TITLE 329 SOLID WASTE MANAGEMENT BOARD

NOTICE OF READOPTION
IC 13-14-9.5-1.1 NOTICE OF RULE REVIEW
LSA Document #10-229

This is a notice of rule review as described in IC 13-14-9.5-1.1. Certain rules described in IC 13-14-9.5-1.1 do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under IC 13-14-9. IDEM must also notice a public hearing before the appropriate board. IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

IC 13-14-9-4(a)(5) THROUGH IC 13-14-9-4(a)(7) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

IC 13-14-9.5-1.1 requires this notice to contain the information described under IC 13-14-9-4(a)(5) through IC 13-14-9-4(a)(7) regarding restrictions and requirements of the listed rules that are not imposed under federal law. No element of the listed rules imposes either a restriction or requirement on persons to whom the draft rule applies that is not imposed under federal law. These rules are authorized under IC 13-19-3-1, as amended in the 2003 legislative session.

LIST OF RULES

The following is a list of rules in the Indiana Administrative Code Title 329 that have been effective for seven years and are:

(1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or

(2) required to begin or continue receiving federal funding for implementation or operation of a program:

Solid Waste Land Disposal Facilities

329 IAC 10-1-2.5	Incorporation by reference
329 IAC 10-1-4	Records and standards for submitted information
329 IAC 10-1-4.5	Electronic submission of information
329 IAC 10-2-11	"Aquiclude" defined
329 IAC 10-2-29.5	"CESQG hazardous waste" defined
329 IAC 10-2-32	"Commercial solid waste" defined
329 IAC 10-2-41	"Contaminant" defined
329 IAC 10-2-41.1	"Conterminous" defined
329 IAC 10-2-63.5	"Electronic submission" defined
329 IAC 10-2-64	"Endangered species" defined
329 IAC 10-2-66.1	"Erosion" defined
329 IAC 10-2-66.2	"Erosion and sediment control measure" defined
329 IAC 10-2-66.3	"Erosion and sediment control system" defined
329 IAC 10-2-69	"Facility" defined
329 IAC 10-2-72.1	"Final closure" defined
329 IAC 10-2-74	"Flood plain" defined
329 IAC 10-2-75	"Floodway" defined
329 IAC 10-2-75.1	"Floodway fringe" defined
329 IAC 10-2-96	"Infectious waste" defined
329 IAC 10-2-97.1	"Insignificant facility modification" defined
329 IAC 10-2-99	"Karst terrain" defined
329 IAC 10-2-100	"Land application unit" defined
329 IAC 10-2-105.3	"Licensed professional geologist" defined
329 IAC 10-2-106	"Liquid waste" defined

329 IAC 10-2-109	"Major modification of solid waste land disposal facilities" defined
329 IAC 10-2-112	"Minor modification of solid waste land disposal facilities" defined
329 IAC 10-2-115	"Municipal solid waste" or "MSW" defined
329 IAC 10-2-116	"Municipal solid waste landfill" or "MSWLF" defined
329 IAC 10-2-117	"Municipal solid waste landfill unit" or "MSWLF unit" defined
329 IAC 10-2-121.1	"Nonmunicipal solid waste landfill unit" or "non-MSWLF unit" defined
329 IAC 10-2-130	"Operator" defined
329 IAC 10-2-132.2	"Peak discharge" defined
329 IAC 10-2-132.3	"Permanent stabilization" defined
329 IAC 10-2-135.5	"Petroleum contaminated soil" defined
329 IAC 10-2-142.5	"Preliminary exceedance" defined
329 IAC 10-2-151	"Registered land surveyor" defined
329 IAC 10-2-158	"Responsible corporate officer" defined
329 IAC 10-2-165.5	"Sedimentation" defined
329 IAC 10-2-172.5	"Soil and water conservation district" defined
329 IAC 10-2-174	"Solid waste" defined
329 IAC 10-2-181.2	"Storm water discharge" defined
329 IAC 10-2-181.5	"Storm water pollution prevention plan" or "SWP3" defined
329 IAC 10-2-181.6	"Storm water quality measure" defined
329 IAC 10-2-187.5	"Temporary stabilization" defined
329 IAC 10-2-197.1	"U.S. Environmental Protection Agency Publication SW-846" or "SW-846" defined
329 IAC 10-3-1	Exclusions; general
329 IAC 10-3-2	Exclusion; hazardous waste
329 IAC 10-3-3	Insignificant facility modifications
329 IAC 10-5-1	Applicability
329 IAC 10-6-4	Remedial action
329 IAC 10-10-1	Applicability
329 IAC 10-10-2	Pending applications
329 IAC 10-11-2.5	Permit application for new land disposal facility and lateral expansions
329 IAC 10-11-5.1	Renewal permit application
329 IAC 10-11-6	Minor modification applications
329 IAC 10-12-1	Public process for new solid waste land disposal facility permits; major permit modifications; minor permit modifications
329 IAC 10-13-1	Issuance procedures; original permits
329 IAC 10-13-6	Permit revocation and modification
329 IAC 10-14-1	Quarterly reports
329 IAC 10-14-2	Weighing scales
329 IAC 10-15-1	General requirements
329 IAC 10-15-2	Plot plan requirements
329 IAC 10-15-5	Description of proposed ground water monitoring well system
329 IAC 10-15-8	Calculations and analyses pertaining to landfill design
329 IAC 10-15-12	Storm water pollution prevention plan
329 IAC 10-16-1	Airport siting restrictions
329 IAC 10-16-8	Karst terrain siting restrictions
329 IAC 10-17-2	Overview of liner designs and criteria for selection of design
329 IAC 10-17-7	Geomembrane component of the liner; construction and quality assurance/quality control requirements
329 IAC 10-17-9	Drainage layer component of the liner; construction and quality assurance/quality control requirements
329 IAC 10-17-12	Protective cover component of the liner; construction and quality assurance/quality control requirements
329 IAC 10-17-18	CQA/CQC preconstruction meeting
329 IAC 10-19-1	Preoperational requirements and operational approval
329 IAC 10-20-3	Signs
329 IAC 10-20-8	Records and reports
329 IAC 10-20-11	Diversion of surface water, run-on and run-off control systems, and monitoring
329 IAC 10-20-12	Erosion and sedimentation control measures; general requirements

329 IAC 10-20-13	Cover; general provisions
329 IAC 10-20-14.1	Alternative daily cover
329 IAC 10-20-20	Leachate collection, removal, and disposal
329 IAC 10-20-24	Survey requirements
329 IAC 10-20-26	Surface water requirements
329 IAC 10-20-28	Self-inspections
329 IAC 10-21-1	General ground water monitoring requirements
329 IAC 10-21-2	Sampling and analysis plan and program
329 IAC 10-21-4	Ground water monitoring well and piezometer construction and design
329 IAC 10-21-6	Statistical evaluation requirements and procedures
329 IAC 10-21-7	Detection ground water monitoring program
329 IAC 10-21-8	Verification of a statistically significant increase in constituent concentration
329 IAC 10-21-9	Demonstration that a statistically significant increase or contamination is not attributable to a municipal solid waste land disposal facility unit
329 IAC 10-21-10	Assessment ground water monitoring program
329 IAC 10-21-13	Corrective action program
329 IAC 10-21-15	Constituents for detection monitoring
329 IAC 10-21-16	Constituents for assessment monitoring
329 IAC 10-21-17	Additional constituents for assessment monitoring
329 IAC 10-22-3	Partial closure certification
329 IAC 10-22-5	Completion of closure and final cover
329 IAC 10-22-6	Final cover requirements for new MSWLF units or existing MSWLF units that have a composite bottom liner and a leachate collection system
329 IAC 10-22-7	Final cover requirements for existing MSWLF units constructed without a composite bottom liner
329 IAC 10-22-8	Final closure certification
329 IAC 10-23-2	Post-closure duties
329 IAC 10-23-4	Post-closure certification
329 IAC 10-39-1	Applicability
329 IAC 10-39-2	Closure; financial responsibility
329 IAC 10-39-3	Post-closure; financial responsibility
329 IAC 10-39-7	Incapacity of permittee, guarantors, or financial institutions
329 IAC 10-39-9	Release of funds
329 IAC 10-39-10	Financial assurance for corrective action for municipal solid waste landfills

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on specific rules listed above that should be reviewed through the regular rulemaking process under IC 13-14-9. IDEM requests that specific changes and language suggestions accompany such comments.

Mailed comments should be addressed to:
#10-229 (SWMB) (Notice of Rule Review)
Janet Pittman
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue MC 65-46
Indianapolis, Indiana 46204-2251

Hand delivered comments will be accepted by the IDEM receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-5517, 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 Branch at (317) 232-8922.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by May 21, 2010.

Additional information regarding this action may be obtained from Lydia Kuykendal, Rules Development Branch, Office of Legal Counsel, (317) 234-5345 or (800) 451-6027 (in Indiana).

Nancy King
Chief, Rules Development Branch
Office of Legal Counsel

Notice of Public Hearing

Posted: 04/21/2010 by Legislative Services Agency
An html version of this document.