ARTICLE 16. ELECTRONICS WASTE MANAGEMENT

Rule 1. General Provisions

329 IAC 16-1-1 Purpose

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

Sec. 1. (a) This article regulates electronic waste (e-waste) through the following:
(1) Providing for the registration of facilities storing or processing electronic waste.
(2) Providing standards for storing or processing electronic waste.
(3) Providing cleanup and closure standards for storing or processing electronic waste.
(4) Providing financial assurance for the cleanup and closure of facilities storing or processing electronic waste.
(b) The purpose of this article is to implement the following statutes relative to electronic waste:
(1) IC 13-30-2-1(3) and IC 13-30-2-1(4) regarding the deposit of contaminants or solid waste upon the land.
(2) IC 13-30-2-1(5) and IC 36-9-30-35 prohibiting dumping, causing, or allowing the open dumping of garbage or of other solid waste.
(c) This article replaces all hazardous waste standards and requirements under 329 IAC 3.1 for e-waste that is being recycled, except:
(1) disposal or incineration requirements under 329 IAC 16-9-1; and
(2) export requirements.
(d) This article replaces all solid waste processing standards and permitting requirements under 329 IAC 11 for e-waste, except disposal or incineration requirements under 329 IAC 16-9-1. *(Solid Waste Management Division; 329 IAC 16-1-1; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; filed Jan 23, 2015, 10:34 a.m.: 20150218-IR-329140019FRA)*

329 IAC 16-1-2 Applicability

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

Sec. 2. This article applies to a person doing any of the following to e-waste:
(1) Collecting.
(2) Brokering.
(3) Storing.
(4) Recycling.
(5) Reselling.
(6) Dismantling.
(7) Demanufacturing.
(Solid Waste Management Division; 329 IAC 16-1-2; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-1-3 Severability

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

Sec. 3. If any provision of this article or the application to any person or circumstance is held invalid, the invalidity shall not affect any other provisions or application of this article that can be given effect without the invalid provision or application. *(Solid Waste Management Division; 329 IAC 16-1-3; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-1-4 Acts prohibited

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

Sec. 4. No person registered under this article shall cause or allow the storage, containment, processing, or disposal of solid waste in a manner that creates a threat to human health or the environment, including the creating of:

(1) a fire hazard;
(2) a vector attraction;
(3) air, land, or water pollution; or
(4) other contamination.

(Solid Waste Management Division; 329 IAC 16-1-4; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-1-5 Penalties

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

Sec. 5. Penalties for violation of this article shall be governed by IC 13-14 and IC 13-30. *(Solid Waste Management Division; 329 IAC 16-1-5; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-1-6 Incorporation by reference

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

Sec. 6. If not specified in the federal regulations incorporated by reference, the version of materials incorporated by reference in those federal regulations is the version that was in effect on the effective date of this article. *(Solid Waste Management Division; 329 IAC 16-1-6; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

Rule 2. Definitions

329 IAC 16-2-1 Definitions

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

Sec. 1. In addition to the definitions in IC 13-11-2 that are applicable, the definitions in this rule apply throughout this article. *(Solid Waste Management Division; 329 IAC 16-2-1; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-2 "Cathode ray tube" or "CRT" defined

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

Sec. 2. "Cathode ray tube" or "CRT" means a vacuum tube composed primarily of leaded glass, which is:

(1) the visual or video display component of an electronic device; and
(2) used to convert an electrical signal into a visual image.

A used, intact CRT means a CRT whose vacuum has not been released. A used, broken CRT means glass removed from its housing or casing whose vacuum has been released. *(Solid Waste Management Division; 329 IAC 16-2-2; filed Aug 15, 2007, 10:22 a.m.:*

20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-3 "Chemical treatment" defined

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

Sec. 3. "Chemical treatment" means a process that uses chemicals or a variety of chemical processes to treat e-waste to:
(1) recover useable materials;
(2) reduce the volume; or
(3) render the e-waste less toxic.
(Solid Waste Management Division; 329 IAC 16-2-3; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-4 "Circuit board" defined

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

Sec. 4. "Circuit board" means a board in a computer or electronic device that holds integrated circuits and other electronic components. *(Solid Waste Management Division; 329 IAC 16-2-4; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-5 "Closure" defined

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

Sec. 5. "Closure" means the activities to be completed at the registered facility at the end of electronic waste acceptance, including:
(1) removal, proper recycling, or disposal of all e-waste and electronic debris at the registered facility; and
(2) notification to the commissioner.
(Solid Waste Management Division; 329 IAC 16-2-5; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-6 "Contaminant" defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-11-2-42; IC 13-30-2; IC 36-9-30

Sec. 6. "Contaminant" has the definition set forth in IC 13-11-2-42. *(Solid Waste Management Division; 329 IAC 16-2-6; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-7 "Contingency action plan" defined

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

Sec. 7. "Contingency action plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of an emergency, such as a fire, explosion, or release of solid waste byproducts, such as gases or chemical contaminants or leachate that could threaten human health or the environment. *(Solid Waste Management Division; 329 IAC 16-2-7; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-8 "Demanufacturing" defined

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

Sec. 8. "Demanufacturing" means any manual or mechanical processing by sorting of electronic waste into metallic and nonmetallic parts in order to reuse or recycle components and commodities contained within. *(Solid Waste Management Division; 329 IAC 16-2-8; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-9 "Department" defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-11-2-51; IC 13-30-2; IC 36-9-30

Sec. 9. "Department" has the meaning set forth in IC 13-11-2-51. *(Solid Waste Management Division; 329 IAC 16-2-9; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-10 "Discard" defined

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

Sec. 10. "Discard" means to abandon by:
(1) disposal;
(2) burning or incinerating, including being burned as a fuel for the purpose of recovering usable energy; or
(3) accumulating, storing, or physically or chemically treating, other than burning or incinerating, instead of or before disposal.
(Solid Waste Management Division; 329 IAC 16-2-10; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-11 "Disposal" defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-11-2-57; IC 13-30-2; IC 36-9-30

Sec. 11. "Disposal" has the meaning set forth in IC 13-11-2-57 and must meet the requirements in 329 IAC 16-9-1. *(Solid Waste Management Division; 329 IAC 16-2-11; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-12 "Electronic component" defined

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

Sec. 12. "Electronic component" means parts from an electronic device, such as a:
(1) diode;
(2) resistor;
(3) capacitor; or
(4) coil.
(Solid Waste Management Division; 329 IAC 16-2-12; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-13 "Electronic debris" defined

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

Sec. 13. "Electronic debris" means solid waste, electronic fluff, and residue generated from electronic waste processing or storage. *(Solid Waste Management Division; 329 IAC 16-2-13; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-14 "Electronic device" defined

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

Sec. 14. "Electronic device" means a product or apparatus that:

(1) has its primary functions provided by electronic circuitry and components; and

(2) may contain a CRT.

(Solid Waste Management Division; 329 IAC 16-2-14; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-15 "Electronic device refurbishing" defined

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

Sec. 15. "Electronic device refurbishing" means any activity or process to repair or rebuild electronic device so that the electronic device can be:

(1) offered for resale or reuse; and

(2) used for its original intended purpose.

(Solid Waste Management Division; 329 IAC 16-2-15; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-16 "Electronic fluff" defined

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

Sec. 16. "Electronic fluff" means the residue of nonmetallic waste after shredding of electronic waste has occurred. *(Solid Waste Management Division; 329 IAC 16-2-16; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-17 "Electronic waste" or "e-waste" defined

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

Sec. 17. (a) "Electronic waste" or "e-waste" means any waste that is one (1) or more of the following or has one (1) or more of the following components:

(1) A circuit board.

(2) An electronic component, such as a:

(A) diode;

(B) resistor;

(C) capacitor; or

(D) coil.

(3) A display device, such as:
(A) a CRT;
(B) a liquid crystal display screen;
(C) a plasma display screen; or
(D) another such display device.
(4) A computer.
(5) An electronic device.
(b) Electronic waste or e-waste is commonly called electronic scrap or e-scrap.
(c) The term does not include the following:
(1) A vehicle, as defined by IC 13-11-2-245.
(2) White goods, as defined by IC 13-11-2-266.
(Solid Waste Management Division; 329 IAC 16-2-17; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-18 "Electronic waste broker" defined
Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-30-2; IC 36-9-30

Sec. 18. "Electronic waste broker" means a person who engages in the:
(1) buying;
(2) selling; and
(3) trading;
of electronic waste without demanufacturing. *(Solid Waste Management Division; 329 IAC 16-2-18; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-19 "Electronic waste collection" defined
Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-30-2; IC 36-9-30

Sec. 19. "Electronic waste collection" means actively:
(1) accumulating;
(2) gathering; or
(3) consolidating;
discarded electronic waste. *(Solid Waste Management Division; 329 IAC 16-2-19; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-20 "Electronic waste collection facility" defined
Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-30-2; IC 36-9-30

Sec. 20. "Electronic waste collection facility" means a facility or place where the collection of discarded electronic waste or electronic debris is actively:
(1) accumulated;
(2) gathered; or
(3) consolidated.
(Solid Waste Management Division; 329 IAC 16-2-20; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-21 "Electronic waste collector" defined

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

Sec. 21. "Electronic waste collector" means a person who actively:
(1) accumulates;
(2) gathers; or
(3) consolidates;
electronic waste that is generated by other persons. An electronic waste broker may also be an electronic waste collector. *(Solid Waste Management Division; 329 IAC 16-2-21; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-22 "Electronic waste processing" defined

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

Sec. 22. "Electronic waste processing" means any activity that processes or recycles e-waste into materials for resale or reuse. *(Solid Waste Management Division; 329 IAC 16-2-22; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-23 "Electronic waste processing facility" defined

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

Sec. 23. "Electronic waste processing facility" means any facility that is required to be registered under this article to recycle or process electronic waste, such as by one (1) or more of the following:
(1) Manual dismantling.
(2) Mechanical dismantling.
(3) Demanufacturing.
(4) Chemical treatment.
(5) Electronic device refurbishing.
(6) Grinding, shredding.
(7) Thermal treatment.
(8) Smelting.
(9) Mechanical destruction.
(Solid Waste Management Division; 329 IAC 16-2-23; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-24 "Electronic waste processor" defined

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

Sec. 24. "Electronic waste processor" means a person that owns or operates a facility that is registered under this article to:
(1) store;
(2) recycle; or
(3) process;
electronic waste. *(Solid Waste Management Division; 329 IAC 16-2-24; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-25 "Electronic waste recycling" defined

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

Sec. 25. "Electronic waste recycling" means any process by which discarded electronic waste is collected, processed, and returned to use in the form of raw material or products. The term may include, but is not limited to, the following:

(1) Demanufacturing.
(2) Electronic waste processing.
(3) Electronic waste refurbishing.

(Solid Waste Management Division; 329 IAC 16-2-25; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-26 "Financial assurance" defined

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

Sec. 26. "Financial assurance" means, for the purposes of this article, a bond, letter of credit, insurance, or trust fund acquired by the owner, operator, or registrant of the registered facility in an amount sufficient to provide for:

(1) remediation of contamination at the registered facility; and
(2) closure of the registered facility.

(Solid Waste Management Division; 329 IAC 16-2-26; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; filed Jan 23, 2015, 10:34 a.m.: 20150218-IR-329140019FRA)

329 IAC 16-2-27 "Generator" defined

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

Sec. 27. "Generator" means the person that discards an electronic device so that it becomes electronic waste that is either solid waste or hazardous waste. *(Solid Waste Management Division; 329 IAC 16-2-27; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-28 "Hazardous waste" defined

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

Sec. 28. "Hazardous waste" has the meaning set forth in 329 IAC 3.1. *(Solid Waste Management Division; 329 IAC 16-2-28; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-29 "Household hazardous waste" defined

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

Sec. 29. "Household hazardous waste" means hazardous waste:

(1) generated by a household; and
(2) exempt from the requirements of the hazardous waste rules at 329 IAC 3.1.

(Solid Waste Management Division; 329 IAC 16-2-29; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted

filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-30 "Landowner" defined
Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-30-2; IC 36-9-30

Sec. 30. "Landowner" means an owner of real property, as described in the recorded deed and the current county or counties plats. For purposes of this article, the term includes the lessee of the land. *(Solid Waste Management Division; 329 IAC 16-2-30; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-31 "Manual dismantling" defined
Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-30-2; IC 36-9-30

Sec. 31. "Manual dismantling" means workers taking e-waste apart by hand, resulting in smaller components. *(Solid Waste Management Division; 329 IAC 16-2-31; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-32 "Mechanical destruction" defined
Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-30-2; IC 36-9-30

Sec. 32. "Mechanical destruction" means to demolish e-waste with the use of equipment. *(Solid Waste Management Division; 329 IAC 16-2-32; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-33 "Mechanical dismantling" defined
Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-30-2; IC 36-9-30

Sec. 33. "Mechanical dismantling" means taking apart e-waste, by using equipment, resulting in smaller components. *(Solid Waste Management Division; 329 IAC 16-2-33; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-34 "Operator" defined
Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-30-2; IC 36-9-30

Sec. 34. "Operator" means the person responsible for managing and overseeing a facility regulated under this article. *(Solid Waste Management Division; 329 IAC 16-2-34; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-35 "Owner" defined
Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-30-2; IC 36-9-30

Sec. 35. "Owner" means the person who owns a facility regulated under this article. *(Solid Waste Management Division;*

329 IAC 16-2-35; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-36 "Person" defined

Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-11-2-158; IC 13-30-2; IC 36-9-30

Sec. 36. "Person" has the meaning set forth in IC 13-11-2-158(a). *(Solid Waste Management Division; 329 IAC 16-2-36; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-37 "Polychlorinated biphenyl" or "PCB" defined

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

Sec. 37. "Polychlorinated biphenyl" or "PCB" means a chemical comprised of biphenyl molecules that:
(1) has been chlorinated to varying degrees; and
(2) for the purposes of this article, is regulated under 329 IAC 4.1.
(Solid Waste Management Division; 329 IAC 16-2-37; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-38 "Registered facility" defined

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

Sec. 38. "Registered facility" means the e-waste:
(1) storage;
(2) recycling; or
(3) processing;
facility that is registered under this article. *(Solid Waste Management Division; 329 IAC 16-2-38; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-39 "Registrant" defined

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

Sec. 39. "Registrant" means the person who has registered a facility under this article. *(Solid Waste Management Division; 329 IAC 16-2-39; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-40 "Registration" defined

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

Sec. 40. "Registration" means the notification to and the approval by the commissioner regarding an electronic waste processing facility that:
(1) meets the requirements for registration; and
(2) must register under this article.

(Solid Waste Management Division; 329 IAC 16-2-40; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-41 "Residue" defined

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

Sec. 41. "Residue" means, for the purposes of this article, any discarded solid waste remaining after e-waste demanufacturing or processing of e-waste. *(Solid Waste Management Division; 329 IAC 16-2-41; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-42 "Retailer" defined

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

Sec. 42. "Retailer" means a person who sells an electronic device in the state to a consumer. The term includes a manufacturer of an electronic device who sells directly to a consumer through any means, including transactions conducted through:

(1) sales outlets;
(2) catalogs;
(3) the Internet; or
(4) any similar electronic means.

(Solid Waste Management Division; 329 IAC 16-2-42; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-43 "Short term electronic waste collection and storage" defined

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

Sec. 43. "Short term electronic waste collection and storage" means any activity that lasts less than ten (10) consecutive calendar days:

(1) involving the collection of e-waste that is not on the premises of a registered facility; and
(2) in which all e-waste that has been collected is removed and transported within five (5) business days after the collection to:
    (A) a properly registered or permitted facility; or
    (B) an appropriate facility out of state.

(Solid Waste Management Division; 329 IAC 16-2-43; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-44 "Solid waste" defined

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

Sec. 44. "Solid waste" has the meaning set forth in 329 IAC 10-2-174. *(Solid Waste Management Division; 329 IAC 16-2-44; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-45 "Speculative accumulation" defined

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

Sec. 45. "Speculative accumulation" means the storage before processing or recycling of large quantities of electronic waste without a current outlet. *(Solid Waste Management Division; 329 IAC 16-2-45; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-46 "Storage" defined

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

Sec. 46. "Storage" means the retention, containment, or accumulation of e-waste on a temporary basis in such a manner that it does not:

(1) threaten or potentially threaten human health; or
(2) impact or potentially impact the environment.

The term does not include speculative accumulation. *(Solid Waste Management Division; 329 IAC 16-2-46; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-47 "Storage facility" defined

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

Sec. 47. "Storage facility" means a registered facility or place where the storage of:

(1) electronic waste;
(2) electronic debris; or
(3) residue;

is conducted. *(Solid Waste Management Division; 329 IAC 16-2-47; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

329 IAC 16-2-48 "Thermal treatment" defined

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

Sec. 48. "Thermal treatment" means a facility that uses any method, technique, or process that elevates the temperature to treat the e-waste, including:

(1) smelting to recover metals; or
(2) extrusion to recover plastics.

(Solid Waste Management Division; 329 IAC 16-2-48; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

329 IAC 16-2-49 "Waste determination" defined

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

Sec. 49. "Waste determination" means the documented process of determining the qualitative and quantitative nature of a particular waste in order to establish the regulatory status of the waste and determine if the waste must be disposed of under the hazardous waste rules at 329 IAC 3.1, the PCB rules at 329 IAC 4.1, or the solid waste rules at 329 IAC 10. The regulatory status may be determined using either generator knowledge or testing by the methods in 40 CFR 261, Subpart C, or equivalent methods

approved under 40 CFR 260.21 to ascertain the following:

(1) The waste is a hazardous waste under 40 CFR 262.11 and is regulated under 329 IAC 3.1 because of the following:

(A) The waste is not excluded from regulation under 40 CFR 261.4.

(B) The waste is a listed waste under 40 CFR 261, Subpart D.

(C) The waste exhibits characteristics specified in 40 CFR 261, Subpart C.

(2) The waste contains regulated amounts of PCBs and is regulated under 329 IAC 4.1.

(3) The waste is a solid waste and can be disposed of under 329 IAC 10.

(Solid Waste Management Division; 329 IAC 16-2-49; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

Rule 3. Exclusions

329 IAC 16-3-1 Exclusions

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

Sec. 1. (a) The following are excluded from regulation under this article:

(1) A site where there is electronic waste in an amount equal to or less than forty-six thousand (46,000) pounds or twenty-three (23) tons enclosed in a building or an enclosed lockable trailer.

(2) Short term electronic waste collection and storage, where e-waste or electronic devices are removed within five (5) business days after the conclusion of the short term electronic waste collection and storage and removed and transported to:

(A) a facility registered under this article;

(B) a permitted facility; or

(C) an appropriate facility out of state.

(3) Brokers of electronic waste that do not take physical possession of the e-waste or electronic debris.

(4) Electronic device refurbishing or retailers of refurbished electronics.

(5) Facilities that:

(A) hold a valid permit under 329 IAC 3.1, 329 IAC 10, or 329 IAC 11; and

(B) process and store the e-waste according to those permit requirements.

(6) Any storage or processing that takes place where the e-waste is initially generated.

(7) Any recycling operation, such as a materials recovery facility, that may have incidental amounts of e-waste mixed with larger volumes of recyclables.

(b) In order to be excluded from regulation under this article, small quantity hazardous waste generators and large quantity hazardous waste generators, including generators that meet any of the exclusions in subsection (a), must comply with the following:

(1) Storage and transportation of the e-waste must be in a manner to minimize the release of contaminants to the environment.

(2) Disposal must be accomplished according to 329 IAC 16-9.

(3) Storage of broken e-waste must be in:

(A) a building with a roof, floor, and walls; or

(B) an enclosed container.

(4) Each container that contains only broken CRTs must be labeled or marked clearly with the following:

(A) One (1) of the following phrases:

(i) "Used cathode ray tube(s)–contains leaded glass".

(ii) "Leaded glass from televisions or computers".

(B) "Do not mix with other glass materials".

(5) Speculative accumulation is prohibited.

(6) Each container that contains broken e-waste other than CRTs must be labeled or marked clearly "Electronic Waste".

(7) The broken CRTs and other broken e-waste must be transported in an enclosed container.

(Solid Waste Management Division; 329 IAC 16-3-1; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted

filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; filed Jan 23, 2015, 10:34 a.m.: 20150218-IR-329140019FRA)

Rule 4. Thermal or Chemical Treatment

329 IAC 16-4-1 Requirements for facilities that process electronic waste by thermal treatment or chemical treatment

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

Sec. 1. (a) Any facility or person that is processing e-waste by one (1) of the following methods must obtain a solid waste processing facility permit under 329 IAC 11, excluding the requirement for financial responsibility under 329 IAC 11-9-2(a)(9):

(1) Thermal treatment.

(2) Chemical treatment.

(b) Financial assurance under 329 IAC 16-11-1 applies to e-waste thermal treatment and chemical treatment facilities that obtain a permit under 329 IAC 11. *(Solid Waste Management Division; 329 IAC 16-4-1; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

Rule 5. Registration

329 IAC 16-5-1 Registration

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

Sec. 1. (a) The owners or operators of all applicable facilities listed under 329 IAC 16-1-2 are required to register, unless exempted under 329 IAC 16-3-1 or permitted under 329 IAC 16-4-1. A registration is for a fixed term not to exceed five (5) years.

(b) The registration form must be:

(1) filled out completely; and

(2) submitted to the commissioner on a form or in a format provided by the commissioner.

(c) The commissioner may require the registration to be submitted electronically, as specified in subsection (d), with an electronic signature.

(d) A registration may be submitted via electronic media, such as the following:

(1) Compact disc or digital video disc.

(2) Electronic mail or attachments to electronic mail.

(3) File transfer protocol or FTP.

(4) Hypertext transfer protocol or HTTP.

(5) Other electronic media deemed acceptable by the department.

(e) The registration must be renewed as follows:

(1) When any of the following occur:

(A) Five (5) years have elapsed since the last renewal.

(B) The commissioner determines that the process at the facility changed from the description in the current registration.

(C) The amount in tons of e-waste or electronic debris specified in subsection (f)(5) changes.

(2) The renewal form must be submitted at least sixty (60) days before the expiration date of the registration.

(f) The registration must include the following information:

(1) The name of the owner, operator, and landowner, if different from the registered facility owner.

(2) Addresses and telephone numbers for the owner, operator, and landowner.

(3) The location of the facility.

(4) The type of facility.

(5) The maximum amounts, in tons, of e-waste or electronic debris to be stored on site and the probable duration of storage in business days.

(6) Specify the location where electronic waste will be stored in:
(A) a building;
(B) a container; or
(C) a vehicle.
(7) The material for the building floor for all areas where e-waste and electronic debris will be:
(A) stored; or
(B) processed.
(8) A detailed description of e-waste and electronic debris:
(A) storage;
(B) handling;
(C) processing;
(D) treatment; and
(E) final disposition.
(9) The maximum total amount, in tons, of e-waste capable of being processed per day.
(10) Other permits from the department for the facility.
(11) The date the facility became operational or will be operational.
(12) A contingency action plan that specifies the following:
(A) An outline of the method or methods of waste disposal to be implemented if the registered facility is unable to operate or process.
(B) The maximum amounts of e-waste as specified in subdivision (5) and electronic debris on site at any one (1) time.
(C) Procedures for controlling:
(i) fire;
(ii) explosion;
(iii) spills; and
(iv) contamination.
(D) Areas where e-waste and electronic debris are contained or stored.
(E) A floor plan of the registered facility.
(F) A map that identifies the facility location and any access roads.
(G) Telephone numbers for the fire department responsible for responding to a fire or emergency at the registered facility.
(13) A description of any electronic debris resulting from the processing of e-waste.
(14) Cleanup procedures for areas for:
(A) storage;
(B) electronic waste processing;
(C) loading; and
(D) unloading.
(15) The financial assurance documentation required under 329 IAC 16-11-1.

(g) The owner or operator must sign and submit the following certification with the registration: "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 manage 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 a fine or imprisonment for a knowing violation. I further certify that I am authorized to submit this information.".

(h) The commissioner or a designee may deny, limit the length of, or place additional conditions on a registration under the following circumstances:
(1) The commissioner, under IC 13-15-7, has revoked the applicant's previous registration under this article.
(2) The registration form is incomplete.
(i) The issuance of a registration does not:
(1) convey any property right of any sort or any exclusive privileges;

(2) authorize any injury to persons or private property;
(3) authorize any invasion of other private rights;
(4) authorize any infringement of federal, state, or local laws or regulations; or
(5) preempt any duty to comply with other state or local requirements.
(j) The commissioner or a designee may revoke or modify a registration issued under this article for any of the following reasons:
(1) Violation of a requirement of this article or a condition of the registration.
(2) Failure to disclose all relevant facts in obtaining a registration under this article.
(3) A misrepresentation made in obtaining a registration under this article.
(4) Failing to meet the requirements for a registration.
(5) Failure to correct a condition as agreed to in an Agreed Order with the department or, within the time established in the Agreed Order, come into compliance with one (1) or both of the following:
(A) The registration.
(B) This article.
(k) If a registration is modified, denied, or revoked under this article, the owner or operator may appeal under IC 4-21.5-3.
(l) A registration is not transferable. A new owner or operator:
(1) must submit a registration form to the commissioner thirty (30) days in advance of taking ownership of the facility; and
(2) may operate the facility in the interim.
(Solid Waste Management Division; 329 IAC 16-5-1; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; filed Jan 23, 2015, 10:34 a.m.: 20150218-IR-329140019FRA)

329 IAC 16-5-2 Transition for submitting registration
Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-30-2; IC 36-9-30

Sec. 2. (a) All owners or operators that are required to register under this article must submit a registration form within sixty (60) days after the effective date of this article. These facilities may continue to operate during the sixty (60) day period between the effective date and the submittal of the registration.
(b) No new facility that is required to submit a registration under this article may operate without submitting a registration form. *(Solid Waste Management Division; 329 IAC 16-5-2; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)*

Rule 6. Storage Requirements

329 IAC 16-6-1 Storage requirements
Authority: IC 13-14-8-7; IC 13-15; IC 13-19-3
Affected: IC 13-30-2; IC 36-9-30

Sec. 1. (a) All registered facilities must store e-waste, electronic debris, and any residue in one (1) of the following:
(1) A building that is weather tight.
(2) A closed container.
(3) A covered vehicle.
(b) Any container holding e-waste or electronic debris must have a label with the following legible information:
(1) The contents of the container specific to the e-waste or electronic debris.
(2) The date of delivery at the registered facility or date of recontainment.
(c) Speculative accumulation of electronic waste is not allowed. Facilities registered under this article must engage in only legitimate recycling in accordance with the following:
(1) The owner or operator of the electronic waste processing facility must have a plan to reuse or recycle the e-waste that provides the following:

(A) Identification of the following:

(i) The component or components of the electronic waste to be reused, recycled, or processed.

(ii) The manner in which the electronic waste is intended to be reused, recycled, or processed.

(iii) The intended market or markets for the component or components of the electronic waste.

(B) A reason why any electronic waste is being stored for periods exceeding one (1) year. Reasons may include that storage is necessary to accumulate sufficient quantities for shipment or processing that saves additional costs.

(C) The electronic waste is stored in a manner:

(i) reflecting its value as a commodity; and

(ii) in accordance with this rule.

(2) The electronic waste processing facility must maintain records of electronic waste coming into the electronic waste processing facility and materials leaving the electronic waste processing facility, including the following:

(A) The total amount of e-waste received.

(B) The total amount of e-waste or material derived from e-waste shipped from the facility for recycling or reuse.

(C) The total amount of e-waste, solid waste, or hazardous waste shipped from the facility for disposal.

(3) Amounts of e-waste, material derived from e-waste, solid waste, and hazardous waste:

(A) must be measured in weight only; and

(B) may be kept in a consistent manner with either daily, weekly, or monthly records.

(4) Shipping papers and manifests, as applicable, for shipments of e-waste received and e-waste, solid waste, and hazardous waste shipped from the facility shall be maintained by the facility for a period of three (3) years.

(d) Adequate measures must be in place to control fire hazards, including the following:

(1) The building must have fire-extinguishing equipment that complies with the Indiana Fire Code as adopted by the Fire Prevention and Building Safety Commission at 675 IAC 22.

(2) Contingency action plans required under 329 IAC 16-5-1(f)(12) must be submitted to the local fire department that services the area.

(e) A building, container, or vehicle storing e-waste must:

(1) have access controls in place, such as a locked door or fence with locked gate; and

(2) be secured during nonbusiness hours.

(f) Other than in designated storage areas, the land, building, vehicles, and containers must be maintained clean and free of other solid waste, except for incidental amounts of solid waste that is not e-waste.

(g) Storage on a temporary basis, including the retention, containment, or accumulation of solid waste other than e-waste, must be done in a manner that does not:

(1) threaten or potentially threaten human health; or

(2) impact or potentially impact the environment.

However, it must be a rebuttable presumption that storage of electronic debris, excluding waste that is a hazardous waste subject to regulation under 329 IAC 3.1 and e-waste, for more than six (6) months constitutes discarding and disposal. *(Solid Waste Management Division; 329 IAC 16-6-1; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; filed Jan 23, 2015, 10:34 a.m.: 20150218-IR-329140019FRA)*

Rule 7. Operational Requirements

329 IAC 16-7-1 Operational requirements

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

Sec. 1. (a) A building used for processing or storage of e-waste must have the following:

(1) A sign that:

(A) is at least one (1) foot high by two (2) feet wide;

(B) is prominently displayed by the door; and

(C) legibly contains the following information in letters at least one (1) inch high:

(i) The name of the facility.
(ii) The hours the registered facility is open to accept e-waste from the public. If the facility does not accept e-waste from the public, this information can be omitted.
(iii) The registration number.
(iv) Clearly says the following, "Electronic waste is stored and/or processed inside.".
(v) The name and telephone number of a designated emergency contact person.

(2) A roof, a floor that is concrete or other impervious surface, and the building is completely enclosed.

(3) Adequate measures must be in place to control fire hazards, and equipment must be available to control fires.

(4) A telephone, cellular telephone, or radio communication device available when employees are present and the building is in use.

(b) Containers and vehicles that contain e-waste for processing or that has been processed must have a label attached that contains the following legible information:

(1) The contents of the container specific to the e-waste or electronic debris.

(2) The date, within three (3) days, when the container becomes full.

(c) The owner or operator shall record and retain at the registered facility, or in an alternative location approved by the commissioner, all records, reports, or audits required by this article until certification of closure is deemed adequate by the commissioner under 329 IAC 16-10-1(e). The following information must be retained:

(1) A paper copy or an accessible copy of the electronically submitted registration.

(2) A contingency action plan as required under 329 IAC 16-5-1(f)(12).

(3) The records required under 329 IAC 16-6-1(c)(2).

(4) The training log required under 329 IAC 16-8-1(b).

(5) The results of any waste determination tests on electronic debris and residues generated by the registered facility.

(d) The following must be furnished as required and made available during normal operating hours for inspection by any officer, employee, or representative of the commissioner:

(1) All records required by this article.

(2) All test results of electronic debris and residues generated by the registered facility and disposed.

(e) No hazardous waste that is regulated by 329 IAC 3.1 shall be processed at any registered facility, except for e-waste as defined in this article, unless the facility is permitted under 329 IAC 3.1 to process hazardous waste. *(Solid Waste Management Division; 329 IAC 16-7-1; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; filed Jan 23, 2015, 10:34 a.m.: 20150218-IR-329140019FRA)*

Rule 8. Employee Training

329 IAC 16-8-1 Employee training

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

Sec. 1. (a) Annually, the registrant must provide information to all employees who handle or have responsibility for managing the electronic waste. The information must describe proper handling and safety and emergency procedures appropriate to the type of e-waste and other materials handled at the registered facility.

(b) A training log must be maintained on site by the registrant until certification of closure is deemed adequate by the commissioner under 329 IAC 16-10-1(e) and contain the following information:

(1) A copy of the information provided to the employees.

(2) The:

(A) names of the employees that received the information; and
(B) date received by the employee.

(Solid Waste Management Division; 329 IAC 16-8-1; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

Rule 9. Disposal of E-Waste

329 IAC 16-9-1 Disposal of e-waste

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

Sec. 1. Persons, generators, owners, operators, or registrants disposing of e-waste or electronic debris must conduct a waste determination and dispose as applicable at either of the following:

(1) A facility permitted in Indiana under the following:
  (A) 329 IAC 3.1.
  (B) 329 IAC 4.1.
  (C) 329 IAC 10.
  (D) 329 IAC 13.
(2) An appropriate facility out of state.

(Solid Waste Management Division; 329 IAC 16-9-1; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA)

Rule 10. Closure

329 IAC 16-10-1 Closure

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

Sec. 1. (a) The owner, operator, or registrant must notify the commissioner at least fourteen (14) days before the date when the registered facility permanently ceases accepting e-waste.

(b) Within sixty (60) days of the registered facility no longer accepting e-waste, all e-waste and electronic debris must be:

(1) removed from the:
  (A) building;
  (B) land;
  (C) containers; and
  (D) vehicles; and
(2) disposed of according to 329 IAC 16-9-1.

(c) Any contaminants resulting from the e-waste storage or processing that exceed the risk based remediation standards under IC 13-12-3-2 must be contained, removed, and disposed of according to 329 IAC 16-9-1. This requirement does not include any contaminants existing before the storage or processing of e-waste.

(d) A registered facility must be certified closed under subsection (e) after all waste is removed and disposed of in accordance with 329 IAC 3.1, 329 IAC 10, or 329 IAC 13, as applicable.

(e) The owner, operator, or registrant must send a certification statement indicating that the requirements of this section have been met to the commissioner within thirty (30) days after completion of the closure.

(f) The closure certification in subsection (e) will be deemed adequate unless, within ninety (90) days of receipt of the closure certification, the commissioner issues a notice of deficiency of closure, including actions necessary to correct the deficiency.

(g) After the closure certification is deemed adequate by the commissioner and the facility is notified in writing by the commissioner, the owner, operator, or registrant of the registered facility is released from the obligation of maintaining closure financial responsibility. *(Solid Waste Management Division; 329 IAC 16-10-1; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; filed Jan 30, 2013, 12:29 p.m.: 20130227-IR-329120379FRA; filed Jan 23, 2015, 10:34 a.m.: 20150218-IR-329140019FRA)*

Rule 11. Financial Assurance

329 IAC 16-11-1 Financial assurance for cleanup and closure

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

Sec. 1. (a) All owners, operators, and registrants that are required to register under this article shall establish financial responsibility with the department for closure of the registered facility. The following mechanisms may be used to provide financial responsibility:

(1) A trust fund as specified in section 2 of this rule.

(2) A surety bond as specified in section 3 of this rule.

(3) A letter of credit as specified in section 4 of this rule.

(4) Insurance as specified in section 5 of this rule.

(b) The financial responsibility must be in the amount that will provide for closure of the registered facility if the owner, operator, or registrant has failed to close the registered facility. The amount that will provide for closure is determined by multiplying the maximum amount in tons of e-waste, electronic devices, and electronic debris on site at any one (1) time by two hundred dollars ($200).

(c) If there is a change to the maximum amount of e-waste, electronic devices, and electronic debris specified in 329 IAC 16-5-1(f)(5), the owner, operator, or registrant must update the amount in subsection (b) within thirty (30) days after the change.

(d) For electronic waste brokers handling only intact electronic devices, a current contract with another person to pick up all electronic devices that is provided to the department will serve in lieu of the financial assurance mechanism as required in subsection (a).

(e) The owner, operator, or registrant may use a single financial assurance mechanism to meet the requirements for more than one (1) facility. Evidence of financial responsibility submitted to the commissioner must include a list showing, for each facility, the following:

(1) The registration number, name, and address.

(2) The amount of funds available through the financial assurance mechanism that must be not less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility.

(f) An owner, operator, or registrant shall do the following:

(1) Notify the commissioner by certified mail within ten (10) days after commencement of a voluntary or involuntary proceeding under bankruptcy under 11 U.S.C. 101 et seq., October 1, 1979, naming the owner, operator, or registrant as debtor. An owner, operator, or registrant who has a financial assurance mechanism shall be deemed to be without the required financial responsibility in the event of bankruptcy of the institution issuing the financial assurance mechanism.

(2) Reestablish financial responsibility within sixty (60) days after loss of a financial assurance mechanism due to bankruptcy. The registered facility cannot operate outside the sixty (60) day period without establishing a financial assurance mechanism for the amount required under subsection (b).

(g) In addition to any other penalties provided for in this article or in IC 13-14 and IC 13-30, any failure to obtain, maintain, or fund financial assurance as required by this rule within the prescribed time limits shall be:

(1) deemed to endanger human health or the environment; and

(2) grounds for a proceeding to revoke the facility's registration or to order final closure of the registered facility.

(h) After the closure certification is deemed adequate by the commissioner and the facility is so notified in writing by the commissioner, the owner, operator, or registrant of the registered facility is released from the obligation of maintaining financial assurance under this article. *(Solid Waste Management Division; 329 IAC 16-11-1; filed Aug 15, 2007, 10:22 a.m.: 20070912-IR-329050181FRA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; filed Jan 23, 2015, 10:34 a.m.: 20150218-IR-329140019FRA)*

329 IAC 16-11-2 Trust fund for closure and cleanup

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

Sec. 2. An owner, operator, or registrant that chooses to meet the financial assurance requirement of this article through a

trust fund shall establish the trust fund for financial assurance in accordance with the following requirements:

(1) The trust fund is established on forms:

(A) provided by the commissioner; or

(B) approved by the commissioner.

(2) Each trust agreement must do the following:

(A) Identify facilities and corresponding closure cost estimates covered by the trust agreement.

(B) Establish a trust fund in an amount determined by section 1(b) of this rule that guarantees that payments from that fund either:

(i) reimburse the owner, operator, or registrant of the facility for department-approved closure work done; or

(ii) pay the department for doing required closure work.

(C) Require that annual valuations of the trust be submitted to the commissioner.

(D) Require successor trustees to notify the commissioner, in writing, of their appointment at least ten (10) days before the effective date of the appointment.

(E) Require the trustee to notify the commissioner, in writing, of the failure of the owner, operator, or registrant of the facility to make a required payment into the fund.

(F) Establish that the trust is irrevocable unless terminated, in writing, with the approval of the:

(i) owner, operator, or registrant of the facility;

(ii) trustee; and

(iii) commissioner.

(G) Certify that the signer of the trust agreement for the owner, operator, or registrant of the facility was duly authorized to bind the owner, operator, or registrant of the facility.

(H) All signatures must be notarized by a notary public commissioned to be a notary public in Indiana at the time of the notarization.

(I) Establish that the trustee is:

(i) authorized to act as a trustee; and

(ii) an entity whose operations are regulated and examined by a federal or state of Indiana agency.

(3) Before the facility begins operation, the owner, operator, or registrant shall:

(A) deposit into the trust fund the amount determined by section 1(b) of this rule; and

(B) submit to the commissioner a receipt from the trustee for the payment into the trust fund.

(4) If the owner, operator, or registrant establishes a trust fund after having used one (1) or more alternative mechanisms, the payment into the trust fund must be in the amount determined by section 1(b) of this rule.

(5) The trustee shall evaluate the trust fund annually, as of the day the trust was created or on an earlier date as may be provided in the agreement. The trustee shall notify the owner, operator, or registrant of the facility and the commissioner within thirty (30) days after the evaluation date.

(6) Release of excess funds may be requested as follows:

(A) If the value of the financial assurance is greater than the total amount of the current cost estimate, the owner, operator, or registrant of the facility may submit a written request to the commissioner for release of the amount in excess of the current cost estimate.

(B) Within sixty (60) days after receiving a request from the owner, operator, or registrant of the facility for a release of funds, the commissioner shall instruct the trustee to release to the owner, operator, or registrant of the facility the funds the commissioner specifies in writing to be in excess of the current cost estimate.

(7) Reimbursement for removal expenses may be requested as follows:

(A) After initiating removal, the owner, operator, or registrant of the facility, or any other person authorized to perform removal, may request reimbursement for removal expenditures by submitting itemized bills to the commissioner.

(B) Within sixty (60) days after receiving the itemized bills for removal activities, the commissioner shall determine whether the expenditures are in accordance with the removal plan. The commissioner shall instruct the trustee to make reimbursement in the amounts the commissioner specifies in writing in accordance with the removal plan.

(C) If the commissioner determines, based on available information, that the cost of removal will be greater than the

value of the trust fund, the commissioner shall withhold reimbursement of the amounts necessary to accomplish removal until it is determined that the owner, operator, or registrant of the facility is no longer required to maintain financial assurance for removal. In the event the fund is inadequate to pay all claims, the commissioner shall pay claims according to the following priority:

(i) A person with whom the department has contracted to perform removal activities.

(ii) A person who has completed removal authorized by the commissioner.

(iii) A person who has completed work that furthered the removal.

(iv) The owner, operator, or registrant of the facility and related business entities.

(Solid Waste Management Division; 329 IAC 16-11-2; filed Jan 23, 2015, 10:34 a.m.: 20150218-IR-329140019FRA)

329 IAC 16-11-3 Surety bond for closure and cleanup

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

Sec. 3. An owner, operator, or registrant that chooses to meet the financial assurance requirement of this article through a surety bond shall establish the surety bond for financial assurance in accordance with the following requirements:

(1) The surety bond is established on forms:

(A) provided by the commissioner; or

(B) approved by the commissioner.

(2) All surety bonds must contain the following:

(A) The establishment of penal sums in the amount determined in section 1(b) of this rule.

(B) A provision that, upon notification by the commissioner that the owner, operator, or registrant has failed to close the facility, the surety shall place the total penal sum of the bond into an account as directed by the commissioner.

(C) A provision that the surety may not cancel the bond without first sending notice of cancellation by certified mail to the owner, operator, or registrant and the commissioner at least one hundred twenty (120) days before the effective date of the cancellation.

(D) A provision that the owner, operator, or registrant may not terminate the bond without prior written authorization by the commissioner.

(3) The surety company issuing the bond must be:

(A) among those listed as acceptable sureties for federal bonds in Circular 570 of the United States Department of the Treasury; and

(B) authorized to do business in Indiana.

(4) The surety will not be liable for deficiencies in the performance of closure by the owner, operator, or registrant after the closure certification is submitted to the commissioner.

(Solid Waste Management Division; 329 IAC 16-11-3; filed Jan 23, 2015, 10:34 a.m.: 20150218-IR-329140019FRA)

329 IAC 16-11-4 Letter of credit for closure and cleanup

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

Sec. 4. An owner, operator, or registrant that chooses to meet the financial assurance requirement of this article through a letter of credit shall establish the letter of credit for financial assurance in accordance with the following requirements:

(1) Establish a letter of credit on forms:

(A) provided by the commissioner; or

(B) approved by the commissioner.

(2) All letters of credit must contain the following:

(A) The establishment of credit in the amount determined by section 1(b) of this rule.

(B) Irrevocability.

(C) An effective period of at least one (1) year and automatic extensions for periods of at least one (1) year unless the

issuing institution provides written notification of cancellation by certified mail to both the owner, operator, or registrant, and the commissioner at least one hundred twenty (120) days before the effective date of cancellation.

(D) A provision that, upon written notice from the commissioner, the institution issuing the letter of credit will:

(i) state that the owner, operator, or registrant's obligations have not been fulfilled; and

(ii) if the owner, operator, or registrant has failed to close the facility, place the total penal sum of the bond into an account as directed by commissioner.

(Solid Waste Management Division; 329 IAC 16-11-4; filed Jan 23, 2015, 10:34 a.m.: 20150218-IR-329140019FRA)

329 IAC 16-11-5 Insurance for closure and cleanup

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

Sec. 5. An owner, operator, or registrant that chooses to meet the financial assurance requirements of this article through insurance shall establish insurance for financial assurance in accordance with the following requirements:

(1) Provide evidence of insurance on forms:

(A) provided by the commissioner; or

(B) approved by the commissioner.

(2) All insurance must include the following:

(A) The establishment of credit in the amount determined by section 1(b) of this rule.

(B) A provision that, upon written notification to the insurer by the commissioner that the owner, operator, or registrant has failed to perform final closure, the insurer shall make payments:

(i) in any amount, not to exceed the amount insured; and

(ii) to any person authorized by the commissioner.

(C) A provision that the owner, operator, or registrant shall maintain the policy in full force and effect unless the commissioner consents in writing to termination of the policy.

(D) A provision for assignment of the policy to a transferee owner, operator, or registrant.

(E) A provision that the insurer may not cancel, terminate, or fail to renew the policy, except for failure of the owner, operator, or registrant to pay the premium. No cancellation, termination, or failure to renew may occur unless the insurer notifies in writing the commissioner and owner, operator, or registrant at least one hundred twenty (120) days before the event.

(3) In one (1) or more states, including Indiana, the insurer shall either be:

(A) licensed to transact the business of insurance; or

(B) eligible to provide insurance as an excess or surplus lines insurer.

(Solid Waste Management Division; 329 IAC 16-11-5; filed Jan 23, 2015, 10:34 a.m.: 20150218-IR-329140019FRA)

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