

TITLE 329 SOLID WASTE MANAGEMENT BOARD

Final Rule

LSA Document #05-297(F)

DIGEST

Adds [329 IAC 11-2-21.4](#), [329 IAC 11-2-28.4](#), [329 IAC 11-2-38.6](#), [329 IAC 11-5-6](#), and [329 IAC 11-5-7](#) and amends [329 IAC 11-2-43](#), [329 IAC 11-3-1](#), [329 IAC 11-4-1](#), [329 IAC 11-5-1](#), [329 IAC 11-5-2](#), [329 IAC 11-5-3](#), [329 IAC 11-5-4](#), [329 IAC 11-9-5](#), [329 IAC 11-11-5](#), [329 IAC 11-13-3](#), [329 IAC 11-15-1](#), [329 IAC 11-15-3](#), and [329 IAC 11-15-5](#) to implement certain provisions of Public Law 154-2005 (Senate Enrolled Act 279) with regard to solid waste processing facilities and clarification and transition language for these provisions consistent with the regulatory scheme of [329 IAC 11](#). Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: November 1, 2005, Indiana Register (29 IR 694).

Second Notice of Comment Period and Notice of First Hearing: May 1, 2006, Indiana Register (29 IR 2711).

Date of First Hearing: July 18, 2006.

Date of First Hearing Continued: September 19, 2006.

Date of First Hearing Recessed to: November 21, 2006.

Preliminarily Adopted: November 21, 2006.

Proposed Rule and Notice of Third Comment Period: May 2, 2007, Indiana Register (DIN: [20070502-IR-329050297PRA](#)).

Notice of Second Hearing: May 2, 2007, Indiana Register (DIN: [20070502-IR-329050297PHA](#)).

Date of Second Hearing: July 17, 2007.

Date of Second Hearing Continued: September 18, 2007.

[329 IAC 11-2-21.4](#); [329 IAC 11-2-28.4](#); [329 IAC 11-2-38.6](#); [329 IAC 11-2-43](#); [329 IAC 11-3-1](#); [329 IAC 11-4-1](#); [329 IAC 11-5-1](#); [329 IAC 11-5-2](#); [329 IAC 11-5-3](#); [329 IAC 11-5-4](#); [329 IAC 11-5-6](#); [329 IAC 11-5-7](#); [329 IAC 11-9-5](#); [329 IAC 11-11-5](#); [329 IAC 11-13-3](#); [329 IAC 11-15-1](#); [329 IAC 11-15-3](#); [329 IAC 11-15-5](#)

SECTION 1. [329 IAC 11-2-21.4](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 11-2-21.4](#) "Medical waste" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 21.4. "Medical waste" means any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, excluding either of the following:

- (1) Hazardous waste identified or listed under [329 IAC 3.1](#).
- (2) Any household waste as defined in [329 IAC 10-2-90](#).

(Solid Waste Management Board; [329 IAC 11-2-21.4](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 2. [329 IAC 11-2-28.4](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 11-2-28.4](#) "Plasma arc treatment" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 28.4. "Plasma arc treatment" means the process of:

- (1) putting waste into an enclosed chamber; and
- (2) introducing a high energy electrical arc that:
 - (A) produces intense heat; and
 - (B) breaks down molecules of the waste into their elemental atoms.

(Solid Waste Management Board; [329 IAC 11-2-28.4](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 3. [329 IAC 11-2-38.6](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 11-2-38.6](#) "Solidification" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 38.6. "Solidification" means the process of combining a liquid waste with material or other wastes to produce a waste that is no longer a liquid.

(Solid Waste Management Board; [329 IAC 11-2-38.6](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 4. [329 IAC 11-2-43](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 11-2-43](#) "Solid waste processing facility" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-11-2-212](#); [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 43. "Solid waste processing facility" **has the meaning set forth in [IC 13-11-2-212](#) and means a solid waste facility upon at which at least one (1) of the following is located:**

- (1) A solid waste incinerator.
- (2) A transfer station.
- (3) A solid waste baler.
- (4) A solid waste shredder.
- (5) A resource recovery system.
- (6) A composting facility. or
- (7) A garbage grinding facility.
- (8) A medical or an infectious waste treatment facility.
- (9) A solid waste solidification facility that is not located on an operating permitted landfill.
- (10) A facility that uses plasma arc or another source of heat to treat solid waste.

(Solid Waste Management Board; [329 IAC 11-2-43](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1932; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 5. [329 IAC 11-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 11-3-1](#) Exclusions; general

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-11-2-245](#); [IC 13-11-2-266](#); [IC 13-18-10](#); [IC 13-19-3-3](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 1. The following solid waste management activities are not subject to the provisions of this article:

- (1) Disposing of only uncontaminated:
 - (A) rocks;
 - (B) bricks;
 - (C) concrete;
 - (D) road demolition waste materials; or
 - (E) dirt.
- (2) Land application activities regulated by [327 IAC 6.1](#) and [327 IAC 7](#).
- (3) Confined feeding control activities regulated by [IC 13-18-10](#).
- (4) Wastewater discharge activities regulated by [327 IAC 5](#).

(5) Processing ~~except for incineration, in which~~ **of waste when** the waste, other than **waste** tires, has been segregated from the general **municipal** solid waste stream before arrival at ~~the a~~ processing site- **facility. To qualify for exclusion from this article, the facility must do the following:**

(A) In the regular course of business, receive distinct and recognizable solid waste items that do not require substantial further processing. Substantial further processing includes any thermal or chemical treatment of the waste, as well as physical processing such as shredding, breaking, compacting, or mixing with other materials or waste beyond the processing needed to render the waste more amenable for transport.

(B) Return those items for reuse in manufacturing including any intermediate processing steps before being sent for manufacturing.

(C) Not have more than ten percent (10%) of the solid waste that passes through the facility ultimately taken for final disposal. This is determined by the weight of material passing through the facility in a calendar quarter.

(6) Processing **of solid waste**, except for incineration, ~~of solid waste~~ that takes place at the generating facility.

(7) Processing and disposal of uncontaminated and untreated natural growth solid waste, including **the following:**

(A) Tree limbs.

(B) Stumps.

(C) Leaves. and

(D) Grass clippings.

(8) Disposal of sawdust that is derived from processing untreated natural wood.

(9) The disposal of coal ash, transported by water, into an ash pond that has received a water pollution control facility construction permit under [327 IAC 3](#).

(10) The operation of surface impoundments; however, the final disposal of solid waste in such facilities at the end of their operation is subject to approval by the commissioner except as excluded under subdivisions (9) and (11).

(11) The disposal of coal ash at a site receiving a total of less than one hundred (100) cubic yards per year from generators who each produce less than one hundred (100) cubic yards per year.

(12) Uses and disposal of coal waste as exempted from regulation in [IC 13-19-3-3](#).

(13) The legitimate use of iron and steelmaking slags, including the use as a base for road building, but not including use for land reclamation except as allowed under subdivision (15).

(14) The legitimate use of foundry sand that has been demonstrated as suitable for restricted waste site Type III under the provisions of [329 IAC 10-9](#), including the use as a base for road building, but not including use for land reclamation except as allowed under subdivision (15).

(15) ~~Other uses of~~ Solid waste ~~may be approved~~ **management activities or legitimate uses of solid waste determined** by the commissioner ~~if the commissioner determines them to be legitimate uses that do not pose a threat to public health and or the environment.~~

(16) Processing or storage of electronic waste or e-waste, which is any ~~solid~~ waste that is the following or has the following component:

(A) A circuit board, including a shredded circuit board.

(B) A diode.

(C) A CRT.

(D) A computer.

(E) An electronic device.

E-waste does not include vehicles, as defined by [IC 13-11-2-245](#), or white goods, as defined by [IC 13-11-2-266](#). Electronic waste is regulated under [329 IAC 16](#) and must comply with all applicable standards and requirements under [329 IAC 16](#).

(Solid Waste Management Board; [329 IAC 11-3-1](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1933; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); filed Aug 15, 2007, 10:22 a.m.: [20070912-IR-329050181FRA](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 6. [329 IAC 11-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 11-4-1](#) Applicability

Authority: [IC 13-14-8-7](#); [IC 13-15-2](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 1. This rule applies to solid waste processing facilities permitted under [329 IAC 1.5](#), which was repealed in 1989, ~~which that have closed prior to the effective date of this article.~~ **before April 13, 1996.**

(Solid Waste Management Board; [329 IAC 11-4-1](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1934; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 7. [329 IAC 11-5-1](#) IS AMENDED TO READ AS FOLLOWS:

Rule 5. Application of this Article to Existing Permittees and Facilities; Transition Provisions

[329 IAC 11-5-1](#) Applicability

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 1. (a) **Unless otherwise addressed in this rule, all new and existing solid waste processing facilities must comply with applicable requirements of this article.**

(b) This rule applies to ~~all~~ **the following** solid waste processing facilities:

(1) **Facilities** that have construction or operating permits in effect on ~~the effective date of~~ **April 13, 1996.**

(2) **Facilities required to be permitted under the 2007 amendments to** this article.

(Solid Waste Management Board; [329 IAC 11-5-1](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1935; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 8. [329 IAC 11-5-2](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 11-5-2](#) Existing construction permits

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 2. Construction permits in effect on ~~the effective date of this article~~ **April 13, 1996**, must serve as solid waste permits under [329 IAC 11-9](#) ~~[329 IAC 11-10](#)~~, and **through** [329 IAC 11-11](#). To begin operation, facilities for which only construction permits, but not operating permits, have been issued ~~prior to the effective date of this article~~ **before April 13, 1996**, must submit an application for a solid waste facility permit renewal at least ninety (90) days before expiration of the construction permit. Operation of the facility must not begin until a solid waste facility permit has been issued under this article.

(Solid Waste Management Board; [329 IAC 11-5-2](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1935; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 9. [329 IAC 11-5-3](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 11-5-3](#) Existing operating permits

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 3. Operating permits in effect on ~~the effective date of this article~~ **April 13, 1996**, must serve as solid waste permits under [329 IAC 11-9](#) ~~[329 IAC 11-10](#)~~, and **through** [329 IAC 11-11](#) until such time as a permit renewal is either issued or denied by the commissioner under [329 IAC 11-9](#) ~~[329 IAC 11-10](#)~~, and **through** [329 IAC 11-11](#), provided there is compliance with section 5(a) of this rule.

(Solid Waste Management Board; [329 IAC 11-5-3](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1935; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 10. [329 IAC 11-5-4](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 11-5-4](#) Operating requirements for facilities with operating permits in effect on April 13, 1996

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 4. (a) Plans and permit conditions approved prior to the effective date of this article **before April 13, 1996**, must continue in effect until permit renewal unless the permit is reopened for cause under [329 IAC 11-9](#) ~~[329 IAC 11-10](#)~~, and through [329 IAC 11-11](#).

(b) Except as provided in subsection (a), the operational standards of [329 IAC 11-13](#) ~~[329 IAC 11-14](#)~~, and through [329 IAC 11-15](#) for solid waste processing facilities must apply to solid waste processing facilities with operating permits in effect on the effective date of this article: **April 13, 1996**.

(Solid Waste Management Board; [329 IAC 11-5-4](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1935; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 11. [329 IAC 11-5-6](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 11-5-6](#) Pending permit applications

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 6. A permit application that is received:

(1) before the effective date of the 2007 amendments to this article will not be required to be revised to meet the requirements of this article; however, the application must comply with this article, as effective on August 13, 2004; and

(2) on or after the effective date of the 2007 amendments to this article will be required to comply with all applicable requirements of this article.

(Solid Waste Management Board; [329 IAC 11-5-6](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 12. [329 IAC 11-5-7](#) IS ADDED TO READ AS FOLLOWS:

[329 IAC 11-5-7](#) Existing facilities requiring a permit

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 7. (a) A solid waste processing facility described in section 1(b)(2) of this rule that is operating on the effective date of the 2007 amendments to this article must do the following:

(1) Notify the department within thirty (30) days after the effective date of the 2007 amendments to this article of one (1) of the following:

(A) A permit application will be submitted.

(B) The facility will cease operation within sixty (60) days.

(2) If the facility will continue to operate, submit a complete application as required by [329 IAC 11-9-1](#) and [329 IAC 11-9-2](#) within sixty (60) days after the effective date of the 2007 amendments to this article.

(b) The facility must be operated under the applicable requirements of this article until the:

- (1) permit for the facility is effective; or
- (2) facility ceases operation.

(Solid Waste Management Board; [329 IAC 11-5-7](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 13. [329 IAC 11-9-5](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 11-9-5](#) Demonstration and determination of need

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-20-1-1](#); [IC 13-21-5](#); [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 5. (a) This section applies to **the following**:

(1) All permits for new solid waste **processing** facilities, ~~or~~ **excluding transfer stations**.

(2) Major modifications of **solid waste processing facility** permits, **excluding transfer stations**, issued after March 20, 1990. ~~except these facilities exempt under [IC 13-20-1-1](#).~~

(b) In accordance with subsection (a), and in addition to other permit application requirements outlined in this rule, the following are ~~also~~ required:

(1) A description of **the following**:

(A) The anticipated area that would be served by the facility as indicated by the following:

(A) (i) Solid waste management district or districts if established.

(B) (ii) County, counties, or portions thereof.

(C) (iii) County, counties, and state if the area includes portions outside of Indiana.

(2) ~~A description of~~ (B) The existing solid waste management facilities that serve the same described area.

(3) ~~A description of~~ (C) The need that would be fulfilled by constructing the proposed facility as follows:

(A) (i) For facilities proposed in areas with approved district solid waste management plans, a **any** description of the need **that has been** identified in the **approved** district solid waste management plan required under [IC 13-21-5](#).

(B) (ii) For facilities proposed in areas without approved district solid waste management plans **or when an approved district solid waste management plan does not address the need for the type of facility proposed**, a description of **the** need for the proposed area to be served.

(4) ~~A description of~~ (D) Recycling, composting, or other activities that the facility would operate within the proposed area of service.

(5) (2) Additional information as requested by the commissioner.

(c) The commissioner shall review the submitted application and accompanying materials in accordance with this rule. ~~If it is determined~~ **the commissioner determines** that there is not a local or regional need in Indiana for the solid waste ~~management~~ **processing** facility, the commissioner shall deny the permit application.

(Solid Waste Management Board; [329 IAC 11-9-5](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1939; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1129, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.:

[20070523-IR-329070138BFA](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#)) NOTE: Under P.L.154-2005, SECTION 18, [329 IAC 11-9-5](#) is void to the extent that the rule applies to transfer stations.

SECTION 14. [329 IAC 11-11-5](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 11-11-5](#) Transferability of permits; change of ownership interest

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-15-1-3](#); [IC 13-15-7](#); [IC 13-19-4](#); [IC 13-30-2](#); [IC 13-30-6](#); [IC 36-9-30-35](#)

Sec. 5. (a) A permit may be transferred to another person by the permittee, without the need for a:

(1) new permit; or

(2) modification or revocation of the existing permit;

being required, if (4) the permittee notifies the commissioner of the proposed transfer at least sixty (60) days before the proposed date of transfer on forms provided by the commissioner.

(b) Along with the notification form, the permittee must provide the following:

- (1) A disclosure statement meeting the requirements of [IC 13-19-4-2\(1\)](#) or [IC 13-19-4-2\(2\)](#) executed by:
 - (A) the transferee; and
 - (B) each person who is a responsible party with respect to the transferee;unless [IC 13-19-4-2](#) does not apply under the provisions of [IC 13-19-4-1\(a\)\(2\)](#).
- (2) A written agreement containing a specific date of transfer of permit responsibility. is submitted to the commissioner;
- (3) Proof of financial responsibility of the transferee as provided in [329 IAC 10-39](#), if required by the commissioner.
- (4) Proof that:
 - (A) the transferee is, or will be, the owner of the facility; or
 - (B) the facility will be leased to the transferee.

~~(c) A permit may not be transferred if the transferee has:~~

- ~~(1) been convicted under [IC 13-30-6](#) [[IC 13-30-6](#) was repealed by P.L. 137-2007, SECTION 37, effective July 1, 2007.] or [IC 36-9-30-35](#); and has not or~~
- ~~(2) had a permit to operate under this article or previous articles:
 - (A) [329 IAC 1.5](#), which was repealed in 1989; or
 - (B) [329 IAC 2](#), which was repealed in 1996;revoked by the commissioner under [IC 13-15-7](#).~~
- ~~(4) the transferee provides proof of financial responsibility as provided in [329 IAC 10-39](#) if required by the commissioner; and~~
- ~~(5) the transferee provides proof that it is, or will be, the owner of the facility.~~

~~(d) The transfer will be effective on the specific date of transfer provided by the permittee unless the commissioner notifies the permittee and the transferee that the transfer will be denied under [IC 13-19-4-5](#) through [IC 13-19-4-7](#).~~

~~(e) Notwithstanding the transfer of a permit, a variance must not be transferred to another person.~~

(f) Subject to [IC 13-19-4-8\(a\)](#), if there is a change of at least fifty percent (50%) ownership control of an entity, but less than a change of the entire ownership control of an entity, that holds a permit described in [IC 13-15-1-3](#), then the entity must, not later than thirty (30) days after the change of ownership control is completed, submit to the department the disclosure statement required by [IC 13-19-4-3\(a\)](#) and [IC 13-19-4-3\(b\)](#).

(g) The requirement of subsection (f) applies to the transfer of a permit described in [IC 13-19-4-1\(a\)\(2\)](#).

(h) Upon receipt of the disclosure statement required under subsection (f), the commissioner shall follow the procedures and requirements of [IC 13-19-4-8\(f\)](#) and, if applicable, [IC 13-19-4-8\(g\)](#).

(Solid Waste Management Board; [329 IAC 11-11-5](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1940; errata filed Apr 4, 1996, 4:00 p.m.: 19 IR 2047; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1130, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 15. [329 IAC 11-13-3](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 11-13-3](#) Signs

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 3. For (a) All solid waste processing facilities except incinerators processing waste generated on-site, each point of access from a public road must have a sign of at least sixteen (16) square feet in area identifying the following:

- (1) The name of the facility.

- (2) The type of operation.
- (3) The facility's IDEM permit number.
- (4) The phone number for the person to be contacted in the event of an emergency.

(b) For facilities that grant access to the general public, for the use of the facility, the following are also required:

- (1) The sign must:
 - (A) be posted at each point of access from a public road; and indicating
 - (B) identify the time the facility is open to accept waste.
- (2) The schedule of fees, hours of operation, and solid waste facility permit number.

(c) For facilities that do not grant access to the general public, for use of the facility, the sign must be posted at the door of the facility building.

(Solid Waste Management Board; [329 IAC 11-13-3](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1942; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 16. [329 IAC 11-15-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 11-15-1](#) Definitions

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-11-2](#); [IC 13-19-3-3](#); [IC 13-22](#); [IC 13-30-2](#); [IC 16-41-16-4](#); [IC 36-9-30](#)

Sec. 1. (a) In addition to the definitions found in [329 IAC 11-2](#) and [IC 13-11-2](#), the definitions in this section apply throughout this rule.

~~(b) "Broker", as defined in [IC 13-11-2-19](#), means a person who is in the business of making arrangements for the transportation of municipal waste that was generated by another person.~~

~~(e) (b) "Manifest" means the form used for identifying the:~~

- ~~(1) quantity;~~
- ~~(2) origin;~~
- ~~(3) operators involved in a shipment; and~~
- ~~(4) destination;~~

~~of municipal solid waste during its transportation.~~

~~(d) "Municipal waste", as defined in [IC 13-11-2-133](#), means any garbage, refuse, industrial lunchroom or office waste, and other similar material resulting from the operation of residential, municipal, commercial, or institutional establishments, and from community activities. The term does not include the following:~~

- ~~(1) Hazardous waste regulated under:
 - ~~(A) [IC 13-22-1](#) through [IC 13-22-8](#) and [IC 13-22-13](#) through [IC 13-22-14](#); or~~
 - ~~(B) the federal Solid Waste Disposal Act, 42 U.S.C. 6901 et seq. in effect on January 1, 1990.~~~~
- ~~(2) Infectious waste as defined in [IC 16-41-16-4](#).~~
- ~~(3) Wastes that result from the combustion of coal and that are referred to in [IC 13-19-3-3](#).~~
- ~~(4) Materials that are being transported to a facility for reprocessing or reuse. As used in this subdivision, "reprocessing or reuse" does not include either of the following:
 - ~~(A) Incineration.~~
 - ~~(B) Placement in a landfill.~~~~

~~(e) (c) "Operator", as defined in [IC 13-11-2-148\(c\)](#), means a corporation, a limited liability company, a partnership, a business association, a unit, or an individual who is a sole proprietor that is one (1) of the following:~~

- ~~(1) A broker.~~
- ~~(2) A person who manages the activities of a transfer station that receives municipal waste.~~
- ~~(3) A transporter.~~

(f) "Solid waste processing facility", as defined in [IC 13-11-2-212](#), means a facility at which at least one (1) of the following is located:

- (1) A solid waste incinerator.
- (2) A transfer station.
- (3) A solid waste baler.
- (4) A solid waste shredder.
- (5) A resource recovery system.
- (6) A composting facility.
- (7) A garbage grinding system.

The term does not include a facility or an operation that generates solid waste.

(g) (d) "Transporter", as defined in [IC 13-11-2-238](#), means a person who is in the business of transporting municipal waste.

(h) (e) "Waste transfer activities", as defined in [IC 13-11-2-254](#), means the participation by a:

- (1) broker or a transporter who is:
 - (A) a resident of Indiana; or
 - (B) not a resident of Indiana; or
- (2) transfer station that receives municipal waste located:
 - (A) inside Indiana; or
 - (B) outside Indiana;

in the collection or transportation of municipal waste for disposal or incineration in Indiana.

(Solid Waste Management Board; [329 IAC 11-15-1](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1944; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3973; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 17. [329 IAC 11-15-3](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 11-15-3](#) Manifests required information

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 3. The manifest required under section 2 of this rule must include the following information:

- (1) The amount in tons or pounds of municipal waste transported in the vehicle.
- (2) The name and address of the solid waste processing facility from which the municipal waste is transported in the vehicle.
- (3) The destination of the municipal waste.
- (4) The name and business address of the transporter of the municipal waste.
- (5) The acknowledgment numbers issued by the department under [IC 13-20-6-5](#)(2) to the transfer station, transporter, and broker listed on the manifest.
- (6) (5) The name and address of the broker involved in the shipment, if applicable.
- (7) (6) The date of:
 - (A) the shipment; and the date of
 - (B) receipt at the final disposal facility.

(Solid Waste Management Board; [329 IAC 11-15-3](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1945; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

SECTION 18. [329 IAC 11-15-5](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 11-15-5](#) Prohibition on accepting municipal waste

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-20-6-4](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 5. (a) ~~Prior to~~ **Before** accepting a shipment of municipal waste from a transfer station located inside or outside of Indiana, a solid waste processing facility must **do the following**:

- (1) Receive a copy of the manifest. ~~and must~~
- (2) Review the manifest to determine whether the items listed under section 3 of this rule are included on the manifest.

(b) A solid waste processing facility must not knowingly accept a shipment of municipal waste from a transfer station located inside or outside of Indiana if **the**:

- (1) ~~the~~ municipal waste is not accompanied by a manifest that contains the information required under section 3 of this rule; or
- (2) ~~the~~ solid waste processing facility has received notice from the department that the commissioner has issued an order under [IC 13-20-6-3](#) or [IC 13-20-6-4](#) that suspends the waste transfer activities within Indiana of the transfer station or operator that is listed on the manifest accompanying the shipment of municipal waste.

(c) Subsection (b)(2) does not apply unless the department has sent notice by certified mail, return receipt requested, to the solid waste processing facility that the commissioner has suspended the waste transfer activities of the transfer station or operator listed on the manifest. The notice must contain the following:

- (1) The name of the operator or transfer station subject to the commissioner's order to suspend waste transfer activities.
- (2) The date on which the waste transfer activities are suspended under the commissioner's order.
- ~~(3) The acknowledgement number issued to the operator under [IC 13-20-6-5\(2\)](#) if applicable.~~
- (4) **(3)** The location of the transfer station if the order applies to a transfer station.

(d) Subsection (b)(2) does not apply after the department has notified a suspended transfer station or operator that they may resume waste transfer activities in Indiana. The notice to the formerly suspended transfer station or operator must contain the date in which waste transfer activities may resume. A copy of this notice must be sent by the department via certified mail, return receipt requested, to each solid waste processing facility that was sent the applicable notice under subsection (c).

(Solid Waste Management Board; [329 IAC 11-15-5](#); filed Mar 14, 1996, 5:00 p.m.: 19 IR 1945; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); filed Feb 13, 2008, 1:38 p.m.: [20080312-IR-329050297FRA](#))

LSA Document #05-297(F)

Proposed Rule: [20070502-IR-329050297PRA](#)

Hearing Held: July 17, 2007

Approved by Attorney General: January 30, 2008

Approved by Governor: February 13, 2008

Filed with Publisher: February 13, 2008, 1:38 p.m.

Documents Incorporated by Reference: None Received by Publisher

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

Small Business Assistance Program Ombudsman: 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

Posted: 03/12/2008 by Legislative Services Agency

An [html](#) version of this document.