

FACT SHEET



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Construction/Demolition Waste

Office of Land Quality – Solid Waste Compliance Section

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www.idem.IN.gov

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Introduction

This fact sheet addresses:

- Environmental regulations that apply to the disposal, processing, and recycling of construction and demolition (C/D) waste.
- Processing and recycling of wastes that are exempt from solid waste regulations (i.e., clean fill and natural growth solid waste).

This fact sheet does not address:

- Disposal of household (municipal) waste or hazardous waste from industrial or commercial sources.
- C/D waste mixed with household waste or hazardous waste from industrial or commercial sources.
- Management of harmful wastes associated (or cogenerated) with C/D waste.
- Emergency asbestos debris and emergency debris management, which are covered in separate IDEM fact sheets (https://www.in.gov/idem/files/factsheet_olq_remediation_asbestos_debris.pdf).
- Mobile home salvaging, which is covered on the IDEM website (<https://www.in.gov/idem/waste/waste-industries/mobile-home-salvaging/>).

Definitions

- C/D waste is defined in 329 IAC 10-2-37 and 329 IAC 11-2-7.3 (http://iac.iga.in.gov/iac/iac_title?iact=329) as “solid waste resulting from the construction, remodeling, repair, or demolition of structures.” C/D waste includes scrap lumber, bricks, concrete, stone, glass, wallboard (drywall), roofing, plumbing fixtures, wiring, siding, and non-asbestos insulation.
- C/D waste does **not** include fluorescent light fixtures, appliances, regulated asbestos-containing material, or any other waste resulting from C/D activities that, when placed in the landfill, would potentially result in contamination of groundwater or present a risk to human health or the environment.
- Clean fill is **only** uncontaminated, unpainted concrete, bricks, road demolition waste materials, rocks, and dirt. Grinding and/or disposal of clean fill is not subject to the solid waste regulations per 329 IAC 10-3-1(1). However, grinding activities may require a permit from IDEM’s Office of Air Quality (OAQ). Placement of fill material or construction activities may require a permit from IDEM’s Office of Water Quality (OWQ).
- Natural growth materials, including tree limbs, stumps, leaves, and grass clippings, are solid waste. However, the processing and/or disposal of uncontaminated and untreated natural growth solid waste is not subject to solid waste regulations per 329 IAC 10-3-1(6).

Asbestos Requirements

All facilities undergoing a demolition or renovation (except residential buildings with four or fewer dwelling units) must be inspected by an Indiana-licensed asbestos inspector before operations begin. Building/property owners or contractors must abide by the notification, emission control and work practices, and asbestos waste disposal requirements if the inspector finds the presence of regulated asbestos-containing materials in the areas where the demolition or renovation will occur. The IDEM Office of Air Quality Asbestos website (www.idem.IN.gov/asbestos) provides guidance on asbestos inspection, notification, and emission control and work practices requirements. The Office of Land Quality (OLQ) provides guidance on asbestos waste disposal.

Proper Disposal of C/D Waste

C/D waste must be disposed of in a state-permitted solid waste management facility (either a municipal solid waste landfill or a C/D landfill) or transported to a state permitted solid waste processing facility (i.e., a solid waste transfer station). A county-by-county listing of permitted solid waste facilities is available on the IDEM website (<https://www.in.gov/idem/waste/resources/permits-registrations-approvals-and-closures/permitted-registered-and-approved-facilities-and-operations/>).

If disposed of in a C/D landfill, the C/D waste cannot be shredded, crushed, ground, pulverized, or otherwise processed after C/D activities or prior to disposal to form unrecognizable waste material (329 IAC 10-9-3). Open dumping and open burning of solid waste is not allowed in Indiana.

- The Open Dumping and Open Dump Rule (329 IAC 10-4) prohibits “the storage, containment, processing, or disposal of solid waste in a manner which creates a threat to human health or the environment, including the creating of a fire hazard, vector attraction, air or water pollution, or other contamination.” Open dumping is a class D felony. Violators must pay for the cleanup and properly dispose of the dumped waste at a state permitted landfill or incinerator.
- The Open Burning Rule (326 IAC 4-1) prohibits the open burning of waste material and encourages alternatives to open burning, such as sale or reuse.

Processing and Recycling of C/D Waste

- **Mixed C/D Waste:** A facility that receives loads of C/D waste that contain a mixture of materials for processing, such as a roll-off containing scrap lumber, drywall, siding, and roofing shingles, must obtain a solid waste processing facility permit from the OLQ Solid Waste Permits Section to sort or process the materials before such activities begin, per 329 IAC 11 (http://iac.iga.in.gov/iac/iac_title?iact=329). Some selected C/D waste may be beneficially reused. Reuse of such waste, like shingles, glass, drywall, certain contaminated wood, or concrete, requires a legitimate use approval from the OLQ Industrial Waste Compliance Section before such activity can occur, per 329 IAC 10-3-1(16) and/or 329 IAC 11-3-1(13).
- **Shingles:** The grinding of shingles may require a solid waste processing facility permit from the OLQ Solid Waste Permits Section before such activity can occur. Please contact the OLQ Solid Waste Permits Section before grinding shingles to determine if a permit is required. If a site will only be taking shingles and grinding them for reuse, a solid waste processing facility permit is not required. However, a legitimate use approval must be obtained from the OLQ Industrial Waste Compliance Section before such activity can occur, per 329 IAC 10-3-1(16) and/or 329 IAC 11-3-1(13). This includes the reuse of ground-up shingles as a sub-base in structural fill applications, as a substitute for partial or whole virgin ingredient in an asphalt mix, and/or for any other use that would involve placement on the ground. No approval is required if the shingles are used in the manufacture of new shingles. If the facility will be taking additional wastes from construction and/or demolition sites, please follow the “Mixed C/D Waste” guidance above.
- **Drywall:** In order to land apply ground-up drywall, the facility must obtain a marketing and distribution permit from the OLQ Solid Waste Permits Section per 327 IAC 6.1 (http://iac.iga.in.gov/iac/iac_title?iact=327). Please contact the OLQ Solid Waste Permits Section before land application to determine if a permit is required. Once the facility receives the permit, drywall grinding will be exempt from the solid waste processing facility permit requirements. Any other use of drywall that involves placement on the ground requires a legitimate use approval from the OLQ Industrial Waste Compliance Section per 329 IAC 10-3-1(16) and/or 329 IAC 11-3-1(13).
- **Ground Wood Product Containing Oriented Strand Board (OSB); Plywood; Pallets and Dimensional Lumber:** Engineered wood products such as OSB, plywood, and particle board are **not** excluded from the solid waste processing regulations due to the presence of adhesives and/or resins used to produce them. Any treated lumber, such as boron treated lumber, also falls within this category and is regulated. The grinding of these engineered or treated wood products requires a solid waste processing facility permit from the OLQ Solid Waste Permits Section before such activity can occur. Use

in mulch requires a land application permit from the OLQ Solid Waste Permits Section in accordance with 327 IAC 6.1. Use in animal bedding requires a legitimate use approval from the OLQ Industrial Waste Compliance Section in accordance with 10-3-1(16) and/or 329 IAC 11-3-1(13). Uncontaminated, unpainted, untreated pallets and dimensional lumber are excluded from the solid waste processing regulations in 329 IAC 11-3-1(6) due to their similarity to natural growth material and can be used in mulch or animal bedding without requiring IDEM approval if no other regulated wastes are added.

Other Approvals and Permits

- **IDEM Office of Water Quality (OWQ):**
 - The facility processing C/D waste may be required to obtain a stormwater permit per 327 IAC 15-6. All water that comes in contact with waste and liquids originated from the waste must be properly contained, collected, and disposed of in accordance with all applicable local, state, and federal laws.
 - If the construction activity, which includes clearing, grading, excavation, and other land-disturbing activities, results in the disturbance of 1 acre or more of total land area, a Rule 5 stormwater permit from IDEM's OWQ may be required.
 - Placement of fill material in a wetland or floodway must comply with Section 401 and Section 404 of the Clean Water Act. IDEM's wetlands website (<https://www.in.gov/idem/wetlands/>) provides guidance.
- **IDEM Office of Air Quality (OAQ):**
 - Grinding operations may be subject to air emissions standards. Building/property owners or contractors who plan to process materials should contact the OAQ to evaluate all applicable air permits regarding air emissions and fugitive dust.
- **Department of Natural Resources (DNR), Division of Water:**
 - Land-disturbing activities, construction or demolition projects, or placement of fill in a floodway, may require a construction in a floodway permit, per IC 14-28-1. DNR's website (<https://www.in.gov/dnr/water/regulatory-permit-programs>) provides more guidance.
- **Local Approval:**
 - Building or property owners and operators should check with local city and county officials for ordinances and/or regulations regarding C/D projects. A permit from the city and/or county where the activity is to occur may be required prior to beginning the project. MyLocal.IN.gov provides links to local government agency websites.

Role of IDEM

IDEM implements federal and state regulations to protect human health and the environment while allowing the environmentally sound operations of industrial, agricultural, commercial, and governmental operations vital to a prosperous economy. The IDEM Solid Waste Compliance Section oversees and regularly inspects Indiana's solid waste facilities, septage haulers, septage land application sites, and compost sites, and investigates open dumps.

Roles and Responsibilities of Building or Property Owners and Contractors

Building or property owners and contractors serve a very important role in complying with Indiana environmental regulations. When taking part in residential or commercial construction or demolition projects, they can ensure that C/D waste is disposed of, processed, and recycled properly. Any violation of state laws and rules or federal regulations may subject the violator to legal action by the state of Indiana. Such action may include, but not be limited to, the imposition of a civil penalty in addition to being required to dispose of all solid waste at a state permitted solid waste management facility.

More Information or Assistance

To report illegal open dumping, open burning, or other polluting activities:

- [IDEM complaint coordinator, 800-451-6027, option 3, or https://www.in.gov/idem/contact/file-a-complaint/](https://www.in.gov/idem/contact/file-a-complaint/)

For Approval or Permit Assistance:

- Air permits for grinding operations:
 - Office of Air Quality, Permits Branch, 317-234-5132
- Asbestos inspections, notifications, and emission control and work practices:
 - Office of Air Quality, 317-233-3861 or www.idem.IN.gov/asbestos
- Compost registrations:
 - Office of Land Quality, Solid Waste Permits Section – 317-232-4473 or www.in.gov/idem/waste/waste-industries/yard-waste-and-composting-facilities/
- Construction in floodway permits:
 - Department of Natural Resources, Division of Water - 317-232-4160 or water_inquiry@dnr.IN.gov
- Land Application permits and Marketing and Distribution permits
 - Office of Land Quality, Solid Waste Permits Section – 317-232-4473 or www.in.gov/idem/waste/waste-industries/septage-management/land-application/
- Legitimate use approvals:
 - Office of Land Quality, Industrial Waste Compliance Section – 317-234-6923 or www.idem.IN.gov/waste/about-waste-and-how-we-manage-it/
- Solid waste land disposal/landfill permits:
 - Office of Land Quality, Solid Waste Permits Section – 317-232-4473 or www.idem.IN.gov/waste/waste-industries/landfills
- Solid waste processing facility permits:
 - Office of Land Quality, Solid Waste Permits Section – 317-232-4473 or <https://www.in.gov/idem/waste/waste-industries/solid-waste-processing-facilities/>
- Stormwater, floodway, or wetland permits:
 - Office of Water Quality, Industrial Stormwater Permits Section – 317-234-3980 or <https://www.in.gov/idem/stormwater/industrial-storm-water-permitting/>

For General Solid Waste Compliance Information:

- Office of Land Quality, Solid Waste Compliance Section – 317-234-6923 or www.idem.IN.gov/waste/2374.htm

For Free, Confidential Compliance and Technical Assistance:

- IDEM Compliance and Technical Assistance Program (CTAP) – 800-988-7901 or www.idem.IN.gov/ctap

For Recycling Information:

- IDEM Recycle Indiana website: www.recycle.IN.gov