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TITLE 329 SOLID WASTE MANAGEMENT BOARD

Proposed Rule LSA Document #03-286

DIGEST

Amends 329 IAC 12-8-4, 329 IAC 12-8-5, and 329 IAC 12-9-2, concerning certification for solid waste facility operators, to place asbestos disposal certification for solid waste facility operators, which is currently under the authority of the Air Pollution Control Board, under the rules promulgated by the Solid Waste Management Board. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: November 1, 2003, Indiana Register (27 IR 584).

Second Notice of Comment Period: April 1, 2004, Indiana Register (27 IR 2356).

Notice of First Hearing: April 1, 2004, Indiana Register (27 IR 2360).

Date of First Hearing: June 15, 2004.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least twenty-one (21) days long.

Because this proposed rule is not substantively different from the draft rule published on April 1, 2004, at 27 IR 2356, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from April 1, 2004, through May 1, 2004, on IDEM's draft rule language. No comments were received during the second comment period.

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST PUBLIC HEARING

On June 15, 2004, the Solid Waste Management Board (board) conducted the first public hearing/board meeting regarding amendments to 329 IAC 12-8 and 329 IAC 12-9 concerning the addition of asbestos handling, reporting, and disposal requirements. No comments were made at the first hearing.

329 IAC 12-8-4

329 IAC 12-8-5

329 IAC 12-9-2

SECTION 1. 329 IAC 12-8-4, PROPOSED TO BE AMENDED AT 26 IR 1672, SECTION 38, IS AMENDED TO READ AS FOLLOWS:

329 IAC 12-8-4 Examination requirements for Category II certification

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

Affected: IC 13-15-10; IC 36-9-30

Sec. 4. (a) In order to qualify for accreditation as an accredited examination provider for Category II certification for operators of municipal and nonmunicipal solid waste disposal facilities, the written examination must meet the requirements of this section.

(b) The commissioner may approve an examination under the Category IV certification for a specific type of site. For operators of municipal and nonmunicipal solid waste disposal facilities, the examination for operator certification under Category IV must address any Category II topics in subsection (c) that are applicable to the type of site for which the examination has been developed.

(c) A Category II certification shall adequately address the following topics:

- (1) Purpose of training course.
- (2) An overview of municipal and nonmunicipal solid waste disposal facilities in integrated municipal solid waste management to address the following:
 - (A) Generation of municipal solid wastes.
 - (B) Physical and chemical composition of solid wastes.
 - (C) Municipal solid waste management.
- (3) Basics of site selection.
- (4) Complying with design requirements to the following:
 - (A) Specifications.
 - (B) Types of plans.
 - (C) Plan reading.
 - (D) Municipal and nonmunicipal solid waste facility landfill methods.
- (5) Waste acceptance and screening to include the following:
 - (A) Wastes prohibited by state and federal law and regulations.
 - (B) Commonly prohibited wastes.
 - (C) Wastes requiring special handling.
 - (D) Wastes prohibited by the facility permit.
 - (E) Screening methods for prohibited wastes.
 - (F) Record keeping and notification requirements.
 - (G) Public information and education.
- (6) Waste decomposition to include the following:
 - (A) Fate of wastes.
 - (B) Effects of decomposition.
 - (C) Subsidence and differential settlement.
 - (D) Landfill gas generation and migration.
 - (E) Leachate generation, migration, and control.
- (7) Control processes for landfill gas and leachate to include the following:
 - (A) Landfill gas and leachate characteristics.
 - (B) Managing landfill gas.
 - (C) Protection of facilities built on landfills.
 - (D) Landfill gas recovery and use.
 - (E) Managing leachate.
- (8) Operational techniques shall adequately address the following:
 - (A) Design and operational plans.
 - (B) Operational practices.
 - (C) Cover systems.
 - (D) Operation of a lined facility.
 - (E) Operational problems.
 - (F) Site operation to minimize environmental and health problems.
- (9) Closure and long term care shall adequately address the following:
 - (A) Site closure.
 - (B) Closure considerations.
 - (C) Closure plan.
 - (D) Long term care and environmental monitoring.
 - (E) Landfill site end uses.
 - (F) Final cover design.
 - (G) Vegetation.
 - (H) Financing closure and post-closure care.

(10) Disposal of regulated asbestos-containing material (RACM) to include the following:

(A) Special handling requirements.

(B) Disposal requirements.

(C) Record keeping and notification requirements.

(Solid Waste Management Board; 329 IAC 12-8-4; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1485; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 2. 329 IAC 12-8-5 IS AMENDED TO READ AS FOLLOWS:

329 IAC 12-8-5 Examination requirements for Category III certification

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

Affected: IC 13-15-10; IC 36-9-30

Sec. 5. (a) In order to qualify for accreditation as an accredited examination provider for Category III certification for operators of restricted waste sites and construction/demolition sites, the written examination must meet the requirements of this section.

(b) The commissioner may approve an examination under the Category IV certification for a specific type of site. For operators of restricted waste sites and construction/demolition sites, the examination for operator certification under Category IV must address any Category III topics in subsection (c) that are applicable to the type of site for which the examination has been developed.

(c) A Category III certification shall adequately address the following topics:

(1) Purpose of training course.

(2) The role of restricted waste and construction/demolition sites in waste management to address the following:

(A) Types of restricted wastes.

(B) Generation of restricted wastes.

(C) Physical and chemical composition of restricted wastes.

(D) Overview of restricted waste management.

(3) Basics of site selection.

(4) Complying with design requirements to the following:

(A) Specifications.

(B) Types of plans.

(C) Plan reading.

(D) Landfill methods.

(5) Waste acceptance and screening to include the following:

(A) Wastes prohibited by state and federal law and regulations.

(B) Commonly prohibited wastes.

(C) Wastes requiring special handling.

(D) Screening methods for prohibited wastes.

(E) Record keeping and notification requirements.

(F) Public information and education.

(6) Waste decomposition to include the following:

(A) Subsidence and differential settlement.

(B) Leachate generation, migration, and control.

(7) Operational techniques shall adequately address the following:

(A) Design and operational plans.

(B) Operational practices.

(C) Cover systems.

(D) Operation of a lined facility.

(E) Operational problems.

(F) Site operation to minimize environmental and health problems.

(8) Closure and long term care shall adequately address the following:

(A) Site closure.

- (B) Closure considerations.
- (C) Closure plan.
- (D) Long term care and environmental monitoring.
- (E) Landfill site end uses.
- (F) Final cover design.
- (G) Vegetation.
- (H) Financing closure and post-closure care.

(9) Disposal of regulated asbestos-containing material (RACM) to include the following:

- (A) Special handling requirements.**
- (B) Disposal requirements.**
- (C) Record keeping and notification requirements.**

(Solid Waste Management Board; 329 IAC 12-8-5; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1485; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 3. 329 IAC 12-9-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 12-9-2 Accredited training course requirements for recertification

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

Affected: IC 13-15-10; IC 36-9-30

Sec. 2. (a) Training courses shall be classified as follows:

- (1) Category I recertification training course for operators of solid waste incinerators and waste to energy facilities.
- (2) Category II recertification training course for operators of municipal and nonmunicipal solid waste land disposal facilities.
- (3) Category III recertification training course for operators of restricted waste sites and construction/demolition sites.
- (4) Category IV recertification training course for a specific facility.

(b) The accredited training course must include, at a minimum, applicable topics relating to the appropriate category of solid waste facility operation as follows:

- (1) An update on applicable Indiana legislation and regulations.
- (2) Discussion of applicable department policy.
- (3) Information on new or improved technologies.
- (4) Information on changes to processes.
- (5) Information on changes in management practices.
- (6) Information on asbestos disposal.**

(c) The accredited training course must be at least four (4) hours in length. *(Solid Waste Management Board; 329 IAC 12-9-2; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on October 19, 2004 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Solid Waste Management Board will hold a public hearing on the proposed amendments to 329 IAC 12-8 and 329 IAC 12-9 concerning the addition of asbestos handling, reporting, and disposal requirements to the solid waste facility operator certification.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Lynn West, Rules, Planning and Outreach Section, Office of Land Quality, (317) 232-3593, (800) 451-6027 (in Indiana) or e-mail at lwest@dem.state.in.us.

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

*Attn: ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, IN 46206-6015*

or call (317) 233-0855, (TDD): (317) 233-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-333. Please provide a minimum of seventy-two (72) hours notification before the hearing.

Copies of these rules are now on file at the Office of Land Quality, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Timothy J. Method
Assistant Commissioner
Solid Waste Management Board