 1962	28 IR 552
312 IAC 5-6-5	A	04-84	28 IR 240	28 IR 1680	312 IAC 9-10-13.5	N	03-311	27 IR 1963	28 IR 553
312 IAC 5-6-5.5	N	04-210	28 IR 989	28 IR 2944	312 IAC 9-10-17	A	03-311	27 IR 1964	28 IR 554
312 IAC 5-14-1	A	04-155	27 IR 4100	28 IR 1461	312 IAC 9-11-1	A	03-311	27 IR 1964	28 IR 554
312 IAC 5-14-2	A	04-155	27 IR 4100	28 IR 1461	312 IAC 9-11-2	A	03-311	27 IR 1965	28 IR 555
312 IAC 5-14-4	A	04-155	27 IR 4101	28 IR 1462	312 IAC 9-11-14	A	03-311	27 IR 1965	28 IR 555
312 IAC 5-14-5	R	04-155	27 IR 4109	28 IR 1470	312 IAC 11	RA	05-1	28 IR 2203	28 IR 3661
312 IAC 5-14-5.1	N	04-155	27 IR 4101	28 IR 1462	312 IAC 11-2-2	A	05-38	28 IR 2767	
312 IAC 5-14-6	R	04-155	27 IR 4109	28 IR 1470	312 IAC 11-2-5	A	04-157	28 IR 1521	28 IR 2660
312 IAC 5-14-6.1	N	04-155	27 IR 4102	28 IR 1463	312 IAC 11-2-7	A	05-38	28 IR 2767	
312 IAC 5-14-7	A	04-155	27 IR 4102	28 IR 1463	312 IAC 11-2-11	A	05-38	28 IR 2768	
312 IAC 5-14-8	A	04-155	27 IR 4102	28 IR 1464	312 IAC 11-2-11.5	N	04-94	27 IR 4095	28 IR 1681
312 IAC 5-14-9	A	04-155	27 IR 4103	28 IR 1464	312 IAC 11-2-11.8	N	05-38	28 IR 2768	
312 IAC 5-14-11	A	04-155	27 IR 4103	28 IR 1464	312 IAC 11-2-14.5	N	05-38	28 IR 2768	
312 IAC 5-14-15	A	04-155	27 IR 4103	28 IR 1465	312 IAC 11-2-20	A	05-38	28 IR 2768	
312 IAC 5-14-16	A	04-155	27 IR 4104	28 IR 1465	312 IAC 11-2-24	A	05-38	28 IR 2768	
312 IAC 5-14-17	A	04-155	27 IR 4104	28 IR 1465	312 IAC 11-2-25.2	N	05-38	28 IR 2768	
312 IAC 5-14-18	A	04-155	27 IR 4105	28 IR 1466	312 IAC 11-2-27.5	N	05-38	28 IR 2769	
312 IAC 5-14-19	A	04-155	27 IR 4105	28 IR 1467	312 IAC 11-3-1	A	04-94	27 IR 4095	28 IR 1681
312 IAC 5-14-20	A	04-155	27 IR 4106	28 IR 1467	312 IAC 11-3-3	A	05-38	28 IR 2769	
312 IAC 5-14-21	A	04-155	27 IR 4106	28 IR 1467	312 IAC 11-4-2	A	05-38	28 IR 2770	
312 IAC 5-14-22	A	04-155	27 IR 4106	28 IR 1468	312 IAC 11-4-3	A	05-38	28 IR 2770	
312 IAC 5-14-24	A	04-155	27 IR 4107	28 IR 1468	312 IAC 11-4-4	A	05-38	28 IR 2771	
312 IAC 5-14-25	A	04-155	27 IR 4108	28 IR 1469	312 IAC 11-5-3	N	05-38	28 IR 2771	
312 IAC 5-14-26	R	04-155	27 IR 4109	28 IR 1470	312 IAC 12	RA	05-1	28 IR 2203	28 IR 3661
312 IAC 5-14-27	N	04-155	27 IR 4109	28 IR 1470	312 IAC 13	RA	05-1	28 IR 2203	28 IR 3661
312 IAC 6.2	N	04-66	27 IR 3119	28 IR 1459	312 IAC 16	RA	03-315	27 IR 2339	28 IR 1315
312 IAC 6.5	N	04-3	27 IR 2767	28 IR 15	312 IAC 16-3-2	A	04-121	27 IR 4097	28 IR 1682
312 IAC 8	RA	03-315	27 IR 2339	28 IR 1315	312 IAC 16-3-8	A	04-121	27 IR 4099	28 IR 1684
312 IAC 8-1-4	A	05-18	28 IR 2412		312 IAC 16-5-14	A	04-23	27 IR 2532	28 IR 556
312 IAC 8-2-3	A	05-18	28 IR 2413		312 IAC 16-5-19	A	05-14	28 IR 2410	
312 IAC 8-2-8	A	05-18	28 IR 2414		312 IAC 17	RA	03-315	27 IR 2339	28 IR 1315
312 IAC 9-1-9.5	N	03-311	27 IR 1946	28 IR 536	312 IAC 17-3	R	05-99	28 IR 3632	
312 IAC 9-1-11.5	N	03-311	27 IR 1946	28 IR 536	312 IAC 17-3-1	A	04-23	27 IR 2532	28 IR 557
312 IAC 9-2-14	N	04-253	28 IR 1522		312 IAC 17-3-2	A	04-23	27 IR 2532	28 IR 557
312 IAC 9-2-15	N	04-253	28 IR 1522		312 IAC 17-3-3	A	04-23	27 IR 2532	28 IR 557
312 IAC 9-3-2	A	03-311	27 IR 1946	28 IR 536	312 IAC 17-3-4	A	04-23	27 IR 2533	28 IR 558
312 IAC 9-3-3	A	03-311	27 IR 1947	28 IR 538	312 IAC 17-3-6	A	04-23	27 IR 2534	28 IR 558
312 IAC 9-3-4	A	03-311	27 IR 1948	28 IR 538	312 IAC 17-3-8	A	04-23	27 IR 2534	28 IR 558
	A	04-253	28 IR 1523	28 IR 2945	312 IAC 17-3-9	A	04-23	27 IR 2534	28 IR 558
312 IAC 9-3-5	A	04-253	28 IR 1523	28 IR 2945	312 IAC 18-3-12	A	04-270	28 IR 1203	*GRAT (28 IR 3053) 28 IR 2951
312 IAC 9-3-10	A	03-311	27 IR 1949	28 IR 539	312 IAC 18-3-18	N	04-177	28 IR 1201	28 IR 2942
312 IAC 9-3-11	A	03-311	27 IR 1949	28 IR 539	312 IAC 18-3-19	N	04-127	28 IR 1521	28 IR 2942
312 IAC 9-3-12	A	03-311	27 IR 1949	28 IR 539	312 IAC 19	RA	03-315	27 IR 2339	28 IR 1315
312 IAC 9-3-13	A	03-311	27 IR 1950	28 IR 540	312 IAC 23	RA	05-1	28 IR 2203	28 IR 3661
312 IAC 9-3-14	A	03-311	27 IR 1950	28 IR 540	312 IAC 25-4-102				*ERR (28 IR 214)
312 IAC 9-3-15	A	03-311	27 IR 1950	28 IR 540	312 IAC 25-4-114				*ERR (28 IR 214)
312 IAC 9-3-17	A	03-311	27 IR 1950	28 IR 540	312 IAC 25-5-16				*ERR (28 IR 214)
312 IAC 9-4-7	R	03-311	27 IR 1966	28 IR 556	312 IAC 25-6-20				*ERR (28 IR 214)
312 IAC 9-4-10	A	03-311	27 IR 1951		312 IAC 25-7-1				*ERR (28 IR 214)
312 IAC 9-4-11	A	03-311	27 IR 1951	28 IR 541	312 IAC 26	RA	03-315	27 IR 2339	28 IR 1315
	A	04-253	28 IR 1524	28 IR 2946	TITLE 315 OFFICE OF ENVIRONMENTAL ADJUDICATION				
312 IAC 9-4-14	A	03-311	27 IR 1952	28 IR 542	315 IAC 1	RA	04-71	27 IR 2879	28 IR 323
312 IAC 9-5-4	A	03-311	27 IR 1953	28 IR 542	315 IAC 1-2-1	A	04-70	28 IR 990	*CPH (28 IR 1498) *SPE
	A	04-253	28 IR 1526	28 IR 2947		A	05-73	28 IR 2772	
312 IAC 9-5-6	A	03-311	27 IR 1953	28 IR 543	315 IAC 1-3-1	A	04-70	28 IR 991	*CPH (28 IR 1498) *SPE
312 IAC 9-5-7	A	03-311	27 IR 1953	28 IR 543		A	05-73	28 IR 2773	
	A	04-253	28 IR 1526	28 IR 2948					

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315 IAC 1-3-2	A	04-70	28 IR 991	*CPH (28 IR 1498) *SPE	326 IAC 2-5.1-1	RA	04-44	27 IR 3144	28 IR 791
	A	05-73	28 IR 2774		326 IAC 2-5.1-2	RA	04-44	27 IR 3145	28 IR 791
315 IAC 1-3-2.1	N	04-70	28 IR 992	*CPH (28 IR 1498) *SPE	326 IAC 2-5.5-1	RA	04-44	27 IR 3146	28 IR 792
	N	05-73	28 IR 2775		326 IAC 2-5.5-2	RA	04-44	27 IR 3146	28 IR 793
315 IAC 1-3-3	A	04-70	28 IR 992	*CPH (28 IR 1498) *SPE	326 IAC 2-5.5-3	RA	04-44	27 IR 3146	28 IR 793
	A	05-73	28 IR 2775		326 IAC 2-5.5-4	RA	04-44	27 IR 3147	28 IR 793
315 IAC 1-3-4	A	04-70	28 IR 993	*CPH (28 IR 1498) *SPE	326 IAC 2-5.5-5	RA	04-44	27 IR 3147	28 IR 794
	A	05-73	28 IR 2775		326 IAC 2-5.5-6	RA	04-44	27 IR 3147	28 IR 794
315 IAC 1-3-5	A	04-70	28 IR 994	*CPH (28 IR 1498) *SPE	326 IAC 2-6.1-1	RA	04-44	27 IR 3149	28 IR 795
	A	05-73	28 IR 2776		326 IAC 2-6.1-2	RA	04-44	27 IR 3149	28 IR 795
315 IAC 1-3-7	A	04-70	28 IR 994	*CPH (28 IR 1498) *SPE	326 IAC 2-6.1-3	RA	04-44	27 IR 3149	28 IR 795
	A	05-73	28 IR 2777		326 IAC 2-6.1-4	RA	04-44	27 IR 3150	28 IR 796
315 IAC 1-3-8	A	04-70	28 IR 994	*CPH (28 IR 1498) *SPE	326 IAC 2-6.1-5	RA	04-44	27 IR 3150	28 IR 796
	A	05-73	28 IR 2777		326 IAC 2-6.1-6	RA	04-44	27 IR 3151	28 IR 797
315 IAC 1-3-9	A	04-70	28 IR 995	*CPH (28 IR 1498) *SPE	326 IAC 2-6.1-7	RA	04-44	27 IR 3154	28 IR 801
	A	05-73	28 IR 2778		326 IAC 2-7-3	A	02-337	26 IR 2006	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 20
315 IAC 1-3-10	A	04-70	28 IR 995	*CPH (28 IR 1498) *SPE	326 IAC 2-7-8	A	02-337	26 IR 2006	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 20
	A	05-73	28 IR 2777						
315 IAC 1-3-12	A	04-70	28 IR 996	*CPH (28 IR 1498) *SPE	326 IAC 2-7-18	A	02-337	26 IR 2007	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 21
	A	05-73	28 IR 2778						
315 IAC 1-3-14	A	04-70	28 IR 996	*CPH (28 IR 1498) *SPE	326 IAC 2-8-3	A	02-337	26 IR 2008	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 22
	A	05-73	28 IR 2779						
315 IAC 1-3-15	N	04-70	28 IR 996	*CPH (28 IR 1498) *SPE	326 IAC 2-9-1	RA	04-44	27 IR 3155	28 IR 801
	N	05-73	28 IR 2779		326 IAC 2-9-2.5	RA	04-44	27 IR 3156	28 IR 802
					326 IAC 2-9-3	RA	04-44	27 IR 3156	28 IR 803
					326 IAC 2-9-4	RA	04-44	27 IR 3157	28 IR 803
					326 IAC 2-9-5	RA	04-44	27 IR 3158	28 IR 805
					326 IAC 2-9-6	RA	04-44	27 IR 3159	28 IR 805
					326 IAC 2-9-7	A	02-337	26 IR 2009	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 23
						RA	04-44	27 IR 3159	28 IR 805
TITLE 326 AIR POLLUTION CONTROL BOARD					326 IAC 2-9-8	A	02-337	26 IR 2010	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 25
326 IAC 1-1-3	A	02-337	26 IR 1997	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 17					
	A	04-299	28 IR 1815	*CPH (28 IR 2406)	326 IAC 2-9-9	RA	04-44	27 IR 3160	28 IR 806
326 IAC 1-1-3.5	A	02-337	26 IR 1997	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 18		A	02-337	26 IR 2012	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 26
	A	04-299	28 IR 1815	*CPH (28 IR 2406)		RA	04-44	27 IR 3162	28 IR 808
326 IAC 1-1-6	N	04-180	28 IR 248	*GRAT (28 IR 2205) 28 IR 2046	326 IAC 2-9-10	A	02-337	26 IR 2013	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 27
326 IAC 1-2-33.5	A	05-79	28 IR 3005			RA	04-44	27 IR 3163	28 IR 809
326 IAC 1-2-48	A	05-79	28 IR 3005		326 IAC 2-9-11	RA	04-44	27 IR 3164	28 IR 810
326 IAC 1-2-52	A	03-228	27 IR 3120	28 IR 1471	326 IAC 2-9-12	RA	04-44	27 IR 3165	28 IR 811
326 IAC 1-2-52.2	N	03-228	27 IR 3121	28 IR 1471	326 IAC 2-9-13	A	02-337	26 IR 2014	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 28
326 IAC 1-2-52.4	N	03-228	27 IR 3121	28 IR 1471					
326 IAC 1-2-65	A	02-337	26 IR 1997	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 18		RA	04-44	27 IR 3165	28 IR 811
					326 IAC 2-9-14	RA	04-44	27 IR 3167	28 IR 814
326 IAC 1-2-82.5	N	03-228	27 IR 3121	28 IR 1471	326 IAC 3-4-1	A	02-337	26 IR 2016	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 30
326 IAC 1-2-90	A	02-337	26 IR 1998	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 18					
	A	05-79	28 IR 3006		326 IAC 3-4-3	A	02-337	26 IR 2016	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 31
326 IAC 1-3-4	A	03-228	27 IR 3121	28 IR 1471					
326 IAC 1-4-1	A	04-148	27 IR 3606	28 IR 1182	326 IAC 3-5-2	A	02-337	26 IR 2017	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 32
326 IAC 2-2-13	A	02-337	26 IR 1998	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 19					
					326 IAC 3-5-3	A	02-337	26 IR 2019	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 33
326 IAC 2-2-16	A	02-337	26 IR 1999	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 20					

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326 IAC 3-5-4	A	02-337	26 IR 2019	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 34	326 IAC 7-4-1.1	R	00-236	28 IR 644	*CPH (28 IR 982) *CPH (28 IR 1710) 28 IR 2966				
326 IAC 3-5-5	A	02-337	26 IR 2020	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 34	326 IAC 7-4-3 326 IAC 7-4-10	A A	03-195 02-337	27 IR 2319 26 IR 2029	28 IR 117 *ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 43				
326 IAC 3-6-1	A	02-337	26 IR 2022	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 36	326 IAC 7-4-13	A	03-282	27 IR 2768	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2021				
326 IAC 3-6-3	A	02-337	26 IR 2022	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 37	326 IAC 7-4.1	N	00-236	28 IR 633	*CPH (28 IR 982) *CPH (28 IR 1710) 28 IR 2954				
326 IAC 3-6-5	A	02-337	26 IR 2023	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 37	326 IAC 8-1-4	A	02-337	26 IR 2030	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 44				
326 IAC 3-7-2	A	02-337	26 IR 2024	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 38	326 IAC 8-4-6	A	02-337	26 IR 2032	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 47				
326 IAC 3-7-4	A	02-337	26 IR 2025	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 40	326 IAC 8-4-9	A	02-337	26 IR 2035	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 49				
326 IAC 5-1-2	A	02-337	26 IR 2026	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 40	326 IAC 8-7-7	A	02-337	26 IR 2036	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 51				
326 IAC 5-1-4	A	02-337	26 IR 2026	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 41	326 IAC 8-9-2	A	02-337	26 IR 2037	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 51				
326 IAC 5-1-5	A	02-337	26 IR 2027	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 41	326 IAC 8-9-3	A	02-337	26 IR 2037	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 51				
326 IAC 6-1-1	R	02-335	28 IR 1813	28 IR 3550					28 IR 51				
326 IAC 6-1-1.5	R	02-335	28 IR 1813	28 IR 3550	326 IAC 8-9-4	A	02-337	26 IR 2038	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 52				
326 IAC 6-1-2	R	02-335	28 IR 1813	28 IR 3550					28 IR 52				
326 IAC 6-1-3	R	02-335	28 IR 1813	28 IR 3550	326 IAC 8-9-5	A	02-337	26 IR 2040	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 54				
326 IAC 6-1-4	R	02-335	28 IR 1813	28 IR 3550					28 IR 54				
326 IAC 6-1-5	R	02-335	28 IR 1813	28 IR 3550	326 IAC 8-9-6	A	02-337	26 IR 2042	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 56				
326 IAC 6-1-6	R	02-335	28 IR 1813	28 IR 3550					28 IR 56				
326 IAC 6-1-7	R	02-335	28 IR 1813	28 IR 3550	326 IAC 8-10-7	A	02-337	26 IR 2044	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 58				
326 IAC 6-1-8.1	R	02-335	28 IR 1813	28 IR 3550					28 IR 58				
326 IAC 6-1-9	R	02-335	28 IR 1813	28 IR 3550	326 IAC 8-11-2	A	02-337	26 IR 2044	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 59				
326 IAC 6-1-10.1	R	02-335	28 IR 1813	28 IR 3550					28 IR 59				
326 IAC 6-1-10.2	R	02-335	28 IR 1813	28 IR 3550					28 IR 61				
326 IAC 6-1-11.1	R	02-335	28 IR 1813	28 IR 3550					28 IR 61				
326 IAC 6-1-11.2	R	02-335	28 IR 1813	28 IR 3550					28 IR 64				
326 IAC 6-1-12	A	04-43	28 IR 242	*GRAT (28 IR 2204) 28 IR 2037 *ERR (28 IR 2137) 28 IR 3550	326 IAC 8-11-6	A	02-337	26 IR 2046	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 61				
				28 IR 115					28 IR 61				
326 IAC 6-1-13	R	02-335	28 IR 1813	28 IR 3550					28 IR 61				
	A	03-195	27 IR 2318	28 IR 115					28 IR 61				
	R	02-335	28 IR 1813	28 IR 3550	326 IAC 8-11-7	A	02-337	26 IR 2050	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 64				
326 IAC 6-1-14	R	02-335	28 IR 1813	28 IR 3550					28 IR 64				
326 IAC 6-1-15	R	02-335	28 IR 1813	28 IR 3550					28 IR 64				
326 IAC 6-1-16	R	02-335	28 IR 1813	28 IR 3550	326 IAC 8-12-3	A	02-337	26 IR 2050	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 65				
326 IAC 6-1-17	R	02-335	28 IR 1813	28 IR 3550					28 IR 65				
326 IAC 6-1-18	R	02-335	28 IR 1813	28 IR 3550					28 IR 65				
326 IAC 6.5	N	02-335	28 IR 1714	28 IR 3454	326 IAC 8-12-5	A	02-337	26 IR 2052	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 67				
326 IAC 6.5-7-13	A	04-234	28 IR 1814	*CPH (28 IR 2406) 28 IR 3503					28 IR 67				
326 IAC 6.8	N	02-335	28 IR 1766	28 IR 3503					28 IR 67				
326 IAC 6.8-2-4	A	04-278	28 IR 3004						28 IR 67				
326 IAC 7-1.1-1	A	00-236	28 IR 632	*CPH (28 IR 982) *CPH (28 IR 1710) 28 IR 2953	326 IAC 8-12-6	A	02-337	26 IR 2053	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 68				
326 IAC 7-1.1-2	A	00-236	28 IR 632	*CPH (28 IR 982) *CPH (28 IR 1710) 28 IR 2953					28 IR 68				
				28 IR 2953	326 IAC 8-12-7	A	02-337	26 IR 2054	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 68				
326 IAC 7-2-1	A	02-337	26 IR 2028	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 42					28 IR 68				
	A	00-236	28 IR 632	*CPH (28 IR 982) *CPH (28 IR 1710) 28 IR 2953	326 IAC 8-13-5	A	02-337	26 IR 2055	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 69				

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326 IAC 10-1-2	A	02-337	26 IR 2056	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 70	326 IAC 14-8-3	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 83
326 IAC 10-1-4	A	02-337	26 IR 2057	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 71	326 IAC 14-8-4	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 84
326 IAC 10-1-5	A	02-337	26 IR 2059	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 73	326 IAC 14-8-5	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 84
326 IAC 10-1-6	A	02-337	26 IR 2059	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 74	326 IAC 14-9-5	A	02-337	26 IR 2070	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 84
326 IAC 10-3-3	A	04-200	28 IR 2781		326 IAC 14-9-8	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 85
326 IAC 10-4-1	A	04-200	28 IR 2782						
326 IAC 10-4-2	A	04-200	28 IR 2783		326 IAC 14-9-9	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 86
326 IAC 10-4-3	A	04-200	28 IR 2790						
326 IAC 10-4-9	A	04-200	28 IR 2791		326 IAC 14-10-1	A	02-337	26 IR 2072	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 87
326 IAC 10-4-13	A	04-200	28 IR 2797						
326 IAC 10-4-14	A	04-200	28 IR 2801		326 IAC 14-10-2	A	02-337	26 IR 2074	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 88
326 IAC 10-4-15	A	04-200	28 IR 2801						
326 IAC 10-5	N	04-200	28 IR 2803		326 IAC 14-10-3	A	02-337	26 IR 2076	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 91
326 IAC 11-3-4	A	02-337	26 IR 2060	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 74	326 IAC 14-10-4	A	02-337	26 IR 2078	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 93
326 IAC 11-7-1	A	02-337	26 IR 2061	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 75	326 IAC 15-1-2	A	02-337	26 IR 2080	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 95
326 IAC 13-1.1-1	A	02-337	26 IR 2062	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 76	326 IAC 15-1-4	A	02-337	26 IR 2083	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 98
326 IAC 13-1.1-8	A	02-337	26 IR 2063	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 77					
326 IAC 13-1.1-10	A	02-337	26 IR 2063	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 78	326 IAC 16-3-1	A	02-337	26 IR 2084	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 98
326 IAC 13-1.1-13	A	02-337	26 IR 2064	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 79	326 IAC 18-1-1	A	03-283	27 IR 3128	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2022
326 IAC 13-1.1-14	A	02-337	26 IR 2065	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 80	326 IAC 18-1-2	A	02-337	26 IR 2084	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 99
326 IAC 13-1.1-16	A	02-337	26 IR 2066	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 81					
326 IAC 14-1-1	A	02-337	26 IR 2066	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 81		A	03-283	27 IR 3128	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2022
326 IAC 14-1-2	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 81	326 IAC 18-1-3	A	03-283	27 IR 3130	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2024
326 IAC 14-1-4	R	02-337	26 IR 2099	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 114	326 IAC 18-1-4	A	03-283	27 IR 3131	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2025
326 IAC 14-3-1	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 82	326 IAC 18-1-5	A	02-337	26 IR 2086	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 101
326 IAC 14-4-1	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 82		A	03-283	27 IR 3132	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2026
326 IAC 14-5-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 82	326 IAC 18-1-6	A	03-283	27 IR 3133	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2027
326 IAC 14-7-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 83	326 IAC 18-1-7	A	02-337	26 IR 2087	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 102
326 IAC 14-8-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 83	326 IAC 18-1-8	A	02-337	26 IR 2088	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 103

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326 IAC 18-1-9	A	03-283	27 IR 3134	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2028	326 IAC 20-75	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) 28 IR 2044
326 IAC 18-2-2	A	02-337	26 IR 2088	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 103	326 IAC 20-76	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) 28 IR 2044
	A	03-283	27 IR 3134	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2028	326 IAC 20-77	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) 28 IR 2045
326 IAC 18-2-3	A	02-337	26 IR 2090	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 104	326 IAC 20-78	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) 28 IR 2045
	A	03-283	27 IR 3136	*CPH (27 IR 3591) *GRAT (28 IR 2204) 28 IR 2030	326 IAC 20-79	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) 28 IR 2045
326 IAC 18-2-6	A	02-337	26 IR 2096	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 111					
326 IAC 18-2-7	A	02-337	26 IR 2097	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 112	326 IAC 20-82	N	04-235	28 IR 997	28 IR 2966
326 IAC 19-2-1	A	05-80	28 IR 3007		326 IAC 20-83	N	04-236	28 IR 998	28 IR 2967
326 IAC 20-25-1	A	03-264	27 IR 3123	*CPH (27 IR 3590) *GRAT (28 IR 2204) 28 IR 2017	326 IAC 20-84	N	04-236	28 IR 998	28 IR 2967
					326 IAC 20-85	N	04-236	28 IR 999	28 IR 2967
326 IAC 20-25-2	A	03-264	27 IR 3124	*CPH (27 IR 3590) *GRAT (28 IR 2204) 28 IR 2018	326 IAC 20-86	N	04-236	28 IR 999	28 IR 2967
					326 IAC 20-87	N	04-236	28 IR 999	28 IR 2968
326 IAC 20-56	N	03-264	27 IR 3126	*CPH (27 IR 3590) *GRAT (28 IR 2204) 28 IR 2020	326 IAC 20-88	N	04-236	28 IR 999	28 IR 2968
					326 IAC 20-90	N	04-300	28 IR 1816	28 IR 3550
326 IAC 20-57	N	03-284	27 IR 1618	*CPH (27 IR 1937) 28 IR 119	326 IAC 20-91	N	04-300	28 IR 1816	28 IR 3550
326 IAC 20-58	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 119	326 IAC 20-92	N	04-300	28 IR 1817	28 IR 3550
326 IAC 20-59	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 119	326 IAC 20-93	N	04-300	28 IR 1817	28 IR 3551
326 IAC 20-60	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 119	326 IAC 20-94	N	04-300	28 IR 1817	28 IR 3551
326 IAC 20-61	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 120	326 IAC 22-1-1	A	02-337	26 IR 2098	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 113
326 IAC 20-62	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 120	326 IAC 23-1-31	A	02-337	26 IR 2099	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 114
326 IAC 20-63	N	03-285	27 IR 2322	28 IR 121	TITLE 327 WATER POLLUTION CONTROL BOARD				
326 IAC 20-64	N	03-285	27 IR 2322	28 IR 121	327 IAC 1-1-1	A	03-129	27 IR 3608	*GRAT (28 IR 2205) 28 IR 2046
326 IAC 20-65	N	03-285	27 IR 2322	28 IR 121	327 IAC 1-1-2	A	03-129	27 IR 3608	*GRAT (28 IR 2205) 28 IR 2046
326 IAC 20-66	N	03-285	27 IR 2323	28 IR 122	327 IAC 1-1-3	A	03-129	27 IR 3608	*GRAT (28 IR 2205) 28 IR 2046
326 IAC 20-67	N	03-285	27 IR 2323	28 IR 122	327 IAC 2-1-5	A	03-129	27 IR 3608	*GRAT (28 IR 2205) 28 IR 2047
326 IAC 20-68	N	03-285	27 IR 2323	28 IR 122	327 IAC 2-1-6	A	03-129	27 IR 3609	*GRAT (28 IR 2205) 28 IR 2047
326 IAC 20-69	N	03-285	27 IR 2323	28 IR 122	327 IAC 2-1-8	A	03-129	27 IR 3617	*GRAT (28 IR 2205) 28 IR 2055
326 IAC 20-70	N	03-284	27 IR 1620	*CPH (27 IR 1937) 28 IR 120	327 IAC 2-1-8.1	A	03-129	27 IR 3617	*GRAT (28 IR 2205) 28 IR 2055
326 IAC 20-71	N	04-107	27 IR 3168	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) 28 IR 2043	327 IAC 2-1-8.2	A	03-129	27 IR 3618	*GRAT (28 IR 2205) 28 IR 2056
326 IAC 20-72	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) 28 IR 2043	327 IAC 2-1-8.3	A	03-129	27 IR 3620	*GRAT (28 IR 2205) 28 IR 2057
326 IAC 20-73	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) 28 IR 2044	327 IAC 2-1-8.9	N	03-129	27 IR 3621	*GRAT (28 IR 2205) 28 IR 2058
					327 IAC 2-1-9	A	03-129	27 IR 3622	*ERR (28 IR 3582) *GRAT (28 IR 2205) 28 IR 2060
326 IAC 20-74	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234) *GRAT (28 IR 2205) 28 IR 2044	327 IAC 2-1-12	A	03-129	27 IR 3627	*GRAT (28 IR 2205) 28 IR 2064
					327 IAC 2-1-13	N	03-129	27 IR 3627	*GRAT (28 IR 2205) 28 IR 2065
					327 IAC 2-1.5-2	A	03-129	27 IR 3631	*GRAT (28 IR 2205) 28 IR 2068

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327 IAC 2-1.5-6	A	03-129	27 IR 3637	*GRAT (28 IR 2205) 28 IR 2074	327 IAC 8-2-46	A	04-13	28 IR 1242	28 IR 3220
327 IAC 2-1.5-8	A	03-129	27 IR 3638	*GRAT (28 IR 2205) 28 IR 2074	327 IAC 8-2.1-3	A	04-13	28 IR 1244	28 IR 3223
327 IAC 2-1.5-10	A	03-129	27 IR 3650	*GRAT (28 IR 2205) 28 IR 2084	327 IAC 8-2.1-4	A	04-13	28 IR 1247	*ERR (28 IR 3583) 28 IR 3226
327 IAC 2-1.5-11	A	03-129	27 IR 3651	*GRAT (28 IR 2205) 28 IR 2084	327 IAC 8-2.1-6	A	04-13	28 IR 1248	28 IR 3227
327 IAC 2-1.5-16	A	03-129	27 IR 3660	*GRAT (28 IR 2205) 28 IR 2093	327 IAC 8-2.1-8	A	04-13	28 IR 1255	28 IR 3233
				*ERR (28 IR 3582)	327 IAC 8-2.1-9	A	04-13	28 IR 1256	28 IR 3234
327 IAC 2-1.5-20	A	03-129	27 IR 3662	*GRAT (28 IR 2205) 28 IR 2096	327 IAC 8-2.1-14	A	04-13	28 IR 1257	28 IR 3235
327 IAC 2-4-3	A	03-129	27 IR 3663	*GRAT (28 IR 2205) 28 IR 2097	327 IAC 8-2.1-16	A	04-13	28 IR 1257	28 IR 3236
327 IAC 3-2-1.5	N	04-320	28 IR 2192	28 IR 3551	327 IAC 8-2.1-17	A	04-13	28 IR 1261	*ERR (28 IR 3583) 28 IR 3240
327 IAC 3-2-3.5	N	04-320	28 IR 2192	28 IR 3552	327 IAC 8-2.6-1	A	04-13	28 IR 1268	28 IR 3247
327 IAC 3-2-5.5	N	04-320	28 IR 2193	28 IR 3552	327 IAC 8-2.6-2	A	04-13	28 IR 1269	*ERR (29 IR 30) 28 IR 3248
327 IAC 5-1.5-72	A	03-129	27 IR 3663	*GRAT (28 IR 2205) 28 IR 2097	327 IAC 8-2.6-2.1	N	04-13	28 IR 1271	*ERR (28 IR 3583) 28 IR 3250
327 IAC 5-2-1.5	A	03-129	27 IR 3663	*GRAT (28 IR 2205) 28 IR 2097	327 IAC 8-2.6-3	A	04-13	28 IR 1273	*ERR (28 IR 3583) 28 IR 3252
327 IAC 5-2-11.1	A	03-129	27 IR 3664	*GRAT (28 IR 2205) 28 IR 2097	327 IAC 8-2.6-4	A	04-13	28 IR 1274	28 IR 3253
327 IAC 5-2-11.2	A	03-129	27 IR 3668	*GRAT (28 IR 2205) 28 IR 2101	327 IAC 8-2.6-5	A	04-13	28 IR 1274	28 IR 3253
327 IAC 5-2-11.4	A	03-129	27 IR 3669	*GRAT (28 IR 2205) 28 IR 2102	327 IAC 8-3-1	A	04-106	28 IR 2165	*ARR (29 IR 31)
				*ERR (28 IR 3582)	327 IAC 8-3-1.1	A	04-106	28 IR 2166	*ARR (29 IR 31)
327 IAC 5-2-11.5	A	03-129	27 IR 3679	*GRAT (28 IR 2205) 28 IR 2112	327 IAC 8-3-2	A	04-106	28 IR 2166	*ARR (29 IR 31)
327 IAC 5-2-11.6	A	03-129	27 IR 3689	*GRAT (28 IR 2205) 28 IR 2120	327 IAC 8-3-2.1	N	04-106	28 IR 2167	*ARR (29 IR 31)
327 IAC 5-2-13	A	03-129	27 IR 3694	*GRAT (28 IR 2205) 28 IR 2125	327 IAC 8-3-3	A	04-106	28 IR 2168	*ARR (29 IR 31)
327 IAC 5-2-15	A	03-129	27 IR 3694	*GRAT (28 IR 2205) 28 IR 2126	327 IAC 8-3-8	A	04-106	28 IR 2168	*ARR (29 IR 31)
327 IAC 5-3.5	N	03-130	28 IR 650	*CPH (28 IR 1197) 28 IR 2349	327 IAC 8-3-1-1	A	04-106	28 IR 2169	*ARR (29 IR 31)
				*ERR (28 IR 3582)	327 IAC 8-3-1-2	A	04-106	28 IR 2169	*ARR (29 IR 31)
327 IAC 8-1-1	A	04-106	28 IR 2163	*ARR (29 IR 31)	327 IAC 8-3-2-1	A	04-106	28 IR 2170	*ARR (29 IR 31)
327 IAC 8-1-2	A	04-106	28 IR 2164	*ARR (29 IR 31)	327 IAC 8-3-2-2	A	04-106	28 IR 2170	*ARR (29 IR 31)
327 IAC 8-1-3	A	04-106	28 IR 2164	*ARR (29 IR 31)	327 IAC 8-3-2-4	A	04-106	28 IR 2171	*ARR (29 IR 31)
327 IAC 8-1-4	A	04-106	28 IR 2165	*ARR (29 IR 31)	327 IAC 8-3-2-8	A	04-106	28 IR 2171	*ARR (29 IR 31)
327 IAC 8-2-1	A	04-13	28 IR 1206	28 IR 3184	327 IAC 8-3-2-11	A	04-106	28 IR 2171	*ARR (29 IR 31)
327 IAC 8-2-4	A	04-13	28 IR 1210	28 IR 3188	327 IAC 8-3-2-17	A	04-106	28 IR 2173	*ARR (29 IR 31)
327 IAC 8-2-4.1	A	04-13	28 IR 1212	28 IR 3190	327 IAC 8-3-2-18	A	04-106	28 IR 2174	*ARR (29 IR 31)
327 IAC 8-2-4.2	A	04-13	28 IR 1217	28 IR 3196	327 IAC 8-3-2-20	A	04-106	28 IR 2175	*ARR (29 IR 31)
				*ERR (28 IR 3582)	327 IAC 8-3-3-4	A	04-106	28 IR 2175	*ARR (29 IR 31)
				*ERR (29 IR 30)	327 IAC 8-3-3-5	A	04-106	28 IR 2176	*ARR (29 IR 31)
327 IAC 8-2-5.1	A	04-13	28 IR 1220	28 IR 3198	327 IAC 8-3-3-6	A	04-106	28 IR 2176	*ARR (29 IR 31)
327 IAC 8-2-5.2	A	04-13	28 IR 1222	28 IR 3200	327 IAC 8-3-4-1	A	04-106	28 IR 2176	*ARR (29 IR 31)
				*ERR (28 IR 3582)	327 IAC 8-3-4-2	A	04-106	28 IR 2178	*ARR (29 IR 31)
327 IAC 8-2-5.5	A	04-13	28 IR 1225	28 IR 3203	327 IAC 8-3-4-3	A	04-106	28 IR 2178	*ARR (29 IR 31)
				*ERR (28 IR 3582)	327 IAC 8-3-4-4	A	04-106	28 IR 2178	*ARR (29 IR 31)
327 IAC 8-2-8.5	A	04-13	28 IR 1228	28 IR 3206	327 IAC 8-3-4-8	A	04-106	28 IR 2179	*ARR (29 IR 31)
327 IAC 8-2-8.7	A	04-13	28 IR 1229	28 IR 3207	327 IAC 8-3-4-9	A	04-106	28 IR 2180	*ARR (29 IR 31)
				*ERR (28 IR 3582)	327 IAC 8-3-4-9.1	N	04-106	28 IR 2180	*ARR (29 IR 31)
327 IAC 8-2-9	A	04-13	28 IR 1230	28 IR 3209	327 IAC 8-3-4-12	A	04-106	28 IR 2182	*ARR (29 IR 31)
327 IAC 8-2-10.1	A	04-13	28 IR 1230	28 IR 3209	327 IAC 8-3-4-13	A	04-106	28 IR 2183	*ARR (29 IR 31)
				*ERR (28 IR 3582)	327 IAC 8-3-4-14	A	04-106	28 IR 2183	*ARR (29 IR 31)
327 IAC 8-2-10.2	A	04-13	28 IR 1233	28 IR 3212	327 IAC 8-3-4-16	A	04-106	28 IR 2184	*ARR (29 IR 31)
				*ERR (28 IR 3582)	327 IAC 8-3-4-17	A	04-106	28 IR 2185	*ARR (29 IR 31)
327 IAC 8-2-10.3	N	04-13	28 IR 1237	28 IR 3215	327 IAC 8-3-4-23	A	04-106	28 IR 2185	*ARR (29 IR 31)
327 IAC 8-2-13	A	04-13	28 IR 1239	28 IR 3217	327 IAC 8-3-4-24	A	04-106	28 IR 2186	*ARR (29 IR 31)
327 IAC 8-2-34	A	04-13	28 IR 1239	28 IR 3218	327 IAC 8-3-4-25	A	04-106	28 IR 2187	*ARR (29 IR 31)
327 IAC 8-2-34.1	N	04-13	28 IR 1240	28 IR 3218	327 IAC 8-3-4-27	A	04-106	28 IR 2188	*ARR (29 IR 31)
327 IAC 8-2-45	A	04-13	28 IR 1240	28 IR 3218	327 IAC 8-3-5-1	A	04-106	28 IR 2188	*ARR (29 IR 31)
				*ERR (28 IR 3583)	327 IAC 8-3-5-2	A	04-106	28 IR 2189	*ARR (29 IR 31)
					327 IAC 8-3-5-5	A	04-106	28 IR 2189	*ARR (29 IR 31)
					327 IAC 8-4-1	A	04-106	28 IR 2189	*ARR (29 IR 31)
					327 IAC 8-4-2	N	04-106	28 IR 2190	*ARR (29 IR 31)
					327 IAC 8-6-1	A	04-106	28 IR 2191	*ARR (29 IR 31)
					327 IAC 15-14				*ERR (28 IR 214) 28 IR 2968
					327 IAC 17	N	04-228	28 IR 1288	
					TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD				
					328 IAC 1-1-2	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 123
					328 IAC 1-1-3	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 123

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TITLE 329 SOLID WASTE MANAGEMENT BOARD						(26 IR 3178)
329 IAC 3.1-1-7	A	03-312	27 IR 4110	28 IR 2661		*CPH (26 IR 3671)
329 IAC 3.1-6-2	A	03-312	27 IR 4111	28 IR 2662		*CPH (27 IR 2299)
329 IAC 3.1-6-3	A	03-312	27 IR 4112	28 IR 2663		*CPH (27 IR 2300)
329 IAC 3.1-6-6	A	04-318	28 IR 2194	28 IR 3553		*ARR (27 IR 2500)
329 IAC 3.1-7-5	N	03-312	27 IR 4112	28 IR 2663	27 IR 3178	*CPH (27 IR 2521)
						28 IR 146

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329 IAC 9-1-14	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-29.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3178	28 IR 146				27 IR 3209	28 IR 177
329 IAC 9-1-14.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-36	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3209	28 IR 177				27 IR 3179	28 IR 147
329 IAC 9-1-14.3	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-36.5	N	01-161	27 IR 3179	28 IR 147
			27 IR 3178	28 IR 146	329 IAC 9-1-39.5	N	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-14.5	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)				27 IR 3179	28 IR 147
			27 IR 3178	28 IR 146	329 IAC 9-1-41	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-14.7	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)				27 IR 3209	28 IR 177
			27 IR 3178	28 IR 146	329 IAC 9-1-41.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-1-25	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-41.5	N	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3178	28 IR 146				27 IR 3209	28 IR 177
329 IAC 9-1-27	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-42.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3178	28 IR 147				27 IR 3209	28 IR 177

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329 IAC 9-1-47	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-3.1-1	A	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3179	28 IR 147				27 IR 3187	28 IR 155
329 IAC 9-1-47.1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-3.1-2	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3179	28 IR 147				27 IR 3187	28 IR 155
329 IAC 9-2-1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-3.1-3	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3179	28 IR 148				27 IR 3188	28 IR 156
329 IAC 9-2-2	A	01-161	26 IR 1214	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-3.1-4	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3182	28 IR 150				27 IR 3188	28 IR 156
329 IAC 9-2.1-1	A	01-161	26 IR 1215	*ERR (28 IR 608) *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-4-3	A	01-161	26 IR 1220	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3183	28 IR 151				27 IR 3189	28 IR 157
329 IAC 9-3-1	A	01-161	26 IR 1216	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-4-4	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3184	28 IR 152				27 IR 3189	28 IR 158
329 IAC 9-3-2	N	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-1	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3187	28 IR 155				27 IR 3190	28 IR 158

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329 IAC 9-5-2	A	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-7	A	01-161	26 IR 1227	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-5-3.1	R	01-161	27 IR 3191 26 IR 1239	28 IR 160 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-1	A	01-161	27 IR 3196 26 IR 1229	28 IR 165 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-5-3.2	N	01-161	27 IR 3209 26 IR 1223	28 IR 177 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-2	R	01-161	27 IR 3199 26 IR 1239	28 IR 168 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-5-4.1	R	01-161	27 IR 3192 26 IR 1239	28 IR 160 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-2.5	N	01-161	27 IR 3209 26 IR 1230	28 IR 177 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-5-4.2	N	01-161	27 IR 3209 26 IR 1224	28 IR 177 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-3	A	01-161	27 IR 3200 26 IR 1234	28 IR 168 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-5-5.1	A	01-161	27 IR 3192 26 IR 1224	28 IR 160 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-4	A	01-161	27 IR 3204 26 IR 1234	28 IR 172 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-5-6	A	01-161	27 IR 3193 26 IR 1226	28 IR 161 *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-5	A	01-161	27 IR 3204 26 IR 1235	28 IR 173 *ERR (28 IR 1184) *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3196	28 IR 164				27 IR 3205	28 IR 173

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329 IAC 9-7-1	A	01-161	26 IR 1235	*CPH (26 IR 1962)	345 IAC 1-3-9	R	04-147	27 IR 4136	28 IR 2687
				*CPH (26 IR 2646)	345 IAC 1-3-10	A	04-147	27 IR 4121	28 IR 2672
				*CPH (26 IR 3073)	345 IAC 1-3-20	R	05-41	28 IR 3648	
				*CPH (26 IR 3367)	345 IAC 1-3-31	A	04-287	28 IR 1833	28 IR 3569
				*CPH (26 IR 3671)	345 IAC 1-5-3	A	05-90	28 IR 3652	
				*CPH (27 IR 2299)	345 IAC 2-4.1	R	04-147	27 IR 4136	28 IR 2687
				*CPH (27 IR 2300)	345 IAC 2.5	N	04-147	27 IR 4121	28 IR 2672
				*ARR (27 IR 2500)	345 IAC 4-4-1	A	04-135	27 IR 4118	28 IR 1473
				*CPH (27 IR 2521)	345 IAC 5-1-1	R	05-41	28 IR 3648	
			27 IR 3205	28 IR 173	345 IAC 5-1-2	R	05-41	28 IR 3648	
329 IAC 9-7-2	A	01-161	26 IR 1236	*CPH (26 IR 1962)	345 IAC 5-2	N	05-41	28 IR 3633	
				*CPH (26 IR 2646)	345 IAC 5-3	N	05-41	28 IR 3641	
				*CPH (26 IR 3073)	345 IAC 5-4	N	05-41	28 IR 3642	
				*CPH (26 IR 3367)	345 IAC 5-5	N	05-41	28 IR 3644	
				*CPH (26 IR 3671)	345 IAC 5-6	N	05-41	28 IR 3645	
				*CPH (27 IR 2299)	345 IAC 5-7	N	05-41	28 IR 3646	
				*CPH (27 IR 2300)	345 IAC 6-2	N	04-158	28 IR 1000	28 IR 2353
				*ARR (27 IR 2500)	345 IAC 7-4.5	N	04-248	28 IR 1820	28 IR 3556
				*CPH (27 IR 2521)	345 IAC 7-5-12	A	04-147	27 IR 4135	28 IR 2687
			27 IR 3206	28 IR 174	345 IAC 7-5-15.1	A	04-16	27 IR 2797	28 IR 559
329 IAC 9-7-4	A	01-161	26 IR 1237	*CPH (26 IR 1962)	345 IAC 7-5-22	A	04-16	27 IR 2798	28 IR 559
				*CPH (26 IR 2646)	345 IAC 8-2-1.1	A	04-286	28 IR 1821	28 IR 3557
				*CPH (26 IR 3073)	345 IAC 8-2-1.5	A	04-286	28 IR 1823	28 IR 3560
				*CPH (26 IR 3367)	345 IAC 8-2-1.6	N	04-286	28 IR 1824	28 IR 3560
				*CPH (26 IR 3671)	345 IAC 8-2-1.7	A	04-286	28 IR 1824	28 IR 3560
				*CPH (27 IR 2299)	345 IAC 8-2-1.9	A	04-286	28 IR 1825	28 IR 3561
				*CPH (27 IR 2300)	345 IAC 8-2-4	A	04-286	28 IR 1826	28 IR 3562
				*ARR (27 IR 2500)	345 IAC 8-3-1	A	04-286	28 IR 1828	28 IR 3564
				*CPH (27 IR 2521)	345 IAC 8-3-2	A	04-286	28 IR 1829	28 IR 3565
			27 IR 3207	28 IR 175	345 IAC 8-3-12	N	04-286	28 IR 1829	28 IR 3565
329 IAC 9-7-5	A	01-161	27 IR 3209	28 IR 177	345 IAC 8-4-1	A	04-286	28 IR 1830	28 IR 3566
329 IAC 9-7-6	R	01-161	26 IR 1239	*CPH (26 IR 1962)	345 IAC 9-2.1-1	A	05-70	28 IR 3648	
				*CPH (26 IR 2646)	345 IAC 9-12-2	A	05-70	28 IR 3649	
				*CPH (26 IR 3073)	345 IAC 9-20-2	A	05-70	28 IR 3650	
				*CPH (26 IR 3367)	345 IAC 9-21.5	N	05-70	28 IR 3650	
				*CPH (26 IR 3671)	345 IAC 10-2-5	N	04-135	27 IR 4119	28 IR 1473
				*CPH (27 IR 2299)	345 IAC 10-2.1-1	A	04-135	27 IR 4119	28 IR 1474
				*CPH (27 IR 2300)		A	05-70	28 IR 3650	
				*ARR (27 IR 2500)					
				*CPH (27 IR 2521)					
			27 IR 3209	28 IR 177	TITLE 355 STATE CHEMIST OF THE STATE OF INDIANA				
329 IAC 9-8-13				*ERR (28 IR 2391)	355 IAC 2-1-1	A	04-312	28 IR 1838	28 IR 3570
329 IAC 10-2-112	A	04-256	28 IR 1301	28 IR 2670	355 IAC 2-1-6	A	04-312	28 IR 1838	28 IR 3571
329 IAC 10-8-2				*ERR (28 IR 608)	355 IAC 2-2-1	A	04-312	28 IR 1839	28 IR 3571
329 IAC 10-9-2				*ERR (28 IR 608)	355 IAC 2-2-1.5	N	04-312	28 IR 1839	28 IR 3571
329 IAC 10-9-4				*ERR (28 IR 608)	355 IAC 2-2-6	A	04-312	28 IR 1839	28 IR 3571
				*ERR (28 IR 608)	355 IAC 2-2-9	A	04-312	28 IR 1839	28 IR 3571
				*ERR (28 IR 1485)	355 IAC 2-2-10	A	04-312	28 IR 1839	28 IR 3571
329 IAC 10-11-6.5	N	04-256	28 IR 1301	28 IR 2670	355 IAC 2-2-13	A	04-312	28 IR 1840	28 IR 3572
329 IAC 10-20-14.1				*ERR (28 IR 608)	355 IAC 2-2-14	A	04-312	28 IR 1840	28 IR 3572
329 IAC 10-36-19				*ERR (28 IR 608)	355 IAC 2-2-15	A	04-312	28 IR 1840	28 IR 3572
329 IAC 11-3-2				*ERR (28 IR 608)	355 IAC 2-2-17	A	04-312	28 IR 1840	28 IR 3572
329 IAC 11-8-2.5				*ERR (28 IR 608)	355 IAC 2-3-4	A	04-312	28 IR 1840	28 IR 3572
329 IAC 11-19-3				*ERR (28 IR 608)	355 IAC 2-3-6	A	04-312	28 IR 1841	28 IR 3573
329 IAC 11-20-1				*ERR (27 IR 4023)	355 IAC 2-3-8	A	04-312	28 IR 1841	28 IR 3573
329 IAC 12-8-4	A	03-286	27 IR 3696	*GRAT (28 IR 2204)	355 IAC 2-3-11	A	04-312	28 IR 1841	28 IR 3573
				28 IR 2127	355 IAC 2-3-12	A	04-312	28 IR 1841	28 IR 3573
329 IAC 12-8-5	A	03-286	27 IR 3697	*GRAT (28 IR 2204)	355 IAC 2-4-1	A	04-312	28 IR 1842	28 IR 3574
				28 IR 2128	355 IAC 2-5-1	A	04-312	28 IR 1842	28 IR 3575
329 IAC 12-9-2	A	03-286	27 IR 3698	*GRAT (28 IR 2204)	355 IAC 2-5-2	A	04-312	28 IR 1843	28 IR 3575
				28 IR 2128	355 IAC 2-5-3	A	04-312	28 IR 1844	28 IR 3576
329 IAC 13-3-1	A	03-312	27 IR 4115	28 IR 2666	355 IAC 2-5-4	A	04-312	28 IR 1844	28 IR 3576
329 IAC 13-3-4	N	03-312	27 IR 4116	28 IR 2668	355 IAC 2-5-6	A	04-312	28 IR 1844	28 IR 3576
329 IAC 13-9-5	A	03-312	27 IR 4117	28 IR 2669	355 IAC 2-5-8	A	04-312	28 IR 1844	28 IR 3576
329 IAC 15-1-1				*ER (28 IR 214)	355 IAC 2-5-12	A	04-312	28 IR 1845	28 IR 3577
					355 IAC 2-5-12.5	A	04-312	28 IR 1845	28 IR 3577
					355 IAC 2-5-13	A	04-312	28 IR 1846	28 IR 3578
					355 IAC 2-5-14	R	04-312	28 IR 1846	28 IR 3578
					355 IAC 2-6-1.5	A	04-312	28 IR 1846	28 IR 3578
					355 IAC 2-6-2	R	04-312	28 IR 1846	28 IR 3578
TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH									
345 IAC 1-2.5	N	04-248	28 IR 1818	28 IR 3554					
345 IAC 1-3-6.5	R	04-147	27 IR 4136	28 IR 2687					
345 IAC 1-3-7	A	04-147	27 IR 4120	28 IR 2671					

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355 IAC 2-8	R	04-312	28 IR 1846	28 IR 3578	405 IAC 5-19-1	A	04-178	28 IR 261	*NRA (28 IR 1497)
355 IAC 2-9-1	A	04-312	28 IR 1846	28 IR 3578					28 IR 2133
355 IAC 4-2-2	A	04-309	28 IR 1834	29 IR 6	405 IAC 5-19-3	A	03-207	27 IR 267	*AROC (27 IR 2342)
355 IAC 4-2-8	A	04-309	28 IR 1834	29 IR 6	405 IAC 5-19-10	A	04-178	28 IR 262	*NRA (28 IR 1497)
355 IAC 4-5-1	A	04-310	28 IR 1835	29 IR 7					28 IR 2134
355 IAC 4-5-2	A	04-310	28 IR 1836	29 IR 7	405 IAC 5-24-4	A	05-76	28 IR 3653	
355 IAC 4-5-3	A	04-310	28 IR 1836	29 IR 8	405 IAC 5-24-5	A	05-76	28 IR 3653	
355 IAC 4-5-4	R	04-310	28 IR 1836	29 IR 8	405 IAC 5-26-5	A	04-178	28 IR 262	*NRA (28 IR 1497)
355 IAC 4-5-5	R	04-310	28 IR 1836	29 IR 8					28 IR 2134
355 IAC 4-5-6	R	04-310	28 IR 1836	29 IR 8	405 IAC 6-2-5	A	04-95	27 IR 3210	*NRA (27 IR 4044)
355 IAC 4-5-11	R	04-310	28 IR 1836	29 IR 8					28 IR 179
355 IAC 4-6-1	A	04-311	28 IR 1837	29 IR 8	405 IAC 6-3-3	A	04-95	27 IR 3210	*NRA (27 IR 4044)
355 IAC 4-6-2	R	04-311	28 IR 1837	29 IR 9					28 IR 180
355 IAC 4-6-3	A	04-311	28 IR 1837	29 IR 8	405 IAC 6-4-2	A	04-95	27 IR 3210	*NRA (27 IR 4044)
355 IAC 4-6-4	R	04-311	28 IR 1838	29 IR 9					28 IR 180
355 IAC 4-6-6	R	04-311	28 IR 1838	29 IR 9	405 IAC 6-4-3	A	04-95	27 IR 3211	*NRA (27 IR 4044)
355 IAC 4-6-10	R	04-311	28 IR 1838	29 IR 9					28 IR 180
TITLE 357 INDIANA PESTICIDE REVIEW BOARD					405 IAC 6-5-1	A	04-95	27 IR 3211	*NRA (27 IR 4044)
357 IAC 1-6-1	A	04-160	28 IR 253	28 IR 1689					28 IR 181
357 IAC 1-6-2	A	04-160	28 IR 254	28 IR 1690	405 IAC 6-5-2	A	04-95	27 IR 3211	*NRA (27 IR 4044)
357 IAC 1-6-3	R	04-160	28 IR 257	28 IR 1693					28 IR 181
357 IAC 1-6-4	A	04-160	28 IR 256	28 IR 1692	405 IAC 6-5-3	A	04-95	27 IR 3211	*NRA (27 IR 4044)
357 IAC 1-6-5	A	04-160	28 IR 256	28 IR 1692					28 IR 181
357 IAC 1-6-6	A	04-160	28 IR 256	28 IR 1693	405 IAC 6-5-4	A	04-95	27 IR 3212	*NRA (27 IR 4044)
357 IAC 1-6-7	N	04-160	28 IR 257	28 IR 1693					28 IR 181
357 IAC 1-6-8	N	04-160	28 IR 257	28 IR 1693	405 IAC 6-5-6	A	04-95	27 IR 3212	*NRA (27 IR 4044)
357 IAC 1-7-1	A	04-159	28 IR 249	28 IR 1685					28 IR 182
357 IAC 1-7-2	A	04-159	28 IR 250	28 IR 1686	TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM				
357 IAC 1-7-3	R	04-159	28 IR 252	28 IR 1689	407 IAC 2-2-3	A	05-155	28 IR 3656	
357 IAC 1-7-4	A	04-159	28 IR 251	28 IR 1687	407 IAC 2-3-1	A	05-156	28 IR 3657	
357 IAC 1-7-5	A	04-159	28 IR 252	28 IR 1688	TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH				
357 IAC 1-7-6	A	04-159	28 IR 252	28 IR 1688	410 IAC 1-2-4	N	04-100	28 IR 2806	
357 IAC 1-7-7	N	04-159	28 IR 252	28 IR 1688	410 IAC 1-6	RA	05-20	28 IR 2458	28 IR 3661
357 IAC 1-7-8	N	04-159	28 IR 252	28 IR 1689	410 IAC 6-7.2-28				*ERR (28 IR 1695)
TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES					410 IAC 6-7.2-29				*ERR (28 IR 2391)
405 IAC 1-1-3.1	N	04-321	28 IR 2196	*NRA (28 IR 3321)	410 IAC 6-9-3				*ERR (28 IR 1695)
				28 IR 3579	410 IAC 6-12-0.5	N	03-276	27 IR 3212	28 IR 818
405 IAC 1-1-5	A	04-178	28 IR 258	*NRA (28 IR 1497)	410 IAC 6-12-1	A	03-276	27 IR 3212	28 IR 818
				28 IR 2129	410 IAC 6-12-2	R	03-276	27 IR 3216	28 IR 821
405 IAC 1-1.5-1	A	04-142	27 IR 3699	*NRA (28 IR 619)	410 IAC 6-12-3	A	03-276	27 IR 3213	28 IR 818
				28 IR 815	410 IAC 6-12-3.1	N	03-276	27 IR 3213	28 IR 818
				*ERR (28 IR 970)	410 IAC 6-12-3.2	N	03-276	27 IR 3213	28 IR 818
405 IAC 1-1.5-2	A	04-178	28 IR 259	*NRA (28 IR 1497)	410 IAC 6-12-4	A	03-276	27 IR 3213	28 IR 818
				28 IR 2131	410 IAC 6-12-5	R	03-276	27 IR 3216	28 IR 821
405 IAC 1-1.6	N	04-142	27 IR 3699	*NRA (28 IR 619)	410 IAC 6-12-6	R	03-276	27 IR 3216	28 IR 821
				28 IR 816	410 IAC 6-12-7	A	03-276	27 IR 3213	28 IR 818
				*ERR (28 IR 970)	410 IAC 6-12-8	A	03-276	27 IR 3213	28 IR 819
405 IAC 1-5-1	A	04-219	28 IR 655	*NRA (28 IR 1497)	410 IAC 6-12-9	A	03-276	27 IR 3214	28 IR 820
				28 IR 2134	410 IAC 6-12-10	A	03-276	27 IR 3215	28 IR 820
405 IAC 1-12-27	N	05-113	28 IR 3654		410 IAC 6-12-11	A	03-276	27 IR 3215	28 IR 820
405 IAC 1-14.5-27	N	05-114	28 IR 3655		410 IAC 6-12-12	A	03-276	27 IR 3215	28 IR 820
405 IAC 1-14.6-23	N	05-114	28 IR 3655		410 IAC 6-12-13	A	03-276	27 IR 3215	28 IR 820
405 IAC 2-2-3	A	04-319	28 IR 1847	*NRA (28 IR 2752)	410 IAC 6-12-14	A	03-276	27 IR 3215	28 IR 821
				29 IR 9	410 IAC 6-12-15	R	03-276	27 IR 3216	28 IR 821
405 IAC 2-3-10	A	03-263	27 IR 1210	*ARR (27 IR 4024)	410 IAC 6-12-17	N	03-276	27 IR 3216	28 IR 821
				*NRA (27 IR 4044)	410 IAC 7-20	R	04-60	27 IR 3301	28 IR 906
				28 IR 178	410 IAC 7-21-34				*ERR (28 IR 1695)
	A	04-321	28 IR 2196	*NRA (28 IR 3321)	410 IAC 7-23-1	A	04-62	27 IR 3301	28 IR 908
				28 IR 3579	410 IAC 7-24	N	04-60	27 IR 3216	28 IR 822
405 IAC 2-9-5	A	04-319	28 IR 1848	*NRA (28 IR 2752)					*ERR (28 IR 1485)
				29 IR 10	410 IAC 15-2.1	RA	05-20	28 IR 2458	28 IR 3661
405 IAC 5-1-5	A	04-178	28 IR 260	*NRA (28 IR 1497)	410 IAC 15-2.2	RA	05-20	28 IR 2458	28 IR 3661
				28 IR 2131	410 IAC 15-2.3	RA	05-20	28 IR 2458	28 IR 3661
405 IAC 5-3-13	A	04-178	28 IR 260	*NRA (28 IR 1497)	410 IAC 15-2.4	RA	05-20	28 IR 2458	28 IR 3661
				28 IR 2132	410 IAC 15-2.5	RA	05-20	28 IR 2458	28 IR 3661
405 IAC 5-9-1	A	04-178	28 IR 261	*NRA (28 IR 1497)	410 IAC 15-2.6	RA	05-20	28 IR 2458	28 IR 3661
				28 IR 2132					

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410 IAC 15-2.6-1				*ERR (28 IR 1695)	440 IAC 7.5-10-3	N	04-229	28 IR 667	*NRA (28 IR 1497)
410 IAC 15-2.7	RA	05-20	28 IR 2458	28 IR 3661					28 IR 2367
410 IAC 16.2-1.1-19.3	N	04-7	27 IR 2542	28 IR 189	440 IAC 7.5-11	N	04-229	28 IR 667	*NRA (28 IR 1497)
410 IAC 16.2-3.1-2	A	03-297	27 IR 2536	28 IR 182					28 IR 2367
	A	04-7	27 IR 2542	28 IR 189					
410 IAC 16.2-3.1-21				*ERR (28 IR 1695)	TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES				
410 IAC 16.2-3.1-53	N	04-7	27 IR 2545	28 IR 192	460 IAC 1-3.4	N	04-75	28 IR 1002	*NRA (28 IR 1497)
410 IAC 16.2-5-1.1	A	03-297	27 IR 2539	28 IR 185					*AROC (28 IR 2461)
410 IAC 16.2-5-1.4	A	04-7	27 IR 2547	28 IR 193	460 IAC 1-8-3	A	04-199	28 IR 1007	*NRA (28 IR 1497)
410 IAC 16.2-5-1.5				*ERR (28 IR 1695)					28 IR 2690
410 IAC 16.2-5-1.6				*ERR (28 IR 1695)	460 IAC 1-8-11	N	04-199	28 IR 1007	*NRA (28 IR 1497)
410 IAC 16.2-5-5.1				*ERR (28 IR 1695)					28 IR 2691
410 IAC 16.2-5-13	N	04-7	27 IR 2548	28 IR 194	460 IAC 1-8-12	N	04-199	28 IR 1008	*NRA (28 IR 1497)
410 IAC 21-3-6	R	04-161	28 IR 657	28 IR 2356					28 IR 2691
410 IAC 21-3-8	A	04-161	28 IR 656	28 IR 2355	460 IAC 1-8-13	N	04-199	28 IR 1008	*NRA (28 IR 1497)
410 IAC 21-3-9	A	04-161	28 IR 656	28 IR 2355					28 IR 2691
410 IAC 26	N	05-94	29 IR 85		460 IAC 1-10	N	03-231	27 IR 3303	*NRA (28 IR 233)
410 IAC 27	N	05-93	29 IR 66						28 IR 910
TITLE 412 INDIANA HEALTH FACILITIES COUNCIL					460 IAC 1-11	N	04-136	28 IR 1004	*NRA (28 IR 1497)
412 IAC 2-1-2.1	A	05-35	28 IR 3341						28 IR 2687
412 IAC 2-1-10	A	05-35	28 IR 3341		460 IAC 1.1	N	03-245	27 IR 2799	*AROC (27 IR 3344)
412 IAC 2-1-13	R	05-35	28 IR 3342						*NRA (28 IR 233)
412 IAC 2-1-14	A	05-35	28 IR 3342						*GRAT (28 IR 2204)
TITLE 414 HOSPITAL COUNCIL									28 IR 912
414 IAC 1-1-3	N	05-95	29 IR 103		460 IAC 2-2.1	N	04-76	27 IR 3701	*NRA (28 IR 233)
414 IAC 1-1-4	N	05-95	29 IR 103						28 IR 2368
TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION					460 IAC 3.5-2-3	N	04-269	28 IR 1303	*AWR (28 IR 1697)
440 IAC 7.5-1-1	A	04-229	28 IR 657	*NRA (28 IR 1497)	TITLE 470 DIVISION OF FAMILY RESOURCES				
				28 IR 2356	470 IAC 3-1.1-0.5	A	04-77	27 IR 2837	*NRA (28 IR 1196)
440 IAC 7.5-2-1	A	04-229	28 IR 660	*NRA (28 IR 1497)					*AROC (28 IR 1317)
				28 IR 2359					*ARR (28 IR 2140)
440 IAC 7.5-2-8	A	04-229	28 IR 661	*NRA (28 IR 1497)					*GRAT (28 IR 2205)
				28 IR 2359	470 IAC 3-1.1-1	A	04-77	27 IR 2838	*AWR (28 IR 2393)
440 IAC 7.5-2-12	A	04-229	28 IR 661	*NRA (28 IR 1497)					*NRA (28 IR 1196)
				28 IR 2360					*AROC (28 IR 1317)
440 IAC 7.5-2-13	A	04-229	28 IR 662	*NRA (28 IR 1497)					*ARR (28 IR 2140)
				28 IR 2361					*GRAT (28 IR 2205)
440 IAC 7.5-3-3	A	04-229	28 IR 663	*NRA (28 IR 1497)	470 IAC 3-1.1-2	A	04-77	27 IR 2838	*AWR (28 IR 2393)
				28 IR 2362					*NRA (28 IR 1196)
440 IAC 7.5-3-4	A	04-229	28 IR 664	*NRA (28 IR 1497)					*AROC (28 IR 1317)
				28 IR 2363					*ARR (28 IR 2140)
440 IAC 7.5-3-7	A	04-229	28 IR 664	*NRA (28 IR 1497)					*GRAT (28 IR 2205)
				28 IR 2363	470 IAC 3-1.1-4	A	04-77	27 IR 2838	*AWR (28 IR 2393)
440 IAC 7.5-4-4	A	04-229		*NRA (28 IR 1497)					*NRA (28 IR 1196)
				†† 28 IR 2363					*AROC (28 IR 1317)
440 IAC 7.5-4-7	A	04-229	28 IR 664	*NRA (28 IR 1497)					*ARR (28 IR 2140)
				28 IR 2364					*GRAT (28 IR 2205)
440 IAC 7.5-4-8	A	04-229	28 IR 665	*NRA (28 IR 1497)	470 IAC 3-1.1-6	A	04-77	27 IR 2838	*AWR (28 IR 2393)
				28 IR 2364					*NRA (28 IR 1196)
440 IAC 7.5-5-1	A	04-229	28 IR 665	*NRA (28 IR 1497)					*AROC (28 IR 1317)
				28 IR 2364					*ARR (28 IR 2140)
440 IAC 7.5-8-1	A	04-229	28 IR 666	*NRA (28 IR 1497)					*GRAT (28 IR 2205)
				28 IR 2365	470 IAC 3-1.1-7.2	A	04-77	27 IR 2838	*AWR (28 IR 2393)
440 IAC 7.5-8-2	A	04-229	28 IR 666	*NRA (28 IR 1497)					*NRA (28 IR 1196)
				28 IR 2365					*AROC (28 IR 1317)
440 IAC 7.5-8-3	A	04-229	28 IR 666	*NRA (28 IR 1497)					*ARR (28 IR 2140)
				28 IR 2365					*GRAT (28 IR 2205)
440 IAC 7.5-9-1	A	04-229	28 IR 666	*NRA (28 IR 1497)	470 IAC 3-1.1-7.4	A	04-77	27 IR 2839	*AWR (28 IR 2393)
				28 IR 2365					*NRA (28 IR 1196)
440 IAC 7.5-9-2	A	04-229	28 IR 666	*NRA (28 IR 1497)					*AROC (28 IR 1317)
				28 IR 2366					*ARR (28 IR 2140)
440 IAC 7.5-9-3	A	04-229	28 IR 667	*NRA (28 IR 1497)					*GRAT (28 IR 2205)
				28 IR 2366	470 IAC 3-1.1-8	A	04-77	27 IR 2839	*AWR (28 IR 2393)
440 IAC 7.5-10-1	A	04-229	28 IR 667	*NRA (28 IR 1497)					*NRA (28 IR 1196)
				28 IR 2366					*AROC (28 IR 1317)
440 IAC 7.5-10-2	A	04-229	28 IR 667	*NRA (28 IR 1497)					*ARR (28 IR 2140)
				28 IR 2366					*GRAT (28 IR 2205)
				28 IR 2366					*AWR (28 IR 2393)

Rules Affected by Volumes 28 and 29

[illegible]

Rules Affected by Volumes 28 and 29

[illegible]

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470 IAC 3-1.3-7	N	04-77	27 IR 2856	*NRA (28 IR 1196) *AROC (28 IR 1317) *ARR (28 IR 2140) *GRAT (28 IR 2205) *AWR (28 IR 2393)	511 IAC 6.1-5-5 511 IAC 6.1-5.1-1 511 IAC 6.1-5.1-2 511 IAC 6.1-5.1-3 511 IAC 6.1-5.1-4	A	04-317 04-36 04-36 04-36	28 IR 2198 27 IR 2553 27 IR 2553 27 IR 2554	*ERR (28 IR 3307)
470 IAC 3-4.8	N	03-232	27 IR 1626	*AROC (27 IR 2882) *NRA (27 IR 4044) 28 IR 196	511 IAC 6.1-5.1-5 511 IAC 6.1-5.1-6 511 IAC 6.1-5.1-8 511 IAC 6.1-5.1-9	A	04-36 04-36 04-36 04-36	27 IR 2555 27 IR 2555 27 IR 2556 27 IR 2557	28 IR 960 28 IR 960 28 IR 961 28 IR 962 28 IR 962 28 IR 963 28 IR 964
470 IAC 3-18	N	03-233	27 IR 1627	*AROC (27 IR 3345) *NRA (28 IR 233) 28 IR 950	511 IAC 6.1-5.1-10.1	A	04-36 04-317 04-22 04-317	27 IR 2557 28 IR 2199 27 IR 2550 28 IR 2200	28 IR 957
470 IAC 3.1-1-10	A	05-201	29 IR 104		511 IAC 6.1-5.1-11	A	04-317	28 IR 2202	
470 IAC 3.1-1-18	A	05-201	29 IR 104		511 IAC 6.1-6-1				*ERR (28 IR 3307)
470 IAC 3.1-1-25	A	05-201	29 IR 104		511 IAC 6.1-6-2				*ERR (28 IR 3307)
470 IAC 3.1-1-26	A	05-201	29 IR 104		511 IAC 6.1-8-1				*ERR (28 IR 3307)
470 IAC 3.1-3-1	A	05-201	29 IR 105		511 IAC 6.1-8-4				*ERR (28 IR 3307)
470 IAC 3.1-4-2	A	05-201	29 IR 106		511 IAC 6.1-9-4				*ERR (28 IR 3307)
470 IAC 3.1-7-1	A	05-201	29 IR 106		511 IAC 6.1-10-1				*ERR (28 IR 3307)
470 IAC 3.1-7-2	A	05-201	29 IR 107		511 IAC 6.1-10-3				*ERR (28 IR 3307)
470 IAC 3.1-7-3	R	05-201	29 IR 109		511 IAC 6.1-10-5				*ERR (28 IR 3307)
470 IAC 3.1-11-2	A	05-201	29 IR 107		511 IAC 6.2-1-1				*ERR (28 IR 3307)
470 IAC 3.1-11-4	A	05-201	29 IR 107		511 IAC 6.2-2-2				*ERR (28 IR 3307)
470 IAC 3.1-12-2	A	05-201	29 IR 108		511 IAC 6.2-2-4				*ERR (28 IR 3307)
470 IAC 3.1-12-7	A	05-201	29 IR 108		511 IAC 6.2-2-5				*ERR (28 IR 3307)
470 IAC 3.1-15-10	A	05-201	29 IR 109		511 IAC 6.2-2-6				*ERR (28 IR 3307)
TITLE 511 INDIANA STATE BOARD OF EDUCATION					511 IAC 6.2-2-7				*ERR (28 IR 3307)
511 IAC 1-2.5-1				*ERR (28 IR 3306)	511 IAC 6.2-2-8				*ERR (28 IR 3307)
511 IAC 1-3-1	A	04-101	27 IR 3305	28 IR 965	511 IAC 6.2-2-9				*ERR (28 IR 3307)
				*ERR (28 IR 3306)	511 IAC 6.2-2-11				*ERR (28 IR 3307)
511 IAC 1-3-2				*ERR (28 IR 3306)	511 IAC 6.2-2-12				*ERR (28 IR 3307)
511 IAC 1-6-1				*ERR (28 IR 3306)	511 IAC 6.2-2.5-4				*ERR (28 IR 3307)
511 IAC 1-6-2				*ERR (28 IR 3306)	511 IAC 6.2-2.5-9				*ERR (28 IR 3307)
511 IAC 1-6-3				*ERR (28 IR 3306)	511 IAC 6.2-3-1				*ERR (28 IR 3307)
511 IAC 1-6-4				*ERR (28 IR 3306)	511 IAC 6.2-3-3				*ERR (28 IR 3307)
511 IAC 1-6-5				*ERR (28 IR 3306)	511 IAC 6.2-4-1				*ERR (28 IR 3307)
511 IAC 1-7-1				*ERR (28 IR 3306)	511 IAC 6.2-4-2				*ERR (28 IR 3307)
511 IAC 1-8-2				*ERR (28 IR 3306)	511 IAC 6.2-4-4				*ERR (28 IR 3307)
511 IAC 1-8-7				*ERR (28 IR 3306)	511 IAC 6.2-6-2				*ERR (28 IR 3307)
511 IAC 1-8-11				*ERR (28 IR 3306)	511 IAC 6.2-6-3				*ERR (28 IR 3307)
511 IAC 1-9	RA	04-47	27 IR 2879	28 IR 323	511 IAC 6.2-6-7				*ERR (28 IR 3307)
511 IAC 4-4-3				*ERR (28 IR 3306)	511 IAC 6.2-6-10				*ERR (28 IR 3307)
511 IAC 5-1-1				*ERR (28 IR 3306)	511 IAC 6.2-7-2				*ERR (28 IR 3307)
511 IAC 5-2-4				*ERR (28 IR 3306)	511 IAC 7-17-16				*ERR (28 IR 3307)
511 IAC 5-2-4.5	N	04-214	28 IR 668	28 IR 2692	511 IAC 7-18-1				*ERR (28 IR 3307)
511 IAC 5-3-2				*ERR (28 IR 3306)	511 IAC 7-18-2				*ERR (28 IR 3307)
511 IAC 6-7-1	RA	04-47	27 IR 2879	28 IR 323	511 IAC 7-27-4				*ERR (28 IR 3308)
511 IAC 6-7-2				*ERR (28 IR 3306)	511 IAC 8	RA	04-47	27 IR 2879	28 IR 323
511 IAC 6-7-6	RA	04-47	27 IR 2879	28 IR 323	511 IAC 8-1-1				*ERR (28 IR 3308)
				*ERR (28 IR 3306)	511 IAC 9-1-0.5				*ERR (28 IR 3308)
				*ERR (28 IR 3306)	511 IAC 9-1-1				*ERR (28 IR 3308)
511 IAC 6-7-6.1				28 IR 959	511 IAC 9-1-2				*ERR (28 IR 3308)
511 IAC 6-7-6.5	A	04-36	27 IR 2552		511 IAC 9-2-2				*ERR (28 IR 3308)
511 IAC 6-7.1	N	04-277	28 IR 1303		511 IAC 9-5-2				*ERR (28 IR 3308)
511 IAC 6-7.1-4.5	N	04-276	28 IR 1849	*AWR (28 IR 2992)	511 IAC 9-5-4				*ERR (28 IR 3308)
511 IAC 6-9.1	RA	05-15	28 IR 2459	28 IR 3052	511 IAC 9-6-1				*ERR (28 IR 3308)
511 IAC 6-10-1				*ERR (28 IR 3306)	511 IAC 10-6-1				*ERR (28 IR 3308)
511 IAC 6.1-1-1				*ERR (28 IR 3306)	511 IAC 10-6-3				*ERR (28 IR 3308)
511 IAC 6.1-1-2				*ERR (28 IR 3306)	511 IAC 10-6-5				*ERR (28 IR 3308)
511 IAC 6.1-1-4				*ERR (28 IR 3306)	511 IAC 11-7-3				*ERR (28 IR 3308)
511 IAC 6.1-1-9				*ERR (28 IR 3306)	511 IAC 12-2-4				*ERR (28 IR 3308)
511 IAC 6.1-1-13.5				*ERR (28 IR 3306)					
511 IAC 6.1-2-2.5	RA	04-47	27 IR 2879	28 IR 323	TITLE 514 INDIANA SCHOOL FOR THE DEAF BOARD				
511 IAC 6.1-2-4				*ERR (28 IR 3306)	514 IAC	N	03-298	27 IR 1634	28 IR 197
511 IAC 6.1-2-5				*ERR (28 IR 3306)	TITLE 515 PROFESSIONAL STANDARDS, ADVISORY BOARD				
511 IAC 6.1-5-1				*ERR (28 IR 3306)	OF THE DIVISION OF				
511 IAC 6.1-5-2.5				*ERR (28 IR 3306)	515 IAC 1-1-89				*ERR (28 IR 3308)
511 IAC 6.1-5-3				*ERR (28 IR 3306)	515 IAC 1-1-93				*ERR (28 IR 3308)
511 IAC 6.1-5-4	RA	04-47	27 IR 2879	28 IR 323					
				*ERR (28 IR 3306)					

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515 IAC 1-2-17				*ERR (28 IR 3308)	570 IAC 1-12-1	A	05-178	29 IR 125	
515 IAC 1-2-18				*ERR (28 IR 3308)	570 IAC 1-12-2	A	05-178	29 IR 126	
515 IAC 1-4-1	A	03-320	27 IR 2558	*ARR (28 IR 610)	570 IAC 1-13-1	A	05-178	29 IR 126	
				28 IR 1475	570 IAC 1-13-2	A	05-178	29 IR 126	
				*ERR (28 IR 3308)	570 IAC 1-13-3	A	05-178	29 IR 127	
515 IAC 1-4-2	A	03-320	27 IR 2558	*ARR (28 IR 610)	570 IAC 1-13-4	A	05-178	29 IR 127	
				28 IR 1475	570 IAC 1-14-2	A	05-178	29 IR 127	
515 IAC 1-6-1				*ERR (28 IR 3308)	570 IAC 1-14-3	A	05-178	29 IR 128	
515 IAC 1-6-4				*ERR (28 IR 3308)	570 IAC 1-14-4	A	05-178	29 IR 128	
515 IAC 1-6-6				*ERR (28 IR 3308)	570 IAC 1-14-10	A	05-178	29 IR 128	
515 IAC 1-7-13				*ERR (28 IR 3308)	570 IAC 1-14-11	A	05-178	29 IR 128	
515 IAC 1-7-16				*ERR (28 IR 3308)					
515 IAC 2-1-3				*ERR (28 IR 3308)	TITLE 575 STATE SCHOOL BUS COMMITTEE				
515 IAC 2-1-4				*ERR (28 IR 3308)	575 IAC 1-1-1				*ERR (28 IR 3583)
515 IAC 4-1-2				*ERR (28 IR 3308)	575 IAC 1-1-5				*ERR (28 IR 3583)
515 IAC 4-1-3				*ERR (28 IR 3308)	575 IAC 1-5.5-1				*ERR (28 IR 3583)
515 IAC 4-2-6				*ERR (28 IR 3308)					
515 IAC 4-2-7				*ERR (28 IR 3308)	TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT				
515 IAC 5-1-4				*ERR (28 IR 3308)	646 IAC 3-1-12	N	03-317	27 IR 2858	28 IR 560
515 IAC 8-1-1				*ERR (28 IR 3308)	646 IAC 3-1-13	N	03-317	27 IR 2858	28 IR 561
515 IAC 8-1-23	A	03-321	27 IR 2330	*ARR (28 IR 610)	646 IAC 3-4-11	N	03-317	27 IR 2858	28 IR 561
				28 IR 1477	646 IAC 3-5-1	A	03-317	27 IR 2859	28 IR 561
515 IAC 8-1-42	A	03-321	27 IR 2330	*ARR (28 IR 610)	646 IAC 3-10-9	A	05-128	28 IR 3343	
				28 IR 1478	646 IAC 3-10-13	A	05-128	28 IR 3343	
515 IAC 9-1-1				*ERR (28 IR 3308)					
515 IAC 9-1-18				*ERR (28 IR 3309)	TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS				
515 IAC 9-1-19				*ERR (28 IR 3309)	AND EDUCATION				
515 IAC 9-1-22	A	03-322	27 IR 2331	*ARR (28 IR 610)	655 IAC 1-1-5.1	A	04-138	28 IR 1009	*AROC (28 IR 1073)
				28 IR 1479					28 IR 2693
515 IAC 10	N	04-197	28 IR 263	*ARR (28 IR 2991)		A	04-297	28 IR 2415	*AROC (28 IR 3354)
515 IAC 12	N	04-141	27 IR 3703	28 IR 2135	655 IAC 1-2.1-3	A	04-138	28 IR 1012	*AROC (28 IR 1073)
TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY									28 IR 2696
540 IAC 1-1-11	RA	04-54	27 IR 2880	*CPH (27 IR 3096)	655 IAC 1-2.1-4	A	04-138	28 IR 1012	*AROC (28 IR 1073)
				28 IR 324					28 IR 2696
540 IAC 1-1-17	RA	04-54	27 IR 2880	*CPH (27 IR 3096)	655 IAC 1-2.1-5	A	04-138	28 IR 1013	*AROC (28 IR 1073)
				28 IR 324					28 IR 2696
TITLE 570 INDIANA COMMISSION ON PROPRIETARY EDUCATION					655 IAC 1-2.1-6	A	04-138	28 IR 1013	*AROC (28 IR 1073)
570 IAC 1-1-1	A	05-178	29 IR 111						28 IR 2697
570 IAC 1-2-3	A	05-178	29 IR 114		655 IAC 1-2.1-6.1	A	04-138	28 IR 1013	*AROC (28 IR 1073)
570 IAC 1-2-4	A	05-178	29 IR 114						28 IR 2697
570 IAC 1-3-1	A	05-178	29 IR 114		655 IAC 1-2.1-6.2	A	04-138	28 IR 1013	*AROC (28 IR 1073)
570 IAC 1-3-2	A	05-178	29 IR 115						28 IR 2697
570 IAC 1-3-3	A	05-178	29 IR 116		655 IAC 1-2.1-6.3	A	04-138	28 IR 1014	*AROC (28 IR 1073)
570 IAC 1-4-1	A	05-178	29 IR 116						28 IR 2697
570 IAC 1-4-2	A	05-178	29 IR 117		655 IAC 1-2.1-6.4	A	04-138	28 IR 1014	*AROC (28 IR 1073)
570 IAC 1-4-3	A	05-178	29 IR 118						28 IR 2698
570 IAC 1-4-4	A	05-178	29 IR 119		655 IAC 1-2.1-7.1	N	04-138	28 IR 1014	*AROC (28 IR 1073)
570 IAC 1-5-2	A	05-178	29 IR 119						28 IR 2698
570 IAC 1-5-3	A	05-178	29 IR 120		655 IAC 1-2.1-8	A	04-138	28 IR 1016	*AROC (28 IR 1073)
570 IAC 1-5-4	A	05-178	29 IR 120						28 IR 2700
570 IAC 1-5-5	A	05-178	29 IR 120		655 IAC 1-2.1-9	A	04-138	28 IR 1016	*AROC (28 IR 1073)
570 IAC 1-5-6	A	05-178	29 IR 120						28 IR 2700
570 IAC 1-5-7	A	05-178	29 IR 121		655 IAC 1-2.1-10	A	04-138	28 IR 1016	*AROC (28 IR 1073)
570 IAC 1-6-1	A	05-178	29 IR 121						28 IR 2700
570 IAC 1-6-2	A	05-178	29 IR 121		655 IAC 1-2.1-11	A	04-138	28 IR 1017	*AROC (28 IR 1073)
570 IAC 1-6-3	A	05-178	29 IR 121						28 IR 2701
570 IAC 1-6-4	A	05-178	29 IR 121		655 IAC 1-2.1-12	A	04-138	28 IR 1017	*AROC (28 IR 1073)
570 IAC 1-6-6	A	05-178	29 IR 122						28 IR 2701
570 IAC 1-8-3	A	05-178	29 IR 122		655 IAC 1-2.1-13	A	04-138	28 IR 1017	*AROC (28 IR 1073)
570 IAC 1-8-4.5	A	05-178	29 IR 123						28 IR 2701
570 IAC 1-8-5.5	N	05-178	29 IR 123		655 IAC 1-2.1-14	A	04-138	28 IR 1017	*AROC (28 IR 1073)
570 IAC 1-8-7	A	05-178	29 IR 123						28 IR 2701
570 IAC 1-9-5	A	05-178	29 IR 124		655 IAC 1-2.1-15	A	04-138	28 IR 1017	*AROC (28 IR 1073)
570 IAC 1-10.1-4	A	05-178	29 IR 124						28 IR 2701
570 IAC 1-10.1-6	A	05-178	29 IR 125		655 IAC 1-2.1-20	A	04-138	28 IR 1018	*AROC (28 IR 1073)
570 IAC 1-11-4	A	05-178	29 IR 125						28 IR 2702
570 IAC 1-11-8	A	05-178	29 IR 125		655 IAC 1-2.1-22	A	04-138	28 IR 1018	*AROC (28 IR 1073)
									28 IR 2702

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655 IAC 1-2.1-23	A	04-138	28 IR 1018	*AROC (28 IR 1073) 28 IR 2702	TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION			
655 IAC 1-2.1-23.1	A	04-138	28 IR 1019	*AROC (28 IR 1073) 28 IR 2702	675 IAC 13-2.4-3	02-115	28 IR 1529	*ERR (28 IR 1695)
655 IAC 1-2.1-24	A	04-138	28 IR 1019	*AROC (28 IR 1073) 28 IR 2703	675 IAC 13-2.4-10	A 04-216	28 IR 1529	*AROC (29 IR 146)
655 IAC 1-2.1-24.1	A	04-138	28 IR 1019	*AROC (28 IR 1073) 28 IR 2703	675 IAC 13-2.4-15	02-115		*ERR (28 IR 1695)
655 IAC 1-2.1-24.2	A	04-138	28 IR 1019	*AROC (28 IR 1073) 28 IR 2703	675 IAC 13-2.4-19	A 04-216	28 IR 1529	*AROC (29 IR 146)
655 IAC 1-2.1-24.3	A	04-138	28 IR 1019	*AROC (28 IR 1073) 28 IR 2703	675 IAC 13-2.4-20	A 04-216	28 IR 1530	*AROC (29 IR 146)
655 IAC 1-2.1-75	A	04-138	28 IR 1020	*AROC (28 IR 1073) 28 IR 2704	675 IAC 13-2.4-22	A 04-216	28 IR 1530	*AROC (29 IR 146)
655 IAC 1-2.1-75.2	A	04-138	28 IR 1020	*AROC (28 IR 1073) 28 IR 2704	675 IAC 13-2.4-24.3	N 04-216	28 IR 1530	*AROC (29 IR 146)
655 IAC 1-2.1-75.3	A	04-138	28 IR 1020	*AROC (28 IR 1073) 28 IR 2704	675 IAC 13-2.4-32.5	N 04-216	28 IR 1530	*AROC (29 IR 146)
655 IAC 1-2.1-75.4	A	04-138	28 IR 1021	*AROC (28 IR 1073) 28 IR 2705	675 IAC 13-2.4-40.5	N 04-216	28 IR 1531	*AROC (29 IR 146)
655 IAC 1-2.1-75.5	A	04-138	28 IR 1021	*AROC (28 IR 1073) 28 IR 2705	675 IAC 13-2.4-40.6	N 04-216	28 IR 1531	*AROC (29 IR 146)
655 IAC 1-2.1-76.1	A	04-138	28 IR 1022	*AROC (28 IR 1073) 28 IR 2706	675 IAC 13-2.4-41.5	N 04-216	28 IR 1531	*AROC (29 IR 146)
655 IAC 1-2.1-76.2	R	04-138	28 IR 1029	*AROC (28 IR 1073) 28 IR 2712	675 IAC 13-2.4-42.7	N 04-216	28 IR 1531	*AROC (29 IR 146)
655 IAC 1-2.1-76.3	R	04-138	28 IR 1029	*AROC (28 IR 1073) 28 IR 2712	675 IAC 13-2.4-43.2	N 04-216	28 IR 1531	*AROC (29 IR 146)
655 IAC 1-2.1-96	N	04-138	28 IR 1022	*AROC (28 IR 1073) 28 IR 2706	675 IAC 13-2.4-43.6	N 04-216	28 IR 1531	*AROC (29 IR 146)
655 IAC 1-2.1-97	N	04-138	28 IR 1022	*AROC (28 IR 1073) 28 IR 2706	675 IAC 13-2.4-47	A 04-216	28 IR 1531	*AROC (29 IR 146)
655 IAC 1-2.1-98	N	04-138	28 IR 1023	*AROC (28 IR 1073) 28 IR 2706	675 IAC 13-2.4-55	A 04-216	28 IR 1533	*AROC (29 IR 146)
655 IAC 1-2.1-99	N	04-138	28 IR 1023	*AROC (28 IR 1073) 28 IR 2707	675 IAC 13-2.4-55.5	N 04-216	28 IR 1533	*AROC (29 IR 146)
655 IAC 1-2.1-100	N	04-138	28 IR 1023	*AROC (28 IR 1073) 28 IR 2707	675 IAC 13-2.4-56.5	N 04-216	28 IR 1533	*AROC (29 IR 146)
655 IAC 1-2.1-101	N	04-138	28 IR 1024	*AROC (28 IR 1073) 28 IR 2708	675 IAC 13-2.4-68	02-115		*ERR (28 IR 1695)
655 IAC 1-2.1-102	N	04-138	28 IR 1024	*AROC (28 IR 1073) 28 IR 2708	675 IAC 13-2.4-96.5	N 04-216	28 IR 1533	*AROC (29 IR 146)
655 IAC 1-2.1-103	N	04-138	28 IR 1025	*AROC (28 IR 1073) 28 IR 2709	675 IAC 13-2.4-105.6	N 04-216	28 IR 1533	*AROC (29 IR 146)
655 IAC 1-2.1-104	N	04-138	28 IR 1025	*AROC (28 IR 1073) 28 IR 2709	675 IAC 13-2.4-107.3	N 04-216	28 IR 1534	*AROC (29 IR 146)
655 IAC 1-2.1-105	N	04-138	28 IR 1026	*AROC (28 IR 1073) 28 IR 2710	675 IAC 13-2.4-107.5	N 04-216	28 IR 1534	*AROC (29 IR 146)
655 IAC 1-2.1-106	N	04-138	28 IR 1026	*AROC (28 IR 1073) 28 IR 2710	675 IAC 13-2.4-107.6	N 04-216	28 IR 1534	*AROC (29 IR 146)
655 IAC 1-2.1-107	N	04-138	28 IR 1027	*AROC (28 IR 1073) 28 IR 2710	675 IAC 13-2.4-118	A 04-216	28 IR 1534	*AROC (29 IR 146)
655 IAC 1-2.1-108	N	04-138	28 IR 1027	*AROC (28 IR 1073) 28 IR 2711	675 IAC 13-2.4-118.4	N 04-216	28 IR 1534	*AROC (29 IR 146)
655 IAC 1-2.1-109	N	04-138	28 IR 1027	*AROC (28 IR 1073) 28 IR 2711	675 IAC 13-2.4-121.5	N 04-216	28 IR 1534	*AROC (29 IR 146)
655 IAC 1-2.1-110	N	04-138	28 IR 1027	*AROC (28 IR 1073) 28 IR 2711	675 IAC 13-2.4-122	A 04-216	28 IR 1534	*AROC (29 IR 146)
655 IAC 1-2.1-111	N	04-297	28 IR 2419	*AROC (28 IR 3354)	675 IAC 13-2.4-122.5	N 04-216	28 IR 1535	*AROC (29 IR 146)
655 IAC 1-2.1-112	N	04-297	28 IR 2423	*AROC (28 IR 3354)	675 IAC 13-2.4-131	02-115		*ERR (28 IR 1695)
655 IAC 1-2.1-113	N	04-297	28 IR 2423	*AROC (28 IR 3354)	675 IAC 13-2.4-132	A 04-216	28 IR 1535	*AROC (29 IR 146)
655 IAC 1-2.1-114	N	04-297	28 IR 2424	*AROC (28 IR 3354)	675 IAC 13-2.4-132.3	N 04-216	28 IR 1535	*AROC (29 IR 146)
655 IAC 1-2.1-115	N	04-297	28 IR 2425	*AROC (28 IR 3354)	675 IAC 13-2.4-132.5	N 04-216	28 IR 1535	*AROC (29 IR 146)
655 IAC 1-3-8	R	03-186	27 IR 941	*AROC (27 IR 1652)	675 IAC 13-2.4-133.5	N 04-216	28 IR 1535	*AROC (29 IR 146)
655 IAC 1-4-2	A	04-138	28 IR 1028	*AROC (28 IR 1073) 28 IR 2712	675 IAC 13-2.4-134.5	N 04-216	28 IR 1535	*AROC (29 IR 146)
					675 IAC 13-2.4-143	A 04-216	28 IR 1535	*AROC (29 IR 146)
					675 IAC 13-2.4-174	02-115		*ERR (28 IR 1695)
					675 IAC 13-2.4-180.5	N 04-216	28 IR 1536	*AROC (29 IR 146)
					675 IAC 13-2.4-201.5	N 04-216	28 IR 1536	*AROC (29 IR 146)
					675 IAC 13-2.4-201.7	N 04-216	28 IR 1536	*AROC (29 IR 146)
					675 IAC 13-2.4-210.3	N 04-216	28 IR 1536	*AROC (29 IR 146)
					675 IAC 13-2.4-210.5	N 04-216	28 IR 1536	*AROC (29 IR 146)
					675 IAC 13-2.4-213.3	N 04-216	28 IR 1536	*AROC (29 IR 146)
					675 IAC 13-2.4-213.5	N 04-216	28 IR 1536	*AROC (29 IR 146)
					675 IAC 13-2.4-213.7	N 04-216	28 IR 1536	*AROC (29 IR 146)
					675 IAC 13-2.4-214.2	N 04-216	28 IR 1537	*AROC (29 IR 146)
					675 IAC 13-2.4-214.4	N 04-216	28 IR 1537	*AROC (29 IR 146)
					675 IAC 13-2.4-214.6	N 04-216	28 IR 1537	*AROC (29 IR 146)
					675 IAC 13-2.4-214.7	N 04-216	28 IR 1537	*AROC (29 IR 146)
					675 IAC 13-2.4-222	02-115		*ERR (28 IR 1695)
					675 IAC 13-2.4-228.5	N 04-216	28 IR 1538	*AROC (29 IR 146)
					675 IAC 14-4.2	R 04-194	28 IR 312	28 IR 3304
					675 IAC 14-4.2-3			*ERR (28 IR 970)
					675 IAC 14-4.2-19.5			*ERR (28 IR 970)
					675 IAC 14-4.2-20.5			*ERR (28 IR 970)
					675 IAC 14-4.2-21			*ERR (28 IR 970)
					675 IAC 14-4.2-26.5			*ERR (28 IR 970)
					675 IAC 14-4.2-29			*ERR (28 IR 970)
					675 IAC 14-4.2-30	A 04-8	27 IR 2333	28 IR 562
					675 IAC 14-4.2-53.7			*ERR (28 IR 970)
					675 IAC 14-4.2-69.5			*ERR (28 IR 970)
					675 IAC 14-4.2-69.6			*ERR (28 IR 970)
					675 IAC 14-4.2-73.5			*ERR (28 IR 970)
					675 IAC 14-4.2-81.2			*ERR (28 IR 970)
					675 IAC 14-4.2-89.2	A 04-8	27 IR 2333	28 IR 562
					675 IAC 14-4.2-89.6			*ERR (28 IR 970)
					675 IAC 14-4.2-89.8			*ERR (28 IR 970)

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675 IAC 14-4.2-107				*ERR (28 IR 970)	675 IAC 17-1.7	N	04-273	28 IR 1855	
675 IAC 14-4.3	N	04-194	28 IR 268	28 IR 3256	675 IAC 18-1.4-3		02-116		*ERR (28 IR 1696)
675 IAC 14-4.3-136.5	N	04-273	28 IR 1850		675 IAC 18-1.4-10.5	N	04-217	28 IR 1309	*AROC (29 IR 146)
675 IAC 14-4.3-155.5	N	04-273	28 IR 1850						29 IR 11
675 IAC 14-4.3-212	A	04-273	28 IR 1850		675 IAC 18-1.4-11.5	N	04-217	28 IR 1309	*AROC (29 IR 146)
675 IAC 14-4.3-213	R	04-273	28 IR 1859						29 IR 11
675 IAC 14-4.3-213.5	N	04-273	28 IR 1850		675 IAC 18-1.4-12		02-116		*ERR (28 IR 1696)
675 IAC 14-4.3-214	A	04-273	28 IR 1850		675 IAC 18-1.4-27		02-116		*ERR (28 IR 1696)
675 IAC 14-4.3-215	A	04-273	28 IR 1851		675 IAC 18-1.4-32.3	N	04-217	28 IR 1309	*AROC (29 IR 146)
675 IAC 14-4.3-216	R	04-273	28 IR 1859						29 IR 11
675 IAC 14-4.3-219.3	N	04-273	28 IR 1851		675 IAC 18-1.4-32.5	N	04-217	28 IR 1309	*AROC (29 IR 146)
675 IAC 14-4.3-219.5	N	04-273	28 IR 1851						29 IR 11
675 IAC 14-4.3-219.6	N	04-273	28 IR 1851		675 IAC 18-1.4-49.5	N	04-217	28 IR 1309	*AROC (29 IR 146)
675 IAC 14-4.3-219.7	N	04-273	28 IR 1851						29 IR 11
675 IAC 14-4.3-219.8	N	04-273	28 IR 1852		675 IAC 22-2.2-3	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-225.2	N	04-273	28 IR 1852		675 IAC 22-2.2-4	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-226.1	N	04-273	28 IR 1852		675 IAC 22-2.2-5	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-226.5	N	04-273	28 IR 1852		675 IAC 22-2.2-6	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-226.6	N	04-273	28 IR 1852		675 IAC 22-2.2-7	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-227	A	04-273	28 IR 1852		675 IAC 22-2.2-8	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-228.5	N	04-273	28 IR 1852		675 IAC 22-2.2-9	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-230	A	04-273	28 IR 1853		675 IAC 22-2.2-10	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-232	A	04-273	28 IR 1853		675 IAC 22-2.2-11	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-232.5	N	04-273	28 IR 1853		675 IAC 22-2.2-12	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-233	A	04-273	28 IR 1853		675 IAC 22-2.2-13	RA	04-19	27 IR 2339	28 IR 324
675 IAC 14-4.3-234	A	04-273	28 IR 1854		675 IAC 22-2.2-15	RA	04-19	27 IR 2340	28 IR 324
675 IAC 14-4.3-238.5	N	04-273	28 IR 1854		675 IAC 22-2.2-16	RA	04-19	27 IR 2340	28 IR 324
675 IAC 14-4.3-240	A	04-273	28 IR 1854		675 IAC 22-2.2-17	RA	04-19	27 IR 2340	28 IR 324
675 IAC 14-4.3-240.5	N	04-273	28 IR 1854		675 IAC 22-2.2-18	RA	04-19	27 IR 2340	28 IR 324
675 IAC 14-4.3-241	A	04-273	28 IR 1854		675 IAC 22-2.2-21	RA	04-19	27 IR 2340	28 IR 324
675 IAC 14-4.3-243.5	N	04-273	28 IR 1854		675 IAC 22-2.2-22	RA	04-19	27 IR 2340	28 IR 324
675 IAC 14-4.3-244	R	04-273	28 IR 1859		675 IAC 22-2.2-23	RA	04-19	27 IR 2340	28 IR 324
675 IAC 14-4.3-246	A	04-273	28 IR 1855		675 IAC 22-2.2-24	RA	04-19	27 IR 2340	28 IR 324
675 IAC 14-4.3-246.5	N	04-273	28 IR 1855		675 IAC 22-2.2-25	RA	04-19	27 IR 2340	28 IR 324
675 IAC 14-4.3-247.5	N	04-273	28 IR 1855		675 IAC 22-2.2-26	N	04-196	28 IR 1029	*CPH (28 IR 1498)
675 IAC 14-4.3-248.5	N	04-273	28 IR 1855						*AROC (28 IR 2461)
675 IAC 14-4.3-250	R	04-273	28 IR 1859		675 IAC 22-2.2-49.5	R	04-56	27 IR 2864	*ARR (29 IR 31)
675 IAC 14-4.3-251	R	04-273	28 IR 1859						*CPH (28 IR 982)
675 IAC 14-4.3-252	R	04-273	28 IR 1859		675 IAC 22-2.2-107.1	R	04-56	27 IR 2864	28 IR 2374
675 IAC 14-4.3-253.5	N	04-273	28 IR 1855		675 IAC 22-2.2-134.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.3-253.7	N	04-273	28 IR 1855						*CPH (28 IR 982)
675 IAC 15-1-1	R	04-227	28 IR 1053	29 IR 29					28 IR 2374
675 IAC 15-1-2	R	04-227	28 IR 1053	29 IR 29	675 IAC 22-2.2-183	RA	04-19	27 IR 2340	28 IR 324
675 IAC 15-1-3	R	04-227	28 IR 1053	29 IR 29		R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-5	R	04-227	28 IR 1053	29 IR 29					28 IR 2374
675 IAC 15-1-6	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-221.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-7	R	04-227	28 IR 1054	29 IR 29					28 IR 2374
675 IAC 15-1-8.1	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-240.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-10	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-241.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-11	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-243.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-12	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-245.2	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-13	R	04-227	28 IR 1054	29 IR 29					28 IR 2374
675 IAC 15-1-14	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-245.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-16	R	04-227	28 IR 1054	29 IR 29					28 IR 2374
675 IAC 15-1-17	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-365.2	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-19	R	04-227	28 IR 1054	29 IR 29					28 IR 2374
675 IAC 15-1-20	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-365.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-21	R	04-227	28 IR 1054	29 IR 29					28 IR 2374
675 IAC 15-1-22	R	04-227	28 IR 1054	29 IR 29	675 IAC 22-2.2-368.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1.1	N	04-227	28 IR 1037	29 IR 13	675 IAC 22-2.2-369.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1.2	N	04-227	28 IR 1039	29 IR 15					28 IR 2374
675 IAC 15-1.3	N	04-227	28 IR 1046	29 IR 21	675 IAC 22-2.2-378.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1.4	N	04-227	28 IR 1048	29 IR 23					28 IR 2374
675 IAC 15-1.5	N	04-227	28 IR 1049	29 IR 25	675 IAC 22-2.2-412.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1.6	N	04-227	28 IR 1051	29 IR 26					28 IR 2374
675 IAC 15-1.7	N	04-227	28 IR 1052	29 IR 28	675 IAC 22-2.2-437.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 16-1.3	RA	05-3	28 IR 3052						28 IR 2374
675 IAC 16-2	RA	05-3	28 IR 3052		675 IAC 22-2.2-437.7	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 17-1.6	R	04-273	28 IR 1859						28 IR 2374

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675 IAC 22-2.2-443.5	R	04-56	27 IR 2864	*CPH (28 IR 982) 28 IR 2374	760 IAC 1-21-5	A	04-140	28 IR 1311	28 IR 2375
					760 IAC 1-21-8	A	04-140	28 IR 1312	28 IR 2376
675 IAC 22-2.2-511.1	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 1-21-10	N	04-140	28 IR 1313	28 IR 2376
675 IAC 22-2.2-515.1	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 1-21-11	N	04-140	28 IR 1313	28 IR 2376
675 IAC 22-2.2-540	R	04-56	27 IR 2864	*CPH (28 IR 982) 28 IR 2374	760 IAC 1-50-3	A	04-139	27 IR 4136	28 IR 1482
					760 IAC 1-50-4	A	04-139	27 IR 4136	28 IR 1482
675 IAC 22-2.3-29.5	N	04-56	27 IR 2860	*CPH (28 IR 982) 28 IR 2369	760 IAC 1-50-5	A	04-139	27 IR 4137	28 IR 1483
					760 IAC 1-60-1	RA	04-143	27 IR 3706	28 IR 1072
675 IAC 22-2.3-35.5	N	04-56	27 IR 2860	*CPH (28 IR 982) 28 IR 2370	760 IAC 1-60-2	RA	04-143	27 IR 3706	28 IR 1072
					760 IAC 1-60-4	RA	04-143	27 IR 3706	28 IR 1072
675 IAC 22-2.3-36	A	04-56	27 IR 2860	*CPH (28 IR 982) 28 IR 2370	760 IAC 1-68-1	A	05-75	29 IR 129	
					760 IAC 1-68-2	A	05-75	29 IR 130	
675 IAC 22-2.3-36.3	N	04-56	27 IR 2861	*CPH (28 IR 982) 28 IR 2370	760 IAC 1-68-4	A	05-75	29 IR 132	
					760 IAC 1-68-6	A	05-75	29 IR 133	
675 IAC 22-2.3-36.4	N	04-56	27 IR 2861	*CPH (28 IR 982) 28 IR 2371	760 IAC 1-68-8	A	05-75	29 IR 134	
					760 IAC 1-68-9	A	05-75	29 IR 134	
675 IAC 22-2.3-36.6	N	04-56	27 IR 2863	*CPH (28 IR 982) 28 IR 2372	760 IAC 1-68-10	A	05-75	29 IR 134	
					760 IAC 1-70	N	04-39	27 IR 2560	
675 IAC 22-2.3-36.8	N	04-56	27 IR 2863	*CPH (28 IR 982) 28 IR 2373				28 IR 314	28 IR 1480
675 IAC 22-2.3-140.5	N	04-56	27 IR 2863	*CPH (28 IR 982) 28 IR 2373	760 IAC 1-71	N	05-26	28 IR 2456	*AROC (28 IR 2814)
								28 IR 3044	
675 IAC 22-2.3-147.5	N	04-56	27 IR 2863	*CPH (28 IR 982) 28 IR 2373	760 IAC 2-1-1	A	03-303	27 IR 3306	28 IR 563
					760 IAC 2-2-1.5	N	03-303	27 IR 3306	28 IR 563
675 IAC 22-2.3-147.6	N	04-56	27 IR 2863	*CPH (28 IR 982) 28 IR 2373	760 IAC 2-2-3.1	N	03-303	27 IR 3307	28 IR 563
					760 IAC 2-2-3.2	N	03-303	27 IR 3307	28 IR 563
675 IAC 22-2.3-148	A	04-56	27 IR 2864	*CPH (28 IR 982) 28 IR 2373	760 IAC 2-2-3.3	N	03-303	27 IR 3307	28 IR 564
					760 IAC 2-2-3.4	N	03-303	27 IR 3307	28 IR 564
675 IAC 22-2.3-148.5	N	04-56	27 IR 2864	*CPH (28 IR 982) 28 IR 2374	760 IAC 2-2-3.5	N	03-303	27 IR 3307	28 IR 564
					760 IAC 2-2-3.6	N	03-303	27 IR 3307	28 IR 564
675 IAC 22-2.3-237.5	N	04-56	27 IR 2864	*CPH (28 IR 982) 28 IR 2374	760 IAC 2-2-3.7	N	03-303	27 IR 3307	28 IR 564
					760 IAC 2-2-3.8	N	03-303	27 IR 3308	28 IR 565
675 IAC 22-2.3-298.5	N	04-56	27 IR 2864	*CPH (28 IR 982) 28 IR 2374	760 IAC 2-2-8	A	03-303	27 IR 3308	28 IR 565
					760 IAC 2-3-1	A	03-303	27 IR 3308	28 IR 565
675 IAC 22-2.3-304.5	N	04-56	27 IR 2864	*CPH (28 IR 982) 28 IR 2374	760 IAC 2-3-2	A	03-303	27 IR 3308	28 IR 565
					760 IAC 2-3-4	A	03-303	27 IR 3309	28 IR 566
675 IAC 25-1-3		02-118		*ERR (28 IR 1696)	760 IAC 2-3-6	A	03-303	27 IR 3310	28 IR 567
675 IAC 25-1-7.2	N	04-218	28 IR 1310	*AROC (29 IR 147) 29 IR 12	760 IAC 2-3-7	N	03-303	27 IR 3310	28 IR 567
					760 IAC 2-3-8	N	03-303	27 IR 3311	28 IR 567
675 IAC 25-1-7.4	N	04-218	28 IR 1310	*AROC (29 IR 147) 29 IR 12	760 IAC 2-4-1	A	03-303	27 IR 3311	28 IR 568
					760 IAC 2-4-2	N	03-303	27 IR 3312	28 IR 569
675 IAC 25-1-7.6	N	04-218	28 IR 1310	*AROC (29 IR 147) 29 IR 12	760 IAC 2-7-1	A	03-303	27 IR 3313	28 IR 570
					760 IAC 2-8-1	A	03-303	27 IR 3314	28 IR 570
675 IAC 25-1-9.1	N	04-218	28 IR 1310	*AROC (29 IR 147) 29 IR 12	760 IAC 2-8-2	A	03-303	27 IR 3314	28 IR 571
					760 IAC 2-8-3	A	03-303	27 IR 3314	28 IR 571
675 IAC 25-1-9.3	N	04-218	28 IR 1310	*AROC (29 IR 147) 29 IR 12	760 IAC 2-8-4	A	03-303	27 IR 3315	28 IR 572
					760 IAC 2-8-6	N	03-303	27 IR 3316	28 IR 572
675 IAC 25-1-9.5	N	04-218	28 IR 1310	*AROC (29 IR 147) 29 IR 12	760 IAC 2-9-1	A	03-303	27 IR 3316	28 IR 572
					760 IAC 2-10-1	A	03-303	27 IR 3316	28 IR 573
675 IAC 25-1-9.7	N	04-218	28 IR 1310\	*AROC (29 IR 147) 29 IR 12	760 IAC 2-13-1	A	03-303	27 IR 3317	28 IR 573
					760 IAC 2-15-1	A	03-303	27 IR 3317	28 IR 574
675 IAC 25-1-9.9	N	04-218	28 IR 1310	*AROC (29 IR 147) 29 IR 12					*ERR (28 IR 609)
675 IAC 26	N	04-196	28 IR 1031	*CPH (28 IR 1498) *AROC (28 IR 2461) *ARR (29 IR 31)	760 IAC 2-15.5	N	03-303	27 IR 3319	28 IR 575
					760 IAC 2-16-1	A	03-303	27 IR 3320	28 IR 576
675 IAC 27	N	04-275	28 IR 1538	*AROC (29 IR 145)	760 IAC 2-16.1	N	03-303	27 IR 3320	28 IR 576
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710 IAC 1-14-6	A	05-46	28 IR 3008	*CPH (28 IR 3322)	760 IAC 2-20-35	A	03-303	27 IR 3332	28 IR 589
710 IAC 1-22	N	05-81	28 IR 3009	*CPH (28 IR 3322)	760 IAC 2-20-36.1	A	03-303	27 IR 3332	28 IR 589
					760 IAC 2-20-36.2	A	03-303	27 IR 3333	28 IR 590
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760 IAC 3-2-2.5	A	05-5	28 IR 2426		820 IAC 4-1-12	A	05-68	28 IR 3045	*AWR (28 IR 3584)
			28 IR 3013		820 IAC 4-3-1	A	04-254	28 IR 1059	28 IR 2382
760 IAC 3-2-6.1	A	05-5	28 IR 2426		820 IAC 4-4-8	A	05-68	28 IR 3046	*AWR (28 IR 3584)
			28 IR 3013		820 IAC 4-4-8.1	N	05-68	28 IR 3046	*AWR (28 IR 3584)
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			28 IR 3014						28 IR 2713
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			28 IR 3016		TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY				
760 IAC 3-7-1	A	05-5	28 IR 2432		ADMINISTRATORS				
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760 IAC 3-8-1	A	05-5	28 IR 2434		TITLE 844 MEDICAL LICENSING BOARD OF INDIANA				
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			28 IR 3024		844 IAC 6-1-4	A	03-261	27 IR 1635	*CPH (27 IR 2300)
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760 IAC 3-11-1	A	05-5	28 IR 2439						28 IR 203
			28 IR 3026		844 IAC 6-3-2	A	03-261	27 IR 1636	*CPH (27 IR 2300)
760 IAC 3-12-1	A	05-5	28 IR 2444						28 IR 204
			28 IR 3031		844 IAC 6-3-4	A	03-261	27 IR 1637	*CPH (27 IR 2300)
760 IAC 3-14-1	A	05-5	28 IR 2445						28 IR 204
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808 IAC 1-5-1	A	03-226	27 IR 2563	28 IR 198					28 IR 209
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808 IAC 2-1-12	A	03-226	27 IR 2564	28 IR 199	844 IAC 6-6-4	A	03-261	27 IR 1639	*CPH (27 IR 2300)
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808 IAC 2-8-7	R	03-226	27 IR 2566	28 IR 200	844 IAC 6-7-2	A	03-261	27 IR 1639	*CPH (27 IR 2300)
808 IAC 2-9-5	A	03-226	27 IR 2564	28 IR 199					28 IR 207
808 IAC 2-12-0.5	N	03-227	27 IR 2566	*ARR (28 IR 215)	844 IAC 10-4-1	A	03-329	27 IR 2568	28 IR 211
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808 IAC 2-12-2	N	03-227	27 IR 2567	*ARR (28 IR 215)	TITLE 845 BOARD OF PODIATRIC MEDICINE				
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808 IAC 2-12-3	N	03-227	27 IR 2567	*ARR (28 IR 215)	TITLE 848 INDIANA STATE BOARD OF NURSING				
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808 IAC 2-12-4	N	03-227	27 IR 2567	*ARR (28 IR 215)	848 IAC 1-1-7	A	04-97	28 IR 675	28 IR 2384
				28 IR 202	848 IAC 1-1-2.1	A	04-65	27 IR 2865	28 IR 593
808 IAC 2-12-5	N	03-227	27 IR 2567	*ARR (28 IR 215)	848 IAC 1-2-1	A	04-65	27 IR 2866	28 IR 594
				28 IR 202	848 IAC 1-2-5	A	04-65	27 IR 2866	28 IR 594
808 IAC 2-12-6	N	03-227	27 IR 2567	*ARR (28 IR 215)	848 IAC 1-2-6	A	04-65	27 IR 2867	28 IR 595
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808 IAC 2-12-7	N	03-227	27 IR 2568	*ARR (28 IR 215)	848 IAC 1-2-8	A	04-65	27 IR 2868	28 IR 596
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808 IAC 2-12-8	N	03-227	27 IR 2568	*ARR (28 IR 215)	848 IAC 1-2-9	A	04-65	27 IR 2869	28 IR 597
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 - 25 IAC 5-3-6 28 IR 2764
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- 326 IAC 18-1-8 26 IR 2088
- 28 IR 103**

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- 326 IAC 18-2-6 26 IR 2096
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 - 326 IAC 14-9-5 26 IR 2070
 - 28 IR 84**

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- 326 IAC 14-9-9 26 IR 2071
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- 326 IAC 14-10-1 26 IR 2072
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- 326 IAC 14-3-1 26 IR 2067
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- 326 IAC 14-4-1 26 IR 2067
- 28 IR 82**

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- 326 IAC 14-8-1 26 IR 2068
- 28 IR 83**

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- 28 IR 84**

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- 326 IAC 14-8-5 26 IR 2069
- 28 IR 84**

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- 326 IAC 14-8-3 26 IR 2068
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- 326 IAC 14-5-1 26 IR 2068
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760 IAC 2-16-1	27 IR 3320	Policy Provisions		50 IAC 21-3-3	28 IR 3622
	28 IR 576	Policy provisions	28 IR 2427	Reassessment	
Reporting Requirements		760 IAC 3-4-1	28 IR 3014	Reassessment	28 IR 3626
Reporting		Recommended Purchase and Excessive Insurance		Review of Neighborhood Delineations and Land Values	
760 IAC 2-9-1	27 IR 3316	Appropriateness of recommended purchase and excessive insurance; reporting of multiple policies		Review of land values	28 IR 3624
	28 IR 572	760 IAC 3-18-1	28 IR 2455	Review of neighborhood delineations	28 IR 3623
Required Disclosure Provisions			28 IR 3043	Time	
Renewability provisions		Required Disclosure Provisions		Time	28 IR 3625
760 IAC 2-4-1	27 IR 3311	Required disclosure provisions	28 IR 2445	Transfer of Data to the Department of Local Government Finance	
	28 IR 568	760 IAC 3-14-1	28 IR 3032	Transfer of data	28 IR 3625
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760 IAC 2-4-2	27 IR 3312	Application forms and replacement coverage	28 IR 2453	REMUNERATION FOR INITIAL TRAINING AND CONTINUING EDUCATION SESSIONS	
	28 IR 569	760 IAC 3-15-1	28 IR 3040	50 IAC 20	27 IR 3603
Shopper's Guide					28 IR 1458
Delivery					
760 IAC 2-18-1	27 IR 3325				
	28 IR 582				
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760 IAC 2-19.5	27 IR 3325				
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760 IAC 2-15.5	27 IR 3319				
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MEDICARE SUPPLEMENT INSURANCE					
MINIMUM STANDARDS					
Benefit Standards					
Benefit standards for policies or certificates issued or delivered after December 31, 1991					
760 IAC 3-6-1	28 IR 2428				
	28 IR 3016				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

LOTTERY COMMISSION, STATE

DRAW GAMES

50/50 Raffle

65 IAC 5-16 **28 IR 2142**

Determination of winning number

65 IAC 5-16-6 **29 IR 49**

Odds of winning

65 IAC 5-16-8 **29 IR 49**

Payment of prize

65 IAC 5-16-7 **29 IR 49**

Prize amount and determination of winner

65 IAC 5-16-5 **29 IR 49**

Procedure for playing

65 IAC 5-16-4 **29 IR 49**

Big Haul Raffle

65 IAC 5-19 **28 IR 3313**

General Provisions

Disputes

65 IAC 5-2-6 **28 IR 2153**

Hoosier Lottery Powerball

Allocation of prize pool

65 IAC 5-12-9 **29 IR 44**

Amount of prize pools

65 IAC 5-12-6 **29 IR 43**

Definitions

65 IAC 5-12-2 **29 IR 41**

Election to receive lump sum, cash payment

65 IAC 5-12-11.5 **29 IR 46**

Odds of winning

65 IAC 5-12-12 **29 IR 46**

Payment of prizes

65 IAC 5-12-11 **29 IR 45**

Payment options

65 IAC 5-12-5 **29 IR 43**

Power Play promotion

65 IAC 5-12-12.5 **29 IR 47**

Prize amounts

65 IAC 5-12-10 **29 IR 45**

Procedure for playing

65 IAC 5-12-4 **29 IR 42**

Ticket price

65 IAC 5-12-3 **29 IR 42**

Hoosier Lottery TV Bingo

65 IAC 5-17 **28 IR 2731**

Indy Racing Experience 2-Seater Raffle

65 IAC 5-18 **28 IR 2738**

Prize

65 IAC 5-18-5 **28 IR 2993**

PULL-TAB GAMES

General Provisions

Disputes

65 IAC 6-2-6 **28 IR 2154**

Specific Pull-Tab Games

Pull-tab game 020

LSA Document #04-250(E) **28 IR 227**

Pull-tab game 021

LSA Document #04-251(E) **28 IR 228**

Pull-tab game 022

LSA Document #04-265(E) **28 IR 613**

Pull-tab game 023

LSA Document #04-266(E) **28 IR 614**

Pull-tab game 024

LSA Document #04-306(E) **28 IR 1192**

Pull-tab game 025

LSA Document #04-305(E) **28 IR 1191**

Pull-tab game 026

LSA Document #04-331(E) **28 IR 1495**

Pull-tab game 027

LSA Document #04-332(E) **28 IR 1496**

Pull-tab game 028

LSA Document #05-16(E) **28 IR 1708**

Pull-tab game 029

LSA Document #05-17(E) **28 IR 1709**

Pull-tab game 030

LSA Document #05-34(E) **28 IR 2152**

Pull-tab game 031

LSA Document #05-29(E) **28 IR 2143**

Pull-tab game 033

LSA Document #05-62(E) **28 IR 2397**

Pull-tab game 038

LSA Document #05-186(E) **28 IR 3589**

Pull-tab game 039

LSA Document #05-187(E) **28 IR 3590**

Pull-tab game 040

LSA Document #05-239(E) **29 IR 34**

Pull-tab game 056

LSA Document #05-238(E) **29 IR 33**

SCRATCH-OFF GAMES

General Provisions

Disputes

65 IAC 4-2-6 **28 IR 2153**

Instant Game 756

LSA Document #05-98(E) **28 IR 2743**

Instant Game 758

LSA Document #05-97(E) **28 IR 2742**

Instant Game 762

LSA Document #05-170(E) **28 IR 3318**

Instant Game 763

LSA Document #05-208(E) **28 IR 3596**

Instant Game 767

LSA Document #05-206(E) **28 IR 3594**

Instant Game 768

LSA Document #05-207(E) **28 IR 3595**

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LSA Document #05-243(E) **29 IR 40**

Instant Game 773

LSA Document #05-241(E) **29 IR 37**

Scratch-Off Game 723

LSA Document #04-238(E) **28 IR 217**

Scratch-Off Game 724

LSA Document #04-239(E) **28 IR 218**

Scratch-Off Game 725

LSA Document #04-240(E) **28 IR 219**

Scratch-Off Game 726

65 IAC 4-348 **28 IR 221**

Scratch-Off Game 727

LSA Document #04-242(E) **28 IR 223**

Scratch-Off Game 728

LSA Document #04-243(E) **28 IR 224**

Scratch-Off Game 729

65 IAC 4-350 **28 IR 229**

Scratch-Off Game 730

LSA Document #04-244(E) **28 IR 226**

Scratch-Off Game 731

LSA Document #04-280(E) **28 IR 972**

Scratch-Off Game 732

LSA Document #04-281(E) **28 IR 973**

Scratch-Off Game 733

LSA Document #04-282(E) **28 IR 974**

Scratch-Off Game 734

65 IAC 4-349 **28 IR 975**

Scratch-Off Game 735

65 IAC 4-352 **28 IR 978**

Scratch-Off Game 736

LSA Document #04-301(E) **28 IR 1186**

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LSA Document #04-302(E) **28 IR 1187**

Scratch-Off Game 738

LSA Document #04-303(E) **28 IR 1188**

Scratch-Off Game 739

LSA Document #04-304(E) **28 IR 1189**

Scratch-Off Game 740

LSA Document #04-326(E) **28 IR 1488**

Scratch-Off Game 741

LSA Document #04-327(E) **28 IR 1489**

Scratch-Off Game 742

LSA Document #04-328(E) **28 IR 1491**

Scratch-Off Game 743

65 IAC 4-353 **28 IR 1492**

Scratch-Off Game 744

LSA Document #05-7(E) **28 IR 1701**

Scratch-Off Game 745

LSA Document #05-8(E) **28 IR 1702**

Scratch-Off Game 746

LSA Document #05-9(E) **28 IR 1704**

Scratch-Off Game 747

LSA Document #05-6(E) **28 IR 1698**

Scratch-Off Game 748

LSA Document #05-10(E) **28 IR 1704**

Scratch-Off Game 749

LSA Document #05-30(E) **28 IR 2144**

Scratch-Off Game 749

LSA Document #05-31(E) **28 IR 2145**

Scratch-Off Game 750

LSA Document #05-61(E) **28 IR 2395**

Scratch-Off Game 752

LSA Document #05-65(E) **28 IR 2401**

Scratch-Off Game 753

LSA Document #05-158(E) **28 IR 3311**

Scratch-Off Game 754

LSA Document #05-63(E) **28 IR 2398**

Scratch-Off Game 755

65 IAC 4-355 **28 IR 2147**

Scratch-Off Game 757

LSA Document #05-96(E) **28 IR 2740**

Scratch-Off Game 759

LSA Document #05-205(E) **28 IR 3592**

Scratch-Off Game 760

LSA Document #05-169(E) **28 IR 3316**

Scratch-Off Game 761

LSA Document #05-64(E) **28 IR 2399**

Scratch-Off Game 764

LSA Document #05-33(E) **28 IR 2150**

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65 IAC 4-356 **28 IR 2734**

Scratch-Off Game 766

LSA Document #05-160(E) **28 IR 3315**

Scratch-Off Game 770

LSA Document #05-204(E) **28 IR 3590**

Scratch-Off Game 772

LSA Document #05-242(E) **29 IR 38**

Scratch-Off Game 774

LSA Document #05-240(E) **29 IR 34**

THE COMMISSION

Ethics

Contractor ethics restrictions

65 IAC 1-4-5.5 **28 IR 217**

MANUFACTURED HOME INSTALLER LICENSING BOARD

879 IAC

28 IR 1548

28 IR 2981

CITATIONS TO FINAL RULES ARE IN BOLD TYPE

MEDICAL LICENSING BOARD OF INDIANA

HYPNOTIST COMMITTEE

Standards of Competent Practice of Hypnotism
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844 IAC 12-5-4 28 IR 316

28 IR 1693

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Certification

Mandatory registration; renewal
844 IAC 10-4-1 27 IR 2568

28 IR 211

PHYSICAL THERAPISTS AND PHYSICAL THERAPISTS' ASSISTANTS

Admission to Practice

Applications for licensure as a physical therapist or certification as a physical therapist's assistant
844 IAC 6-3-4 27 IR 1637

28 IR 204

Licensure by endorsement

844 IAC 6-3-1 27 IR 1636

28 IR 203

Licensure by examination

844 IAC 6-3-2 27 IR 1636

28 IR 204

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844 IAC 6-3-6 27 IR 1638

28 IR 205

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844 IAC 6-3-5 27 IR 1637

28 IR 205

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844 IAC 6-1-4 27 IR 1635

28 IR 203

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844 IAC 6-1-2 27 IR 1284

28 IR 209

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Reinstatement of delinquent license
844 IAC 6-4-3 27 IR 1638

28 IR 206

Reinstatement of Suspended License

Duties of suspended licensees, certificate holders
844 IAC 6-6-3 27 IR 1638

28 IR 206

Protection of patients' interest

844 IAC 6-6-4 27 IR 1639

28 IR 206

Standards of Professional Conduct

Standards of professional conduct and competent practice
844 IAC 6-7-2 27 IR 1639

28 IR 206

STANDARDS OF PROFESSIONAL CONDUCT AND COMPETENT PRACTICE OF MEDICINE

Pain Management

844 IAC 5-5 28 IR 3344

MENTAL HEALTH AND ADDICTION, DIVISION OF

RESIDENTIAL LIVING FACILITIES FOR INDIVIDUALS WITH PSYCHIATRIC DISORDERS OR ADDICTIONS

Definitions

Definitions

440 IAC 7.5-1-1 28 IR 657
28 IR 2356

Fire and Life Safety Standards for Congregate

Residences for Persons with a Psychiatric

Disorder or an Addiction

Adoption by reference

440 IAC 7.5-10-3 28 IR 667

28 IR 2367

Application

440 IAC 7.5-10-2 28 IR 667

28 IR 2366

Scope

440 IAC 7.5-10-1 28 IR 667

28 IR 2366

Fire and Life Safety Standards for Facilities

Located in Apartment Buildings for Persons

with a Psychiatric Disorder or an Addiction

Adoption by reference

440 IAC 7.5-8-3 28 IR 666

28 IR 2365

Application

440 IAC 7.5-8-2 28 IR 666

28 IR 2365

Scope

440 IAC 7.5-8-1 28 IR 666

28 IR 2365

Fire and Life Safety Standards for One and Two

Family Dwellings for Persons with a Psychiatric

Disorder or an Addiction

Adoption by reference

440 IAC 7.5-9-3 28 IR 667

28 IR 2366

Application

440 IAC 7.5-9-2 28 IR 666

28 IR 2366

Scope

440 IAC 7.5-9-1 28 IR 666

28 IR 2365

Fire and Life Safety Standards for Secure or

Locked Sub-Acute Facilities for Persons with

a Psychiatric Disorder or an Addiction That

Meets the Fire Prevention and Building

Safety Commission Requirements for an I-3

Occupancy

440 IAC 7.5-11 28 IR 667

28 IR 2367

Requirements for All Residential Living Facilities

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440 IAC 7.5-2-1 28 IR 660

28 IR 2359

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440 IAC 7.5-2-12 28 IR 661

28 IR 2360

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440 IAC 7.5-2-8 28 IR 661

28 IR 2359

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440 IAC 7.5-2-13 28 IR 662

28 IR 2361

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440 IAC 7.5-3-7 28 IR 664

28 IR 2363

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440 IAC 7.5-3-4 28 IR 664
28 IR 2363

Resident living allowance

440 IAC 7.5-3-3 28 IR 663

28 IR 2362

Sub-Acute and Supervised Group Living Facilities

Certification procedure

440 IAC 7.5-4-4 **28 IR 2363**

Requirements specific to a sub-acute facility

440 IAC 7.5-4-7 28 IR 664

28 IR 2364

Requirements specific to a supervised group living facility

440 IAC 7.5-4-8 28 IR 665

28 IR 2364

Transitional Residential Facilities for Individuals with a Psychiatric Disorder or an Addiction

Transitional residential facility

440 IAC 7.5-5-1 28 IR 665

28 IR 2364

MOTOR VEHICLES, BUREAU OF

DRIVER'S LICENSE DIVISION

Identity Documents Required

140 IAC 7-4 29 IR 63

NATURAL RESOURCES COMMISSION

ADJUDICATORY PROCEEDINGS

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Defaults, dismissals, and uncontested orders

312 IAC 3-1-9 28 IR 3003

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312 IAC 3-1-7 28 IR 1203

28 IR 2660

ENTOMOLOGY AND PLANT PATHOLOGY

Control of Pests or Pathogens

LSA Document #04-264(E) **28 IR 616**

LSA Document #04-307(E) **28 IR 1192**

LSA Document #05-56(E) **28 IR 2403**

Control of the emerald ash borer

312 IAC 18-3-18 28 IR 1201

28 IR 2942

Control of larger pine shoot beetles

LSA Document #04-258(E) **28 IR 615**

LSA Document #05-148(E) **28 IR 2994**

312 IAC 18-3-12 28 IR 1203

28 IR 2951

Control of the giant African land snail

LSA Document #05-212(E) **28 IR 3608**

312 IAC 18-3-19 28 IR 1521

28 IR 2942

FISH AND WILDLIFE

LSA Document #04-315(E) **28 IR 1195**

LSA Document #05-173(E) **28 IR 3319**

LSA Document #05-176(E) **28 IR 3601**

LSA Document #05-203(E) **28 IR 3604**

Birds

Endangered and threatened species; birds

312 IAC 9-4-14 27 IR 1952

28 IR 542

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Geese		Reptiles and Amphibians		Wild Animal Possession Permits	
LSA Document #04-308(E)	28 IR 1194	Collection and possession of reptiles and amphibians native to Indiana		Applicability	
Migratory birds and waterfowl		312 IAC 9-5-6	27 IR 1953	312 IAC 9-11-1	27 IR 1964
LSA Document #05-132(E)	28 IR 2994		28 IR 543		28 IR 554
Ruffed grouse		Endangered and threatened species; reptiles and amphibians		First permit to possess a wild animal	
312 IAC 9-4-10	27 IR 1951	312 IAC 9-5-4	27 IR 1953	312 IAC 9-11-2	27 IR 1965
Wild turkeys			28 IR 542		28 IR 555
LSA Document #05-52(E)	28 IR 2402	Reptile captive breeding license	27 IR 1955	Maintaining a wild animal possessed under this rule	
LSA Document #05-210(E)	28 IR 3605	312 IAC 9-5-9	28 IR 1525	312 IAC 9-11-14	27 IR 1965
312 IAC 9-4-11	27 IR 1951		28 IR 2947		28 IR 555
	28 IR 1524			GREAT LAKES BASIN WATER MANAGEMENT	
	28 IR 2946			312 IAC 6.2	27 IR 3119
Definitions			28 IR 545		28 IR 1459
"Ice fishing shelter" defined		Sale and transport for sale of reptiles and amphibians native to Indiana	28 IR 1528	LAKE CONSTRUCTION ACTIVITIES	
312 IAC 9-1-9.5	27 IR 1946	312 IAC 9-5-7	28 IR 2950	Definitions	
	28 IR 536			"Area of special concern" defined	
"Portable ice fishing shelter" defined				312 IAC 11-2-2	28 IR 2767
312 IAC 9-1-11.5	27 IR 1946			"Bulkhead seawall" defined	
	28 IR 536			312 IAC 11-2-5	28 IR 1521
Mammals			28 IR 2948		28 IR 2660
LSA Document #05-211(E)	28 IR 3606	Special purpose turtle possession permit		"Developed area" defined	
LSA Document #05-227(E)	29 IR 50	312 IAC 9-5-11	27 IR 1956	312 IAC 11-2-7	28 IR 2767
Beavers			28 IR 546	"Glacial stone" defined	
312 IAC 9-3-11	27 IR 1949	Restrictions and Standards Applicable to Wild Animals		312 IAC 11-2-11	28 IR 2768
	28 IR 539	Possession of endangered species of mammals, nonmigratory birds, reptiles, amphibians, fish, and crayfish		"Group pier" defined	
Commercial processing of deer		312 IAC 9-2-15	28 IR 1522	312 IAC 11-2-11.5	27 IR 4095
312 IAC 9-3-10	27 IR 1949	Sale of endangered species	28 IR 1522		28 IR 1681
	28 IR 539	312 IAC 9-2-14	28 IR 1522	"Manmade channel" defined	
Foxes, coyotes, and skunks		Special Licenses; Permits and Standards		312 IAC 11-2-11.8	28 IR 2768
312 IAC 9-3-12	27 IR 1949	Aquaculture permit		"Natural shoreline" defined	
	28 IR 539	312 IAC 9-10-17	27 IR 1964	312 IAC 11-2-14.5	28 IR 2768
General requirements for deer; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year			28 IR 554	"Riprap" defined	
LSA Document #04-259(E)	28 IR 615	Hunting permit for persons with disabilities		312 IAC 11-2-20	28 IR 2768
LSA Document #04-260(E)	28 IR 616	312 IAC 9-10-10	27 IR 1962	"Significant wetland" defined	
LSA Document #05-211(E)	28 IR 3606		28 IR 552	312 IAC 11-2-24	28 IR 2768
312 IAC 9-3-2	27 IR 1946	Nuisance wild animal control permit		"Toe protection" defined	
	28 IR 536	LSA Document #05-132(E)	28 IR 2994	312 IAC 11-2-25.2	28 IR 2768
Hunting deer by bow and arrows		Special purpose educational permit		312 IAC 11-2-27.5	28 IR 2769
LSA Document #04-285(E)	28 IR 981	312 IAC 9-10-9.5	27 IR 1961	"Upland side of a manmade channel" defined	
312 IAC 9-3-4	27 IR 1948		28 IR 551		
	28 IR 538	Special purpose salvage permit		Innovative Practices and Nonconforming Uses	
	28 IR 1523	312 IAC 9-10-13.5	27 IR 1963	Licenses to enhance the public trust or to help control erosion	
	28 IR 2945		28 IR 553	312 IAC 11-5-3	28 IR 2771
Hunting deer by bow and arrows by authority of an extra deer license		Wild animal rehabilitation permit		Licensing of Particular Types of Structures	
312 IAC 9-3-5	28 IR 1523	312 IAC 9-10-9	27 IR 1960	New seawalls	
	28 IR 2945		28 IR 550	312 IAC 11-4-2	28 IR 2769
Hunting deer by firearms		Sport Fishing		Seawall refacing	
312 IAC 9-3-3	27 IR 1947	LSA Document #05-135(E)	28 IR 2994	312 IAC 11-4-3	28 IR 2770
	28 IR 537	Black bass		Underwater beaches	
Minks, muskrats, and long-tailed weasels		312 IAC 9-7-6	27 IR 1959	312 IAC 11-4-4	28 IR 2771
312 IAC 9-3-13	27 IR 1950		28 IR 549	Temporary Structures and Permanent Structures	
	28 IR 540	Sport fishing methods, except on the Ohio River		General licenses for qualified temporary structures; dry hydrants; glacial stone refaces	
Opossums and raccoons		312 IAC 9-7-2	27 IR 1957	312 IAC 11-3-1	27 IR 4095
312 IAC 9-3-14	27 IR 1950		28 IR 547		28 IR 1681
	28 IR 540	Trout and salmon		Written licenses for structures that do not qualify for a general license	
Squirrels		312 IAC 9-7-13	27 IR 1960	312 IAC 11-3-3	28 IR 2769
312 IAC 9-3-17	27 IR 1950		28 IR 550		
Taking beavers, minks, muskrats, long-tailed weasels, red foxes, gray foxes, opossums, skunks, raccoons, or squirrels to protect property		Sport Fishing, Commercial Fishing; Definitions, Restrictions, and Standards		LAW ENFORCEMENT	
312 IAC 9-3-15	27 IR 1950	Endangered and threatened species of fish		Other Standards and Practices	
	28 IR 540	312 IAC 9-6-9	27 IR 1957	Insurance board	
			28 IR 547	312 IAC 4-6-6	28 IR 625

OFF-ROAD VEHICLES AND SNOWMOBILES		WATERCRAFT OPERATIONS ON PUBLIC		Personal flotation devices (life preservers or	
312 IAC 6.5	27 IR 2767	WATERS OF INDIANA		life jackets)	
	28 IR 15	Lake Michigan; Restrictions		312 IAC 5-14-16	27 IR 4104
OIL AND GAS		LaPorte County waters of Lake Michigan and			28 IR 1465
Performance Standards and Enforcement		Trail Creek; watercraft restrictions		Pilot's license on waters of concurrent juris-	
Plugging and abandoning wells		LSA Document #05-44(E)	28 IR 2402	diction	
312 IAC 16-5-19	28 IR 2410	Specified Lakes and Reservoirs with State or		312 IAC 5-14-22	27 IR 4106
Permits		Federal Funding; Restrictions			28 IR 1468
Permit applications		Mississinewa Lake; special watercraft zones		Portable battery operated light (flashlight)	
312 IAC 16-3-2	27 IR 4097	LSA Document #05-131(E)	28 IR 2994	312 IAC 5-14-20	27 IR 4106
	28 IR 1682	Specified Navigable Waterways Other Than			28 IR 1467
Permit transfer		Lake Michigan; Restrictions		Portable fuel tanks	
312 IAC 16-3-8	27 IR 4099	LSA Document #04-262(E)	28 IR 616	312 IAC 5-14-8	27 IR 4102
	28 IR 1684	Tippecanoe River in White County and			28 IR 1464
OTHER PETROLEUM REGULATION		Carroll County; watercraft speed restric-		Reciprocity for a Michigan certification	
Geophysical Surveying		tions		312 IAC 5-14-27	27 IR 4109
Applications		LSA Document #05-53(E)	28 IR 2403		28 IR 1470
312 IAC 17-3-3	27 IR 2532	Specified Public Freshwater Lakes; Restrictions		Watercraft carrying more than six passengers	
	28 IR 557	LSA Document #05-59(E)	28 IR 2405	for hire	
Bond type		Lake James Chain of Lakes; special		312 IAC 5-14-25	27 IR 4108
312 IAC 17-3-6	27 IR 2533	watercraft zones			28 IR 1469
	28 IR 558	312 IAC 5-6-5	28 IR 240	Watercraft carrying passengers for hire; ap-	
Definitions			28 IR 1680	plication; delegation; exemptions; mainte-	
312 IAC 17-3-2	27 IR 2532	Lake Manitou; special watercraft zones		nance of equipment in a good and service-	
	28 IR 557	312 IAC 5-6-5.5	28 IR 989	able condition	
General provisions and application of defini-			28 IR 2944	312 IAC 5-14-1	27 IR 4100
tions		Watercraft Carrying Passengers for Hire			28 IR 1461
312 IAC 17-3-1	27 IR 2532	Bilge pumps and bailout devices		Watercraft carrying six or fewer passengers	
	28 IR 557	312 IAC 5-14-11	27 IR 4103	for hire on waters of concurrent jurisdiction	
Permit issuance, expiration, revocation, de-			28 IR 1464	312 IAC 5-14-24	27 IR 4107
nial, transfer, and review		Certificate of inspection; issuance; posting;			28 IR 1468
312 IAC 17-3-4	27 IR 2533	revocation		NURSING, INDIANA STATE BOARD OF	
	28 IR 558	312 IAC 5-14-21	27 IR 4106	INDIANA STATE NURSES ASSISTANCE	
Reports			28 IR 1467	PROGRAM	
312 IAC 17-3-9	27 IR 2534	Cooking, heating, and lighting		848 IAC 7	29 IR 135
	28 IR 558	312 IAC 5-14-19	27 IR 4105	REGISTERED NURSES AND PRACTICAL	
Shothole plugging; surface reclamation			28 IR 1467	NURSES	
312 IAC 17-3-8	27 IR 2534	Diesel engines; ventilation		Accreditation	
	28 IR 558	312 IAC 5-14-6.1	27 IR 4102	Accreditation status	
PROCEDURES AND DELEGATIONS			28 IR 1463	848 IAC 1-2-5	27 IR 2866
Organized Activities and Tournaments on		Electrical systems			28 IR 594
Designated Public Waters; Administration		312 IAC 5-14-9	27 IR 4103	Change of ownership	
License application			28 IR 1464	848 IAC 1-2-8	27 IR 2868
312 IAC 2-4-6	28 IR 626	Fire extinguishers			28 IR 596
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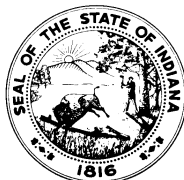
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