

Readoption Review

Pursuant to IC 4-22-2.6-4, before an agency readopts an existing rule, the agency must conduct a review to consider the continued need for the rule. A summary of the agency's finding from this review will be published in the Indiana Register along with the Notice of Readoption. Agencies are encouraged to use this template to facilitate the review and publication process. Agencies should include a response to each high-level section below (denoted with Roman numerals) that covers the information described.

TITLE 329 INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LSA Document #23-812

I. Continued Need for the Rule

There is a continued need for the rules based on fulfilling statutory requirements, administering delegated or authorized federal programs, and maintaining permit, registration, operational, and compliance requirements for solid waste management programs. The reasons for the need of these programs, rules, and statutory requirements are described in more detail in the previously published legislative notice (DIN: 20231220-IR-329230812LNA) for LSA Document #23-812. For the sake of brevity, IDEM is not repeating those reasons in this readoption review. The solid waste management rules in Title 329 are written to achieve these purposes to meet the standards in IC 4-22-2-19.5 and alternatives methods are not practical due to the continued need for the rules described above.

II. Analysis of fees, fines, and civil penalties under IC 4-22-2-19.6

This rulemaking does not amend any fees, fines, or civil penalties. After a recent rulemaking, LSA #20-24, all solid waste-related fees are contained in Title 329. These fees are set at specific dollar amounts, by simple formulas by which regulated individuals easily can calculate the appropriate fee, or as a clear range of potential dollar amounts. These fees are reasonably based on the amount necessary to carry out the fees' purposes because, by statute, fees must account for a variety of costs associated with permitting, administering, and monitoring the regulated activity. See IC 13-16-1-2 and -3. Also, while violations of rules in Title 329 may result in the assessment of civil penalties, the rules in Title 329 do not directly impose civil penalties. A separate pending rulemaking sets out IDEM's civil penalty rules, LSA #24-48. In summary, the rules being readopted meet the standards in IC 4-22-2-19.6.

III. Complaints and Comments

The agency has not received any complaints or comments from the public concerning the rules or the rules' implementation by the agency. Therefore, IDEM is not proposing any changes related to complaints or comments.

IV. Difficulties Encountered

The agency is not aware of any difficulties encountered by the agency in administering the rules or by regulated parties in complying with the rules that require changes to Title 329. Therefore, IDEM is not proposing any changes related to resolving difficulties encountered.

V. Changes in Technology, Economic Conditions, or Other Factors

Technology, economic conditions, or other factors have not changed significantly in the area affected by the rule since the last time the rule was reviewed. The rules proposed for readoption in Title 329 have been readopted or reviewed on a regular basis since the enactment of the previous readoption statutes at IC 13-14-9.5, which were based on a seven-year expiration or review timeline. In addition, IDEM has regularly conducted rulemakings to update the rules when conditions have changed in the affected regulatory areas. Therefore, rule changes associated with technology, economic conditions, or other factors are not necessary at this time and the continued need for the rules has not been invalidated by these factors.

VI. Revised Regulatory Analysis

Based on the reasons and analysis provided in the above sections, no revisions are needed to the previous analyses and statements for the rules proposed for readoption in Title 329.