

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 13-30-2; 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, or any combination thereof, as appropriate. *(Solid Waste Management Board; 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)*

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 Board; 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)*

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 pursuant to this article, shall maintain all records of all monitoring information and monitoring activities, including:

- (1) the date, exact place, and time of the sampling or measurements;
- (2) the person(s) who performed the sampling or measurements;
- (3) the date(s) analyses were performed;
- (4) the person(s) who performed the analyses;
- (5) the analytical techniques or methods used; and
- (6) the results of such measurements or analyses.

(b) All records of monitoring activities and results shall be retained by the permittee for five (5) years. The five (5) 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.

(Solid Waste Management Board; 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)

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 Board; 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)*

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 Board; 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*)

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 Board; 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*)

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 Board; 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*)

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 Board; 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*)

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 that has a one percent (1%) or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in one hundred (100) years on the average over a significantly long period. In any given one hundred (100) year interval, such a flood may not occur or more than one (1) such flood may occur. (*Solid Waste Management Board; 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*)

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 Board; 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)

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 Board; 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*)

329 IAC 11-2-7 “Commissioner” 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. 7. “Commissioner” refers to the commissioner of the department created under IC 13-13-1-1. (*Solid Waste Management Board; 329 IAC 11-2-7; 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*)

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 Board; 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*)

329 IAC 11-2-9 “Department” 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. 9. “Department” refers to the department of environmental management created under IC 13-13-1-1. (*Solid Waste Management Board; 329 IAC 11-2-9; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1928; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741*)

329 IAC 11-2-10 “Disposal” 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. 10. “Disposal” means the discharge, deposit, dumping, emission, injection, spill, leak, or placement of any solid waste

or hazardous waste into or on any land or water so that the solid waste or hazardous waste or any constituent of the waste is in or may enter the environment or be emitted into the air or discharged into any waters, including ground waters. (*Solid Waste Management Board; 329 IAC 11-2-10; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1928; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

329 IAC 11-2-11 “Garbage” 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. 11. “Garbage” means all putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials. (*Solid Waste Management Board; 329 IAC 11-2-11; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1928; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

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 Board; 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*)

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 Board; 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*)

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 water below the land surface in the zone of saturation. (*Solid Waste Management Board; 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*)

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 a solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

(1) cause or significantly contribute to an increase in mortality or increase in serious, irreversible, or incapacitating reversible illness; or

(2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(*Solid Waste Management Board; 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*)

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 Board; 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)

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 Board; 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)*

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 process and refinery wastes and disposed products.
- (16) Painting, printing, and allied industries.
- (17) Contaminated, off-specification, or outdated wholesale products.
- (18) Recycling activities and process residues.

The term does not include mining operations waste or oil and gas recovery waste. *(Solid Waste Management Board; 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)*

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" means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease (as defined in 410 IAC 1-3-5). The term includes any of the following:

- (1) Pathological wastes, including tissue, organs, body parts, and blood or body fluids in liquid or semiliquid form that are removed during surgery, biopsy, or autopsy.
- (2) Biological cultures and associated biologicals.
- (3) Contaminated sharps.
- (4) Infectious agent stock and associated biologicals.
- (5) Blood and blood products in liquid or semiliquid form.
- (6) Laboratory animal carcasses, body parts, and bedding.
- (7) Wastes (as defined in 410 IAC 1-3-19).

(Solid Waste Management Board; 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)

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 Board; 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)*

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) Add recycling activities and associated storage areas.
- (2) Add or modify outside storage of:
 - (A) white goods; or
 - (B) other scrap metal.
- (3) Modify facility traffic patterns.
- (4) Modify the size of a compactor.
- (5) Add or modify tipping floor entrance doors.
- (6) Add or modify the collection of household hazardous waste.
- (7) Add or modify a collection container.
- (b) The term, as used in 329 IAC 11-9-6(c), means any of the following:
 - (1) Accept more than two hundred twenty (220) pounds of uncontainerized pollution control wastes in a shipment.
 - (2) Modify the waste water handling or disposition procedures.
 - (3) Modify the drainage around the facility, except for normal maintenance.
 - (4) Modify 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 Board; 329 IAC 11-2-19.5; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3970)

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 the county, township, range, and section numbers and, if applicable, the metes and bounds description, together with the acreage thereof. *(Solid Waste Management Board;*

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)

329 IAC 11-2-21 “Major modification” 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. “Major modification” means any proposed change in a permitted solid waste facility that would increase the facility's permitted capacity to process solid waste by the lesser of:

(1) more than ten percent (10%); or

(2) five hundred thousand (500,000) cubic yards.

(Solid Waste Management Board; 329 IAC 11-2-21; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1929; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

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 Board; 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)

329 IAC 11-2-23 “Open burning” 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. 23. “Open burning” means the combustion of any matter in the open or in an open dump. (Solid Waste Management Board; 329 IAC 11-2-23; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1929; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

329 IAC 11-2-24 “Open dump” 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. 24. “Open dump” has the meaning set forth in 329 IAC 10-2-128. (Solid Waste Management Board; 329 IAC 11-2-24; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1929; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

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 Board; 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)

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 Board; 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)

24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741)

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 any person to whom a solid waste facility permit has been issued for the purposes of this article. *(Solid Waste Management Board; 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)*

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 Board; 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)

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 Board; 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)*

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 Board; 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)

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 Board; 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)

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 Board; 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)

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 Board; 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)

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 Board; 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)*

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 Board; 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*)

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 Board; 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*)

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 Board; 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*)

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 Board; 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*)

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 Board; 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*)

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 Board; 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*)

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 Board; 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*)

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 Board; 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*)

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 13-30-2; IC 25-31; IC 36-9-30

Sec. 43. “Solid waste processing facility” means a solid waste facility upon which is located a solid waste incinerator, transfer station, solid waste baler, solid waste shredder, resource recovery system, composting facility, or garbage grinding facility. (*Solid Waste Management Board; 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*)

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

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

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 Board; 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*)

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 Board; 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)

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 Board; 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)

329 IAC 11-2-48 “Vector” 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. 48. “Vector” means any animal capable of harboring and transmitting microorganisms from one (1) animal to another or to a human. *(Solid Waste Management Board; 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)*

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 Board; 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)*

329 IAC 11-2-50 “Water pollution” 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. 50. “Water pollution” means:

(1) actual or threatened alteration of the physical, thermal, chemical, biological, bacteriological, or radioactive properties of any waters; or

(2) the discharge or threatened discharge of any contaminant into any waters that does or can create a nuisance or render the waters harmful, detrimental, or injurious to:

- (A) public health, safety, or welfare;
- (B) domestic, commercial, industrial, agricultural, recreational, or other legitimate uses; or
- (C) livestock, wild animals, birds, fish, or aquatic life.

(Solid Waste Management Board; 329 IAC 11-2-50; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1933; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

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 Board; 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)

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 13-30-2; IC 36-9-30

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

- (1) Disposing of only uncontaminated rocks, bricks, concrete, road demolition waste materials, or dirt.
- (2) Land application activities regulated by 327 IAC 6.1 and 327 IAC 7.
- (3) Confined feeding control activities regulated by IC 13-18-10.
- (4) Wastewater discharge activities regulated by 327 IAC 5.
- (5) Processing, except for incineration, in which the waste, other than tires, has been segregated from the general solid waste stream prior to arrival at the processing site.
- (6) Processing, except for incineration, of solid waste that takes place at the generating facility.
- (7) Processing and disposal of uncontaminated and untreated natural growth solid waste, including tree limbs, stumps, leaves, and grass clippings.
- (8) Disposal of sawdust that is derived from processing untreated natural wood.
- (9) 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.
- (10) 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 subdivisions (9) and (11).
- (11) The disposal of coal ash at a site receiving a total of less than one hundred (100) cubic yards per year from generators who each produce less than one hundred (100) cubic yards per year.
- (12) Uses and disposal of coal waste as exempted from regulation in IC 13-19-3-3.
- (13) 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 (15).
- (14) The legitimate use of foundry sand which 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 (15).

(15) Other uses of solid waste may be approved by the commissioner if the commissioner determines them to be legitimate uses that do not pose a threat to public health and the environment.

(Solid Waste Management Board; 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)

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 Board; 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)*

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 13-15-2-1; IC 13-19-3-1

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, which have closed prior to the effective date of this article. *(Solid Waste Management Board; 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)*

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 Board; 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)*

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 Board; 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)*

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 Board; 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*)

Rule 5. Application of this Article to Existing Permittees; 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. This rule applies to all solid waste processing facilities that have construction or operating permits in effect on the effective date of this article. (*Solid Waste Management Board; 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*)

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 the effective date of this article must serve as solid waste permits under 329 IAC 11-9, 329 IAC 11-10, and 329 IAC 11-11. To begin operation, facilities for which only construction permits, but not operating permits, have been issued prior to the effective date of this article 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 Board; 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*)

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 the effective date of this article must serve as solid waste permits under 329 IAC 11-9, 329 IAC 11-10, and 329 IAC 11-11 until such time as a permit renewal is either issued or denied by the commissioner under 329 IAC 11-9, 329 IAC 11-10, and 329 IAC 11-11, provided there is compliance with section 5(a) of this rule. (*Solid Waste Management Board; 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*)

329 IAC 11-5-4 Operating requirements for facilities with operating permits in effect on the effective date of this article

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 prior to the effective date of this article must continue in effect until permit renewal unless the permit is reopened for cause under 329 IAC 11-9, 329 IAC 11-10, and 329 IAC 11-11.

(b) Except as provided in subsection (a), 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 operating permits in effect on the effective date of this article. (*Solid Waste Management Board; 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)

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 Board; 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)*

Rule 6. Waste Determination Requirements

329 IAC 11-6-1 Requirements (Repealed)

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

Rule 7. Special Waste (Repealed)

(Repealed by Solid Waste Management Board; 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 Board; 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)

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 Board; 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)

329 IAC 11-8-2.5 Transfer station 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 13-20-9; IC 13-20-16; IC 36-9-30

Sec. 2.5. (a) Except as provided in subsection (b), a transfer station may accept all solid waste regulated by this article including the following:

- (1) Municipal solid waste.
- (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 Indiana state department of health at 410 IAC 1-3-26.
 - (5) Whole waste tires, except as provided in 329 IAC 11-21-11.
 - (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) Regulated asbestos-containing material 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.

(Solid Waste Management Board; 329 IAC 11-8-2.5; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3971; errata filed Oct 7, 2004, 11:50 a.m.: 28 IR 608)

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 Board; 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)

Rule 9. Application Procedure for All Solid Waste Processing Facilities

329 IAC 11-9-1 Permit requirement

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 13-30-6; 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.

(b) The owner of the facility is responsible for applying for and obtaining a permit. The owner of the land upon which the facility is located also shall sign the application form acknowledging the land owner's responsibility in accordance with 329 IAC 11-11-4.

(c) 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 notify the commissioner of the change within fifteen (15) days and submit corrected information within a reasonable period of time.

(d) It is grounds to deny a permit, including a renewal permit, to any applicant if such applicant has been convicted under IC 13-30-6 or IC 36-9-30-35, or if such applicant's previous permit to operate under this article or the previous articles, 329 IAC 1.5, which was repealed in 1989, or 329 IAC 2, which was repealed in 1996, has been revoked by the commissioner under IC 13-15-7-1. (*Solid Waste Management Board; 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*)

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 13-30-2; 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 this section, 329 IAC 11-12, 329 IAC 11-17, and 329 IAC 11-18.
- (8) 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 of 329 IAC 10-39. These documents need not be executed and delivered to the commissioner until after the review of the technical application and until after the applicant receives notice of such requirement from the commissioner in accordance with 329 IAC 11-11-1(c)(1).
- (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 (½) mile of the site boundaries of a proposed solid waste processing facility.
- (12) Certification verification from the zoning authority, or the county commissioners if there is no zoning authority, that proper zoning approvals have been obtained, and the following documents:
 - (A) A copy of the zoning requirements, if any, for solid waste facilities in the area where the facility is to be located.
 - (B) A copy of the improvement location permit or occupancy permit issued by the zoning authority having jurisdiction

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for the site if a solid waste facility is permitted by the zoning ordinance in the area where the facility is to be located.

(C) A copy of the amendment or amendments to the zone maps incorporated by reference into the zoning ordinance under IC 36-7-4-602(c) if a change in the zone maps is required for the area where the facility is to be located.

(D) A copy of the amendment or amendments to the zoning ordinance adopted under IC 36-7-4-602 if such amendment is required for the area where the facility is to be located.

(E) A copy of the variance, special exception, special use, contingent use, or conditional use approved under IC 36-7-4-918.1 through IC 36-7-4-921 if such approval is required for the area where the facility is to be located.

(F) The status of any appeals of any zoning determination as described in clauses (B) through (E) and, if none pending, the date by which such appeal must be initiated.

(b) The completed application must be submitted to the commissioner in triplicate, by registered or certified mail or in person. For all items larger than eleven (11) inches by seventeen (17) inches, one (1) of the three (3) required copies must be submitted on reproducible mylar plastic.

(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 (7½) 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 (¼) 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) A method of screening.

(3) The general layout of the equipment.

(4) The traffic pattern.

(5) Road access.

(6) Surface water drainage.

Roads and buildings, on and within one-half (½) 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 type of construction, construction materials, layout, and dimensions for the storage, processing, loading, and unloading areas. Drawings must also include sanitary facilities, plumbing, sewer connections, and utilities. All liquid waste streams generated 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.

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

(6) A contingency plan outlining the method or methods of waste disposal to be implemented if the facility is unable to operate

or process solid waste in accordance with the approved operating plan for more than twenty-four (24) continuous hours. Include 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 controlling dust, noise, odors, fire, explosions, vectors, litter, and handling of bulky waste or other materials unsuitable for the proposed process.

(8) Daily cleanup procedures for solid waste storage, processing, loading, and unloading areas.

(9) Sanitary toilet facilities for employees.

(10) Proposed operating hours for the facility.

(Solid Waste Management Board; 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)

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 Board; 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)*

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.
- (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 county executive of a county that is affected by the permit application, the executive of a city that is affected by the permit application, and 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. (*Solid Waste Management Board; 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*)

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 all permits for new solid waste facilities or major modifications of permits issued after March 20, 1990, except those facilities exempt under IC 13-20-1-1.

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

- (1) A description of the anticipated area that would be served by the facility as indicated by the following:
 - (A) Solid waste management district or districts if established.
 - (B) County, counties, or portions thereof.
 - (C) County, counties, and state if the area includes portions outside of Indiana.
- (2) A description of the existing solid waste management facilities that serve the same described area.
- (3) A description of the need that would be fulfilled by constructing the proposed facility as follows:
 - (A) For facilities proposed in areas with approved district solid waste management plans, a description of the need identified in the district solid waste management plan required under IC 13-21-5.
 - (B) For facilities proposed in areas without approved district solid waste management plans, a description of need for the proposed area to be served.
- (4) A description of recycling, composting, or other activities that the facility would operate within the proposed area of service.
- (5) Additional information as requested by the commissioner.

(c) The commissioner shall review the submitted application and accompanying materials in accordance with this rule. If it is determined that there is not a local or regional need in Indiana for the solid waste management facility, the commissioner shall deny the permit application. (*Solid Waste Management Board; 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*) 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.

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 Board; 329 IAC 11-9-6; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3972)

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 Board; 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)*

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 13-15-3; IC 13-15-5-1; IC 13-15-5-3; IC 13-15-6; 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 IC 13-15-3, IC 13-15-5-1, IC 13-15-5-3, and 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 the permit application meets the requirements of this article and that 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) all financial responsibility documents have been executed and delivered to the commissioner in the form and amount specified; and

(2) 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 documents evidencing such 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)(2), 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 Board; 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*)

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 Board; 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*)

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 Board; 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*)

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 Board; 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*)

329 IAC 11-11-5 Transferability 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 13-15-7; 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 new permit or modification or revocation of the existing permit being required, if:

- (1) 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;
- (2) a written agreement containing a specific date of transfer of permit responsibility is submitted to the commissioner;
- (3) the transferee has not been convicted under IC 13-30-6 or IC 36-9-30-35 and has not had a permit to operate under this article, or previous articles, 329 IAC 1.5, which was repealed in 1989, or 329 IAC 2, which was repealed in 1996, revoked by the commissioner under IC 13-15-7;
- (4) the transferee provides proof of financial responsibility as provided in 329 IAC 10-39 if required by the commissioner; and
- (5) the transferee provides proof that it is, or will be, the owner of the facility.

(b) 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.

(c) Notwithstanding the transfer of a permit, a variance must not be transferred to another person. (*Solid Waste Management Board; 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*)

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 13-30-2; IC 36-9-30

Sec. 6. (a) The commissioner may revoke or modify a permit issued under this article if cause exists under IC 13-15-7-1 and may 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 such 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 Board; 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*)

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 Board; 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*)

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:

- (1) construction of buildings or structures and on-site roads;
- (2) installation of equipment for storage, processing, and handling of solid waste; and
- (3) installation of access control, sanitary facilities, signs, communication devices, and utilities.

(Solid Waste Management Board; 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)

Rule 13. Solid Waste Processing Facilities; Operational Requirements

329 IAC 11-13-1 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. 1. Access to all solid waste processing facilities must be allowed only when operating personnel are on duty and such access must be controlled by the use of gates, fences, and other appropriate means. *(Solid Waste Management Board; 329 IAC 11-13-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1941; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

329 IAC 11-13-2 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. 2. An all-weather road, which is passable by all vehicles utilizing the solid waste processing facility, must be provided. *(Solid Waste Management Board; 329 IAC 11-13-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1942; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

329 IAC 11-13-3 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. 3. For all facilities, except incinerators processing waste generated on-site, each point of access from a public road must have a sign of at least sixteen (16) square feet in area identifying the operation and indicating the schedule of fees, hours of operation, and solid waste facility permit number. *(Solid Waste Management Board; 329 IAC 11-13-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1942; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

329 IAC 11-13-4 Sanitation

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. 4. (a) Solid waste must be confined to the designated storage, processing, loading, and unloading areas of the processing facility. The processing facility and adjacent areas must be maintained clean and litter free.

(b) Solid waste may not be stored overnight at the processing facility except in permitted storage areas or in enclosed transporting units.

(c) The solid waste processing facility must be cleaned as necessary to prevent a nuisance or public health hazard.

(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 unsightliness, nuisance, or 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 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. (*Solid Waste Management Board; 329 IAC 11-13-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1942; 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*)

329 IAC 11-13-5 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. 5. (a) Vectors, dust, odors, and noise must be controlled at all times at the facility so that they do not constitute a nuisance or a health hazard.

(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 must be prohibited. (*Solid Waste Management Board; 329 IAC 11-13-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1942; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

329 IAC 11-13-6 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. 6. (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 section, 329 IAC 11-14, and 329 IAC 11-15.

(2) All test results 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 if applicable. (*Solid Waste Management Board; 329 IAC 11-13-6; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1942; 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 3973*)

329 IAC 11-13-7 Use of contingency 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. 7. 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 plan required in 329 IAC 11-9-2(j)(6) must be implemented. (*Solid Waste Management Board; 329 IAC 11-13-7; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1942; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535*)

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 Board; 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*)

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 found in 329 IAC 11-2 and IC 13-11-2, the definitions in this section apply throughout this rule.

(b) "Broker", as defined in IC 13-11-2-19, means a person who is in the business of making arrangements for the transportation of municipal waste that was generated by another person.

(c) "Manifest" means the form used for identifying the quantity, origin, operators involved in a shipment, and destination of municipal solid waste during its transportation.

(d) "Municipal waste", as defined in IC 13-11-2-133, means any garbage, refuse, industrial lunchroom or office waste, and other similar material resulting from the operation of residential, municipal, commercial, or institutional establishments, and from community activities. The term does not include the following:

(1) Hazardous waste regulated under:

(A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or

(B) the federal Solid Waste Disposal Act, 42 U.S.C. 6901 et seq. in effect on January 1, 1990.

(2) Infectious waste as defined in IC 16-41-16-4.

(3) Wastes that result from the combustion of coal and that are referred to in IC 13-19-3-3.

(4) Materials that are being transported to a facility for reprocessing or reuse. As used in this subdivision, "reprocessing or reuse" does not include either of the following:

(A) Incineration.

(B) Placement in a landfill.

(e) "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.

(f) "Solid waste processing facility", as defined in IC 13-11-2-212, 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 system.

The term does not include a facility or an operation that generates solid waste.

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

(h) "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 Board; 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*)

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 Board; 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*)

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 acknowledgment numbers issued by the department under IC 13-20-6-5(2) [*IC 13-20-6-5 was repealed by P.L. 154-2005, SECTION 17, effective July 1, 2005.*] to the transfer station, transporter, and broker listed on the manifest.
- (6) The name and address of the broker involved in the shipment if applicable.
- (7) The date of the shipment and the date of receipt at the final disposal facility.

(*Solid Waste Management Board; 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*)

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 Board; 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*)

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 13-30-2; IC 36-9-30

Sec. 5. (a) Prior to accepting a shipment of municipal waste from a transfer station located inside or outside of Indiana, a solid waste processing facility must receive a copy of the manifest and must 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:

(1) the municipal waste is not accompanied by a manifest that contains the information required under section 3 of this rule; or

(2) the solid waste processing facility has received notice from the department that the commissioner has issued an order under IC 13-20-6-3 [*IC 13-20-6-3 was repealed by P.L.154-2005, SECTION 17, effective July 1, 2005.*] or 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 acknowledgement number issued to the operator under IC 13-20-6-5(2) [*IC 13-20-6-5 was repealed by P.L.154-2005, SECTION 17, effective July 1, 2005.*] if applicable.

(4) 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 Board; 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*)

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 Board; 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)

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 Board; 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)*

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 Board; 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)*

Rule 17. Solid Waste Incinerators; Additional Application Requirements

329 IAC 11-17-1 Permit application

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. In addition to the items required under 329 IAC 11-9, applications for incinerators required to submit an application under 329 IAC 11-19 must include the following information:

(1) A description of the proposed incinerator or incinerators and all auxiliary equipment, including the following:

(A) Specifications for the incinerator, auxiliary burners, boilers, heat recovery units, air pollution control equipment, waste feed (charging) equipment, and all residue handling equipment.

(B) Design drawings that show the dimensions of all of the equipment listed in clause (A), as well as the locations of

the auxiliary fuel burners, temperature, pressure, oxygen, carbon monoxide, carbon dioxide, and gas flow rate sensing equipment.

(C) Details of the type, composition, quantity, and storage of all auxiliary fuels to be used.

(D) A description of stack heights and the temperature and flow rate of the stack gas.

(E) Calculations of the minimum residence time of the combustion gases in the incinerator.

(F) A discussion of the residence time of the waste in the combustion chamber and the percent burnout achieved.

(G) A description of efficiencies of all control equipment, including critical operating parameters affecting that efficiency.

(H) An estimate of emission rates of acid gases, sulfur dioxide, nitrogen oxides, hydrocarbons, particulates, heavy metals, and products of incomplete combustion.

(I) A narrative comparing the emissions of the proposed incinerator with those of other proven and operating incinerator designs.

(J) A description of the operating characteristics of the incineration facility, including a description of safety, testing, and maintenance procedures. This must include a discussion of emergency shutdown procedures for system malfunction, a maintenance schedule, and emissions testing and reporting.

(K) A discussion of the procedures to prevent the receipt and subsequent combustion of hazardous waste as regulated under IC 13-22 and 329 IAC 3.1.

(L) A discussion of the plan for sampling and analysis of all incineration and control equipment residues. This must include a discussion of the site for residue disposal.

(2) Based on the size, design, and location of the facility and the potential health and environmental hazards posed by the proposed incinerator, the commissioner may require the submission of:

(A) a preoperational emission test plan that includes a detailed description of the methods for sampling and analyzing stack emissions and incinerator and control equipment residues; and

(B) a detailed health risk assessment that utilizes the results of the emissions tests.

(Solid Waste Management Board; 329 IAC 11-17-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1946; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741)

Rule 18. Solid Waste Incinerators; Additional Preoperational Requirements

329 IAC 11-18-1 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. 1. (a) Before beginning operation, a solid waste incinerator must comply with 329 IAC 11-12-2 and must submit written evidence of approval by the office of air management or its designated local air pollution control agency for construction and operation of a solid waste incinerator.

(b) Incinerators that the commissioner requires to perform preoperational emission tests must comply with the following:

(1) Those incinerators that the commissioner requires to perform preoperational emissions testing will be allowed to operate for a period of seven hundred twenty (720) hours in order to bring the incinerator to a point of operational readiness, and to perform the tests as specified in their permit to construct and operate the facility. An extension of up to an additional seven hundred twenty (720) hours may be granted by the commissioner with proper justification. No further operation of the incinerator will occur until the permittee has obtained written acknowledgement from the commissioner that the tests have shown compliance with all emissions limitations specified in the permits, and has complied with all other preoperational requirements.

(2) The facility must notify the commissioner of the schedule for the emissions testing at least thirty (30) days prior to the start of the testing.

(3) All emissions testing must be conducted under the supervision of a representative of the commissioner.

(4) Results of the preoperational test must contain a certification that the test was performed in compliance with all appropriate rules and the approved emissions test plan.

(Solid Waste Management Board; 329 IAC 11-18-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1947; readopted filed Jan 10, 2001, 3:25

p.m.: 24 IR 1535)

Rule 19. Solid Waste Incinerators; Additional Operational Requirements

329 IAC 11-19-1 Applicability and notification

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. All solid waste incinerators and infectious waste incinerators must file a notification as a solid waste incinerator facility within ninety (90) days of the effective date of this article. Notification must include the following information:

- (1) The name and address of the facility.
- (2) The name and address of the owner or operator of the facility if different from that stated in subdivision (1).
- (3) A description of the incineration facility, including design capacity.
- (4) A certification by the owner or operator that the facility is in compliance with the requirements specified in 329 IAC 11-13-4 and 329 IAC 11-13-5.
- (5) A statement by the owner or operator of an infectious waste incinerator indicating whether the facility is in compliance or able to comply with the requirements of 329 IAC 11-20-1.

(Solid Waste Management Board; 329 IAC 11-19-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1947; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

329 IAC 11-19-2 Permit by rule

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. (a) All solid waste incinerators with a design capacity less than ten (10) tons per day, and infectious waste incinerators with a design capacity of less than seven (7) tons per day, will be deemed to have a permit under this article provided they comply with the following:

- (1) File a notification as a solid waste incinerator facility as required by section 1 of this rule.
- (2) Comply with 329 IAC 11-13-4 and 329 IAC 11-13-5.
- (3) Infectious waste incinerators with a design capacity of less than seven (7) tons per day must also comply with the requirements of 329 IAC 11-20-1.
- (4) Operate in compliance with all applicable air pollution control standards and regulations and all conditions set forth in the permit.
- (5) Notify the office of solid and hazardous waste management and all appropriate local government officials within twenty-four (24) hours after the permittee learns of the release, violation, shutdown, or damage of the following:
 - (A) Any release of a contaminant in a quantity in excess of that allowed by permit conditions and appropriate regulations.
 - (B) Any violation of operating requirements established in the permit.
 - (C) Any unscheduled shutdown of the incinerator or associated equipment.
 - (D) Any damage to the incinerator or associated equipment that could, if not repaired, result in a release of a contaminant in a quantity exceeding a control level established in the permit or applicable regulations.

- (6) The incinerator must dispose of residues in accordance with 329 IAC 10.

(b) All solid waste incinerators with a design capacity greater than or equal to ten (10) tons per day, and less than or equal to thirty (30) tons per day, and infectious waste incinerators with a design capacity of greater than or equal to seven (7) tons per day, and less than or equal to thirty (30) tons per day, will be deemed to have a permit under this article provided they comply with the following:

- (1) File a notification as a solid waste incinerator facility as required by section 1 of this rule.
- (2) Submit an application for a solid waste processing facility permit, complying with 329 IAC 11-9, 329 IAC 11-16, and 329 IAC 11-17 within ninety (90) days of the notification required by section 1 of this rule.
- (3) Solid waste incinerators must comply with the requirements of 329 IAC 11-13 through 329 IAC 11-15.

(4) Infectious waste incinerators that burn infectious waste must comply with the requirements of 329 IAC 11-13 through 329 IAC 11-15 and 329 IAC 11-20.

(5) The incinerator must operate in compliance with all applicable air pollution control standards and regulations and all conditions set forth in the permit.

(6) The permit holder shall notify the office of solid and hazardous waste management and all appropriate local government officials within twenty-four (24) hours after the permittee learns of the release, violation, shutdown, or damage of the following:

(A) Any release of a contaminant in a quantity in excess of that allowed by permit conditions and appropriate regulations.

(B) Any violation of operating requirements established in the permit.

(C) Any unscheduled shutdown of the incinerator or associated equipment.

(D) Any damage to the incinerator or associated equipment that could, if unrepaired, result in a release of a contaminant in a quantity exceeding a control level established in the permit or applicable regulations.

(c) Permits granted under subsection (b) must remain in effect until such time as the commissioner takes action on the application submitted in compliance with 329 IAC 11-9, 329 IAC 11-16, and 329 IAC 11-17. *(Solid Waste Management Board; 329 IAC 11-19-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1947; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1731, 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 3974)*

329 IAC 11-19-3 Solid waste incinerators 10 tons per day or greater; infectious waste incinerators seven tons per day or greater; operational requirements

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. The following operational requirements apply to solid waste incinerators with a design capacity of ten (10) tons per day or greater and to infectious waste incinerators with a design capacity of seven (7) tons per day or greater:

(1) The incinerator must not operate without a valid permit under this article and a valid permit from the office of air quality or its designated local air pollution control agency and comply with the operational requirements of 329 IAC 11-13 through 329 IAC 11-15 and all permit conditions.

(2) The incinerator must dispose of residues in accordance with 329 IAC 10.

(3) The incinerator must operate in compliance with all applicable air pollution control standards and regulations and all conditions set forth in the permit.

(4) The permittee shall notify the office of solid and hazardous waste management and all appropriate local government officials within twenty-four (24) hours after the permittee learns of the release, violation, shutdown, or damage of the following:

(A) Any release of a contaminant in a quantity in excess of that allowed by permit conditions and appropriate regulations.

(B) Any violation of operating requirements established in the permit.

(C) Any unscheduled shutdown of the incinerator or associated equipment.

(D) Any damage to the incinerator or associated equipment that could, if unrepaired, result in a release of a contaminant in a quantity exceeding a control level established in the permit or applicable regulations.

(Solid Waste Management Board; 329 IAC 11-19-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1948; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1731, 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 3974; errata filed Oct 7, 2004, 11:50 a.m.: 28 IR 608)

Rule 20. Infectious Waste Incinerators; Additional Operational Requirements

329 IAC 11-20-1 Operational requirements

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. 1. (a) The following additional operational requirements apply to all infectious waste incinerators:

(1) A solid waste incinerator that is used to burn infectious waste, except an existing incinerator equipped with an afterburner and achieving zero (0) opacity, must be a multiple chamber incinerator. Infectious waste incinerators must maintain a temperature of one thousand eight hundred (1,800) degrees Fahrenheit with a residence time of one (1) second in the secondary chamber.

(2) Any solid waste incinerator that is used to burn antineoplastic agents must maintain a temperature of one thousand eight hundred (1,800) degrees Fahrenheit with a residence time of one and one-half (1½) seconds in the secondary chamber. As used in this rule, "antineoplastic agents" means chemotherapy drugs, or compounds used in the treatment of cancer, which are not subject to regulation under 329 IAC 3.1. Containers or other items containing residues of antineoplastic agents must not be considered antineoplastic agents.

(3) Infectious waste incinerators constructed after January 1, 1988, must be equipped with an automatic mechanical loading device, and an interlock system must be provided to prevent charging until the secondary chamber exit temperature of one thousand eight hundred (1,800) degrees Fahrenheit is established.

(4) Batch incinerators, fully loaded while cold and never opened until the burn cycle is complete, must incorporate a lockout system that will prevent ignition of the waste until the exit temperature of the secondary chamber or the afterburner reaches one thousand eight hundred (1,800) degrees Fahrenheit and prevent recharging until the combustion and burndown cycles are complete.

(5) No waste must be charged to an incinerator other than a batch incinerator until the secondary chamber or afterburner has achieved a minimum temperature of one thousand eight hundred (1,800) degrees Fahrenheit. The secondary chamber or afterburner must achieve and maintain the required minimum temperature for fifteen (15) minutes before charging begins.

(6) During shutdowns, the secondary chamber or afterburner minimum temperature of one thousand eight hundred (1,800) degrees Fahrenheit is to be maintained using auxiliary burners until the wastes are completely combusted and the burndown cycle is complete.

(7) Residue from an infectious waste incinerator must be disposed of in accordance with 329 IAC 10.

(b) All infectious waste incinerators that are not in compliance or not able to comply with the requirements of this rule must submit a detailed timetable for the modification of the facility necessary to bring the unit into compliance. This timetable must be submitted within one hundred eighty (180) days of April 13, 1996.

(c) All infectious waste incinerators must be in compliance with this rule within eighteen (18) months of April 13, 1996, unless a written extension has been granted by the commissioner. (*Solid Waste Management Board; 329 IAC 11-20-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1948; filed Jan 9, 1998, 9:00 a.m.: 21 IR 1732, 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 3975; errata filed Aug 9, 2004, 10:45 a.m.: 27 IR 4023*)

Rule 21. Transfer Stations

329 IAC 11-21-1 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) Except for section 9 of this rule, this rule applies to all transfer stations that engage in municipal waste transfer activities as defined in IC 13-11-2-254 regardless of whether the transfer station is located in Indiana or elsewhere.

(b) In addition to complying with this rule, transfer stations located in Indiana must also comply with 329 IAC 11-7, 329 IAC 11-13 through 329 IAC 11-15, and 329 IAC 11-16-2.

(c) Except as provided in subsection (a), section 2 of this rule does not apply to a transfer station located outside Indiana if the transfer station is located in a jurisdiction that has a transfer station inspection program similar to that created by this rule and the department has made a determination that the standards of such inspection program, as constituted and as applied, are substantially equivalent to the standards set forth in this rule.

(d) The department shall:

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

(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.

(e) 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 (c), but the jurisdiction is not on the list maintained by the department under subsection (d), 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 (c);
- (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 Board; 329 IAC 11-21-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1949; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741)

329 IAC 11-21-2 Inspections

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. 2. (a) The commissioner or any designated agent of the department, including a third party contractor, upon presentation of proper credentials shall have authority to enter onto transfer station property during the normal business hours of the transfer station and inspect the facility for purposes of assessing compliance with this rule, 329 IAC 11-7, and 329 IAC 11-13 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.

(Solid Waste Management Board; 329 IAC 11-21-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1950; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; errata filed May 8, 2002, 2:01 p.m.: 25 IR 2741)

329 IAC 11-21-3 Permits required

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. 3. All transfer stations, other than those excluded under 329 IAC 11-2-47, that haul or ship municipal waste to an Indiana solid waste facility must hold a valid permit under this article if located in Indiana or 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 Board; 329 IAC 11-21-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1950; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

329 IAC 11-21-4 Monitoring of incoming municipal waste

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. 4. (a) Incoming municipal waste must be monitored daily by transfer station employees. The monitoring must be conducted by personnel who are able to recognize the visual indications that:

- (1) waste prohibited by the facility permit;
- (2) hazardous waste regulated by 329 IAC 3.1;

- (3) infectious waste as defined by 329 IAC 11-2-18; or
- (4) regulated asbestos-containing materials;

may be present in the municipal waste observed.

(b) 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 municipal waste prior to processing.

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

(Solid Waste Management Board; 329 IAC 11-21-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1950; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3976)

329 IAC 11-21-5 Record keeping

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. 5. (a) Random inspections conducted under section 4(b)(1) of this rule must be recorded in a format established by the department.

(b) A facility conducting overview inspections of the incoming municipal waste under section 4(b)(2) of this rule must only record events in which any of the following is found:

- (1) Waste prohibited by the facility permit.
- (2) Hazardous waste.
- (3) Infectious waste.
- (4) Regulated asbestos-containing material.

Records of such events must be in a format established by the department.

(c) Inspection records must be maintained on site and available for review by department personnel for a period of one (1) year from the date of the inspection or event. *(Solid Waste Management Board; 329 IAC 11-21-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1950; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3976)*

329 IAC 11-21-6 Reporting

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. 6. (a) Transfer stations that transport and dispose of municipal waste at disposal facilities in Indiana must submit to the office of land quality by January 31 of each year an annual report, in a format established by the department, which identifies:

- (1) any inspection that detected any:
 - (A) regulated asbestos-containing materials;
 - (B) waste prohibited by the facility permit;
 - (C) hazardous waste; or
 - (D) infectious waste;

at the facility; and

(2) the disposition of these wastes.

(b) The report must include all of the following:

- (1) Name of facility.
- (2) Address of facility.
- (3) Permit number of facility.
- (4) Inspection date.
- (5) Name of person conducting each inspection.
- (6) Type of waste found and how it was handled, including final disposition.
- (7) Name and address of generator of waste found during an inspection if known.

(Solid Waste Management Board; 329 IAC 11-21-6; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1950; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3976)

329 IAC 11-21-7 Training

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. 7. The transfer station employee responsible for conducting the random inspections or constant overview required in section 4 of this rule shall be able to recognize the visual indications that any of the following may be present in the municipal waste observed:

- (1) Waste prohibited by the facility permit.
- (2) Hazardous waste.
- (3) Infectious waste.
- (4) Regulated asbestos-containing material.

(Solid Waste Management Board; 329 IAC 11-21-7; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1951; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3976)

329 IAC 11-21-8 General operating 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. 8. All transfer stations must be operated in a manner that minimizes the inclusion of liquids and vectors into the municipal waste shipped from the transfer station. Such management practices include, but are not limited to, the following:

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

- (A) storage, handling, and processing municipal waste;
- (B) cleaning floors; or
- (C) wash-out water from a municipal waste 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 must be cleaned by wash-down to prevent odors and other nuisance conditions with all residuals being removed and disposed of properly.

- (3) Any municipal waste 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 municipal waste stored overnight must be stored in a manner to promote vector control.

- (4) Any of the following found at a transfer station must be managed in accordance with the applicable laws:

- (A) Waste prohibited by the facility permit.
- (B) Hazardous waste.
- (C) Infectious waste.
- (D) Regulated asbestos-containing material.

(Solid Waste Management Board; 329 IAC 11-21-8; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1951; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jul 14, 2004, 9:15 a.m.: 27 IR 3977)

329 IAC 11-21-9 General operating requirements for Indiana 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. 9. The following operating conditions apply to all Indiana transfer stations that hold, or are required to hold, a valid permit under this article:

- (1) Transfer stations that operate by discharging municipal waste 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) Municipal waste that has been segregated and designated as recycled material must be stored in clearly identified containers

or permitted areas and maintained in a safe, sanitary, and orderly manner. A record of the type and quantity of municipal waste shipped off-site for reuse or recycling must be maintained.

(3) Wastewater liquids and drainage that is collected in a holding tank 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 Board; 329 IAC 11-21-9; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1951; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

329 IAC 11-21-10 Infectious waste

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. 10. 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 preserves the integrity of containers and 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 prior written approval is granted by the department.

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

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

(B) stored in such a manner and location that eliminates the possibility of exposure to the environment, facility personnel, and 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 the elements, 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 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 410 IAC 1-3 and such 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 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 in writing to accept and treat such 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 Board; 329 IAC 11-21-10; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1951; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

329 IAC 11-21-11 Incidental transfer of small amounts of whole waste tires

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. 11. (a) IC 13-20-14-9.5 requires the removal of whole waste tires from municipal solid waste, 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 no more than one (1) visible whole waste tire for each two hundred fifty (250) tons of municipal solid waste, as defined at 329 IAC 10-2-115, or no 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 municipal solid waste;
- (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 identifying haulers who deliver whole waste tires to the transfer station and for 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 municipal solid waste; and
- (7) document reduction in the numbers of whole waste tires incidentally transferred at that transfer station.

(Solid Waste Management Board; 329 IAC 11-21-11; filed Aug 25, 1997, 9:40 a.m.: 21 IR 76; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

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