
TITLE 329 SOLID WASTE MANAGEMENT DIVISION

NOTICE OF READOPTION
IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD
LSA Document #20-188

READOPTED OF RULES IN TITLE 329 UNDER IC 13-14-9.5**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 329 of the Indiana Administrative Code under IC 13-14-9.5.

RULES TO BE READOPTED:

329 IAC 1-1	Provisions Applicable Throughout Title 329
329 IAC 7.1-1	General Provisions; Definitions
329 IAC 7.1-2-1	Definitions
329 IAC 7.1-2-2	"Community water system" defined
329 IAC 7.1-2-3	"Ecologically sensitive area" defined
329 IAC 7.1-2-4	"Free product" defined
329 IAC 7.1-2-6	"Hazardous substances response site" defined
329 IAC 7.1-2-7	"Maximum contamination level" or "MCL" defined
329 IAC 7.1-2-8	"Notification of release" defined
329 IAC 7.1-2-10	"Off-site" defined
329 IAC 7.1-2-11	"On-site" defined
329 IAC 7.1-2-12	"Remediation work plan" defined
329 IAC 7.1-3	Incorporation by Reference
329 IAC 7.1-5	Transition
329 IAC 7.1-6	Reprioritization
329 IAC 7.1-7	Completion of Remediation
329 IAC 7.1-8	Hazard Removals
329 IAC 10-11-7	Demonstration and determination of need requirements
329 IAC 10-15-9	Baled waste management plan
329 IAC 10-16-11	Setbacks
329 IAC 10-16-12	Reduction of setback distances
329 IAC 10-18	Municipal Solid Waste Landfills; Vertical Expansions
329 IAC 10-20-30	Manifest requirements for waste received from transfer stations
329 IAC 10-20-31	Requirements for receipt of baled waste
329 IAC 10-20-32	Incidental disposal of small amounts of whole waste tires

RULES TO EXPIRE: None.

AUTHORITY: IC 13-14-9.5.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. All rules adopted after January 1, 2002, under IC 13-14-9, expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2021. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under IC 13-14-9.5-4, the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during the first comment period, IDEM may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-9.5-4 requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to the Publisher for publication in the Indiana Register.

- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
 - (A) consider readoption of that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under [IC 13-14-9](#) with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish a notice in the Indiana Register that the agency has readopted the rule.

REQUEST FOR PUBLIC COMMENTS

IDEM requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #20-188 Title 329 Rule Readoption
Dan Watts
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251
- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.
- (3) By electronic mail to dwatts1@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**
- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or time stamped not later than May 8, 2020. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345 or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief
Rules Development Branch
Office of Legal Counsel

Posted: 04/08/2020 by Legislative Services Agency
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