TITLE 329 SOLID WASTE MANAGEMENT BOARD

SECOND NOTICE OF COMMENT PERIOD
LSA Document #06-70

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING SOLID WASTE PROCESSING FACILITIES AT 329 IAC 11

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 329 IAC 11 concerning clarifications, consistency changes, and organizational changes to the rules for solid waste processing facilities, including transfer stations. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: April 1, 2006, Indiana Register (29 IR 2377).

CITATIONS AFFECTED: 329 IAC 11.

AUTHORITY: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

The rulemaking proposes to clarify existing rule language for definitions, exclusions, zoning requirements, application and design standards, operating standards, closure, and post-closure requirements. This rule will also make 329 IAC 11 consistent with the standards in 329 IAC 10 and other processing requirements. Reorganization of 329 IAC 11 will make the rule easier to follow.

Basic Purpose and Background

The existing transfer station rule has not undergone significant revision since the early 1990s. The objectives of this rulemaking are to revise the transfer station rule and to generally make the language of 329 IAC 11 more clear, to maintain consistency with relevant statutes and other solid waste rules, and to improve the organization of the rule to allow for easier location of pertinent requirements.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law

The following element or elements of the draft rule impose or imposes either a restriction or a requirement on persons to whom the draft rule applies that is "not imposed under federal law" (NIFL elements).

NIFL Element (A) Definition of major/minor modification.

(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **There are no environmental circumstances or hazards dictating this requirement. This is merely a clarification of the rule.**

(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule.**

(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (B) Exclusion of transfer and storage of enclosed (not opened) containers with solid waste other than municipal solid waste.

(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **There are no environmental circumstances or hazards dictating this requirement. This rule will relax the current requirements.**

(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule.**

(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to

specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (C) Modification to zoning requirements.
(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **There are no environmental circumstances or hazards dictating this requirement. This is merely a clarification of the rule.**
(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule.**
(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (D) Expiration of permit if construction of the facility is not begun within a reasonable time frame.
(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **There are no environmental circumstances or hazards dictating this requirement. This is a further implementation of policy established under Indiana law for landfills.**
(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule.**
(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (E) Information submitted on a plot plan at 329 IAC 11-9-2(h).
(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **There are no environmental circumstances or hazards dictating this requirement. This is merely a clarification of the rule.**
(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule.**
(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (F) Requirements for the facility to be in an enclosed building with lockable doors. Some facilities will be grandfathered in.
(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **This will make the rule consistent with permits issued to solid waste processing facilities. This requirement will be protective of human health and the environment by containing the solid waste within a building.**
(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement as this is already required for new facilities.**
(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the**

requirements for solid waste disposal facilities.

NIFL Element (G) Waste processing and storage area to be constructed with an impermeable surface for the floor.

(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **This will make the rule more protective of human health and the environment and make the rule consistent with permits that are issued to new facilities.**

(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule.**

(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (H) Liquid waste and wastewater holding areas to be equipped with secondary containment or spill preventing procedures, or both.

(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **This will make the rule more protective of human health and the environment and make the rule consistent with permits that are issued to new facilities.**

(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule.**

(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (I) Information required on the facility sign.

(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **There are no environmental circumstances or hazards dictating this requirement. This is merely a clarification of the rule.**

(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule.**

(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (J) Floor cleaning in the loading areas so waste and waste residues are contained.

(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **This rule change will allow the permittee more options to meet the requirements for sanitary conditions at the facility.**

(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule.**

(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (K) Emergency or contingency procedures for spill, fire, and contaminant release.

(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **This is a clarification of the rule.**
(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule.**
(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (L) Closure and post-closure standards.
(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **The rule will incorporate requirements from Indiana statute and extend the requirements to all solid processing facilities that are currently required of Indiana transfer stations under 329 IAC 11-16-2.**
(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule.**
(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (M) Adding definitions to be consistent with 329 IAC 10.
(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **This rule change will make the rule consistent with the solid waste landfill rule at 329 IAC 10.**
(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement.**
(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (N) Adding application procedures at 329 IAC 11-9-1(c) for consistency.
(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **There are no environmental circumstances or hazards dictating this requirement. This is merely a clarification of the rule.**
(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule.**
(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (O) Establish financial assurance with the preoperation requirements.
(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **There are no environmental circumstances or hazards dictating this requirement. This is merely a clarification of the rule.**
(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to

which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule, as financial assurance is already required in the current rule. This provision merely clarifies that the actual financial assurance instrument must be provided at the preoperational step of the process.**
(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

NIFL Element (P) Merging the requirements and reorganizing various sections.
(1) Describe the environmental circumstance or hazard dictating the imposition of the NIFL element in order to protect human health and the environment in Indiana and describe examples in which federal law is inadequate to provide this protection for Indiana. **There are no environmental circumstances or hazards dictating this requirement. This is merely a clarification of the rule.**
(2) Describe the estimated fiscal impact and expected benefits of the NIFL element based on the extent to which the NIFL element exceeds the requirements of federal law. **There is no fiscal impact of this requirement. The benefit is a clarification of the rule.**
(3) Describe all materials relied on by IDEM in the development of the NIFL element including, if applicable, health criteria, analytical methods, treatment technology, economic impact data, environmental assessment data, analyses of methods to effectively implement the proposed rule, and other background data. Be sure to specifically mention and address each type of material. **The only material relied on was 329 IAC 10, the requirements for solid waste disposal facilities.**

Potential Fiscal Impact

There is minimal fiscal impact associated with this rulemaking. This rulemaking does not impose any additional requirements but clarifies, makes consistent, and improves the organization of the existing rule. However, comments on the potential fiscal impact of the rule are requested.

Public Participation and Workgroup Information

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Lynn West, Rules, Planning and Outreach Section, Office of Land Quality at (317) 232-3593 or (800) 451-6021 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from April 1, 2006, through May 1, 2006, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the First Notice of Comment Period.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Mailed comments should be addressed to:

#06-70(SWMB) (Transfer Station Change Rule)
Janet Pittman
Office of Land Quality
Indiana Department of Environmental Management
100 North Senate Avenue
MC 65-45
Indianapolis, Indiana 46204-2251

Hand delivered comments will be accepted by the receptionist on duty at the 11th floor reception desk, Office of Land Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (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 Development Section at (317) 232-7995.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by February 13, 2009.

Additional information regarding this action may be obtained from Lynn C. West, Rules, Outreach, and Planning Development Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 329 IAC 11-1-3 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-1-3 Reporting

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. (a) Any permittee required to monitor under this article or by any permit issued ~~pursuant to~~ **under** this article shall maintain all records of all monitoring information and monitoring activities, including **the following:**
(1) The date, exact place, and time of the sampling or measurements.
(2) The **person or** persons who performed the sampling or measurements.
(3) The **date or** dates analyses were performed.
(4) The **person or** persons who performed the analyses.
(5) The sampling methods used.
(6) All quality assurance/quality control documentation.
~~(5)~~ **(7)** The analytical techniques or methods used. ~~and~~
~~(6)~~ **(8)** The results of ~~such~~ **the** measurements or analyses.

(b) All records of monitoring activities and results shall be retained by the permittee for ~~five (5)~~ **three (3)** years. The ~~five (5)~~ **three (3)** year period shall be extended:
(1) automatically during the course of any unresolved litigation between the commissioner and a permittee; or
(2) as required by the permit conditions.

(c) The owner, operator, or permittee of a solid waste processing facility shall record and retain at the facility in an operating record, or in an alternative location approved by the commissioner, any records required by this article.

(d) Information submitted to the department to meet a requirement of this article must meet the following standards:
(1) All drawings, plans, maps, and documentation must be properly titled and must include the following where applicable:
(A) The date and author of each drawing, plan, or map.
(B) Documentation of the coordinate system of the drawing, plan, or map, including the following:
(i) Measurement units.
(ii) Datum.
(iii) Identification of the coordinate system that was used, such as the Universal Transverse Mercator or the State Plane Coordinate System.
(C) A bar scale on each drawing, plan, or map.
(D) Elevations that correlate with United States Geological Survey mean sea level data.
(E) The facility name.
(F) The state regulatory identification number, such as a permit number or authorization number.
(G) The facility's United States Environmental Protection Agency identification number, if available.
(H) A north arrow.
(I) A map legend.
(2) Submittals of sampling and monitoring results must include the following:
(A) Results of laboratory analyses.
(B) Results of field measurements, including water elevations and well depths if applicable.
(C) Laboratory name.
(D) Date of the sampling or monitoring event.

(Solid Waste Management Board; 329 IAC 11-1-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1926; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 2. 329 IAC 11-2-2.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-2.3 "Adjoining land" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 2.3. "Adjoining land" means the land that abuts or touches land upon which a solid waste processing facility is located. If the immediately adjoining land is owned by the permittee or the solid waste processing facility, the adjoining land is the first abutting land not owned by the permittee unless the first abutting land is greater than one-half (1/2) mile from the solid waste boundary. If there is a road or other right-of-way adjoining the property, then the land adjoining the road or other right-of-way is also adjoining.

(Solid Waste Management Board; 329 IAC 11-2-2.3)

SECTION 3. 329 IAC 11-2-2.6 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-2.6 "Applicant" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 2.6. "Applicant" means the person who applies for the permit.

(Solid Waste Management Board; 329 IAC 11-2-2.6)

SECTION 4. 329 IAC 11-2-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-2-4 "Base flood" 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. 4. "Base flood" means a flood:
(1) that has a one percent (1%) or greater chance of recurring in any year; or ~~a flood~~
(2) of a magnitude equaled or exceeded, **on the average,** once in one hundred (100) years. ~~on the average over a significantly long period. In any given one hundred (100) year interval, such a flood may not occur or more than one (1) such flood may occur.~~

(Solid Waste Management Board; 329 IAC 11-2-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1927; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 5. 329 IAC 11-2-5.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-5.3 "CESQG hazardous waste" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 5.3. "CESQG hazardous waste" means hazardous waste that is:
(1) generated by a conditionally exempt small quantity generator; and
(2) regulated under 40 CFR 261.5, revised as of July 1, 2002, available from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328.

(Solid Waste Management Board; 329 IAC 11-2-5.3)

SECTION 6. 329 IAC 11-2-5.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-5.5 "Closure" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 5.5. "Closure" means those activities, described in 329 IAC 11-16-1, to be completed at the end of waste acceptance at a solid waste processing facility or units of a facility, including closure certification required by 329 IAC 11-16-1, but not including those activities required after certification.

(Solid Waste Management Board; 329 IAC 11-2-5.5)

SECTION 7. 329 IAC 11-2-5.7 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-5.7 "Closure certification" defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-11-2-17; IC 13-18; IC 25-31; IC 36-9-30

Sec. 5.7. "Closure certification" means a written certification signed by the owner, operator, or permittee and an independent registered professional engineer submitted to the commissioner stating that closure for all units of the facility have been completed in accordance with the approved closure plan.

(Solid Waste Management Board; 329 IAC 11-2-5.7)

SECTION 8. 329 IAC 11-2-7.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-7.3 "Construction/demolition waste" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 7.3. (a) "Construction/demolition waste" means solid waste resulting from the construction, remodeling, repair, or demolition of structures. Such wastes may include any of the following:
(1) Scrap lumber.
(2) Bricks.
(3) Concrete.
(4) Stone.
(5) Glass.
(6) Wallboard.
(7) Roofing.
(8) Plumbing fixtures.
(9) Wiring.
(10) Nonasbestos insulation.

(b) The term does not include the following types of regulated solid waste:
(1) Fluorescent light fixtures.
(2) Appliances.
(3) Regulated asbestos-containing material as defined in 40 CFR 61.
(4) Any other waste resulting from construction, remodeling, repair, or demolition of a structure that, when placed in the landfill, would potentially:
(A) result in contamination of ground water; or
(B) present a risk to human health or the environment.

(Solid Waste Management Board; 329 IAC 11-2-7.3)

SECTION 9. 329 IAC 11-2-7.4 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-7.4 "Container" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 7.4. "Container" means a portable receptacle in which solid waste or recyclables are held for collection, storage, or transportation.

(Solid Waste Management Board; 329 IAC 11-2-7.4)

SECTION 10. 329 IAC 11-2-8.1 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-8.1 "Conterminous" defined

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. 8.1. "Conterminous" means contained within the same common boundary.

(Solid Waste Management Board; 329 IAC 11-2-8.1)

SECTION 11. 329 IAC 11-2-8.2 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-8.2 "Contiguous land" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 8.2. "Contiguous land" means land touching along a boundary or at a point.

(Solid Waste Management Board; 329 IAC 11-2-8.2)

SECTION 12. 329 IAC 11-2-8.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-8.3 "Contingency action plan" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 8.3. "Contingency action plan" means a written course of action to be followed for the method or methods of controlling fires, explosions, and waste disposal if the facility is unable to operate or process solid waste for twenty-four (24) hours or longer.

(Solid Waste Management Board; 329 IAC 11-2-8.3)

SECTION 13. 329 IAC 11-2-8.6 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-8.6 "Current closure cost estimate" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 8.6. "Current closure cost estimate" means the original closure cost estimate for a facility or the most recent revision thereof made by using the standards prescribed for solid waste land disposal facilities at 329 IAC 10-39-2(b) through 329 IAC 10-39-2(d).

(Solid Waste Management Board; 329 IAC 11-2-8.6)

SECTION 14. 329 IAC 11-2-8.7 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-8.7 "Current post-closure cost estimate" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 8.7. "Current post-closure cost estimate" means the original post-closure cost estimate for a facility or the most recent revision thereof made by using the standards prescribed for solid waste land disposal facilities at 329 IAC 10-39-2(b) through 329 IAC 10-39-2(d).

(Solid Waste Management Board; 329 IAC 11-2-8.7)

SECTION 15. 329 IAC 11-2-9.2 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-9.2 "Design capacity" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 9.2. "Design capacity" means the total volume of solid waste specified in the solid waste processing facility permit.

(Solid Waste Management Board; 329 IAC 11-2-9.2)

SECTION 16. 329 IAC 11-2-9.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-9.5 "Dike" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 9.5. "Dike" means an embankment or ridge of either natural or man-made materials used to prevent, control, or confine the movement of liquids or solids.

(Solid Waste Management Board; 329 IAC 11-2-9.5)

SECTION 17. 329 IAC 11-2-9.8 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-9.8 "Discard" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 9.8. "Discard" means to abandon by:
(1) disposal;
(2) burning or incinerating, including being burned as a fuel for the purpose of recovering usable energy; or
(3) accumulating, storing, or physically or chemically treating, other than burning or incinerating, in lieu of or prior to disposal.

(Solid Waste Management Board; 329 IAC 11-2-9.8)

SECTION 18. 329 IAC 11-2-9.9 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-9.9 "Electronic submission" defined

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. 9.9. "Electronic submission" means any submission of information to the department via electronic media. Such media may include the following:
(1) Magnetic storage tape or disk.
(2) Compact disc read-only memory (CD-ROM).
(3) Electronic mail or attachments, or both.
(4) File transfer protocol (FTP).
(5) Hypertext transfer protocol (HTTP).

(Solid Waste Management Board; 329 IAC 11-2-9.9)

SECTION 19. 329 IAC 11-2-10.1 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-10.1 "Emergency response plan" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 10.1. "Emergency response plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of an emergency, such as fire, spills, contaminant release, or release of solid waste byproducts, such as gases or chemical contaminants, or leachate that could threaten human health or the environment.

(Solid Waste Management Board; 329 IAC 11-2-10.1)

SECTION 20. 329 IAC 11-2-10.2 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-10.2 "Environmental protection acts" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 10.2. "Environmental protection acts" means state and federal statutes relating to protection of the environment and public health.

(Solid Waste Management Board; 329 IAC 11-2-10.2)

SECTION 21. 329 IAC 11-2-10.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-10.3 "Face amount" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 10.3. "Face amount" means the total amount the insurer is obligated to pay under the insurance policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

(Solid Waste Management Board; 329 IAC 11-2-10.3)

SECTION 22. 329 IAC 11-2-10.4 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-10.4 "Facility" defined

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. 10.4. "Facility" may consist of one (1) or more permitted processing, storage, disposal, or operational units used for processing, storing in conjunction with processing or disposal, or disposing of solid waste. The term includes the following:

(1) All conterminous land and structures related to the permit within the facility boundary.

(2) Other appurtenances related to the permit.

(3) Improvements on the land related to the permit.

(Solid Waste Management Board; 329 IAC 11-2-10.4)

SECTION 23. 329 IAC 11-2-10.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-10.5 "Facility boundary" defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-11-2-17; IC 13-18; IC 25-31; IC 36-9-30

Sec. 10.5. "Facility boundary" means the outermost perimeter of land related to the facility.

(Solid Waste Management Board; 329 IAC 11-2-10.5)

SECTION 24. 329 IAC 11-2-10.8 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-10.8 "Floodplain" defined

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. 10.8. "Floodplain" means the areas adjoining a river, stream, or lake that are inundated by the base flood.

(Solid Waste Management Board; 329 IAC 11-2-10.8)

SECTION 25. 329 IAC 11-2-10.9 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-10.9 "Floodway" defined

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. 10.9. "Floodway" means the channel of a river or stream and those portions of the floodplain adjoining the channel that are reasonably required to efficiently carry and discharge the peak flow of the base flood.

(Solid Waste Management Board; 329 IAC 11-2-10.9)

SECTION 26. 329 IAC 11-2-12.2 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-12.2 "Generator knowledge" defined

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-18-1; IC 13-18-20; IC 25-31; IC 36-9-30

Sec. 12.2. "Generator knowledge" means the relevant, accurate, and reliable information available to or developed by the generator about a waste that allows a person to determine the correct regulatory status of that waste. This information may include, but is not limited to, the following categories of

information:

(1) Information provided by the manufacturer or supplier of the materials used in the process.
(2) Information provided in reference materials.
(3) Information describing the process that generates the waste.
(4) Information describing the materials used in the process that generates the waste.
(5) Information describing principles of science, including chemistry and physics, applied to the raw materials and process used.
(6) Information developed through prior testing of the waste.

(Solid Waste Management Board; 329 IAC 11-2-12.2)

SECTION 27. 329 IAC 11-2-14 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-2-14 "Ground water" 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. 14. "Ground water" means **accumulations of underground** water, ~~below the land surface in the zone of saturation.~~ **natural and artificial, public and private, or parts thereof, that are wholly or partially within, flow through, or border upon this state, but excluding man-made underground storage or conveyance structures.**

(Solid Waste Management Board; 329 IAC 11-2-14; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1928; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 28. 329 IAC 11-2-14.8 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-14.8 "Hauler" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 14.8. "Hauler" means a person engaged in the transportation of solid waste by:
(1) air;
(2) rail;
(3) roadway; or
(4) water.

(Solid Waste Management Board; 329 IAC 11-2-14.8)

SECTION 29. 329 IAC 11-2-15 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-2-15 "Hazardous 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. 15. "Hazardous waste" means ~~a solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:~~
~~(1) cause or significantly contribute to an increase in mortality or increase in serious, irreversible, or incapacitating reversible illness; or~~
~~(2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.~~ **waste that is regulated under 329 IAC 3.1.**

(Solid Waste Management Board; 329 IAC 11-2-15; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1928; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 30. 329 IAC 11-2-16.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-16.3 "Independent, registered professional engineer" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 16.3. "Independent, registered professional engineer" means a registered professional engineer who is not permanently employed by the owner, operator, or permittee of a solid waste processing facility.

(Solid Waste Management Board; 329 IAC 11-2-16.3)

SECTION 31. 329 IAC 11-2-17 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-2-17 "Industrial process 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. 17. "Industrial process waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under 329 IAC 3.1. Such waste may include, but is not limited to, waste resulting from any of the following manufacturing processes:
(1) Electric power generation.
(2) Fertilizer or agricultural chemicals production.
(3) Food and related products or byproducts production.
(4) Inorganic chemicals production.
(5) Iron and steel manufacture or foundries.
(6) Leather and leather products production.
(7) Nonferrous metals manufacture or foundries.
(8) Organic chemicals production.
(9) Plastics and resins manufacture.
(10) Pulp and paper industry.
(11) Rubber and miscellaneous plastic products production.
(12) Stone, glass, clay, and concrete products.
(13) Textile manufacture.
(14) Transportation equipment.
(15) Oil and gas ~~process~~ **processing** and ~~refinery wastes and disposed products.~~ **refining, but not exploration and recovery.**
(16) Painting, printing, and allied industries.
(17) Contaminated, off-specification, or outdated wholesale products.
(18) **Waste** recycling **and processing** activities, ~~and process residues.~~ **excluding operations in which processing consists solely of segregation of components of MSW and no chemical or physical alteration of the waste is performed.**
(19) Processing of ores and minerals as defined under 40 CFR 261.4(b)(7), but not the extraction and beneficiation of ores or minerals as defined under 40 CFR 261.4(b)(7).
The term does not include mining operations waste or oil and gas recovery waste.

(Solid Waste Management Board; 329 IAC 11-2-17; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1929; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 32. 329 IAC 11-2-18 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-2-18 "Infectious 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. 18. "Infectious waste" ~~means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease (as defined in 410 IAC 1-3-5). The term includes any of the following:~~
~~(1) Pathological wastes, including tissue, organs, body parts, and blood or body fluids in liquid or semiliquid form that are removed during surgery, biopsy, or autopsy.~~
~~(2) Biological cultures and associated biologicals.~~
~~(3) Contaminated sharps.~~
~~(4) Infectious agent stock and associated biologicals.~~
~~(5) Blood and blood products in liquid or semiliquid form.~~
~~(6) Laboratory animal carcasses, body parts, and bedding.~~
~~(7) Wastes (as defined in 410 IAC 1-3-19).~~
has the meaning set forth in the rules of the state department of health at 410 IAC 1-3-10, as supported by the ancillary definitions of 410 IAC 1-3.

(Solid Waste Management Board; 329 IAC 11-2-18; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1929; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 33. 329 IAC 11-2-19.5 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-2-19.5 "Insignificant facility modification" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 19.5. (a) "Insignificant facility modification", as used in 329 IAC 11-9-6(b), means any of the following:
(1) ~~Add~~ **Adding** recycling activities and associated storage areas.
(2) ~~Add~~ **Adding** or ~~modify~~ **modifying** outside storage of:
(A) white goods; or
(B) other scrap metal.
(3) ~~Modify~~ **Modifying** facility traffic patterns.
(4) ~~Modify~~ **Modifying** the size of a compactor.
(5) ~~Add~~ **Adding** or ~~modify~~ **modifying** tipping floor entrance doors.
(6) ~~Add~~ **Adding** or ~~modify~~ **modifying** the collection of household hazardous waste.
(7) ~~Add~~ **Adding** or ~~modify~~ **modifying** a collection container.
(8) Adding or replacing weighing scales.

(b) The term, as used in 329 IAC 11-9-6(c), means any of the following:
(1) ~~Accept~~ **Accepting** more than two hundred twenty (220) pounds of uncontainerized pollution control wastes in a shipment.
(2) ~~Modify~~ **Modifying** the waste water handling or disposition procedures.
(3) ~~Modify~~ **Modifying** the drainage around the facility, except for normal maintenance.
(4) ~~Modify~~ **Modifying** the latest approved facility layout.
(5) Any modification to the permitted facility that the commissioner determines will improve the operation of the facility without altering the approved solid waste processing facility permit.

(Solid Waste Management Board; 329 IAC 11-2-19.5; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3970; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 34. 329 IAC 11-2-19.6 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-19.6 "Landowner" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 19.6. "Landowner" means an owner of real property.

(Solid Waste Management Board; 329 IAC 11-2-19.6)

SECTION 35. 329 IAC 11-2-19.8 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-19.8 "Leachate" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 19.8. "Leachate" means a liquid that:
(1) has passed through or emerged from solid waste; and
(2) contains:
(A) soluble;
(B) suspended;
(C) immiscible; or
(D) miscible;
material removed from the waste.

(Solid Waste Management Board; 329 IAC 11-2-19.8)

SECTION 36. 329 IAC 11-2-20 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-2-20 "Legal description" 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. 20. "Legal description" means ~~a legal description of the real property, including~~ **information from the recorded deed that includes** the county, township, range, ~~and~~ section numbers, **total acreage,** and, if applicable, the metes and bounds description. ~~together with the acreage thereof.~~

(Solid Waste Management Board; 329 IAC 11-2-20; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1929; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 37. 329 IAC 11-2-20.2 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-20.2 "Letter of credit" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 20.2. "Letter of credit" means an instrument issued by a bank or other financial institution, known as the issuer, in which the issuer agrees on behalf of its customer, known as the account party, to honor demands for payment to the beneficiary usually upon presentation of the documents specified in the instrument.

(Solid Waste Management Board; 329 IAC 11-2-20.2)

SECTION 38. 329 IAC 11-2-20.4 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-20.4 "Liquid waste" defined

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. 20.4. "Liquid waste" means any waste material that contains free liquids as determined by Method 9095A (Paint Filter Liquids Test), as described in U.S. EPA Publication SW-846 as revised in Updates I, II, IIA, IIB, III, IIIA, IIIB, IVA, and IVB, last revised January 3, 2008, 73 FR 486.

(Solid Waste Management Board; 329 IAC 11-2-20.4)

SECTION 39. 329 IAC 11-2-21.1 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-21.1 "Major modification of solid waste processing facilities" defined

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. 21.1. "Major modification of solid waste processing facilities" means any of the following:
(1) Any increase in a permitted solid waste processing facility that would increase the facility's permitted capacity to process solid waste by more than ten percent (10%).
(2) New bay loading area.
(3) New loading tunnel.
(4) Expansion of an existing loading bay or tunnel so that additional transfer trailers can be loaded simultaneously.
(5) Expansion of the existing waste processing area by more than fifty percent (50%) either through:
(A) expansion of the area within an existing building; or
(B) the addition of a new building.
(6) Addition of a major piece of equipment, such as a compactor, that increases the volume of waste being processed.

(Solid Waste Management Board; 329 IAC 11-2-21.1)

SECTION 40. 329 IAC 11-2-21.6 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-21.6 "Minor modification of solid waste processing facilities" defined

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. 21.6. (a) "Minor modification of solid waste processing facilities" means any modification in a permitted solid waste processing facility that would:
(1) not increase the facility's permitted capacity to process solid waste by more than ten percent (10%); and
(2) not include those items determined to be:
(A) insignificant modifications under section 19.5 of this rule; or
(B) major modifications under section 21.1 of this rule.

(b) A minor modification includes, but is not limited to, the reconstruction of a processing building that does not increase capacity as described in subsection (a)(1).

(Solid Waste Management Board; 329 IAC 11-2-21.6)

SECTION 41. 329 IAC 11-2-21.7 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-21.7 "Municipal solid waste" or "MSW" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-19-3-3; IC 13-30-2; IC 36-9-30

Sec. 21.7. (a) "Municipal solid waste" or "MSW" means any solid waste generated by community activities or the operation of residential or commercial establishments.

(b) The term includes the following:
(1) Household or residential waste.

(2) Commercial solid waste.

(c) The term does not include the following:
(1) Construction/demolition waste.
(2) Industrial process waste.
(3) Infectious waste.
(4) Coal combustion and flue gas desulfurization wastes excluded from regulation by IC 13-19-3-3.
(5) Hazardous waste.
(6) Pollution control waste.

(Solid Waste Management Board; 329 IAC 11-2-21.7)

SECTION 42. 329 IAC 11-2-21.8 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-21.8 "Net worth" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 21.8. "Net worth" means total assets minus total liabilities.

(Solid Waste Management Board; 329 IAC 11-2-21.8)

SECTION 43. 329 IAC 11-2-21.9 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-21.9 "On-site" 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. 21.9. "On-site" means all areas within the facility boundary.

(Solid Waste Management Board; 329 IAC 11-2-21.9)

SECTION 44. 329 IAC 11-2-24.2 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-24.2 "Operating days" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 24.2. "Operating days" means time expressed in total number of days during which a solid waste processing facility is open to actively accept solid waste for disposal.

(Solid Waste Management Board; 329 IAC 11-2-24.2)

SECTION 45. 329 IAC 11-2-25.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-25.3 "Operator" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-4-7; IC 13-20-6
Affected: IC 13-11-2-148; IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 25.3. "Operator" means the person or persons responsible for the overall operation of a solid waste processing facility or part of a solid waste processing facility.

(Solid Waste Management Board; 329 IAC 11-2-25.3)

SECTION 46. 329 IAC 11-2-25.6 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-25.6 "Owner" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 25.6. "Owner" means the person who owns a solid waste processing facility or part of a solid waste processing facility.

(Solid Waste Management Board; 329 IAC 11-2-25.6)

SECTION 47. 329 IAC 11-2-27 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-2-27 "Permittee" 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. 27. "Permittee" means ~~any~~ **the** person ~~to whom~~ **who applies for and receives** a ~~solid waste facility~~ permit ~~has been issued for the purposes of this article.~~ **from the department.**

(Solid Waste Management Board; 329 IAC 11-2-27; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1930; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 48. 329 IAC 11-2-28.2 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-28.2 "Petroleum contaminated soil" defined

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-12; IC 13-19; IC 13-20-7-6; IC 36-9-30

Sec. 28.2. "Petroleum contaminated soil" means soil that is contaminated with any of the following:
(1) Asphalt or asphaltic suspension.
(2) Aviation turbine fuel.
(3) Crude oil.
(4) Diesel fuel.
(5) Fuel oil.
(6) Gas oil.
(7) Gasoline.
(8) Heating oil.
(9) Hydraulic oil.
(10) Jet fuel.
(11) Kerosene.
(12) Lubricating oil.
(13) Mineral spirits.
(14) Motor fuel.
(15) Transformer oil.
(16) Transmission fluid.
(17) Motor oil.
(18) Synthetic oil or fuel.
(19) Any similar material derived from or containing petroleum.

(Solid Waste Management Board; 329 IAC 11-2-28.2)

SECTION 49. 329 IAC 11-2-29.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-29.5 "Post-closure" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 29.5. "Post-closure" means the monitoring and maintenance activities required after final closure of a solid waste processing facility.

(Solid Waste Management Board; 329 IAC 11-2-29.5)

SECTION 50. 329 IAC 11-2-29.7 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-29.7 "Post-closure cost estimate" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 29.7. "Post-closure cost estimate" means the original or most recently submitted written estimate, in current dollars, of the total cost of post-closure monitoring and maintenance of the facility during the entire post-closure care period in accordance with the post-closure plan.

(Solid Waste Management Board; 329 IAC 11-2-29.7)

SECTION 51. 329 IAC 11-2-30.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-30.3 "Real property boundary" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 30.3. "Real property boundary" means the outermost perimeter of the land owned by a person upon which the solid waste processing facility is located, as the real property is described in the recorded deed and the current county or counties plats.

(Solid Waste Management Board; 329 IAC 11-2-30.3)

SECTION 52. 329 IAC 11-2-32.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-32.3 "Regulated asbestos-containing material" or "RACM" defined

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3-1
Affected: IC 13-18-1; IC 13-18-20

Sec. 32.3. (a) "Regulated asbestos-containing material" or "RACM" means the following:
(1) Friable asbestos material defined at 40 CFR 61.141.
(2) Category I nonfriable asbestos-containing material, defined at 40 CFR 61.141, that has become friable.
(3) Category I nonfriable asbestos-containing material, defined at 40 CFR 61.141, that:
(A) will be; or
(B) has been;
subjected to sanding, grinding, cutting, or abrading.
(4) Category II nonfriable asbestos-containing material, defined at 40 CFR 61.141, that has:
(A) a high probability of becoming; or
(B) become;
crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition, renovation, or disposal operations.

(b) The term does not include regulated asbestos-containing materials that have not become solid waste.

(Solid Waste Management Board; 329 IAC 11-2-32.3)

SECTION 53. 329 IAC 11-2-33.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-33.5 "Responsible corporate officer" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 33.5. "Responsible corporate officer" means:
(1) a president;
(2) a secretary;
(3) a treasurer; or
(4) any vice president;
of the corporation or corporate division in charge of a principal business function that includes the activity to be permitted.

(Solid Waste Management Board; 329 IAC 11-2-33.5)

SECTION 54. 329 IAC 11-2-34.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-34.3 "Run-off" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 34.3. "Run-off" means any rainwater and surface water that has not come into any contact with solid waste that drains over land from any part of a solid waste processing facility.

(Solid Waste Management Board; 329 IAC 11-2-34.3)

SECTION 55. 329 IAC 11-2-34.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-34.5 "Run-on" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 34.5. "Run-on" means any rainwater and surface water that drains over land onto any part of a solid waste processing facility.

(Solid Waste Management Board; 329 IAC 11-2-34.5)

SECTION 56. 329 IAC 11-2-36.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-36.3 "Sedimentation" defined

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. 36.3. "Sedimentation" means the settling and accumulation of unconsolidated sediment carried by storm water run-off.

(Solid Waste Management Board; 329 IAC 11-2-36.3)

SECTION 57. 329 IAC 11-2-36.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-36.5 "Sedimentation basin" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 36.5. "Sedimentation basin" means an artificial or natural surface structure to allow the settlement of any unconsolidated material carried by run-off from the facility.

(Solid Waste Management Board; 329 IAC 11-2-36.5)

SECTION 58. 329 IAC 11-2-36.7 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-36.7 "Setback" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 36.7. "Setback" means the distance between a designated point and the permitted facility boundary of a solid waste processing facility as projected at the time of final closure and approved by the department as part of the solid waste processing facility's original or modified permit. The designated point of a public or nonpublic school is the property boundary of public or nonpublic school property that contains a facility intended for regularly scheduled student use.

(Solid Waste Management Board; 329 IAC 11-2-36.7)

SECTION 59. 329 IAC 11-2-44.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-44.3 "Storage" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 44.3. "Storage" means the retention, containment, or accumulation of solid waste on a temporary basis in such a manner that it does not threaten or potentially threaten human health or impact or potentially impact the environment, for a period of more than twenty-four (24) hours, in such a manner as not to constitute disposal of the waste. It is a rebuttable presumption that storage of waste for more than six (6) months constitutes disposal.

(Solid Waste Management Board; 329 IAC 11-2-44.3)

SECTION 60. 329 IAC 11-2-44.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-44.5 "Storm water discharge" defined

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. 44.5. "Storm water discharge" means the release or flow of storm water past the facility boundary or into a water of the state.

(Solid Waste Management Board; 329 IAC 11-2-44.5)

SECTION 61. 329 IAC 11-2-44.9 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-44.9 "Surety bond" 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. 44.9. "Surety bond" means a contract by which a surety company engages to be answerable for the default or debts of a permittee on responsibilities relating to closure or post-closure care, and agrees to satisfy these responsibilities if the permittee does not, in accordance with the terms prescribed for land disposal facilities at 329 IAC 10-39-2(a)(2)(B) through 329 IAC 10-39-2(a)(2)(E).

(Solid Waste Management Board; 329 IAC 11-2-44.9)

SECTION 62. 329 IAC 11-2-46.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-46.3 "Tons per day" 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. 46.3. "Tons per day" means tons per operating day. "Operating day" refers to a day that the solid waste processing facility is open to actively accept solid waste for processing.

(Solid Waste Management Board; 329 IAC 11-2-46.3)

SECTION 63. 329 IAC 11-2-47.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-47.3 "Trust fund" 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. 47.3. "Trust fund" means a fund established by a permittee, for the benefit of the department and held by a financial institution licensed by Indiana, as the trustee with a fiduciary responsibility to carry out the terms of the trust, as prescribed for solid waste land disposal facilities at 329 IAC 10-39-2(a)(1).

(Solid Waste Management Board; 329 IAC 11-2-47.3)

SECTION 64. 329 IAC 11-2-47.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-47.5 "Unauthorized solid waste" defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-19-4-10
Affected: IC 13-11-2-17; IC 13-18; IC 25-31; IC 36-9-30

Sec. 47.5. "Unauthorized solid waste" means solid waste that is prohibited from disposal in a solid waste land disposal facility by:
(1) permit conditions;
(2) Indiana statutes or rules; or
(3) federal acts or regulations.

(Solid Waste Management Board; 329 IAC 11-2-47.5)

SECTION 65. 329 IAC 11-2-47.7 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-47.7 "Unit of government" 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. 47.7. "Unit of government" means a:
(1) county;
(2) municipality;
(3) township; or
(4) solid waste management district.

(Solid Waste Management Board; 329 IAC 11-2-47.7)

SECTION 66. 329 IAC 11-2-48 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-2-48 "Vector" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-18-12-4; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-18-12; IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 48. "Vector" means any ~~animal~~ **rodents, flies, mosquitoes, or other animals and insects,** capable of ~~harboring and~~ transmitting microorganisms ~~from one (1) animal to another or to a human.~~ **and disease to humans and other animals.**

(Solid Waste Management Board; 329 IAC 11-2-48; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1933; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 67. 329 IAC 11-2-49.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-49.3 "Wash water" 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. 49.3. "Wash water" means water that is used to clean a waste processing area or equipment. Wash water is typically identified with the wastewater resulting from the cleaning of waste processing or equipment to remove attached particles.

(Solid Waste Management Board; 329 IAC 11-2-49.3)

SECTION 68. 329 IAC 11-2-49.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-49.5 "Waste determination" 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. 49.5. "Waste determination" means the documented process of determining the qualitative and quantitative nature of a particular waste in order to establish the regulatory status of the waste and determine if the waste must be treated, processed, stored, and disposed under the hazardous waste rules at 329 IAC 3.1, the PCB rules at 329 IAC 4.1, or the solid waste rules at 329 IAC 10 or this article. The regulatory status may be determined using either generator knowledge or testing by the methods in 40 CFR 261, Subpart C, or an appropriate method to ascertain one (1) of the following:
(1) The waste is a hazardous waste under 40 CFR 262.11 and is regulated under 329 IAC 3.1 because of the following:
(A) The waste is not excluded from regulation under 40 CFR 261.4.
(B) The waste is a listed waste under 40 CFR 261, Subpart D.
(C) The waste exhibits characteristics specified in 40 CFR 261, Subpart C.

(2) The waste:
(A) contains regulated amounts of PCBs; and
(B) is regulated under 329 IAC 4.1.
(3) The waste:
(A) is a solid waste; and
(B) can be processed under this article and disposed of under 329 IAC 10.

***Note: All federal regulations cited in this section are incorporated by reference as revised July 1, 2008. Sales of the Code of Federal Regulations are handled by the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or online at http://bookstore.gpo.gov/. The telephone number for the Superintendent of Documents is (202) 512-1800 or toll-free (866) 512-1800. The incorporated materials are available for public review at the offices of the department of environmental management.**

(Solid Waste Management Board; 329 IAC 11-2-49.5

SECTION 69. 329 IAC 11-2-52 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-2-52 "Wetlands" defined

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4
Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 52. "Wetlands" means those areas that are inundated or saturated by surface water or ground water at a frequency and duration to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include the following:
(1) Swamps.
(2) Marshes.
(3) Bogs.
(4) Areas similar to areas specified in subdivision (1), (2), or (3).

(Solid Waste Management Board; 329 IAC 11-2-52)

SECTION 70. 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 of waste when the waste, other than ~~waste~~ tires, has been segregated from the general ~~municipal solid waste~~ **MSW** stream before arrival at a processing 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.

(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 management activities or legitimate uses of solid waste determined by the commissioner to not pose a threat to public health 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.

(17) The transfer of closed waste containers meeting the following criteria where the solid waste is not removed from the container:

(A) The container remains closed.

(B) Solid waste containing nonmunicipal solid waste or that is nonmunicipal solid waste is only stored in the container for ten (10) days or less.

(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 71. 329 IAC 11-9-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-9-1 Permit requirement

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-15-7; IC 13-30-2; IC 13-30-6; IC 36-9-30-35

Sec. 1. (a) Unless excluded in 329 IAC 11-3, any person who constructs or operates a solid waste processing facility as defined under 329 IAC 11-2-43 shall have a solid waste processing facility permit under this article.

~~(b) The owner of the facility is responsible for applying for and obtaining a permit. The owner of the land upon which the facility is located also shall sign the application form acknowledging the land owner's responsibility in accordance with 329 IAC 11-11-4.~~

~~(c)~~ **(b)** In the event that, after the permit application is submitted but prior to the issuance of the permit, there is any change that renders the information in the application incorrect, the applicant shall:
(1) notify the commissioner of the change within fifteen (15) days; and
(2) submit corrected information within a reasonable period of time.

~~(d) It is grounds to~~ **(c) The commissioner may** deny a permit **application,** including a renewal permit, ~~to any applicant if such~~ **or place additional conditions on a permit if the commissioner determines that one (1) or more of the following demonstrate the applicant's inability or unwillingness to process the solid waste under requirements of this article or a facility permit:**
(1) The applicant has been convicted **of a crime** under ~~IC 13-30-6 or~~ IC 36-9-30-35. ~~or if such~~
(2) The commissioner, under IC 13-15-7, has revoked the applicant's previous permit to operate under:
(A) this article; ~~or the previous articles;~~
(B) 329 IAC 1.5, which was repealed in 1989; or
(C) 329 IAC 2, which was repealed in 1996. ~~has been revoked by the commissioner under IC 13-15-7-1.~~
(3) The applicant has a history of one (1) or more violations of the environmental protection acts.
(4) The applicant was, or is, the subject of one (1) or more administrative or judicial enforcement actions commenced under authority of IC 13.

(Solid Waste Management Board; 329 IAC 11-9-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1936; errata filed Apr 4, 1996, 4:00 p.m.: 19 IR 2047; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1126, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 72. 329 IAC 11-9-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-9-2 New permit application and major modification application

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 4-21.5-3-4; IC 4-21.5-3-5; IC 13-20-1; IC 13-30-2; IC 36-7-4; IC 36-9-30

Sec. 2. (a) A complete application for a solid waste processing facility permit must consist of the following information submitted to the commissioner in a format specified by the department on forms provided by the department:
(1) The name and address of the applicant or applicants.
(2) The name and address of the property owner or owners.
(3) The name, address, and location of the facility.
(4) The legal description as defined in 329 IAC 11-2-20 for the following:
(A) The area for which ownership will be established as required in subdivision (10).
(B) The area upon which the facility is located.
(C) Sufficient documentation must be provided to verify that the facility is located on property owned or leased by the permittee. Documentation must include a map of the legal description for these areas certified by a registered land surveyor.
(5) Facility information, including the following:
(A) A description of the type of operation.
(B) The planned life of the facility in years.
(C) The expected volume of waste to be received in cubic yards per day and tons per day.
(D) The type of waste to be received.
(6) Signatures and certification statements in compliance with section 3 of this rule.
(7) Detailed plans and design specifications as required by **the following:**
(A) This section.
(B) 329 IAC 11-12.
(C) 329 IAC 11-17. ~~and~~
(D) 329 IAC 11-18.
(8) Closure plan ~~under 329 IAC 11-16.~~ **and post-closure plan.**
(9) Closure financial responsibility. ~~under 329 IAC 11-16,~~ A description of the financial instrument that will be

used to achieve compliance with financial responsibility provisions ~~of~~ **and mechanisms as prescribed for solid waste land disposal facilities at** 329 IAC 10-39. These documents need not be executed and delivered to the commissioner until after the:

(A) review of the technical application; and ~~until after the~~

(B) applicant receives notice of ~~such~~ **the** requirement from the commissioner. ~~in accordance with 329 IAC 11-11-1(c)(1).~~

(10) Documents necessary to establish ownership or other tenancy of, including an option to purchase, the real estate upon which the facility to be permitted is located, including a certified copy of the deed to the subject real estate showing ownership in the person identified as the owner in the application, or the deed and evidence satisfactory to the commissioner that ownership will be transferred to the owner prior to operation of the facility.

(11) In order to assist the commissioner in identifying persons entitled to notice in accordance with IC 4-21.5-3-4 and IC 4-21.5-3-5, the name and address of all owners or last taxpayers of record of property located within one-half (1/2) mile of the site boundaries of a proposed solid waste processing facility.

(12) Certification verification from the zoning authority, or the county commissioners if there is no zoning authority, that proper zoning approvals have been obtained, and **one (1) or more of** the following documents, **as applicable:**

(A) A copy of the zoning requirements, if any, for solid waste facilities in the area where the facility is to be located.

~~(B) A copy of the improvement location permit or occupancy permit issued by the zoning authority having jurisdiction for the site if a solid waste facility is permitted by the zoning ordinance in the area where the facility is to be located.~~

~~(C) A copy of the amendment or amendments to the zone maps incorporated by reference into the zoning ordinance under IC 36-7-4-602(c) if a change in the zone maps is required for the area where the facility is to be located.~~

~~(D) A copy of the amendment or amendments to the zoning ordinance adopted under IC 36-7-4-602 if such amendment is required for the area where the facility is to be located.~~

~~(E) A copy of the variance, special exception, special use, contingent use, or conditional use approved under IC 36-7-4-918.1 through IC 36-7-4-921 if such approval is required for the area where the facility is to be located.~~

~~(F)~~ **(B)** The status of any appeals of any zoning determination ~~as described in clauses (B) through (E)~~ and, if none pending, the date by which ~~such~~ **the** appeal must be initiated.

(13) The names and addresses of members of the board of county commissioners of a county that is affected by the permit application.

(14) The names and addresses of the mayors of any cities that are affected by the permit application.

(15) The names and addresses of the presidents of town councils of any towns that are affected by the permit application.

(b) **Two (2) paper copies and an electronic copy of** the completed application **and all supporting documentation** must be submitted to the commissioner ~~in triplicate,~~ **as follows:**

(1) Sent by registered ~~or~~ **mail,** certified mail, **or private carrier** or **delivered** in person. ~~For all items larger than eleven (11) inches by seventeen (17) inches, one (1) of the three (3) required copies must be submitted on reproducible mylar plastic.~~

(2) The electronic submission must be in the type and format as prescribed by the commissioner. The commissioner may make a determination that only an electronic copy is needed.

(3) Plans and documentation accompanying the application shall be submitted as required by this section.

(c) Confidentiality of information submitted in the permit application may be requested in accordance with 329 IAC 6.1.

(d) All corporations must submit a certificate of existence signed by the secretary of state.

(e) Fees must be submitted with the application in accordance with IC 13-20-21.

(f) An application for a solid waste processing facility permit must be accompanied by the plans or documents specified in this rule. Design drawings and specifications must be certified by a registered professional engineer. Design drawings must be properly titled.

(g) The following general documentation is required:
(1) A United States Geological Survey (USGS) topographic quadrangle map or maps, seven and one-half (7 1/2) minute, or equivalent, to include all areas within two (2) miles of the proposed facility with property boundaries and the proposed processing facility clearly delineated.
(2) Documentation of the base flood elevation within one-fourth (1/4) mile of the proposed facility. The following documentation will be accepted:
(A) A letter from the Indiana department of natural resources.
(B) A national flood insurance program map.

(h) Applications must include a plot plan or plans of the facility, including the following:
(1) Access control measures such as fences, gates, or natural barriers.
~~(2) A method of screening.~~
(2) Any building where waste will be stored or processed.
(3) The general layout of the equipment.
(4) The traffic pattern.
(5) Road access.
(6) Surface water drainage.
(7) Culverts, drainage tiles, and legal drains.
(8) Gas and electric easements, power lines, and sewers.
(9) Floodplains, floodways, wetlands, water courses, surface water features, and potable drinking water wells.
(10) Roads and buildings, on and within one-half (1/2) mile of the facility, must be shown.
The plot plans and drawings required by this section must be drawn to scale. A bar scale must be shown on the plans to indicate the scale if size changes occur.

(i) Applications must include drawings of all buildings and all structures used for the storage, processing, loading, and unloading of solid waste. Drawings must include **the following:**
(1) The type of construction, construction materials, layout, and dimensions for the storage, processing, loading, and unloading areas. ~~Drawings must also include~~
(2) Sanitary facilities, plumbing, sewer connections, and utilities.
All liquid waste streams generated **or accepted** by the facility must be shown on these drawings.

(j) Applications must include a narrative describing the proposed operation, including the following:
(1) The anticipated type, quantity, and source of solid waste to be processed at the facility, including population and the area to be served. Include any analyses already completed on the waste and describe the sampling and analysis methods and equipment used. Describe any proposed sampling of waste streams, including analytical methods to be used.
(2) A detailed description of all processes used in the handling, sorting, processing, and transportation of the waste, including a waste flow diagram for all waste streams and residues. Flow rates coinciding with the waste flow diagram must be specified.
(3) A description of the proposed testing, treatment, and disposition of all waste resulting from the facility. Proposed testing must be adequate to provide for proper treatment and disposal of wastes.
(4) Specifications for the base of all areas where wastes will be stored or handled. **The surface must be made of materials such as concrete or asphalt. Storage areas must be equipped with spill prevention mechanisms such as curbs and aprons, or the waste must be kept in a leak proof container. Liquid waste storage facilities must be equipped with secondary containment.**
(5) Names and locations of solid waste land disposal facilities anticipated to receive waste and residue from the facility.
(6) A contingency **action** plan ~~outlining the method or methods of waste disposal to be implemented if the facility is unable to operate or process solid waste in accordance with the approved operating plan for more than twenty-four (24) continuous hours. Include~~ **including** design capacity of waste storage areas and normal percent of capacity used during routine operations. Specify the maximum inventory of wastes in storage or treatment that will occur at any time during the life of the facility.
(7) Procedures for:
(A) controlling:
(i) dust;
(ii) noise;
(iii) odors; ~~fire, explosions,~~
(iv) vectors; **and**

(v) litter;
(B) waste screening; and
(C) handling of bulky waste or other materials unsuitable for the proposed process.
(8) Daily cleanup procedures for solid waste:
(A) storage;
(B) processing;
(C) loading; and
(D) unloading;
areas.
(9) Sanitary toilet facilities for employees.
(10) Proposed operating hours for the facility.
(11) An emergency response plan.

(Solid Waste Management Board; 329 IAC 11-9-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1936; filed Nov 4, 1999, 10:19 a.m.: 23 IR 562; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1126, eff Jan 1, 2002; errata filed Feb 6, 2002, 10:50 a.m.: 25 IR 1906; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 73. 329 IAC 11-9-4 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-9-4 Renewal permit application and minor modification application

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 4-21.5-3-4; IC 4-21.5-3-5; IC 13-15-3-1; IC 13-20-21; IC 13-30-2; IC 36-9-30

Sec. 4. (a) Renewal applications must be submitted at least one hundred twenty (120) days prior to the expiration date of the permit.

(b) A complete application for a solid waste processing facility permit renewal must consist of the following information, submitted on forms provided by the commissioner:
(1) The name and address of the applicant.
(2) The name and address of the property owner or owners.
(3) The name, address, and location of the facility.
(4) The operation permit number of the facility.
(5) The legal description of the facility location as defined in 329 IAC 11-2-20.
(6) Facility information, including the following:
(A) A description of the type of operation.
(B) The volume of waste received at the facility in cubic yards per day or tons per day.
(C) The type of waste received at the site.
(D) A copy of the most current facility operating plan.
(7) Signatures and certification statements in compliance with section 3 of this rule.
(8) In order to assist the commissioner in identifying persons entitled to notice:
(A) in accordance with IC 4-21.5-3-4 and IC 4-21.5-3-5, the name and address of all owners or last taxpayers of record of property located adjacent to the facility boundary of the solid waste processing facility; and
(B) in accordance with IC 13-15-3-1(a), the:
(i) county executive of a county; ~~that is affected by the permit application, the~~
(ii) executive of a city; ~~that is affected by the permit application,~~ and ~~the~~
(iii) executive of a town council of a town;
that is affected by the permit application.

(c) Fees must be submitted with the application in accordance with IC 13-20-21.

(d) If the solid waste processing facility is not constructed before the permit must be renewed, the renewal application must include any construction and operation requirements as specified in this article, as amended in 2009, and applicable to the facility.

(Solid Waste Management Board; 329 IAC 11-9-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1939; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1128, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 74. 329 IAC 11-11-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-11-1 Issuance procedures; original permits

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; IC 13-20-8; IC 13-30-2; IC 36-9-30

Sec. 1. (a) After the commissioner determines that the application is complete, the commissioner shall comply with the procedural requirements of:
(1) IC 13-15-3;
(2) IC 13-15-5-1;
(3) IC 13-15-5-3; and
(4) IC 13-15-6-1 through IC 13-15-6-5;
that are relevant to an application for an original permit for solid waste incinerator under IC 13-20-8.

(b) If the commissioner determines that the:
(1) permit application meets the requirements of this article; and ~~that the~~
(2) facility will be constructed and operated in accordance with the requirements of this article;
the permit must be granted. The commissioner may impose such conditions in a permit as may be necessary to comply with the requirements of this article, IC 13, and IC 36-9-30.

(c) The notice of the granting of a permit must state that the permit will not become effective until:
~~(1) all financial responsibility documents have been executed and delivered to the commissioner in the form and amount specified; and~~
~~(2)~~ **(1)** any real estate transfers necessary to vest legal title of the real estate upon which the permitted activity is to occur in the name of the owner listed on the application have been completed, executed, and recorded; and
(2) documents evidencing ~~such~~ **the** transfer have been delivered to the commissioner.

(d) All permits must be issued in the name of the owner of the facility.

(e) Notwithstanding subsection ~~(c)(2),~~ **(c),** a variance granted under IC 13-14-8 must not be transferred to another person without independent proof of undue hardship or burden by the person seeking the transfer.

(Solid Waste Management Board; 329 IAC 11-11-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1940; 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)

SECTION 75. 329 IAC 11-11-6 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-11-6 Permit revocation and modification

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 4-21.5-3-7; IC 13-15-7-1; IC 13-30-2; IC 36-9-30

Sec. 6. (a) The commissioner may:
(1) revoke or modify a permit issued under this article if cause exists under IC 13-15-7-1; and ~~may~~
(2) request an updated application if necessary.
A permit may be revoked if the solid waste processing facility is used for purposes other than those specified in the permit. When a permit is modified, only the conditions subject to modifications are reopened and subject to review under IC 13-15-7 and IC 4-21.5-3-7. If a permit is revoked, the entire permit is reopened and subject to revision, and if the permit is reissued, it may be for a new term.

(b) If the facility is located in an area not suitable for the operation of a solid waste processing facility as specified under this article, the commissioner shall consider this issue as a sufficient basis for denying the modification or for revoking the permit unless the permittee demonstrates to the commissioner that continued use

of the facility will not pose a threat to human health or the environment.

(c) Except as provided under 329 IAC 11-3-4, to request a change in the facility permit, the permittee shall request that the commissioner modify the permit. The permittee shall submit the requested modification and rationale for ~~such~~ **the** modification. If the commissioner determines that the requested modification is consistent with the standards established in this article, the commissioner shall grant the modification. Only the conditions subject to modification are reopened. The commissioner shall give notice of the determination on the modification in accordance with IC 13-15-7 and IC 4-21.5-3-7.

(Solid Waste Management Board; 329 IAC 11-11-6; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1941; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1131, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 76. 329 IAC 11-12-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 11-12-2 Preoperational requirements

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. Before beginning operation, a solid waste processing facility must complete the initial facility development outlined in the permitted plans and specifications. Initial facility development includes **the following:**

(1) Construction of buildings or structures and on-site roads.
(2) Installation of equipment for storage, processing, and handling of solid waste. ~~and~~
(3) Installation of **the following:**
(A) Access control.
(B) Sanitary facilities.
(C) Signs.
(D) Communication devices. ~~and~~
(E) Utilities.
(4) Financial assurance must be established for the solid waste processing facilities as prescribed for solid waste land disposal facilities under 329 IAC 10-39.

(Solid Waste Management Board; 329 IAC 11-12-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1941; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA)

SECTION 77. 329 IAC 11-13.5 IS ADDED TO READ AS FOLLOWS:

Rule 13.5. Solid Waste Processing Facilities; Operational Requirements

329 IAC 11-13.5-1 Applicability

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-30-6-7

Sec. 1. (a) Sections 2 through 9 of this rule apply to all solid waste processing facilities.

(b) In addition to subsection (a), the following sections of this rule apply to all transfer stations located in Indiana or that transfer solid waste from Indiana:
(1) Sections 10 through 13 of this rule.
(2) Section 14(a) of this rule.
(3) Sections 15 through 17 of this rule.

(c) In addition to subsections (a) and (b), transfer stations in Indiana must adhere to section 14(b) of this rule.

(Solid Waste Management Board; 329 IAC 11-13.5-1)

329 IAC 11-13.5-2 Access control

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. Access to all solid waste processing facilities must be:
(1) allowed only when operating personnel are on duty; and
(2) controlled by the use of:
(A) gates;
(B) fences; and
(C) other appropriate means.

(Solid Waste Management Board; 329 IAC 11-13.5-2)

329 IAC 11-13.5-3 On-site roads

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. An all-weather road that is passable by all vehicles utilizing the solid waste processing facility must be provided.

(Solid Waste Management Board; 329 IAC 11-13.5-3)

329 IAC 11-13.5-4 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. 4. (a) All solid waste processing facilities must have a sign 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 sign also must:
(1) be posted at each point of vehicular access from a public road;
(2) identify the time the facility is open to accept waste; and
(3) identify the schedule of fees.

(c) For facilities that do not grant access to the general public:
(1) the sign must be posted at the door of the facility building; or
(2) upon request by the applicant, the commissioner may determine and approve appropriate alternative sign location, size, and information based on public access.

(Solid Waste Management Board; 329 IAC 11-13.5-4)

329 IAC 11-13.5-5 Processing facilities waste criteria

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 5. Solid waste processing facilities may accept all solid waste regulated under this article except the following:

(1) Hazardous waste that is regulated by 329 IAC 3.1.
(2) Solid waste that is prohibited by the facility permit.

(Solid Waste Management Board; 329 IAC 11-13.5-5)

329 IAC 11-13.5-6 Operational requirements

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-2; IC 13-30-6-7; IC 36-9-30

Sec. 6. (a) A solid waste processing facility must have the following:
(1) An enclosed building, with solid walls and a lockable door except as specified in subsection (h). The door must be closed when the facility is not in operation and the solid waste is not stored in the facility building.
(2) A hard surface floor, such as concrete or asphalt, equipped with floor drains or a liquid removal system.
(3) One (1) of the following:
(A) Waste storage areas equipped with spill prevention mechanisms, such as curbs or aprons.
(B) Waste is stored in leak-proof containers.
(4) Liquid waste storage equipped with secondary containment structure.
(5) A storm water pollution prevention plan implemented as required by the rules of the water pollution control board at 327 IAC 15.

(b) Solid waste must be confined to the designated storage, processing, loading, and unloading areas of the processing facility. Solid waste processing that includes MSW must occur only in the enclosed building required in subsection (a)(1). The processing facility and adjacent areas must be maintained clean and litter free.

(c) Solid waste may not be stored overnight at the processing facility except in:
(1) permitted storage areas; or
(2) covered transporting units.

(d) Residues from solid waste processing facilities and incinerators must be disposed of in accordance with 329 IAC 10.

(e) Salvaging, if undertaken, must not interfere with the facility operation or create:
(1) unsightliness;
(2) a nuisance; or
(3) a health hazard.

(f) At a minimum, all salvage materials must be stored in buildings or transportable containers while awaiting removal from the facility. No alternative methods of storing salvage materials may be used without obtaining prior written approval from the commissioner. Approval may be granted at the request of the permittee, if the permittee can demonstrate that the alternative method will provide a comparable level of environmental protection.

(g) An alternative design to subsection (a)(1) may be approved if it is demonstrated to the satisfaction of the commissioner that it will provide at least equivalent protection to public health and the environment.

(h) Any solid waste processing facility that:
(1) has a valid permit and is operating as of the effective date of this section; and
(2) does not process in a building;
is not required to have a building as specified in subsection (a)(1).

(Solid Waste Management Board; 329 IAC 11-13.5-6)

329 IAC 11-13.5-7 Safety requirements

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) Vectors, dust, odors, spills, and noise must be controlled at all times such that there is no nuisance or health hazard at the facility.

(b) Equipment must be provided to abate or control fires. Open burning of solid waste is prohibited.

(c) Telephone or radio communication must be provided on-site.

(d) A first aid kit must be available on-site.

(e) Scavenging is prohibited.

(f) The facility must have a written emergency response plan.

(g) A spill prevention kit must be available on site.

(Solid Waste Management Board; 329 IAC 11-13.5-7)

329 IAC 11-13.5-8 Use of contingency action plan

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. 8. If the facility is unable to operate or process solid waste in accordance with its approved operating plan for more than a continuous twenty-four (24) hour period, the contingency action plan required in 329 IAC 11-9-2(j)(6) must be implemented.

(Solid Waste Management Board; 329 IAC 11-13.5-8)

329 IAC 11-13.5-9 Records and reports

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 9. (a) The following must be furnished upon request and made available during normal operating hours for inspection by any officer, employee, or representative of the commissioner:
(1) All solid waste processing facility records and reports required by this rule, 329 IAC 11-14, and 329 IAC 11-15.
(2) All test results from testing of residues generated by the facility.

(b) Owners or operators of solid waste processing facilities shall maintain the records and reports required in subsection (a)(2) until certification of post-closure is deemed acceptable.

(Solid Waste Management Board; 329 IAC 11-13.5-9)

329 IAC 11-13.5-10 Training-transfer stations

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-6-7

Sec. 10. The transfer station employee responsible for conducting the random inspections or constant overview required in section 13 of this rule shall be trained so as to be able to recognize the visual indications of solid waste as listed in section 13(b) of this rule.

(Solid Waste Management Board; 329 IAC 11-13.5-10)

329 IAC 11-13.5-11 Inspections of transfer stations

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-20-21; IC 13-30-6-7

Sec. 11. (a) The commissioner or any designated agent of the department, including a third party contractor, upon presentation of proper credentials shall have authority to:
(1) enter onto transfer station property during the normal business hours of the transfer station; and
(2) inspect the facility for purposes of assessing compliance with:
(A) this rule;
(B) 329 IAC 11-7; and
(C) 329 IAC 11-14 through 329 IAC 11-15.

(b) The department shall recover costs associated with the inspection of any transfer station. The associated costs must include inspection and travel costs. Recovery of costs for inspections of transfer stations located in this state must be covered by the annual operation fee required in IC 13-20-21. Cost recovery for any other transfer station must occur through an annual billing for the actual costs incurred by the department for inspections of that transfer station conducted during the previous calendar year, but must not exceed the dollar amount of the annual operation fee set forth in IC 13-20-21 that is required to be paid by transfer stations located in Indiana, plus the amount by which actual travel costs incurred in inspecting the transfer station exceed the highest travel cost incurred by the department during the calendar year for any single inspection of a transfer station located in Indiana.

(c) As used in this rule, "travel cost" includes any reimbursement for the following:
(1) Mileage.
(2) Fares paid for air or ground transportation.
(3) Rental car fees.
(4) Where reasonably required, meals and lodging, including any applicable taxes or gratuities.

(d) This section does not apply to a transfer station located outside Indiana if the:
(1) transfer station is located in a jurisdiction that has a transfer station inspection program similar to that created by this rule; and
(2) department has made a determination that the standards of the inspection program, as constituted and as applied, are substantially equivalent to the standards set forth in this rule.

(e) The department shall:
(1) maintain a list of jurisdictions qualifying for the exception in subsection (d);
(2) publish that list from time to time in the Indiana Register; and
(3) provide a copy of the list to any party upon request and upon payment of the cost of providing a copy of the list.

(f) If the owner or operator of a transfer station located outside Indiana believes that the jurisdiction in which the transfer station is located should qualify for the exception in subsection (d), but the jurisdiction is not on the list maintained by the department under subsection (e), the operator may request that the department include the jurisdiction on the list. The department shall then:
(1) promptly make a determination whether the jurisdiction qualifies for the exception in subsection (d);
(2) either include or exclude the jurisdiction on the list in accordance with its determination; and
(3) inform the owner or operator of its determination.

(Solid Waste Management Board; 329 IAC 11-13.5-11)

329 IAC 11-13.5-12 Permits required for transfer stations

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-30-6-7

Sec. 12. All transfer stations, other than those excluded under 329 IAC 11-2-47, that haul or ship MSW to an Indiana solid waste facility must hold:
(1) a valid permit under this article if located in Indiana; or
(2) a valid permit or applicable authorization issued by the appropriate governmental agency or agencies, if any, in other states, territories, or nations.

(Solid Waste Management Board; 329 IAC 11-13.5-12)

329 IAC 11-13.5-13 Monitoring and managing incoming waste; transfer stations

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-20-9; IC 13-20-16; IC 13-30-6-7; IC 36-9-30

Sec. 13. (a) Except as provided in subsection (b), a transfer station may accept all solid waste regulated by this article including the following:
(1) MSW.
(2) Construction/demolition waste.
(3) CESQG hazardous waste.
(4) Industrial process waste.
(5) Pollution control waste in nonleaking containers.
(6) Any solid waste authorized by the facility permit.

(b) A transfer station may not accept any of the following:
(1) Solid waste that is prohibited by the facility permit.
(2) Liquid waste, as defined in 329 IAC 10-2-106.
(3) Hazardous waste, except CESQG hazardous waste.
(4) Infectious waste, except as provided in the rules of the state department of health at 410 IAC 1-3-26.
(5) Whole waste tires, except as provided in 329 IAC 11-21-11.
(6) Lead-acid batteries prohibited by IC 13-20-16.
(7) Vegetative matter prohibited by IC 13-20-9.
(8) Waste or material containing PCB prohibited by 329 IAC 4.1.
(9) RACM that is not managed in accordance with the rules of the air pollution control board at 326 IAC 14-10 and 329 IAC 10-8.2-4.
(10) Any appliance or motor vehicle air conditioner containing a refrigerant or other class I or class II substance that has not been removed as required by 40 CFR 82.156, revised as of July 1, 2002. 40 CFR 82.156 is available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238.
(11) Biosolid, as defined in the rules of the water pollution control board at 327 IAC 6.1-2-7, that is not managed in accordance with the rules of the water pollution control board at 327 IAC 6.1-1-7.
(12) Wastewater, as defined in the rules of the water pollution control board at 327 IAC 7.1-2-41, that is not managed in accordance with the rules of the water pollution control board at 327 IAC 7.1-7-1.
(13) More than two hundred twenty (220) pounds of pollution control waste in a shipment that is not enclosed in nonleaking containers.

(c) Incoming MSW must be monitored daily by transfer station employees. The monitoring must be conducted by personnel who are able to recognize the visual indications of solid waste as listed in subsection (b) that may be present in the MSW observed.

(d) The monitoring may be accomplished by either of the following methods:
(1) Conducting, on a daily basis, a minimum of two (2) random inspections that must consist of a visual observation of all off-loaded MSW prior to processing.
(2) An overview of the MSW on an ongoing basis by facility personnel.

(e) Random inspections conducted under subsection (d)(1) must be recorded in a format established by the department.

(f) A facility conducting overview inspections of the incoming MSW under subsection (d)(2) must only record events in which solid waste as listed in subsection (b) is found. Records of such events must be in a format established by the department, and the waste must be managed in accordance with the applicable laws.

(Solid Waste Management Board; 329 IAC 11-13.5-13)

329 IAC 11-13.5-14 General operating requirements; transfer stations

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-6-7

Sec. 14. (a) All transfer stations must be operated in a manner that minimizes the inclusion of liquids and does not allow vectors into the permitted waste stored, processed, and shipped from the transfer station. Such management practices include, but are not limited to, the following:
(1) All facility floors and the loading bay tunnel must be maintained so as to prevent standing water within the facility structure. All drainage and liquids originating from:
(A) storage, handling, and processing MSW;
(B) cleaning floors; or
(C) washout water from a MSW vehicle;
must be properly directed to a sanitary sewer, a holding tank constructed and operated in accordance with any applicable local approvals, or the equivalent of a sanitary sewer or holding tank.
(2) The facility tipping floor and loading bay tunnel must be cleaned daily while the facility is in operation by wash-down or other alternative method approved by the commissioner to prevent buildup of residue or waste, odors, and other nuisance conditions with all residuals being removed and disposed of properly. Litter must be collected daily or as needed to keep facility clean.
(3) Any MSW that is stored overnight at the facility, except nonputrescible waste that has been segregated for recycling, must be removed from the site the following operating day except for holidays and weekends. Any MSW stored overnight must be stored in a manner to:
(A) promote vector control; and
(B) prevent odors and other nuisance conditions.

(b) The following operating conditions apply to all Indiana transfer stations:
(1) Transfer stations that operate by discharging MSW directly from one (1) vehicle into a below the floor opening must have truck wheel curbs or an equivalent backup safety device or procedure.
(2) Solid waste that has been segregated and designated as waste to be recycled must be:
(A) stored in clearly identified containers or permitted areas; and
(B) maintained in a safe, sanitary, and orderly manner.
A record of the type and quantity of MSW shipped off site for reuse or recycling must be maintained.
(3) Wastewater liquids collected under subsection (a)(1) must be emptied as necessary and properly disposed of whenever necessary to prevent overflow of the holding tank.
(4) An up-to-date copy of the plans and specifications approved by the department in granting the permit must be maintained on site.

(Solid Waste Management Board; 329 IAC 11-13.5-14)

329 IAC 11-13.5-15 Infectious waste; transfer stations

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-30-6-7

Sec. 15. The following conditions apply to all Indiana transfer stations that hold a valid permit under this article and are authorized to accept segregated infectious waste:

(1) Infectious waste must be stored in a manner that:
(A) preserves the integrity of containers; and
(B) is not conducive to rapid microbial growth and putrefaction.
The maximum duration for storage or containment of infectious waste must be limited to seven (7) days unless the department grants prior written approval for a longer period based on specific circumstances.
(2) Storage and containment of infectious waste must be in:
(A) a secure, vector free, and dry area separate from other solid waste at the facility; and
(B) such a manner and location that eliminates the possibility of exposure to:
(i) the environment;
(ii) facility personnel; and
(iii) the public.
Infectious waste must not be mixed with, or come into contact with, other solid waste. In addition, storage areas must protect infectious waste from weather, be ventilated to the outdoors, be accessible only to authorized persons, and be marked with prominent warning signs. The warning signs must include the nationally recognized biohazard symbol and be easily read from a distance of twenty-five (25) feet. Outside storage areas containing infectious waste must be locked to prevent unauthorized access.
(3) Infectious waste received by the facility must be packaged and labeled in accordance with the rules of the state department of health at 410 IAC 1-3, and the packaging and labeling must be maintained by the facility.
(4) Containers used to contain other containers of infectious waste must be marked with prominent warning signs or conspicuously labeled with the biohazard symbol or the word "INFECTIOUS".
(5) In addition to the requirements of this section, infectious waste must be labeled and packaged in accordance with applicable United States Department of Transportation regulations.
(6) Infectious waste must be transported and delivered to a facility that:
(A) holds a valid permit under this article and is authorized by the department in writing to accept and treat the waste; or
(B) is permitted by the appropriate governmental agency or agencies if located in another state, territory, or nation.
(7) Reusable containers for infectious waste must be thoroughly washed and decontaminated each time they are emptied, unless the surfaces of the containers have been completely protected from contamination by using disposable liners, bags, or other devices that are removed with the infectious waste. Reusable containers used for the storage of infectious waste must be disinfected before they are used for the storage or containment of any other solid waste or for other purposes.

(Solid Waste Management Board; 329 IAC 11-13.5-15)

329 IAC 11-13.5-16 Incidental transfer of small amounts of whole waste tires; transfer stations

Authority: IC 13-14-8; IC 13-15-2; IC 13-19-3; IC 13-20-14-9.5
Affected: IC 13-20-14-9.5

Sec. 16. (a) IC 13-20-14-9.5 requires the removal of whole waste tires from MSW, as defined at 329 IAC 10-2-115, that is transferred at a transfer station, except as provided for in this section. The incidental transfer of small amounts of whole waste tires at a transfer station is allowed if the owner, operator, or permittee of that transfer station complies with one (1) of the following options:
(1) The numeric standard described in subsection (b).
(2) A procedure that meets the criteria in subsection (c).

(b) The numeric standard for incidental transfer of whole waste tires is not more than one (1) visible whole waste tire for each two hundred fifty (250) tons of MSW, as defined at 329 IAC 10-2-115, or not more than two (2) tires per day for transfer stations that transfer less than two hundred fifty (250) tons of waste per day.

(c) In lieu of complying with the numeric standard in subsection (b), an owner, operator, or permittee of a transfer station must develop and follow a written procedure. This procedure must:
(1) be kept at the transfer station;
(2) be designed to minimize the transfer of whole waste tires by ensuring that those tires that do not

meet the definition of incidental transfer at 329 IAC 11-2-15.1 are removed from the MSW;
(3) designate by position and describe the duties of the person who is responsible for minimizing transfer of whole waste tires;
(4) provide clear instructions to transfer station employees who handle waste tires and haulers for handling whole waste tires;
(5) contain a system for:
(A) identifying haulers who deliver whole waste tires to the transfer station; and
(B) notifying those haulers that the disposal of whole waste tires is prohibited;
(6) provide for proper storage and disposal or recycling of tires removed from MSW; and
(7) document reduction in the numbers of whole waste tires incidentally transferred at that transfer station.

(Solid Waste Management Board; 329 IAC 11-13.5-16)

329 IAC 11-13.5-17 Reporting for transfer stations

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-6-7

Sec. 17. (a) Inspection records must be maintained on site and available for review by the commissioner or any designated agent of the department for a period of one (1) year from the date of the inspection or event.

(b) Transfer stations must submit to the department by January 31 of each year an annual report, in a format established by the department, that identifies the following:
(1) Any inspection that detected any solid waste as listed in section 13(b) of this rule at the facility.
(2) The disposition of these wastes.

(c) The report must include all of the following:
(1) The name of the facility.
(2) The address of the facility.
(3) The permit number of the facility.
(4) The inspection date.
(5) The name of the person conducting each inspection.
(6) The type of waste found and how it was handled, including final disposition.
(7) The name and address of the generator of waste found during an inspection if known.

(Solid Waste Management Board; 329 IAC 11-13.5-17)

SECTION 78. 329 IAC 11-16-3 IS ADDED TO READ AS FOLLOWS:

329 IAC 11-16-3

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-6-7

Sec. 3. (a) The permittee shall notify the department when the facility closes. The final closure of the facility shall be initiated within seventy-two (72) hours after receiving the final volume of waste. The following closure activities shall be performed at the facility during closure:
(1) Notification of all affected parties that the facility is closed. A sign that includes the name and address of the nearest landfill or other processing facility accepting solid waste must be posted.
(2) Removal of all solid waste stored at the facility. The solid waste must be properly disposed of at a permitted facility. All storage containers and recyclable waste must be removed.
(3) Cleanup of tipping floor and solid waste storage areas so the facility is free of solid waste and contaminated liquids.
(4) Removal of wastewater holding tanks, if applicable. The wastewater must be pumped out and properly disposed of in accordance with local, state, and federal laws.
(5) Cleanup of septic tank, if applicable.

(6) Cleanup of sediment pond, if applicable. Dredging of sediments may be required.

(b) Solid waste that contains any significant putrescible component, or any other waste that may create pollution, shall be removed from the facility within two (2) days of initiation of the facility final closure. All other closure activities shall be completed within ninety (90) days of initiation of the closure activities.

(c) The permittee shall submit to the department, within thirty (30) days of completion of closure, a closure certification signed by the permittee that specifically identifies the closed facility and documents that the closure was performed in accordance with the closure plan. The certification shall include the facility contact person's name, address, and telephone number during the post-closure period.

(d) The closure will be deemed adequate unless, within ninety (90) days of receipt of the certification required in subsection (c), the department issues a request for additional information for closure, including the following:
(1) Additional action that needs to be taken.
(2) The time table for the necessary additional action.

(e) The permittee shall perform post-closure for one (1) year at the facility following completion of closure activities. The following duties shall be implemented after closure of the facility has been certified and deemed adequate by the department:
(1) Minimizing the need for further maintenance.
(2) Controlling the post-closure escape of contaminants to:
(A) the ground surface;
(B) surface waters;
(C) ground waters; or
(D) the atmosphere.
(3) At a minimum, remaining in compliance with all applicable requirements of a permit issued under this article.
(4) Inspecting the facility semiannually and submitting a written inspection report on the condition of the facility to be submitted to the department within thirty (30) days of the inspection.
(5) Maintaining the facility's surface water run-off controls as applicable.
(6) Maintaining access control.
(7) Removing any solid waste that may be illegally dumped at the closed facility.

(f) The duties described in subsection (e) may be modified by the commissioner based on the use of the property during the post-closure period.

(g) Within thirty (30) days of completion of the post-closure, the permittee shall submit a certification statement signed by the permittee that the post-closure requirements have been met. The post-closure certification will be deemed adequate unless, within ninety (90) days of receipt of the certification, the department issues a request for additional information for post-closure, including action necessary to correct the deficiency.

(h) Subsequent to the completion of post-closure, the:
(1) owner or operator of a closed facility; or
(2) owner of the real estate upon which a closed facility is located;
shall be responsible for immediately correcting and controlling any nuisance occurring at the facility.

(Solid Waste Management Board; 329 IAC 11-16-3)

SECTION 79. THE FOLLOWING ARE REPEALED: 329 IAC 11-2-7; 329 IAC 11-2-9; 329 IAC 11-2-10; 329 IAC 11-2-11; 329 IAC 11-2-21; 329 IAC 11-2-23; 329 IAC 11-2-24; 329 IAC 11-2-50; 329 IAC 11-8-2.5; 329 IAC 11-13; 329 IAC 11-21.

Notice of Public Hearing

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