ARTICLE 11. SOLID WASTE PROCESSING FACILITIES

Rule 1. General Provisions

329 IAC 11-1-1 Enforcement

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30; IC 36-9-30

Sec. 1. This article shall be enforced through the provisions of IC 13-14-10, IC 13-15, or IC 13-30-3 through IC 13-30-6 *[IC 13-30-6 was repealed by P.L.137-2007, SECTION 37, effective July 1, 2007.]*, or any combination thereof, as appropriate. *(Solid Waste Management Division; 329 IAC 11-1-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1926; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-1-2 Penalties

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 2. Penalties for violation of this article shall be governed by IC 13-30-3 through IC 13-30-7. *(Solid Waste Management Division; 329 IAC 11-1-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1926; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-1-3 Reporting

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 3. (a) Any permittee required to monitor under this article or by any permit issued under this article shall maintain all records of all monitoring information and monitoring activities, including the following:

(1) The date, exact place, and time of the sampling or measurements.
(2) The person or persons who performed the sampling or measurements.
(3) The date or dates analyses were performed.
(4) The person or persons who performed the analyses.
(5) The sampling methods used.
(6) All quality assurance/quality control documentation.
(7) The analytical techniques or methods used.
(8) The results of the measurements or analyses.

(b) All records of monitoring activities and results shall be retained by the permittee for three (3) years. The three (3) year period shall be extended:

(1) automatically during the course of any unresolved litigation between the commissioner and a permittee; or
(2) as required by the permit conditions.

(c) The owner, operator, or permittee of a solid waste processing facility shall record and retain at the facility in an operating record, or in an alternative location approved by the commissioner, any records required by this article.

(d) Information submitted to the department to meet a requirement of this article must meet the following standards:

(1) All drawings, plans, maps, and documentation must be properly titled and must include the following where applicable:
    (A) The date and author of each drawing, plan, or map.
    (B) Documentation of the coordinate system of the drawing, plan, or map, including the following:
        (i) Measurement units.
        (ii) Datum.
        (iii) Identification of the coordinate system that was used, such as the Universal Transverse Mercator or the

State Plane Coordinate System.

(C) A bar scale on each drawing, plan, or map.

(D) Elevations that correlate with United States Geological Survey mean sea level data.

(E) The facility name.

(F) The state regulatory identification number, such as a permit number or authorization number.

(G) The facility's United States Environmental Protection Agency identification number, if available.

(H) A north arrow.

(I) A map legend.

(2) Submittals of sampling and monitoring results must include the following:

(A) Results of laboratory analyses.

(B) Results of field measurements, including water elevations and well depths if applicable.

(C) Laboratory name.

(D) Date of the sampling or monitoring event.

(Solid Waste Management Division; 329 IAC 11-1-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1926; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-1-4 Variances

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 4. The commissioner may grant a variance from compliance with provisions of this article in accordance with the provisions of IC 13-14-8-8 through IC 13-14-8-11. *(Solid Waste Management Division; 329 IAC 11-1-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1927; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-1-5 Severability

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 5. If any provision of this article, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect any other provisions or applications of this article which can be given effect without the invalid provision or application. *(Solid Waste Management Division; 329 IAC 11-1-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1927; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

Rule 2. Definitions

329 IAC 11-2-1 Definitions

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 1. In addition to the definitions found in IC 13-11-2, the definitions in this rule apply only to this article. *(Solid Waste Management Division; 329 IAC 11-2-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1927; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-2 "Access road" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 2. "Access road" means a road that leads to the entrance of a solid waste processing facility, normally a county, state, or federal highway. *(Solid Waste Management Division; 329 IAC 11-2-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1927; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-2.3 "Adjoining land" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 2.3. "Adjoining land" means the land that abuts or touches land upon which a solid waste processing facility is located. If the immediately adjoining land is owned by the permittee or the solid waste processing facility, the adjoining land is the first abutting land not owned by the permittee unless the first abutting land is greater than one-half (1/2) mile from the solid waste processing facility boundary. If there is a road or other right-of-way adjoining the property, then the land that would otherwise be adjoining if not for the presence of the road or other right-of-way is also adjoining. *(Solid Waste Management Division; 329 IAC 11-2-2.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-2.6 "Applicant" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 2.6. "Applicant" means the person who applies for the permit. *(Solid Waste Management Division; 329 IAC 11-2-2.6; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-3 "Ash residue" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 3. "Ash residue" means all solid residue and any entrained liquids resulting from the combustion of solid waste, fossil fuel, or solid waste in combination with fossil fuel at a solid waste incinerator, including:

(1) bottom ash;
(2) boiler ash;
(3) fly ash; or
(4) solid residue of any air pollution control device used at a solid waste incinerator.

(Solid Waste Management Division; 329 IAC 11-2-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1927; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-4 "Base flood" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 4. "Base flood" means a flood:

(1) that has a one percent (1%) or greater chance of recurring in any year; or

(2) of a magnitude equaled or exceeded, on the average, once in one hundred (100) years.
(Solid Waste Management Division; 329 IAC 11-2-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1927; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-5 "Board" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 5. "Board" means the solid waste management board as defined in IC 13-11-2-17(e). *(Solid Waste Management Division; 329 IAC 11-2-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1927; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-5.3 "CESQG hazardous waste" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 5.3. "CESQG hazardous waste" means hazardous waste that is:
(1) generated by a conditionally exempt small quantity generator; and
(2) regulated under 40 CFR 261.5.
(Solid Waste Management Division; 329 IAC 11-2-5.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-5.5 "Closure" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 5.5. "Closure" means those activities, described in 329 IAC 11-16-1, to be completed at the end of waste acceptance at a solid waste processing facility or units of a facility, including closure certification required by 329 IAC 11-16-1, but not including those activities required after certification. *(Solid Waste Management Division; 329 IAC 11-2-5.5; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-5.7 "Closure certification" defined
Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-11-2-17; IC 13-18; IC 25-31; IC 36-9-30

Sec. 5.7. "Closure certification" means a written certification signed by the owner, operator, or permittee and an independent registered professional engineer submitted to the commissioner stating that closure for all units of the facility have been completed in accordance with the approved closure plan. *(Solid Waste Management Division; 329 IAC 11-2-5.7; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-6 "Collection container system" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 6. "Collection container system" has the meaning set forth in 329 IAC 12-2-6. *(Solid Waste Management Division; 329 IAC 11-2-6; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1927; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA;*

readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-7 "Commissioner" defined (Repealed)

Sec. 7. *(Repealed by Solid Waste Management Division; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA)*

329 IAC 11-2-7.3 "Construction/demolition waste" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 7.3. (a) "Construction/demolition waste" means solid waste resulting from the construction, remodeling, repair, or demolition of structures. Such wastes may include any of the following:

(1) Scrap lumber.
(2) Bricks.
(3) Concrete.
(4) Stone.
(5) Glass.
(6) Wallboard.
(7) Roofing.
(8) Plumbing fixtures.
(9) Wiring.
(10) Nonasbestos insulation.

(b) The term does not include the following types of regulated solid waste:

(1) Fluorescent light fixtures.
(2) Appliances.
(3) Regulated asbestos-containing material as defined in 40 CFR 61.
(4) Any other waste resulting from construction, remodeling, repair, or demolition of a structure that, when placed in the landfill, would potentially:
    (A) result in contamination of ground water; or
    (B) present a risk to human health or the environment.

(Solid Waste Management Division; 329 IAC 11-2-7.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-7.4 "Container" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 7.4. "Container" means a portable receptacle in which solid waste or recyclables are held for collection, storage, or transportation. *(Solid Waste Management Division; 329 IAC 11-2-7.4; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-8 "Contaminant" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 8. "Contaminant" means any of the following:

(1) Pollutant as defined in the federal Water Pollution Control Act, 33 U.S.C. 1362 as amended November 18, 1988.
(2) Radioactive material as regulated by the Atomic Energy Act of 1954, 42 U.S.C. 2014 as amended October 24, 1992.
(3) Solid or hazardous waste as determined by the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. as

effective January 1, 1989.

(4) Hazardous substance as defined by the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq. as amended November 23, 1988.

(5) Any toxic substance as determined by the Toxic Substances Control Act, 15 U.S.C. 2603 et seq. as amended October 22, 1986.

(6) Any commingled waste containing waste as defined in subdivisions (1) through (5), from whatever source that:

(A) is injurious to human health, plant or animal life, or property;

(B) interferes unreasonably with the enjoyment of life or property; or

(C) violates this article.

(Solid Waste Management Division; 329 IAC 11-2-8; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1927; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-8.1 "Conterminous" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 8.1. "Conterminous" means contained within the same common boundary. *(Solid Waste Management Division; 329 IAC 11-2-8.1; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-8.2 "Contiguous land" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 8.2. "Contiguous land" means land touching along a boundary or at a point. *(Solid Waste Management Division; 329 IAC 11-2-8.2; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-8.3 "Contingency action plan" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 8.3. "Contingency action plan" means a written course of action to be followed for the method or methods of waste management or disposal if the facility is unable to operate or process solid waste for twenty-four (24) hours or longer. *(Solid Waste Management Division; 329 IAC 11-2-8.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-9 "Department" defined (Repealed)

Sec. 9. *(Repealed by Solid Waste Management Division; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA)*

329 IAC 11-2-9.2 "Design capacity" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 9.2. "Design capacity" means the total volume in tons per day of solid waste specified in the solid waste processing facility permit application as approved by the commissioner. *(Solid Waste Management Division; 329 IAC 11-2-9.2; filed Jun 28,*

2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-9.5 "Dike" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 9.5. "Dike" means an embankment or ridge of either natural or man-made materials used to prevent, control, or confine the movement of liquids or solids. *(Solid Waste Management Division; 329 IAC 11-2-9.5; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-9.8 "Discard" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 9.8. "Discard" means to abandon by:
(1) disposal;
(2) burning or incinerating, including being burned as a fuel for the purpose of recovering usable energy; or
(3) accumulating, storing, or physically or chemically treating, other than burning or incinerating, in lieu of or prior to disposal.
(Solid Waste Management Division; 329 IAC 11-2-9.8; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-9.9 "Electronic submission" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 9.9. "Electronic submission" means any submission of information to the department via electronic media. Such media may include the following:
(1) Magnetic storage tape or disk.
(2) Compact disc read-only memory (CD-ROM).
(3) Electronic mail or attachments, or both.
(4) File transfer protocol (FTP).
(5) Hypertext transfer protocol (HTTP).
(Solid Waste Management Division; 329 IAC 11-2-9.9; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-10 "Disposal" defined (Repealed)

Sec. 10. *(Repealed by Solid Waste Management Division; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA)*

329 IAC 11-2-10.1 "Emergency response plan" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 10.1. "Emergency response plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of an emergency such as fire, spills, contaminant release, or release of solid waste byproducts, such as gases or chemical contaminants, or leachate that could imminently threaten human health or the environment. *(Solid Waste Management Division; 329 IAC 11-2-10.1; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52*

a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-10.2 "Environmental protection acts" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 10.2. "Environmental protection acts" means state and federal statutes relating to protection of the environment and public health. *(Solid Waste Management Division; 329 IAC 11-2-10.2; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-10.3 "Face amount" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 10.3. "Face amount" means the total amount the insurer is obligated to pay under the insurance policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments. *(Solid Waste Management Division; 329 IAC 11-2-10.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-10.4 "Facility" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 10.4. "Facility" means one (1) or more permitted processing, storage, disposal, or operational units used for processing, storing in conjunction with processing or disposal, or disposing of solid waste. The term includes the following:

(1) All conterminous land and structures related to the permit within the facility boundary.
(2) Other appurtenances related to the permit.
(3) Improvements on the land related to the permit.

(Solid Waste Management Division; 329 IAC 11-2-10.4; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-10.5 "Facility boundary" defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-11-2-17; IC 13-18; IC 25-31; IC 36-9-30

Sec. 10.5. "Facility boundary" means the outermost perimeter of land related to the facility specified in the plans approved by the commissioner. *(Solid Waste Management Division; 329 IAC 11-2-10.5; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-10.8 "Floodplain" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 10.8. "Floodplain" means the areas adjoining a river, stream, or lake that are inundated by the base flood. *(Solid Waste Management Division; 329 IAC 11-2-10.8; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-10.9 "Floodway" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 10.9. "Floodway" means the channel of a river or stream and those portions of the floodplain adjoining the channel that are reasonably required to efficiently carry and discharge the peak flow of the base flood. *(Solid Waste Management Division; 329 IAC 11-2-10.9; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-11 "Garbage" defined (Repealed)

Sec. 11. *(Repealed by Solid Waste Management Division; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA)*

329 IAC 11-2-12 "Generator" or "generating facility" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 12. "Generator" or "generating facility" means any person or site, at, on, or by which one (1) or more solid wastes are generated, such as a large manufacturing plant that may have more than one (1) source of solid waste at the plant location. The term does not include hazardous waste generator as regulated by 329 IAC 3.1. *(Solid Waste Management Division; 329 IAC 11-2-12; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1928; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-12.2 "Generator knowledge" defined

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-18-1; IC 13-18-20; IC 25-31; IC 36-9-30

Sec. 12.2. "Generator knowledge" means the relevant, accurate, and reliable information available to or developed by the generator about a waste that allows a person to determine the correct regulatory status of that waste. This information may include, but is not limited to, the following categories of information:

(1) Information provided by the manufacturer or supplier of the materials used in the process.
(2) Information provided in reference materials.
(3) Information describing the process that generates the waste.
(4) Information describing the materials used in the process that generates the waste.
(5) Information describing principles of science, including chemistry and physics, applied to the raw materials and process used.
(6) Information developed through prior testing of the waste.

(Solid Waste Management Division; 329 IAC 11-2-12.2; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-13 "Grading" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 13. "Grading" means the contouring of land so that surface water flow and erosion are controlled according to a predetermined plan. *(Solid Waste Management Division; 329 IAC 11-2-13; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1928; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-14 "Ground water" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 14. "Ground water" means accumulations of underground water, natural and artificial, public and private, or parts thereof, that are wholly or partially within, flow through, or border upon this state, but excluding man-made underground storage or conveyance structures. *(Solid Waste Management Division; 329 IAC 11-2-14; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1928; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-14.8 "Hauler" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 14.8. "Hauler" means a person engaged in the transportation of solid waste by:
(1) air;
(2) rail;
(3) roadway; or
(4) water.
(Solid Waste Management Division; 329 IAC 11-2-14.8; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-15 "Hazardous waste" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 15. "Hazardous waste" means waste that is regulated under 329 IAC 3.1. *(Solid Waste Management Division; 329 IAC 11-2-15; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1928; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-15.1 "Incidental transfer" defined

Authority: IC 13-14-8; IC 13-15-2; IC 13-19-3; IC 13-20-14-9.5
Affected: IC 13-20-14-9.5

Sec. 15.1. "Incidental transfer" means the transfer of a whole waste tire at a transfer station when:
(1) the tire arrives at the transfer station in a load of municipal solid waste; and
(2) removing the tire would endanger persons or equipment or cause delays that result in safety problems inside the transfer station.
(Solid Waste Management Division; 329 IAC 11-2-15.1; filed Aug 25, 1997, 9:40 a.m.: 21 IR 76; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-16 "Incinerator" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 16. "Incinerator" means an engineered apparatus designed for the burning of solid waste under the effect of controls of temperature, retention time, air, and other combustion factors. *(Solid Waste Management Division; 329 IAC 11-2-16; filed Mar*

14, 1996, 5:00 p.m.: 19 IR 1928; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-16.3 "Independent, registered professional engineer" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 16.3. "Independent, registered professional engineer" means a registered professional engineer who is not permanently employed by the owner, operator, or permittee of a solid waste processing facility. *(Solid Waste Management Division; 329 IAC 11-2-16.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-17 "Industrial process waste" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 17. "Industrial process waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under 329 IAC 3.1. Such waste may include, but is not limited to, waste resulting from any of the following manufacturing processes:

(1) Electric power generation.
(2) Fertilizer or agricultural chemicals production.
(3) Food and related products or byproducts production.
(4) Inorganic chemicals production.
(5) Iron and steel manufacture or foundries.
(6) Leather and leather products production.
(7) Nonferrous metals manufacture or foundries.
(8) Organic chemicals production.
(9) Plastics and resins manufacture.
(10) Pulp and paper industry.
(11) Rubber and miscellaneous plastic products production.
(12) Stone, glass, clay, and concrete products.
(13) Textile manufacture.
(14) Transportation equipment.
(15) Oil and gas processing and refining, but not exploration and recovery.
(16) Painting, printing, and allied industries.
(17) Contaminated, off-specification, or outdated wholesale products.
(18) Waste recycling and processing activities, excluding operations in which processing consists solely of segregation of components of MSW and no chemical or physical alteration of the waste is performed.
(19) Processing of ores and minerals as defined under 40 CFR 261.4(b)(7), but not the extraction and beneficiation of ores or minerals as defined under 40 CFR 261.4(b)(7).

The term does not include mining operations waste or oil and gas recovery waste. *(Solid Waste Management Division; 329 IAC 11-2-17; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1929; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-18 "Infectious waste" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 18. "Infectious waste" has the meaning set forth in the rules of the state department of health at 410 IAC 1-3-10, as supported by the ancillary definitions of 410 IAC 1-3. *(Solid Waste Management Division; 329 IAC 11-2-18; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1929; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-19 "Infectious waste incinerator" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 19. "Infectious waste incinerator" means a solid waste incinerator that is used to burn infectious waste or mixture of infectious and noninfectious solid waste. *(Solid Waste Management Division; 329 IAC 11-2-19; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1929; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-19.5 "Insignificant facility modification" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 19.5. (a) "Insignificant facility modification", as used in 329 IAC 11-9-6(b), means any of the following:
(1) Adding recycling activities and associated storage areas.
(2) Adding or modifying outside storage of:
(A) white goods; or
(B) other scrap metal.
(3) Modifying facility traffic patterns.
(4) Modifying the size of a compactor.
(5) Adding or modifying tipping floor entrance doors.
(6) Adding or modifying the collection of household hazardous waste.
(7) Adding or modifying a collection container.
(8) Adding or replacing weighing scales.
(b) The term, as used in 329 IAC 11-9-6(c), means any of the following:
(1) Accepting more than two hundred twenty (220) pounds of uncontainerized pollution control wastes in a shipment.
(2) Modifying the waste water handling or disposition procedures.
(3) Modifying the drainage around the facility, except for normal maintenance.
(4) Modifying the latest approved facility layout.
(5) Any modification to the permitted facility that the commissioner determines will improve the operation of the facility without altering the approved solid waste processing facility permit.
(Solid Waste Management Division; 329 IAC 11-2-19.5; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3970; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-19.6 "Landowner" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 19.6. "Landowner" means an owner of real property. *(Solid Waste Management Division; 329 IAC 11-2-19.6; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-19.8 "Leachate" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 19.8. "Leachate" means a liquid that:
(1) has passed through or emerged from solid waste; and
(2) contains:
(A) soluble;
(B) suspended;
(C) immiscible; or
(D) miscible;
material removed from the waste.
(Solid Waste Management Division; 329 IAC 11-2-19.8; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-20 "Legal description" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 20. "Legal description" means a legal description of the real property, including information from the recorded deed that includes the county, township, range, and section numbers, total acreage, and, if applicable, the metes and bounds description. together with the acreage thereof. *(Solid Waste Management Division; 329 IAC 11-2-20; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1929; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-20.2 "Letter of credit" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 20.2. "Letter of credit" means an instrument issued by a bank or other financial institution, known as the issuer, in which the issuer agrees on behalf of its customer, known as the account party, to honor demands for payment to the beneficiary usually upon presentation of the documents specified in the instrument. *(Solid Waste Management Division; 329 IAC 11-2-20.2; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-20.4 "Liquid waste" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 20.4. "Liquid waste" means any waste material that contains free liquids as determined by Method 9095A (Paint Filter Liquids Test), as described in U.S. EPA Publication SW-846 as revised in Updates I, II, IIA, IIB, III, IIIA, IIIB, IVA, and IVB, last revised January 3, 2008, 73 FR 486. *(Solid Waste Management Division; 329 IAC 11-2-20.4; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-21 "Major modification" defined (Repealed)

Sec. 21. *(Repealed by Solid Waste Management Division; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA)*

329 IAC 11-2-21.1 "Major modification of solid waste processing facilities" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 21.1. "Major modification of solid waste processing facilities" means any of the following:

(1) Any increase in a permitted solid waste processing facility that would increase the facility's permitted capacity to process solid waste by more than ten percent (10%) or the addition of a major piece of equipment, such as a compactor, that increases the facility's permitted capacity to process solid waste by more than ten percent (10%).

(2) New bay loading area.

(3) New loading tunnel.

(4) Expansion of an existing loading bay or tunnel so that additional transfer trailers can be loaded simultaneously.

(5) Expansion of the existing waste processing area by more than fifty percent (50%) either through:

(A) expansion of the area within an existing building; or

(B) the addition of a new building.

(Solid Waste Management Division; 329 IAC 11-2-21.1; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-21.4 "Medical waste" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 21.4. "Medical waste" means any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, excluding either of the following:

(1) Hazardous waste identified or listed under 329 IAC 3.1.

(2) Any household waste as defined in 329 IAC 10-2-90.

(Solid Waste Management Division; 329 IAC 11-2-21.4; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-21.6 "Minor modification of solid waste processing facilities" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 21.6. (a) "Minor modification of solid waste processing facilities" means any modification in a permitted solid waste processing facility that would:

(1) not increase the facility's permitted capacity to process solid waste by more than ten percent (10%); and

(2) not include those items determined to be:

(A) insignificant modifications under section 19.5 of this rule; or

(B) major modifications under section 21.1 of this rule.

(b) A minor modification includes, but is not limited to, the reconstruction of a processing building that does not increase capacity as described in subsection (a)(1). *(Solid Waste Management Division; 329 IAC 11-2-21.6; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-21.7 "Municipal solid waste" or "MSW" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-19-3-3; IC 13-30-2; IC 36-9-30

Sec. 21.7. (a) "Municipal solid waste" or "MSW" means any solid waste generated by community activities or the operation of residential or commercial establishments.

(b) The term includes the following:
(1) Household or residential waste.
(2) Commercial solid waste.
(c) The term does not include the following:
(1) Construction/demolition waste.
(2) Industrial process waste.
(3) Infectious waste.
(4) Coal combustion and flue gas desulfurization wastes excluded from regulation by IC 13-19-3-3.
(5) Hazardous waste.
(6) Pollution control waste.
(Solid Waste Management Division; 329 IAC 11-2-21.7; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-21.8 "Net worth" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 21.8. "Net worth" means total assets minus total liabilities. *(Solid Waste Management Division; 329 IAC 11-2-21.8; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-21.9 "On-site" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 21.9. "On-site" means all areas within the facility boundary. *(Solid Waste Management Division; 329 IAC 11-2-21.9; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-22 "On-site road" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 22. "On-site road" means a road for the passage of vehicles from a facility entrance to the processing area. *(Solid Waste Management Division; 329 IAC 11-2-22; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1929; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-23 "Open burning" defined (Repealed)

Sec. 23. *(Repealed by Solid Waste Management Division; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA)*

329 IAC 11-2-24 "Open dump" defined (Repealed)

Sec. 24. *(Repealed by Solid Waste Management Division; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA)*

329 IAC 11-2-24.2 "Operating days" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 24.2. "Operating days" means time expressed in total number of days during which a solid waste processing facility is open to actively accept solid waste for processing. *(Solid Waste Management Division; 329 IAC 11-2-24.2; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-25 "Operating personnel" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 25. "Operating personnel" means persons necessary to properly operate a solid waste processing facility. *(Solid Waste Management Division; 329 IAC 11-2-25; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1930; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-25.3 "Operator" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-4-7; IC 13-20-6
Affected: IC 13-11-2-148; IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 25.3. "Operator" means the person or persons responsible for the overall operation of a solid waste processing facility or part of a solid waste processing facility. *(Solid Waste Management Division; 329 IAC 11-2-25.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-25.6 "Owner" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 25.6. "Owner" means the person who owns a solid waste processing facility or part of a solid waste processing facility. *(Solid Waste Management Division; 329 IAC 11-2-25.6; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-26 "Permit" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 26. "Permit" means a permit, a determination related to a permit, license, registration, certificate, or other type of authorization required before construction or operation that may be issued by the commissioner under IC 13-15 or IC 13-22. *(Solid Waste Management Division; 329 IAC 11-2-26; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1930; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-27 "Permittee" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 27. "Permittee" means the person who applies for and receives a solid waste facility permit from the department. *(Solid*

Waste Management Division; 329 IAC 11-2-27; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1930; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-28 "Person" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 28. "Person" means any of the following:
(1) An individual.
(2) A partnership.
(3) A copartnership.
(4) A firm.
(5) A company.
(6) A corporation.
(7) An association.
(8) A joint stock company.
(9) A trust.
(10) An estate.
(11) A municipal corporation.
(12) A city.
(13) A school city.
(14) A town.
(15) A school town.
(16) A school district.
(17) A school corporation.
(18) A county.
(19) Any consolidated unit of government.
(20) A political subdivision.
(21) A solid waste management district.
(22) A state agency.
(23) A federal government or agency.
(24) Any other legal entity.

(Solid Waste Management Division; 329 IAC 11-2-28; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1930; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-28.2 "Petroleum contaminated soil" defined

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-12; IC 13-19; IC 13-20-7-6; IC 36-9-30

Sec. 28.2. "Petroleum contaminated soil" means soil that is contaminated with any of the following:
(1) Asphalt or asphaltic suspension.
(2) Aviation turbine fuel.
(3) Crude oil.
(4) Diesel fuel.
(5) Fuel oil.
(6) Gas oil.
(7) Gasoline.

(8) Heating oil.
(9) Hydraulic oil.
(10) Jet fuel.
(11) Kerosene.
(12) Lubricating oil.
(13) Mineral spirits.
(14) Motor fuel.
(15) Transformer oil.
(16) Transmission fluid.
(17) Motor oil.
(18) Synthetic oil or fuel.
(19) Any similar material derived from or containing petroleum.
(Solid Waste Management Division; 329 IAC 11-2-28.2; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-28.4 "Plasma arc treatment" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 28.4. "Plasma arc treatment" means the process of:
(1) putting waste into an enclosed chamber; and
(2) introducing a high energy electrical arc that:
(A) produces intense heat; and
(B) breaks down molecules of the waste into their elemental atoms.
(Solid Waste Management Division; 329 IAC 11-2-28.4; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-29 "Pollution control waste" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 29. "Pollution control waste" includes liquid, solid, semisolid, or gaseous waste generated as a direct or indirect result from the removal of contaminants from air, water, or land that may include, but is not limited to, such waste as water and wastewater treatment sludges, baghouse dust, scrubber sludges, chemical spills, or remedial activity clean-up wastes. *(Solid Waste Management Division; 329 IAC 11-2-29; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1930; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-29.5 "Post-closure" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 29.5. "Post-closure" means the monitoring and maintenance activities required after final closure of a solid waste processing facility. *(Solid Waste Management Division; 329 IAC 11-2-29.5; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-29.7 "Post-closure cost estimate" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 29.7. "Post-closure cost estimate" means the original or most recently submitted written estimate, in current dollars, of the total cost of post-closure monitoring and maintenance of the facility during the entire post-closure care period in accordance with the post-closure plan. *(Solid Waste Management Division; 329 IAC 11-2-29.7; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-30 "Processing" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 30. "Processing" means:
(1) the method, system, or other handling of solid waste so as to change its chemical, biological, or physical form;
(2) to render solid waste more amenable for disposal or recovery of materials or energy; or
(3) the transfer of solid waste materials excluding the transportation of solid waste.
(Solid Waste Management Division; 329 IAC 11-2-30; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1930; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-30.3 "Real property boundary" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 30.3. "Real property boundary" means the outermost perimeter of the land owned by a person upon which the solid waste processing facility is located, as the real property is described in the recorded deed and the current county or counties plats. *(Solid Waste Management Division; 329 IAC 11-2-30.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-31 "Recovery" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 31. "Recovery" means obtaining materials or energy for commercial or industrial use from solid waste or hazardous waste. *(Solid Waste Management Division; 329 IAC 11-2-31; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1930; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-32 "Registered professional engineer" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 32. "Registered professional engineer" means a professional engineer registered by the state of Indiana under IC 25-31. *(Solid Waste Management Division; 329 IAC 11-2-32; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1930; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-32.3 "Regulated asbestos-containing material" or "RACM" defined

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3-1
Affected: IC 13-18-1; IC 13-18-20

Sec. 32.3. (a) "Regulated asbestos-containing material" or "RACM" means the following:
(1) Friable asbestos material defined at 40 CFR 61.141.
(2) Category I nonfriable asbestos-containing material, defined at 40 CFR 61.141, that has become friable.
(3) Category I nonfriable asbestos-containing material, defined at 40 CFR 61.141, that:
(A) will be; or
(B) has been;
subjected to sanding, grinding, cutting, or abrading.
(4) Category II nonfriable asbestos-containing material, defined at 40 CFR 61.141, that has:
(A) a high probability of becoming; or
(B) become;
crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition, renovation, or disposal operations.
(b) The term does not include regulated asbestos-containing materials that have not become solid waste. *(Solid Waste Management Division; 329 IAC 11-2-32.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-33 "Residue" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 33. "Residue" means any solid waste remaining after incineration or processing that is not completely combusted or recovered, including any of the following:
(1) Ash.
(2) Ceramics.
(3) Glass.
(4) Metal.
(5) Other inorganic substances or organic substances.
(Solid Waste Management Division; 329 IAC 11-2-33; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1931; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-33.5 "Responsible corporate officer" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 33.5. "Responsible corporate officer" means:
(1) a president;
(2) secretary;
(3) treasurer; or
(4) any vice president;
of the corporation or corporate division in charge of a principal business function that includes the activity to be permitted. *(Solid Waste Management Division; 329 IAC 11-2-33.5; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-34 "Resource recovery" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 34. "Resource recovery" means the processing of solid waste into commercially valuable materials or energy. *(Solid Waste Management Division; 329 IAC 11-2-34; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1931; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-34.3 "Run-off" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 34.3. "Run-off" means any rainwater and surface water that has not come into any contact with solid waste that drains over land from any part of a solid waste processing facility. *(Solid Waste Management Division; 329 IAC 11-2-34.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-34.5 "Run-on" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 34.5. "Run-on" means any rainwater and surface water that drains over land onto any part of a solid waste processing facility. *(Solid Waste Management Division; 329 IAC 11-2-34.5; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-35 "Salvaging" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 35. "Salvaging" means the controlled and organized removal of materials from solid waste for utilization. *(Solid Waste Management Division; 329 IAC 11-2-35; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1931; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-36 "Scavenging" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 36. "Scavenging" means the uncontrolled and unauthorized removal of materials from solid waste. *(Solid Waste Management Division; 329 IAC 11-2-36; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1931; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-36.3 "Sedimentation" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 36.3. "Sedimentation" means the settling and accumulation of unconsolidated sediment carried by storm water run-off. *(Solid Waste Management Division; 329 IAC 11-2-36.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted*

filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-36.5 "Sedimentation basin" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 36.5. "Sedimentation basin" means an artificial or natural surface structure to allow the settlement of any unconsolidated material carried by run-off from the facility. *(Solid Waste Management Division; 329 IAC 11-2-36.5; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-36.7 "Setback" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 36.7. "Setback" means the distance between a designated point and the permitted facility boundary of a solid waste processing facility as projected at the time of final closure and approved by the department as part of the solid waste processing facility's original or modified permit. The designated point of a public or nonpublic school is the property boundary of public or nonpublic school property that contains a facility intended for regularly scheduled student use. *(Solid Waste Management Division; 329 IAC 11-2-36.7; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-37 "Site" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 37. "Site" means the land area on which the permitted facility is situated. *(Solid Waste Management Division; 329 IAC 11-2-37; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1931; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-38 "Sludge" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 38. "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant. *(Solid Waste Management Division; 329 IAC 11-2-38; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1931; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-38.6 "Solidification" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 38.6. "Solidification" means the process of combining a liquid waste with material or other wastes to produce a waste that is no longer a liquid. *(Solid Waste Management Division; 329 IAC 11-2-38.6; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-39 "Solid waste" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-11-2-205; IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 39. "Solid waste" has the meaning as set forth at 329 IAC 10-2-174. *(Solid Waste Management Division; 329 IAC 11-2-39; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1931; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3970; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-40 "Solid waste facility" or "facility" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 40. "Solid waste facility" or "facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for processing, storing in conjunction with processing or disposal, or disposing of solid waste and may consist of several processing, storage, or disposal operational units, for example, one (1) or more landfills, surface impoundments, or combinations thereof. *(Solid Waste Management Division; 329 IAC 11-2-40; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1931; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-41 "Solid waste land disposal facility" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 41. "Solid waste land disposal facility" has the meaning set forth in 329 IAC 10-2-176. *(Solid Waste Management Division; 329 IAC 11-2-41; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1932; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-42 "Solid waste management" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 42. "Solid waste management" means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste. *(Solid Waste Management Division; 329 IAC 11-2-42; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1932; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-43 "Solid waste processing facility" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-11-2-212; IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 43. "Solid waste processing facility" has the meaning set forth in IC 13-11-2-212 and means a facility at which at least one (1) of the following is located:

(1) A solid waste incinerator.
(2) A transfer station.
(3) A solid waste baler.

(4) A solid waste shredder.
(5) A resource recovery system.
(6) A composting facility.
(7) A garbage grinding facility.
(8) A medical or an infectious waste treatment facility.
(9) A solid waste solidification facility that is not located on an operating permitted landfill.
(10) A facility that uses plasma arc or another source of heat to treat solid waste.
(Solid Waste Management Division; 329 IAC 11-2-43; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1932; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-44 "Special waste" defined (Repealed)

Sec. 44. *(Repealed by Solid Waste Management Division; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3980)*

329 IAC 11-2-44.3 "Storage" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 44.3. "Storage" means the retention, containment, or accumulation of solid waste on a temporary basis in such a manner that it does not threaten or potentially threaten human health or impact or potentially impact the environment, for a period of more than twenty-four (24) hours, in such a manner as not to constitute disposal of the waste. It is a rebuttable presumption that storage of waste for more than six (6) months constitutes disposal. *(Solid Waste Management Division; 329 IAC 11-2-44.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-44.5 "Storm water discharge" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 44.5. "Storm water discharge" means the release or flow of storm water past the facility boundary or into a water of the state. *(Solid Waste Management Division; 329 IAC 11-2-44.5; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-44.9 "Surety bond" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 44.9. "Surety bond" means a contract by which a surety company engages to be answerable for the default or debts of a permittee on responsibilities relating to closure or post-closure care, and agrees to satisfy these responsibilities if the permittee does not, in accordance with the terms prescribed for land disposal facilities at 329 IAC 10-39-2(a)(2)(B) through 329 IAC 10-39-2(a)(2)(E). *(Solid Waste Management Division; 329 IAC 11-2-44.9; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-45 "Surface impoundment" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 45. (a) "Surface impoundment" means a facility or part of a facility that:

(1) is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials, although it may be lined with manmade materials;
(2) holds or is designed to hold an accumulation of liquid wastes or wastes containing free liquids; and
(3) is not an injection well.
(b) Examples of surface impoundments may include the following:
(1) Holding, storage, settling, and aeration pits.
(2) Holding, storage, settling, and aeration ponds.
(3) Holding, storage, settling, and aeration lagoons.
(Solid Waste Management Division; 329 IAC 11-2-45; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1932; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-46 "Surface water" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 46. "Surface water" means water present on the surface of the earth, including:
(1) streams;
(2) lakes;
(3) ponds;
(4) rivers;
(5) swamps;
(6) marshes; or
(7) rainwater present on the earth.
(Solid Waste Management Division; 329 IAC 11-2-46; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1933; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-46.3 "Tons per day" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 46.3. "Tons per day" means tons per operating day. "Operating day" refers to a day that the solid waste processing facility is open to actively accept solid waste for processing. *(Solid Waste Management Division; 329 IAC 11-2-46.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-47 "Transfer station" defined
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 47. (a) "Transfer station" means a facility at which solid waste is transferred from a vehicle or container to another vehicle or container for transportation or from one (1) mode of transportation to another, including the transfer of a trailer, container, or waste from rail to road transportation.
(b) The term does not include the following:
(1) Collection container for solid waste.
(2) The transfer of solid waste at the point of generation.
(3) A recycling facility that receives distinct and recognizable solid waste items that do not require substantial further processing, and are delivered back to manufacturing companies and reused. Based on a calendar quarter, a recycling facility must have not more than ten percent (10%), by volume of the solid waste that passes through the facility ultimately taken

for final disposal.

(4) Curbside satellite collection vehicles used for collecting residential waste, which are small motorized vehicles, or the equivalent, with bins or containers that once full are deposited into larger solid waste collection vehicles or containers.

(Solid Waste Management Division; 329 IAC 11-2-47; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1933; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-47.3 "Trust fund" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 47.3. "Trust fund" means a fund established by a permittee, for the benefit of the department and held by a financial institution licensed by Indiana, as the trustee with a fiduciary responsibility to carry out the terms of the trust, as prescribed for solid waste land disposal facilities at 329 IAC 10-39-2(a)(1). *(Solid Waste Management Division; 329 IAC 11-2-47.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-47.5 "Unauthorized solid waste" defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3; IC 13-19-4-10
Affected: IC 13-11-2-17; IC 13-18; IC 25-31; IC 36-9-30

Sec. 47.5. "Unauthorized solid waste" means solid waste that is prohibited from disposal in a solid waste land disposal facility by:

(1) permit conditions;
(2) Indiana statutes or rules; or
(3) federal acts or regulations.

(Solid Waste Management Division; 329 IAC 11-2-47.5; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-47.7 "Unit of government" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 47.7. "Unit of government" means a:

(1) county;
(2) municipality;
(3) township; or
(4) solid waste management district.

(Solid Waste Management Division; 329 IAC 11-2-47.7; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-48 "Vector" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-18-12-4; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-18-12; IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 48. "Vector" means any animal rodents, flies, mosquitoes, or other animals and insects, capable of and *[sic]* transmitting microorganisms and disease to humans and other animals. *(Solid Waste Management Division; 329 IAC 11-2-48; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1933; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-49 "Washout" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 49. "Washout" means the carrying away of solid waste by waters of the base flood. *(Solid Waste Management Division; 329 IAC 11-2-49; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1933; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-49.3 "Wash water" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 49.3. "Wash water" means water that is used to clean a waste processing area or equipment. Wash water is typically identified with the wastewater resulting from the cleaning of waste processing or equipment to remove attached particles. *(Solid Waste Management Division; 329 IAC 11-2-49.3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-49.5 "Waste determination" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 49.5. "Waste determination" means the documented process of determining the qualitative and quantitative nature of a particular waste in order to establish the regulatory status of the waste and determine if the waste must be treated, processed, stored, and disposed under the hazardous waste rules at 329 IAC 3.1, the PCB rules at 329 IAC 4.1, or the solid waste rules at 329 IAC 10 or this article. The regulatory status may be determined using either generator knowledge or testing by the methods in 40 CFR 261, Subpart C, or an appropriate method to ascertain one (1) of the following:

(1) The waste is a hazardous waste under 40 CFR 262.11 and is regulated under 329 IAC 3.1 because of the following:
  (A) The waste is not excluded from regulation under 40 CFR 261.4.
  (B) The waste is a listed waste under 40 CFR 261, Subpart D.
  (C) The waste exhibits characteristics specified in 40 CFR 261, Subpart C.
(2) The waste:
  (A) contains regulated amounts of PCBs; and
  (B) is regulated under 329 IAC 4.1.
(3) The waste:
  (A) is a solid waste; and
  (B) may be processed under this article and disposed of under 329 IAC 10.

*Note: All federal regulations cited in this section are incorporated by reference as revised July 1, 2008. Sales of the Code of Federal Regulations are handled by the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or online at http://bookstore.gpo.gov/. The telephone number for the Superintendent of Documents is (202) 512-1800 or toll-free (866) 512-1800. The incorporated materials are available for public review at the offices of the department of environmental management. *(Solid Waste Management Division; 329 IAC 11-2-49.5; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-2-50 "Water pollution" defined (Repealed)

Sec. 50. *(Repealed by Solid Waste Management Division; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA)*

329 IAC 11-2-51 "Waters" defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 51. (a) "Waters" means the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state.

(b) The term does not include any:

(1) private pond; or

(2) off-stream pond, reservoir, or facility built for reduction or control of pollution or cooling of water prior to discharge unless the discharge from the pond, reservoir, or facility causes or threatens to cause water pollution.

(Solid Waste Management Division; 329 IAC 11-2-51; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1933; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-2-52 "Wetlands" defined

Authority: IC 13-14-8-7; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3-1; IC 13-18-12-4
Affected: IC 13-11-2; IC 13-12-3-1; IC 13-18; IC 13-30-2-1

Sec. 52. "Wetlands" means those areas that are inundated or saturated by surface water or ground water at a frequency and duration to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include the following:

(1) Swamps.

(2) Marshes.

(3) Bogs.

(4) Areas similar to areas specified in subdivision (1), (2), or (3).

(Solid Waste Management Division; 329 IAC 11-2-52; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

Rule 3. Exclusions

329 IAC 11-3-1 Exclusions; general

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-245; IC 13-11-2-266; IC 13-18-10; IC 13-19-3-3; IC 13-30-2; IC 36-9-30

Sec. 1. The following solid waste management activities are not subject to the provisions of this article:

(1) Processing and disposing of only uncontaminated:

(A) rocks;

(B) bricks;

(C) concrete;

(D) road demolition waste materials; or

(E) dirt.

(2) Land application activities regulated by 327 IAC 6.1 and 327 IAC 7.

(3) Confined feeding operation activities regulated by IC 13-18-10.

(4) Wastewater discharge activities regulated by 327 IAC 5.

(5) Processing of waste when the waste, other than tires, has been segregated from the general MSW stream prior to arrival at a processing facility. To qualify for exclusion from this article, the facility must do the following:

(A) In the regular course of business, receive distinct and recognizable solid waste items that do not require substantial further processing. Substantial further processing includes any thermal or chemical treatment of the waste, as well as physical processing such as shredding, breaking, compacting, or mixing with other materials or waste beyond the

processing needed to render the waste more amenable for transport.

(B) Return those items for reuse in manufacturing including any intermediate processing steps before being sent for manufacturing.

(C) Not have more than ten percent (10%) of the solid waste that passes through the facility ultimately taken for final disposal. This is determined by the weight of material passing through the facility in a calendar quarter.

(6) Processing of solid waste that takes place at the generating facility.

(7) Processing and disposal of uncontaminated and untreated natural growth solid waste, including the following:

(A) Tree limbs.

(B) Stumps.

(C) Leaves.

(D) Grass clippings.

(8) The disposal of coal ash, transported by water, into an ash pond that has received a water pollution control facility construction permit under 327 IAC 3.

(9) The operation of surface impoundments; however, the final disposal of solid waste in such facilities at the end of their operation is subject to approval by the commissioner except as excluded under subdivision (8).

(10) Uses and disposal of coal waste as exempted from regulation in IC 13-19-3-3.

(11) The legitimate use of iron and steelmaking slags, including the use as a base for road building, but not including use for land reclamation except as allowed under subdivision (13).

(12) The legitimate use of foundry sand that has been demonstrated as suitable for restricted waste site Type III under the provisions of 329 IAC 10-9, including the use as a base for road building, but not including use for land reclamation except as allowed under subdivision (13).

(13) Solid waste management activities or legitimate uses of solid waste determined by the commissioner to not pose a threat to public health or the environment.

(14) Processing or storage of electronic waste or e-waste, which is any solid waste that is the following or has the following component:

(A) A circuit board, including a shredded circuit board.

(B) A diode.

(C) A CRT.

(D) A computer.

(E) An electronic device.

E-waste does not include vehicles, as defined by IC 13-11-2-245, or white goods, as defined by IC 13-11-2-266. Electronic waste is regulated under 329 IAC 16 and must comply with all applicable standards and requirements under 329 IAC 16.

(15) The transfer of closed waste containers meeting the following criteria where the solid waste is not removed from the container:

(A) The container remains closed.

(B) The solid waste in the container is only nonmunicipal solid waste.

(C) The solid waste is stored in the container for not more than ten (10) days.

(16) Biomass anaerobic digestion facilities and biomass gasification facilities that are registered under 329 IAC 11.5.

(17) Any mobile home salvaging operation registered under 329 IAC 11.6.

(18) Any facility that uses industrial process waste or commercial waste as an alternative fuel source and is registered under 329 IAC 11.7.

(19) Crematoriums for human and animal remains.

(20) Burning engineered wood waste as a fuel. As used in this subdivision, "engineered wood", also called composite wood or man-made wood, includes a range of derivative wood products that are manufactured by binding together the strands, particles, fibers, or veneers.

(Solid Waste Management Division; 329 IAC 11-3-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1933; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; filed Mar 14, 2013, 2:57 p.m.: 20130410-IR-

329090193FRA)

329 IAC 11-3-2 Exclusion; hazardous waste

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-19-3; IC 13-30-2; IC 36-9-30

Sec. 2. (a) Hazardous wastes are regulated by and shall be treated, stored, and disposed of in accordance with 329 IAC 3.1. Hazardous waste that is regulated by 329 IAC 3.1 is not subject to the provisions of this article.

(b) No hazardous waste that is regulated by 329 IAC 3.1 shall be processed at any solid waste facility regulated under this article.

(c) As used in this article, "hazardous waste that is regulated by 329 IAC 3.1" does not include CESQG hazardous waste as defined in 329 IAC 10-2-29.5. CESQG hazardous waste must be disposed of in accordance with 329 IAC 10 and 40 CFR 261.5, revised as of July 1, 2002. 40 CFR 261.5 is available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238.

(d) Facilities permitted under 329 IAC 3.1 are not required to obtain permits under this article for the storage, treatment, or disposal of nonhazardous solid waste where such solid waste is treated or disposed of as a hazardous waste at the receiving hazardous waste facility. *(Solid Waste Management Division; 329 IAC 11-3-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1934; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3971; errata filed Oct 7, 2004, 11:50 a.m.: 28 IR 608; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

Rule 4. Previously Permitted Facilities Closed Prior to Effective Date of this Article; Responsibilities

329 IAC 11-4-1 Applicability

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 36-9-30

Sec. 1. This rule applies to solid waste processing facilities permitted under 329 IAC 1.5, which was repealed in 1989, that have closed before April 13, 1996. *(Solid Waste Management Division; 329 IAC 11-4-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1934; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA)*

329 IAC 11-4-2 Maintenance, monitoring, or correcting nuisance; permittee responsibility

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 2. (a) Closed facilities must continue to be monitored and maintained by the facility permittee in accordance with the permit granted to the facility at the time the facility was closed.

(b) The owner or operator of a closed facility or the owner of real estate upon which a closed facility is located shall be responsible for correcting and controlling any nuisance conditions occurring at the facility. *(Solid Waste Management Division; 329 IAC 11-4-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1934; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 11-4-3 Elimination of threats to human health or the environment

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 3. The owner or operator of a closed facility or the owner of real estate upon which a closed facility is located shall be responsible for eliminating any threat to human health or the environment. *(Solid Waste Management Division; 329 IAC 11-4-3;*

filed Mar 14, 1996, 5:00 p.m.: 19 IR 1934; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 11-4-4 Remedial action

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 4. The commissioner may proceed under IC 13-25-4 and rules adopted under IC 13-25-4-7, which require the owner or operator of a closed facility or the owner of real estate upon which a closed facility is located, or any other responsible party under IC 13-25-4, to perform remedial action, including the installation and monitoring of ground water monitoring wells or other devices, if the commissioner determines that the closed facility is a threat to human health or the environment, due to a release of a hazardous substance from the facility into the environment. *(Solid Waste Management Division; 329 IAC 11-4-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1935; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

Rule 5. Application of this Article to Existing Permittees and Facilities; Transition Provisions

329 IAC 11-5-1 Applicability

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 1. (a) Unless otherwise addressed in this rule, all new and existing solid waste processing facilities must comply with applicable requirements of this article.

(b) This rule applies to the following solid waste processing facilities:

(1) Facilities that have construction or operating permits in effect on April 13, 1996.

(2) Facilities required to be permitted under the 2007 amendments to this article.

(Solid Waste Management Division; 329 IAC 11-5-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1935; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA)

329 IAC 11-5-2 Existing construction permits

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 2. Construction permits in effect on April 13, 1996, must serve as solid waste permits under 329 IAC 11-9 through 329 IAC 11-11. To begin operation, facilities for which only construction permits, but not operating permits, have been issued before April 13, 1996, must submit an application for a solid waste facility permit renewal at least ninety (90) days before expiration of the construction permit. Operation of the facility must not begin until a solid waste facility permit has been issued under this article. *(Solid Waste Management Division; 329 IAC 11-5-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1935; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA)*

329 IAC 11-5-3 Existing operating permits

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 3. Operating permits in effect on April 13, 1996, must serve as solid waste permits under 329 IAC 11-9 through 329 IAC 11-11 until such time as a permit renewal is either issued or denied by the commissioner under 329 IAC 11-9 through 329

IAC 11-11, provided there is compliance with section 5(a) of this rule. *(Solid Waste Management Division; 329 IAC 11-5-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1935; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA)*

329 IAC 11-5-4 Operating requirements for facilities with operating permits in effect on April 13, 1996

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 4. (a) Plans and permit conditions approved before April 13, 1996, must continue in effect until permit renewal unless the permit is reopened for cause under 329 IAC 11-9 through 329 IAC 11-11.

(b) Except as provided in subsection (a), the operational standards of 329 IAC 11-13 through 329 IAC 11-15 for solid waste processing facilities must apply to solid waste processing facilities with operating permits in effect on April 13, 1996. *(Solid Waste Management Division; 329 IAC 11-5-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1935; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA)*

329 IAC 11-5-5 Renewal of permit by existing permittee

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 5. (a) To continue operation, facilities affected by this rule must submit an application for renewal under 329 IAC 11-9, 329 IAC 11-10, and 329 IAC 11-11 at least one hundred twenty (120) days prior to the expiration of their operating permit.

(b) The renewal permit issued to a facility affected by this rule must identify the site classification as established in 329 IAC 11-8 to reflect the restrictions on waste accepted at the facility under the existing permit.

(c) The operational standards of 329 IAC 11-13, 329 IAC 11-14, and 329 IAC 11-15 for solid waste processing facilities must apply to solid waste processing facilities with renewal permits issued under this article. *(Solid Waste Management Division; 329 IAC 11-5-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1935; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 11-5-6 Pending permit applications

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 6. A permit application that is received:

(1) before the effective date of the 2007 amendments to this article will not be required to be revised to meet the requirements of this article; however, the application must comply with this article, as effective on August 13, 2004; and

(2) on or after the effective date of the 2007 amendments to this article will be required to comply with all applicable requirements of this article.

(Solid Waste Management Division; 329 IAC 11-5-6; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA)

329 IAC 11-5-7 Existing facilities requiring a permit

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 7. (a) A solid waste processing facility described in section 1(b)(2) of this rule that is operating on the effective date of the 2007 amendments to this article must do the following:

(1) Notify the department within thirty (30) days after the effective date of the 2007 amendments to this article of one (1)

of the following:

(A) A permit application will be submitted.

(B) The facility will cease operation within sixty (60) days.

(2) If the facility will continue to operate, submit a complete application as required by 329 IAC 11-9-1 and 329 IAC 11-9-2 within sixty (60) days after the effective date of the 2007 amendments to this article.

(b) The facility must be operated under the applicable requirements of this article until the:

(1) permit for the facility is effective; or

(2) facility ceases operation.

(Solid Waste Management Division; 329 IAC 11-5-7; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA)

Rule 6. Waste Determination Requirements

329 IAC 11-6-1 Requirements (Repealed)

Sec. 1. *(Repealed by Solid Waste Management Division; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3980)*

Rule 7. Special Waste (Repealed)

(Repealed by Solid Waste Management Division; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3980)

Rule 8. Solid Waste Processing Facility Classifications and Waste Criteria

329 IAC 11-8-1 Types of facilities

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 1. The following classifications must be used for the purpose of defining site requirements and permissible wastes to be received for all solid waste processing facilities:

(1) Solid waste processing facility.

(2) Incinerator.

(Solid Waste Management Division; 329 IAC 11-8-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1936; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 11-8-2 Processing facilities waste criteria

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 2. Solid waste processing facilities may accept all solid waste regulated under this article except the following:

(1) Hazardous waste that is regulated by 329 IAC 3.1.

(2) Solid waste that is prohibited by the facility permit.

(Solid Waste Management Division; 329 IAC 11-8-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1936; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1730, eff one hundred eighty (180) days after filing with the secretary of state; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3971; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 11-8-2.5 Transfer station waste criteria (Repealed)

Sec. 2.5. *(Repealed by Solid Waste Management Division; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA)*

329 IAC 11-8-3 Incinerators waste criteria

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 3. Incinerators may accept all solid waste regulated under this article except the following:

(1) Hazardous waste that is regulated by 329 IAC 3.1.

(2) Solid waste that is prohibited by the facility permit.

(Solid Waste Management Division; 329 IAC 11-8-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1936; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1730, eff one hundred eighty (180) days after filing with the secretary of state; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3972; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

Rule 9. Application Procedure for All Solid Waste Processing Facilities

329 IAC 11-9-1 Permit requirements

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 36-9-30-35

Sec. 1. (a) Unless excluded in 329 IAC 11-3, any person who constructs or operates a solid waste processing facility as defined under 329 IAC 11-2-43 shall have a solid waste processing facility permit under this article.

329 IAC 11-11-4 *[sic]*

(b) In the event that, after the permit application is submitted but prior to the issuance of the permit, there is any change that renders the information in the application incorrect, the applicant shall:

(1) notify the commissioner of the change within fifteen (15) days; and

(2) submit corrected information within a reasonable period of time.

(c) The commissioner may deny a permit application, including a renewal permit, or place additional conditions on a permit if the commissioner determines the following demonstrate the applicant's inability or unwillingness to process the solid waste under requirements of this article or a facility permit:

(1) The applicant has been convicted of a crime under IC 13-30-6 *[sic]* 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;

(B) 329 IAC 1.5, which was repealed in 1989; or

(C) 329 IAC 2, which was repealed in 1996. IC 13-15-7-1 *[sic]*

(3) The applicant is not in compliance with or has a history of violations of the environmental protection acts, rules promulgated thereunder, or a permit issued thereunder.

(Solid Waste Management Division; 329 IAC 11-9-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1936; errata filed Apr 4, 1996, 4:00 p.m.: 19 IR 2047; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1126, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-9-2 New permit application and major modification application

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 4-21.5-3-4; IC 4-21.5-3-5; IC 13-20-1; IC 13-30-2; IC 36-7-4; IC 36-9-30

Sec. 2. (a) A complete application for a solid waste processing facility permit must consist of the following information submitted to the commissioner in a format specified by the department on forms provided by the department:

(1) The name and address of the applicant or applicants.

(2) The name and address of the property owner or owners.

(3) The name, address, and location of the facility.

(4) The legal description as defined in 329 IAC 11-2-20 for the following:

(A) The area for which ownership will be established as required in subdivision (10).

(B) The area upon which the facility is located.

(C) Sufficient documentation must be provided to verify that the facility is located on property owned or leased by the permittee. Documentation must include a map of the legal description for these areas certified by a registered land surveyor.

(5) Facility information, including the following:

(A) A description of the type of operation.

(B) The planned life of the facility in years.

(C) The expected volume of waste to be received in cubic yards per day and tons per day.

(D) The type of waste to be received.

(6) Signatures and certification statements in compliance with section 3 of this rule.

(7) Detailed plans and design specifications as required by the following:

(A) This section.

(B) 329 IAC 11-12.

(C) 329 IAC 11-17.

(D) 329 IAC 11-18.

(8) Closure plan and post-closure plan under 329 IAC 11-16.

(9) Closure financial responsibility under 329 IAC 11-16, a description of the financial instrument that will be used to achieve compliance with financial responsibility provisions and mechanisms as prescribed for solid waste land disposal facilities at 329 IAC 10-39. These documents need not be executed and delivered to the commissioner until after the:

(A) review of the technical application; and

(B) applicant receives notice of the requirement from the commissioner.

(10) Documents necessary to establish ownership or other tenancy of, including an option to purchase, the real estate upon which the facility to be permitted is located, including a certified copy of the deed to the subject real estate showing ownership in the person identified as the owner in the application, or the deed and evidence satisfactory to the commissioner that ownership will be transferred to the owner prior to operation of the facility.

(11) In order to assist the commissioner in identifying persons entitled to notice in accordance with IC 4-21.5-3-4 and IC 4-21.5-3-5, the name and address of all owners or last taxpayers of record of property located within one-half (1/2) mile of the site boundaries of a proposed solid waste processing facility.

(12) Documentation from the zoning authority that proper zoning approvals have been obtained and one (1) or more of the following documents, as applicable:

(A) A copy of the zoning requirements, if any, for solid waste facilities in the area where the facility is to be located.

(B) The status of any appeals of any zoning determination and, if none pending, the date by which the appeal must be initiated.

(13) The names and addresses of members of the board of county commissioners of a county that is affected by the permit application.

(14) The names and addresses of the mayors of any cities that are affected by the permit application.

(15) The names and addresses of the presidents of town councils of any towns that are affected by the permit application.

(b) Two (2) paper copies and an electronic copy of the completed application and all supporting documentation must be submitted to the commissioner as follows:

(1) Sent by registered mail, certified mail, or private carrier or delivered in person.

(2) The electronic submission must be in the type and format as prescribed by the commissioner. The commissioner may make a determination that only an electronic copy is needed.

(3) Plans and documentation accompanying the application shall be submitted as required by this section.

(c) Confidentiality of information submitted in the permit application may be requested in accordance with 329 IAC 6.1.

(d) All corporations must submit a certificate of existence signed by the secretary of state.

(e) Fees must be submitted with the application in accordance with IC 13-20-21.

(f) An application for a solid waste processing facility permit must be accompanied by the plans or documents specified in this rule. Design drawings and specifications must be certified by a registered professional engineer. Design drawings must be properly titled.

(g) The following general documentation is required:

(1) A United States Geological Survey (USGS) topographic quadrangle map or maps, seven and one-half (7 1/2) minute, or equivalent, to include all areas within two (2) miles of the proposed facility with property boundaries and the proposed processing facility clearly delineated.

(2) Documentation of the base flood elevation within one-fourth (1/4) mile of the proposed facility. The following documentation will be accepted:

(A) A letter from the Indiana department of natural resources.

(B) A national flood insurance program map.

(h) Applications must include a plot plan or plans of the facility, including the following:

(1) Access control measures such as fences, gates, or natural barriers.

(2) Any building where waste will be stored or processed.

(3) The general layout of the equipment.

(4) The traffic pattern.

(5) Road access.

(6) Surface water drainage.

(7) Culverts, drainage tiles, and legal drains.

(8) Gas and electric easements, power lines, and sewers.

(9) Floodplains, floodways, wetlands, water courses, surface water features, and potable drinking water wells.

(10) Roads and buildings, on and within one-half (1/2) mile of the facility, must be shown.

The plot plans and drawings required by this section must be drawn to scale. A bar scale must be shown on the plans to indicate the scale if size changes occur.

(i) Applications must include drawings of all buildings and all structures used for the storage, processing, loading, and unloading of solid waste. Drawings must include the following:

(1) The type of construction, construction materials, layout, and dimensions for the storage, processing, loading, and unloading areas.

(2) Sanitary facilities, plumbing, sewer connections, and utilities.

All liquid waste streams generated or accepted by the facility must be shown on these drawings.

(j) Applications must include a narrative describing the proposed operation, including the following:

(1) The anticipated type, quantity, and source of solid waste to be processed at the facility, including population and the area to be served. Include any analyses already completed on the waste and describe the sampling and analysis methods and equipment used. Describe any proposed sampling of waste streams, including analytical methods to be used.

(2) A detailed description of all processes used in the handling, sorting, processing, and transportation of the waste, including a waste flow diagram for all waste streams and residues. Flow rates coinciding with the waste flow diagram must be specified.

(3) A description of the proposed testing, treatment, and disposition of all waste resulting from the facility. Proposed testing must be adequate to provide for proper treatment and disposal of wastes.

(4) Specifications for the base of all areas where wastes will be stored or handled. The surface must be made of materials such as concrete or asphalt. Storage areas must be equipped with spill prevention mechanisms such as curbs and aprons, or the waste must be kept in a leak proof container. Liquid waste storage facilities must be equipped with secondary containment.

(5) Names and locations of solid waste land disposal facilities anticipated to receive waste and residue from the facility.

(6) A contingency action plan including design capacity of waste storage areas and normal percent of capacity used during routine operations. Specify the maximum inventory of wastes in storage or treatment that will occur at any time during the life of the facility.

(7) Procedures for:

(A) controlling:

(i) dust;
(ii) noise;
(iii) odors;
(iv) vectors; and
(v) litter;
(B) waste screening; and
(C) handling of bulky waste or other materials unsuitable for the proposed process.
(8) Daily cleanup procedures for solid waste:
(A) storage;
(B) processing;
(C) loading; and
(D) unloading;
areas.
(9) Sanitary toilet facilities for employees.
(10) Proposed operating hours for the facility.
(11) An emergency response plan.

(Solid Waste Management Division; 329 IAC 11-9-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1936; filed Nov 4, 1999, 10:19 a.m.: 23 IR 562; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1126, eff Jan 1, 2002; errata filed Feb 6, 2002, 10:50 a.m.: 25 IR 1906; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-9-3 Signatories to permit application and reports

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 36-9-30

Sec. 3. (a) All permit applications must be signed as follows:
(1) For a corporation, by a responsible corporate officer.
(2) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.
(3) For a municipality or state, by the executive of the unit.
(4) For a federal or other public agency, by either a principal executive officer or ranking elected official or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency that covers the facility to be permitted.

(b) All reports required by permits and other information requested by or on behalf of the commissioner must be signed by the permittee, or by a duly authorized representative of that person. A person is presumed to be an authorized representative if the conditions in any of the following are met:
(1) The information is submitted on behalf of a person described in subsection (a).
(2) The information is submitted in response to a requirement of the permit or in response to a request for information directed to a person described in subsection (a).
(3) Written authorization is submitted to the commissioner, by an individual identified in subsection (a) that identifies a specific individual or position as authorized to submit information.

(c) If an authorization under subsection (b)(3) is no longer accurate, a new authorization satisfying the requirements of subsection (b)(3) must be submitted to the commissioner prior to or together with any reports of information to be signed by the authorized representative.

(d) Any person signing a document under subsection (a) or (b) shall make the certification, "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit this

information.". *(Solid Waste Management Division; 329 IAC 11-9-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1938; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1128, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-9-4 Renewal permit application and minor modification application

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 4-21.5-3-4; IC 4-21.5-3-5; IC 13-15-3-1; IC 13-20-21; IC 13-30-2; IC 36-9-30

Sec. 4. (a) Renewal applications must be submitted at least one hundred twenty (120) days prior to the expiration date of the permit.

(b) A complete application for a solid waste processing facility permit renewal must consist of the following information, submitted on forms provided by the commissioner:

(1) The name and address of the applicant.
(2) The name and address of the property owner or owners.
(3) The name, address, and location of the facility.
(4) The operation permit number of the facility.
(5) The legal description of the facility location as defined in 329 IAC 11-2-20.
(6) Facility information, including the following:
  (A) A description of the type of operation.
  (B) The volume of waste received at the facility in cubic yards per day or tons per day.
  (C) The type of waste received at the site.
  (D) A copy of the most current facility operating plan.
(7) Signatures and certification statements in compliance with section 3 of this rule.
(8) In order to assist the commissioner in identifying persons entitled to notice:
  (A) in accordance with IC 4-21.5-3-4 and IC 4-21.5-3-5, the name and address of all owners or last taxpayers of record of property located adjacent to the facility boundary of the solid waste processing facility; and
  (B) in accordance with IC 13-15-3-1(a), the:
    (i) county executive of a county;
    (ii) the executive of a city; and
    (iii) the executive of a town council of a town;
  that is affected by the permit application.

(c) Fees must be submitted with the application in accordance with IC 13-20-21.

(d) If the solid waste processing facility is not constructed before the permit must be renewed, the renewal application must include any construction and operation requirements as specified in this article, as amended in 2010, and applicable to the facility. *(Solid Waste Management Division; 329 IAC 11-9-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1939; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1128, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-9-5 Demonstration and determination of need

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-20-1-1; IC 13-21-5; IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 5. (a) This section applies to the following:

(1) All permits for new solid waste processing facilities, excluding transfer stations.
(2) Major modifications of solid waste processing facility permits, excluding transfer stations, issued after March 20, 1990.

(b) In accordance with subsection (a), and in addition to other permit application requirements outlined in this rule, the following are required:

(1) A description of the following:

(A) The anticipated area that would be served by the facility as indicated by the following:
(i) Solid waste management district or districts if established.
(ii) County, counties, or portions thereof.
(iii) County, counties, and state if the area includes portions outside of Indiana.
(B) The existing solid waste management facilities that serve the same described area.
(C) The need that would be fulfilled by constructing the proposed facility as follows:
(i) For facilities proposed in areas with approved district solid waste management plans, any description of the need that has been identified in the approved district solid waste management plan required under IC 13-21-5.
(ii) For facilities proposed in areas without approved district solid waste management plans or when an approved district solid waste management plan does not address the need for the type of facility proposed, a description of the need for the proposed area to be served.
(D) Recycling, composting, or other activities that the facility would operate within the proposed area of service.
(2) Additional information as requested by the commissioner.
(c) The commissioner shall review the submitted application and accompanying materials in accordance with this rule. If the commissioner determines that there is not a local or regional need in Indiana for the solid waste processing facility, the commissioner shall deny the permit application. *(Solid Waste Management Division; 329 IAC 11-9-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1939; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1129, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1) NOTE: Under P.L.154-2005, SECTION 18, 329 IAC 11-9-5 is void to the extent that the rule applies to transfer stations, effective July 1, 2005.*

329 IAC 11-9-6 Insignificant facility modifications

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-14; IC 13-19-3; IC 13-30; IC 36-9-30

Sec. 6. (a) The permittee of a solid waste processing facility may make or propose an insignificant facility modification in accordance with this section.
(b) If a permittee of a solid waste processing facility makes an insignificant facility modification described in 329 IAC 11-2-19.5(a), the permittee shall provide notice to the commissioner no later than seven (7) calendar days after the modification has been made. The notice must include a detailed description of the modification and the date the modification was completed or is expected to be completed.
(c) If the permittee of a solid waste processing facility proposes to make an insignificant facility modification described in 329 IAC 11-2-19.5(b), the permittee shall submit documentation of the proposed insignificant facility modification to the commissioner. The documentation must include a detailed description of the proposed modification.
(d) If the commissioner determines that the modification proposed under subsection (c) is a major or minor modification, the commissioner will notify the permittee in writing within thirty (30) days after receipt of the proposed modification that the permittee must submit an application for a minor or major modification to the current permit if the permittee plans to proceed with the proposed modification.
(e) If the permittee of the solid waste processing facility does not receive notification from the commissioner within thirty (30) days after submission of the proposed modification under subsection (c) to the commissioner, the permittee may initiate the insignificant facility modification in accordance with documentation provided to the commissioner.
(f) A permit modification is not required to modify the facility as necessary to:
(1) correct operational violations of this article; or
(2) protect human health or the environment.
(Solid Waste Management Division; 329 IAC 11-9-6; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3972; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

Rule 10. Action on Permit and Renewal Permit Applications

329 IAC 11-10-1 Action on permit and renewal permit applications

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 1. (a) Time periods for determination on permit applications are under IC 13-15-4.

(b) Procedures for application reviews are under IC 13-15-4.

(c) Remedies are under IC 13-15-4. *(Solid Waste Management Division; 329 IAC 11-10-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1939; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

Rule 11. Permit Issuance and Miscellaneous Provisions

329 IAC 11-11-1 Issuance procedures; original permits

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-15; IC 13-20-8; IC 13-30-2; IC 36-9-30

Sec. 1. (a) After the commissioner determines that the application is complete, the commissioner shall comply with the procedural requirements of:

(1) IC 13-15-3;

(2) IC 13-15-5-1;

(3) IC 13-15-5-3; and

(4) IC 13-15-6-1 through IC 13-15-6-5;

that are relevant to an application for an original permit for solid waste incinerator under IC 13-20-8.

(b) If the commissioner determines that:

(1) the permit application meets the requirements of this article; and

(2) the facility will be constructed and operated in accordance with the requirements of this article;

the permit must be granted. The commissioner may impose such conditions in a permit as may be necessary to comply with the requirements of this article, IC 13, and IC 36-9-30.

(c) The notice of the granting of a permit must state that the permit will not become effective until:

(1) any real estate transfers necessary to vest legal title of the real estate upon which the permitted activity is to occur in the name of the owner listed on the application have been completed, executed, and recorded; and

(2) documents evidencing the transfer have been delivered to the commissioner.

(d) All permits must be issued in the name of the owner of the facility.

(e) Notwithstanding subsection (c) a variance granted under IC 13-14-8 must not be transferred to another person without independent proof of undue hardship or burden by the person seeking the transfer. *(Solid Waste Management Division; 329 IAC 11-11-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1940; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1129, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-11-2 Issuance procedures; renewal permits

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-20-8; IC 13-30-2; IC 36-9-30

Sec. 2. (a) After the commissioner concludes that the renewal application is complete, the following is required:

(1) The commissioner shall comply with the procedural requirements of IC 13 relevant to an application for a renewal permit for a solid waste incinerator regulated under IC 13-20-8.

(2) The commissioner shall review the application to determine whether the facility or operation is in compliance with the plans and specifications as approved in its existing permit. The commissioner may request clarification or supplementation of information submitted in support of the renewal application. The commissioner shall evaluate the facility's compliance

record under:

(A) the operational requirements of 329 IAC 11-7, 329 IAC 11-13, 329 IAC 11-14, 329 IAC 11-15, 329 IAC 11-19, and 329 IAC 11-20 as appropriate; and

(B) any prior or existing permit conditions.

(b) After the provisions of subsection (a) have been accomplished, if the commissioner determines that the facility will be in compliance with the requirements of this article and the permit conditions, including any additions to or revisions of the conditions in the existing permit, the commissioner shall grant renewal of the permit.

(c) All renewal permits must be issued in the name of the owner of the facility. *(Solid Waste Management Division; 329 IAC 11-11-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1940; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1130, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-11-3 Duration of permits

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 36-9-30

Sec. 3. A permit, including a renewal permit, must be issued for a fixed term not to exceed five (5) years. A permit may be modified or revoked prior to the expiration of the term for cause, as provided in section 6 of this rule, or in accordance with conditions set forth in the permit. *(Solid Waste Management Division; 329 IAC 11-11-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1940; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1130, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-11-4 Effect of permit issuance

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-30-2; IC 36-9-30

Sec. 4. (a) The issuance of a permit does not:

(1) convey any property right of any sort or any exclusive privileges;

(2) authorize any injury to persons or private property or invasion of other private rights or any infringement of federal, state, or local laws or regulations; or

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

(b) The owner or operator of a solid waste facility and the owner or owners of the land upon which a solid waste facility is located shall be liable for any environmental harm caused by the facility. *(Solid Waste Management Division; 329 IAC 11-11-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1940; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1130, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-11-5 Transferability of permits; change of ownership interest

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10
Affected: IC 13-15-1-3; IC 13-15-7; IC 13-19-4; IC 13-30-2; IC 13-30-6; IC 36-9-30-35

Sec. 5. (a) A permit may be transferred to another person by the permittee, without the need for a:

(1) new permit; or

(2) modification or revocation of the existing permit;

being required, if the permittee notifies the commissioner of the proposed transfer at least sixty (60) days before the proposed date of transfer on forms provided by the commissioner.

(b) Along with the notification form, the permittee must provide the following:

(1) A disclosure statement meeting the requirements of IC 13-19-4-2(1) or IC 13-19-4-2(2) executed by:

(A) the transferee; and

(B) each person who is a responsible party with respect to the transferee;

unless IC 13-19-4-2 does not apply under the provisions of IC 13-19-4-1(a)(2).

(2) A written agreement containing a specific date of transfer of permit responsibility.

(3) Proof of financial responsibility of the transferee as provided in 329 IAC 10-39, if required by the commissioner.

(4) Proof that:

(A) the transferee is, or will be, the owner of the facility; or

(B) the facility will be leased to the transferee.

(c) A permit may not be transferred if the transferee has:

(1) been convicted 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; or

(2) had a permit to operate under this article or previous articles:

(A) 329 IAC 1.5, which was repealed in 1989; or

(B) 329 IAC 2, which was repealed in 1996;

revoked by the commissioner under IC 13-15-7.

(d) The transfer will be effective on the specific date of transfer provided by the permittee unless the commissioner notifies the permittee and the transferee that the transfer will be denied under IC 13-19-4-5 through IC 13-19-4-7.

(e) Notwithstanding the transfer of a permit, a variance must not be transferred to another person.

(f) Subject to IC 13-19-4-8(a), if there is a change of at least fifty percent (50%) ownership control of an entity, but less than a change of the entire ownership control of an entity, that holds a permit described in IC 13-15-1-3, then the entity must, not later than thirty (30) days after the change of ownership control is completed, submit to the department the disclosure statement required by IC 13-19-4-3(a) and IC 13-19-4-3(b).

(g) The requirement of subsection (f) applies to the transfer of a permit described in IC 13-19-4-1(a)(2).

(h) Upon receipt of the disclosure statement required under subsection (f), the commissioner shall follow the procedures and requirements of IC 13-19-4-8(f) and, if applicable, IC 13-19-4-8(g). *(Solid Waste Management Division; 329 IAC 11-11-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1940; errata filed Apr 4, 1996, 4:00 p.m.: 19 IR 2047; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1130, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-11-6 Permit revocation and modification

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10

Affected: IC 4-21.5-3-7; IC 13-15-7-1; IC 13-30-2; IC 36-9-30

Sec. 6. (a) The commissioner may:

(1) revoke or modify a permit issued under this article if cause exists under IC 13-15-7-1 or if the solid waste processing facility is used for purposes other than those specified in the permit; and

(2) request an updated application if necessary.

When a permit is modified, only the conditions subject to modifications are reopened and subject to review under IC 13-15-7 and IC 4-21.5-3-7. If a permit is revoked, the entire permit is reopened and subject to revision, and if the permit is reissued, it may be for a new term.

(b) If the facility is located in an area not suitable for the operation of a solid waste processing facility as specified under this article, the commissioner shall consider this issue as a sufficient basis for denying the modification or for revoking the permit unless the permittee demonstrates to the commissioner that continued use of the facility will not pose a threat to human health or the environment.

(c) Except as provided under 329 IAC 11-3-4, to request a change in the facility permit, the permittee shall request that the commissioner modify the permit. The permittee shall submit the requested modification and rationale for the modification. If the commissioner determines that the requested modification is consistent with the standards established in this article, the commissioner shall grant the modification. Only the conditions subject to modification are reopened. The commissioner shall give

notice of the determination on the modification in accordance with IC 13-15-7 and IC 4-21.5-3-7. *(Solid Waste Management Division; 329 IAC 11-11-6; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1941; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1131, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

Rule 12. Solid Waste Processing Facilities; Operation Approval and Preoperational Requirements

329 IAC 11-12-1 Operation approval

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 1. (a) A newly constructed solid waste processing facility or incinerator that holds a valid permit under this article must not accept solid waste until it has complied with the applicable preoperational requirements of this rule.

(b) The operator of the facility shall notify the commissioner in writing when all the applicable preoperational requirements have been completed. Unless the commissioner denies operational approval within fourteen (14) days of receipt of such notice, the facility may begin to accept solid waste in accordance with its permit and the applicable operational requirements of 329 IAC 11-7, 329 IAC 11-13, 329 IAC 11-14, 329 IAC 11-15, 329 IAC 11-19, and 329 IAC 11-20. *(Solid Waste Management Division; 329 IAC 11-12-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1941; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-12-2 Preoperational requirements

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 2. Before beginning operation, a solid waste processing facility must complete the initial facility development outlined in the permitted plans and specifications. Initial facility development includes the following:

(1) Construction of buildings or structures and on-site roads.
(2) Installation of equipment for storage, processing, and handling of solid waste.
(3) Installation of the following:
  (A) Access control.
  (B) Sanitary facilities.
  (C) Signs.
  (D) Communication devices.
  (E) Utilities.
(4) Financial assurance must be established under 329 IAC 11-16 for the solid waste processing facility.

(Solid Waste Management Division; 329 IAC 11-12-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1941; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

Rule 13. Solid Waste Processing Facilities; Operational Requirements (Repealed)

(Repealed by Solid Waste Management Division; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA)

Rule 13.5. Solid Waste Processing Facilities; Operational Requirements

329 IAC 11-13.5-1 Applicability

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-30-6-7

Sec. 1. (a) Sections 2 through 9 of this rule apply to all solid waste processing facilities.

(b) In addition to subsection (a), the following sections of this rule apply to all transfer stations located in Indiana or that transfer solid waste from Indiana:

(1) Sections 10 through 13 of this article *[rule]*.

(2) Section 14(a) of this rule.

(3) Sections 15 through 17 of this rule.

(c) In addition to subsections (a) and (b), transfer stations in Indiana must adhere to section 14(b) of this rule. *(Solid Waste Management Division; 329 IAC 11-13.5-1; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-13.5-2 Access control

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 2. Access to all solid waste processing facilities must be:

(1) allowed only when operating personnel are on duty; and

(2) controlled by the use of:

(A) gates;

(B) fences; or

(C) other appropriate means.

(Solid Waste Management Division; 329 IAC 11-13.5-2; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-13.5-3 On-site roads

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 3. An all-weather road that is passable by all vehicles utilizing the solid waste processing facility must be provided. *(Solid Waste Management Division; 329 IAC 11-13.5-3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-13.5-4 Signs

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 4. (a) All solid waste processing facilities must have a sign at least sixteen (16) square feet in area identifying the following:

(1) The name of the facility.

(2) The type of operation.

(3) The facility's IDEM permit number.

(4) The phone number for the person to be contacted in the event of an emergency.

(b) For facilities that grant access to the general public, for the use of the facility, the sign also must:

(1) be posted at each point of vehicular access from a public road;

(2) identify the time the facility is open to accept waste; and

(3) identify the schedule of fees.

(c) For facilities that do not grant access to the general public:

(1) the sign must be posted at the door of the facility building; or

(2) upon request by the applicant, the commissioner may determine and approve appropriate alternative sign location, size, and information based on public access.

(Solid Waste Management Division; 329 IAC 11-13.5-4; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-13.5-5 Processing facilities waste criteria

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 5. Solid waste processing facilities may accept all solid waste regulated under this article except the following:
(1) Hazardous waste that is regulated by 329 IAC 3.1.
(2) Solid waste that is prohibited by the facility permit.
(Solid Waste Management Division; 329 IAC 11-13.5-5; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-13.5-6 Operational requirements

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-2; IC 13-30-6-7; IC 36-9-30

Sec. 6. (a) A solid waste processing facility must have the following:
(1) An enclosed building, with solid walls and a door or doors except as specified in subsection (h). The door must be closed when the facility is not in operation.
(2) A hard surface, such as concrete or asphalt, equipped with floor drains or liquid removal system or other equivalent method to manage liquids accumulating on the floor.
(3) One (1) of the following:
(A) Waste storage areas equipped with spill prevention mechanisms, such as curbs, aprons, or spill prevention kits.
(B) Waste is stored in leak-proof containers.
(4) Liquid waste storage equipped with secondary containment structure.
(5) A storm water pollution prevention plan implemented as required by the rules of the water pollution control board at 327 IAC 15.
(b) Solid waste must be confined to the designated storage, processing, loading, and unloading areas of the processing facility. Solid waste processing that includes MSW must occur only in the enclosed building required in subsection (a)(1). The processing facility and adjacent areas must be maintained clean and litter free when not in use.
(c) Solid waste may not be stored overnight at the processing facility except in:
(1) permitted storage areas; or
(2) in covered transporting units.
(d) Residues from solid waste processing facilities and incinerators must be disposed of in accordance with 329 IAC 10.
(e) Salvaging, if undertaken, must not interfere with the facility operation or create:
(1) pollution hazard;
(2) a nuisance; or
(3) a health hazard.
(f) At a minimum, all salvage materials must be stored in buildings or transportable containers while awaiting removal from the facility. No alternative methods of storing salvage materials may be used without obtaining prior written approval from the commissioner. Approval may be granted at the request of the permittee, if the permittee can demonstrate that the alternative method will provide a comparable level of environmental protection.
(g) An alternative design to subsection (a)(1) may be approved if it is demonstrated to the satisfaction of the commissioner that it will provide at least equivalent protection to public health and the environment.
(h) Any solid waste processing facility that:
(1) has a valid permit and is operating as of the effective date of this section; and
(2) does not process in an enclosed building;
is not required to have an enclosed building as specified in subsection (a)(1). *(Solid Waste Management Division; 329 IAC 11-13.5-*

6; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-13.5-7 Safety requirements

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 7. (a) Vectors, dust, odors, spills, and noise must be controlled at all times such that there is no nuisance or health hazard at the facility.

(b) Equipment must be provided to abate or control fires. Open burning of solid waste is prohibited.

(c) Telephone or radio communication must be provided on-site.

(d) A first aid kit must be available on-site.

(e) Scavenging is prohibited.

(f) The facility must have a written emergency response plan.

(g) A spill prevention kit must be available on site. *(Solid Waste Management Division; 329 IAC 11-13.5-7; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-13.5-8 Use of contingency action plan

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 8. If the facility is unable to operate or process solid waste in accordance with its approved operating plan for more than a continuous twenty-four (24) hour period, the contingency action plan required in 329 IAC 11-9-2(j)(6) must be implemented. *(Solid Waste Management Division; 329 IAC 11-13.5-8; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-13.5-9 Records and reports

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-19-3; IC 36-9-30

Sec. 9. (a) The following must be furnished upon request and made available during normal operating hours for inspection by any officer, employee, or representative of the commissioner:

(1) All solid waste processing facility records and reports required by this rule, 329 IAC 11-14, and 329 IAC 11-15.

(2) All test results from testing of residues generated by the facility.

(b) Owners or operators of solid waste processing facilities shall maintain the records and reports required in subsection (a)(2) until certification of post-closure is deemed acceptable. *(Solid Waste Management Division; 329 IAC 11-13.5-9; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-13.5-10 Training-transfer stations

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-6-7

Sec. 10. The transfer station employee responsible for conducting the random inspections or constant overview required in section 13 of this rule shall be trained so as to be able to recognize the visual indications of solid waste as listed in section 13(b) of this rule. *(Solid Waste Management Division; 329 IAC 11-13.5-10; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-13.5-11 Inspections of transfer stations

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-20-21; IC 13-30-6-7

Sec. 11. (a) The commissioner or any designated agent of the department, including a third party contractor, upon presentation of proper credentials shall have authority to:

(1) enter onto transfer station property during the normal business hours of the transfer station; and

(2) inspect the facility for purposes of assessing compliance with:

(A) this rule;

(B) 329 IAC 11-7; and

(C) 329 IAC 11-14 through 329 IAC 11-15.

(b) The department shall recover costs associated with the inspection of any transfer station. The associated costs must include inspection and travel costs. Recovery of costs for inspections of transfer stations located in this state must be covered by the annual operation fee required in IC 13-20-21. Cost recovery for any other transfer station must occur through an annual billing for the actual costs incurred by the department for inspections of that transfer station conducted during the previous calendar year, but must not exceed the dollar amount of the annual operation fee set forth in IC 13-20-21 that is required to be paid by transfer stations located in Indiana, plus the amount by which actual travel costs incurred in inspecting the transfer station exceed the highest travel cost incurred by the department during the calendar year for any single inspection of a transfer station located in Indiana.

(c) As used in this rule, "travel cost" includes any reimbursement for the following:

(1) Mileage.

(2) Fares paid for air or ground transportation.

(3) Rental car fees.

(4) Where reasonably required, meals and lodging, including any applicable taxes or gratuities.

(d) This section does not apply to a transfer station located outside Indiana if the:

(1) transfer station is located in a jurisdiction that has a transfer station inspection program similar to that created by this rule; and

(2) department has made a determination that the standards of the inspection program, as constituted and as applied, are substantially equivalent to the standards set forth in this rule.

(e) The department shall:

(1) maintain a list of jurisdictions qualifying for the exception in subsection (d);

(2) publish that list from time to time in the Indiana Register; and

(3) provide a copy of the list to any party upon request and upon payment of the cost of providing a copy of the list.

(f) If the owner or operator of a transfer station located outside Indiana believes that the jurisdiction in which the transfer station is located should qualify for the exception in subsection (d), but the jurisdiction is not on the list maintained by the department under subsection (e), the operator may request that the department include the jurisdiction on the list. The department shall then:

(1) promptly make a determination whether the jurisdiction qualifies for the exception in subsection (d);

(2) either include or exclude the jurisdiction on the list in accordance with its determination; and

(3) inform the owner or operator of its determination.

(Solid Waste Management Division; 329 IAC 11-13.5-11; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-13.5-12 Permits required for transfer stations

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-30-6-7

Sec. 12. All transfer stations, other than those excluded under 329 IAC 11-2-47, that haul or ship MSW to an Indiana solid waste facility must hold:

(1) a valid permit under this article if located in Indiana; or

(2) hold a valid permit or applicable authorization issued by the appropriate governmental agency or agencies, if any, in other states, territories, or nations.

(Solid Waste Management Division; 329 IAC 11-13.5-12; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-13.5-13 Monitoring and managing incoming waste for transfer stations

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-20-9; IC 13-20-16; IC 13-30-6-7; IC 36-9-30

Sec. 13. (a) Except as provided in subsection (b), a transfer station may accept all solid waste regulated by this article including the following:

(1) MSW.

(2) Construction/demolition waste.

(3) CESQG hazardous waste.

(4) Industrial process waste.

(5) Pollution control waste in nonleaking containers.

(6) Any solid waste authorized by the facility permit.

(b) A transfer station may not accept any of the following:

(1) Solid waste that is prohibited by the facility permit.

(2) Liquid waste, as defined in 329 IAC 10-2-106.

(3) Hazardous waste, except CESQG hazardous waste.

(4) Infectious waste, except as provided in the rules of the state department of health at 410 IAC 1-3-26 and section 15 of this rule.

(5) Whole waste tires, except as provided in section 16 of this rule.

(6) Lead-acid batteries prohibited by IC 13-20-16.

(7) Vegetative matter prohibited by IC 13-20-9.

(8) Waste or material containing PCB prohibited by 329 IAC 4.1.

(9) RACM that is not managed in accordance with the rules of the air pollution control board at 326 IAC 14-10 and 329 IAC 10-8.2-4.

(10) Any appliance or motor vehicle air conditioner containing a refrigerant or other class I or class II substance that has not been removed as required by 40 CFR 82.156, revised as of July 1, 2002. 40 CFR 82.156 is available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238.

(11) Biosolid, as defined in the rules of the water pollution control board at 327 IAC 6.1-2-7, that is not managed in accordance with the rules of the water pollution control board at 327 IAC 6.1-1-7.

(12) Wastewater, as defined in the rules of the water pollution control board at 327 IAC 7.1-2-41, that is not managed in accordance with the rules of the water pollution control board at 327 IAC 7.1-7-1.

(13) More than two hundred twenty (220) pounds of pollution control waste in a shipment that is not enclosed in nonleaking containers.

(c) Incoming MSW must be monitored daily by transfer station employees. The monitoring must be conducted by personnel who are able to recognize the visual indications of solid waste as listed in subsection (b) that may be present in the MSW observed.

(d) The monitoring may be accomplished by either of the following methods:

(1) Conducting, on a daily basis, a minimum of two (2) random inspections that must consist of a visual observation of all off-loaded MSW prior to processing.

(2) An overview of the MSW on an ongoing basis by facility personnel.

(e) Random inspections conducted under subsection (d)(1) must be recorded in a format established by the department.

(f) A facility conducting overview inspections of the incoming MSW under subsection (d)(2) of this section must only record events in which solid waste as listed in subsection (b) is found. Records of such events must be in a format established by the

department, and the waste must be managed in accordance with the applicable laws. *(Solid Waste Management Division; 329 IAC 11-13.5-13; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-13.5-14 General operating requirements for transfer stations

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-6-7

Sec. 14. (a) All transfer stations must be operated in a manner that minimizes the inclusion of liquids and does not allow vectors into the permitted waste stored, processed, and shipped from the transfer station. Such management practices include, but are not limited to, the following:

(1) All facility floors and the loading bay tunnel must be maintained so as to prevent standing water within the facility structure. All drainage and liquids originating from:

(A) storage, handling, and processing MSW;

(B) cleaning floors; or

(C) washout water from a MSW vehicle;

must be properly directed to a sanitary sewer, a holding tank constructed and operated in accordance with any applicable local approvals, or the equivalent of a sanitary sewer or holding tank.

(2) The facility tipping floor and loading bay tunnel must be cleaned daily while the facility is in operation by wash-down or other alternative method approved by the commissioner to prevent buildup of residue or waste, odors, and other nuisance conditions with all residuals being removed and disposed of properly. Litter must be collected daily or as needed to keep facility clean.

(3) Any MSW that is stored overnight at the facility, except nonputrescible waste that has been segregated for recycling, must be removed from the site the following operating day except for holidays and weekends. Any MSW stored overnight must be stored in a manner to:

(A) promote vector control; and

(B) prevent odors and other nuisance conditions.

(b) The following operating conditions apply to all Indiana transfer stations:

(1) Transfer stations that operate by discharging MSW directly from one (1) vehicle into a below the floor opening must have truck wheel curbs or an equivalent backup safety device or procedure.

(2) Solid waste that has been segregated and designated as waste to be recycled must be:

(A) stored in clearly identified containers or permitted areas; and

(B) maintained in a safe, sanitary, and orderly manner.

A record of the type and quantity of MSW shipped off-site for reuse or recycling must be maintained.

(3) Wastewater liquids collected under subsection (a)(1) must be emptied as necessary and properly disposed of whenever necessary to prevent overflow of the holding tank.

(4) An up-to-date copy of the plans and specifications approved by the department in granting the permit must be maintained on-site.

(Solid Waste Management Division; 329 IAC 11-13.5-14; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-13.5-15 Infectious waste at transfer stations

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-30-6-7

Sec. 15. The following conditions apply to all Indiana transfer stations that hold a valid permit under this article and are authorized to accept segregated infectious waste:

(1) Infectious waste must be stored in a manner that:

(A) preserves the integrity of containers; and

(B) is not conducive to rapid microbial growth and putrefaction.

The maximum duration for storage or containment of infectious waste must be limited to seven (7) days unless the department grants prior written approval for a longer period based on specific circumstances.

(2) Storage and containment of infectious waste must be in:

(A) a secure, vector free, and dry area separate from other solid waste at the facility; and

(B) such a manner and location that eliminates the possibility of exposure to:

(i) the environment;

(ii) facility personnel; and

(iii) the public.

Infectious waste must not be mixed with, or come into contact with, other solid waste. In addition, storage areas must protect infectious waste from weather, be ventilated to the outdoors, be accessible only to authorized persons, and be marked with prominent warning signs. The warning signs must include the nationally recognized biohazard symbol, Unicode U+2623, and be easily read from a distance of twenty-five (25) feet. Outside storage areas containing infectious waste must be locked to prevent unauthorized access.

(3) Infectious waste received by the facility must be packaged and labeled in accordance with the rules of the state department of health at 410 IAC 1-3, and the packaging and labeling must be maintained by the facility.

(4) Containers used to contain other containers of infectious waste must be marked with prominent warning signs or conspicuously labeled with the biohazard symbol or the word "INFECTIOUS".

(5) In addition to the requirements of this section, infectious waste must be labeled and packaged in accordance with applicable United States Department of Transportation regulations.

(6) Infectious waste must be transported and delivered to a facility that:

(A) holds a valid permit under this article and is authorized by the department in writing to accept and treat the waste; or

(B) is permitted by the appropriate governmental agency or agencies if located in another state, territory, or nation.

(7) Reusable containers for infectious waste must be thoroughly washed and decontaminated each time they are emptied, unless the surfaces of the containers have been completely protected from contamination by using disposable liners, bags, or other devices that are removed with the infectious waste. Reusable containers used for the storage of infectious waste must be disinfected before they are used for the storage or containment of any other solid waste or for other purposes.

(Solid Waste Management Division; 329 IAC 11-13.5-15; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-13.5-16 Incidental transfer of small amounts of whole waste tires at transfer stations

Authority: IC 13-14-8; IC 13-15-2; IC 13-19-3; IC 13-20-14-9.5

Affected: IC 13-20-14-9.5

Sec. 16. (a) IC 13-20-14-9.5 requires the removal of whole waste tires from MSW, as defined at 329 IAC 10-2-115, that is transferred at a transfer station, except as provided for in this section. The incidental transfer of small amounts of whole waste tires at a transfer station is allowed if the owner, operator, or permittee of that transfer station complies with one (1) of the following options:

(1) The numeric standard described in subsection (b).

(2) A procedure that meets the criteria in subsection (c).

(b) The numeric standard for incidental transfer of whole waste tires is not more than one (1) visible whole waste tire for each two hundred fifty (250) tons of MSW, as defined at 329 IAC 10-2-115, or not more than two (2) tires per day for transfer stations that transfer less than two hundred fifty (250) tons of waste per day.

(c) In lieu of complying with the numeric standard in subsection (b), an owner, operator, or permittee of a transfer station must develop and follow a written procedure. This procedure must:

(1) be kept at the transfer station;

(2) be designed to minimize the transfer of whole waste tires by ensuring that those tires that do not meet the definition of incidental transfer at 329 IAC 11-2-15.1 are removed from the MSW;

(3) designate by position and describe the duties of the person who is responsible for minimizing transfer of whole waste tires;
(4) provide clear instructions to transfer station employees who handle waste tires and haulers for handling whole waste tires;
(5) contain a system for:
(A) identifying haulers who deliver whole waste tires to the transfer station; and
(B) notifying those haulers that the disposal of whole waste tires is prohibited;
(6) provide for proper storage and disposal or recycling of tires removed from MSW; and
(7) document reduction in the numbers of whole waste tires incidentally transferred at that transfer station.
(Solid Waste Management Division; 329 IAC 11-13.5-16; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-13.5-17 Reporting for transfer stations
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-6-7

Sec. 17. (a) Inspection records must be maintained on site and available for review by the commissioner or any designated agent of the department for a period of one (1) year from the date of the inspection or event.
(b) Transfer stations must submit to the department by January 31 of each year an annual report, in a format established by the department, that identifies the following:
(1) Any inspection that detected any solid waste as listed in section 13(b) of this rule at the facility.
(2) The disposition of these wastes.
(c) The report must include all of the following:
(1) The name of the facility.
(2) The address of the facility.
(3) The permit number of the facility.
(4) The inspection date.
(5) The name of the person conducting each inspection.
(6) The type of waste found and how it was handled, including final disposition.
(7) The name and address of the generator of waste found during an inspection if known.
(Solid Waste Management Division; 329 IAC 11-13.5-17; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

Rule 14. Solid Waste Processing Facilities; Quarterly Tonnage Reports

329 IAC 11-14-1 Quarterly reports
Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 1. (a) A quarterly tonnage report of solid waste received at the solid waste processing facility must be submitted to the commissioner by the owner, operator, or permittee of that facility.
(b) The report required by subsection (a) must be submitted:
(1) For all facilities required to report, except on-site incinerators, on or before the fifteenth day of the month immediately following the end of the calendar quarter being reported. If the submittal date falls on a Saturday, Sunday, or national or state legal holiday, the submittal date will be the next day that is not a Saturday, Sunday, or holiday.
(2) For on-site incinerators, annually, on or before the fifteenth of January. If the submittal date falls on a Saturday, Sunday, or national or state legal holiday, the submittal date will be the next day that is not a Saturday, Sunday, or holiday.
(3) For purposes of this subsection, "on-site" means a facility that accepts solid waste generated within the facility boundary and may also accept solid waste generated at various locations owned by the same parent company that owns the facility. The term does not include an incinerator that is on-site and permitted by rule under 329 IAC 11-19-2.

(c) The report required by subsection (a) must be submitted by the owner, operator, or permittee of the permitted solid waste processing facility that is open to accept solid waste for processing unless one (1) of the following applies:

(1) The owner, operator, or permittee of the solid waste processing facility has:

(A) ceased accepting solid waste for a period of at least one (1) calendar quarter; and

(B) sent written notification to the commissioner indicating the initiation of final closure under 329 IAC 11-16 if applicable.

(2) The solid waste processing facility is not required to obtain a permit under this article.

(3) The solid waste processing facility is only required to obtain a permit by rule under 329 IAC 11-19-2(a).

(d) The solid waste hauler shall provide the owner, operator, or permittee of the solid waste processing facility with the origin or origins of the solid waste delivered to the solid waste processing facility. The hauler shall estimate, by percent, the type and amount of solid waste originating in each county and state, or country if other than the United States, if the load contains solid waste from more than one (1) county, state, or country.

(e) The owner, operator, or permittee of the solid waste processing facility shall submit the quarterly tonnage report, required under subsection (a) as follows:

(1) On the most current paper or electronic report form prescribed by the department. The owner, operator, or permittee may obtain a quarterly tonnage report form from the department. The form:

(A) may be photocopied or electronically copied by the owner, operator, or permittee of the solid waste processing facility; and

(B) in its most current format, may be computer generated by the owner, operator, or permittee of the solid waste processing facility.

(2) The original of each paper report must be signed by the facility owner, operator, or permittee as certification of report accuracy.

(3) Each report must be accurate, legible, and complete.

(4) Each electronic report must contain a unique identification code assigned to the permitted facility owner, operator, or permittee by the commissioner as certification of report accuracy and authenticity.

(5) The type and usage of electronic reporting formats other than described in subdivision (1) must be approved by the commissioner.

(6) The paper report and any approved format required by this subsection must include at least the following information:

(A) The weight in total tons of solid waste received at the facility for that calendar quarter compiled by waste type and origin.

(B) The county and state in which the solid waste originated. If the solid waste originated outside of the United States, the country must be designated. The origin must be provided to the solid waste processing facility by the solid waste hauler as described in subsection (d).

(C) The type, total weight in tons, and final destination of solid waste received at and transported off-site from the solid waste processing facility for reuse, recycling or disposal.

(D) Waste types include the following:

(i) Municipal solid waste.

(ii) Construction/demolition debris.

(iii) Pollution control waste.

(iv) Other solid waste.

(f) If the owner, operator, or permittee of the solid waste processing facility ascertains that there is an error or errors in any report previously submitted as required by subsection (a), a revised report reflecting the correct information must be submitted in the same format as the original submission. The revised report must:

(1) have "Amended" written or typed at the top of each page of the resubmitted report; and

(2) be submitted before or with the submission of the next quarterly tonnage report after ascertaining the error.

(g) Copies of reports required by this section must be maintained on-site by the facility owner, operator, or permittee for three (3) years after the submittal date of the report and be made available during normal operating hours for on-site inspection and photocopying by a representative of the department.

(h) The facility owner, operator, or permittee shall maintain the documentation on-site to substantiate reports required by

this section. Such documentation must be maintained by the facility owner, operator, or permittee for three (3) years after the report's submittal date and be made available during normal operating hours for on-site inspection and photocopying by a representative of the department.

(i) Failure to submit reports and copies as required by this section, or maintain copies of reports and records as required by this section, constitutes an operational violation under 329 IAC 11-1-1.

(j) A facility required to report by subsection (a), which does not operate weighing scales for weighing solid waste, must use the most applicable of the following conversion factors to determine the weight of municipal solid waste from the volume of municipal solid waste:

(1) Three and three-tenths (3.3) cubic yards of compacted solid waste equals one (1) ton of solid waste.

(2) Six (6) cubic yards of uncompacted solid waste equals one (1) ton of solid waste.

(3) One (1) cubic yard of baled solid waste equals one (1) ton of solid waste.

(k) The owner, operator, or permittee of any solid waste processing facility accepting construction/demolition debris or pollution control waste, required to report under subsection (a), that does not operate weighing scales for weighing solid waste, shall use accepted engineering practices, production information, or other methods approved by the commissioner to estimate the weight of these solid waste types received at the facility. *(Solid Waste Management Division; 329 IAC 11-14-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1943; readopted filed Nov 16, 2001, 4:43 p.m.: 25 IR 1131, eff Jan 1, 2002; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

Rule 15. Miscellaneous Requirements Concerning Solid Waste Management

329 IAC 11-15-1 Definitions

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2; IC 13-19-3-3; IC 13-22; IC 13-30-2; IC 16-41-16-4; IC 36-9-30

Sec. 1. (a) In addition to the definitions in 329 IAC 11-2 and IC 13-11-2, the definitions in this section apply throughout this rule.

(b) "Manifest" means the form used for identifying the:

(1) quantity;

(2) origin;

(3) operators involved in a shipment; and

(4) destination;

of municipal solid waste during its transportation.

(c) "Operator", as defined in IC 13-11-2-148(c), means a corporation, a limited liability company, a partnership, a business association, a unit, or an individual who is a sole proprietor that is one (1) of the following:

(1) A broker.

(2) A person who manages the activities of a transfer station that receives municipal waste.

(3) A transporter.

(d) "Transporter", as defined in IC 13-11-2-238, means a person who is in the business of transporting municipal waste.

(e) "Waste transfer activities", as defined in IC 13-11-2-254, means the participation by a:

(1) broker or a transporter who is:

(A) a resident of Indiana; or

(B) not a resident of Indiana; or

(2) transfer station that receives municipal waste located:

(A) inside Indiana; or

(B) outside Indiana;

in the collection or transportation of municipal waste for disposal or incineration in Indiana. *(Solid Waste Management Division; 329 IAC 11-15-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1944; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3973; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49*

a.m.: 20140903-IR-329140187BFA)

329 IAC 11-15-2 Municipal waste transportation manifests

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 2. Shipments of municipal waste from solid waste processing facilities must be accompanied by a municipal waste transportation manifest. *(Solid Waste Management Division; 329 IAC 11-15-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1944; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 11-15-3 Manifests required information

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 3. The manifest required under section 2 of this rule must include the following information:
(1) The amount in tons or pounds of municipal waste transported in the vehicle.
(2) The name and address of the solid waste processing facility from which the municipal waste is transported in the vehicle.
(3) The destination of the municipal waste.
(4) The name and business address of the transporter of the municipal waste.
(5) The name and address of the broker involved in the shipment, if applicable.
(6) The date of:
(A) the shipment; and
(B) receipt at the final disposal facility.
(Solid Waste Management Division; 329 IAC 11-15-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1945; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA)

329 IAC 11-15-4 Responsibilities of the owners or operators of the solid waste processing facilities

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 4. (a) The owner or an employee of the solid waste processing facility from which municipal waste is to be transported shall prepare the manifest required under section 2 of this rule and deliver it to the operator of the vehicle, who shall carry it while transporting the municipal waste. The transporter shall present the manifest to the owner or an employee of the facility to which the municipal waste is transported.

(b) The owner or an employee of the facility to which the municipal waste is transported shall retain each manifest for one (1) year and send one (1) copy of each manifest to the department within three (3) months after receiving the manifest. The manifests must be retained at the facility and must be made available to the department staff upon request. *(Solid Waste Management Division; 329 IAC 11-15-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1945; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 11-15-5 Prohibition on accepting municipal waste

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-20-6-4; IC 13-30-2; IC 36-9-30

Sec. 5. (a) Before accepting a shipment of municipal waste from a transfer station located inside or outside of Indiana, a solid

waste processing facility must do the following:

(1) Receive a copy of the manifest.

(2) Review the manifest to determine whether the items listed under section 3 of this rule are included on the manifest.

(b) A solid waste processing facility must not knowingly accept a shipment of municipal waste from a transfer station located inside or outside of Indiana if the:

(1) municipal waste is not accompanied by a manifest that contains the information required under section 3 of this rule; or

(2) solid waste processing facility has received notice from the department that the commissioner has issued an order under IC 13-20-6-4 that suspends the waste transfer activities within Indiana of the transfer station or operator that is listed on the manifest accompanying the shipment of municipal waste.

(c) Subsection (b)(2) does not apply unless the department has sent notice by certified mail, return receipt requested, to the solid waste processing facility that the commissioner has suspended the waste transfer activities of the transfer station or operator listed on the manifest. The notice must contain the following:

(1) The name of the operator or transfer station subject to the commissioner's order to suspend waste transfer activities.

(2) The date on which the waste transfer activities are suspended under the commissioner's order.

(3) The location of the transfer station if the order applies to a transfer station.

(d) Subsection (b)(2) does not apply after the department has notified a suspended transfer station or operator that they may resume waste transfer activities in Indiana. The notice to the formerly suspended transfer station or operator must contain the date in which waste transfer activities may resume. A copy of this notice must be sent by the department via certified mail, return receipt requested, to each solid waste processing facility that was sent the applicable notice under subsection (c). *(Solid Waste Management Division; 329 IAC 11-15-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1945; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; filed Feb 13, 2008, 1:38 p.m.: 20080312-IR-329050297FRA; readopted filed Aug 6, 2014, 9:49 a.m.: 20140903-IR-329140187BFA)*

329 IAC 11-15-6 Violations

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 6. (a) A solid waste processing facility that knowingly accepts a shipment of municipal waste in contravention of section 5(b) of this rule violates this rule.

(b) Acceptance of a shipment of municipal waste is not a violation of this rule if:

(1) the solid waste processing facility did not receive a notice under section 5(c) of this rule that the department has suspended the waste transfer activities of a transfer station or operator listed on the manifest; or

(2) the solid waste processing facility did not receive a notice under section 5(d) of this rule that the department has allowed the waste transfer activities of a transfer station or operator listed on the manifest to resume.

(Solid Waste Management Division; 329 IAC 11-15-6; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1945; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

Rule 16. Solid Waste Processing Facilities; Closure and Post-Closure Requirements

329 IAC 11-16-1 Closure plans and closure financial responsibility

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 1. A closure plan similar to that provided for in 329 IAC 10-22, 329 IAC 10-30, or 329 IAC 10-37 and closure financial responsibility similar to that provided for in 329 IAC 10-39 may be required by the commissioner for solid waste processing facilities and incinerators where the proposed solid waste storage or handling practices may pose a threat to human health and the environment if closure of the facility is not accomplished in accordance with approved plans or permits. *(Solid Waste Management*

Division; 329 IAC 11-16-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1946; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)

329 IAC 11-16-2 Financial responsibility and post-closure requirements for transfer stations

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-30-2; IC 36-9-30

Sec. 2. (a) A person who applies for a permit to operate a transfer station shall establish financial responsibility for the costs of closure and post-closure monitoring and maintenance of the transfer station.

(b) The financial responsibility must cover the costs of the following:

(1) Properly closing the transfer station in an environmentally sound manner.

(2) Monitoring and maintaining the transfer station site during post-closure.

(c) Financial responsibility may be established through the mechanisms under 329 IAC 10-39.

(d) The amount of financial responsibility a person shall establish for a transfer station must be the greater of one (1) of the following:

(1) Four thousand dollars ($4,000) for each acre or part of an acre covered by the transfer station.

(2) An amount determined by the commissioner that is sufficient to close the transfer station in a manner that minimizes the need for further maintenance, and provides reasonable, foreseeable, and necessary maintenance during post-closure.

(e) The amount of financial responsibility a person shall establish for a transfer station must provide assurance of proper post-closure maintenance for one (1) year after the transfer station has ceased operations. *(Solid Waste Management Division; 329 IAC 11-16-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1946; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

329 IAC 11-16-3 Closure and post-closure requirements

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1
Affected: IC 13-11-2-254; IC 13-19-3; IC 13-30-6-7

Sec. 3. (a) The permittee shall notify the department when the facility closes. The final closure of the facility shall be initiated within seventy-two (72) hours after receiving the final volume of waste. The following closure activities shall be performed at the facility during closure:

(1) Notification of all affected parties that the facility is closed. A sign that includes the name and address of the nearest landfill or other processing facility accepting solid waste must be posted.

(2) Removal of all solid waste stored at the facility. The solid waste must be properly disposed of at a permitted facility. All storage containers and recyclable waste must be removed.

(3) Cleanup of tipping floor and solid waste storage areas so the facility is free of solid waste and contaminated liquids.

(4) Removal of wastewater holding tanks, if applicable. The wastewater must be pumped out and properly disposed of in accordance with local, state, and federal laws.

(5) Cleanup of septic tank, if applicable.

(6) Cleanup of sediment pond, if applicable. Dredging of sediments may be required.

(b) Solid waste that contains any significant putrescible component or any other waste that may create pollution shall be removed from the facility within two (2) days of initiation of the facility final closure. All other closure activities shall be completed within ninety (90) days of initiation of the closure activities.

(c) The permittee shall submit to the department, within thirty (30) days of completion of closure, a closure certification signed by the permittee that specifically identifies the closed facility and documents that the closure was performed in accordance with the closure plan. The certification shall include the facility contact person's name, address, and telephone number during the post-closure period.

(d) The closure will be deemed adequate unless, within ninety (90) days of receipt of the certification required in subsection

(c), the department issues a request for additional information for closure, including the following:

(1) Additional action that needs to be taken.

(2) The timetable for the necessary additional action.

(e) The permittee shall perform post-closure for one (1) year at the facility following completion of closure activities. The following duties shall be implemented after closure of the facility has been certified and deemed adequate by the department:

(1) Minimizing the need for further maintenance.

(2) Controlling the post-closure escape of contaminants to:

(A) the ground surface;

(B) surface waters;

(C) ground waters; or

(D) the atmosphere.

(3) At a minimum, remaining in compliance with all applicable requirements of a permit issued under this article.

(4) Inspecting the facility semiannually and submitting a written inspection report on the condition of the facility to the department within thirty (30) days of the inspection.

(5) Maintaining the facility's surface water run-off controls as applicable.

(6) Maintaining access control.

(7) Removing any solid waste that may be illegally dumped at the closed facility.

(f) The duties described in subsection (e) may be modified by the commissioner based on the use of the property during the post-closure period.

(g) Within thirty (30) days of completion of the post-closure, the permittee shall submit a certification statement signed by the permittee that the post-closure requirements have been met. The post-closure certification will be deemed adequate unless within ninety (90) days of receipt of the certification, the department issues a request for additional information for post-closure, including action necessary to correct the deficiency.

(h) Subsequent to the completion of post-closure, the:

(1) owner or operator of a closed facility; or

(2) the owner of the property on which a closed facility is located;

shall be responsible for immediately correcting and controlling any nuisance occurring at the facility. *(Solid Waste Management Division; 329 IAC 11-16-3; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA; readopted filed Jun 6, 2016, 11:52 a.m.: 20160706-IR-329160144BFA.1)*

Rule 17. Solid Waste Incinerators; Additional Application Requirements (Repealed)

(Repealed by Solid Waste Management Division; filed Mar 14, 2013, 2:57 p.m.: 20130410-IR-329090193FRA)

Rule 18. Solid Waste Incinerators; Additional Preoperational Requirements (Repealed)

(Repealed by Solid Waste Management Division; filed Mar 14, 2013, 2:57 p.m.: 20130410-IR-329090193FRA)

Rule 19. Solid Waste Incinerators; Additional Operational Requirements (Repealed)

(Repealed by Solid Waste Management Division; filed Mar 14, 2013, 2:57 p.m.: 20130410-IR-329090193FRA)

Rule 20. Infectious Waste Incinerators; Additional Operational Requirements (Repealed)

(Repealed by Solid Waste Management Division; filed Mar 14, 2013, 2:57 p.m.: 20130410-IR-329090193FRA)

Rule 21. Transfer Stations (Repealed)

(Repealed by Solid Waste Management Division; filed Jun 28, 2010, 2:11 p.m.: 20100728-IR-329060070FRA)

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