
TITLE 329 SOLID WASTE MANAGEMENT BOARD

FIRST NOTICE OF COMMENT PERIOD

LSA Document #10-253

DEVELOPMENT OF NEW RULES AT [329 IAC 11.5](#) CONCERNING THE REGISTRATION OF MOBILE HOME SALVAGING OPERATIONS**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules at [329 IAC 11.5](#) concerning requiring registration, operational requirements, and closure and financial assurance for mobile home salvaging operations.

IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking. IDEM also seeks comments on the level of oversight that may be appropriate.

CITATIONS AFFECTED: [329 IAC 11-3-1](#); [329 IAC 11.5](#).

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

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

IDEM has encountered several operations in the state involved with the salvaging of parts and metals from mobile homes no longer suitable for use as mobile homes. While these operations do not require sophisticated equipment and represent a relatively low level of environmental threat, they fall under the solid waste processing facility definition in [329 IAC 11](#) and are currently subject to permitting requirements that place a significant financial burden on operations that have a very narrow profit margin.

Therefore, establishment of a registration program for these types of operations, in lieu of the current permit requirement, is being considered in this rulemaking. The proposed rule would require these salvaging facilities to implement best management practices for operations, closure, and financial assurance. IDEM originally included mobile home salvaging operations in a First Notice of Comment Period (LSA Document #09-193) for Biomass Digester Registration, but is now proposing this separate rulemaking for mobile home salvaging operations.

Alternatives To Be Considered Within the Rulemaking

Alternative 1. Adding a mobile home salvaging operation to the rule exclusions in the solid waste processing facility rules under [329 IAC 11-3-1](#). In a new article, registration, operational requirements (signage, access control, on-site roads, maintenance, storage requirements, review of how the waste is processed, records, reports, and employee training), closure and financial assurance for operations that are only salvaging mobile home parts would be proposed. Adding pertinent definitions to clarify the article.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law and there is no comparable federal law. It is a "state-only" requirement.
- If it is a federal requirement, is it different from federal law? Not applicable. If it is different, describe the differences. Not applicable.

Alternative 2. Leaving the rule as it currently stands and not adding the exclusion.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Applicable Federal Law

There is no federal law that is applicable to these facilities.

Potential Fiscal Impact

Potential Fiscal Impact of Alternative 1. This alternative will have a fiscal impact of approximately \$3,000 savings per year for each operation that is registered rather than permitted as a solid waste processing facility. This savings includes the permit fee and any renewals, as well as some administrative and operational costs required by the permit. IDEM specifically requests comment on the potential fiscal impact of this rulemaking.

Potential Fiscal Impact of Alternative 2. There is no additional fiscal impact if a full solid waste processing facility permit is required under [329 IAC 11](#).

Small Business Assistance Information

IDEM established a compliance and technical assistance (CTAP) program under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program,

the monthly CTAP newsletter, and other resources available can be found at:

www.in.gov/idem/ctap

Small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Alison Surface
IDEM Compliance and Technical Assistance Program
OPPTA - MC 60-04
100 North Senate Avenue
W041
Indianapolis, IN 46204-2251
317-232-8172 or (800) 988-7901
ctap@idem.in.gov

The Small Business Assistance Program Ombudsman is:

Brad Baughn
IDEM Small Business Assistance Program Ombudsman
MC 50-01 - IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 234-3386
bbaughn@idem.in.gov

Public Participation and Workgroup Information

At this time, 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 Development Branch, Office of Legal Counsel at (317) 232-3593 or (800) 451-6027 (in Indiana).

STATUTORY AND REGULATORY REQUIREMENTS

[IC 13-14-8-4](#) requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.
- (3) The submission of comments on the potential fiscal impact of this rulemaking.

Mailed comments should be addressed to:

#10-253(SWMB) (Mobile Home Salvaging Registrations)

Janet Pittman
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Ave.
MC 65-45
Indianapolis, Indiana 46204-2251

Hand delivered comments will be accepted by the IDEM receptionist on duty at the thirteenth floor reception desk, Rules Development Branch, Office of Legal Counsel, Indiana Government Center North, 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 Janet Pittman, Rules Development Branch at (317) 232-8922.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by June 11, 2010.

Additional information regarding this action may be obtained from Lynn West, Rules Development Branch,

Nancy King
Branch Chief, Rules Development
Office of Legal Counsel

Posted: 05/12/2010 by Legislative Services Agency
An [html](#) version of this document.