

TITLE 329 SOLID WASTE MANAGEMENT DIVISION

Rule Information Sheet

Waste Tire Financial Assurance Updates
LSA Document #24-322

Overview

The Indiana Department of Environmental Management (IDEM) is proposing changes to 329 IAC 15 that implement recent statutory changes to the waste tire management requirements. The specific changes include updating the definition of "used tire" at 329 IAC 15-2-13 to reflect the statutory definition of "used tire" at IC 13-11-2-243.5, and adding a corporate financial test option to the financial assurance requirements in 329 IAC 15-5 to implement the statutory requirement at IC 13-20-13-11(b)(3). Under the statute, the corporate financial test for waste tire storage sites must be substantially similar to the corporate financial test set forth in 40 CFR 258.74(e). Because the requirements in 40 CFR 258.74(e) apply to solid waste disposal facilities rather than waste tire facilities, IDEM has modified the federal rule language to align with Indiana's administrative rules drafting standards applicable for waste tire storage sites.

Since the publication of the First Notice of Comment Period, IDEM has made a few non-substantive amendments to the draft rule that are based on recommendations from the Indiana Register. The amendments further align the rule language with administrative rules drafting standards and include changing "its" to "their" and "in accordance with" to "under", for example. Otherwise, IDEM has not made any substantive amendments to the draft rule being presented for preliminary adoption.

Affected Persons

This rulemaking may impact registered waste tire storage sites and any applicants for a waste tire storage site registration. These entities are potentially impacted because they may be eligible to use the proposed corporate financial test. Also, while the definition of "used tire" is amended in the proposed rule, any handlers of used tires are not affected because the statutory definition is already effective, and IDEM does not issue any type of permit or registration for used tire handlers.

Reasons for the Rule

IDEM initiated this rulemaking to implement recent statutory changes to the definition of "used tire" at IC 13-11-2-243.5 and the requirement to establish the corporate financial test at IC 13-20-13-11(b)(3). IDEM is not proposing additional amendments beyond the implementation of the statutory changes.

Economic Impact of the Rule

In general, the rule amendments will not have an economic impact because they provide an optional mechanism for waste tire storage sites to meet their financial assurance obligations. Affected entities will retain the flexibility to use the financial assurance mechanism most

appropriate for their situation; they are not required to use the corporate financial test. For some entities, the corporate financial test may provide cost savings compared to other financial assurance mechanisms if the financial test has a lower cost for initial compliance and annual administration. Lastly, IDEM is not proposing additional amendments beyond the statutory requirements, so any potential economic impact is derived from the statutory requirements.

Scheduled Board Action and Hearings

First Public Hearing: December 11, 2024, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, Indiana.

Second Public Hearing: To be determined.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, at (317) 234-5345, (800) 451-6027 (in Indiana), or dwatts1@idem.in.gov.