

# **TITLE 329 SOLID WASTE MANAGEMENT DIVISION**

*NOTE: Under P.L.133-2012, SECTION 72, the statutory authority to adopt these rules has been transferred to the Environmental Rules Board to be administered and implemented by the Solid Waste Management Division of the Department of Environmental Management, effective January 1, 2013.*

## **ARTICLE 1. GENERAL PROVISIONS**

### **Rule 1. Provisions Applicable Throughout Title 329**

#### **329 IAC 1-1-1 Applicability of rule**

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-17-3

Sec. 1. This rule (329 IAC 1-1) is applicable to all of Title 329 IAC. *(Solid Waste Management Division; 329 IAC 1-1-1; filed May 31, 1988, 2:42 p.m.: 11 IR 3199; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 233)*

#### **329 IAC 1-1-2 Severability**

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-14-8; IC 13-17-3

Sec. 2. If any provision of these rules (329 IAC) or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect any other provision or application of these rules (329 IAC) which can be given effect without the invalid provision or application. *(Solid Waste Management Division; 329 IAC 1-1-2; filed May 31, 1988, 2:42 p.m.: 11 IR 3200; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 233)*

#### **329 IAC 1-1-3 Savings clause**

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-14-8; IC 13-17-3

Sec. 3. The repeal and reenactment in this Title (329 IAC) of any rule previously the responsibility of the Solid Waste Management Board, the Environmental Management Board, or the Stream Pollution Control Board shall not have the effect to release or extinguish any penalty or forfeiture incurred under the same, and such previous rule shall be treated as still remaining on in force for the purpose of sustaining any proper action, or prosecution for the enforcement of such penalty, forfeiture or liability. *(Solid Waste Management Division; 329 IAC 1-1-3; filed May 31, 1988, 2:42 p.m.: 11 IR 3200; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 233)*

#### **329 IAC 1-1-4 Reference to federal acts**

Authority: IC 13-14-8; IC 13-17-3

Affected: IC 13-14-8; IC 13-17-3

Sec. 4. (a) Unless otherwise indicated, references in these rules (329 IAC) to the Resource Conservation and Recovery Act (RCRA) shall mean the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, by the Hazardous and Solid Waste Amendments of 1984, as amended, 4 U.S.C. §6901, et seq. Unless otherwise indicated, references in these rules (329 IAC) to the Comprehensive Environmental Response, Compensation and Liability Act (CERLA) [*sic.*, (CERCLA)] shall mean the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, as amended, 42 U.S.C. §9601, et seq. Unless otherwise indicated, references in these rules (329 IAC) to the Toxic Substances Control Act as amended by the Asbestos Hazard Emergency Response Act of 1986, as amended, 15 U.S.C. §2601 et seq.

(b) Unless otherwise indicated, as in 329 IAC 3.1, references to the Code of Federal Regulation [*sic.*] (CFR) shall mean the 1987 version. *(Solid Waste Management Division; 329 IAC 1-1-4; filed May 31, 1988, 2:42 p.m.: 11 IR 3200; readopted filed Sep*

SOLID WASTE MANAGEMENT DIVISION

---

7, 2001, 1:35 p.m.: 25 IR 233)

\*