

TITLE 329 SOLID WASTE MANAGEMENT DIVISION**IC 13-14-9.5-1.1 NOTICE OF REVIEW OF NONEXPIRING RULES**

LSA Document #20-187

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#). Certain rules described in [IC 13-14-9.5-1.1](#) do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also notice a public hearing before the Environmental Rules Board (board). IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

[IC 13-14-9.5-1](#) provides that chapter 9.5 does not apply to "a rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions." Therefore, those rules are not subject to this notice of readoption; however, for the reader's information, a list of exempt rules is included in this notice.

IC 13-14-9-4(a)(5) THROUGH IC 13-14-9-4(a)(7) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. No element of the listed rules imposes either a restriction or requirement on persons to whom the rule applies that is not imposed under federal law.

The Resource Conservation and Recovery Act (RCRA) at 42 U.S.C. 6901 et seq. is the authorizing federal law for the management of solid waste. With the approval of the U.S. Environmental Protection Agency (U.S. EPA) under 40 CFR 239, state programs may issue permits for solid waste management and land disposal facilities that implement U.S. EPA requirements authorized under RCRA. In addition, requirements at 40 CFR 256 provide guidelines for the development and implementation of state solid waste management plans. Indiana has an approved state solid waste management program with requirements for solid waste land disposal facilities in [329 IAC 10](#).

LIST OF RULES THAT DO NOT EXPIRE

The following is a list of rules in [329 IAC](#) that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

329 IAC 10-1	General Provisions
329 IAC 10-2	Definitions
329 IAC 10-2.5	Definitions for Nonmunicipal Solid Waste Landfills, Construction/Demolition Sites, and Restricted Waste Sites Types I, II, III, and IV
329 IAC 10-3-3	Insignificant facility modifications
329 IAC 10-3-4	Exclusion; disposal of wastes that meet restricted waste site Type IV criteria
329 IAC 10-4	Open Dumping and Open Dumps
329 IAC 10-5	Industrial On-Site Activities Needing Permits
329 IAC 10-6	Previously Permitted Solid Waste Land Disposal Facilities and Sanitary Landfills Closed Prior to April 14, 1996; Responsibilities
329 IAC 10-10	Transition Requirements of Municipal Solid Waste Landfill Siting, Design, and Closure
329 IAC 10-11-1	Permit requirements
329 IAC 10-11-2.1	Permit application requirements; general
329 IAC 10-11-2.5	Permit application for new land disposal facility and lateral expansions
329 IAC 10-11-3	Signatories to permit application and reports
329 IAC 10-11-4.1	Application for vertical expansions
329 IAC 10-11-5.1	Renewal permit application
329 IAC 10-11-6	Minor modification applications
329 IAC 10-11-6.5	Research, development, and demonstration minor modification application

329 IAC 10-12	Actions for Permit and Renewal Permit Application
329 IAC 10-13	Permit Issuance and Miscellaneous Provisions
329 IAC 10-15-1	General requirements
329 IAC 10-15-2	Plot plan requirements
329 IAC 10-15-3	Cross-sectional drawing and detail requirements
329 IAC 10-15-4	Hydrogeologic site investigation report
329 IAC 10-15-5	Description of proposed ground water monitoring well system
329 IAC 10-15-6	Operational plan
329 IAC 10-15-7	CQA/CQC plan and requirements
329 IAC 10-15-8	Calculations and analyses pertaining to landfill design
329 IAC 10-15-10	Leak detection plan
329 IAC 10-15-11	Leachate contingency plan
329 IAC 10-15-12	Storm water pollution prevention plan
329 IAC 10-16-1	Airport siting restrictions
329 IAC 10-16-2	Flood plain and floodway siting restrictions
329 IAC 10-16-3	Wetlands siting restrictions
329 IAC 10-16-4	Fault area siting restrictions
329 IAC 10-16-5	Seismic impact zone siting restrictions
329 IAC 10-16-6	Underground mine siting restrictions
329 IAC 10-16-7	Unstable area siting restrictions
329 IAC 10-16-8	Karst terrain siting restrictions
329 IAC 10-16-9	Aquifer siting restrictions
329 IAC 10-16-10	Endangered species siting restrictions
329 IAC 10-16-13	Closure of existing municipal solid waste landfill units
329 IAC 10-17	Municipal Solid Waste Landfill Liner System; Design, Construction, and CQA/CQC Requirements
329 IAC 10-20-1	Access control
329 IAC 10-20-2	On-site roads
329 IAC 10-20-3	Signs
329 IAC 10-20-4	Sanitation
329 IAC 10-20-6	Salvaging
329 IAC 10-20-7	Safety requirements
329 IAC 10-20-8	Records and reports
329 IAC 10-20-9	Open burning
329 IAC 10-20-10	Waste deposit and compaction
329 IAC 10-20-11	Diversion of surface water, run-on and run-off control systems, and monitoring
329 IAC 10-20-12	Erosion and sedimentation control measures; general requirements
329 IAC 10-20-13	Cover; general provisions
329 IAC 10-20-14	Daily and intermediate cover requirements
329 IAC 10-20-14.1	Alternative daily cover
329 IAC 10-20-15	Cover storage sites and borrow pits requirements
329 IAC 10-20-16	Grading and soil stabilization for intermediate cover and final cover
329 IAC 10-20-17	Explosive gases
329 IAC 10-20-18	Surface leachate control
329 IAC 10-20-19	Liner leak detection program
329 IAC 10-20-20	Leachate collection, removal, and disposal
329 IAC 10-20-21	Leachate recycling
329 IAC 10-20-23	Control program for regulated hazardous waste, PCB waste, and unauthorized solid waste
329 IAC 10-20-24	Survey requirements
329 IAC 10-20-25	Air criteria
329 IAC 10-20-26	Surface water requirements
329 IAC 10-20-27	Liquids restrictions
329 IAC 10-20-28	Self-inspections
329 IAC 10-21	Municipal Solid Waste Landfills; Ground Water Monitoring Programs and Corrective Action Program Requirements
329 IAC 10-22	Municipal Solid Waste Landfills; Closure Requirements

329 IAC 10-23	Municipal Solid Waste Landfills; Post-Closure Requirements
329 IAC 10-39	Solid Waste Land Disposal Facilities; Financial Responsibility

LIST OF EXEMPT RULES

This is a list of rules in [329 IAC](#) to which [IC 13-14-9.5](#) does not apply in accordance with the exceptions in [IC 13-14-9.5-1](#). This list of exempt rules is provided for informational purposes only. The following rules are exempt from [IC 13-14-9.5](#):

329 IAC 3.1-4-1	Applicability
329 IAC 3.1-5-3	Waste produced at a particular facility; petition to exclude
329 IAC 3.1-5-4	Exemption from classification as a solid waste or to be classified as a boiler; adoption of federal procedures
329 IAC 3.1-5-5	Additional regulation of certain hazardous waste recycling activities; adoption of federal procedures
329 IAC 3.1-5-7	Notification and legitimate recycling of hazardous secondary materials; adoption of federal procedures
329 IAC 3.1-5-8	Hazardous waste electronic manifest system; adoption of federal requirements
329 IAC 3.1-6-1	Adoption of federal identification and listing of hazardous waste
329 IAC 3.1-7-1	Adoption of federal standards applicable to generators of hazardous waste
329 IAC 3.1-8-1	Adoption of federal standards applicable to transporters of hazardous waste
329 IAC 3.1-9-1	Adoption of federal standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities
329 IAC 3.1-10-1	Adoption of federal interim status standards for owners and operators of hazardous waste treatment, storage, and disposal facilities
329 IAC 3.1-11-1	Adoption of federal standards for the management of specific hazardous wastes and specific types of hazardous waste management facilities
329 IAC 3.1-11.5-1	Adoption of federal standards for owners and operators of hazardous waste facilities operating under a standardized permit
329 IAC 3.1-12-1	Adoption of federal land disposal restrictions
329 IAC 3.1-13-1	Adoption of federal procedures for state administered permit program
329 IAC 3.1-13-21	Procedures for RCRA standardized permit
329 IAC 3.1-16-1	Adoption of universal waste rule
329 IAC 4.1	REGULATION OF WASTES CONTAINING PCBs
329 IAC 9-5-1	Applicability for release response and corrective action
329 IAC 9-5-4.2	Free product removal
329 IAC 9-5-8	Public participation
329 IAC 9-6-4	Closure records
329 IAC 9-8-1	Applicability
329 IAC 9-8-3	Definitions
329 IAC 9-8-4	Amount and scope of required financial responsibility
329 IAC 9-8-5	Allowable mechanisms and combinations of mechanisms
329 IAC 9-8-6	Financial test of self-insurance
329 IAC 9-8-7	Guarantee
329 IAC 9-8-8	Insurance and risk retention group coverage
329 IAC 9-8-9	Surety bond
329 IAC 9-8-10	Letter of credit
329 IAC 9-8-12	Trust fund
329 IAC 9-8-13	Standby trust fund
329 IAC 9-8-14	Local government bond rating test
329 IAC 9-8-15	Local government financial test
329 IAC 9-8-16	Local government guarantee
329 IAC 9-8-17	Local government fund
329 IAC 9-8-18	Substitution of financial assurance mechanisms by owner or operator
329 IAC 9-8-19	Cancellation or nonrenewal by a provider of financial assurance
329 IAC 9-8-20	Reporting by owner or operator
329 IAC 9-8-21	Record keeping
329 IAC 9-8-22	Drawing on financial assurance mechanisms
329 IAC 9-8-23	Release from the requirements
329 IAC 9-8-24	Bankruptcy or other incapacity of owner or operator or provider of financial assurance

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on the nonexempt rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany the comments. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

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Dan Watts
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

(3) By electronic mail to dwatts1@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or time stamped not later than May 8, 2020. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345 or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief
Rules Development Branch
Office of Legal Counsel

[Notice of Public Hearing](#)

Posted: 04/08/2020 by Legislative Services Agency
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