
TITLE 329 SOLID WASTE MANAGEMENT BOARD

NOTICE OF READOPTION
IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD
LSA Document #08-332

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 pursuant to IC 13-14-9.5.

RULES TO BE READOPTED: 329 IAC 10-11-7; 329 IAC 10-15-9; 329 IAC 10-16-11; 329 IAC 10-16-12; 329 IAC 10-18-1; 329 IAC 10-20-30; 329 IAC 10-20-31; 329 IAC 10-20-32.

AUTHORITY: IC 13-14-9.5.

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 rule 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. The rules listed to be readopted have an expiration date of January 1, 2009. 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 that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their 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.

LIST OF RULES

Solid Waste Land Disposal Facilities

<u>329 IAC 10-11-7</u>	Demonstration and determination of need requirements
<u>329 IAC 10-15-9</u>	Baled waste management plan
<u>329 IAC 10-16-11</u>	Setbacks
<u>329 IAC 10-16-12</u>	Reduction of setback distances
<u>329 IAC 10-18-1</u>	Vertical expansions for municipal solid waste landfills
<u>329 IAC 10-20-30</u>	Manifest requirements for waste received from transfer stations
<u>329 IAC 10-20-31</u>	Requirements for receipt of baled waste
<u>329 IAC 10-20-32</u>	Incidental disposal of small amounts of whole waste tires

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 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

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 comment should be addressed to:
#08-332 (SWMB) [IC 13-14-9.5](#) Rule Review
Janet Pittman
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 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 Janet Pittman in the Rules, Outreach, and Planning Section at (317) 232-8922.

COMMENT PERIOD DEADLINE

Comments must be postmarked, hand delivered, or faxed by June 20, 2008.

Additional information regarding this rulemaking action may be obtained from Lydia Kuykendal, Rules, Outreach, and Planning Section, Office of Land Quality, (317) 234-5354 or (800) 451-6027 (in Indiana).

Bruce H Palin
Assistant Commissioner
Office of Land Quality

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