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TITLE 326 AIR POLLUTION CONTROL BOARD

IC 13-14-9.5 NOTICE OF READOPTION

LSA Document #05-231(F)

READOPTED RULES IN TITLE 326 UNDER IC 13-14-9.5

PURPOSE OF NOTICE

Pursuant to IC 13-14-9.5-4(c), the Indiana Department of Environmental Management (IDEM) is publishing a notice of readoption of rules in Title 326 (326 IAC 17.1 concerning public records; confidential information; confidential agreements) of the Indiana Administrative Code. With this notice, IDEM is providing notice that the following rules are readopted.

READOPTED RULES: 326 IAC 17.1-1; 326 IAC 17.1-2; 326 IAC 17.1-3; 326 IAC 17.1-4; 326 IAC 17.1-5; 326 IAC 17.1-6; 326 IAC 17.1-7; 326 IAC 17.1-8; 326 IAC 17.1-9. The readoption of these rules is effective on January 1, 2007.

AUTHORITY: IC 13-14-9.5.

HISTORY

First Notice of Comment Period: September 1, 2005, Indiana Register (28 IR 3664).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required pursuant to IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. A rulemaking that was adopted under a provision of IC 13 and was in force on December 31, 1995, expires not later than January 1, 2002. All rules adopted after that date under IC 13-14-9, expire on January 1 of the seventh year after the year in which each rule takes effect. Those rules that are being readopted are specifically listed in the "Readopted Rules" section of this notice.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-9.5-4 requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to Legislative Services Agency for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one (1) rulemaking, the agency must:
 - (A) readopt the rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to that rule.
- (3) If no written request is provided with the first comment period, the agency may submit the rule for filing with the Secretary of State under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

NOTICE OF READOPTION

The following rules received no comments during the first notice of comment period and are not exempt from the readoption process under IC 13-14-9.5:

- (1) 326 IAC 17.1-1.
- (2) 326 IAC 17.1-2.
- (3) 326 IAC 17.1-3.
- (4) 326 IAC 17.1-4.
- (5) 326 IAC 17.1-5.
- (6) 326 IAC 17.1-6.
- (7) 326 IAC 17.1-7.
- (8) 326 IAC 17.1-8.
- (9) 326 IAC 17.1-9.

Therefore, the above listed rules are readopted pursuant to IC 13-14-9.5-4. The rules will be submitted to the Secretary of State for

filing and will be effective on January 1, 2007. The rules will remain in effect until their next expiration date, January 1, 2014. However, all rules are subject to amendment or repeal under IDEM's regular rulemaking process found at IC 13-14-9.

Thomas W. Easterly, Commissioner
Indiana Department of Environmental Management

LSA Document #05-231(F)

First Notice of Comment Period: September 1, 2005, 28 IR 3664

Filed with Secretary of State: April 10, 2006, 11:05 a.m.

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

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