



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 27 2016

Jeffrey L. Sewell  
Chief of Permits Branch  
Office of Land Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

REPLY TO THE ATTENTION OF

RE: Indiana Draft Coal Combustion Residuals Part 256 Solid Waste Management Plan Amendment

Dear Jeff:

Thank you for submitting the draft Indiana Coal Combustion Residuals Part 256 Solid Waste Management Plan Amendment for preliminary review. We've completed our review of the draft plan, dated April 12, 2016, and our comments are outlined in the attached Part 257 Checklist.

If you have any questions concerning EPA's review or wish to discuss any of the specific comments, please contact me at (312) 886-3585 or via email at [mooney.susan@epa.gov](mailto:mooney.susan@epa.gov).

Sincerely,

A handwritten signature in black ink that reads "Susan Mooney".

Susan Mooney  
Chief, Municipal and Industrial Materials Section  
Land and Chemicals Division

Enclosure

cc: Mary Jackson, Office of Resource Conservation and Recovery, US EPA  
Carol Staniec, Region 5, US EPA  
Thomas Kenney, Region 5, US EPA

Draft 256 checklist for CCR solid waste plan revisions

IDEM’s notes are in green

US EPA’s findings are in blue and recommendations for additional information or clarification are in red.

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<b>Subpart A—Purpose, General Requirements, Definitions</b>	
<b>§ 256.01 Purpose and scope of the guidelines</b>	
<p>(b) These guidelines address the minimum requirements for approval of State plans as set forth in section 4003 of the Act. These are:</p> <p>(1) The plan shall identify, in accordance with section 4006(b), (i) the responsibilities of State, local, and regional authorities in the implementation of the State plan, (ii) the distribution of Federal funds to the authorities responsible for development and implementation of the State plan, and (iii) the means for coordinating regional planning and implementation under the State plan.</p> <p>(2) The plan shall, in accordance with section 4005(c), prohibit the establishment of new open dumps within the State, and contain requirements that all solid waste (including solid waste originating in other States, but not including hazardous waste) shall be (i) utilized for resource recovery or (ii) disposed of in sanitary landfills (within the meaning of section 4004(a)) or otherwise disposed of in an environmentally sound manner.</p> <p>(3) The plan shall provide for the closing or upgrading of all existing open dumps within the State pursuant to the requirements of section 4005.</p> <p>(4) The plan shall provide for the establishment of such State regulatory powers as may be necessary to implement the plan.</p> <p>(5) The plan shall provide that no local government within the State shall be prohibited under State or local law from entering into long-term contracts for the supply of solid waste to resource recovery facilities.</p> <p>(6) The plan shall provide for resource conservation or recovery and for the disposal of solid waste in sanitary landfills or for any combination of practices so as may be necessary to use or dispose of such waste in a manner that is environmentally sound.</p> <p>(c) These guidelines address the requirement of section 4005(c) that a State plan:</p> <p>Shall establish, for any entity which demonstrates that it has considered other public or private alternatives for solid waste management to comply with the prohibition on open dumping and is unable to utilize such alternatives to so comply, a timetable or schedule of compliance for such practice or disposal of solid waste which specifies a schedule of remedial measures, including an enforceable sequence of actions or operations leading to compliance with the prohibition on open dumping of solid waste within a reasonable time (not to exceed five years from the date of publication of the inventory).</p>	<p>This section provides a general overview of the guidelines for the plan. The state doesn’t need to provide any information related to this section.</p>
<b>§ 256.02 Scope of the state solid waste management plan.</b>	
(a)(1) The State plan shall address all solid waste in the State	See Section 3.

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<p>that poses potential adverse effects on health or the environment or provides opportunity for resource conservation or resource recovery. The plan shall consider:</p> <ul style="list-style-type: none"> <li>(i) Hazardous wastes;</li> <li>(ii) Residential, commercial and institutional solid waste;</li> <li>(iii) Wastewater treatment sludge;</li> <li>(iv) Pollution control residuals;</li> <li>(v) Industrial wastes;</li> <li>(vi) Mining wastes;</li> <li>(vii) Agricultural wastes;</li> <li>(viii) Water treatment sludge; and</li> <li>(ix) Septic tank pumpings.</li> </ul> <p>(2) The State plan shall consider the following aspects of solid waste management:</p> <ul style="list-style-type: none"> <li>(i) Resource conservation;</li> <li>(ii) Source separation;</li> <li>(iii) Collection;</li> <li>(iv) Transportation;</li> <li>(v) Storage;</li> <li>(vi) Transfer;</li> <li>(vii) Processing (including resource recovery);</li> <li>(viii) Treatment; and</li> <li>(ix) Disposal.</li> </ul>	<p>Page 2 of the Purpose and Scope Section indicates that the scope of the CCR Part 256 Plan will be the universe of facilities covered by the federal CCR rule. This Coal Combustion Residuals Part 256 Solid Waste Management Plan Amendment (Amendment or Plan) does not make any changes to the previously approved Solid Waste Management Plan (SWMP)'s coverage of other solid waste management units.</p> <p>Page 3 describes Indiana's CCR universe: IDEM identified 14 permitted CCR landfills and used the US EPA's estimate of 74 for the number of CCR surface impoundments (SI). The SI estimate was based on US EPA's 2014 report, because IDEM's solid waste program has not historically permitted these units.</p> <p>Section 3 describes how IDEM will use its existing authorities to complete a comprehensive update to the Indiana solid waste land disposal facility regulations by December 31, 2018 to address all CCR units.</p>
<p>(b) The State Plan shall establish and justify priorities and timing for actions. These priorities shall be based on the current level of solid waste management planning and implementation within the State, the extent of the solid waste management problem, the health, environmental and economic impacts of the problem, and the resources and management approaches available.</p>	<p><b>See Priorities Section.</b></p> <p>On page 3 it states that IDEM will prioritize CCR disposal facilities with known releases and CCR impoundments subject to closure deadlines that are actively developing and implementing closure plans.</p>
<p>(c) The State plan shall set forth an orderly and manageable process for achieving the objectives of the Act and meeting the requirements of these guidelines. This process shall describe as specifically as possible the activities to be undertaken, including detailed schedules and milestones.</p>	<p><b>The plan as a whole accomplishes this purpose. The Purpose and Scope Section provides a summary of the overall approach.</b></p> <p>Pages 2 and 3: IDEM's plan for developing Indiana's CCR program includes several steps: a) EPA's approval of the Plan, b) IDEM using existing regulations for landfills and c) incorporating CCR provisions by reference for SI. Section 3 provides more details and a schedule for developing Indiana's CCR program. IDEM commits to submitting their new regulations to EPA for review/approval after final adoption by the state.</p>
<p>(d) The State plan shall cover a minimum of a five year time period from the date submitted to EPA for approval.</p>	<p><b>See Purpose and Scope Section, 2<sup>nd</sup> paragraph.</b></p> <p>Page 2 indicates there are no changes in the coverage periods from the previously approved SWMP.</p>
<p>(e) The State plan shall identify existing State legal authority for solid waste management and shall identify modifications to</p>	<p><b>This item is covered in detail in Indiana's previously approved solid waste management plans. The Purpose</b></p>

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<p>regulations necessary to meet the requirements of these guidelines.</p>	<p><b>and Scope Section and Sections 2 and 3 address this item for CCR facilities in the Part 256 CCR Plan.</b></p> <p>Page 2 – Purpose and Scope Section indicates there are no changes to authority for non-CCR units and confirms that previously approved existing authorities will be used to update solid waste regulations for CCR units.</p> <p>Section 2 identifies interim regulatory strategy and Section 3 describes the timeframe for a final regulatory update strategy.</p> <p>IDEM will use their new CCR landfill website to keep the public updated with regard to the surface impoundments.</p>
<p><b>§ 256.03 State plan submission, adoption, and revision.</b></p>	
<p>(a) To be considered for approval, the State plan shall be submitted to EPA within a reasonable time after final promulgation of these guidelines.</p>	<p>No information needs to be submitted.</p>
<p>(b) Prior to submission to EPA, the plan shall be adopted by the State pursuant to State administrative procedures.</p>	<p><b>See Purpose and Scope.</b> Page 3 – Procedure for plan adoption is described.</p>
<p>(c) The plan shall be developed in accord with public participation procedures required by Subpart G of this part.</p>	<p><b>See Section 6.1.</b></p> <p>Section 6.1 describes the public participation approach used for development of the Plan and addresses the requirements in Subpart G.</p>
<p>(d) The plan shall contain procedures for revision. The State plan shall be revised by the State, after notice and public hearings, when the Administrator, by regulation, or the State determines, that:</p> <p>(1) The State plan is not in compliance with the requirements of these guidelines;</p> <p>(2) Information has become available which demonstrates the inadequacy of the plan; or</p> <p>(3) Such revision is otherwise necessary.</p>	<p><b>See Purpose and Scope, 2<sup>nd</sup> paragraph.</b></p> <p>Page 2 – IDEM indicates that this CCR Plan does not propose any changes to the procedures previously approved in the SWMP.</p>
<p>(e) The State plan shall be reviewed by the State and, where necessary, revised and readopted not less frequently than every three years.</p>	<p><b>See Purpose and Scope, 4<sup>th</sup> paragraph.</b></p> <p>Page 2 – IDEM indicates that this CCR Plan does not propose any changes to the procedures previously approved in the SWMP.</p>
<p>(f) States which are developing a complete State plan may submit the portion of the plan designed to satisfy the requirements of § 256.26 prior to submission of the complete plan.</p>	<p><b>Indiana’s Part 256 CCR Plan addresses all of the items needed for plan approval, conditioned on the development and submittal of final regulations for EPA review and approval, as described in Sections 3 and 4.</b></p> <p>This Section is not applicable to IDEM’s submission because they are not seeking partial approval of a plan. All elements of the amended plan for CCR are provided.</p>
<p><b>§ 256.04 State plan approval, financial assistance.</b></p>	

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<p>(a) The Administrator shall, within six months after a State plan has been submitted for approval, approve or disapprove the plan. The Administrator shall approve a plan if he determines that:</p> <p>(1) It meets the requirements of these guidelines which address sections 4003(1), (2), (3), and (5), and</p> <p>(2) It contains provisions for revision pursuant to § 256.03.</p>	No information needed from the state.
<p>(b) The Administrator shall review approved plans from time to time, and if he determines that revisions or corrections are necessary to bring such plan into compliance with all of the requirements of these guidelines, including the requirements which address sections 4003(4) and (6) and any new or revised requirement established by amendment to this part, he shall notify the State and provide an opportunity for such revisions and corrections and for an appeal and public hearing. If the plan continues to remain out of compliance, he shall withdraw his approval of such plan.</p>	No information needed from the state
<p>(c) Such withdrawal of approval shall cease to be effective upon the Administrator's determination that the State plan complies with the requirements of these guidelines.</p>	No information needed from the state
<p>(d) The Administrator shall approve a State application for financial assistance under subtitle D of the Act, and make grants to such State, if the Administrator determines that the State plan continues to be eligible for approval and is being implemented by the State.</p>	No information needed from the state
<p>(e) Upon withdrawal of approval of a State plan, the Administrator shall withhold Federal financial and technical assistance under subtitle D (other than such technical assistance as may be necessary to assist in obtaining reinstatement of approval) until such time as approval is reinstated. (Procedures for termination of financial assistance and for settlement of disputes are contained in 40 CFR part 30, appendix A, articles 7 and 8.)</p>	No information needed from the state
<p>(f) If a State submits to EPA the portion of the plan by which entities may, pursuant to § 256.26, obtain timetables or schedules of compliance for complying with the open dumping prohibition, the Administrator shall approve such portion of the plan if he determines that:</p> <p>(1) The portion submitted satisfies the requirements of § 256.26;</p> <p>(2) The State has the general legal authority to issue and enforce compliance schedules; and</p> <p>(3) The remainder of the plan is being developed in conformity with these guidelines and will be completed within a reasonable period of time. In giving partial plan approval, the Administrator shall specify in writing the timetable for completion of the final plan as required in paragraph (f)(3) of this section.)</p>	No information needed from the state.
<p><b>§ 256.05 Annual work program</b></p>	No information needed from the state
<p><b>§ 256.06 Definitions</b></p>	
<p><b>Subpart B—Identification of Responsibilities; Distribution of Funding</b></p>	
<p><b>§ 256.10 Requirements</b></p> <p>(a) In accordance with sections 4003(1) and 4006 and the interim guidelines for identification of regions and agencies for solid waste management (40 CFR part 255), the State plan shall provide for:</p>	<p>See Purpose and Scope, 2<sup>nd</sup> paragraph.</p> <p>Page 2: IDEM confirms that the responsible agency has</p>

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<p>(1) The identification of the responsibilities of State and substate (regional, local and interstate) authorities in the development and implementation of the State plan;</p> <p>(2) The means of distribution of Federal funds to the authorities responsible for development and implementation of the State plan; and</p> <p>(3) The means for coordinating substate planning and implementation.</p> <p>(b) Responsibilities shall be identified for the classification of disposal facilities for the inventory of open dumps.</p> <p>(c) Responsibilities shall be identified for development and implementation of the State regulatory program described in subpart C of this part.</p> <p>(d) Responsibilities shall be identified for the development and implementation of the State resource conservation and resource recovery program described in subpart D of this part.</p> <p>(e) State, substate and private sector responsibilities shall be identified for the planning and implementation of solid and hazardous waste management facilities and services.</p> <p>(f) Financial assistance under sections 4008(a)(1) and (2) shall be allocated by the State to State and substate authorities carrying out development and implementation of the State plan. Such allocation shall be based on the responsibilities of the respective parties as determined under section 4006(b).</p>	<p>not changed since the original SWMP was approved. Section 5 identifies other state agencies and stakeholders involved with the new CCR portion of the Plan.</p>
<b>Subpart C—Solid Waste Disposal Programs</b>	
<b>§ 256.20 Requirements for State legal authority.</b>	
<p>In order to comply with sections 4003 (2) and (3), the State plan shall assure that the State has adequate legal authority to prohibit the establishment of new open dumps and to close or upgrade existing open dumps. The prohibition of the establishment of new open dumps shall take effect no later than six months after the date of promulgation of the criteria or on the date of approval of the State plan, whichever is later.</p>	<p><b>See Sections 1 and 2.</b></p> <p>Section 1 discusses six factors that IDEM will use to approve a compliance schedule, which will extend the compliance dates for surface impoundments.</p> <p>Section 2 describes IDEM’s interim approach to ensure the legal authority to regulate the CCR universe is comparable with the federal standards. For SIs, IDEM adopted an emergency rule, effective February 12, 2016, that incorporated by reference the federal requirements for CCR surface impoundments. This rule enables IDEM to classify surface impoundments, which are not in compliance with the federal rule, as open dumps and then use the State authorities to enforce the provisions. EPA recommends a slight edit in Section 2 to clarify the definition of open dump : At the bottom of page 4: <i>This enables Indiana to classify CCR impoundments that are not in compliance with <del>these</del> the federal provisions as open dumps and to use State authorities to enforce these provisions under IC 13-30.</i></p> <p>Section 2 indicates that CCR landfills (LFs) are currently permitted under the Indiana solid waste program. IDEM</p>

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	<p>has the authority to impose new permit conditions as needed to ensure compliance with the federal rule and their existing enforcement mechanisms can be used to ensure violations are addressed.</p> <p>EPA recommends IDEM describe how they will determine what new permit conditions are needed for the 14 CCR LFs to ensure compliance with the federal CCR rule and when IDEM’s review of the existing permits will be completed. Would new permit conditions touch on all of the rule sections identified in section 3, i.e. GWM requirements; location restrictions and demonstrations; closure/post-closure? Has IDEM already reviewed the permits for the 14 LFs or is there a schedule?</p> <p>EPA recommends adding a clarifying statement that CCR landfills that are not in compliance with the federal requirements would be considered open dumps.</p> <p>For CCR impoundments, IDEM’s emergency rule adopted the CCR SI provisions in 257 by references, allowing IDEM to use their state solid waste authorities to enforce the requirements.</p> <p>EPA recommends including a link to IC-13-30, which are the state enforcement authorities and with a link to the current CCR landfill regulations under 329 IAC-13-1, if possible.</p> <p>EPA also recommends including the link to the emergency rule and or including it as an Appendix to the Plan.</p> <p>IDEM’s proposed scheduled calls for updating their solid waste rules by December 2018. Target dates are described in Section 3 of the Plan.</p>
<p><b>§ 256.21 Requirements for State regulatory powers.</b></p>	
<p>In order to comply with section 4003(4), the State plan shall provide for the establishment of State regulatory powers. These powers:</p> <p>(a) Shall be adequate to enforce solid waste disposal standards which are equivalent to or more stringent than the criteria for classification of solid waste disposal facilities (40 CFR part 257). Such authority shall be as definitive as possible and clearly establish the means for compliance.</p> <p>(b) Shall include surveillance capabilities necessary to detect adverse environmental effects from solid waste disposal facilities. Such capabilities shall include access for inspection and monitoring by regulatory officials and the authority to establish operator monitoring and reporting requirements.</p> <p>(c) Shall make use of a permit program which ensures that the establishment of new open dumps is prohibited.</p> <p>(d) Shall have administrative and judicial</p>	<p><b>See Purpose and Scope.</b></p> <p>The Purpose and Scope Section indicates that this CCR Plan does not propose any changes to the procedures previously approved in the SWMP.</p> <p>See comments under 256.20.</p> <p>Section 3 describes the plan and includes target dates for updating Indiana’s CCR regulations.</p> <p>IDEM identified two areas of the federal rule that present a challenge for Indiana’s rule. The first being the requirement for the owner/operator of the CCR disposal unit to create and maintain an independent, publicly available website to hold monitoring and other reports.</p>

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<p>enforcement capabilities, including enforceable orders, fines or other administrative procedures, as necessary to ensure compliance.</p>	<p>Instead of this requirement, IDEM requires the owner/operator of the disposal units to submit all required reports and documents to the state. The second area of concern is that IDEM is limited in its ability to regulate beneficial use of CCR. IDEM is exploring ways to see how the beneficial use definitions can be addressed in their rulemaking.</p> <p>While IDEM does not need to create a state requirement that requires the owner/operator to create and maintain a public website, IDEM does need to describe how the state will ensure compliance with this federal requirement. EPA assumes this can be done using the same authority IDEM is using now to ensure compliance before the state's regulations are updated. IDEM's recordkeeping rules and comprehensive CCR website would not replace the federal requirement. Facilities that don't maintain the public website would be out of compliance and considered open dumps.</p> <p>EPA requests clarification of the phrase "to the extent allowed by Indiana law" that is used on pages 2 and 5 related to the revisions to Indiana's rules to make them at least as stringent as the federal CCR rules. Is this referring to the challenge identified in the draft plan related to beneficial use? EPA recommends that instead of using this general, broad phrase, that IDEM specifically reference the beneficial use concern in the statement regarding revisions.</p> <p>EPA is interested in working with IDEM to consider alternatives to incorporating the definition of beneficial use in IN's rules. The critical issue is that IDEM is able to demonstrate that the revised rules will regulate the same activities that EPA considers to be (and regulates) as disposal. EPA's CCR rule does not regulate beneficial use, so for the purposes of the SWMP, the revised IN regulations do not need to regulate beneficial use.</p>
<p><b>§ 256.23 Requirements for closing or upgrading open dumps.</b></p>	
<p>In meeting the requirement of section 4003(3) for closing or upgrading open dumps:</p> <p>(a) The State plan shall provide for the classification of existing solid waste disposal facilities according to the criteria. This classification shall be submitted to EPA, and facilities classified as open dumps shall be published in the inventory of open dumps.</p> <p>(b) The State plan shall provide for an orderly time-phasing of the disposal facility classifications described in paragraph (a) of this section. The determination of priorities for the classification of disposal facilities shall be based upon:</p> <p>(1) The potential health and environmental impact of the solid waste disposal facility;</p> <p>(2) The availability of State regulatory and enforcement powers;</p>	<p><b>See Sections 2 and 3.</b></p> <p>Section 3 describes the areas of EPA's rules that will be incorporated into 329 IAC 10 as well as the process they will use to seek EPA review/comment on their new rules during the adoption process.</p> <p>Section 2 indicates the SI requirements in EPA's rules have been adopted by reference as an interim measure. Any additional CCR landfill requirements will be imposed using permit conditions.</p> <p><b>See comments under 256.20 and 256.21.</b></p>

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<p>and</p> <p>(3) The availability of Federal and State resources for this purpose.</p> <p>(c) For each facility classified as an open dump the State shall take steps to close or upgrade the facility. Evidence of that action shall be incorporated by reference into the annual work program and be made publicly available. When the State's actions concerning open dumps are modified, the changes shall be referenced in subsequent annual work programs.</p> <p>(d) In providing for the closure of open dumps the State shall take steps necessary to eliminate health hazards and minimize potential health hazards. These steps shall include requirements for long-term monitoring or contingency plans where necessary.</p>	
<p><b>§ 256.26 Requirement for schedules leading to compliance with the prohibition of open dumping.</b></p>	
<p>In implementing the section 4005(c) prohibition on open dumping, the State plan shall provide that any entity which demonstrates that it has considered other public or private alternatives to comply with the prohibition on open dumping and is unable to utilize such alternatives to so comply, may obtain a timetable or schedule for compliance which specifies a schedule of remedial measures, and an enforceable sequence of actions, leading to compliance within a reasonable time (not to exceed 5 years from the date of publication of the inventory).</p>	<p><b>See Section 1.</b> Section 1 identifies the factors IDEM would consider before approving any compliance schedules. These factors align with those listed in the preamble to 257.</p>
<p><b>Subpart D – Resource Conservation and Resource Recovery Programs</b></p>	
<p><b>§ 256.30</b></p>	<p><b>See Purpose and Scope, 2<sup>nd</sup> paragraph.</b> The Purpose and Scope Section confirms no changes to original SWMP.</p>
<p><b>Subpart E—Facility Planning and Implementation</b></p>	
<p><b>§ 256.40</b></p>	<p><b>See Purpose and Scope, 2<sup>nd</sup> paragraph.</b> The Purpose and Scope Section confirms no changes to original SWMP.</p>
<p><b>Subpart F – Coordination with Other Programs</b></p>	
<p><b>§ 256.50 Requirements.</b> Section 4003(1) requires the State solid waste management plan to identify means for coordinating regional planning and implementation under the State plan. Section 1006 requires the Administrator to integrate all provisions of this Act (including approval of State plans) with other Acts that grant regulatory authority to the Administrator in order to prevent duplication of administrative and enforcement efforts. In order to meet these requirements:</p> <p>(a) The State solid waste management plan shall be developed in coordination with Federal, State, and substate programs for air quality, water quality, water supply, waste water treatment, pesticides, ocean protection, toxic substances control, noise control, and radiation control.</p> <p>(b) The State plan shall provide for coordination with programs under section 208 of the Clean Water Act, as amended (33 U.S.C. 1288). In identifying agencies for solid waste management planning and implementation, the State shall review the solid</p>	<p><b>See Section 5</b> Section 5 identifies additional State agencies and other stakeholders, which IDEM will coordinate with in implementing their new CCR regulatory program. The full scope of coordination is addressed in the previously approved SWMP.</p>

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<p>waste management activities being conducted by water quality planning and management agencies designated under section 208 of the Clean Water Act. Where feasible, identification of such agencies should be considered during the identification of responsibilities under subpart B of this part. Where solid waste management and water quality agencies are separate entities, necessary coordination procedures shall be established.</p> <p>(c) The State plan shall provide for coordination with the National Pollutant Discharge Elimination System (NPDES) established under section 402 of the Clean Water Act, as amended (33 U.S.C. 1342). The issuance of State facility permits and actions taken to close or upgrade open dumps shall be timed, where practicable, to coordinate closely with the issuance of a new or revised NPDES permit for such facility.</p> <p>(d) The State plan shall provide for coordination with activities for municipal sewage sludge disposal and utilization conducted under the authority of section 405 of the Clean Water Act, as amended (33 U.S.C. 1345), and with the program for construction grants for publicly owned treatment works under section 201 of the Clean Water Act, as amended (33 U.S.C. 1281).</p> <p>(e) The State plan shall provide for coordination with State pretreatment activities under section 307 of the Clean Water Act, as amended (33 U.S.C. 1317).</p> <p>(f) The State plan shall provide for coordination with agencies conducting assessments of the impact of surface impoundments on underground sources of drinking water under the authority of section 1442(a)(8)(C) of the Safe Drinking Water Act (42 U.S.C. 300j-1).</p> <p>(g) The State plan shall provide for coordination with State underground injection control programs (40 CFR Parts 122, 123, 124, and 146) carried out under the authority of the Safe Drinking Water Act (42 U.S.C. 300f <i>et seq.</i>) and with the designation of sole source aquifers under section 1424 of that Act.</p> <p>(h) The State plan shall provide for coordination with State implementation plans developed under the Clean Air Act (42 U.S.C. 7401 <i>et seq.</i>; incineration and open burning limitations; and, State implementation plan requirements impacting resource recovery systems).</p> <p>(i) The State plan shall provide for coordination with the Army Corps of Engineers permit program (or authorized State program) under section 404 of the Clean Water Act, as amended (33 U.S.C. 1344) for dredge and fill activities in waters of the United States.</p> <p>(j) The State plan shall provide for coordination with the Office of Endangered Species, Department of the Interior, to ensure that solid waste management activities, especially the siting of disposal facilities, do not jeopardize the continued existence of an endangered or threatened species nor result in the destruction or adverse modification of a critical habitat.</p> <p>(k) The State plan shall provide for coordination, where practicable, with programs under:</p> <p>(1) The Toxic Substances Control Act (15 U.S.C. 2601 <i>et seq.</i>; disposal of chemical substances and mixtures).</p> <p>(2) The Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 1362 <i>et seq.</i>; disposal and storage of pesticides</p>	

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<p>and pesticide containers).</p> <p>(3) The Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1420 <i>et seq.</i>; disposal in ocean waters).</p> <p>(l) The State plan shall provide for coordination, where practicable, with programs of other Federal agencies, including:</p> <p>(1) Department of the Interior.</p> <p>(i) Fish and Wildlife Service (wetlands),</p> <p>(ii) Bureau of Mines and Office of Surface Mining (mining waste disposal and use of sludge in reclamation),</p> <p>(iii) U.S. Geological Survey (wetlands, floodplains, ground water);</p> <p>(2) Department of Commerce, National Oceanic and Atmospheric Administration (coastal zone management plans);</p> <p>(3) Water Resources Council (floodplains, surface and ground waters);</p> <p>(4) Department of Agriculture, including Soil Conservation Service (land spreading solid waste on food chain croplands);</p> <p>(5) Federal Aviation Administration (locating disposal facilities on or near airport property);</p> <p>(6) Department of Housing and Urban Development (701 comprehensive planning program, flood plains mapping);</p> <p>(7) Department of Defense (development and implementation of State and substate plans with regard to resource recovery and solid waste disposal programs at various installations);</p> <p>(8) Department of Energy (State energy conservation plans under the Energy Policy and Conservation Act (42 U.S.C. 6321)); and</p> <p>(9) Other programs.</p> <p>(m) The State plan shall provide for coordination, where practicable, with solid waste management plans in neighboring States and with plans for Indian reservations in the State.</p>	
<p><b>Subpart G—Public Participation</b></p>	
<p><b>§ 256.60 Requirements for public participation in State and substate plans.</b></p>	
<p>(a) State and substate planning agencies shall:</p> <p>(1) Maintain a current list of agencies, organizations, and individuals affected by or interested in the plan, which shall include any parties that request to be on the list, the owner or operator of each facility classified as an open dump and any other parties which the State determines to be affected by or interested in the plan;</p> <p>(2) Provide depositories of relevant information in one or more convenient locations; and</p> <p>(3) Prepare a responsiveness summary, in accord with 40 CFR 25.8, where required by this subpart or by an approved public participation work plan, which describes matters on which the public was consulted, summarizes the public's views, and sets forth the agency's response to the public input.</p> <p>(b) State and substate planning agencies shall provide information and consult with the public on plan development and implementation. Provision of information and consultation shall occur both early in the planning process (including the preparation and distribution of a summary of the proposed plan) and on major policy decisions made during the course of plan development, revision and implementation. To meet this requirement, planning agencies shall:</p> <p>(1) Publicize information in news media having broad audiences in the geographic area;</p>	<p><b>See Section 6.1.</b></p> <p>Section 6 describes public participation for the CCR 256 Plan development, regulations development, permitting, and open dump inventory. IDEM has created a public website for information on the CCRs, providing all relevant information on IDEM's draft Plan, public comment period, public hearing, and includes the compliance websites for all coal fired utilities. See website <a href="http://www.IN.gov/idem/landquality/ccr">www.IN.gov/idem/landquality/ccr</a></p> <p>IDEM will also use their new CCR website to keep the public updated with regard to the surface impoundments and future updates related to CCRs.</p>

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<p>(2) Place information in depositories maintained under paragraph (a)(2) of this section;</p> <p>(3) Send information directly to agencies, organizations and individuals on the list maintained under paragraph (a)(1) of this section; and</p> <p>(4) Prepare and make available to the public a responsiveness summary in accord with 40 CFR 25.8.</p> <p>(c) State and substate planning agencies shall conduct public hearings (and public meetings, where the agency determines there is sufficient interest) in accord with 40 CFR 25.5 and 25.6. The purpose of the hearings and meetings is to solicit reactions and recommendations from interested or affected parties and to explain major issues within the proposed plan. Following the public hearings, a responsiveness summary shall be prepared and made available to the public in accord with 40 CFR 25.8.</p>	
<b>§ 256.61 Requirements for public participation in the annual State workplan.</b>	
	No information needed from the state
<b>§ 256.62 Requirements for public participation in State regulatory development.</b>	
<p>(a) The State shall conduct public hearings (and public meetings where the State determines there is sufficient interest) on State legislation and regulations, in accord with the State administrative procedures act, to solicit reactions and recommendations. Following the public hearings, a responsiveness summary shall be prepared and made available to the public in accord with 40 CFR 25.8.</p> <p>(b) In advance of the hearings and meetings required by paragraph (a) of this section, the State shall prepare a fact sheet on proposed regulations or legislation, mail the fact sheet to agencies, organizations and individuals on the list maintained under § 256.60(a)(1) and place the fact sheet in the State information depositories maintained under § 256.60(a)(2).</p>	<p><a href="#">See Section 6.2</a>  <a href="#">See comment for 256.60</a></p>
<b>§ 256.63 Requirements for public participation in the permitting of facilities.</b>	
<p>(a) Before approving a permit application (or renewal of a permit) for a resource recovery or solid waste disposal facility the State shall hold a public hearing to solicit public reaction and recommendations on the proposed permit application if the State determines there is a significant degree of public interest in the proposed permit.</p> <p>(b) This hearing shall be held in accord with 40 CFR 25.5.</p>	<p><a href="#">See Section 6.3</a>  <a href="#">See comment for 256.60</a></p>
<b>§ 256.64 Requirements for public participation in the open dump inventory.</b>	
<p>(a) The State shall provide an opportunity for public participation prior to submission of any classification of a facility as an open dump to the Federal Government. The State shall accomplish this by providing notice as specified in § 256.64(b) or by using other State administrative procedures which provide equivalent public participation.</p> <p>(b) The State may satisfy the requirement of § 256.64(a) by providing written notice of the availability of the results of its classifications to all parties on the list required under § 256.60(a)(1) at least 30 days before initial submission of these classifications to the Federal Government. For those parties on the list required under § 256.60(a)(1) who are owners or operators of facilities</p>	<p><a href="#">See Section 6.4</a>  <a href="#">See comment for 256.60</a></p>

<b>256 state plan requirements</b>	<b>Types of info State could provide to meet requirements</b>
classified as open dumps, such notice shall indicate that the facility has been so classified.	