
TITLE 329 SOLID WASTE MANAGEMENT DIVISION

IC 13-14-9.5 NOTICE OF FINAL READOPTION

LSA Document #23-82(F)

Readopts rules in anticipation of [IC 13-14-9.5-2](#), providing that an administrative rule adopted under [IC 13-14-9](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

PURPOSE OF NOTICE

Under [IC 13-14-9.5-4\(c\)](#), the Indiana Department of Environmental Management (IDEM) is publishing a notice of readoption of rules in Title 329 of the Indiana Administrative Code. With this notice, IDEM is providing notification that the following rules are readopted:

READOPTED RULES:

329 IAC 12-2-2.2	"Accredited examination provider" defined
329 IAC 12-2-2.4	"Accredited training course provider" defined
329 IAC 12-2-5.1	"Certificate" defined
329 IAC 12-2-5.2	"Certified operator" defined
329 IAC 12-2-6	"Collection container system" defined
329 IAC 12-2-8.5	"Continuing education" defined
329 IAC 12-2-8.7	"Continuing education provider" defined
329 IAC 12-2-11.2	"Examination" defined
329 IAC 12-2-16	"Ground water" defined
329 IAC 12-2-31.5	"Recertification" defined
329 IAC 12-2-44	"Solid waste facility" or "facility" defined
329 IAC 12-2-46	"Solid waste management" defined
329 IAC 12-2-51.5	"Training course" defined
329 IAC 12-2-54	"Vector" defined
329 IAC 12-3	Exclusions
329 IAC 12-7	Solid Waste Facility Operator Certification
329 IAC 12-8	Solid Waste Facility Operator Accredited Examination Provider Requirements
329 IAC 12-9	Solid Waste Facility Operator Accredited Training Course Provider Requirements

RULES TO EXPIRE: None.

AUTHORITY: [IC 13-14-9.5](#).

HISTORY

First Notice of Comment Period: March 15, 2023, Indiana Register (DIN: [20230315-IR-329230082BNA](#)).

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. The rules listed to be readopted have an expiration date of January 1, 2024. 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 a 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 procedures be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles must 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 shall:

- (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.

NOTICE OF READOPTION

The following rules received no comments during the first notice of comment period requesting that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking and are not exempt from the readoption process under [IC 13-14-9.5](#):

[329 IAC 12-2-2.2](#)
[329 IAC 12-2-2.4](#)
[329 IAC 12-2-5.1](#)
[329 IAC 12-2-5.2](#)
[329 IAC 12-2-6](#)
[329 IAC 12-2-8.5](#)
[329 IAC 12-2-8.7](#)
[329 IAC 12-2-11.2](#)
[329 IAC 12-2-16](#)
[329 IAC 12-2-31.5](#)
[329 IAC 12-2-44](#)
[329 IAC 12-2-46](#)
[329 IAC 12-2-51.5](#)
[329 IAC 12-2-54](#)
[329 IAC 12-3](#)
[329 IAC 12-7](#)
[329 IAC 12-8](#)
[329 IAC 12-9](#)

Therefore, the above-listed rules are readopted under [IC 13-14-9.5-4](#). The rules have been submitted to the Publisher for filing and are effective 30 days after that filing date. The rules will remain in effect until their next expiration date, January 1, 2030. However, all rules are subject to amendment or repeal under IDEM's regular rulemaking process found at [IC 13-14-9](#).

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First Notice of Comment Period: [20230315-IR-329230082BNA](#)

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