

## **IC 13-20-8**

### Chapter 8. Regulation of Solid Waste Incineration

#### **IC 13-20-8-1**

##### **Rules for construction and operation of incinerators**

Sec. 1. The solid waste management board shall adopt rules under IC 4-22-2 to regulate the construction and operation of incinerators under IC 13-14-8. The rules must incorporate by reference pertinent rules adopted by the air pollution control board.

*As added by P.L.1-1996, SEC.10.*

#### **IC 13-20-8-2**

##### **Applications for incinerator permits; rules**

Sec. 2. The rules adopted by the board under this chapter must establish requirements for applications for incinerator permits to be issued under this chapter. The rules must require that an application include the following:

- (1) An engineering description of the following:
  - (A) The proposed incinerator.
  - (B) All related solid waste processing and pollution control equipment.
- (2) A description of the operating characteristics of the proposed incinerator.
- (3) A narrative comparing the emissions of the proposed incinerator with those of other proven and operating incinerator designs.
- (4) A description of control and air monitoring instrumentation for the proposed incinerator.
- (5) A description of safety, testing, and maintenance procedures for the proposed incinerator, including:
  - (A) emergency shutdown if a system malfunctions;
  - (B) a maintenance schedule; and
  - (C) emissions testing and reporting.
- (6) A pre-operational emissions test plan for the proposed incinerator, including methods of stack sampling and analysis, to establish that the incinerator meets regulatory emission standards.

*As added by P.L.1-1996, SEC.10.*

#### **IC 13-20-8-3**

##### **Operation of incinerators; rules**

Sec. 3. The rules adopted by the board under this chapter concerning the operation of incinerators must require compliance with applicable air pollution control standards and must include the following provisions:

- (1) Control levels for acid gas, sulfur dioxide, oxides of nitrogen, hydrocarbons, particulates, and other contaminants for which control levels are established by the air pollution control board or the solid waste management board.
- (2) Requirements for the sampling and analysis of incineration

residues.

(3) Pre-operational requirements.

(4) Requirements for operational safeguards to ensure exclusion from the incinerator of any hazardous wastes subject to regulation under IC 13-22.

*As added by P.L.1-1996, SEC.10.*

#### **IC 13-20-8-4**

##### **Temporary incinerator operation; rules**

Sec. 4. The rules concerning the operation of incinerators must allow a reasonable period of time for temporary operation of an incinerator and associated equipment for the following:

(1) Post-construction adjustment and testing.

(2) Performing the pre-operational emissions test required under section 5 of this chapter.

*As added by P.L.1-1996, SEC.10.*

#### **IC 13-20-8-5**

##### **Department duties**

Sec. 5. (a) The department, in accordance with IC 13-15, shall operate a permit program for all incinerators subject to regulation under the rules of the air pollution control board and the solid waste management board.

(b) The department shall issue permits for an incinerator that is in compliance with construction and operating rules adopted by the solid waste management board and the air pollution control board.

(c) The department shall grant operating authority under a permit issued by the department only after the owner of the incinerator has:

(1) complied with all construction and pre-operational standards established by pertinent rules; and

(2) submitted the results of a pre-operational emissions test that demonstrate that the incinerator's performance complies with all pertinent rules.

(d) The pre-operational emissions test required by this section shall be conducted under the supervision of the department. In addition, the report of the results of the pre-operational emissions test must contain a certification that the test was performed in compliance with the following:

(1) All pertinent rules.

(2) The pre-operational emissions test plan submitted with the permit application.

*As added by P.L.1-1996, SEC.10.*

#### **IC 13-20-8-6**

##### **Permit provisions**

Sec. 6. A permit issued under this chapter for the operation of an incinerator must include:

(1) a provision requiring the permit holder to notify the department and appropriate local government officials of:

(A) any release of a contaminant in a quantity exceeding a

- control level established under section 3 of this chapter;
  - (B) any violation of operating requirements established in the permit;
  - (C) any unscheduled shutdown of the incinerator or associated equipment; or
  - (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 under section 3 of this chapter; and
- (2) a provision requiring that the notification be given not later than twenty-four (24) hours after the permit holder learns of the release, violation, shutdown, or damage.

*As added by P.L.1-1996, SEC.10.*

### **IC 13-20-8-7**

#### **Enforcement of chapter; penalties**

Sec. 7. (a) This chapter shall be enforced under IC 13-30-3.

(b) A violation of this chapter or a rule adopted under this chapter is subject to criminal prosecution and to the penalties set forth in the following:

- (1) IC 13-30-4.
- (2) IC 13-30-5.
- (3) IC 13-30-8.

*As added by P.L.1-1996, SEC.10. Amended by P.L.137-2007, SEC.17.*

### **IC 13-20-8-8**

#### **Incinerators operated as hazardous waste facility; applicability of provisions**

Sec. 8. A permit is not required under this chapter for the incineration of a solid waste in an incinerator operated as a hazardous waste facility under IC 13-22 if the permit issued for the incinerator under IC 13-22 authorizes the incineration of the solid waste in the incinerator.

*As added by P.L.1-1996, SEC.10.*

### **IC 13-20-8-9**

#### **Notification of criteria regarding contents**

Sec. 9. (a) A generator that ships solid waste to a waste-to-energy facility must, before the facility accepts the solid waste, notify the facility if the solid waste meets any of the following criteria:

- (1) The solid waste contains:
  - (A) a volatile:
    - (i) liquid; or
    - (ii) solid;
  - (B) a powder;
  - (C) a flammable material;
  - (D) an allergen; or
  - (E) a sensitizer.
- (2) The solid waste:

(A) was segregated from other solid waste; or  
(B) received special preparation for shipment.

(3) The solid waste is a bulk material.

(4) The solid waste is a waste resulting directly from a manufacturing process.

(b) The notification under subsection (a) is required before each shipment by a generator of solid waste in bulk quantities to a waste-to-energy facility.

*As added by P.L.218-2001, SEC.8.*