
TITLE 329 SOLID WASTE MANAGEMENT BOARD

NOTICE OF READOPTION
IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD
LSA Document #07-138

READOPTON OF RULES IN TITLE 329 UNDER IC 13-14-9.5

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 329 of the Indiana Administrative Code under IC 13-14-9.5.

RULES TO BE READOPTED: 329 IAC 5; 329 IAC 7; 329 IAC 8; 329 IAC 10-9; 329 IAC 10-24; 329 IAC 10-25; 329 IAC 10-26; 329 IAC 10-27; 329 IAC 10-28; 329 IAC 10-29; 329 IAC 10-30; 329 IAC 10-31; 329 IAC 10-32; 329 IAC 10-33; 329 IAC 10-34; 329 IAC 10-35; 329 IAC 10-36; 329 IAC 10-37; 329 IAC 10-38; 329 IAC 11; 329 IAC 12.

AUTHORITY: IC 13-14-9.5.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. A rule that was adopted under a provision of IC 13 and was in force on December 31, 1995, expired 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. The rule citations listed for readoption have an expiration date of January 1, 2008. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under IC 13-14-9.5-4, the department or board with rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all the rules that are being readopted by titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the Legislative Services Agency under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

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 the 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 rulemaking, the agency must:
 - (A) readopt that 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 within the first comment period, the agency may submit the rule for filing with the Legislative Services Agency under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

REQUEST FOR PUBLIC COMMENTS

IDEM requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. Mailed comments should be addressed to:

07-138(SWMB) [329-2007 Readoption]
Marjorie Samuel
c/o Administrative Assistant
Rules, Planning, and Outreach Section
Office of Land Quality
Indiana Department of Environmental Management
100 North Senate Avenue
MC 65-45
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the eleventh floor reception desk, Office of Land Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana. Comments may also be submitted by facsimile to the IDEM fax number at (317) 232-3403, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the

Rules, Planning, and Outreach Section at (317) 232-7995. Please note it is not necessary to follow a faxed comment letter with another sent through the postal system.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by March 23, 2007.

Additional information regarding this rulemaking action may be obtained from Bonnie Nash, Rules, Planning, and Outreach Section, Office of Land Quality, (317) 232-8922 or (800) 451-6027 (in Indiana).

Bruce Palin
Assistant Commissioner
Office of Land Quality

Posted: 02/21/2007 by Legislative Services Agency

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