ARTICLE 7.1. WASTEWATER MANAGEMENT

Rule 1. General Provisions

327 IAC 7.1-1-1 Purpose

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 1. This article establishes procedures, requirements, and standards for the management of wastewater from sewage disposal systems regarding the following:

(1) Cleaning of sewage disposal systems.
(2) Transport of wastewater.
(3) Storage of wastewater.
(4) Treatment of wastewater.
(5) Disposal of wastewater.

(Water Pollution Control Division; 327 IAC 7.1-1-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3717; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-1-2 Right of entry

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-14-2-2; IC 13-14-5; IC 13-18-12-6

Sec. 2. Under IC 13-18-12-6(c), the commissioner may make inspections in accordance with IC 13-14-2-2 and IC 13-14-5.

(Water Pollution Control Division; 327 IAC 7.1-1-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3717; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-1-3 Applicability; incorporation by reference

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12-7

Sec. 3. (a) This article applies to all persons who provide or engage in wastewater management.

(b) The following do not involve wastewater as defined in 327 IAC 7.1-2-41, and therefore this article does not apply to these activities:

(1) Land application activities that are regulated under 327 IAC 6.1.
(2) Waste management activities that are regulated under rules of the solid waste management board at 329 IAC 3.1, 329 IAC 10, 329 IAC 11, 329 IAC 12, and 329 IAC 13.
(3) Management of animal manure.

(c) This article does not require a wastewater management permit or a vehicle license for the transportation of wastewater from the point of its removal to another location on the same site or tract owned by the same person if the wastewater was generated on the same site or tract owned by the same person and either of the following applies:

(1) Both of the following:
    (A) A facility on the same site or tract owned by the same person has a valid permit under 327 IAC 5 implementing the National Pollutant Discharge Elimination System which includes provisions for the management of wastewater.
    (B) The wastewater is blended with industrial process wastewater, as defined in 327 IAC 6.1-2-28, at the permitted facility.
(2) Both of the following:
    (A) A facility on the same site or tract owned by the same person has a valid permit under 327 IAC 3-4 regarding operational permits.
    (B) The wastewater is blended with industrial process wastewater as defined in 327 IAC 6.1-2-28, at the permitted facility.

(d) Solid waste generated by the permitted facility described in subsection (c) must be disposed of in accordance with 327

IAC 6.1 or the rules of the solid waste management board at 329 IAC 10.

(e) The following documents of the U.S. Environmental Protection Agency are incorporated by reference:

(1) Appendix I of 40 CFR 257, revised as of July 1, 2001.

(2) Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846 [Third Edition, November 1986, as amended by Updates 1 (July 1992), 2 (September 1994), 2A (August 1993), and 2B (January 1995)].

(3) Appendix II A of 40 CFR 257, revised as of July 1, 2001.

(4) 40 CFR 257.3-5(a)(1) and 40 CFR 257.3-5(c), revised as of July 1, 2001.

(5) 50 CFR 17.11 and 50 CFR 17.12, revised as of October 1, 2001.

(6) Areas located in Indiana contained in 50 CFR 17.95 and 50 CFR 17.96, revised as of October 1, 2001.

(f) The Code of Federal Regulations and Publication SW-846 are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The telephone number for the Superintendent of Documents is (202) 512-1800. *(Water Pollution Control Division; 327 IAC 7.1-1-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3717; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-1-4 Enforcement

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-14-2-6; IC 13-14-10; IC 13-18-12-6.5; IC 13-30-3

Sec. 4. This article is enforced under IC 13-30-3. *(Water Pollution Control Division; 327 IAC 7.1-1-4; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-1-5 Penalties

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12; IC 13-30

Sec. 5. Penalties for violation of this article are provided for at:

(1) IC 13-30-4.

(2) IC 13-30-5.

(3) IC 13-30-6 *[IC 13-30-6 was repealed by P.L.137-2007, SECTION 37, effective July 1, 2007.]*.

(4) IC 13-30-8.

(Water Pollution Control Division; 327 IAC 7.1-1-5; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

Rule 2. Definitions

327 IAC 7.1-2-1 Applicability

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-11-2; IC 13-18-12

Sec. 1. The definitions in IC 13-11-2 apply to this article. In addition to the definitions in IC 13-11-2, the definitions in this rule apply throughout this article. *(Water Pollution Control Division; 327 IAC 7.1-2-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-2 "Agricultural land" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 2. "Agricultural land" means land on which a food crop, a feed crop, or a fiber crop is grown. The term includes land used as pasture. *(Water Pollution Control Division; 327 IAC 7.1-2-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-3 "Animal feed" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 3. "Animal feed" means any crop grown for consumption by animals, such as forage and grain. *(Water Pollution Control Division; 327 IAC 7.1-2-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-4 "Applicant" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 4. "Applicant" means a person who applies for any or all of the following:
(1) A wastewater management permit.
(2) A wastewater vehicle license.
(3) An approval for land application of wastewater.
(Water Pollution Control Division; 327 IAC 7.1-2-4; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-2-5 "Base flood or one hundred (100) year flood" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 5. "Base flood or one hundred (100) year flood" means a flood of a magnitude equaled or exceeded, on the average, once in one hundred (100) years. *(Water Pollution Control Division; 327 IAC 7.1-2-5; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-6 "Chemical toilet" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 6. "Chemical toilet" means a toilet manufactured to receive nonwater-carried human waste directly into a deodorizing and liquefying chemical in a leakproof tank. *(Water Pollution Control Division; 327 IAC 7.1-2-6; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-7 "Contaminate" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 7. "Contaminate" means introducing a substance that would cause one (1) of the following:

(1) The concentration of that substance in any drinking water source to exceed the maximum contaminant level specified in Appendix I of 40 CFR 257.

(2) An increase in the concentration of that substance in any drinking water source where the existing concentration of that substance exceeds the maximum contaminant level specified in Appendix I of 40 CFR 257.

(Water Pollution Control Division; 327 IAC 7.1-2-7; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-2-8 "Critical habitat" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 8. "Critical habitat" means areas located in Indiana and contained in 50 CFR 17.95 and 50 CFR 17.96. *(Water Pollution Control Division; 327 IAC 7.1-2-8; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-9 "Destruction or adverse modification" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 9. "Destruction or adverse modification" means a direct or indirect alteration of critical habitat that appreciably diminishes the likelihood of the survival and recovery of endangered or threatened species using that habitat. *(Water Pollution Control Division; 327 IAC 7.1-2-9; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-10 "Disease vector" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 10. "Disease vector" means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting micro-organisms and disease to humans and other animals. *(Water Pollution Control Division; 327 IAC 7.1-2-10; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-11 "Domestic septage" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 11. "Domestic septage" means the following:

(1) Human excreta, water, scum, sludge, and sewage from sewage disposal systems, or retained contents of wastewater holding tanks.

(2) Wastes carried in liquid from ordinary living processes.

(3) Incidental or accidental seepage from sewage disposal systems.

The term does not include contents from chemical toilets, or Type III marine sanitation devices. *(Water Pollution Control Division; 327 IAC 7.1-2-11; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-12 "Drainage inlet" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 12. "Drainage inlet" means any surficial opening to an underground tile drainage system that drains to waters of the state. For purposes of this article, the term includes water and sediment control basins. *(Water Pollution Control Division; 327 IAC 7.1-2-12; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-13 "Endangered or threatened species" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 13. "Endangered or threatened species" means any species listed as such under 50 CFR 17.11 or 50 CFR 17.12. *(Water Pollution Control Division; 327 IAC 7.1-2-13; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-14 "Flood plain" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 14. "Flood plain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood prone areas of offshore islands, which are inundated by a base flood. *(Water Pollution Control Division; 327 IAC 7.1-2-14; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-15 "Food crops" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 15. "Food crops" means tobacco, crops grown for human consumption, and animal feed for animals whose products are consumed by humans. *(Water Pollution Control Division; 327 IAC 7.1-2-15; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-16 "Grease" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 16. "Grease" means grease, fats, and retained wastes from grease traps or interceptors. *(Water Pollution Control Division; 327 IAC 7.1-2-16; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-17 "Historic site" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 14-8-2-125

Sec. 17. "Historic site" has the meaning set forth in IC 14-8-2-125. *(Water Pollution Control Division; 327 IAC 7.1-2-17; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed*

Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-2-18 "Incorporated into the soil" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 18. "Incorporated into the soil" means the mixing of domestic septage, grease, or mixed load with the surface soil, using standard agricultural practices such as tillage. *(Water Pollution Control Division; 327 IAC 7.1-2-18; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-19 "Injection" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 19. "Injection" means the placement of domestic septage, grease, or mixed load beneath the surface of the soil in the crop root zone, using equipment specifically designed for this purpose. *(Water Pollution Control Division; 327 IAC 7.1-2-19; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-20 "Intermittent waterway" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 20. "Intermittent waterway" means a waterway that flows only at certain times of the year, as when it receives water from springs or from some surface source. The waterway does not flow continuously, as when water losses from evaporation or seepage exceed the available waterway flow. *(Water Pollution Control Division; 327 IAC 7.1-2-20; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-21 "Land with a low potential for public exposure" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 21. (a) "Land with a low potential for public exposure" means land that:
(1) has restricted access;
(2) is inaccessible to the public; or
(3) is not used by the public during normal work or recreational activities.
(b) Examples include, but are not limited to, the following:
(1) Agricultural land.
(2) Forests.
(3) Solid waste land disposal facilities as defined in the rules of the solid waste management board at 329 IAC 10-2-176.
(4) Strip mines not located in a populated area or accessible to the public.
(5) Industrial sites not located in a populated area or accessible to the public.
(6) Construction sites not located in a populated area or accessible to the public.
(Water Pollution Control Division; 327 IAC 7.1-2-21; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-2-22 "Liquid waste" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 22. "Liquid waste" means any waste material that contains free liquids as determined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846 [Third Edition, November 1986, as amended by Updates 1 (July 1992), 2 (September 1994), 2A (August 1993), and 2B (January 1995)]. *(Water Pollution Control Division; 327 IAC 7.1-2-22; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-23 "Mixed load" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 23. "Mixed load" means a mixture of any quantity of domestic septage with any quantity of grease. *(Water Pollution Control Division; 327 IAC 7.1-2-23; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-24 "Operator" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 24. "Operator" means the person responsible for the operation of any of the following:
(1) Wastewater management business.
(2) Wastewater management vehicle.
(3) Wastewater treatment facility.
(4) Wastewater storage facility.
(5) Wastewater land application site.
(Water Pollution Control Division; 327 IAC 7.1-2-24; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-2-25 "Owner" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 25. "Owner" means the person who owns any of the following:
(1) Wastewater management business.
(2) Vehicle used for wastewater management activities.
(3) Wastewater treatment facility.
(4) Wastewater storage facility.
(5) Wastewater land application site.
(Water Pollution Control Division; 327 IAC 7.1-2-25; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-2-26 "Pasture" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 26. "Pasture" means land on which animals feed directly on feed crops, such as legumes, grasses, grain stubble, or

fodder. *(Water Pollution Control Division; 327 IAC 7.1-2-26; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-27 "Person" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-11-2-158; IC 13-18-12

Sec. 27. "Person" has the meaning set forth in IC 13-11-2-158(a). *(Water Pollution Control Division; 327 IAC 7.1-2-27; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-28 "Pesticide" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 28. "Pesticide" means any substance that:

(1) is commercially produced, marketed, or sold to control insects, rodents, nematodes, fungus, or weeds; and

(2) is regulated by the state chemist's office under rules of the state chemist's office at 355 IAC 4 and 355 IAC 5, or by the U.S. Environmental Protection Agency, under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. Section 136.

(Water Pollution Control Division; 327 IAC 7.1-2-28; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-2-29 "Petroleum based" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 29. "Petroleum based" means crude oil and substances derived from crude oil through processes such as separation, conversion, and finishing, that are liquid at ambient condition of temperature and pressure comprised of a complex blend of hydrocarbons, including, but not limited to, the following:

(1) Motor fuel.
(2) Jet fuel.
(3) Mineral oil.
(4) Lubricants.
(5) Petroleum solvents.
(6) Used oil.

(Water Pollution Control Division; 327 IAC 7.1-2-29; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-2-30 "pH" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 30. "pH" means the logarithm of the reciprocal of hydrogen ion concentration. *(Water Pollution Control Division; 327 IAC 7.1-2-30; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-31 "Potable" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 31. "Potable" means fit to drink. *(Water Pollution Control Division; 327 IAC 7.1-2-31; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-32 "Public water supply surface intake structure" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 32. "Public water supply surface intake structure" means any structure used for the purpose of providing water through a public water supply system. *(Water Pollution Control Division; 327 IAC 7.1-2-32; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-33 "Public water supply well" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 33. "Public water supply well" means any well that provides water to the public through a water distribution system that:

(1) serves at least twenty-five (25) persons per day for:
    (A) drinking;
    (B) domestic use; or
    (C) other purposes; or
(2) has at least fifteen (15) service connections.

(Water Pollution Control Division; 327 IAC 7.1-2-33; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-2-34 "Sensitive area" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12; IC 14-31; IC 14-38-1-5

Sec. 34. "Sensitive area" means a site where land application of domestic septage, a mixed load, or grease poses a specific water quality threat to one (1) or more of the following:

(1) Aquifers used as a source of drinking water.
(2) Public water supply wells.
(3) Wellhead protection areas.
(4) Drinking water supply reservoirs.
(5) Areas requiring special protection from a threat to water quality or because of the area's aesthetic value to the citizens of Indiana, such as:
    (A) wetlands;
    (B) karst terrains;
    (C) the critical habitat of an endangered or threatened species; or
    (D) natural areas, including:
        (i) parks;
        (ii) nature preserves as regulated under IC 14-31;
        (iii) historic sites as defined in section 17 of this rule; and

(iv) public lands as defined in IC 14-38-1-5.
(Water Pollution Control Division; 327 IAC 7.1-2-34; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-2-35 "Set aside" or "idle" defined
Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 35. "Set aside" or "idle" means agricultural land upon which no crop is grown during the crop season. *(Water Pollution Control Division; 327 IAC 7.1-2-35; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-36 "Sewage disposal system" defined
Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-11-2-201; IC 13-18-12

Sec. 36. "Sewage disposal system", as defined in IC 13-11-2-201, means septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:
(1) store;
(2) treat;
(3) make inoffensive; or
(4) dispose of;
human excrement or liquid carrying wastes of a domestic nature. *(Water Pollution Control Division; 327 IAC 7.1-2-36; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-37 "Surface application" defined
Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 37. "Surface application" means the placement of wastewater by spraying or spreading onto the land surface. *(Water Pollution Control Division; 327 IAC 7.1-2-37; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-38 "Taking" defined
Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 38. "Taking" means harassing, harming, pursuing, hunting, wounding, killing, capturing, or collecting or attempting to engage in such conduct. *(Water Pollution Control Division; 327 IAC 7.1-2-38; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-39 "Type III marine sanitation device" defined
Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 39. "Type III marine sanitation device" means any equipment installed on board a vessel which is designed to receive,

retain, treat, or discharge sewage, and any process to treat such sewage. The device or process must be designed to prevent the over board discharge of treated or untreated sewage or any waste derived from sewage. *(Water Pollution Control Division; 327 IAC 7.1-2-39; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-40 "Unauthorized" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 40. "Unauthorized" means that which is prohibited by permit, license, or approval conditions or Indiana or federal statutes or regulations. *(Water Pollution Control Division; 327 IAC 7.1-2-40; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-41 "Wastewater" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 41. "Wastewater", as defined in IC 13-11-2-256 *[IC 13-11-2-256 was repealed by P.L.159-2011, SECTION 49, effective July 1, 2011.]*, means the following:

(1) Human excreta, water, scum, sludge, and sewage from the sewage disposal systems, retained contents of wastewater holding tanks, or portable sanitary units.
(2) Grease, fats, and retained wastes from grease traps or interceptors.
(3) Wastes carried in liquid from ordinary living processes.
(4) Incidental or accidental seepage from sewage disposal systems.

Grease, domestic septage, and a mixed load are all forms of wastewater. *(Water Pollution Control Division; 327 IAC 7.1-2-41; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-2-42 "Wastewater management" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 42. "Wastewater management", as defined in IC 13-11-2-257 *[IC 13-11-2-257 was repealed by P.L.159-2011, SECTION 49, effective July 1, 2011.]*, means the following:

(1) The cleaning of sewage disposal systems.
(2) The transportation, storage, treatment, or disposal of wastewater.

(Water Pollution Control Division; 327 IAC 7.1-2-42; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

Rule 3. Permits, Licenses, and Approvals

327 IAC 7.1-3-1 General requirements

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 1. Any person providing or engaging in wastewater management shall comply with the following:

(1) Unless exempted by IC 13-18-12-7, possess a valid wastewater management permit, in addition to any of the following that are applicable as required by this article:

(A) A valid license for any vehicle used for wastewater management activities.
(B) A valid approval for land application of wastewater.
(2) Comply with all applicable requirements of IC 13-18-12 and this article.
(Water Pollution Control Division; 327 IAC 7.1-3-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-3-2 Revocation and modification
Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12-6.5

Sec. 2. The commissioner or a designee may revoke or modify a permit, license, or approval issued by the commissioner in accordance with IC 13-18-12-6.5. *(Water Pollution Control Division; 327 IAC 7.1-3-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-3-3 Records; access to information
Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-14-2-2; IC 13-18-12

Sec. 3. (a) Each permitted wastewater management business shall keep accurate records of activities governed by this article.
(b) The records must include the following:
(1) The contract or invoice of all wastewater management activities.
(2) The date, location, and method of disposal of wastewater associated with the contract or invoice as required by 327 IAC 7.1-6-1(b).
(3) Land application records as required by 327 IAC 7.1-8-7.
(c) Such records must be:
(1) located at the permitted wastewater management business address;
(2) made available to representatives of the commissioner during normal business hours for inspection as set forth in IC 13-14-2-2;
(3) updated weekly, except as required at 327 IAC 7.1-8-7(a)(5); and
(4) maintained for at least five (5) years.
(Water Pollution Control Division; 327 IAC 7.1-3-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3723; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

Rule 4. Wastewater Management Permits

327 IAC 7.1-4-1 Wastewater management permit applications
Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12; IC 25-31-1

Sec. 1. (a) An application for a wastewater management permit, including a renewal application, must be submitted to the commissioner on a form provided by the commissioner. An application, including a renewal application, is considered complete only after all information requested has been submitted.
(b) An application for renewal of an existing wastewater management permit shall be:
(1) postmarked; or
(2) hand delivered to the office of land quality, Indiana department of environmental management; or
(3) deposited with a private carrier as shown by the receipt issued by the carrier, if the application is sent by the private carrier to the address for the department on the application;
prior to the expiration date of the permit or the permit will be invalid upon expiration.

(c) If the applicant intends to store wastewater, or treat wastewater by altering the nature of domestic septage, a mixed load, or grease, then the permit application must be accompanied by all of the following:

(1) If the property where the wastewater storage or treatment facility will be located is not owned by the applicant:

(A) the name, mailing address, and telephone number of the property owner; and

(B) a statement, signed by the property owner, granting permission to conduct the activities specified in the application and stating that the activities specified in the application are not prohibited by any covenant of record.

(2) A county map clearly indicating the location of the property on which the facility is proposed.

(3) An accurate drawing clearly delineating the proposed facility site and the area within one-quarter (¼) mile of the site in all directions. The drawing must use a scale of one (1) inch per one hundred (100) feet and show north. The drawing shall clearly and accurately indicate the location of all features of interest, including the following:

(A) Potable water supplies.

(B) Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water.

(C) Drainage inlets and tile systems.

(D) Rock outcrops, sinkholes, or undrained depressions.

(E) The location of all property lines, easements, and public roads.

(F) The critical habitat of endangered or threatened species.

(G) Historical sites.

(4) Plans and specifications certified by a professional engineer licensed under IC 25-31-1 to practice in Indiana. The plans must include the following:

(A) The design of the facility.

(B) The capacity of the facility.

(5) A brief narrative description of the proposed operating plan and maintenance procedures to be used at the facility.

(6) The name, address, and phone number of the person, or persons, designated in charge of the facility.

(7) A letter from at least one (1) publicly owned treatment works permitted under 327 IAC 5-2 or other state permitted wastewater treatment plant permitted under 327 IAC 5 stating the applicant is authorized to dispose of wastewater at their facility. If the narrative presented in subdivision (5) states the facility will be solidifying all wastewater, the applicant must also submit such a letter from a state permitted municipal solid waste landfill permitted under the rules of the solid waste management board at 329 IAC 10.

(8) A signed statement from either the applicant or the property owner and the applicant, if the applicant is not the property owner, accepting responsibility for closure in compliance with section 11 of this rule.

(Water Pollution Control Division; 327 IAC 7.1-4-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3723; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-4-2 Action on application

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-15-7; IC 13-18-12; IC 36-9-30-35

Sec. 2. (a) The commissioner shall issue or renew a permit only after the following:

(1) Receipt of a completed application in accordance with section 1 of this rule.

(2) An inspection by a representative of the commissioner to determine compliance with the requirements of this article.

(b) A permit may be renewed with new or modified conditions based on the information provided in subsection (a).

(c) The commissioner may:

(1) deny a permit application or a renewal application;

(2) limit the length of a permit or renewal permit to one (1) year; or

(3) place additional conditions on a permit or renewal permit;

if the commissioner determines that one (1) or more of the criteria in subsection (d) demonstrate the applicant's inability or unwillingness to manage wastewater under the requirements of IC 13-18-12 or this article.

(d) The commissioner may deny, limit the length of, or place additional conditions on a permit or renewal permit based on one (1) or more of the following:

(1) The applicant has been convicted of a crime under IC 13-30-6 *[IC 13-30-6 was repealed by P.L.137-2007, SECTION 37, effective July 1, 2007.]* or IC 36-9-30-35.
(2) The commissioner, under IC 13-15-7, has revoked the applicant's previous permit to operate under:
(A) this article; or
(B) 327 IAC 7, which was repealed in 2002.
(3) The applicant has a history of one (1) or more violations of IC 13 or rules promulgated by authority of IC 13.
(4) The applicant was the subject of one (1) or more administrative or judicial enforcement actions concerning wastewater management under this article or 327 IAC 7, which was repealed in 2002.
(5) The applicant is the subject of one (1) or more pending administrative or judicial enforcement actions commenced under authority of IC 13.
(e) The application for a permit or the issuance of a permit does not:
(1) convey any property rights of any sort or any exclusive privileges to the applicant or permittee;
(2) authorize:
(A) any injury to any person or private property;
(B) invasion of other property rights; or
(C) any infringement of federal, state, or local laws or regulations; or
(3) preempt any duty to comply with other federal, state, or local requirements.
(f) After the transition process described in section 5 of this rule, all permits shall be issued for three (3) years unless limited to one (1) year under subsection (c). *(Water Pollution Control Division; 327 IAC 7.1-4-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3724; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-4-3 Updating information
Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 3. If the information provided in the application for the wastewater management permit changes, the applicant or permittee shall provide the new information to the commissioner no more than fifteen (15) days after the information provided in the application changes. The commissioner may modify the permit based on this information. *(Water Pollution Control Division; 327 IAC 7.1-4-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3724; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-4-4 Permit conditions
Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 4. (a) The commissioner may include conditions in a permit that ensure compliance with this article. All wastewater management permits issued are subject to the following conditions and such additional conditions as stated in the permit:
(1) The business name stated on the wastewater management permit and no other name shall be used in advertising for and engaging in wastewater management services.
(2) Permits issued under this article or 327 IAC 7, which was repealed in 2002, are not transferable.
(3) The permittee shall provide wastewater management services in a manner that does not create a threat to human health or the environment, including the following:
(A) Pumping, dumping, or allowing the leakage or drainage of wastewater onto any unauthorized premises, ground surfaces, public roads, or into the waters of the state is prohibited.
(B) Any spillage of wastewater onto unauthorized premises, ground surfaces, public roads, or waters of the state must be handled, removed, and disposed in accordance with this article and under 327 IAC 2-6.1.
(C) Water obtained from any source for flushing or cleaning licensed wastewater vehicles, equipment used in wastewater management, or a sewage disposal system must be obtained in a manner that prevents the possibility of

contaminating the water source. Backflow prevention devices must be installed when water is obtained from a potable water source.

(D) Water used for flushing or cleaning purposes must be disposed of in the same manner as required by this article for wastewater disposal.

(4) Wastewater management activities must comply with all applicable requirements of IC 13-18-12 and this article.

(b) If the applicant intends to store or treat wastewater, the wastewater management permit shall be issued subject to the conditions contained in subsection (a), the following conditions, and such additional conditions as may be stated in the permit:

(1) Except for wastewater storage or treatment facilities approved prior to the effective date of this article, all storage or treatment facilities must comply with site restrictions and be designed and constructed in compliance with this article.

(2) All facilities must be operated in compliance with this article.

(Water Pollution Control Division; 327 IAC 7.1-4-4; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3724; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-4-5 Transition

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 5. (a) Any permittee possessing a valid wastewater management permit on the effective date of this article shall, prior to expiration of that permit, submit an application for renewal of the permit in accordance with this subsection. A renewal permit will be issued subject to section 2 of this rule and according to the following schedule:

(1) Any permittee whose place of business is located outside of Indiana or any permittee whose place of business is located in the counties of:

(A) Adams;
(B) Allen;
(C) Bartholomew;
(D) Benton;
(E) Blackford;
(F) Boone;
(G) Brown;
(H) Carroll;
(I) Cass;
(J) Clark;
(K) Clay;
(L) Clinton;
(M) Crawford;
(N) Daviess;
(O) Dearborn;
(P) Decatur;
(Q) Dekalb;
(R) Delaware;
(S) Dubois;
(T) Elkhart;
(U) Fayette;
(V) Floyd;
(W) Fountain;
(X) Franklin;
(Y) Fulton;
(Z) Gibson;
(AA) Grant; and

(BB) Greene;

in Indiana will be issued a permit valid for one (1) year.

(2) Any permittee whose place of business is located in the counties of:

(A) Hamilton;
(B) Hancock;
(C) Harrison;
(D) Hendricks;
(E) Henry;
(F) Howard;
(G) Huntington;
(H) Jackson;
(I) Jasper;
(J) Jay;
(K) Jefferson;
(L) Jennings;
(M) Johnson;
(N) Knox;
(O) Kosciusko;
(P) LaGrange;
(Q) Lake;
(R) LaPorte;
(S) Lawrence;
(T) Madison;
(U) Marion; and
(V) Marshall;

in Indiana will be issued a permit valid for two (2) years.

(3) Any permittee whose place of business is located in the counties of:

(A) Martin;
(B) Miami;
(C) Monroe;
(D) Montgomery;
(E) Morgan;
(F) Newton;
(G) Noble;
(H) Ohio;
(I) Orange;
(J) Owen;
(K) Parke;
(L) Perry;
(M) Pike;
(N) Porter;
(O) Posey;
(P) Pulaski;
(Q) Putnam;
(R) Randolph;
(S) Ripley;
(T) Rush;
(U) St. Joseph;
(V) Scott;

(W) Shelby;
(X) Spencer;
(Y) Starke;
(Z) Steuben;
(AA) Sullivan;
(BB) Switzerland;
(CC) Tippecanoe;
(DD) Tipton;
(EE) Union;
(FF) Vanderburgh;
(GG) Vermillion;
(HH) Vigo;
(II) Wabash;
(JJ) Warren;
(KK) Warrick;
(LL) Washington;
(MM) Wayne;
(NN) Wells;
(OO) White; and
(PP) Whitley;

in Indiana will be issued a permit valid for three (3) years.

(b) All wastewater treatment facilities or wastewater storage facilities approved prior to the effective date of this article that do not have an expiration date specified in the approval shall submit, within one hundred eighty (180) days of the effective date of this article, a wastewater management permit application as specified in section 1 of this rule. Failure to timely submit a wastewater management permit application will cause the approval to store or treat wastewater to expire one hundred eighty-one (181) days after the effective date of this article.

(c) All wastewater treatment facilities or wastewater storage facilities approved prior to the effective date of this article shall submit, prior to the expiration date specified in the approval, a wastewater management permit application as specified in section 1 of this rule. Failure to timely submit a wastewater management permit application will invalidate the approval to store or treat wastewater on the expiration date.

(d) A permit or renewal permit will be issued subject to section 2 of this rule and according to the schedule set in subsection (a). *(Water Pollution Control Division; 327 IAC 7.1-4-5; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3725; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-4-6 Site restrictions

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 6. Storage facilities or treatment facilities must not be constructed:

(1) within one hundred (100) feet of any easement;
(2) within three hundred (300) feet of any public road;
(3) within six hundred (600) feet of any:
(A) residence;
(B) place of business;
(C) public gathering place;
(D) property line;
(E) lake;
(F) pond;
(G) stream;

(H) intermittent waterway;
(I) surface water impoundment;
(J) wetland;
(K) rock outcrop;
(L) sink hole;
(M) undrained depression; or
(N) potable water supply;
(4) within one thousand (1,000) feet of any:
(A) public water supply well or public water supply surface intake structure;
(B) historical site; or
(C) critical habitat of endangered or threatened species;
(5) in a flood plain; or
(6) in a manner that would allow the wastewater to enter waters of the state.

(Water Pollution Control Division; 327 IAC 7.1-4-6; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3726; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-4-7 Design requirements for treatment facilities or storage facilities

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 7. (a) All wastewater treatment facilities or wastewater storage facilities must be designed in compliance with this article.

(b) All facilities must be designed so as to prevent entry of storm water run-off from surrounding areas.
(c) Earthen facilities for the storage or treatment of wastewater are prohibited.
(d) Underground steel tanks for the storage or treatment of wastewater are prohibited.
(e) Storage tanks of synthetic material, fiberglass, and aboveground metal tanks must comply with the following:
(1) The tank material and wall thickness shall be adequately engineered to contain the contents.
(2) All tanks must be watertight.
(3) Tanks previously used to store a substance other than wastewater must be cleaned to remove all traces of the other substance prior to the addition of wastewater to the tank.
(4) Tanks shall be anchored, supported, and bedded to provide structural safety and prevent movement. Aboveground tanks shall be supported by a concrete base.
(5) The bottom of the storage tank shall at all times be at least two (2) feet above:
(A) the water table;
(B) bedrock; or
(C) both clauses (A) and (B).
(6) Aboveground tanks must have protected shutoff valves for all inlet and outlet pipes.
(7) Vents on tanks shall not allow disease vectors to enter the tanks.
(8) Tanks shall be of such construction or design as to allow inspection and sampling of contents.
(9) An all-weather access road shall be provided to the storage facility sites.

(Water Pollution Control Division; 327 IAC 7.1-4-7; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3726; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-4-8 Construction requirements for treatment or storage facilities

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 8. (a) All wastewater treatment facilities or storage facilities must be constructed to prevent leaks and seepage and

prevent spills that could enter waters of the state.

(b) The commissioner may incorporate conditions into the wastewater management permit that require testing to verify that the facility's wastewater management system is consistent with the design standards and meets the performance standards established in this article. *(Water Pollution Control Division; 327 IAC 7.1-4-8; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3727; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-4-9 Operational requirements for treatment or storage facilities

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 9. (a) All wastewater treatment facilities or storage facilities permitted under this article must be maintained and operated to prevent any threats to human health or the environment as follows:

(1) An all-weather off-loading area with containment for spill cleanup must be provided where the vehicle contents are received by the facility.

(2) Unauthorized access to the facility must be prevented by locks, and the facility must be fenced and posted.

(3) Facilities must be maintained so there is no discharge or seepage of wastewater other than controlled removal for final disposal of the wastewater.

(4) Facilities must be maintained so as to prevent safety hazards or disease vector conditions.

(b) Any uncovered storage structure must allow for and maintain a minimum of two (2) feet of freeboard at all times.

(c) Stockpiles of solids resulting from wastewater treatment at the treatment facility must be:

(1) stored on an impervious surface;

(2) stored for not longer than thirty (30) days at any given time;

(3) maintained to have adequate run-on and run-off control methods; and

(4) covered by a tarp, plastic sheet, or roof if stored for longer than seventy-two (72) hours.

(Water Pollution Control Division; 327 IAC 7.1-4-9; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3727; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-4-10 Innovative technology; alternate design and construction

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 10. (a) The use of a design or construction approach other than the requirements specified in this article or an innovative technology may be proposed by the owner or operator in accordance with the following:

(1) The proposal for the alternative design, construction, or innovative technology must be accompanied by documentation that assures that the provisions of this article are met.

(2) The proposal must comply with all applicable environmental rules and laws.

(3) The proposal must be submitted with a wastewater management permit application.

(b) In making a determination on the alternative design, construction, or innovative technology the commissioner shall consider the following criteria:

(1) Design specifications that assure adequate structural integrity.

(2) Protective measures that reduce the potential for spills.

(3) Operational practices that provide additional protection.

(4) Threats of adverse impacts to water quality or other specified sensitive areas.

(5) Other criteria related to protection of the environment or human health.

(c) The commissioner shall document the basis for the approval or denial of the proposed alternate design, construction, or innovative technology. *(Water Pollution Control Division; 327 IAC 7.1-4-10; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3727; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-4-11 Closure of treatment facilities or storage facilities

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 11. A treatment or storage facility that is no longer being operated or used must be closed. The person or persons who signed the statement submitted in accordance with section 1(c)(8) of this rule must close the treatment or storage facility in accordance with this section. The following steps are required:

(1) The commissioner shall be notified at least thirty (30) days in advance that the facility is to be closed.

(2) Closure, as described in this section, must be completed within one hundred twenty (120) days after the notification required in subdivision (1).

(3) The contents of a facility must be disposed of in a manner consistent with 327 IAC 7.1-7.

(4) Aboveground facilities must be dismantled and removed.

(5) Earthen facilities must be:

(A) cleaned and leveled or filled with earth, and the appurtenances removed or closed in an alternative manner equally protective of human health and the environment that has been approved by the commissioner; and

(B) the site shall be returned approximately to its natural contours and be mounded to allow for settling and to divert surface waters.

(6) A certification statement indicating that the requirements of this section have been met must be sent to the commissioner within thirty (30) days after completion of closure. The closure certification will be deemed adequate unless within ninety (90) days of receipt of the closure certification and subsequent review, the commissioner issues a notice of deficiency of closure, including actions necessary to correct the deficiency.

(Water Pollution Control Division; 327 IAC 7.1-4-11; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3727; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

Rule 5. Vehicle Licenses

327 IAC 7.1-5-1 Vehicle license requirements

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 1. (a) An application for a wastewater management vehicle license, including a renewal, must be submitted to the commissioner, on a form provided by the commissioner. An application shall be considered complete only after all information requested has been submitted.

(b) An application for renewal of an existing wastewater management vehicle license shall be:

(1) postmarked;

(2) hand delivered to the office of land quality, Indiana department of environmental management; or

(3) deposited with a private carrier as shown by the receipt issued by the carrier, if the application is sent by the private carrier to the address for the department on the application;

prior to the expiration date of the permit or the permit will be invalid upon expiration. *(Water Pollution Control Division; 327 IAC 7.1-5-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3728; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-5-2 Action on application

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-15-7; IC 13-18-12; IC 36-9-30-35

Sec. 2. (a) The commissioner shall issue or renew a license only after the following:

(1) Receipt of a completed application in accordance with section 1 of this rule.

(2) A vehicle and equipment inspection by a representative of the commissioner to determine compliance with the requirements of this rule.

(3) A valid wastewater management permit is issued to the vehicle owner under this article.

(b) A license may be renewed with new or modified conditions based on the information provided in subsection (a).

(c) The commissioner may:

(1) deny a license application or a renewal license;

(2) limit the length of a license or renewal license to one (1) year; or

(3) place additional conditions on a license or renewal license;

if the commissioner determines that one (1) or more of the criteria in subsection (d) demonstrate the applicant's inability or unwillingness to manage wastewater under the requirements of IC 13-18-12 or this article.

(d) The commissioner may deny, limit the length of, or place additional conditions on a license or renewal license based on one (1) or more of the following:

(1) The applicant has been convicted of a crime under IC 13-30-6 *[IC 13-30-6 was repealed by P.L.137-2007, SECTION 37, effective July 1, 2007.]* or IC 36-9-30-35.

(2) The commissioner, under IC 13-15-7, has revoked the applicant's previous license to operate under:

(A) this article; or

(B) 327 IAC 7, which was repealed in 2002.

(3) The applicant has a history of one (1) or more violations of IC 13 or rules promulgated by authority of IC 13.

(4) The applicant was the subject of one (1) or more administrative or judicial enforcement actions concerning wastewater management under this article or 327 IAC 7, which was repealed in 2002.

(5) The applicant is the subject of one (1) or more pending administrative or judicial enforcement actions commenced under authority of IC 13.

(e) The application for a license or the issuance of a license does not:

(1) convey any property rights of any sort or any exclusive privileges to the licensee;

(2) authorize:

(A) any injury to any person or private property;

(B) invasion of other property rights; and

(C) any infringement of federal, state, or local laws or regulations; or

(3) preempt any duty to comply with other federal, state, or local requirements.

(f) After the transition process described in section 5 of this rule, all licenses shall be issued for three (3) years unless limited to one (1) year under subsection (c). In no case shall a license be issued for a term longer than the associated wastewater management permit required under 327 IAC 7.1-3-1(1). *(Water Pollution Control Division; 327 IAC 7.1-5-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3728; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-5-3 Updating information

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 3. If the information provided in the application for the vehicle license changes, the applicant or licensee shall provide the new information to the commissioner no more than fifteen (15) days after the information provided in the application changes. The commissioner may modify the license based on this information. *(Water Pollution Control Division; 327 IAC 7.1-5-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3729; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-5-4 License conditions and restrictions

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-11-2-155; IC 13-18-12

Sec. 4. (a) The commissioner may include conditions and restrictions in a license that ensure compliance with this article.

(b) All wastewater management vehicle licenses are issued subject to the following conditions and any additional conditions contained in the license:

(1) The vehicle must be used only as authorized by the license and in compliance with any applicable restrictions or conditions stated on the license.

(2) The vehicle must not be used for the transport of any of the following:

(A) A hazardous waste that is regulated under 329 IAC 3.1.

(B) Wastewater containing PCBs equal to or greater than two (2) milligrams per kilogram on a dry weight basis.

(C) Petroleum based products.

(D) Pesticides.

(3) The vehicles and equipment used in cleaning sewage disposal systems or transporting wastewater must not be used for purposes other than the hauling of domestic waste, animal wastes, landfill leachate, or biosolids as defined in 327 IAC 6.1-2-7 without prior written permission of the commissioner. The granting or denial of permission shall be based on the potential for environmental harm caused by the hauling of a specific waste or wastes, such as cross contamination with domestic wastes, animal wastes, landfill leachate, or biosolids as defined in 327 IAC 6.1-2-7.

(c) A restricted license may be issued for a vehicle that does not comply with specific requirements of this rule but is adequate to clean designated sewage disposal systems or types of systems or transport or land apply wastewater. The specific conditions that the vehicle is and is not required to meet shall be stated on the license.

(d) Wastewater management vehicle licenses are not transferable. *(Water Pollution Control Division; 327 IAC 7.1-5-4; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3729; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-5-5 Transition

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 5. (a) Any permittee possessing a valid vehicle license on the effective date of this article shall, prior to the expiration of that license, submit an application for renewal of the license in accordance with section 1 of this rule. A renewal license will be issued subject to section 2 of this rule and according to the following schedule:

(1) Any permittee whose place of business is located outside of Indiana or any permittee whose place of business is located in the counties of:

(A) Adams;
(B) Allen;
(C) Bartholomew;
(D) Benton;
(E) Blackford;
(F) Boone;
(G) Brown;
(H) Carroll;
(I) Cass;
(J) Clark;
(K) Clay;
(L) Clinton;
(M) Crawford;
(N) Daviess;
(O) Dearborn;
(P) Decatur;
(Q) Dekalb;
(R) Delaware;

(S) Dubois;
(T) Elkhart;
(U) Fayette;
(V) Floyd;
(W) Fountain;
(X) Franklin;
(Y) Fulton;
(Z) Gibson;
(AA) Grant; and
(BB) Greene;

in Indiana will be issued a license valid for one (1) year.

(2) Any permittee whose place of business is located in the counties of:

(A) Hamilton;
(B) Hancock;
(C) Harrison;
(D) Hendricks;
(E) Henry;
(F) Howard;
(G) Huntington;
(H) Jackson;
(I) Jasper;
(J) Jay;
(K) Jefferson;
(L) Jennings;
(M) Johnson;
(N) Knox;
(O) Kosciusko;
(P) LaGrange;
(Q) Lake;
(R) LaPorte;
(S) Lawrence;
(T) Madison;
(U) Marion; and
(V) Marshall;

in Indiana will be issued a license valid for two (2) years.

(3) Any permittee whose place of business is located in the counties of:

(A) Martin;
(B) Miami;
(C) Monroe;
(D) Montgomery;
(E) Morgan;
(F) Newton;
(G) Noble;
(H) Ohio;
(I) Orange;
(J) Owen;
(K) Parke;
(L) Perry;
(M) Pike;

(N) Porter;
(O) Posey;
(P) Pulaski;
(Q) Putnam;
(R) Randolph;
(S) Ripley;
(T) Rush;
(U) St. Joseph;
(V) Scott;
(W) Shelby;
(X) Spencer;
(Y) Starke;
(Z) Steuben;
(AA) Sullivan;
(BB) Switzerland;
(CC) Tippecanoe;
(DD) Tipton;
(EE) Union;
(FF) Vanderburgh;
(GG) Vermillion;
(HH) Vigo;
(II) Wabash;
(JJ) Warren;
(KK) Warrick;
(LL) Washington;
(MM) Wayne;
(NN) Wells;
(OO) White; and
(PP) Whitley;

in Indiana will be issued a license valid for three (3) years.

(b) In no case shall a license be issued for a term longer than the associated wastewater management permit required under 327 IAC 7.1-3-1(1). *(Water Pollution Control Division; 327 IAC 7.1-5-5; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3729; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

Rule 6. Licensed Vehicle Operation

327 IAC 7.1-6-1 Vehicle requirements; general

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 1. (a) The current vehicle license issued by the commissioner must be maintained in the vehicle at all times.

(b) The operator shall remove wastewater from the sewage disposal system so as to minimize the occurrence of spills. Completion of wastewater removal includes the following:

(1) Closing all access openings to the sewage disposal system.
(2) Cleaning up any spilled wastewater.
(3) Providing the customer with a completed, legible invoice showing the following:
(A) The customer's name and address.
(B) The date the customer's sewage disposal system was cleaned.
(C) The amount of wastewater removed from the system in gallons.

(4) The invoice required in subdivision (3) must bear the following:

(A) The name and address of the permitted wastewater management business.

(B) The permittee's wastewater management permit number.

(C) The vehicle license number, as assigned by the commissioner, of the vehicle used in cleaning the customer's sewage disposal system.

(c) When transporting wastewater, licensed vehicles must be maintained to prevent the leakage, spillage, or discharge of wastewater onto ground surfaces or public roads, including the following:

(1) Portable sanitary units, including chemical toilets, and equipment on the vehicle must be secured to prevent detachment from the vehicle during transport.

(2) Portable sanitary units, including chemical toilets, and equipment on the vehicle must be maintained to prevent any leakage or spillage of wastewater during transport.

(Water Pollution Control Division; 327 IAC 7.1-6-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3730; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-6-2 Vehicle requirements; tanks

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 2. The vehicle must be equipped with a leak-proof tank suitable for containment of wastewater from cleaning sewage disposal systems and must meet the following requirements unless otherwise specified under a restricted license:

(1) The tank must be securely affixed to the vehicle chassis.

(2) The tank must have a capacity of at least one thousand (1,000) gallons.

(3) The tank must be constructed of a metal adequate to prevent collapse when a vacuum is created.

(4) The tank, if more than seven (7) feet long as measured along the axis of vehicle travel, must contain interior baffles of sufficient cross-sectional area to adequately dampen movement of contained liquid during vehicle travel or braking. The baffles must be composed of the same material as the tank and must have the same or greater thickness as the tank walls. The baffles must be firmly attached to the interior tank wall at least every seven (7) feet along the axis of vehicle travel and must allow for complete draining of the contained wastewater.

(5) The tank must have a discharge opening of a minimum of two and one-half (2½) inches in diameter, and the discharge point shall allow for complete draining of the contained wastewater.

(6) The tank must have watertight valves provided at the tank's inlet and outlet. Watertight caps or plugs must be installed whenever the inlet and outlet openings are not being used to transfer the wastewater.

(7) The tank must be constructed so that its interior and exterior can be cleaned.

(8) A device must be installed on the tank to visually indicate from the exterior of the tank the wastewater level in the tank.

(Water Pollution Control Division; 327 IAC 7.1-6-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-6-3 Vehicle requirements; pumping system

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 3. A vehicle pumping system must meet the following requirements:

(1) The inlet and discharge of the sewage pumps must be a minimum of two and one-half (2½) inches in diameter.

(2) The vehicle engine intake manifold must not be used as a vacuum source.

(3) The pump installation must be such that leakage is prevented.

(4) All exposed connections or openings must be made watertight with caps or plugs when the pumping system is being used to transfer liquid or wastewater.

(Water Pollution Control Division; 327 IAC 7.1-6-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-6-4 Vehicle requirements; hoses

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 4. A vehicle hose must meet the following requirements:

(1) The hose must:

(A) be maintained in good condition;

(B) have an inside diameter of not less than two and one-half (2½) inches; and

(C) be equipped with leakproof connectors.

(2) The hose must be of such material and construction that every portion of the interior and exterior can be cleaned.

(3) All exposed hose openings or connections must be capped or plugged watertight when not in use unless the hoses have been flushed and rinsed clean or are carried in a leakproof storage compartment on the vehicle.

(Water Pollution Control Division; 327 IAC 7.1-6-4; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-6-5 Vehicle requirements; land application vehicles

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 5. Vehicles and equipment that will be used on-site for surface application of wastewater must have a spray bar or splash plate and a screening device that will distribute the wastewater while the vehicle is in motion. The screening device must be capable of preventing the application of materials not defined as wastewater. The wastewater distribution device must be designed to allow the device to be cleaned. *(Water Pollution Control Division; 327 IAC 7.1-6-5; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-6-6 Vehicle requirements; vehicle

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 6. Wastewater management vehicle identification labeling must be a minimum of three-eighths (d) inch in width and of a color contrasting with the background. Such identification must be maintained in a legible condition at all times. All licensed wastewater management vehicles must bear the following visual identification:

(1) There must be labeled on both vehicle doors, or on the front quarter of the tank on both sides, where the tank wall is vertical, the business name and phone number, followed by the word "VEHICLE" followed by the vehicle license number assigned by the commissioner, in letters and numbers all at least two (2) inches tall.

(2) The maximum capacity of the vehicle tank shall be painted at a location visible at all times, either on both sides of the tank or at the rear of the tank in letters and numbers at least two (2) inches tall.

(Water Pollution Control Division; 327 IAC 7.1-6-6; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

Rule 7. Wastewater Disposal

327 IAC 7.1-7-1 General requirements

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 1. (a) Disposal may be by discharge into a wastewater treatment plant or treatment works collection system that has a valid National Pollutant Discharge Elimination System permit issued by the commissioner under 327 IAC 5 as follows:

(1) The discharge point, method of discharge, and wastewater quality must be in accordance with the requirements of the wastewater treatment plant accepting the wastewater.
(2) Wastewater must not be disposed of through a wastewater treatment plant or sewerage system without prior written permission of the responsible official in charge of the wastewater treatment plant or sewerage system.
(b) Domestic septage, grease, or mixed load may be disposed of in a permitted wastewater treatment facility as follows:
(1) Disposal may be by discharge into a treatment facility specifically designed for the treatment of domestic septage, grease, or mixed load.
(2) Facilities for the treatment of domestic septage, grease, or mixed load must have a valid wastewater management permit issued under 327 IAC 7.1-4.
(c) Wastewater may be disposed of in a municipal solid waste landfill as follows:
(1) Wastewater may be disposed at a municipal solid waste landfill possessing a valid solid waste management permit from the commissioner in accordance with the rules of the solid waste management board at 329 IAC 10.
(2) Liquid waste must not be accepted for disposal by any municipal solid waste landfill. Free liquid shall be determined utilizing Method 9095 (Paint Filter Liquids Test) as described in the U.S. Environmental Protection Agency Publication SW-846. Free liquids must be removed or solidified before disposal.
(d) Wastewater may be disposed of at an approved land application site as follows:
(1) Wastewater may be disposed at land application sites in compliance with this article. The wastewater may be in the form of grease, domestic septage, or a mixed load. No disposal of wastewater shall be permitted on the land at any property or location without a valid land application approval issued under 327 IAC 7.1-8.
(2) The contents of chemical toilets or Type III marine sanitation devices must not be land applied under this article.
(3) Sludges or waste products that are not wastewater must not be land applied under this article.
(4) During the period of the approval, land application sites for disposal of wastewater cannot be used for the disposal of animal manures or biosolids as defined in 327 IAC 6.1-2-7.
(e) Wastewater may be stored at a storage facility as follows:
(1) Pending final disposal at an approved land application site.
(2) Facilities for the storage of wastewater must be constructed or installed in compliance with this article.
(3) Facilities for the storage of wastewater must have a valid wastewater management permit issued under 327 IAC 7.1-4.
(Water Pollution Control Division; 327 IAC 7.1-7-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3732; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-7-2 Wastewater origins; notifications
Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-11-2-99; IC 13-18-12; IC 13-22-2-3

Sec. 2. A permittee, owner, or operator shall notify the commissioner if requested to haul wastewater where there is reason to believe the wastewater may contain one (1) or more of the following:
(1) A pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act, 33 U.S.C. Section 1251, et seq.
(2) A hazardous waste as described in IC 13-11-2-99.
(3) A hazardous waste that is listed under IC 13-22-2-3.
(Water Pollution Control Division; 327 IAC 7.1-7-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3732; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

Rule 8. Land Application; General Requirements

327 IAC 7.1-8-1 Land application approval requirements
Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12; IC 25-31.5

Sec. 1. (a) An application for a wastewater land application site approval, including a renewal, must be submitted to the commissioner, on a form provided by the commissioner. An application is considered complete only after all information requested has been submitted.

(b) An application for renewal of an existing land application approval shall be:

(1) postmarked;

(2) hand delivered to the office of land quality, Indiana department of environmental management; or

(3) deposited with a private carrier as shown by the receipt issued by the carrier, if the application is sent by the private carrier to the address for the department on the application;

prior to the expiration date of the permit or the permit will be invalid upon expiration.

(c) The application must be accompanied by all of the following:

(1) A statement, signed by the property owner that:

(A) grants permission to dispose of wastewater on the property;

(B) acknowledges the crop and use limitations of sections 9 and 10 of this rule for land used for wastewater land application as set forth by this rule; and

(C) states activities specified in the application are not prohibited by any covenant of record.

(2) The name, mailing address, and telephone number of the property owner.

(3) A county map clearly indicating the location of the property on which wastewater application is proposed.

(4) An accurate drawing clearly delineating the proposed wastewater application site and the area within one-quarter (¼) mile of the site in all directions. The drawing must use a scale of one (1) inch per one hundred (100) feet and show north. The drawing shall clearly and accurately indicate the location of all features of interest, including the following:

(A) Potable water supplies.

(B) Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water.

(C) Drainage inlets and tile systems.

(D) Rock outcrops, sinkholes, or undrained depressions.

(E) The location and use of all structures, including residences or places of business and any public gathering places.

(F) The location of all property lines, easements, and public roads.

(G) The critical habitat of endangered or threatened species.

(H) Historical sites.

(I) Public water supply surface intake structures.

(J) Public water supply wells.

(5) A soil survey map or a report by a soil scientist registered under IC 25-31.5 or certified by the American Registry of Certified Professionals in Agronomy, Crops, and Soils (ARCPACS), classifying the soils and their permeabilities within the proposed site and specifying the site's suitability for wastewater disposal by indicating the following:

(A) That at least three (3) feet of soil exists at all times between the point of application and the:

(i) water table;

(ii) bedrock; or

(iii) both clauses (A) and (B).

(B) That the land application site is not located in the flood plain of the base flood or one hundred (100) year flood.

(C) That the soil permeability is slower than or equal to six (6) inches per hour for the first three (3) feet below the point of application.

(6) Additional information from the owner or operator as follows:

(A) A statement regarding the form or forms of wastewater to be land applied at the site: domestic septage, grease, or mixed load.

(B) Facts demonstrating that the site is not located in a sensitive area as defined at 327 IAC 7.1-2-34.

(C) Facts demonstrating that the site is land with a low potential for public exposure as defined at 327 IAC 7.1-2-21.

(D) The number of acres of area available for the application site after setbacks have been taken into consideration.

(E) A description of all land application methods to be utilized at the site.

(F) The estimated annual amount of wastewater to be applied at the site.

(G) The total amount of wastewater that has been applied to the site in all previous years.

(H) A plan indicating what crops are to be grown on the site during the effective period of the approval or if the site will be pasture land or set aside.

(7) A fee of thirty dollars ($30) per site per year.

(d) Wastewater land application sites will not be approved unless the requirements of subsection (c), including, but not limited to, the site location and soil requirements, are met. *(Water Pollution Control Division; 327 IAC 7.1-8-1; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3732; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-8-2 Wastewater land application sites; prohibitions

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 2. The application of wastewater at a land application site must not:

(1) cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife;

(2) result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR 17.11 and 50 CFR 17.12;

(3) cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES) under 327 IAC 5;

(4) cause nonpoint source pollution to waters of the state;

(5) contaminate a drinking water source;

(6) cause soil erosion; or

(7) be located in a sensitive area.

(Water Pollution Control Division; 327 IAC 7.1-8-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3733; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-8-3 Action on application

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12; IC 36-9-30-35

Sec. 3. (a) The commissioner may issue or renew a land application approval only after the following:

(1) Receipt of a completed application in accordance with section 1 of this rule.

(2) An inspection of the proposed land application site to determine if the site and proposed methods of application will comply with the requirements of this rule.

(3) A valid wastewater management permit has been issued to the applicant under this article.

(b) An approval may be renewed with new or modified conditions based on the information provided in subsection (a).

(c) The commissioner may:

(1) deny an approval application or a renewal approval;

(2) limit the length of an approval or renewal approval to one (1) year; or

(3) place additional conditions on an approval or renewal approval;

if the commissioner determines that one (1) or more of the criteria in subsection (d) demonstrate the applicant's inability or unwillingness to manage wastewater under the requirements of IC 13-18-12 or this article.

(d) The commissioner may deny, limit the length of, or place additional conditions on an approval or renewal approval based on one (1) or more of the following:

(1) The applicant has been convicted of a crime under IC 13-30-6 *[IC 13-30-6 was repealed by P.L.137-2007, SECTION 37, effective July 1, 2007.]* or IC 36-9-30-35.

(2) The applicant's previous approval or permit to operate has been revoked by the commissioner under:

(A) this article; or

(B) 327 IAC 7, which was repealed in 2002.

(3) The applicant has a history of one (1) or more violations of IC 13 or rules promulgated by authority of IC 13.

(4) The applicant was the subject of one (1) or more administrative or judicial enforcement actions concerning wastewater management under this article or 327 IAC 7, which was repealed in 2002.

(5) The applicant is the subject of one (1) or more pending administrative or judicial enforcement actions commenced under authority of IC 13.

(e) The application for an approval or the issuance of an approval does not:

(1) convey any property rights of any sort or any exclusive privileges to the applicant or approval holder;

(2) authorize:

(A) any injury to any person or private property;

(B) invasion of other property rights; or

(C) any infringement of federal, state, or local laws or regulations; or

(3) preempt any duty to comply with other federal, state, or local requirements.

(f) After the transition process described in section 6 of this rule, all approvals shall be issued for a period not to exceed three (3) years unless limited to one (1) year under subsection (c). No approval shall be issued for a term longer than the associated permit required under 327 IAC 7.1-3-1(1). *(Water Pollution Control Division; 327 IAC 7.1-8-3; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3734; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-8-4 Updating information

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 4. If the information provided in the application for the land application approval changes, the applicant or holder of the approval shall provide the new information to the commissioner no more than fifteen (15) days after the information provided in the application changes. The commissioner may modify the approval based on this information. *(Water Pollution Control Division; 327 IAC 7.1-8-4; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3734; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-8-5 Approval conditions

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 5. All wastewater land application approvals shall be issued subject to the following conditions and such additional conditions as may be stated on the approval:

(1) The valid wastewater land application approval or copy of the approval must be carried in any vehicle disposing of wastewater at an application site at all times; such approval or copy of the approval must be available for inspection by representatives of the commissioner or any law enforcement officer.

(2) Surface application must be performed using equipment described in 327 IAC 7.1-6-5.

(3) The property on which the wastewater land application site is located must be posted with signs reading, "NO TRESPASSING". Such signs must be posted along all access points to the site.

(4) The usable portion of any land application site must be that area indicated on the application for approval and remaining after setbacks and all other restrictions are applied. This area must be clearly marked every one hundred (100) yards at its boundaries by flags or other boundary markers.

(5) The applicable requirements of this rule must be met.

(6) Land application approvals are not transferable.

(Water Pollution Control Division; 327 IAC 7.1-8-5; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3734; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-8-6 Transition

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 6. (a) Any holder of a valid land application approval on the effective date of this article shall, prior to the expiration of that approval, submit an application for renewal of that approval in accordance with section 1 of this rule. A renewal approval will be issued subject to section 2 of this rule and according to the following schedule:

(1) Any holder of an approval whose place of business is located in the counties of:

(A) Adams;
(B) Allen;
(C) Bartholomew;
(D) Benton;
(E) Blackford;
(F) Boone;
(G) Brown;
(H) Carroll;
(I) Cass;
(J) Clark;
(K) Clay;
(L) Clinton;
(M) Crawford;
(N) Daviess;
(O) Dearborn;
(P) Decatur;
(Q) Dekalb;
(R) Delaware;
(S) Dubois;
(T) Elkhart;
(U) Fayette;
(V) Floyd;
(W) Fountain;
(X) Franklin;
(Y) Fulton;
(Z) Gibson;
(AA) Grant; and
(BB) Greene;

in Indiana will be issued an approval valid for one (1) year.

(2) Any holder of an approval whose place of business is located in the counties of:

(A) Hamilton;
(B) Hancock;
(C) Harrison;
(D) Hendricks;
(E) Henry;
(F) Howard;
(G) Huntington;
(H) Jackson;
(I) Jasper;
(J) Jay;
(K) Jefferson;

(L) Jennings;
(M) Johnson;
(N) Knox;
(O) Kosciusko;
(P) LaGrange;
(Q) Lake;
(R) LaPorte;
(S) Lawrence;
(T) Madison;
(U) Marion; and
(V) Marshall;

in Indiana will be issued an approval valid for two (2) years.

(3) Any holder of an approval whose place of business is located in the counties of:

(A) Martin;
(B) Miami;
(C) Monroe;
(D) Montgomery;
(E) Morgan;
(F) Newton;
(G) Noble;
(H) Ohio;
(I) Orange;
(J) Owen;
(K) Parke;
(L) Perry;
(M) Pike;
(N) Porter;
(O) Posey;
(P) Pulaski;
(Q) Putnam;
(R) Randolph;
(S) Ripley;
(T) Rush;
(U) St. Joseph;
(V) Scott;
(W) Shelby;
(X) Spencer;
(Y) Starke;
(Z) Steuben;
(AA) Sullivan;
(BB) Switzerland;
(CC) Tippecanoe;
(DD) Tipton;
(EE) Union;
(FF) Vanderburgh;
(GG) Vermillion;
(HH) Vigo;
(II) Wabash;
(JJ) Warren;

(KK) Warrick;
(LL) Washington;
(MM) Wayne;
(NN) Wells;
(OO) White; and
(PP) Whitley;

in Indiana will be issued an approval valid for three (3) years.

(b) No approval shall be issued for a term longer than the associated wastewater management permit required under 327 IAC 7.1-3-1(1). *(Water Pollution Control Division; 327 IAC 7.1-8-6; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3735; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-8-7 Wastewater land application rates and records

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 7. (a) The amount of wastewater to be applied shall not exceed the following except as approved by the commissioner under subdivision (2):

(1) The annual application rate for domestic septage or mixed load shall not exceed:

(A) seventy-six thousand (76,000) gallons per acre based on two hundred (200) pounds of nitrogen, on land being prepared for growing corn, during the next growing season*;

(B) thirty-eight thousand (38,000) gallons per acre based on one hundred (100) pounds of nitrogen, on land being prepared for growing soybeans, wheat, or hay, during the next growing season*;

(C) nineteen thousand (19,000) gallons per acre based on fifty (50) pounds of nitrogen, on land that is grass, pasture, set aside, or otherwise idle for continued growth*.

(2) Proposed wastewater annual application rates that:

(A) will exceed the maximum amount of nitrogen specified in subdivision (1); or

(B) are for crops for which no maximum amount of nitrogen is specified in subdivision (1) may be approved by the commissioner if an equivalent or greater protection to the environment or public health can be shown.The U.S. Environmental Protection Agency formula for annual application rates must be used to compute the proposed rates*.

(3) The maximum annual rate for grease only shall not exceed ten thousand (10,000) gallons per acre.

(4) Land application of wastewater shall cease at the site when a total of two hundred thousand (200,000) gallons per acre of wastewater has been applied. The commissioner must then be notified prior to further land application at the site. The commissioner shall require soil tests for heavy metals and PCBs utilizing representative soil samples from the areas of application to ensure that conditions are not created which would endanger public health or have an adverse impact on vegetation and future crop utilization. The initial test results must be submitted to and approved by the commissioner prior to further land application at the site. The initial test results will be used to determine if and at what frequency tests for heavy metals and PCBs will be required by the commissioner from the approval holder in the future to ensure that conditions are not created which would endanger public health or have an adverse impact on vegetation and future crop utilization.

(5) The wastewater must be surface spread or injected uniformly to prevent overlapping. Spot dumping from stationary vehicles is not permitted.

(6) The operator must keep an operating record of the amount of wastewater applied. This record must be:

(A) updated each application day; and

(B) located at the permitted wastewater management business address and made available to representatives of the commissioner during normal business hours for inspection.

(b) For each day that wastewater is land applied the operator must record and retain for five (5) years on a land application report form information as follows:

Land Application for the _____ Quarter of _____

Business Name: _____

Business Permit Number: _____

Site ID Number & County: _____ Page _____ of _____

Date of Application	Volume Applied in Gallons	Type of Load Septic/Mixed/Grease	Method of Application	Number of Acres Used	Crop Nitrogen Requirement	pH and Duration (test1/test 2)	Vehicle Operator

I certify under penalty of law that the pathogen requirements and the vector attraction reduction requirements in 327 IAC 7.1-8 have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.

Permittee's Signature:_____

Date: _____ Total Gallons of Wastewater Applied this Quarter: _____

(1) Business name.
(2) Business permit number assigned by the commissioner.
(3) The site identification number assigned by the commissioner.
(4) County in which the wastewater is applied.
(5) The date wastewater is applied to each site.
(6) The volume, in gallons, at which wastewater is applied to each site.
(7) Type of the wastewater load applied: domestic septage, mixed load, or grease.
(8) Method of application.
(9) Number of acres used.
(10) The nitrogen requirement for the crop or vegetation to be grown on the site based on the pounds of nitrogen specified in subsection (a)(1)(A), (a)(1)(B), or (a)(1)(C), or as approved by the commissioner under subsection (a)(2).
(11) pH and duration (test twice, at the start of the required time and at the end of the required time).
(12) Vehicle operator.
(13) The certification statement, "I certify under penalty of law that the pathogen requirements and the vector attraction reduction requirements in 327 IAC 7.1-8 have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.".

*The annual application rates are based on the U. S. Environmental Protection Agency formula as follows: Annual

Application Rate equals pounds of nitrogen per year per crop divided by 0.0026 (AAR ' N/0.0026). *(Water Pollution Control Division; 327 IAC 7.1-8-7; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3736; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-8-8 Wastewater land application; setbacks

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 8. Wastewater shall not be applied or allowed to drain closer to the following features than the minimum setbacks indicated below:

	Method of Land Application	
Features of Interest	Surface Spreading	Surface Spreading with Incorporation or Injection
Potable water supplies	500 feet	500 feet
Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water	200 feet	100 feet
Drainage inlets and tile systems	100 feet	50 feet
Rock outcrops, sinkholes, or undrained depressions	100 feet	50 feet
Residences, places of business, or public gathering places	600 feet	500 feet
Public roads	300 feet	200 feet
Property lines or easements	100 feet	50 feet
Historic sites	1,000 feet	1,000 feet
The critical habitat of endangered or threatened species	1,000 feet	1,000 feet
Public water supply well or public water supply surface intake structure	1,000 feet	1,000 feet

(Water Pollution Control Division; 327 IAC 7.1-8-8; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3738; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

327 IAC 7.1-8-9 Land application of wastewater; prohibitions; and management practices

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 9. (a) The land application of wastewater must be performed only in accordance with the following:

(1) No domestic septage or mixed load may be disposed at a land application site unless the domestic septage or mixed load has been treated to reduce pathogens prior to disposal as follows:

(A) If the load is domestic septage only, the pH must be raised to twelve (12) or higher by addition of alkaline material and, without the addition of more alkaline material, shall remain at twelve (12) or higher for at least thirty (30) minutes. This test must be done twice, at the start of thirty (30) minutes and at the end of thirty (30) minutes.

(B) If the load is a mixed load, then the pH must be raised to twelve (12) or higher by addition of alkaline material and, without the addition of more alkaline material, shall remain at twelve (12) or higher for at least two (2) hours. This test must be done twice, at the start of two (2) hours and at the end of two (2) hours.

(C) Processes to reduce pathogens other than lime stabilization may be utilized only as listed and described in 40 CFR 257, Appendix II A.

(D) Any process to reduce pathogens in domestic septage or a mixed load other than lime stabilization must be approved by the commissioner prior to use based on a plan submitted by the approval holder specifying how that specific treatment process will be utilized.

(2) Grease must not be disposed of at any land application site unless injection or incorporation into the soil occurs within six (6) hours after application.

(3) Each container of wastewater applied to the land shall be monitored by the operator for compliance with the treatment

process for domestic septage, mixed loads, or the land application method utilized under subdivision (2) for grease.

(4) Land application is prohibited under any of the following environmental conditions:

(A) When either or both of the following occurs:

(i) The surface soil temperature is less than thirty-two (32) degrees Fahrenheit at the time of intended application.

(ii) The site is snow covered.

(B) When the moisture holding capacity of the soil has been exceeded.

(C) Under any other conditions that would result in, or are likely to result in, run-off of wastewater from the site of application.

(5) Under no conditions shall wastewater be discharged or allowed to drain to the waters of the state. Wastewater shall not be applied to:

(A) road ditches; or

(B) swales, sink holes, field depressions, or channels that carry running water during snow melt or rainfall.

(6) Wastewater that is surface applied shall not be allowed to pool, pond, or remain as a liquid on the ground for more than twenty-four (24) hours after application.

(7) Injection of wastewater below the surface of the land must leave no significant amount of the wastewater present on the land within one (1) hour after application.

(8) All wastewater must be disposed so that no threat to human health or the environment is created.

(b) Land that is used for the application of a mixed load or grease must not be used for the production of any food crop unless the soil is tested yearly and the results found acceptable under 40 CFR 257.3-5(a)(1), using the definitions found in 40 CFR 257.3-5(c). The test results must be submitted to IDEM on a yearly basis. The limitations and restrictions regarding land use and crop management also must be followed.

(c) Land that is used for the application of only domestic septage may be used for the production of food crops when the limitations and restrictions regarding land use and crop management contained in section 10 of this rule are followed. *(Water Pollution Control Division; 327 IAC 7.1-8-9; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3738; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)*

327 IAC 7.1-8-10 Limitations and restrictions regarding land use and crop management

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 10. (a) The following limitations and restrictions on land use and crop management must be followed where grease only has been land applied:

(1) Access to the site by the public must be prohibited for twelve (12) months following the last grease application.

(2) Access by animals whose products are consumed by humans must be prevented for at least thirty (30) days following the last grease application.

(3) Food crops for direct human consumption must not be grown for eighteen (18) months following the last grease application.

(b) The following limitations and restrictions on land use and crop management must be followed where domestic septage only has been land applied:

(1) Food crops with harvested parts that touch the septage and soil mixture and are totally aboveground must not be harvested for fourteen (14) months after application of domestic septage.

(2) Food crops with harvested parts below the surface of the land must not be harvested for twenty (20) months after application of domestic septage when the domestic septage remains on the land surface for four (4) months or longer prior to incorporation into the soil.

(3) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight (38) months after application of domestic septage when the domestic septage remains on the land surface for less than four (4) months prior to incorporation into the soil.

(4) Animal feed, fiber, and those food crops whose harvested parts do not touch the soil surface must not be harvested for

thirty (30) days after application of the domestic septage.

(5) Turf grown on land where domestic septage is applied must not be harvested for one (1) year after application of the domestic septage when the harvested turf is placed on either a lawn or land with a high potential for public exposure.

(c) The following limitations and restrictions on land use and crop management must be followed where a mixed load has been land applied:

(1) Access to the site by the public must be prohibited for twelve (12) months following the last mixed load application.

(2) Access by animals whose products are consumed by humans must be prevented for at least thirty (30) days following the last mixed load application.

(3) Food crops for direct human consumption must not be grown for eighteen (18) months following the last mixed load application.

(4) Food crops with harvested parts that touch the mixed load and soil mixture and are totally aboveground must not be harvested for fourteen (14) months after application of the mixed load.

(5) Food crops with harvested parts below the surface of the land must not be harvested for twenty (20) months after application of the mixed load when the mixed load remains on the land surface for four (4) months or longer prior to incorporation into the soil.

(6) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight (38) months after application of the mixed load when the mixed load remains on the land surface for less than four (4) months prior to incorporation into the soil.

(7) Animal feed, fiber, and those food crops whose harvested parts do not touch the soil surface must not be harvested for thirty (30) days after application of the mixed load.

(8) Turf grown on land where the mixed load is applied must not be harvested for one (1) year after application of the mixed load when the harvested turf is placed on either a lawn or land with a high potential for public exposure.

(Water Pollution Control Division; 327 IAC 7.1-8-10; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3739; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA)

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