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**TITLE 329 SOLID WASTE MANAGEMENT BOARD**

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**Proposed Rule**  
LSA Document #09-206**DIGEST**

Adds [329 IAC 3.1-6-9](#) to conditionally exclude from regulation under [329 IAC 3.1](#) (delist) wastewater treatment sludge from electroplating operations, hazardous waste code F006, that was generated by Rumpke of Indiana, LLC and placed in a corrective action management unit (CAMU) constructed adjacent to Medora Sanitary Landfill, Medora, Indiana. *NOTE: LSA Document #09-206, posted at [20090805-IR-329090206PRA](#), was resubmitted for publication.* Effective 30 days after filing with the Publisher.

**HISTORY**

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-7](#) and Second Notice of Comment Period: April 8, 2009, Indiana Register (DIN: [20090408-IR-329090206FDA](#)).

Notice of First Hearing: April 8, 2009, Indiana Register (DIN: [20090408-IR-329090206PHA](#)).

Change in Notice of First Hearing: April 22, 2009, Indiana Register (DIN: [20090422-IR-329090206CHA](#)).

Date of First Public Hearing: July 21, 2009.

**PUBLIC COMMENTS UNDER [IC 13-14-9-4.5](#)**

[IC 13-14-9-4.5](#) states that a board may not adopt a proposed rule under [IC 13-14-9](#) that is substantively different from the draft rule published under [IC 13-14-9-7](#) until the board has conducted a third comment period that is at least 21 days long. Because this proposed rule is not substantively different from the draft rule published on April 8, 2009 (DIN: [20090408-IR-329090206FDA](#)), the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this rule.

**SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

IDEM requested public comment from April 8, 2009, through May 8, 2009, on IDEM's draft rule language. No comments were received during the comment period.

**SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST PUBLIC HEARING**

On July 21, 2009 the Solid Waste Management Board (board) conducted the first public hearing/board meeting concerning the development of new rules at [329 IAC 3.1-6-9](#). IDEM received comments from the following parties:

Mr. Ernie Smith, Cummins Engine Company

*Comment:* Was the chromium concentration within the treatment sludge naturally attenuated over time or is there a formal processing procedure in place?

*Response:* The metals would probably not be attenuated, but the waste is in a corrective action management unit (CAMU) which is a hazardous waste cell built to the hazardous waste landfill standards. Therefore, it is self-contained within the CAMU, and not a threat to the surrounding area.

**[329 IAC 3.1-6-9](#)**

SECTION 1. [329 IAC 3.1-6-9](#) IS ADDED TO READ AS FOLLOWS:

**[329 IAC 3.1-6-9](#) Waste excluded from regulation; Rumpke of Indiana, LLC, Medora Sanitary Landfill, Medora, Indiana**

**Authority:** [IC 13-14-8](#); [IC 13-14-9-7](#); [IC 13-22-2](#)

**Affected:** [IC 13-22](#)

**Sec. 9. Wastewater treatment sludge, hazardous waste code F006, disposed of in a corrective action management unit (CAMU) adjacent to the Medora Sanitary Landfill, Medora, Indiana and managed by Rumpke of Indiana, LLC (Rumpke), is excluded from regulation under this article.**

*(Solid Waste Management Board; [329 IAC 3.1-6-9](#))*

[Notice of Public Hearing](#)

*Posted: 10/21/2009 by Legislative Services Agency*  
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