

menting a conservation and management plan under section 320.

(b) **Schedule of Grant Payments.** — The Administrator and each State shall jointly establish a schedule of payments under which the Administrator will pay to the State the amount of each grant to be made to the State under this title. Such schedule shall be based on the State's intended use plan under section 606(c) of this Act, except that—

(1) such payments shall be made in quarterly installments, and

(2) such payments shall be made as expeditiously as possible, but in no event later than the earlier of—

(A) 8 quarters after the date such funds were obligated by the State, or

(B) 12 quarters after the date such funds were allotted to the State.

Sec. 602. Capitalization Grant Agreements.

(a) **General Rule.** — To receive a capitalization grant with funds made available under this title and section 205(m) of this Act, a State shall enter into an agreement with the Administrator which shall include but not be limited to the specifications set forth in subsection (b) of this section.

(b) **Specific Requirements.** — The Administrator shall enter into an agreement under this section with a State only after the State has established to the satisfaction of the Administrator that—

(1) the State will accept grant payments with funds to be made available under this title and section 205(m) of this Act in accordance with a payment schedule established jointly by the Administrator under section 601(b) of this Act and will deposit all such payments in the water pollution control revolving fund established by the State in accordance with this title;

(2) the State will deposit in the fund from State moneys an amount equal to at least 20 percent of the total amount of all capitalization grants which will be made to the State with funds to be made available under this title and section 205(m) of this Act on or before the date on which each quarterly grant payment will be made to the State under this title;

(3) the State will enter into binding commitments to provide assistance in accordance with the requirements of this title in an amount equal to 120 percent of the amount of each such grant payment within 1 year after the receipt of such grant payment;

(4) all funds in the fund will be expended in an expeditious and timely manner;

(5) all funds in the fund as a result of capitalization grants under this title and section 205(m) of this Act will be used to assure maintenance of progress, as

determined by the Governor of the State, toward compliance with enforceable deadlines, goals, and requirements of this Act, including the municipal compliance deadline;

(6) treatment works eligible under section 603(c)(1) of this Act which will be constructed in whole or in part before fiscal year 1995 with funds directly made available by capitalization grants under this title and section 205(m) of this Act will meet the requirements of, or otherwise be treated (as determined by the Governor of the State) under sections 201(b), 201(g)(1), 201(g)(2), 201(g)(3), 201(g)(5), 201(g)(6), 201(n)(1), 201(o), 204(a)(1), 204(a)(2), 204(b)(1), 204(d)(2), 211, 218, 511(c)(1), and 513 of this Act in the same manner as treatment works constructed with assistance under title II of this Act;

(7) in addition to complying with the requirements of this title, the State will commit or expend each quarterly grant payment which it will receive under this title in accordance with laws and procedures applicable to the commitment or expenditure of revenues of the State;

(8) in carrying out the requirements of section 606 of this Act, the State will use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards;

(9) the State will require as a condition of making a loan or providing other assistance, as described in section 603(d) of this Act, from the fund that the recipient of such assistance will maintain project accounts in accordance with generally accepted government accounting standards and

(10) the State will make annual reports to the Administrator on the actual use of funds in accordance with section 606(d) of this Act.

Sec. 603. Water Pollution Control Revolving Loan Funds.

(a) **Requirements for Obligation of Grant Funds.** — Before a State may receive a capitalization grant with funds made available under this title and section 205(m) of this Act, the State shall first establish a water pollution control revolving fund which complies with the requirements of this section.

(b) **Administration.** — Each State water pollution control revolving fund shall be administered by an instrumentality of the State with such powers and limitations as may be required to operate such fund in accordance with the requirements and objectives of this Act.

(c) **Projects Eligible for Assistance.** — The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance (1) to any municipality intermunicipal, interstate, or State agency for construction of publicly owned treatment works (as defined in section 212 of this Act),

(2) for the implementation of a management program established under section 319 of this Act, and (3) for development and implementation of a conservation and management plan under section 320 of this Act. The fund shall be established, maintained, and credited with repayments, and the fund balance shall be available in perpetuity for providing such financial assistance.

(d) Types of Assistance. — Except as otherwise limited by State law, a water pollution control revolving fund of a State under this section may be used only—

(1) to make loans, on the condition that—

(A) such loans are made at or below market interest rates, including interest free loans, at terms not to exceed 20 years;

(B) annual principal and interest payments will commence not later than 1 year after completion of any project and all loans will be fully amortized not later than 20 years after project completion;

(C) the recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

(D) the fund will be credited with all payments of principal and interest on all loans;

(2) to buy or refinance the debt obligation of municipalities and intermunicipal and interstate agencies within the State at or below market rates, where such debt obligations were incurred after March 7, 1985;

(3) to guarantee, or purchase insurance for, local obligations where such action would improve credit market access or reduce interest rates;

(4) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of such bonds will be deposited in the fund;

(5) to provide loan guarantees for similar revolving funds established by municipalities or intermunicipal agencies;

(6) to earn interest on fund accounts; and

(7) for the reasonable costs of administering the fund and conducting activities under this title, except that such amounts shall not exceed 4 percent of all grant awards to such fund under this title.

(e) Limitation to Prevent Double Benefits. — If a State makes, from its water pollution revolving fund, a loan which will finance the cost of facility planning and the preparation of plans, specifications, and estimates for construction of publicly owned treatment works, the State shall ensure that if the recipient of such loan receives a grant under section 201(g) of this Act for construction of such treatment works and an allowance under section 201(1)(1) of this Act for non-Federal funds expended for such planning and preparation, such recipient will promptly repay such loan to the extent of such allowance.

(f) Consistency With Planning Requirements. — A State may provide financial assistance from its water pollution control revolving fund only with respect to a project which is consistent with plans, if any, developed under sections 205(j), 208, 303(e), 319, and 320 of this Act.

(g) Priority List Requirement. — The State may provide financial assistance from its water pollution control revolving fund only with respect to a project for construction of a treatment works described in subsection (c)(1) if such project is on the State's priority list under section 216 of this Act. Such assistance may be provided regardless of the rank of such project on such list.

(h) Eligibility of Non-Federal Share of Construction Grant Projects. — A State water pollution control revolving fund may provide assistance (other than under subsection (d)(1) of this section) to a municipality or intermunicipal or interstate agency with respect to the non-Federal share of the costs of a treatment works project for which such municipality or agency is receiving assistance from the Administrator under any other authority only if such assistance is necessary to allow such project to proceed.

Sec. 604. Allotment of Funds.

(a) Formula. — Sums authorized to be appropriated to carry out this section for each of fiscal years 1989 and 1990 shall be allotted by the Administrator in accordance with section 205(c) of this Act.

(b) Reservation of Funds for Planning. — Each State shall reserve each fiscal year 1 percent of the sums allotted to such State under this section for such fiscal year, or \$100,000, whichever amount is greater, to carry out planning under section 205(j) and 303(e) of this Act.

(c) Allotment Period. —

(1) Period of Availability for Grant Award. — Sums allotted to a State under this section for a fiscal year shall be available for obligation by the State during the fiscal year for which sums are authorized and during the following fiscal year.

(2) Reallocation of Unobligated Funds. — The amount of any allotment not obligated by the State by the last day of the 2-year period of availability established by paragraph (1) shall be immediately reallocated by the Administrator on the basis of the same ratio as is applicable to sums allotted under title II of this Act for the second fiscal year of such 2-year period. None of the funds reallocated by the Administrator shall be reallocated to any State which has not obligated all sums allotted to such State in the first fiscal year of such 2-year period.

Sec. 605. Correction Action.

(a) Notification of Noncompliance. — If the Administrator determines that a State has not complied with its

agreement with the Administrator under section 602 of this Act or any other requirement of this title, the Administrator shall notify the State of such noncompliance and the necessary corrective action.

(b) **Withholding of Payments.** — If a State does not take corrective action within 60 days after the date a State receives notification of such action under subsection (a), the Administrator shall withhold additional payments to the State until the Administrator is satisfied that the State has taken the necessary corrective action.

(c) **Reallotment of Withheld Payments.** — If the Administrator is not satisfied that adequate corrective actions have been taken by the State within 12 months after the State is notified of such actions under subsection (a), the payments withheld from the State by the Administrator under subsection (b) shall be made available for reallotment in accordance with the most recent formula for allotment of funds under this title.

Sec. 606. Audits, Reports, and Fiscal Controls: Intended Use Plan.

(a) **Fiscal Control and Auditing Procedure.** — Each State electing to establish a water pollution control revolving fund under this title shall establish fiscal controls and accounting procedures sufficient to assure proper accounting during appropriate accounting periods for—

- (1) payments received by the fund;
- (2) disbursements made by the fund; and
- (3) fund balances at the beginning and end of the accounting period.

(b) **Annual Federal Audits.** — The Administrator shall, at least on an annual basis, conduct or require each State to have independently conducted reviews and audits as may be deemed necessary or appropriate by the Administrator to carry out the objectives of this section. Audits of the use of funds deposited in the water pollution revolving fund established by such State shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

(c) **Intended Use Plan.** — After providing for public comment and review, each State shall annually prepare a plan identifying the intended uses of the amounts available to its water pollution control revolving fund. Such intended use plan shall include, but not be limited to—

- (1) a list of those projects for construction of publicly owned treatment works on the State's priority list developed pursuant to section 216 of this Act and a list of activities eligible for assistance under sections 319 and 320 of this Act;
- (2) a description of the short- and long-term goals and objectives of its water pollution control revolving fund;

(3) information on the activities to be supported, including a description of project categories, discharge requirements under titles III and IV of this Act, terms of financial assistance, and communities served;

(4) assurances and specific proposals for meeting the requirements of paragraphs (3), (4), (5), and (6) of section 602(b) of this Act; and

(5) the criteria and method established for the distribution of funds.

(d) **Annual Report.** — Beginning the first fiscal year after the receipt of payments under this title, the State shall provide an annual report to the Administrator describing how the State has met the goals and objectives for the previous fiscal year as identified in the plan prepared for the previous fiscal year pursuant to subsection (c) including identification of loan recipients, loan amounts, and loan terms and similar details on other forms of financial assistance provided from the water pollution control revolving fund.

(e) **Annual Federal Oversight Review.** — The Administrator shall conduct an annual oversight review of each State plan prepared under subsection (c), each State report prepared under subsection (d), and other such materials as are considered necessary and appropriate in carrying out the purposes of this title. After reasonable notice by the Administrator to the State or the recipient of a loan from water pollution control revolving fund, the State or loan recipient shall make available to the Administrator such records as the Administrator reasonably requires to review and determine compliance with this title.

(f) **Applicability of Title II Provisions.** — Except to the extent provided in this title, the provisions of title II shall not apply to grants under this title.

Sec. 607. Authorization of Appropriations.

There is authorized to be appropriated to carry out the purposes of this title the following sums:

- (1) \$1,200,000,000 per fiscal year for each of fiscal years 1989 and 1990;
- (2) \$2,400,000,000 for fiscal year 1991;
- (3) \$1,800,000,000 for fiscal year 1992;
- (4) \$1,200,000,000 for fiscal year 1993; and
- (5) \$600,000,000 for fiscal year 1994.

AUTHORIZATIONS FOR FISCAL YEAR 1972

Sec. 3. (a) There is authorized to be appropriated for the fiscal year ending June 30, 1972, not to exceed \$11,000,000 for the purpose of carrying out section 5(n) (other than for salaries and related expenses) of the Federal Water Pollution Control Act as it existed immediately prior to the date of the enactment of the Federal Water Pollution Control Act Amendments of 1972.

(b) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1972, not to exceed \$350,000,000 for the purpose of making grants under section 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of the enactment of the Federal Water Pollution Control Act Amendments of 1972.

(c) The Federal share of all grants made under section 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 from sums herein and heretofore authorized for the fiscal year ending June 30, 1972, shall be that authorized by section 202 of such Act as established by the Federal Water Pollution Control Act Amendments of 1972.

(d) Sums authorized by this section shall be in addition to any amounts heretofore authorized for such fiscal year for sections 5(n) and 8 of the Federal Water Pollution Control Act as it existed immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

SAVINGS PROVISION

Sec. 4. (a) No suit, action, or other proceeding lawfully commenced by or against the Administrator or any other officer or employee of the United States in his official capacity or in relation to the discharge of his official duties under the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act shall abate by reason of the taking effect of the amendment made by section 2 of this Act. The court may, on its own motion or that of any party made at any time within twelve months after such taking effect, allow the same to be maintained by or against the Administrator or such officer or employee.

(b) All rules, regulations, orders, determinations, contracts, certifications, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act, and pertaining to any functions, powers, requirements, and duties under the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act, shall continue in full force and effect after the date of enactment of this Act, until modified or rescinded in accordance with the Federal Water Pollution Control Act as amended by this Act.

(c) The Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of this Act shall remain applicable to all grants made from funds authorized for the fiscal year ending June 30,

1972, and prior fiscal years, including any increases in the monetary amount of any such grant which may be paid from authorizations for fiscal years beginning after June 30, 1972, except as specifically otherwise provided in section 202 of the Federal Water Pollution Control Act as amended by this Act and in subsection (c) of section 3 of this Act.

OVERSIGHT STUDY

Sec. 5. In order to assist the Congress in the conduct of oversight responsibilities the Comptroller General of the United States shall conduct a study and review of the research, pilot, and demonstration programs related to prevention and control of water pollution, including waste treatment and disposal techniques, which are conducted, supported, or assisted by any agency of the Federal Government pursuant to any Federal law or regulation and assess conflicts between, and the coordination and efficacy of, such programs, and make a report to the Congress thereon by October 1, 1973.

INTERNATIONAL TRADE STUDY

Sec. 6. (a) The Secretary of Commerce, in cooperation with other interested Federal agencies and with representatives of industry and the public, shall undertake immediately an investigation and study to determine—

(1) the extent to which pollution abatement and control programs will be imposed on, or voluntarily undertaken by, United States manufacturers in the near future and the probable short- and long-range effects of the costs of such programs (computed to the greatest extent practicable on an industry-by-industry basis) on (A) the production costs of such domestic manufacturers, and (B) the market prices of the goods produced by them;

(2) the probable extent to which pollution abatement and control programs will be implemented in foreign industrial nations in the near future and the extent to which the production costs (computed to the greatest extent practicable on an industry-by-industry basis) of foreign manufacturers will be affected by the costs of such programs;

(3) the probable competitive advantage which any article manufactured in a foreign nation will likely have in relation to a comparable article made in the United States if that foreign nation—

(A) does not require its manufacturers to implement pollution abatement and control programs.

(B) requires a lesser degree of pollution abatement and control in its programs, or

(C) in any way reimburses or otherwise subsidizes its manufacturers for the costs of such program;

(4) alternative means by which any competitive advantage accruing to the products of any foreign nation as a result of any factor described in paragraph (3) may be (A) accurately and quickly determined, and (B) equalized, for example, by the imposition of a surcharge or duty, on a foreign product in an amount necessary to compensate for such advantage; and

(5) the impact, if any, which the imposition of a compensating tariff of other equalizing measure may have in encouraging foreign nations to implement pollution and abatement control programs.

(b) The Secretary shall make an initial report to the President and Congress within six months after the date of enactment of this section of the results of the study and investigation carried out pursuant to this section and shall make additional reports thereafter at such times as he deems appropriate taking into account the development of relevant data, but not less than once every twelve months.

INTERNATIONAL AGREEMENTS

Sec. 7. The President shall undertake to enter into international agreements to apply uniform standards of performance for the control of the discharge and emission of pollutants from new sources, uniform controls over the discharge and emission of toxic pollutants, and uniform controls over the discharge of pollutants into the ocean. For this purpose the President shall negotiate multilateral treaties, conventions, resolutions, or other agreements, and formulate, present, or support proposals at the United Nations and other appropriate international forums.

LOANS TO SMALL BUSINESS CONCERNS FOR WATER POLLUTION CONTROL FACILITY

Sec. 8. (a) Section 7 of the Small Business Act is amended by inserting at the end thereof a new subsection as follows:

"(g) (1) The Administration also is empowered to make loans (either directly or in cooperation with banks or other lenders through agreements to participate on an immediate or deferred basis) to assist any small business concern in affecting additions to or alterations in the equipment, facilities (including the construction of pretreatment facilities and interceptor sewers), or methods of operation of such concern to meet water pollution control requirements established under the Federal Water Pollution Control Act, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this subsection.

"(2) Any such loan—

"(A) shall be made in accordance with provisions applicable to loans made pursuant to subsection (b) (5) of this section, except as otherwise provided in this subsection;

"(B) shall be made only if the applicant furnishes the Administration with a statement in writing from the Environmental Protection Agency, or, if appropriate, the State, that such additions or alterations are necessary and adequate to comply with requirements established under the Federal Water Pollution Control Act.

"(3) The Administrator of the Environmental Protection Agency shall, as soon as practicable after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and not later than one hundred and eighty days thereafter, promulgate regulations establishing uniform rules for the issuance of statements for the purpose of paragraph (2) (B) of this subsection.

"(4) There is authorized to be appropriated to the disaster loan fund established pursuant to section 4(c) of this Act not to exceed \$800,000,000 solely for the purpose of carrying out this subsection."

(b) Section 4(c) (1) (A) of the Small Business Act is amended by striking out "and 7(c) (2)" and inserting in lieu thereof "7(c) (2), and 7(g)".

ENVIRONMENTAL COURT

Sec. 9. The President, acting through the Attorney General, shall make a full and complete investigation and study of the feasibility of establishing a separate court, or court system, having jurisdiction over environmental matters and shall report the results of such investigation and study together with his recommendations to Congress not later than one year after the date of enactment of this Act.

NATIONAL POLICIES AND GOALS STUDY

Sec. 10. The President shall make a full and complete investigation and study of all of the national policies and goals established by law for the purpose of determining what the relationship should be between these policies and goals, taking into account the resources of the Nation. He shall report the results of such investigation and study together with his recommendations to Congress not later than two years after the date of enactment of this Act. There is authorized to be appropriated not to exceed \$5,000,000 to carry out the purposes of this section.

EFFICIENCY STUDY

Sec. 11. The President shall conduct a full and complete investigation and study of ways and means of utilizing in the most effective manner all of the various resources, facilities, and personnel of the Federal Government in order most efficiently to carry out the objective of the Federal Water Pollution Control Act. He shall utilize in conducting such investigation and study, the General Accounting Office. He shall report the results of such investigation and study together with his recommendations to Congress not later than two hundred and seventy days after the date of enactment of this Act.

ENVIRONMENTAL FINANCING

Sec. 12. (a) This section may be cited as the "Environmental Financing Act of 1972".

(b) There is hereby created a body corporate to be known as the Environmental Financing Authority, which shall have succession until dissolved by Act of Congress. The Authority shall be subject to the general supervision and direction of the Secretary of the Treasury. The Authority shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

(c) The purpose of this section is to assure that inability to borrow necessary funds on reasonable terms does not prevent any State or local public body from carrying out any project for construction of waste treatment works determined eligible for assistance pursuant to subsection (e) of this section.

(d) (1) The Authority shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury or his designee as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Authority or of any department or agency of the United States Government.

(2) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Authority. The Chairman of the Board shall select and effect the appointment of qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Authority and shall discharge all such executive functions, powers, and duties. The members of the Board, as such, shall not receive compensation for their services.

(e) (1) Until July 1, 1975, the Authority is authorized to make commitments to purchase, and to purchase on terms and conditions determined by the Authority, any obligation or participation therein which is issued by a State or local public body to finance the non-Federal share of the cost of any project for the construction of waste treatment works which the Administrator of the Environmental Protection Agency has determined to be eligible for Federal financial assistance under the Federal Water Pollution Control Act.

(2) No commitment shall be entered into, and no purchase shall be made, unless the Administrator of the Environmental Protection Agency (A) has certified that the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs; (B) has approved the project as eligible under the Federal Water Pollution Control Act; and (C) has agreed to guarantee timely payment of principal and interest on the obligation. The Administrator is authorized to guarantee such timely payments and to issue regulations as he deems necessary and proper to protect such guarantees. Appropriations are hereby authorized to be made to the Administrator in such sums as are necessary to make payments under such guarantees, and such payments are authorized to be made from such appropriations.

(3) No purchase shall be made of obligations issued to finance projects, the permanent financing of which occurred prior to the enactment of this section.

(4) Any purchase by the Authority shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury taking into consideration (A) the current average yield on outstanding marketable obligations of the United States of comparable maturity or in its stead whenever the Authority has sufficient of its own long-term obligations outstanding, the current average yield on outstanding obligations of the Authority of comparable maturity; and (B) the market yields on municipal bonds.

(5) The Authority is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves and such fees shall be included in the aggregate project costs.

(f) To provide initial capital to the Authority the Secretary of the Treasury is authorized to advance the funds necessary for this purpose. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred

payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed \$100,000,000, which shall be available for the purposes of this subsection.

(g) (1) The Authority is authorized, with the approval of the Secretary of the Treasury, to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Authority. Such obligations may be redeemable at the option of the Authority before maturity in such manner as may be stipulated therein.

(2) As authorized in appropriation Acts, and such authorizations may be without fiscal year limitation, the Secretary of the Treasury may in his discretion purchase or agree to purchase any obligations issued pursuant to paragraph (1) of this subsection, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this paragraph. All purchases and sales by the Secretary of the Treasury of such obligations under this paragraph shall be treated as public debt transactions of the United States.

(h) The Secretary of the Treasury is authorized and directed to make annual payments to the Authority in such amounts as are necessary to equal the amount by which the dollar amount of interest expense accrued by the Authority on account of its obligations exceeds the dollar amount of interest income accrued by the Authority on account of obligations purchased by it pursuant to subsection (e) of this section.

(i) The Authority shall have power—

(1) to sue and be sued, complain and defend, in its corporate name;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this section in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Authority;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to require bonds for them and pay the premium thereof; and

(9) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

(j) The Authority, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (A) any real property and any tangible personal property of the Authority shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (B) any and all obligations issued by the Authority shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

(k) All obligations issued by the Authority shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All obligations issued by the Authority pursuant to this section shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are issued by the United States.

(l) In order to furnish obligations for delivery by the Authority, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Authority may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the

Authority. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The Authority shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

(m) The Authority shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

(n) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Environmental Financing Authority" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association".

(o) The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 846) shall be applicable to the Environmental Financing Authority in the same manner as they are applied to the wholly owned Government corporations.

(p) Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is further amended by adding a new paragraph following the last paragraph appropriating moneys for the purposes under the Treasury Department to read as follows:

"Payment to the Environmental Financing Authority: For payment to the Environmental Financing Authority under subsection (h) of the Environmental Financing Act of 1972."

SEX DISCRIMINATION

Sec. 13. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Act, the Federal Water Pollution Control Act, or the Environmental Financing Act. This section shall be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

[Editor's Note: The following sections do not amend the Federal Water Pollution Control Act, but they are new parts of the Clean Water Act of 1977, and the section numbers refer to that Act.]

EXISTING GUIDELINES

Sec. 73. Within 90 days after the date of enactment of this Act, the Administrator shall review every effluent guideline promulgated prior to the date of enactment of this Act which is final or interim final (other than those applicable to industrial categories listed in table 2 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives) and which applies to those pollutants identified pursuant to section 304(a) (4) of the Federal Water Pollution Control Act. The Administrator shall review every guideline applicable to industrial categories listed in such table 2 on or before July 1, 1980. Upon completion of each such review the Administrator is authorized to make such adjustments in any such guidelines as may be necessary to carry out section 304(b) (4) of such Act. The Administrator shall publish the results of each such review, including, with respect to each such guideline, the determination to adjust or not to adjust such guideline. Any such determination by the Administrator shall be final except that if, on judicial review in accordance with section 509 of such Act, it is determined that the Administrator either did not comply with the requirements of this section or the determination of the Administrator was based on arbitrary and capricious action in applying section 304(b) (4) of such Act to such guideline, the Administrator shall make a further review and redetermination of any such guideline.

SEAFOOD PROCESSING STUDY

Sec. 74. The Administrator of the Environmental Protection Agency shall conduct a study to examine the geographical, hydrological, and biological characteristics of marine waters to determine the effects of seafood processes which dispose of untreated natural wastes into such waters. In addition, such study shall examine technologies which may be used in such processes to facilitate the use of the nutrients in these wastes or to reduce the discharge of such wastes into the marine environment. The results of such study shall be submitted to Congress not later than January 1, 1979.

COST RECOVERY STUDY

Sec. 75. (a) The Administrator of the Environmental Protection Agency (hereafter in this section referred to as the "Administrator") shall study the efficiency of, and the need for, the payment by industrial users of any treatment works of that portion of the cost of construc-

tion of such treatment works (as determined by the Administrator) which is allocable to the treatment of industrial wastes to the extent attributable to the Federal share of the cost of construction. Such study shall include, but not be limited to, an analysis of the impact of such a system of payment upon rural communities and on industries in economically distressed areas or areas of high unemployment. No later than the last day of the twelfth month which begins after the date of enactment of this section, the Administrator shall submit a report to the Congress setting forth the results of such study.

(b) [Sec. 75(b) repealed by PL 96-483]

(c) or purposes of this section, the terms "industrial user" and "treatment works" have the same meaning given such terms in the Federal Water Pollution Control Act.

(d) [Sec. 75(d) repealed by PL 96-483]

LAKE CHELAN DELEGATION

Sec. 76. The Secretary of the Army, acting through the Chief of Engineers, is authorized to delegate to the State of Washington upon its request all or any part of those functions vested in such Secretary by section 404 of the Federal Water Pollution Control Act and by sections 9, 10, and 13 of the Act of March 3, 1899, relating to Lake Chelan, Washington, if the Secretary determines (1) that such State has the authority, responsibility, and capability to carry out such functions, and (2) that such delegation is in the public interest. Such delegation shall be subject to such terms and conditions as the Secretary deems necessary, including, but not limited to, suspension and revocation for cause of such delegation.

SECONDARY TREATMENT FACILITY SITE

Sec. 77. The Administrator of the Environmental Protection Agency shall reimburse the city of Boston, Massachusetts, an amount equal to 75 per centum, but not to exceed \$15,000,000, of the cost of constructing a modern correctional detention facility on a site in such city, on condition that such city convey to the Commonwealth of Massachusetts all of its right, title, and interest in and to that real property owned by such city on Deer Island which is the site of the existing correctional detention facility for use by such Commonwealth as the site for a publicly owned treatment works providing secondary treatment. There is authorized to be appropriated \$15,000,000 to carry out the purposes of this section.

TOTAL TREATMENT SYSTEM FUNDING

Sec. 78. Notwithstanding any other provision of law, in any case where the Administrator of the Environmental Protection Agency finds that the total of all grants made under section 201 of the Federal Water Pollution Control Act for the same treatment works exceeds the actual construction costs for such treatment works (as defined in that Act) such excess amount shall be a grant of the Federal share (as defined in that Act) of the cost of construction of a sewage collection system if—

(1) such sewage collection system was constructed as part of the same total treatment system as the treatment works for which such section 201 grants were approved, and

(2) an application for assistance for the construction of such sewage collection system was filed in accordance with section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102) before all such section 201 grants were made and such section 702 grant could not be approved due to lack of funding under such section 702.

The total of all grants for sewage collection systems made under this section shall not exceed \$2,800,000.

[Editor's note: Section 26 of PL 97-117, the "Municipal Wastewater Treatment Construction Grant Amendments of 1981," did not amend this Act but made certain recommendations regarding consent agreements reached prior to the amendments made to this Act by PL 97-117. The text of that section follows:

JUDICIAL NOTICE

Sec. 26. It is the sense of Congress that judicial notice should be taken of this Act and of the amendments to the Federal Water Pollution Control Act made by this Act, including reduced authorization levels under section 207 of such Act, and that the parties to Federal consent decrees establishing a deadline, schedule, or timetable for the construction of publicly owned treatment works are encouraged to "reexamine the provisions of such consent decrees and, where required by equity, to make appropriate adjustments in such provisions."

[Editor's note: Section 307(a)(1) of the Act refers to the list of toxic pollutants published in Table I of Committee Print Numbered 95-30 of the House Committee of Public Works and Transportation. Following is the text of Table I:]

TABLE I.—SECTION 307—TOXIC POLLUTANTS

Acenaphthene
 Acrolein
 Acrylonitrile
 Aldrin/Dieldrin
 Antimony and compounds*
 Arsenic and compounds
 Asbestos
 Benzene
 Benzidine
 Beryllium and compounds
 Cadmium and compounds
 Carbon tetrachloride
 Chlordane (technical mixture and metabolites)
 Chlorinated benzenes (other than dichlorobenzenes)
 Chlorinated ethanes (including 1,2-dichloroethane, 1,1,1-trichloroethane, and hexachloroethane)
 Chloroalkyl ethers (chloromethyl, chloroethyl, and mixed ethers)
 Chlorinated naphthalene
 Chlorinated phenols (other than those listed elsewhere; includes trichlorophenols and chlorinated cresols)
 Chloroform
 2-chlorophenol
 Chromium and compounds
 Copper and compounds
 Cyanides
 DDT and metabolites
 Dichlorobenzenes (1,2-, 1,3-, and 1,4-dichlorobenzenes)
 Dichlorobenzidine
 Dichloroethylenes (1,1- and 1,2-dichloroethylene)
 2,4-dichlorophenol
 Dichloropropane and dichloropropene
 2,4-dimethylphenol
 Dinitrotoluene
 Diphenylhydrazine
 Endosulfan and metabolites
 Endrin and metabolites
 Ethylbenzene
 Fluoranthene
 Haloethers (other than those listed elsewhere; includes chlorophenylphenyl ethers, bromophenylphenyl ether, bis(dichloroisopropyl) ether, bis-(chloroethoxy) methane and polychlorinated diphenyl ethers)
 Halomethanes (other than those listed elsewhere; includes methylene chlorid methylchloride, methylbromide, bromoform, dichlorobromomethane, trichlorofluoromethane, dichlorodifluoromethane)

* The term "compounds" shall include organic and inorganic compounds.

Heptachlor and metabolites
 Hexachlorobutadiene
 Hexachlorocyclohexane (all isomers)
 Hexachlorocyclopentadiene
 Isophorone
 Lead and compounds
 Mercury and compounds
 Naphthalene
 Nickel and compounds
 Nitrobenzene
 Nitrophenols (Including 2,4-dinitrophenol) dinitro-cresol)
 Nitrosamines
 Pentachlorophenol
 Phenol
 Phthalate esters
 Polychlorinated biphenyls (PCBs)
 Polynuclear aromatic hydrocarbons (including benzanthracenes, benzopyrenes, benzofluoranthene, chrysenes, dibenzanthracenes, and indenopyrenes)
 Selenium and compounds
 Silver and compounds
 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)
 Tetrachloroethylene
 Thallium and compounds
 Toluene
 Toxaphene
 Trichloroethylene
 Vinyl chloride
 Zinc and compounds

MISCELLANEOUS PROVISIONS OF PL 100-4

[*Editor's note:* The following provisions did not amend the Water Act, but have some impact on its implementation.]

Sec. 317. National Estuary Program.

(a) Purpose and Policies.—

(1) Findings.—Congress finds and declares that—
 (A) the Nation's estuaries are of great importance for fish and wildlife resources and recreation and economic opportunity;

(B) maintaining the health and ecological integrity of these estuaries is in the national interest;

(C) increasing coastal population, development, and other direct and indirect uses of these estuaries threaten their health and ecological integrity;

(D) long-term planning and management will contribute to the continued productivity of these areas, and will maximize their utility to the Nation; and

(E) better coordination among Federal and State programs affecting estuaries will increase the effectiveness and efficiency of the national effort to protect, preserve, and restore these areas.

(2) Purposes. — The purposes of this section are to—

(A) identify nationally significant estuaries that are threatened by pollution, development, or overuse;

(B) promote comprehensive planning for, and conservation and management of, nationally significant estuaries;

(C) encourage the preparation of management plans for estuaries of national significance; and

(D) enhance the coordination of estuarine research.

Sec. 318. Unconsolidated Quaternary Aquifer.

Notwithstanding any other provision of law, no person may—

(1) locate or authorize the location of a landfill, surface impoundment, waste pile, injection well, or land treatment facility over the Unconsolidated Quaternary Aquifer, or the recharge zone or streamflow source zone of such aquifer, in the Rockaway River Basin, New Jersey (as such aquifer and zones are described in the Federal Register, January 24, 1984, pages 2946-2948); or

(2) place or authorize the placement of solid waste in a landfill, surface impoundment, waste pile, injection well, or land treatment facility over such aquifer or zone. This section may be enforced under sections 309 (a) and (b) of the Federal Water Pollution Control Act. For purposes of section 309(c) of such Act, a violation of this section shall be considered a violation of section 301 of the Federal Water Pollution Control Act.

Sec. 407. Log Transfer Facilities.

(a) Agreement. — The Administrator and Secretary of the Army shall enter into an agreement regarding coordination of permitting for log transfer facilities to designate a lead agency and to process permits required under section 402 and 404 of the Federal Water Pollution Control Act, where both such sections apply, for discharges associated with the construction and operation of log transfer facilities. The Administrator and Secretary are authorized to act in accordance with the terms of such agreement to assure that to the maximum extent practicable, duplication, needless paperwork and delay in the issuance of permits, and inequitable enforcement between and among facilities in different States, shall be eliminated.

(b) Applications and Permits Before October 22, 1985. — Where both of sections 402 and 404 of the Federal Water Pollution Control Act apply, log transfer facilities which have received a permit under section 404 of such Act before October 22, 1985, shall not be

required to submit a new application for a permit under section 402 of such Act. If the Administrator determines that the terms of a permit issued on or before October 22, 1985, under section 404 of such Act satisfies the applicable requirements of sections 301, 302, 306, 307, 308, and 403 of such Act, a separate application for a permit under section 402 of such Act shall not thereafter be required. In any case where the Administrator demonstrates, after an opportunity for a hearing, that the terms of a permit issued on or before October 22, 1985, under section 404 of such Act do not satisfy the applicable requirements of sections 301, 302, 306, 307, 308, and 403 of such Act, modifications to the existing permit under section 404 of such Act to incorporate such applicable requirements shall be issued by the Administrator as an alternative to issuance of a separate new permit under section 402 of such Act.

(c) Log Transfer Facility Defined. — For the purposes of this section, the term "log transfer facility" means a facility which is constructed in whole or in part in waters of the United States and which is utilized for the purpose of transferring commercially harvested logs to or from a vessel or log raft, including the formation of a log raft.

Sec. 508. Special Provisions Regarding Certain Dumping Sites.

(a) Finding. — The Congress finds that the New York Bight Apex is no longer a suitable location for the ocean dumping of municipal sludge.

Sec. 509. Ocean Discharge Research Projects.

(a) In General. — Notwithstanding any other provision of law, the Administrator is authorized to issue a research permit to the Orange County, California, sanitation Districts for the discharge of preconditioned municipal sewage sludge into the ocean for the purpose of enabling research to be conducted in assessing and analyzing the effects of disposing of sewage sludge by pipeline into ocean waters—

(1) if the Administrator is satisfied that such local governmental agency is actively pursuing long-term land-based options for the handling of its sludge with special emphasis on remote disposal alternatives set forth in the 1980 LA/OMA sludge-management project and on reuse of sludge or use of recycled sludge; and

(2) if the Administrator determines that there is no likelihood of an unacceptable adverse effect on the environment as a result of issuance of such permit and that such permit would meet the requirements of paragraph (2) of section 301(h) of the Federal Water Pollution Control Act, as amended by this Act, and of the sentences following the first sentence of such section if such permit were being issued under such section.

(b) Permit Terms.—

(1) **Period.** — The permit for the discharge of sludge shall be for a period of 5 years commencing on the date of such discharge and shall not be extended or renewed.

(2) **Monitoring.** — Such permit shall provide for monitoring (including whole effluent monitoring) of permitted discharges and other discharges into the ocean in the same area and the effects of such discharges (including cumulative effects) in conformance with requirements established by the Administrator, after consultation with appropriate Federal and State agencies, and for the reporting of such monitoring to Congress and the Administrator every 6 months.

(3) **Volume of Discharge.** — Such permit shall provide that the volume of such local agency's sludge disposal of by such experimental pipeline shall be no more than one and one-half times that being disposed of by such remote disposal and alternatives for the reuse of sludge and the use of recycled sludge. In no event shall the agency dispose of more than 50 percent of its sludge by the pipeline.

(4) **Termination.** — The permit shall provide for termination of the permit if the Administrator determines that the disposal of sewage sludge is resulting in an unacceptable adverse impact on fish, shellfish, and wildlife. The Administrator may terminate a permit issued under this section if the Administrator determines that there has been a decline in ambient water quality of the receiving waters during the period of the permit even if a direct cause and effect relationship cannot be shown. If the effluent from a source with a permit issued under this section is contributing to a decline in ambient water quality of the receiving waters, the Administrator shall terminate such permit.

(c) **Limitation on Precedent.** — The facts and circumstances described in subsection (a) present a unique situation which will not establish a precedent for the relaxation of the requirements of the Federal Water Pollution Control Act applicable to similarly situated discharges.

(d) **Report.** — Such districts shall report the results of the program and an analysis of such program to Congress under this section not later than four and one-half years after issuance of the permit.

Sec. 510. San Diego, California.

(a) **Purpose.** — The purpose of this section is to protect the economy, public health, environment, surface water and public beaches, and water quality of the city of San Diego, California, and surrounding areas, which are endangered and are being polluted by raw sewage emanating from the city of Tijuana, Mexico.

(b) **Construction Grants.** — Upon approval of the necessary plans and specifications, the Administrator is

authorized to make grants to the Secretary of State, acting through the American Section of the International Boundary and Water Commission (hereinafter in this section referred to as the "Commission"), or any other Federal agency or any other appropriate commission or entity designated by the President. Such grants shall be for construction of a project consisting of —

(1) defensive treatment works to protect the residents of the city of San Diego, California, and surrounding areas from pollution resulting from any inadequacies or breakdowns in wastewater treatment works and systems in Mexico; and

(2) treatment works in the city of San Diego, California, to provide primary or more advanced treatment of municipal sewage and industrial waste from Mexico, including the city of Tijuana, Mexico.

(c) **Limitation on Grants.** — Notwithstanding subsection (b), the Administrator may make grants for construction of treatment works described in subsection (b)(2) only if, after public notice and comment, the Administrator determines that treatment works in Mexico, in conjunction with any defensive treatment works constructed under this or any other Act, are not sufficient to protect the residents of the city of San Diego, California, and surrounding areas from water pollution originating in Mexico.

(d) **Operation and Maintenance.** — The Commission or such other agency, commission, or entity as may be designated under subsection (b) is authorized to operate and maintain any treatment works constructed under subsection (b) in order to accomplish the purposes of this section.

(e) **Approval of Plans.** — Any treatment works for which a grant is made under this section shall be constructed in accordance with plans developed by the Commission or such other agency, commission, or entity as may be designated under subsection (b), in consultation with the city of San Diego, and approved by the Administrator to meet the construction standards which would be applicable if such treatment works were being constructed under title II of the Federal Water Pollution Control Act.

(f) **Federal Share.** — Construction of the treatment works under subsection (b) shall be at full Federal expense less any costs paid by the State of California and less any costs paid by the Government of Mexico as a result of agreements negotiated with the United States.

(g) **Ocean Outfall Permit.** — Notwithstanding section 301(j) of the Federal Water Pollution Control Act, upon application of the city of San Diego, California, the Administrator may issue a permit under section 301(h) of such Act which modifies the requirements of section

301(b)(1)(B) of such Act to permit the discharge of pollutants for any ocean outfall constructed with Federal assistance under this section if the Administrator finds that issuing such permit is in the best interests of achieving the goals and requirements of such Act. The Administrator may waive the requirements of section 301(h)(5) of such Act with respect to the issuance of such permit if the Administrator finds that such waiver is in the best interests of achieving the goals and requirements of such Act.

(h) **Treatment of San Diego Sewage.** — If any treatment works constructed pursuant to this section becomes no longer necessary to provide protection from pollution originating in Mexico, the city of San Diego, California, may use such treatment works to treat municipal and individual waste originating in the city of San Diego and surrounding areas if the city of San Diego enters into a binding agreement with the Administrator to pay to the United States 45 percent of the costs incurred in the construction of such treatment works.

(i) **Definitions.** — For purposes of this section, the terms "construction" and "treatment works" have the meanings such terms have under section 212 of the Federal Water Pollution Control Act.

(j) **Authorization of Appropriations.** — There is authorized to be appropriated for fiscal years beginning after September 30, 1986, such sums as may be necessary to the Administrator to make grants under this section and such sums as may be necessary to the Commission or such other agency, commission, or entity as the President may designate under subsection (b), to carry out this section.

Sec. 511. Limitation on Discharge of Raw Sewage by New York City.

(a) **In General.** —

(1) **North River Plant.** — If the wastewater treatment plant identified in the consent decree as the North River plant has not achieved advanced preliminary treatment as required under the terms of the consent decree by August 1, 1986, the city of New York shall not discharge raw sewage from the drainage area of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any 30-day period than an amount equal to 30 times the average daily amount of raw sewage discharged from such drainage area during the 12-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1986 (as determined by the Administrator), except as provided in subsection (b).

(2) **Red Hook Plant.** — If the wastewater treatment plant identified in the consent decree as the Red Hook plant has not achieved advanced preliminary treatment as required under the terms of the consent decree by

August 1, 1987, the city of New York shall not discharge raw sewage from the drainage area of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any 30-day period than an amount equal to 30 times the average daily amount of raw sewage discharged from such drainage area during the 12-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1987 (as determined by the Administrator), except as provided in subsection (b).

(b) **Waivers.** —

(1) **Interruption of Plant Operation.** — In the event of any significant interruption in the operation of the North River plant or the Red Hook plant caused by an event described in subparagraph (A), (B), or (C) of paragraph (5) occurring after the applicable deadline established under subsection (a), the Administrator shall waive the limitation of subsection (a) with respect to such plant, but only to such extent and for such limited period of time as may be reasonably necessary for the city of New York to resume operation of such plant.

(2) **Increased Precipitation.** — In the event that the volume of precipitation occurring after the applicable deadline established under subsection (a) causes the discharge of raw sewage to exceed the limitation under subsection (a), the Administrator shall waive the limitation of subsection (a) with respect to either or both such plants, but only to such extent and for such limited period of time as the Administrator determines to be necessary to take into account the increased discharge caused by such volume of precipitation.

(3) **Variations in Certain North River Drainage Area Discharges.** — In the event that an increase in discharges from the North River drainage area constituting a violation of subsection (a)(1) is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1986, is not responsible for such violation, the Administrator shall waive the limitation of subsection (a)(1), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(4) **Variations in Certain Red Hook Drainage Area Discharges.** — In the event that an increase in discharges from the Red Hook drainage area constituting a violation of subsection (a)(2) is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1987, is not responsible for such violation, the Administrator shall waive the limitation of subsection (a)(2), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(5) **Circumstances Beyond City's Control.** — The Administrator shall extend either deadline under paragraph (1) or (2) of subsection (a) to such extent and for such limited period of time as may be reasonably required to take into account any —

(A) act of war.

(B) unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight, or

(C) other circumstances beyond the control of the city of New York, except such circumstances shall not include (i) the unavailability of Federal funds under section 201 of the Federal Water Pollution Control Act, (ii) the unavailability of funds from the city of New York or the State of New York, or (iii) a policy decision made by the city of New York or the State of New York to delay the achievement of advanced preliminary treatment at the North River plant or Red Hook plant beyond the applicable deadline set forth in subsection (a).

(c) **Penalties.** — Except as otherwise provided in subsection (b), any violation of subsection (a) shall be considered to be a violation of section 301 of the Federal Water Pollution Control Act, and all provisions of such Act relating to violations of such section 301 shall apply.

(d) **Consent Decree Defined.** — For purposes of this section, the term "consent decree" means the consent decree entered into by the Environmental Protection Agency, the city of New York, and the State of New York, on December 30, 1982, relating to construction and operation of the North River and Red Hook wastewater treatment plants.

(e) **Cooperation.** — The Administrator shall work with the city of New York to eliminate the discharge of raw sewage by such city at the earliest practicable date.

(f) **Savings Clause.** — Nothing in this section shall be construed as modifying the terms of the consent decree.

(g) **Sense of Congress.** — It is the sense of Congress that the Administrator should not agree to any further modification of the consent decree with respect to the schedule for achieving advanced preliminary treatment.

(h) **Termination Dates.** —

(1) **North River Plant.** — The provisions of this section shall remain in effect with respect to the North River drainage area until such time as the North River plant has achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(2) **Red Hook Plant.** — The provisions of this section shall remain in effect with respect to the Red Hook drainage area until such time as the Red Hook plant has

achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(i) **Monitoring Activities.** — The Administrator shall promptly establish and carry out a program within available funds to implement the monitoring activities which may be required under subsection (a).

(j) **Establishment of Methodologies.** — The Administrator shall establish the methodologies, data base, and any other information required for making determinations under subsection (b)—

(1) for the North River drainage area (as defined in the consent decree) by July 31, 1986, unless the requirements of subsection (h)(1) have been satisfied, and

(2) for the Red Hook drainage area (as defined by the consent decree) by July 31, 1987, unless the requirements of subsection (h)(2) have been satisfied.

(k) **Violations.** — In carrying out this section, if the Administrator finds that a violation of subsection (a) has occurred, the Administrator shall also determine, within 30 days after such finding, whether a provision of subsection (b) applies. If the Administrator requires information from the city of New York in order to determine whether a provision of subsection (b) applies, the Administrator shall request such information. If the city of New York does not supply the information requested by the Administrator, the Administrator shall determine that subsection (b) does not apply. The city of New York shall be responsible only for such expenses as are necessary to provide such requested information. Enforcement action pursuant to subsection (c) shall be commenced at the end of such 30 days unless a provision of subsection (b) applies.

Sec. 512. Oakwood Beach and Red Hook Projects, New York.

(a) **Relocation of Natural Gas Facilities.** — Notwithstanding any provision of the Federal Water Pollution Control Act, the Administrator shall pay, to the extent provided in appropriation Acts, in the same proportion as the Federal share of other project costs, all expenses for the relocation of facilities for the distribution of natural gas with respect to the entire wastewater treatment works known as the Oakwood Beach (EPA Grant Numbered 360392) and Red Hook (EPA Grant Numbered 360394) projects, New York.

(b) **Authorization of Appropriations.** — There is authorized to be appropriated for fiscal years beginning after September 30, 1986, not to exceed \$7,000,000 to carry out this section.

Sec. 513. Boston Harbor and Adjacent Waters.

(a) **Grants.** — The Administrator shall make grants to the Massachusetts Water Resource Authority for purposes of—

(1) assessing the principal factors having an adverse effect on the environmental quality of Boston Harbor and its adjacent waters;

(2) developing and implementing a management program to improve the water quality of such Harbor and waters; and

(3) constructing necessary waste water treatment works for providing secondary treatment for the areas served by such authority.

(b) Federal Share. — The Federal share of projects described in subsection (a) shall not exceed 75 percent of the cost of construction thereof.

(c) Emergency Improvements. — The Administrator is authorized and directed to make grants to the Massachusetts Water Resource Authority for a project to undertake emergency improvements at the Deer Island Waste Water Treatment Plant in Boston, Massachusetts. The Federal share of such project shall not exceed 75 percent of the cost of carrying out such improvements.

(d) Authorization of Appropriations. — There is authorized to be appropriated \$100,000,000 to carry out this section for fiscal years beginning after September 30, 1986, to remain available until expended. Such sums shall be in addition to and not in lieu of any other amounts authorized to be appropriated under title II of the Federal Water Pollution Control Act.

Sec. 514. Wastewater Reclamation Demonstration.

(a) Authority to Make Grants. — The Administrator is authorized to make a grant to the San Diego Water Reclamation Agency, California, to demonstrate and field test for public use innovative processes which advance the technology of wastewater reclamation and which promote the use of reclaimed wastewater.

(b) Federal Share. — The Federal share of grants made under this section shall be 85 percent of the costs of conducting such demonstration and field test.

(c) Authorization of Appropriations. — There is authorized to be appropriated not to exceed \$2,000,000 to carry out this section for fiscal years beginning after September 30, 1986.

Sec. 515. Des Moines, Iowa.

(a) Grant. — The Administrator is authorized to make a grant to the city of Des Moines, Iowa, for construction of the Central Sewage Treatment Plant component of the Des Moines, Iowa, Metropolitan area project. The Federal share of such project shall be 75 percent of the cost of construction.

(b) Authorization of Appropriations. — There is authorized to be appropriated to carry out this section not to exceed \$50,000,000 for fiscal years beginning after September 30, 1986. Such sums shall be in addition to and not in lieu of any other amounts authorized to be

appropriated under title II of the Federal Water Pollution Control Act.

Sec. 516. Study of De Minimis Discharges.

(a) Study. — The Administrator shall conduct a study of discharges of pollutants into the navigable waters and their regulation under the Federal Water Pollution Control Act to determine whether or not there are discharges of pollutants into such waters in amounts which, in terms of volume, concentration, and type of pollutant, are not significant and to determine the most effective and appropriate methods of regulating any such discharges.

(b) Report. — Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study along with recommendations and findings concerning the most effective and appropriate methods of regulating any discharges of pollutants into the navigable waters in amounts which the Administrator determines under such study to be not significant.

Sec. 519. Study of Pretreatment of Toxic Pollutants.

(a) Study. — The Administrator shall study—

(1) the adequacy of data on environmental impacts of toxic industrial pollutants discharged from publicly owned treatment works;

(2) the extent to which secondary treatment at publicly owned treatment works removes toxic pollutants;

(3) the capability of publicly owned treatment works to revise pretreatment requirements under section 307(b)(1) of the Federal Water Pollution Control Act;

(4) possible alternative regulatory strategies for protecting the operations of publicly owned treatment works from industrial discharges, and shall evaluate the extent to which each such strategy identified may be expected to achieve the goals of this Act;

(5) for each such alternative regulatory strategy, the extent to which removal of toxic pollutants by publicly owned treatment works results in contamination of sewage sludge and the extent to which pretreatment requirements may prevent such contamination or improve the ability of publicly owned treatment works to comply with sewage sludge criteria developed under section 405 of the Federal Water Pollution Control Act; and

(6) the adequacy of Federal, State, and local resources to establish, implement, and enforce multiple pretreatment limits for toxic pollutants for each such alternative strategy.

(b) Report. — Not later than 4 years after the date of the enactment of this Act, the Administrator shall submit a report on the results of such study along with

recommendations for improving the effectiveness of pretreatment requirements to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Sec. 520. Studies of Water Pollution Problems in Aquifers.

(a) Studies. — The Administrator, in conjunction with State and local agencies and after providing an opportunity for full public participation, shall conduct studies for the purpose of identifying existing and potential point and nonpoint sources of pollution, and of identifying measures and practices necessary to control such sources of pollution, in the following groundwater systems and aquifers:

(1) the groundwater system of the Upper Santa Cruz Basin and the Avra-Altar Basin of Pima, Pinal, and Santa Cruz Counties, Arizona;

(2) the Spokane-Rathdrum Valley Aquifer, Washington and Idaho;

(3) the Nassau and Suffolk Counties Aquifer, New York;

(4) the Whidbey Island Aquifer, Washington;

(5) the Unconsolidated Quaternary Aquifer, Rockaway River area, New Jersey;

(6) contaminated ground water under Litchfield, Hartford, Fairfield, Tolland, and New Haven counties, Connecticut; and

(7) the Sparta Aquifer, Arkansas.

(b) Reports. — Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the studies conducted under this section.

(c) Authorization of Appropriations. — There is authorized to be appropriated \$7,000,000 for fiscal years beginning after September 30, 1986, to carry out this section.

Sec. 522. Solids Correction Study.

(a) Study. — The Administrator shall conduct a study of the corrosive effects of solids in collection and treatment systems, the extent to which the uniform imposition of categorical pretreatment standards will exacerbate such effects, and the range of available options to deal with such effects.

(b) Consultation. — The study required by this sec-

tion shall be conducted in consultation with the Los Angeles City and County sanitation agencies.

(c) Report. — Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report on the results of the study, together with recommendations for measures to reduce the corrosion of treatment works, to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(d) Authorization of Appropriations. — There is authorized to be appropriated \$1,000,000 to carry out this section for fiscal years beginning after September 30, 1986.

Sec. 523. Study of Rainfall Induced Infiltration Into Sewer Systems.

(a) Study. — The Administrator shall study problems associated with rainfall induced infiltration into wastewater treatment sewer systems. As part of such study, the Administrator shall study appropriate methods of regulating rainfall induced infiltration into the sewer system of the East Bay Municipal Utility District, California.

(b) Report. — Not later than one year after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of such study, along with recommendations on reasonable methods to reduce such infiltration.

Sec. 524. Dam Water Quality Study.

The Administrator, in cooperation with interested States and Federal agencies, shall study and monitor the effects on the quality of navigable waters attributable to the impoundment of water by dams. The results of such study shall be submitted to Congress not later than December 31, 1987.

Sec. 525. Study of Pollution in Lake Pend Oreille, Idaho.

The Administrator shall conduct a comprehensive study of the sources of pollution in Lake Pend Oreille, Idaho, and the Clark Fork River and its tributaries, Idaho, Montana, and Washington, for the purpose of identifying the sources of such pollution. In conducting such study, the Administrator shall consider existing studies, surveys, and test results concerning such pollution. The Administrator shall report to Congress the findings and recommendations concerning the study conducted under this section.

APPENDIX

I

(b) It is unlawful to erect, make, use, or maintain any structure, obstruction, deposit, or excavation in or on any floodway or to suffer or permit any structure, obstruction, deposit, or excavation to be erected, made, used, or maintained in or on any floodway which will adversely affect the efficiency of, or unduly restrict the capacity of, the floodway, or which, by virtue of its nature, design, method of construction, state of maintenance, or physical condition, will constitute an unreasonable hazard to the safety of life or property, or result in unreasonably detrimental effects upon the fish, wildlife, or botanical resources, and the same are declared to be and to constitute public nuisances. 1 * 2 * 3 *

(c) The director may commence, maintain, and prosecute any appropriate action to enjoin or abate a nuisance, including any of the nuisances described in subsection (a) or (b) and any other nuisance which adversely affects flood control or the safety of life or property, or is unreasonably detrimental to fish, wildlife, or botanical resources.

(d) A person desiring to:

- (1) Erect, make, use, or maintain a structure, obstruction, deposit or excavation;
- (2) Suffer or permit a structure, obstruction, deposit, or excavation to be erected, made, used, or maintained; or
- (3) Make an addition to a lawful abode or place of residence if:
 - (A) The addition does not increase the value of the abode or place of residence by more than fifty percent (50%), excluding the value of the land; and
 - (B) A previous addition was not made to the abode or place of residence;

in or on any floodway shall first file with the director a verified written application for a permit accompanied by a nonrefundable fee established under section 4.1 [IC 13-2-22-4.1] of this chapter. The application must set forth the material facts together with plans and specifications for the structure, obstruction, deposit, or excavation. The applicant must receive a permit from the director for the work before beginning construction. The director shall issue a permit only if in the opinion of the director the applicant has clearly proven that the structure, obstruction, deposit, or excavation will not adversely affect the efficiency of, or unduly restrict the capacity of, the floodway, will not constitute an unreasonable hazard to the safety of life or property, and will not result in unreasonably detrimental effects upon fish, wildlife, or botanical resources. In deciding whether to issue a permit under this subsection, the director shall consider the cumulative effects of the structure, obstruction, deposit, or excavation. A permit issued under this subsection is void if construction is not commenced within two (2) years after the issuance of the permit. However, authorization and approval of the director is not required for:

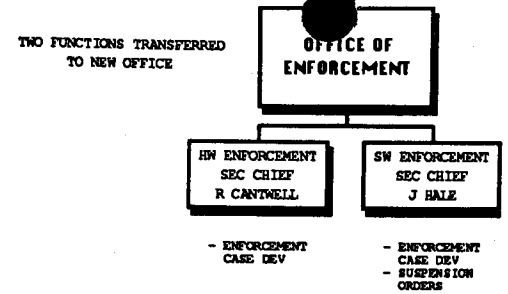
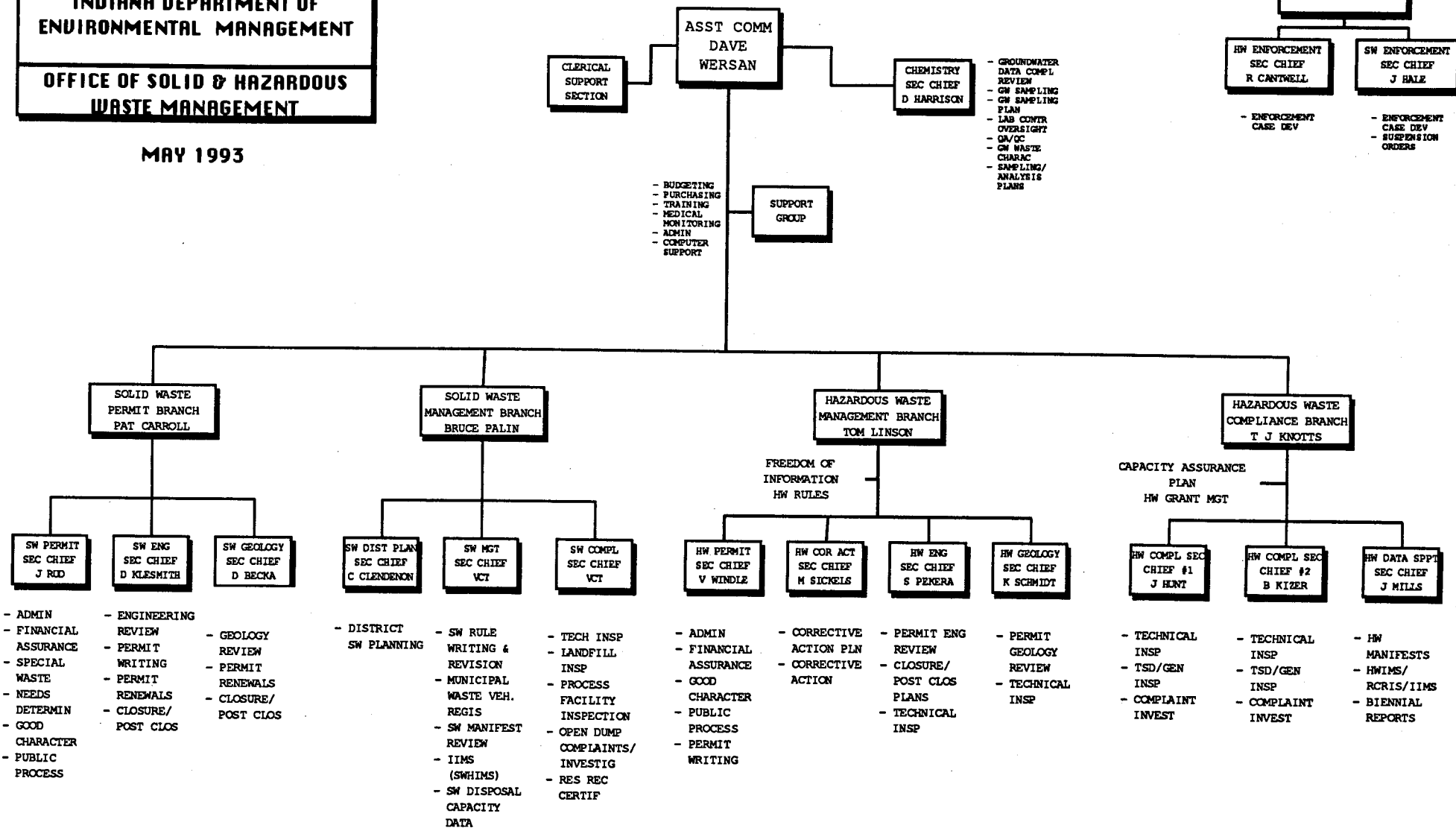
- (1) A reconstruction or maintenance project (as defined in IC 36-9-27) on a stream or regulated drain in an agricultural (or rural) area where the total length of the stream or drain is ten (10) miles or less; or

APPENDIX

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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF SOLID & HAZARDOUS WASTE MANAGEMENT

MAY 1993



This document is provided for informational purposes. It is not an enforceable guidance document.

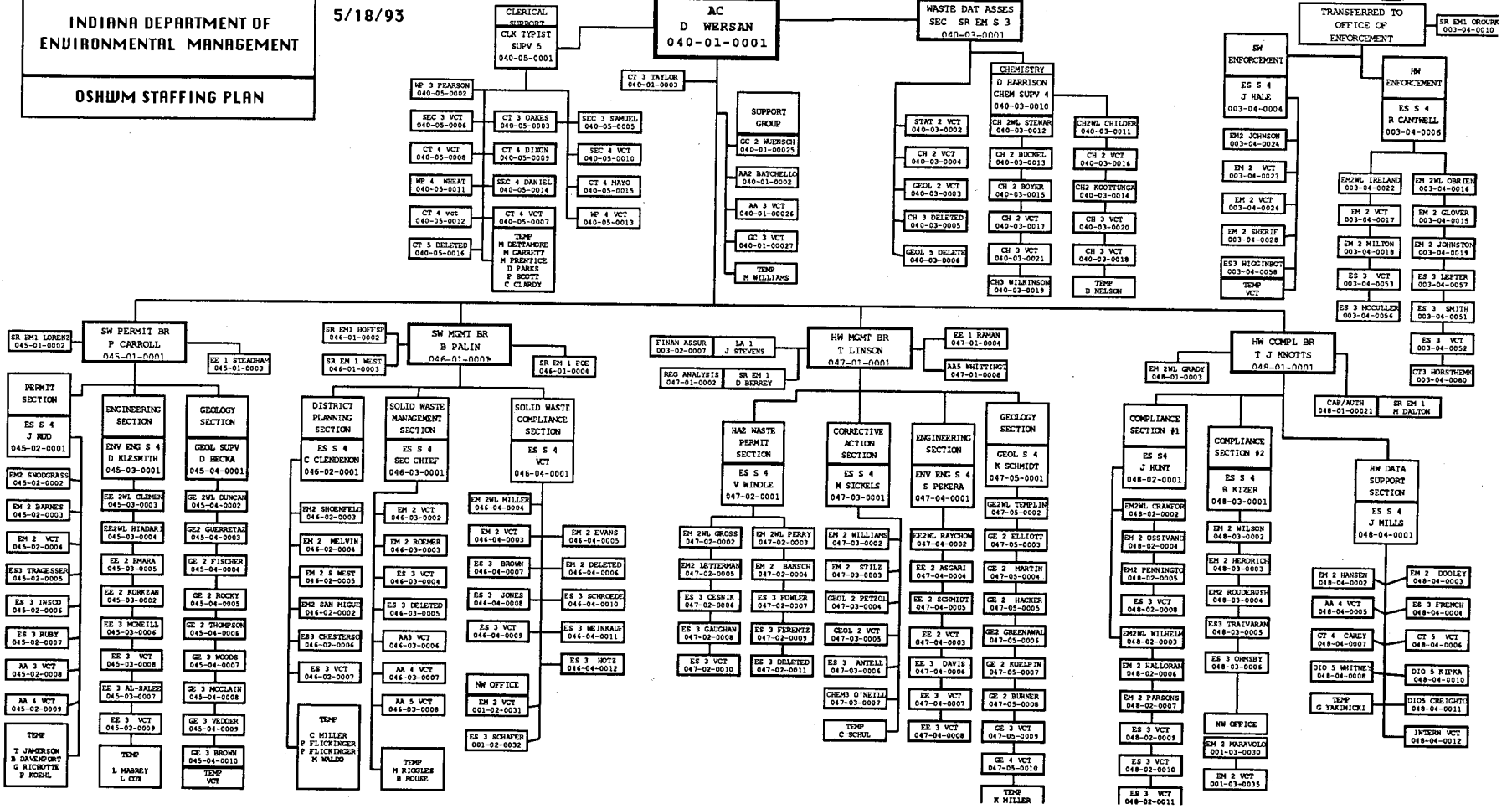
APPENDIX

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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DSHWM STAFFING PLAN

5/18/93



This document is provided for informational purposes. It is not an enforceable guidance document.

APPENDIX

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March 4, 1991

TO: Applicant

FROM: Kathy Prosser
Commissioner



SUBJECT: Identification of Potentially Affected Persons

The Administrative Orders and Procedures Act requires that the Department of Environmental Management give notice of its decision on your application to the following persons:

- a. each person to whom the decision is specifically directed;
- b. each person to whom a law requires notice be given;
- c. each competitor who has applied to the Department of Environmental Management for a mutually exclusive license, if issuance is the subject of the decision and the competitor's application has not been denied in an order for which all rights to judicial review have been waived or exhausted;
- d. each person who has provided the Department of Environmental Management with a written request for notification of the decision;
- e. each person who has a substantial and direct proprietary interest in the issuance of the permit (or variance);
- f. each person whose absence as a party in the proceeding concerning the permit (or variance) decision would deny another party complete relief in the proceeding or who claims an interest related to the issuance of the permit (or variance) and is so situated that the disposition of the matter, in the person's absence may:
 1. as a practical matter impair or impede the persons ability to protect that interest, or
 2. leave any other person who is a party to a proceeding concerning the permit subject to a substantial risk of incurring multiple or otherwise inconsistent obligations by reason of the person's claimed interest.

IC 4-21.5-3-5(f) provides that we may request your assistance in identifying these people. Our failure to properly identify and notify these people of the decision could have the result of voiding any decision which is made.

As part of your application, identify those people who you believe are entitled to notice by IC 4-21.5-3-5. I am especially interested in your identifying those addressed under subdivisions (e) and (f) above.

Your assistance in identifying these people will help ensure that the legislature's intent is met and the decision made by the Department of Environmental Management is upheld upon administrative or judicial review.

Thank you for your cooperation.

Identification of Potentially Affected Persons

Please read the attached letter from the Commissioner and list here any persons whom you have reason to believe have a substantial or proprietary interest in this matter or could otherwise be considered to be potentially affected under the law. Failure to notify a person who is later determined to be potentially affected could result in voiding our decision on your permit on procedural grounds. To ensure conformance with the Administrative Adjudication Act and to avoid reversal of a decision on your permit, please list all such parties. Use additional sheets if necessary.

NAME _____
STREET _____

CITY, STATE, ZIPCODE _____

NAME _____
STREET _____

CITY, STATE, ZIPCODE _____

NAME _____
STREET _____

CITY, STATE, ZIPCODE _____

Please complete this form by signing the following statement.

I certify that to the best of my knowledge I have listed all potentially affected parties, as defined by IC 4-21.5, known to me. If none are listed it signifies that no such parties are known.

Signed _____

Title _____

Company _____

Date _____

The following materials are included in this permit application package for a Restricted Waste Site Type III:

Information on how to obtain copies of the Solid Waste Rule (329 IAC 2)
1 copy of the Solid Waste Facility Permit Application
1 copy of the Fee Transmittal Form
1 copy of the Permit Application Checklist for Restricted Waste Site Type III
1 copy of the memo "Identification of Potentially Affected Persons"
1 copy of the list for Identification of Potentially Affected Persons
1 copy of the draft Closure and Post-Closure Plan Preparation Guidance
1 copy of the memorandum "Additional Requirements for Solid Waste Permit Applications Per New Legislation" attachments:

1. House Enrolled Act No. 1472
2. IDEM Solid Waste Facility Character Disclosure Statement
3. Request for Limited Criminal History Information
4. IDEM Authorization to Release Criminal History Information
5. Title 329, Solid Waste Management Board Proposed Rule LSA Document #90-103 ("Need Rule")
6. House Enrolled Act No. 1388



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Governor
Kathy Prosser
Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

To Whom It May Concern:

Re: Typical Information Required for
Demonstration of Need for Solid Waste Facilities

The demonstration of need for Solid Waste facilities must be supported by information required by the Indiana Administrative Code, 329 IAC 2-8-12. Specifically the following information is required to complete the demonstration of need. Please note, the enclosed guidelines from the Indiana Solid Waste Management Plan, Volume II and the affected Solid Waste Management District(s) may be of some assistance in preparing the information requested according to the following format.

1. A geographic description and narrative of the anticipated area* that would be served by the facility as indicated by the following:
 - a. Proposed or existing solid waste management district(s) or portions thereof as required by IC-13-9.5.'
 - b. Municipality, County, Counties, Facilities or portions thereof, and counties and state if the anticipated service area includes portions outside of Indiana.
 - c. A scale map with anticipated service area and proposed facility identified.
 - d. Maximum one-way haul distance from facility to anticipated area served.

*NOTE: For some types of facilities, the anticipated service area may be an individual waste generation unit.

2. Identification of the existing solid waste management facilities which accept the solid wastes identified in item 3 and which serve the anticipated service area identified in item 1 to include: (Note, a generic table is included as an example.)
 - a. Name of the facility.
 - b. Location of the facility.
 - c. Type of facility.
 - d. Type of waste permitted to be received by the facility.

- e. The permitted disposal or processing capacity of the facility, and annual disposal or processed quantities.
 - f. The estimated remaining useful life of the current facility, and estimated closure date.
 - g. A scale map with existing solid waste management facilities located.
3. Identify the needs for the anticipated service area, with an inventory and a description of each source of solid waste and total quantities to be accepted at the proposed facility to include:
- a. Type of solid waste source (i.e. currently generated, public, restricted, and/or proposed).
 - b. SWM District letters of agreement or support for the facility; or for "captive" sites, notification to the District that the facility will accept a solid waste stream(s).
 - c. Recycling/composting actions and % reduction in disposed quantities. e.g. Material recycling contracts and agreements.
 - d. Solid waste inventory of anticipated service area for designated base year. Residential, commercial, manufacturing, medical, etc. depending on the types of waste to be accepted by the facility.

Volume & Type (Municipal, residential, commercial, manufacturing etc.) of source/generator.

% Allocation from each source category
i.e. in-plant, in-county or SWM district, out-of-state, etc.

Estimated total daily and annual volume of solid waste generated in anticipated service area for current calendar year.
 - e. Projected solid waste generation rate increases. Identify any assumptions and effects of assumptions on generation rates. Refer to 327 IAC 2-14-8 for solid waste weight calculations.
 - f. Projected useful life of facility/total waste disposal or processing capacity proposed.
4. A description of where the solid waste proposed for the facility is currently going.

You should be aware that the information supplied relative to "need" may be incorporated into a permit condition which will limit the service area for a proposed solid waste facility.

Page 3

The above-noted information must be submitted in complete form. The department's technical review of a proposed facility may be delayed until such time as a demonstration of need is complete.

If you have any questions, please contact me at 317/232-8866.

Sincerely,

Patrick Carroll, Chief
Technical Support Branch
Solid and Hazardous Waste Management

PJC/bja

Enclosures

Example Table of Facilities

Copy of 329 IAC 2-8-12

Solid Waste Management District Facilities Inventory Guide

!5460y 6-17-92 bja

329 IAC 2-8-12 Demonstration and determination of need requirements

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10-1.5

Affected: IC 13-1-3; IC 13-7; IC 13-9.5; IC 36-9-30

Sec. 12. (a) This section applies to all permits for new solid waste facilities or major modifications of permits issued after March 20, 1990.

(b) In accordance with subsection (a), and in addition to other permit application requirements outlined in this rule, the following are also required:

(1) A description of the anticipated area that would be served by the facility as indicated by the following:

(A) Solid waste management district(s) if established.

(B) County, counties, or portions thereof.

(C) County, counties, and state if the area includes portions outside of Indiana.

(2) A description of the existing solid waste management facilities which serve the same described area.

(3) A description of the need, that would be fulfilled by constructing the proposed facility, as follows:

(A) For facilities proposed in areas with approved district solid waste management plans, a description of the need identified in the district solid waste management plan required by IC 13-9.5.

(B) For facilities proposed in areas without approved district solid waste management plans, a description of need for the proposed area to be served.

(4) A description of recycling, composting, or other activities which the facility would operate within the proposed area of service.

(5) A description of the additional disposal capacity which the facility, if permitted, would provide for the proposed area of service.

(6) Additional information as requested by the commissioner.

(c) The commissioner shall review the submitted application and accompanying materials in accordance with provisions of this rule. If it is determined that there is not a local or regional need in Indiana for the solid waste management facility, the commissioner shall deny the permit application. (*Solid Waste Management Board; 329 IAC 2-8-12; filed Feb 19, 1991, 12:06 p.m.: 14 IR 1385*)

Rule 9. Solid Waste Facility Classifications and Waste Criteria

329 IAC 2-9-1 Types of facilities

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. The following classifications will be used for the purpose of defining site requirements and permissible wastes to be received for all solid waste facilities:

(1) Construction/demolition site.

(2) Restricted waste site as follows:

(A) Restricted waste site type I.

(B) Restricted waste site type II.

EXAMPLE

EXISTING PERMITTED SOLID WASTE FACILITIES WHICH SERVE THE ANTICIPATED SERVICE AREA

Service Area Number	Facility Name	Location (County, State)	Type	Total (tons) Annual SW Quantities	Annual Out-of-State Solid Waste (Tons)	Total Estimated Permitted Capacity (Tons)	Estimated Remaining Life (year)	Approximate Closure Date
1	Waste, Inc.	Alpha Co.	LF	154,000	None	1,540,000	10 years	2002
2	Beta Recycle	Beta Co.	TS/R	60,000	None	170 tons/day	20 years	2012

NOTES: RWS-Type I, II, III Restricted Waste Sites
 LF - Landfill
 CD - Construction/Demolition Site
 TS/R - Processing Facilities (Transfer Station/Recycle)
 IN - Incinerator
 NA - Not Applicable

SOURCES: IDEM Quarterly Reports '91
 1990 Indiana Solid Waste Management Plan, Vol. I, II, III
 IDEM Summary of Solid Waste Facility Data - 1991 Annual Report



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

We have had numerous requests for copies of Indiana's Laws/Regulations on Solid and/or Hazardous Waste. Copies of Indiana's Laws/Regulations are available from:

Legislative Services Agency
Administrative Code and Register Division
302 State House
Indianapolis, Indiana 46204

The Legislative Services Agency may also be reached by calling AC 317/232-9557.

- For a copy of the Indiana Law that governs solid and hazardous waste management ask for the Environmental Management Act which is codified at IC 13-7.
- For a copy of Indiana's regulations that govern solid waste management ask for 329 IAC-2.
- For a copy of Indiana's regulations that govern hazardous waste management ask for 329 IAC-3.

Staff of the Office of Solid and Hazardous Waste Management are available for assistance. If you have any questions, contact staff of the respective branch within the Offices of Solid and Hazardous Waste Management.

Hazardous Waste Management Branch
Phone: AC 317/232-4518

Solid Waste Management Branch
Phone: AC 317/232-4473

DWB/tlb

10/91

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Indiana Department of Environmental Management
Solid Waste Facility Permit Application

Instructions: This application shall be used to apply for all solid waste facility permits pursuant to 329 IAC 2-8. Upon completion, return this application and any additional materials to the following address:

Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
105 South Meridian Street, P. O. Box 6015
Indianapolis, IN 46206-6015

This application is for a: new permit permit modification
for additional acreage

Section A. Applicant(s) Information

Name			
Mailing Address, Street	City	State	Zip Code
AC - Telephone Number			

Section B. Property Owner(s) Information

Name			
Mailing Address, Street	City	State	Zip Code
AC - Telephone Number			

Section C. Facility Information

Name _____	
Mailing Address _____	
Facility Contact Person and Telephone # _____	
County and General Location _____	
- Type of Operation -	
<input type="radio"/> Sanitary Landfill <input type="radio"/> Construction/Demolition <input type="radio"/> Incinerator - 10 tons/day or greater <input type="radio"/> Infectious Waste Incinerator - 7 tons/day or greater	<input type="radio"/> Restricted Waste Site TYPE I <input type="radio"/> Restricted Waste Site TYPE II <input type="radio"/> Restricted Waste Site TYPE III <input type="radio"/> Solid Waste Processing Facility
Total Acreage Proposed for Facility _____	
Planned Life of Facility in Years _____	
Type of Waste to be received _____	
Expected Volume of Waste per day (cu. yds or tons) _____	

Section D. Permit Application Completeness Checklists

Checklists to facilitate the submittal of complete applications are available from the Office of Solid and Hazardous Waste Management. The appropriate checklist for the facility type checked in Section C above should be completed and attached as part of this application package.

Section E. Signatories

329 IAC 2-8-1(b) states the owner of the facility is responsible for applying for and obtaining a permit. 329 IAC 2-8-4 contains detailed signatory information and provides the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit information."

Facility Owner Signature

Date

The owner of the land upon which the facility is located shall also sign the application form acknowledging the land owner's responsibility in accordance with 329 IAC 2-8-7.

"I hereby certify that I am fully aware of my responsibilities established in 329 IAC 2 as owner(s) of the land upon which a solid waste facility is located and shall be liable for any environmental harm caused by the facility."

Property Owner Signature

Date

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INFORMATION FOR SOLID WASTE PERMIT APPLICANTS
SOLID WASTE RULE 329 IAC 2

Copies of the Solid Waste Rule (329 IAC 2) are available for \$14.65 from the Legislative Services Agency, 302 State House, Indianapolis, Indiana 46204. Address questions to Ms. Rebecca Walker, Office Manager, Administrative Code-Register, Legislative Services Agency at AC 317/232-9557. Make checks payable to the Legislative Services Agency. If you obtain a copy in person, proceed to Room 106 directly. (Room 302 is the main office where mail is received and processed.)

:4170Y 9-27-91 bja

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE FACILITY PERMIT APPLICATION

FEE TRANSMITTAL FORM

Instruction:

This form shall be used to transmit fees for all solid waste management facility permits (NEW permits, RENEWALS of permits, MAJOR MODIFICATIONS* of permits and ANNUAL OPERATING FEES) pursuant to 329 IAC 2-8, and is to accompany all payments. Make check or money order payable to the Indiana Department of Environmental Management. Upon completion, return this form and appropriate fees to the following address:

Cashier, Room 140
Indiana Department of Environmental Management
105 South Meridian Street
P. O. Box 7060
Indianapolis, IN 46206-7060

(NOTE: A COPY of your check and a COPY of this fee transmittal form must be attached to your permit application).

Section A. Applicant(s) Information

Name:		
Mailing Address:	Street	City
State	Zip Code	AC-Telephone Number:
Facility Name and County:		

*"Major Modification" means any change in a permitted solid waste facility which would increase the facility's permitted capacity to process or dispose of solid waste. (Per 329 IAC 2-2-1 as amended on February 19, 1991).

Section B. Solid Waste Permit Fee Schedule

1. Non-Government Entities

The following fees are to accompany new permit applications and major modifications to existing permits.

	<u>Permit Application for New Sites and Major Modifications</u>
Sanitary Landfill	
> 500 tons/day	<input type="checkbox"/> \$20,000
250-499 tons/day	<input type="checkbox"/> \$20,000
100-249 tons/day	<input type="checkbox"/> \$20,000
< 100 tons/day	<input type="checkbox"/> \$20,000
Processing Facilities (non-incineration)	<input type="checkbox"/> \$ 5,000
Incinerators	
> 500 tons/day	<input type="checkbox"/> \$20,000
250-499 tons/day	<input type="checkbox"/> \$20,000
100-249 tons/day	<input type="checkbox"/> \$20,000
10-99 tons/day	<input type="checkbox"/> \$20,000
Infectious Waste Incinerator (≥ 7 tons/day)	<input type="checkbox"/> \$ 4,000
Restricted Waste Site Type I	<input type="checkbox"/> \$14,000
Restricted Waste Site Type II	<input type="checkbox"/> \$ 4,000
Restricted Waste Site Type III	<input type="checkbox"/> \$ 2,000
Construction/Demolition Site	<input type="checkbox"/> \$ 1,000
Waste Tire Cutting Facility	<input type="checkbox"/> \$ 100

2. Government Entities

	<u>Permit Application for New Sites and Major Modifications</u>	<u>Permit Renewal</u>
Sanitary Landfill	<input type="checkbox"/> \$ 1,000	<input type="checkbox"/> \$ 500
Processing Facility (non-incineration)	<input type="checkbox"/> \$ 500	<input type="checkbox"/> \$ 250
Incinerator (≥ 10 tons/day)	<input type="checkbox"/> \$ 1,000	<input type="checkbox"/> \$ 500
Infectious Waste Incinerator (≥ 7 tons/day)	<input type="checkbox"/> \$ 1,000	<input type="checkbox"/> \$ 500
Restricted Waste Site Type I	<input type="checkbox"/> \$ 1,000	<input type="checkbox"/> \$ 500
Restricted Waste Site Type II	<input type="checkbox"/> \$ 1,000	<input type="checkbox"/> \$ 500
Restricted Waste Site Type III	<input type="checkbox"/> \$ 500	<input type="checkbox"/> \$ 250
Construction/Demolition Site	<input type="checkbox"/> \$ 500	<input type="checkbox"/> \$ 250

**PERMIT APPLICATION CHECKLIST
TYPE III
RESTRICTED WASTE SITE: NEW AND ADDED ACREAGE**

NOTE: The application must contain the following information. When specifying the location of an item, include the <i>VOLUME</i> , <i>SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	P
329 IAC 2-8-2 Permit Application			
(a) The following information provided on forms supplied by the commissioner:		P	
(1) The name and address of the applicant(s).		P	
(2) The name and address of the property owner(s).		P	
(3) The name, address, and location of the facility.		P	
(4) The legal description of the real property, to include the county, township, range, and section numbers and if applicable, the metes and bounds description, together with the acreage thereof for the following:		E	
(A) The area for which ownership will be established.		E/P	
(B) The facility area.		E	
(C) The waste deposition area.		E	
(5) Facility information, including the following:			
(A) A description of the type of operation.		E/P	
(B) The planned life of the facility (years).		E/P	
(C) The expected volume of waste to be received in cubic yards/day and/or tons/day.		E/P	
(D) The type(s) of waste to be received.		E/P	
(6) Required signatures and certification statements in accordance with 329 IAC 2-8-4.		P	
(7) Detailed plans and design specifications as required by 329 IAC 2-10 and 329 IAC 2-11.		E	
(8) Closure and post-closure plans as required by 329 IAC 2-15.		E	
(9) A description of the financial instrument which will be used to comply with 329 IAC 2-12.		P	
(10) Documents necessary to establish ownership of the real estate, including an option to purchase, upon which the facility is to be located. This includes a certified copy of the deed showing ownership in the person identified as the owner in the application, or said deed and evidence that ownership will be transferred to said owner prior to operation of the facility.		P	
(11) The name and addresses of all owners of record of property located within 1 mile of the proposed solid waste boundary of the solid waste land disposal facility.		P	
(12) Certification from the zoning authority, or the county commissioners if there is no zoning authority, that proper zoning approvals have been obtained, and the following documents:		P	
(A) A copy of the zoning requirements, if any, for solid waste facilities.		P	
(B) A copy of the improvement location or occupancy permit issued by the zoning authority (if applicable).		P	
(C) A copy of any zoning map amendments (if applicable).		P	
(D) A copy of any zoning ordinance amendments (if applicable).		P	
(E) A copy of any variance, special exception, special use, contingent use, or conditional use approval (if applicable).		P	
(F) The status of any appeals of any zoning determination, and if none pending, the date by which such appeal must be initiated.		P	
(b) Four copies of the completed application shall be submitted to the Office of Solid and Hazardous Waste by registered mail or in person. For all items larger than 11 X 17 inches, 1 of the 4 required copies submitted on reproducible mylar plastic. (check if present). OPTIONAL: a copy of the drawings submitted on a floppy disk in DGF (AutoCad) or DXF format.		P	

NOTE: The application must contain the following information. When specifying the location of an item include the <i>VOLUME</i> , <i>SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	P
(c) A request of confidentiality for information submitted in accordance with IC 13-7-6-6.		P	
(d) If corporation, articles of existence signed by the Indiana Secretary of State.		P	
(e) An application fee submitted in accordance with 329 IAC 2-8-3, using the Fee Transmittal Form supplied by the Indiana Department of Environmental Management.		P	
329 IAC 2-8-12 Demonstration and Determination of Need Requirements			
(b) The following are included in the application:		P	
(1) A description of the anticipated area that will be served by the facility as indicated by the following:		P	
(A) Solid waste management districts, if established.		P	
(B) County, counties, or portions thereof.		P	
(C) County, counties, and state if the area includes portions outside of Indiana.		P	
(2) A description of the existing solid waste management facilities which serve the same described area.		P	
(3) A description of the need that would be fulfilled by constructing the proposed facility, as follows:		P	
(A) For facilities proposed in areas with approved district solid waste management plans, a description of the need identified in the district solid waste management plan required by IC 13-9.5.		P	
(B) For facilities proposed in areas without approved district solid waste management plans, a description of the need for the proposed area to be served.		P	
(4) A description of recycling, composting, or other activities which the facility would operate within the proposed area of service.		P	
(5) A description of the additional disposal capacity which the facility, if permitted, would provide for the proposed area of service.		P	
(6) Additional information as requested by the Commissioner.		P	
329 IAC 2-10-1 Solid Waste Boundary Limits			
(1) The solid waste boundary of the landfill will not be located in any of these prohibited areas:			
(A) Within a wetlands in violation of Section 404 of the Clean Water Act.		E/G	
(B) Within the critical habitat of an endangered species as defined by 50 CFR 17.		E	
(C) Within floodways of drainage areas greater than 1 square mile, without the approval of the Department of Natural Resources, and within any floodway without provisions to prevent washout of the waste.		E	
(D) Within areas of karst topography, without provisions to collect and contain all of the leachate generated and without a demonstration that the integrity of the landfill will not be damaged by subsidence.		G	
(E) Over mines, unless it is demonstrated that the integrity of the landfill will not be damaged by subsidence.		G	
(F) Within 600 feet of a potable water well in use as a water supply on the date of public notice for zoning approval for the permitted activity, or on the date of public notice of the permit application by the Commissioner, whichever occurs first, unless written consent has been obtained from the owner of the well.		G	
(2) Within 50 feet of the real property boundaries of the facility.		E	
329 IAC 2-10-4 Design Standards			
(a) The applicant will demonstrate that there is a barrier between the solid waste and the aquifer in accordance with the requirements contained in this section.			

NOTE: The application must contain the following information. When specifying the location of an item include the <i>VOLUME</i> , <i>SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	P
(1) The barrier shall consist of soil, whether undisturbed, constructed, or a combination thereof, with an equivalent hydraulic conductivity through the barrier of less than or equal to 1×10^{-6} centimeters per second.		E/G	
(2) The barrier shall have a minimum thickness of the following:			
(A) 3 feet between the solid waste and any locally useful aquifer.		E/G	
(b) The barrier thickness, as specified in subsection (a) may be increased due to cation exchange capacities less than 10 milliequivalents per 100 grams or decreased due to lack of ground water resources in the area or alternate technology such as synthetic liners and leachate collection.		E/G	
329 IAC 2-11-1 General			
All design drawings shall be:		E	
- Certified by a registered professional engineer.		E	
- Properly (uniquely) titled.		E	
329 IAC 2-11-2 General Documentation Required			
(a) The application accompanied by the following information:			
(1) A USGS topographical map (7 1/2 minute) or equivalent, including all areas within 2 miles of the facility with property and solid waste boundaries clearly delineated.		E	
(2) Documentation of the base flood elevation within 1/4 mile of the proposed facility. This information shall be obtained from the Indiana Department of Natural Resources, where available.		E	
329 IAC 2-11-3 Plot Plans and Cross-Sectional Drawings			
(a) All plot plans include the following items:			
— Plot plans required by this section have a scale of 1 inch = 100 feet for a site of less than 80 acres and 1 inch = 200 feet for a larger site.		E/G	
— A bar scale shown on all plans.		E/G	
— All plot plans include the facility boundaries.		E/G	
— All facility plan elevations correlate with USGS mean sea level data.		E/G	
— Each of the features required by this section and which are located within 300 feet of the facility boundaries are indicated on a plot plan.		E/G	
(b) Applications are accompanied by the following plot plans and cross-sections:			
(1) A plot plan which indicates:			
(A) The locations and elevations of all existing and proposed on-site boring locations.		E	
(B) Rock outcroppings.		E	
(C) The surface water runoff direction.		E	
(D) Fences.		E	
(E) Utility easements and rights-of-way.		E	
(F) Present land surface contours at intervals of no more than 5 feet.		E	
(G) Proposed location of scales required by 329 IAC 2-14-8.		E	
(2) A plot plan which indicates the fill boundaries and proposed final contours of the site at intervals of no more than 2 feet.		E	
329 IAC 2-11-4 Soils, Ground Water and Geology Information; General			
The application is accompanied by the following information:			
(1) A soils map and related description data, as published by the U.S. Department of Agriculture, Soil Conservation Service.		G	

NOTE: The application must contain the following information. When specifying the location of an item include the <i>VOLUME</i> , <i>SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	P
(2) Drilling logs and a topographic map indicating the location, and identifying with respect to the drilling logs, all wells within 2 miles of the proposed facility which are on file with the Indiana Department of Natural Resources.		G	
(3) Results of a survey of all residences within 1/4 mile of the solid waste boundary to determine if wells are present at these residences that do not have well logs on file with the Indiana Department of Natural Resources. Include information on these wells.		G	
329 IAC 2-11-5 Soils, Ground Water and Geology Information; Certified			
(b) The application is accompanied by the following information certified by a registered professional engineer or certified professional geologist, either of whom has the education or professional experience in hydrogeology or ground water hydrology if well logs soils maps, or other information do not indicate a suitable barrier between locally useful aquifers and the waste:		G	
(1) The number and location of soil borings completed at the site are as follows:			
(A) One boring for every 5 acres of fill area up to 100 acres, and 1 boring for every 10 acres of fill area beyond 100 acres, with a minimum of 5 borings at any site. These borings are evenly distributed over the site.		G	
(B) Borings completed to a depth necessary to indicate compliance with the design standards of 329 IAC 2-10, with a minimum depth of 20 feet below the depth of waste placement or to bedrock, whichever is shallower.		G	
(C) At least 1 of the borings required by (A) for sites less than 10 acres, and at least 2 borings for sites greater than 10 acres completed to a depth of at least 70 feet below the depth of waste placement, or at least 20 feet into bedrock, whichever is shallower. If 2 borings are required they are evenly distributed over the site.		G	
(D) Additional borings, not necessarily meeting the preceding requirements, may be required to delineate the boundaries of any feature pertinent to the site design.		G	
(E) Alternate testing, which provides comparable information, and which has been approved by the Commissioner.		G	
(F) The Commissioner was given prior notification as to the date and time of the soil borings.		G	
(2) Borings logs include the following:		G	
— Date of drilling.		G	
— Method of drilling.		G	
— Method of backfilling and sealing of borehole.		G	
— Textural classification and descriptions for the entire depth of the boring.		G	
— The depths to and thickness of any water bearing zones.		G	
— Static water levels immediately following the boring.		G	
— The mean sea level surface elevation.		G	
— Identification of the textural classification system utilized.		G	
(3) The following testing requirements apply to the minimum number of borings required under subdivision (1):		G	
(A) Split spoon samples of the unconsolidated material taken at an interval of 1/2.5 feet.		G	
(B) For at least 3 evenly distributed borings, including 1 deep boring, split spoon samples of the unconsolidated material taken on a continuous basis.		G	
(C) For all required deep borings, continuous core samples taken of any bedrock encountered.		G	
(D) A complete grain size analysis, including Atterberg limits, on a representative sample from each significant stratum encountered. At least 1 grain size analysis and Atterberg limits test performed for each of the required minimum number of borings.		G	

NOTE: The application must contain the following information. When specifying the location of an item include the <i>VOLUME</i> , <i>SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	P
(E) Hydraulic conductivity tests conducted on each of the required minimum number of borings at a depth of approximately 5 feet below the proposed base of waste placement.		G	
(F) For landfills designed under the provisions of 329 IAC 2-10-3(2), CEC tests conducted on each of the required minimum number of borings at a depth of approximately 5 feet below the proposed base of waste placement.		G	
(G) CEC and additional hydraulic conductivity tests conducted as necessary to characterize the major strata proposed for use as base and sidewall barriers or cover material.		G	
(H) Hydraulic conductivity sampling by a combination of in-situ field tests and laboratory permeability tests on undisturbed Shelby tube samples. CEC determined according to the ammonium saturation method specified in Part 2 of Methods of Soil Analysis by the American Society of Agronomy, 1965.		G	
(I) Other tests required by the commissioner in order to further evaluate soil suitability.		G	
(J) All testing and sampling procedures, and results identified with respect to boring and depth.		G	
(4) Maintain boring samples until the solid waste facility permit is issued, or until any litigation with regard to the proposed permit is resolved, whichever is later.		G	
(5) Borings may be converted to piezometers or cased holes to comply with the requirements of section 6 of this rule.		G	
329 IAC 2-11-7 Descriptive Narrative			
(a) A narrative describing the proposed facility, including the following:		E	
(1) — Anticipated quantity of solid waste to be deposited.		E	
— Types of solid waste to be deposited.		E	
— Sources of the solid waste to be deposited.		E	
329 IAC 2-14-8(d) If the landfill will accept waste from someone other than the owner/operator final weighing scales are required.		E	
(2) A description of the equipment to be used for placement and compaction of all solid waste, excavation of soil, moving of stockpiled soils, and application of cover soil.		E	
(3) Procedures to control fugitive dust.		E	
(4) A description of sanitary facilities if employees are at the site full time.		E	
(5) A statement as to the existence of, and a description of any wells within 600 feet of the proposed fill area.		E/G	
(6) A description of the access control at the site, including roads, gates, fencing, naturally occurring features, etc., as required by 329 IAC 2-14-1.		E	
(7) A description of the safety equipment to be used at the site. In accordance with 329 IAC 2-14-7, the following safety equipment shall be provided:		E	
(a) Safety devices, including roll bars and fire extinguishers, will be provided on all rolling equipment.		E	
(b) A first aid kit will be available on-site.		E	
(c) A telephone or radio communication system will be provided on-site.		E	
(d) If the landfill is within 10,000 feet of any airport runway used by turbojet aircraft or within 5,000 feet of any airport runway used only by piston-type aircraft, it will be operated in such a manner so as to not pose a bird hazard to aircraft.		E	
(8) The distance from the site to the nearest dwelling.		E	
(9) A description of the location, amount, and depth of excavation that will occur at the site.		E	
(10) A description of the supervision which will occur at the site.		E	
(11) A description of the base flood at the site and whether the site is in the floodway.		E	

NOTE: The application must contain the following information. When specifying the location of an item include the <i>VOLUME, SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	
(12) The proposed hours of operation.		E	
(13) The names and addresses of all adjoining landowners.		E	
329 IAC 2-14-12 The cover will be of Unified Soil Classification ML, CL, MH, CH, or OH, or other suitable material approved by the Commissioner.		E	
329 IAC 2-14-19 Final Cover of Solid Waste Land Disposal Facility; Requirements		E	
(1) The facility will meet the following requirements for final cover:		E	
(A) The maximum projected erosion rate of the final cover will be 5 tons/acre/year.		E	
(B) The final compacted cover will have 2 feet of final cover material.		E	
(C) The final cover will have a slope of not less than 2% and not greater than 33%.		E	
329 IAC 2-12-2 Closure; Financial Responsibility			
(a) Description of the instrument to be used for establishing financial responsibility for closure:		P	
(1) Trust fund.		P	
(2) Surety bond.		P	
(3) Letter of credit.		P	
(4) Insurance.		P	
(5) Financial Test.		P	
(b) Financial closure cost estimate:			
(1) A detailed written estimate of the cost of closing the facility based on the following:		E	
(A) The closure costs derived under 329 IAC 2-15-3(b).		E	
(B) One of the closure estimating standards listed under subdivision (3).		E	
(2) A demonstration of financial responsibility in the form of one of the options under subsection (a) will be submitted prior to operation..		E	
(3) One of the following cost estimating standards:			
(A) The entire facility closure standard, which equals the estimated total cost of closing the facility, less the amount representing portions of the facility which have been certified for partial closure in accordance with 329 IAC 2-15-4.		E	
(B) The incremental closure standard, that is an amount which for any year of operation equals the total cost of closing the portion of the facility dedicated to the current year of facility operation, plus all closure amounts from completed portions of the facility which have not been certified for partial closure in accordance with 329 IAC 2-15-4.		E	
329 IAC 2-12-3 Post-Closure; Financial Responsibility			
(a) Description of the instrument to be used for establishing financial responsibility for post-closure:		P	
(1) Trust fund.		P	
(2) Surety bond.		P	
(3) Letter of credit.		P	
(4) Insurance.		P	
(5) Financial Test.		P	
329 IAC 2-14-11 Diversion of Surface Water			
(c) The facility shall demonstrate that the drainage system is adequate to insure that no solid waste will be deposited into standing or ponded water..		E	
329 IAC 2-15-3 Closure Plan			
(a) A closure plan has been submitted with the application.		E	

NOTE: The application must contain the following information. When specifying the location of an item include the *VOLUME*, *SECTION* and *APPENDIX* in which the item is located, in addition to the *PAGE* or *DRAWING NUMBER*.

	Location in Application	IDEM Use Only	
		R	P
(b) The closure plan is certified by a registered professional engineer, and includes the following:		E	
(1) A description of the steps that will be used to partially close, if applicable, and finally close the facility in accordance with 329 IAC 2-15-2.		E	
(2) A listing of the labor, materials, and testing necessary to close the facility.		E	
(3) An estimate of the expected year of closure and a schedule of final closure. The schedule must include the following:		E	
(A) The total time required to close the facility.		E	
(B) The time required for completion of intervening closure activities.		E	
(4) An estimate of the cost/acre of providing final cover and vegetation. Such cost is not less than \$5,000 and is that necessary to provide the following:		E	
(A) Two feet of compacted clay soil.		E	
(B) 6 inches of topsoil.		E	
(C) Vegetation.		E	
(D) Certification of closure including any testing necessary for such certification.		E	
(5) Closure costs for items other than providing final cover and vegetation.		E	
(6) The closure plan gives an estimate of the total closure cost estimate through adding the costs determined in subdivision (5) plus the product of the acreage of the fill area multiplied by the cost/acre determined in subdivision (4).		E	
(7) The sum of the closure cost estimate and post-closure cost estimate will not be less than \$15,000/ acre, or fraction of an acre, covered by the facility.		E	
(8) If the facility will use the closure trust fund option, or funds the letter of credit on an annual basis, then for each year of operation, the closure plan specifies the following:		E	
(A) The maximum area of the facility into which solid waste will have been deposited through that year of the facilities life.		E	
(B) The area of landfill used for each year of waste deposition is delineated on the final contour map of the facility.		E	
(C) A list of closure cost estimates for each year of the anticipated life of the facility equal to the costs specified by subdivision (6).		E	
329 IAC 2-15-7 Post-closure Duties			
(a) The post-closure plan includes the following duties:			
(1) Post-closure activities will be performed in accordance with the approved post-closure plan as specified in 329 IAC 2-15-8.		E	
(2) The facility will be inspected at least twice per year, with written reports submitted to the Commissioner.		E	
(3) The final cover and vegetation will be maintained as required by 329 IAC 2-14.		E	
(4) Final contours of the facility will be maintained in accordance with 329 IAC 2-14 and to insure that ponding of water does not occur on filled areas.		E	
(5) Vegetation will be controlled on vehicular accessways to monitoring wells as required by 329 IAC 2-14.		E	
(6) Vegetation shall be controlled as necessary to enable determination of the need for slope and cover maintenance and leachate outbreak abatement.		E	
(7) Access control and benchmarks will be maintained.		E	
(8) Leachate collection and treatment systems, methane control systems, and water quality monitoring devices will be monitored and maintained.		E	
(9) Leachate and gas generated at the facility will be controlled as required by 329 IAC 2-14.		E	

NOTE: The application must contain the following information. When specifying the location of an item include the <i>VOLUME</i> , <i>SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use On	
		R	F
(b) The post-closure duties outlined in this section will be followed for a period of 30 years following the date of final closure certification in accordance with 329 IAC 2-15-5.		E	
329 IAC 2-15-8 Post-closure Plan			
(a) A post-closure plan has been submitted with the application.		E	
(b) The post-closure plan identifies the activities that will be carried on after closure pursuant to 329 IAC 2-15-7. It must include the following:		E	
(1) A description of the planned ground water monitoring activities and the frequency with which they will be performed.		E	
(2) A description of the planned maintenance activities and the frequency at which they will be performed.		E	
(3) The name, address, and phone number of the person with responsibility for maintaining the site after closure who may be contacted during the post-closure period.		E	
(4) A post-closure cost estimate in accordance with 329 IAC 2-12-3. Post-closure costs shall be calculated based on the cost necessary for the work to be performed by a third party. For post-closure maintenance of final cover and vegetation the cost per acre is 10% of the cost calculated under 329 IAC 2-15-3(b)(4) multiplied by the total acreage of the site permitted for filling.		E	
(5) For facilities that apply for a permit after July 1, 1991, the estimate of the post-closure cost per acre shall be that necessary for providing the activities as specified in the post-closure plan. The sum of the closure cost estimate and the post-closure cost estimate shall not be less than \$15,000 per acre or fraction of acre covered by the permitted facility.		E	

Preparer's Name (Please Print)

Preparer's Title (Please Print)

Preparer's Name (Signature)

Date

Preparer's Phone Number

M E M O R A N D U M

TO: All Permitted Solid Waste Facilities

SUBJECT: Additional Requirements for Solid Waste Permit Applications Per
New Legislation

As many of you are aware, legislation passed in March 1990, requires from one to three additional information submittals for review before permit renewals, new (construction/operating) permits, permit transfers and major permit modifications can be granted.

If you currently have a permit in our review system or are planning to submit an application for review, this letter will serve as notification of the additional items needed to complete your application. Please send this information to the Solid Waste Management Branch Chief at the above address. If you have already submitted information to satisfy these additional requirements, please review the descriptions on the next page to assure you have completed all of the necessary forms.

The requirements for the character disclosure statement and net worth statement do not apply to government entities. The following is a list of which requirements apply to which permit actions.

PERMIT RENEWALS

Character disclosure statement

NEW (CONSTRUCTION/OPERATING) PERMITS

Character disclosure statement

Net worth statement (not required for solid waste processing facilities)

Demonstration of need

MAJOR MODIFICATIONS TO EXISTING PERMITS

Major modifications are those who propose an increase in disposal capacity:

Character disclosure statement

Demonstration of need

PERMIT TRANSFER

Character disclosure statement

The following is a description of the information which must be submitted to satisfy each of the requirements:

Character Disclosure, IC 13-7-10.2

A copy of House Enrolled Act (HEA) No. 1472 is attached which describes the information to be submitted. Also attached are three forms which must be completed, and returned to IDEM. The first one is a form developed by staff to assist in putting together the information required in the legislation. Please initial the appropriate blank for each required item of information and, when so indicated by you, attach the information which specifically identifies and describes that particular disclosure. A character disclosure statement must be executed under oath or affirmation, and the last page of this form provides a place to do that. The second form is a "Request for Limited Criminal History Information" which must have the blanks at the top of the form filled in. The third form is an "Authorization to Release Criminal History Information" and must be filled-in, signed, and notarized. Please note that character disclosure statements are required not only of applicants but of all person defined as "Responsible Parties".

Demonstration of Need, IC 13-7-10-1.5

The legislation relative to demonstration of need is also contained in HEA No. 1472. Also attached is a copy of the "Need Rule" which has been final adopted by the Solid Waste Management Board. The proposed rule provides an outline of the information which must be submitted as a demonstration of need.

Net Worth IC 13-7-22-2

The legislation relative to the Net Worth Statement is contained in HEA 1388 (attached). In brief, the legislation requires that an independent certified public accountant audit, and issue an unqualified opinion for, a statement of financial position which has been prepared using generally accepted accounting principles. Before the permit may be granted, the statement must indicate that, at the end of the calendar year or fiscal year immediately proceeding the year in which the permit would be issued, the applicant had a positive net worth of at least \$250,000. In addition, the applicant must, under oath or affirmation, state that there are no unsatisfied and nonappealable judgements requiring the payment of money by the applicant.

!5101S 6-26-91 bja

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE FACILITY PERMIT CHARACTER DISCLOSURE STATEMENT

INSTRUCTIONS FOR COMPLETION

The solid waste facility permit character disclosure statement form shall be used to submit the disclosure statement as required by IC 13-7-10.2. The statute requires that each permit applicant and responsible party submit a character disclosure statement prior to the issuance of an original permit, a permit renewal, a major modification of the permit or a permit transfer. Each applicant and responsible party shall submit a separate disclosure statement for each facility and/or company which is required to submit a character disclosure statement.

SECTION A: FACILITY INFORMATION

For all submissions, place the name and address of the facility in the spaces provided. Indicate, in the space provided, the reason or reasons for the submission of the disclosure statement.

SECTION B: APPLICANT INFORMATION

For all submissions, place the name of the applicant, the business address of the applicant and the social security number (or federal tax number if the applicant is not an individual) of the applicant in the spaces provided. An applicant is an individual, a corporation, a partnership, or a business association that applies for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e). This includes solid waste landfills, processing facilities and incinerators. For the purposes of the disclosure statement, the applicant is the person or company in whose name the permit is issued. Each applicant shall complete the required information; attach additional pages as necessary.

SECTION C: RESPONSIBLE PARTY INFORMATION

For all submissions, place the name of the responsible party, the business address of the responsible party, the social security number (or federal tax number if the responsible party is not an individual) of the responsible party and the relationship of the responsible party to the applicant in the spaces provided. For purposes of the disclosure statement, a responsible party may be an officer, a corporation director, or a senior management official of a corporation, partnership, or business association that is an applicant. A responsible party may also be an individual, a corporation, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant. Each responsible party shall complete the required information; attach additional pages as necessary.

SECTION D: DISCLOSURE STATEMENT

Each operator and responsible party shall provide his/her name and indicate whether they are an operator or a responsible party in the spaces provided.

SECTION D1:

Section D1 shall be completed by indicating the appropriate responses to Items A through C by placing the initials of the person filling out the form in the spaces provided. For the purposes of completing the section, Not Applicable is taken to be a negative response to a request for information in Items A through C. Section D1 may be used only by those applicants and/or responsible parties which file a Form 10-K with the Securities and Exchange Commission. At no time may an individual complete Section D1 to satisfy the character disclosure requirements. Any information provided on additional pages should be identified by the appropriate item letter.

SECTION D2:

Section D2 shall be completed by indicating the appropriate responses to Items A through G by placing the initials of the person filling out the form in the spaces provided. For the purposes of completing the section, Not Applicable is taken to be a negative response to a request for information in Items A through G. The information requested in Item H will be used to complete a Request for Limited Criminal History Information if additional information concerning an operator or responsible party is determined to be necessary. Any information provided on additional pages should be identified by the appropriate item letter.

SECTION E: SIGNATORIES

Each applicant and responsible party shall complete a Section E, in original, for each disclosure statement that is submitted. In addition, each completed Section E shall include a properly completed and notarized Acknowledgement.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE FACILITY PERMIT CHARACTER DISCLOSURE STATEMENT**

This form shall be used to submit the character disclosure statement, as required by IC 13-7-10.2, for a solid waste permit. Upon completion of this form, return this form with all additional materials to the following address:

**ATTENTION: SWFP Character Disclosure
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
105 South Meridian Street
Post Office Box 6015
Indianapolis, Indiana 46206-6015**

SECTION A: FACILITY INFORMATION

Facility Name	_____			
Mailing Address	_____			
	Street	_____		
	City	County	State	Zip Code

This statement is for the purposes of:

- a new permit
- a permit modification
- a permit renewal
- a permit transfer.

SECTION B: APPLICANT INFORMATION

The applicant may be an individual, a corporation, a partnership, or a business association that applies for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e). Each applicant shall complete the following information; attach additional pages as necessary.

Applicant Name	_____			
Business Address	_____			
	Street	_____		
	City	County	State	Zip Code
Social Security Number (or Federal Tax Number if Applicant is not an individual)	_____			

SECTION C: RESPONSIBLE PARTY INFORMATION

A responsible party may be an officer, a corporation director, or a senior management official of a corporation, partnership, or business association that is an applicant. A responsible party may also be an individual, a corporation, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant. Each responsible party shall complete the following information; attach additional pages as necessary.

Responsible Party Name	_____			
Business Address	_____			
	Street	_____		
	City	County	State	Zip Code
	_____	_____	_____	_____
Social Security Number (or Federal Tax Number if Responsible Party is not an individual)	_____			
Relationship to Applicant	_____			

Responsible Party Name	_____			
Business Address	_____			
	Street	_____		
	City	County	State	Zip Code
	_____	_____	_____	_____
Social Security Number (or Federal Tax Number if Responsible Party is not an individual)	_____			
Relationship to Applicant	_____			

Responsible Party Name	_____			
Business Address	_____			
	Street	_____		
	City	County	State	Zip Code
	_____	_____	_____	_____
Social Security Number (or Federal Tax Number if Responsible Party is not an individual)	_____			
Relationship to Applicant	_____			

SECTION D: DISCLOSURE STATEMENT

Each Applicant and Responsible Party identified in Sections B and C shall complete a separate Section D and Section E. The Section D requirement may be satisfied by providing all information required by either Section D1 or Section D2. Please indicate that the required item has been provided or does not apply by initialing in the space provided.

THIS DISCLOSURE STATEMENT IS PROVIDED FOR:

Name (print or type) _____

Acting as Applicant or Responsible Party (specify) _____

SECTION D1:

- A) The information concerning legal proceedings that is required under Section 13 or 15(d) of the Securities Exchange Act of 1934(15 U.S.C 78a et seq.) and that the applicant or responsible party has reported under Form 10-K.

Not Applicable _____ Provided _____

- B) A description of all judgments that have been entered against the applicant or responsible party in a civil or administrative complaint for the violation of any state or federal environmental protection law and that have imposed upon the applicant or responsible party a fine or penalty of more than ten thousand dollars (\$10,000) within five (5) years before the date of the submission of the application.

Not Applicable _____ Provided _____

- C) A description of all judgments of conviction entered against the applicant or responsible party for the violation of any state or federal environmental protection law within five (5) years before the date of the submission of the application.

Not Applicable _____ Provided _____

SECTION D2:

- A) A description of the applicant's or responsible party's experience in managing the type of waste that will be managed under the Permit. Include the name and business address for employers, the State Permit number for the facility, the type of work experience and the length of time employed.

Not Applicable _____ Provided _____

B) A description of all civil or administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that have resulted in a fine or penalty of more than ten thousand dollars (\$10,000) within five (5) years before the date of the submission of the application.
Not Applicable _____ Provided _____

C) A description of all civil or administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that allege an act or omission that constitutes a material violation of state or federal environmental protection law and that presented a substantial endangerment to the public health or the environment.
Not Applicable _____ Provided _____

D) A description of all pending criminal complaints alleging the violation of any state or federal environmental protection law that have been filed against the applicant or responsible party within five (5) years before the date of submission of the application.
Not Applicable _____ Provided _____

E) A description of all judgments of criminal conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental law.
Not Applicable _____ Provided _____

F) A description of all judgments of criminal conviction of a felony constituting a crime of moral turpitude under the laws of any state or the United States that are entered against the applicant or responsible party within five (5) years before the date of submission of the application.
Not Applicable _____ Provided _____

G) The location of all facilities at which the applicant or responsible party manages the type of waste that would be managed under the permit to which the application refers. Include the facility name, business address, any permit numbers and the type of facility.
Not Applicable _____ Provided _____

H) The following information will be used by IDEM to complete a Request for Limited Criminal History Information if additional information concerning an operator or responsible party is determined to be necessary.

Date of birth _____ Sex _____ Race _____

SECTION E: SIGNATORIES

I affirm that all information contained in this disclosure statement and any attachments is, to the best of my knowledge, true and accurate. I also realize that any information provided in this disclosure statement that was knowingly incorrect may subject me to the penalty for perjury under IC 35-44-2-1.

APPLICANT/RESPONSIBLE PARTY

DATE

ACKNOWLEDGEMENT

State of _____)

County of _____)

SS

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ known by me to be the person who executed the foregoing instrument, signed the same and acknowledged to me that he/she did so sign the same, and that the same is his/her free act and deed and that the statements made in the foregoing instrument are true.

IN WITNESS WHEREOF, I have set my hand and official seal this _____ day of _____, 19____.

I am a resident of _____ County, _____

Notary Public

My Commission Expires:

REQUEST FOR LIMITED CRIMINAL HISTORY INFORMATION

Act. No 102-152

Requesting Agency or Individual BRUCE PALIN

DEPARTMENT OF ENVIRONMENTAL MGMT
(NAME)

BRANCH CHIEF
(TITLE)

Subject of Request:

LAST NAME

FIRST NAME

M.I.

(DATE OF BIRTH)

(ADDRESS)

(SEX)

(RACE)

(MISCELLANEOUS NUMBER)

REASON FOR REQUEST:

- 1. () Applicant has applied for employment with a non-criminal justice organization or individual.
- 2. () Applicant has applied for a license and criminal history data is required by law to be provided in connection with the license.

Set out authority:

IC 13-7-10.2

- 3. () Applicant is a candidate for public office or a public official.
- 4. () Is in the process of being apprehended by a law enforcement agency.
- 5. () Is placed under arrest for the alleged commission of a crime.
- 6. () Has charged that his rights have been abused repeatedly by criminal justice agencies.
- 7. () Is the subject of judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing or probation.
- 8. () Has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a not-for-profit corporation.
- 9. () Is being investigated for welfare fraud by an investigator of the state department of public welfare or a county department of public welfare.
- 10. () Is being sought by the parent locator service of a child support division of the state department of public welfare.

REQUEST MADE PURSUANT TO IC 5-2-5-13?

- A. () Prospective adult volunteer for children (Copy of non-profit status enclosed).
- () Home Health Agency (copy of non-profit status enclosed).
- B. () Department of Public Welfare Day Care/Foster Home Licensing or licensee.

WARNING

A non-criminal justice organization or individual receiving a limited criminal history may not utilize it for purposes:

- (1) other than those stated in the request; or
- (2) which deny the subject any civil right to which the subject is entitled.

IC 5-2-5-5: Any person who uses limited criminal history for any purpose not specified in the request commits a Class (A) misdemeanor offense.

I affirm, under penalty of perjury, that the Limited Criminal History Information requested will be used as specified.

Bruce H Palin
SIGNATURE OF REQUESTOR

1/9/91
DATE

105 S. MERIDIAN ST. INDIANAPOLIS, IN 46206
STREET ADDRESS

CITY

STATE

ZIP

FOR ISP USE ONLY

- No Record on File
- Record Inspected
- Record Released
- Fee \$ _____
- Information provided not verified by fingerprints.

(SIGNATURE OF DEPARTMENT EMPLOYEE)

(DATE)

INSTRUCTIONS FOR COMPLETING REQUEST FOR LIMITED CRIMINAL HISTORY

REQUESTING AGENCY OR INDIVIDUAL:

Name of the individual or agency requesting the LCH. If request is for a Home Health Care Agency, it **must** be specified on this line.

TITLE:

Formal title of the requesting individual who signs as requestor at the bottom of the form.

SUBJECT OF REQUEST:

Last name, first name, and middle initial of the individual being checked - **must** include date of birth, address, sex, and race of individual. **ONLY ONE INDIVIDUAL PER REQUEST FORM.**

REASON FOR REQUEST:

Check the applicable line referring to your request. An organization making a request under IC 5-2-5-13A must include proof of their NOT FOR PROFIT status. A copy of their "Certificate of Good Standing" issued by the Secretary of State will suffice. Requests made pursuant to IC 5-2-5-13B, the REQUESTING AGENCY line must show the State or County Welfare Department, along with individual department/agency name if applicable.

SIGNATURE OF REQUESTOR:

DATE
STREET ADDRESS
CITY, STATE, ZIP

This line must contain the signature of the person making the request, the date of request along with the requestors street address, city, state, and zip code.

PLEASE PROVIDE ALL INFORMATION REQUESTED.

It will prevent return of the request form and speed up our response.

TITLE 329
SOLID WASTE MANAGEMENT BOARD

Proposed Rule
LSA Document # 90-103

Digest

Amends 329 IAC 2-2-1 by adding a definition of "major modification".
Adds 329 IAC 2-8-12 to establish criteria for demonstration of local or regional solid waste facility need. Effective 30 days after filing with the secretary of state.

329 IAC 2-2-1
329 IAC 2-8-12

SECTION 1. 329 IAC 2-2-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 2-2-1 Definitions

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10.2

Affected: IC 13-1-3; IC 13-1-12-1; IC 13-7; IC 16-1-9.5-1; IC 25-17.5-1; IC 25-31;
IC 36-9-30;

Sec. 1. (a) In addition to the definitions in subsection (b), the definitions found in IC 13-1-12 apply throughout this article:

(1) "Commissioner" refers to the commissioner of the department created under IC 13-7-2-11 (the department of environmental management).

(2) "Contaminant" means any solid, semisolid, liquid, or gaseous matter, or any odor, radioactive material, pollutant as defined in the Federal Waste Pollution Control Act, hazardous waste as defined by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended, or any combination thereof, from whatever source, that:

(A) is injurious to human health, plant or animal life, or property;

(B) interferes unreasonably with the enjoyment of life or property;

or

(C) is otherwise violative of this article or rules adopted under this article.

(3) "Department" refers to the department of environmental management created under IC 13-7-2.

(4) "Disposal" means the discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste or any constituent of

the waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters. (P.L. 143-1985, SECTION 77.

(5) "Garbage" means all putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

(6) "Hazardous waste" means a solid waste or combination of solid wastes that, because of its quantity, concentration or physical, chemical, or infectious characteristics, may:

(A) cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or

(B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(7) "Incinerator" means an engineered apparatus designed for the burning of solid waste under the effect of controls of temperature, retention time, air, and other combustion factors.

(8) "Open burning" means the combustion of any matter in the open or in an open dump.

(9) "Open dump" means the consolidation of solid waste from one (1) or more sources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations, and that is established and maintained without cover and without regard to the possibilities of contamination of surface or subsurface water resources.

(10) "Person" means an individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, any consolidated unity of government, political subdivision, state agency, or any other legal entity.

(11) "Recovery" means obtaining materials or energy for commercial or industrial use from solid waste or hazardous waste.

(12) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term "solid waste" does not include:

(A) solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point source subject to permits under Section

402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);

(B) source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(C) manures or crop residues return to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation. (P.L. 143-1985, SECTION 90.)

(13) "Solid waste management" means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste. (P.L. 143-1985, SECTION 91.)

(14) "Water pollution" means:

(A) actual or threatened alteration of the physical, thermal, chemical, biological, bacteriological, or radioactive properties of any waters; or

(B) the discharge or threatened discharge of any contaminant into any water that does or can create a nuisance or render the waters harmful, detrimental, or injurious to:

(i) public health, safety, or welfare;

(ii) domestic, commercial, industrial, agricultural, recreational, or other legitimate uses; or

(iii) livestock, wild animals, birds, fish, or aquatic life.

(15) "Waters" means the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, that are wholly or partially within, flow through, or border upon this state. The term does not include any private pond or any off-stream pond, reservoir, or facility built for reduction or control of pollution or cooling of water prior to discharge unless the discharge from the pond reservoir, or facility causes or threatens to cause water pollution.

(b) The following definitions apply throughout this article:

(1) "Access roads" means roads which lead to the entrance of a solid waste processing or disposal facility, normally, a county, state, or federal highway.

(2) "Airport" means a public use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities and military airports.

(3) "Aquifer" means a geologic formation, group of formations, or part of a formation, that is capable of yielding a significant amount of ground water.

(4) "Base flood" means a flood that has a one percent (1%) or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in one hundred (100) years on the average over a

- significantly long period. In any given one hundred (100) year interval such a flood may not occur, or more than one (1) such flood may occur.
- (5) "Bedrock" means cemented or consolidated earth materials, exposed on the earth's surface or underlying unconsolidated earth materials.
- (6) "Board" means the solid waste management board as defined in IC 13-1-12-1.
- (7) "Cell" means a volume of solid waste completely enclosed by cover.
- (8) "Certified professional geologist" means a professional geologist certified by the state of Indiana pursuant to IC 25-17.5-1.
- (9) "Collection container system" means a group of containers for solid waste collection from noncommercial, nonindustrial, and noninstitutional sources, and made available for use by the general public, such as ~~countywide~~ county wide collection box systems.
- (10) "Construction/demolition site" means a solid waste land disposal facility designed and operated to accommodate large volumes of solid waste, having minimal potential for ground water contamination.
- (11) "Cover" means any soil or other suitable material approved by the commissioner placed over the solid waste in accordance with 329 IAC 2-14-12(a).
- (12) "Current closure cost estimate" means the original closure cost estimate or the most recent revision thereof made in accordance with 329 IAC 2-12.
- (13) "Current post-closure cost estimate" means the original post-closure cost estimate or the most recent revisions thereof made in accordance with 329 IAC 2-12.
- (14) "Daily cover" means that cover applied to the working face of the solid waste land disposal facility on a daily basis.
- (15) "Dwelling" means any building which people inhabit on a regular or seasonal basis. The term shall include schools, hospitals, residences, factories, and offices.
- (16) "Equivalent hydraulic conductivity" means the hydraulic conductivity averaged in such a manner as to represent the overall ability of a material to transmit flow .
- (17) "Final closure" or "closure" means those activities to be completed at the end of waste acceptance at a facility, including certification required by 329 IAC 2-15-5, but not including those activities required after said certification.
- (18) "Final cover" means any cover of a type, thickness, elevation, and slope approved by the commissioner for the termination of filling in an area.
- (19) "Flood plain" means the areas adjoining a river, stream, or lake which are inundated by the base flood as determined by the Indiana department of natural resources.
- (20) "Floodway" means the channel of a river or stream and those

- portions of the flood plain adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow from the base flood as determined by the Indiana department of natural resources.
- (21) "Generating facility" means the location at or on which one (1) or more solid wastes are generated, such as a large manufacturing plant which may have more than one (1) source of solid waste at the plant location.
- (22) "Grading" means the contouring of land so that surface water flow and erosion are controlled according to a predetermined plan.
- (23) "Ground water" means water below the land surface in the zone of saturation.
- (24) "Hydraulic gradient" means the head loss per unit length where the head loss is expressed in terms of the unit length so as to produce a dimensionless value.
- (25) "Industrial process waste" includes, but is not limited to, oil, lubricants, resins, chemical catalysts, distillation bottoms, ink, paint sludges, grinding sludges, incinerator ash, core sand, metallic dust sweepings, material which may create asbestos dust, contaminated or recalled wholesale or retail products.
- (26) "Infectious waste" means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease (as defined by rule adopted under IC 16-1-9.5-1). Infectious waste includes the following:
- (A) Pathological wastes, including tissue, organs, body parts, and blood or body fluids in liquid or semiliquid form that are removed during surgery, biopsy, or autopsy.
 - (B) Biological cultures and associated biologicals.
 - (C) Contaminated sharps.
 - (D) Infectious agent stock and associated biologicals.
 - (E) Blood and blood products in liquid or semiliquid form.
 - (F) Laboratory animal carcasses, body parts, and bedding.
 - (G) Wastes (as defined under P.L 123-1988, SECTION 8).
- (27) "Infectious waste incinerator" means a solid waste incinerator that is used to burn infectious ~~wastes~~ waste or mixture of infectious and noninfectious solid waste.
- (28) "Karst topography" means a topography formed on a carbonate rock formation and dominated by features of solutional origin.
- (29) "Leachate" means liquid that has passed through or emerged from solid waste and contains soluble, suspended, immiscible, or miscible materials removed from such wastes.
- (30) "Legal description" means a legal description of the real property, to include the county, township, range, and section numbers and, if applicable, the metes and bounds description, together with the acreage thereof.

- (31) "Lift" means a layer of cells covering a designated area of a solid waste land disposal facility.
- (32) "Locally useful aquifer" means an aquifer which, based on productivity, quality, depth, and alternate sources available, is a source or a probable source of water for any user or potential user within one (1) mile of a particular location.
- (33) "Major Modification" means any change in a permitted solid waste facility which would increase the facility's permitted capacity to process or dispose of solid waste.
- ~~(33)~~ (34) "Normal water line" means the average normal water level, where established through the Indiana department of natural resources, or the average boundary of the water as evidenced by either water level records or changes in the character of vegetation and soil due to the presence of the water.
- ~~(34)~~ (35) "On-site roads" means roads for the passage of vehicles from a facility entrance to the disposal area.
- ~~(35)~~ (36) "Operating personnel" means persons necessary to properly operate a solid waste land disposal or processing facility.
- ~~(36)~~ (37) "Partial closure" means those activities required at the end of waste acceptance for a facility or area of a facility to include the placement of final cover and the establishment of vegetation in accordance with approved closure plans, but exclusive of monitoring and maintenance activities required under post-closure care.
- ~~(37)~~ (38) "Permittee" means any person to whom a solid waste facility permit has been issued.
- ~~(38)~~ (39) "Pollution control waste" includes but is not limited to, liquid, solid, ~~semi-solid~~ semisolid, or gaseous waste generated as a direct or indirect result or the removal of contaminants from air, water, or land, such as water and waste water treatment sludges, baghouse dust, scrubber sludges, and chemical spill, or remedial activity cleanup wastes.
- ~~(39)~~ (40) "Post-closure" means the monitoring and maintenance activities required after final closure of a facility.
- ~~(40)~~ (41) "Post-closure cost estimate" means the original written estimate, in current dollars, or the total cost of post-closure monitoring and maintenance of the facility during the entire post-closure care period, in accordance with the post-closure plan.
- ~~(41)~~ (42) "Processing" means the method, system, or other handling of solid waste so as to change its chemical, biological, or physical form or to render it more amenable for disposal or recovery of materials or energy, or the transfer of solid waste materials but excluding the transportation of solid waste.
- ~~(42)~~ (43) "Registered professional engineer" means a professional engineer registered by the state of Indiana pursuant to IC 25-31.

- ~~(43)~~ (44) "Residue" means solid or semi-solid materials remaining after incineration or processing, including but not limited to, ash, ceramics, glass, metal, and organic substances.
- ~~(44)~~ (45) "Resource recovery" means the processing of solid waste into commercially valuable materials or energy.
- ~~(45)~~ (46) "Restricted waste site" means a solid waste land disposal facility designed and operated to accommodate specific types of waste as specified in 329 IAC 2-9.
- ~~(46)~~ (47) "Salvaging" means the controlled and organized removal of materials from solid waste for utilization.
- ~~(47)~~ (48) "Sanitary landfill" means a solid waste land disposal facility designed to accommodate general types of solid waste, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day.
- ~~(48)~~ (49) "Scavenging" means the uncontrolled and unauthorized removal of materials from solid waste.
- ~~(49)~~ (50) "Site" means the land area on which the permitted facility is situated.
- ~~(50)~~ (51) "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.
- ~~(51)~~ (52) "Soil borings" means the drilling of holes in the earth for the purpose of identifying soil types, subsurface materials, and water table level.
- ~~(52)~~ (53) "Solid waste boundary" means the outermost perimeter of the solid waste fill area, as it would exist at the time of closure, as projected in the facility's closure plan.
- ~~(53)~~ (54) "Solid waste facility" or "facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for processing, storing in conjunction with processing or disposal, or disposing of solid waste, and may consist of several processing, storage, or disposal operational units, e.g., one (1) or more landfills, surface impoundments, or combinations thereof.
- ~~(54)~~ (55) "Solid waste land disposal facility" means a solid waste facility in or upon the land into which solid waste is disposed. Permitted solid waste land disposal facilities shall be classified into one (1) of the following types:
- (A) Sanitary landfill.
 - (B) Construction/demolition sites.
 - (C) Restricted waste sites.

~~(55)~~ (56) "Solid waste processing facility" means a solid waste facility upon which is located a solid waste incinerator, transfer station, solid waste baler, solid waste shredder, resource recovery system, composting facility, or garbage grinding facility.

~~(56)~~ (57) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which holds or is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, pounds, and lagoons.

~~(57)~~ (58) "Surface water" means water present on the surface of the earth, including:

(A) streams;

(B) lakes;

(C) ponds;

(D) rivers;

(E) swamps;

(F) marshes; or

(G) rainwater present on the earth.

~~(58)~~ (59) "Transfer station" means a facility at which solid waste is transferred into larger capacity vehicles or containers for further transportation but shall not include neighborhood recycling collection centers or transfer activities at generating facilities.

~~(59)~~ (60) "Twenty-five (25) year, twenty-four (24) hour precipitation event" means the maximum twenty-four (24) hour precipitation event with the probable recurrence interval of once in twenty-five (25) years as defined by the Indiana department of natural resources.

~~(60)~~ (61) "Vector" means any animal capable of harboring and transmitting microorganisms from one (1) animal to another or to a human.

~~(61)~~ (62) "Wash-out" means the carrying away of solid waste by water of the base flood.

~~(62)~~ (63) "Water course" means the path taken by flowing surface water.

~~(63)~~ (64) "Water table" means the upper surface at which the fluid pressure of the ground water is equal to atmospheric pressure.

~~(64)~~ (65) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

~~(65)~~ (66) "Working face" means that portion of a solid waste land disposal facility where the solid waste is deposited. (*Solid Waste Management Board; 329 IAC 2-2-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.; errata filed Jan 11, 1989, 1:00 p.m.*)

SECTION 2. 329 IAC 2-8-12 IS ADDED ADDED TO READ AS FOLLOWS:

329 IAC 2-8-12 Demonstration and determination of need requirements

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10-1.5
Affected: IC 13-1-3; IC 13-7; IC 13-9.5; IC 36-9-30

Sec. 12. (a) This section applies to all permits for new solid waste facilities or major modifications of permits issued after March 20, 1990.

(b) In accordance with subsection (a), and in addition to other permit application requirements outlined in this rule, the following are also required:

- (1) A description of the anticipated area that would be served by the facility as indicated by the following:
 - (A) Solid waste management district(s) if established.
 - (B) County, counties or portions thereof.
 - (C) County, counties and state if the area includes portions outside of Indiana.
- (2) A description of the existing solid waste management facilities which serve the same described area.
- (3) A description of the need, that would be fulfilled by constructing the proposed facility, as follows:
 - (A) For facilities proposed in areas with approved district solid waste management plans, a description of the need identified in the district solid waste management plan required by IC 13-9.5.
 - (B) For facilities proposed in areas without approved district solid waste management plans, a description of need for the proposed area to be served.
- (4) A description of recycling, composting, or other activities which the facility would operate within the proposed area of service.
- (5) A description of the additional disposal capacity which the facility, if permitted, would provide for the proposed area of service.

(6) Additional information as requested by the commissioner.

(c) The commissioner shall review the submitted application and accompanying materials in accordance with provisions of this rule. If it is determined that there is not a local or regional need in Indiana for the solid waste management facility, the commissioner shall deny the permit application. (*Solid Waste Management Board; 329 IAC 2-8-12*)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word NEW will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

HOUSE ENROLLED ACT No. 1388

AN ACT to amend the Indiana Code concerning the environment.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-7-8.6-3, AS AMENDED BY P.L.8-1989, SECTION 69, IS AMENDED TO READ AS FOLLOWS: Sec. 3.

(a) The Indiana hazardous waste facility site approval authority is created and constitutes a public instrumentality of the state. The exercise by the authority of the powers conferred by this chapter is an essential governmental function.

(b) The authority consists of five (5) statewide members appointed by the governor and four (4) local members. The statewide members shall serve a term of four (4) years.

(c) A vacancy in the office of a member, other than by expiration, shall be filled in like manner as the original appointment for the remainder of the term for statewide members and for the duration of the duties and responsibilities of the local members.

(d) In making appointments to the statewide membership, the governor shall select residents of this state recognized around the state for their judgment, integrity, and credibility. One (1) member shall represent business and industry, one (1) shall represent labor, and one (1) shall represent agriculture. The fourth statewide member shall be a hydrogeologist who has

practiced in this state for at least five (5) years. The fifth statewide member shall be a biologist, chemist, limnologist, or toxicologist and a member of:

- (1) the science faculty of an institution of higher learning in this state; or
- (2) the staff of scientists of an independent research organization in this state.

The governor may remove any statewide member for cause and shall annually appoint one (1) of the statewide members as chairperson.

(e) Five (5) members (statewide or local) of the authority constitute a quorum for the authority to conduct business. However, the affirmative vote of a majority of the membership is necessary for a final decision on a certificate application. A vacancy in the membership of the authority does not impair the right of the quorum to act.

(f) All members of the authority, including members of the executive council, shall be reimbursed for their traveling expenses and other expenses actually incurred in the performance of their duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency. The members who are not state employees are also entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b) for attendance of authority meetings. All reimbursement for expenses shall be as provided by law.

(g) The four (4) local members shall be appointed from the county in which a proposed facility is to be located, as follows:

(1) Two (2) residents of ~~a~~ the largest city or town closest to or in the township containing the proposed facility shall be appointed to the authority by the executive of the city or town, or, if there is no city or town in the township, two (2) residents of the township containing the proposed facility shall be appointed to the authority by the township trustee.

(2) Two (2) residents of the unincorporated portion of the county in which the facility is to be located, one (1) of whom may be the county health officer, shall be appointed by the executive of that county.

If the affected city is a consolidated city, all four (4) local members shall be appointed by the executive of that city. The local members shall serve until the certificate is granted, denied, or no longer subject to their review. The authority constituted for a specific certificate application may be recalled to rehear an application upon an order from the Indiana court of appeals or the supreme court for a rehearing.

(h) No member of the authority may be a member or an employee of or be associated with the board, the department, or the staffs of those agencies.

SECTION 2. IC 13-7-22-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS: Sec. 2.

(a) As used in this section, "applicant" means an individual, a corporation, a partnership, or a business association that applies for an original permit for the construction or operation of a landfill.

(b) As used in this section, "landfill" means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

(c) Before an original permit for the construction or operation of a landfill may be granted, the applicant must submit a statement of financial position that meets the following requirements:

(1) The statement must have been prepared in accordance with generally accepted accounting principles.

(2) The statement must have been audited by an independent certified public accountant.

(3) The accountant referred to in subdivision (2) must have issued an unqualified opinion as to the statement.

(4) The statement must indicate that, at the end of the calendar year or fiscal year immediately preceding the year in which the permit would be issued, the applicant had a positive net worth of at least two hundred fifty thousand dollars (\$250,000).

(d) Before an original permit for the construction or operation of a landfill may be granted, the applicant or a person authorized to act for the applicant under this subsection must submit a statement in which the applicant or authorized person swears or affirms, subject to the penalty for perjury set forth in IC 35-44-2-1, that, to the best of the applicant's or authorized person's knowledge, there are no unsatisfied and nonappealable judgments requiring the payment of money by the applicant.

(e) If the applicant is a subsidiary corporation, the submission of the statement of financial position of the ultimate parent shall satisfy the requirement under subsection (c) if the applicant has been a subsidiary of the parent for at least one (1) year before the submission of the statement of financial position.

(f) The department may investigate and verify the information contained in the statements required under this section.

(g) The commissioner may deny an application for an original permit for the construction or operation of a landfill if the commissioner finds that:

(1) the applicant does not have a positive net worth of at least two hundred fifty thousand dollars (\$250,000); or

(2) there are one (1) or more unsatisfied and nonappealable judgments requiring the payment of money by the applicant.

(h) For the purposes of this section, real property in which the applicant has an interest must be valued at the property's fair market value as determined under the assumption that the permit application will not be granted.

(i) The solid waste management board may adopt rules under IC 4-22-2 to administer this section.

SECTION 3. This act applies to:

(1) a permit application that is filed on or after the effective date of this act;

(2) a permit application that was filed before the effective date of this act but was not granted or denied by the commissioner of the department of environmental management before the effective date of this act; and

(3) a permit application that was filed before the effective date of this act and that was granted by the commissioner of the department of environmental management before the effective date of this act if the commissioner's action in granting the permit was appealed to the solid waste management board and that appeal is pending on the effective date of this act.

SECTION 4. Because an emergency exists, this act takes effect upon passage.

DRAFT

Closure & Post-Closure Plan Preparation Guidance
for
Solid Waste Land Disposal Facilities
Indiana Department Of Environmental Management
May 1989

This document has been prepared as guidance to the regulated community on the preparation of closure and post-closure plans as required by 329 IAC 2. For new land disposal facilities and additional acreage amendment applications, closure and post-closure plans are required as part of the application package. Existing land disposal facilities are not to remain open after September 1, 1989 unless they submit these plans prior to that date. Closure and post-closure plan requirements are specified in Rule 329 IAC 2-15.

Existing facilities are also required to establish financial responsibility for post-closure by September 1, 1989, and for closure by September 1, 1992. Procedures for establishing financial mechanisms are not part of this guidance. Mr. Kevin Hogan of the Solid Waste Management Branch may be contacted at 317/232-3412 for guidance and sample forms.

This guidance has been prepared by staff of the Office of Solid and Hazardous Waste Management, but has not been adopted or approved by the Agency. As such, it is noted as "draft". At a later date, it may be updated or finalized. If you have any comments or questions or wish to check on the availability of any new guidance, please contact the Solid Waste Management Branch at 317/232-3592.

Preparation Of Closure & Post-Closure Plans

Attached are forms that may be used to prepare your closure and/or post-closure plans. These forms are not mandated, but may be used for your convenience. If you do not use the actual forms, then the forms and these instructions should be used as a guide to what should be included in your plans.

You are reminded that if there is any change that causes the submitted information to be incorrect, the applicant must notify the commissioner within 15 days and submit corrected information within a reasonable time (329 IAC 2-8-1(c)).

Closure Plan Line-By-Line Instructions

Item I

Give the facility's name, location, county, solid waste permit number, and total fill acreage.

Existing permitted facilities should give their solid waste permit number if one has been specified in a permit or renewal issued since 329 IAC 2 became effective. Otherwise, the facility's Construction Permit Number should be given. New facilities should indicate "N/A" for not applicable.

For "Total Fill Acreage", existing facilities should provide the total acreage at the site approved for filling regardless of whether some of the area has already received final cover and vegetation. There is a further discussion of areas that are already closed under the instructions for Items II and VIII.

Item II

Give a description of partial closure activities, if any are planned, and a description of final closure activities.

Partial closure refers to the closure (including final cover, vegetation, and certification) of an area of the landfill while

the rest of the landfill remains in operation. The closure plan may specify that partial closure of the landfill will occur according to some type of schedule. This will decrease the area needing closure when the landfill stops operation.

The regulation indicates that the description of closure activities be acceptable for closure at any point in the facility's intended life. In most cases, allowing for early closure in the description of activities will only mean indicating that the facility will close either at the elevations specified by the approved final contour map or at lesser elevations with slopes that are consistent with permit or regulatory minimums and maximums and adequate to prevent ponding of water on filled areas.

Items that should minimally be described for final closure are:

- notifications to the agency and customers;
- source of cover soils;
- compacted cover and topsoil thicknesses;
- soil classifications and testing specifications for the compacted cover and topsoils;
- compaction methods for the cover including lift thicknesses;
- methods and/or testing to provide appropriate slopes and final elevations;
- procedures to establish vegetation;
- any planned construction, modification, or repair of drainage structures;
- any planned new access control measures or repairs of existing access control; and
- certification statements and notices as required by 329 IAC 2-15-5.

The preceding listing was written from the perspective of what will be needed for most sanitary landfills. Some of the requirements may not be applicable to all facilities. For instance, Type III sites and construction/demolition sites are not specifically required by regulation to provide six inches of topsoil.

For most areas that are already permitted, the approved plans and permit specify the type of soil to be used for final cover. If the source of cover soil has already been tested as part of the facility's permit application, then no further testing may be necessary as part of closure activities. Otherwise, soil classification testing should be included as necessary to characterize the soil. Compaction methods should describe lift thicknesses and should also describe either the number of passes of compacting equipment or else the testing for density which will be done.

Closure plans submitted for existing areas, as specified by 329 IAC 2-7-6(b), are not allowed, by regulation, to conflict with previously approved plans. No changes in the landfill fill area or slopes are permitted.

Many currently-permitted sanitary landfills are not required by their current permits to place six inches of topsoil on top of their cover. As specified in the regulation, these landfills will become subject to this requirement at their first permit renewal under 329 IAC 2. Landfills may indicate that their cover will include the six inches of topsoil without being considered to be in conflict with their approved plans in violation of 329 IAC 2-7-6(b). Alternatively, the closure plans may indicate that the topsoil will be included for closure of areas occurring after renewal.

Item III

Give a listing of labor, materials, and testing necessary to close the facility. All activities described in Item II should be accounted for.

Item IV

For Item IV.A, give an estimate of the expected year of closure. It is often difficult to accurately forecast the exact lifetime of a facility. The regulation reflects this uncertainty in asking for only an estimate. This date is not a commitment by the facility to close by a certain date. The time before closure

may however affect the rate at which the post-closure mechanism must be funded. The date of closure should be estimated by dividing the remaining fill volume by the average rate of incoming waste. Normally for sanitary landfills, 20% of the total fill volume is subtracted to allow for cover soil volume and a 2:1 ratio of incoming to in-place volume for the waste is assumed.

For Item IV.B, the total time required to close the facility should be the anticipated length of time between when the facility ceases accepting waste and when the submittals required by 329 IAC 2-15-5 are submitted to the agency. In order to allow for periods of inclement weather during the placement of cover and establishment of vegetation, a time of one year is suggested.

The time for intermediate closure steps under Item IV.C. should be specified for placement of final cover, placement of topsoil, seeding, and activities related to drainage and access control. The regulation requires (at 329 IAC 2-14-13, 14, 15, & 16) that sites apply the final cover within certain time frames. Sanitary landfills are required to place final cover within 180 days.

It is important to note that 329 IAC 2-15-6(a) requires that final closure be initiated within 15 days after receiving the final volume of waste. It may be appropriate to include notification of closure to the agency as an early step in closure in order to meet this deadline.

Item V

Calculate the cost per acre to provide two feet of compacted clay soil; six inches of topsoil; vegetation; and certification of closure including any testing necessary for such certification. Provide this figure based on the above work regardless of whether your actual cover will be more or less extensive than what is specified. The regulation does not require a higher financial assurance for those who plan a more extensive cover system (such as a thicker cover), nor does the regulation allow a smaller amount for those required to do less.

Closure costs must be calculated based on the cost necessary for the work to be performed by a third party. A suggested reference for many of the costs is "Means Site Work Cost Data" by the R.S. Means Company, Inc. In other cases, local contractors may need to be contacted.

The cost of drainage features on the final cover, such as swales and downchutes, may be included in Item V or in Item VI. If these items are included under Item V, then they must be accomplished as part of partial closure, if planned, for an area.

Item VI

List the cost for items other than final cover and vegetation such as drainage structures (if not included above), access repair, and recording the notice on the deed.

Item VII

Multiply Item I.E. by Item V.G. and then add Item VI.C.

Item VIII

Check the yes or no box to indicate whether funding will be on an incremental basis. The regulation provides for two different options for closure cost estimates: the entire facility standard and the incremental standard.

With the entire facility standard, financial assurance must be provided for the cost of closing the entire facility although this amount may be reduced as areas are certified as partially closed. As an example, if a facility planned to fill 100 acres and needed \$10,000/acre for closure, then financial assurance would need to be provided initially for \$1,000,000. This amount could be decreased during the life of the facility as areas are certified as partially closed.

For the incremental standard, the facility is allowed to provide assurance for the closure cost based on a yearly

projection taking into account the areas which will have received waste by the end of the year minus the area that will be closed at the beginning of the year. For example, if, at the beginning of year #3, a facility has placed waste onto five acres of which one has been certified as partially closed and the facility plans on filling two additional acres during the third year, then financial assurance must be provided at the beginning of the year for:

$$5 \text{ acres} - 1 \text{ acre} + 2 \text{ acres} = 6 \text{ acres.}$$

The question has been raised about how to handle areas that are closed either prior to the new regulation becoming effective or to closure plan approval. The regulation specifies that partial closures are to certify that the areas were closed in accordance with approved closure plan. The argument has been made that the facility's permit is, in effect, the approved closure plan prior to approval of the new plan. This argument seems to be a practical way to avoid having facilities be responsible for financial assurance of large areas that are already closed.

If the answer to Item VIII.A is no, skip to Item IX.

For Item VIII.B, attach a copy of the facility's approved final contour map. Indicate on this map the maximum areas of waste deposition on a yearly basis for the remaining life of the facility. The map should clearly identify the lines used to delineate the required boundaries. The map should also be appropriately titled, dated, and show the preparing engineer's certification.

Fill in the table for Item VIII.C. For closure plans required for existing areas under 329 IAC 2-7-6(b), year #1 should start on September 1, 1989. Photocopy additional pages as necessary.

Item IX

Closure plans are required to be certified by a professional engineer registered in the State of Indiana.

Post-Closure Plan Line-By-Line Instructions

Item I

Give the facility's name, location, county, and solid waste permit number.

Existing permitted facilities should give their solid waste permit number if one has been specified in a permit or renewal issued since 329 IAC 2 became effective. Otherwise, the facility's Construction Permit Number should be given. New facilities should indicate "N/A" for not applicable.

Item II

The name, address, and phone # of the permittee who shall be the contact person during post-closure must be provided.

Item III

Provide a description of planned ground water monitoring activities including frequencies. Certain facilities may not be required to monitor ground water. Construction/demolition sites and Restricted Waste Type III sites do not have to monitor ground water if not specified by their permits. These facilities may indicate "N/A" for this item.

You should be aware that 329 IAC 2 requires semi-annual monitoring of ground water as opposed to the quarterly monitoring required in the past. Specific parameters, different from those commonly required in the past, are also specified in the regulation.

Item IV

329 IAC 2-15-7 specifies required post-closure duties. These duties should be reiterated here within the post-closure plan with any necessary detail provided. In particular, 329 IAC 2-15-7(a)(8) & (9) require monitoring of leachate collection and treatment and methane control systems plus control of any gas or leachate generated. These monitoring and control activities need to be

delineated.

You should be aware that Rule 14 of the regulation requires that sanitary landfills implement an approved methane monitoring program. Existing facilities should describe their anticipated monitoring program within the post-closure plan if one has not yet been approved.

Item V

Provide post-closure cost estimates as specified. These estimates should be for the entire 10-year post-closure period rather than on a yearly basis. Costs must be calculated based on the cost necessary for the work to be performed by a third party.

For maintenance of the final cover and vegetation (Item V.B), the cost shall be 10% of the cost per acre calculated for final cover and vegetation calculated in the closure plan multiplied by the total acreage permitted for filling.

Item V.C requires the cost for vegetation control. The regulation at 329 IAC 2-15-7(a)(4) requires control of vegetation on vehicular accessways to monitoring wells. At 329 IAC 2-15-7(a)(5), the regulation requires control of vegetation at the site as necessary to enable the need for slope and cover maintenance and leachate outbreak abatement. In general this will require the landfill to mow portions of the site on at least a yearly basis.

Item V.H requires the cost for ground water monitoring. A January of 1988 survey of ground water monitoring costs by staff indicated an approximate cost per well of \$140 for sampling and \$310 for analysis of the parameters required for sanitary landfills. This cost of \$450 would need to be multiplied by 20 to provide for 10 years of biannual sampling and then multiplied by the number of wells needing to be monitored. This projected cost may change if rates by monitoring laboratories change.

The costs for leachate hauling and disposal (Item V.I &)

be quite extensive for some facilities and not applicable to others. For facilities not required to collect leachate, these items may be marked "N/A".

Item VI

The permittee or an authorized representative of the permittee must sign the post-closure plan and provide his name, address, and phone number.

SOLID WASTE CLOSURE PLAN

I. GENERAL INFORMATION

A. Facility Name: _____

B. Facility Location: _____

C. Facility County: _____

D. Facility Solid Waste Permit No.: _____

E. Total Fill Acreage (See instructions.): _____

II. CLOSURE ACTIVITIES (Provide a description of the steps that will be used to partially close, if applicable, and finally close the facility. See instructions for items that should be included.)

II. CLOSURE ACTIVITIES (Continued.
necessary.)

Photocopy additional pages as

IV. EXPECTED YEAR OF CLOSURE

A. Expected Year Of Closure:

B. Total Time Required To Close Facility
(See instructions.)

C. Time Required For Intermediate Steps In Closure (Provide
a description of intermediate closure activities and the time
required. See instructions.)

V. COST PER ACRE FOR FINAL COVER & VEGETATION

A. What % Of Final Cover And Topsoil Is Available From Areas That Are Controlled, And Will Be Controlled Through Post-Closure, By The Permittee?

- 1. % of final cover _____
- 2. Describe location of sources _____

- 3. % of topsoil _____
- 4. Describe location of sources _____

B. Cost Per Acre for Acquisition, Placement, & Compaction of Two Feet of Final Cover

- 1. Acquisition
 - a. Quantity of clay needed per acre (cy/acre) 3,230
 - b. Excavation unit cost (\$/cy) (if obtained on-site) _____
 - c. Purchase unit cost (\$/cy) (if obtained off-site) _____
 - d. Delivery unit cost (\$/cy) (if obtained off-site) _____
 - e. Acquisition cost (\$/acre)
Line 1a * Line 1b (or)
Line 1a * (Line 1c + Line 1d) _____
- 2. Placement and Compaction
 - a. Placement/spreading unit cost (\$/cy) _____
 - b. Compaction unit cost (\$/cy) _____
 - c. Placement and compaction cost (\$/acre)
Line 1a * (Line 2a + Line 2b) _____

3. Testing

- a. Soil classification (if soil source is of variable quality)(\$/acre) _____
 - b. Survey control for cover thickness and proper slopes (\$/acre) _____
 - c. Density testing (if planned)(\$/acre) _____
 - d. Testing cost (\$/acre)
Line 3a + Line 3b + Line 3c _____
4. Clay Cover Cost (\$/acre)
Line 1e + Line 2c + Line 3d _____

C. Cost Per Acre For Acquisition & Placement of Topsoil

1. Acquisition

- a. Quantity of topsoil needed per acre (cy/acre) 807

- b. Excavation unit cost (\$/cy) (if obtained on-site) _____
- c. Purchase unit cost (\$/cy) (if obtained off-site) _____
- d. Delivery unit cost (\$/cy) (if obtained off-site) _____
- e. Acquisition cost (\$/acre)
Line 1a * Line 1b (or)
Line 1a * (Line 1c + Line 1d) _____

2. Placement

- a. Spreading unit cost (\$/cy) _____
- b. Placement cost (\$/acre)
Line 1a * Line 2a _____

3. Topsoil Cost (\$/acre)
Line 1e + Line 2b _____

D. Cost Per Acre to Establish Vegetation

1. Vegetation

- a. Seeding unit cost (\$/acre) _____
- b. Fertilization unit cost (\$/acre) _____
- c. Mulching unit cost (\$/acre) _____
- d. Vegetation Establishment Cost (\$/acre)
Line 1a + Line 1b + Line 1c _____

E. Cost Per Acre to Certify Closure

1. Registered Professional Engineer

- a. Initial review of closure plan (hrs) _____
- b. Total number of inspections _____
- c. Inspection time required (hrs/visit) _____
- d. Total inspection time (hrs)
Line 1b * Line 1c _____
- e. Prepare final documentation (hrs) _____
- f. Total engineer time (hrs)
Line 1a + Line 1d + Line 1e _____
- g. Engineer unit labor cost (\$/hr) _____
- h. Professional engineer cost (\$)
Line 1f * Line 1g _____
- i. Area of site permitted for
filling (acres) _____
- j. Closure Certification Cost (\$/acre)
Line 1h + Line 1i _____

F. Other Costs Per Acre for Final Cover and Vegetation

1. Other Costs (\$/acre) (Specify.)

G. Total of Items B Through F
(Must not be less than \$5,000)

VI. OTHER CLOSURE COSTS (Give these on a total facility basis rather than per acre.)

A. Notation on Property Deed

B. Other Costs

Costs for items such as drainage features, installation of gas vents, etc. should be delineated in this section.

1. Activity

Cost

C. Total (Add costs from sections A. and B.) _____

VII. CLOSURE COST ESTIMATE (Multiply Item I.E by Item V.G. and then add Item VI.C.): _____

VIII. ADDITIONAL INFORMATION REQUIRED FOR FACILITIES PROVIDING FINANCIAL ASSURANCE ON AN INCREMENTAL BASIS

A. Will Closure Financial Assurance Be Provided On An Incremental Basis? (If the answer to this question is no, skip to Item IX.): _____

B. Map Of Areas Of Waste Deposition (Attach a copy of the facility's final contour map which shows the maximum areas of waste deposition on a yearly basis for the remaining life of the facility.)

C. Maximum Areas Of Waste Deposition & Closure Costs (Fill in the following table for each remaining year of the facility's life.)

Year	Max. Area of Waste Deposition (cumulative acres) (end of year)	Closure Cost w/o Partial Closure (\$)	Area Partially Closed (cumulative acres) (start of year)	Incremental Closure Cost

IX. ENGINEER CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit this information.

Signature: _____

Date: _____

Name: _____

Address: _____

Telephone #: _____

Professional Engineer Registration No.: _____

SOLID WASTE POST-CLOSURE PLAN

I. GENERAL INFORMATION

A. Facility Name: _____

B. Facility Location: _____

C. Facility County: _____

D. Facility Solid Waste Permit No.: _____

II. POST-CLOSURE CONTACT PERSON

A. Name: _____

B. Address: _____

C. Telephone No.: _____

III. GROUND WATER MONITORING ACTIVITIES (Provide a description of planned ground water monitoring activities including the frequency of the activities. See instructions.)

IV. MAINTENANCE ACTIVITIES (Provide a description of planned maintenance activities and the frequency at which they will be performed. See instructions.)

V. POST-CLOSURE COST ESTIMATE (See instructions. Note that these estimates are to be presented for the entire 10-year post-closure care period rather than on a yearly basis.)

A. Cost for Semi-Annual Inspections and Reports

1. Inspection

- a. Number of inspections during post-closure period (semiannual inspections for 10 years) 20
- b. Inspector time required (hrs/insp) _____
- c. Inspector unit labor cost (\$/hr) _____
- d. Inspection Cost (\$) _____
 Line 1a * Line 1b * Line 1c

2. Report Preparation

- a. Number of reports during post-closure period 20
- b. Cost per report (\$) _____
- c. Report cost (\$) _____
 Line 2a * Line 2b

3. Inspection and Report Cost (\$) _____

B. Cost for Maintenance of Final Cover and Vegetation

The cost for cover maintenance and vegetation shall be 10 percent of the cost per acre calculated for final cover and vegetation in the closure plan. (329 IAC 2-15-8(b)(4))

1. Final Cover Maintenance

- a. 10% of cost for placement of final cover and vegetation (as determined in Item V.G of the Closure Plan) (\$/acre) _____
- b. Total area of site permitted for filling (acres) _____
- c. Cover Maintenance Cost (\$) _____
 Line 1a * Line 1b

C. Cost for Vegetation Control

Certain areas are required to be mowed per regulation. See instructions.

1. Mowing

a. Mowing frequency (visits/10 years) _____

b. Area to be mowed (acres/visit) _____

c. Mowing unit cost (\$/acre) _____

d. Vegetation Control Cost (\$)
Line 1a * Line 1b * Line 1c _____

D. Cost for Maintenance of Access Control & Benchmarks

1. Access Control Maintenance

a. Access control maintenance
frequency (visits/10 years) _____

b. Amount of fence needing replacement
(linear feet/visit) _____

c. Fencing unit cost (\$/linear foot) _____

d. Fence cost (\$)
Line 1a * Line 1b * Line 1c _____

e. Other (\$)
(specify) _____

f. Access Control Maintenance Cost (\$)
Line 1d + 1e _____

2. Benchmark Maintenance Cost (if any) (\$) _____

3. Access Control & Benchmark Repair Cost (\$)
Line 1f + Line 2 _____

E. Cost for Leachate Collection System Monitoring and Maintenance

1. Leachate Collection System Inspection

- a. Inspection frequency (insp/10 years) _____
- b. Inspection time required (hrs/insp) _____
- c. Inspector unit labor cost (\$/hr) _____
- d. Inspection cost (\$)
Line 1a * Line 1b * Line 1c _____

2. Leachate Collection System Maintenance

- a. Number of pumps replaced during post-closure (pumps/10 years) _____
- b. Pump unit cost (\$/pump) _____
- c. Other (\$)
(specify) _____

- d. Leachate system maintenance
(Line 2a * Line 2b) + Line 2c _____

3. Leachate Collection Monitoring and Maintenance Cost (\$)
Line 1d + Line 2d _____

F. Cost for Methane Control System Monitoring and Maintenance

1. Methane Control System Monitoring

- a. Gas monitoring frequency
(visits/10 years) _____
- b. Time required to monitor
(hrs/visit) _____
- c. Contract lab technician unit
labor cost (\$/hr) _____
- d. Gas monitoring cost (\$)
Line 1a * Line 1b * Line 1c _____

2. Gas Monitoring Well Maintenance

- a. Maintenance frequency (visits/10 years) _____
- b. Monitoring wells needing maintenance per visit _____
- c. Maintenance time required (hrs/well) _____
- d. Unit labor cost (\$/hr) _____
- e. Monitoring well maintenance cost (\$) _____
Line 2a * Line 2b * Line 2c *
Line 2d

3. Gas Monitoring and Maintenance Cost (\$) _____
Line 1d + Line 2e

G. Cost for Ground Water Monitoring System Maintenance

1. Monitoring Well Maintenance

- a. Maintenance frequency (visits/10 yrs) _____
- b. Number of monitoring wells needing maintenance per visit _____
- c. Maintenance time required (hrs/well) _____
- d. Unit labor cost (\$/hr) _____
- e. Monitoring well maintenance cost (\$) _____
Line 1a * Line 1b * Line 1c * Line 1d

2. Monitoring Well and Parts Replacement

- a. Number of wells needing replacement during post-closure period _____
- b. Existing monitoring well sealing unit cost (\$/well) _____
- c. New monitoring well construction unit cost (\$/well) _____

d. Monitoring well replacement cost (\$) _____
Line 2a * (Line 2b + Line 2c)

e. Number of pumps needing replacement _____
during post-closure period

f. Pump unit cost (\$/pump) _____

g. Pump cost (\$) _____
Line 2e * Line 2f

3. Ground Water Monitoring System _____
Maintenance Cost (\$) _____
Line 1e + Line 2d + Line 2g

H. Cost for Ground Water Monitoring

1. Ground Water Monitoring

a. Number of required monitoring wells _____

b. Monitoring frequency _____
(semiannual sampling for 10 years) 20

c. Sampling and analysis cost (\$/well) _____

d. Ground Water Monitoring Cost (\$) _____
Line 1a * Line 1b * Line 1c

I. Cost for Leachate Hauling

1. Leachate Pumping & Hauling

a. Leachate removal frequency _____
(visits/10 years)

b. Quantity to be managed off-site _____
(gallons/visit)

c. Truck capacity (gallons) _____

d. Number of loads/visit _____
Line 1b ÷ Line 1c
(round up to nearest integer)

e. Pumping and transportation
unit cost (\$/load)

f. Leachate Hauling Cost (\$)
Line 1a * Line 1d * Line 1e

J. Cost for Leachate Disposal

1. Leachate Treatment

a. Volume of leachate requiring
disposal (gallons)

b. Disposal unit cost (\$/gal)

c. Leachate Disposal Cost (\$)
Line 1a * Line 1b

K. Other Costs

Any costs not included in the above items should be included here. These might include drainage ditch, access road, and sedimentation pond maintenance, lift station power costs, etc.

1. Activity

Cost

2. Total of Other Costs (\$)

L. Total Post Closure Cost Estimate (\$) _____
(Total of preceding categories)

VI. SIGNATORY CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit this information.

Signature: _____

Date: _____

Name: _____

Address: _____

Telephone #: _____

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word **NEW** will appear in that style type in the introductory clause of each **SECTION** that adds a new provision to the Indiana Code or the Indiana Constitution.

HOUSE ENROLLED ACT No. 1472

AN ACT to amend the Indiana Code concerning the environment.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-7-10.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS:

Chapter 10.2. Good Character Requirements for Solid Waste Management Board Permits

Sec. 1. As used in this chapter, "applicant" means an individual, a corporation, a partnership, or a business association that applies for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e).

Sec. 2. As used in this chapter, "responsible party" means:

(1) an officer, a corporation director, or a senior management official of a corporation, partnership, or business association that is an applicant; or

(2) an individual, a corporation, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant.

Sec. 3. (a) Before an application for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e) may be granted, the applicant

and each person who is a responsible party with respect to the applicant must submit to the department:

(1) a disclosure statement that meets the requirements set forth in subsection (b) and is executed under subsection (c); or

(2) all of the following:

(A) The information concerning legal proceedings that is required under section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) and that the applicant or responsible party has reported under form 10-K.

(B) A description of all judgments that have been entered against the applicant or responsible party in a proceeding described in subsection (b)(3) and that have imposed upon the applicant or responsible party a fine or penalty described in subsection (b)(3)(A).

(C) A description of all judgments of conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental protection law.

(b) In a disclosure statement required under this section, the applicant or responsible party shall set forth the following information:

(1) The name, business address, and social security number of the applicant or responsible party.

(2) A description of the applicant's or responsible party's experience in managing the type of waste that will be managed under the permit.

(3) A description of all civil and administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that:

(A) have resulted in a fine or penalty of more than ten thousand dollars (\$10,000) within five (5) years before the date of the submission of the application; or

(B) allege an act or omission that constitutes a material violation of the state or federal environmental protection law and that presented a substantial endangerment to the public health or the environment.

(4) A description of all pending criminal complaints alleging the violation of any state or federal

environmental protection law that have been filed against the applicant or responsible party within five (5) years before the date of submission of the application.

(5) A description of all judgments of criminal conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental protection law.

(6) A description of all judgments of criminal conviction of a felony constituting a crime of moral turpitude under the laws of any state or the United States that are entered against the applicant or responsible party within five (5) years before the date of submission of the application.

(7) The location of all facilities at which the applicant or responsible party manages the type of waste that would be managed under the permit to which the application refers.

(c) A disclosure statement submitted under subsection (a)(1) must be executed under oath or affirmation and be subject to the penalty for perjury under IC 35-44-2-1.

(d) The department may investigate and verify the information set forth in a statement required under this section.

Sec. 4. (a) The commissioner may deny an application for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e) if the commissioner finds that:

(1) the applicant or a responsible party has intentionally misrepresented or concealed any material fact in a statement required under section 3 of this chapter;

(2) a civil or administrative complaint described in section 3(b)(3) of this chapter has been filed against the applicant or a responsible party within five (5) years before the date of submission of the application;

(3) a criminal complaint described in section 3(b)(4) of this chapter has been filed against the applicant or a responsible party within five (5) years before the date of submission of the application;

(4) a judgment of criminal conviction described in section 3(b)(5) or section 3(b)(6) has been entered against the applicant or a responsible party within five (5) years before the date of submission of the application; or

(5) the applicant or a responsible party has knowingly and repeatedly violated any state or federal environmental protection laws.

(b) Before making a determination to deny an application for the issuance, renewal, transfer, or major modification of a permit under subsection (a), the commissioner shall consider the following mitigating factors:

(1) The nature and details of the acts attributed to the applicant or responsible party.

(2) With respect to:

(A) a civil or an administrative complaint referred to in subsection (a)(2); or

(B) a criminal complaint referred to in subsection (a)(3);

whether the matter has been resolved.

(3) With respect to:

(A) a civil or an administrative complaint referred to in subsection (a)(2);

(B) a criminal complaint referred to in subsection (a)(3); or

(C) a judgment of conviction referred to in subsection (a)(4);

whether any appeal is pending.

(4) The degree of culpability of the applicant or responsible party.

(5) The applicant's or responsible party's cooperation with the state or federal agencies involved in the investigation of the activities involved in complaints and convictions referred to in subsection (a)(2) through (a)(5).

(6) The applicant's or responsible party's dissociation from any other persons or entities convicted of acts referred to in subsection (a)(2) through (a)(5).

(7) Prior or subsequent self-policing or internal education programs established by the applicant to prevent activities referred to in subsection (a).

(8) Whether the best interests of the public will be served by denial of the permit.

(9) Any demonstration of good citizenship by the applicant or responsible party.

(c) In taking action under this chapter on an application for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e), the commissioner shall make separately stated findings of fact

to support the action taken. The findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. However, when the commissioner denies an application, the commissioner is not required to explain the extent to which any of the mitigating factors set forth in subsection (b) influenced the commissioner's determination to deny the application.

(d) Provided, however, a denial under this section may not be based solely upon pending complaints disclosed under sections 3(b)(3)(B) or 3(b)(4) of this chapter.

Sec. 5. (a) This section does not apply to the transfer of ownership of a facility from a permittee whose business derives less than fifty percent (50%) of its gross revenue from the management of solid waste to a prospective owner whose business derives less than fifty percent (50%) of its gross revenue from the management of solid waste.

(b) If there is a prospective change of ownership in a facility for which a permit described in IC 13-7-10-1(e) is required, the prospective owner, at least one hundred eighty (180) days before the proposed change in ownership, may submit to the commissioner a disclosure statement that includes the information required by section 3(b) of this chapter and that was executed under section 3(c) of this chapter. The commissioner shall review the disclosure statement and may investigate and verify the information set forth in the disclosure statement. If the commissioner determines that the information disclosed by the disclosure statement and any investigation by the commissioner would require the commissioner to deny the prospective owner's permit application if the prospective owner were applying for a permit under section 3 of this chapter, the commissioner shall disapprove the transfer of ownership of the facility to the prospective owner.

Sec. 6. IC 4-21.5 governs determinations, notice, hearings, and appeal of determinations under this chapter.

Sec. 7. The solid waste management board may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 2. IC 13-7-10-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS: **Sec. 1.5.**

(a) A person that applies for a permit described in section 1(e) of this chapter that concerns solid waste management facility must demonstrate that there is a local or regional need in Indiana for the facility.

(b) A person that applies for a permit referred to in subsection (a) must submit the following information to the department along with the permit application:

- (1) A description of the area that would be served by the solid waste management facility.
- (2) A description of existing solid waste management facilities in the area that would be served by the solid waste management facility.
- (3) A description of the need that would be fulfilled by constructing the solid waste management facility.

(c) If the department determines that there is not a local or regional need in Indiana for the solid waste management facility, the person referred to in subsection (a) shall not receive a permit described under section 1(e) of this chapter.

(d) The solid waste management board shall adopt rules under IC 4-22-2 to implement this section.

SECTION 3. IC 13-7-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS:

Chapter 31. Municipal Waste Transportation

Sec. 1. This chapter does not apply to a vehicle used exclusively to transport municipal waste within the boundaries of real property owned or leased by the generator of the municipal waste.

Sec. 2. (a) As used in this chapter, "municipal waste" means any garbage, refuse, industrial lunchroom or office waste, and other material resulting from the operation of residential, municipal, commercial, or institutional establishments and from community activities.

(b) The term does not include the following:

- (1) Special waste, as defined in 329 IAC 2-21-1 in effect on January 1, 1990.
- (2) Hazardous waste regulated under IC 13-7-8.5 or under the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) in effect on January 1, 1990.
- (3) Infectious waste, as defined in IC 16-1-9.7-3.
- (4) Wastes that result from the combustion of coal and that are referred to in IC 13-1-12-9.
- (5) Materials that are being transported to a facility for reprocessing or reuse.

(c) As used in subsection (b)(5), "reprocessing or reuse" does not include:

- (1) incineration; or
- (2) placement in a landfill.

Sec. 3. (a) As used in this chapter, "municipal waste collection and transportation vehicle" means a truck or railroad car used to transport municipal waste from a solid waste generator or a solid waste processing facility to a:

- (1) solid waste processing facility in Indiana; or
- (2) solid waste disposal facility in Indiana.

(b) The term does not include a vehicle used to transport municipal waste from a residence if the vehicle is owned or leased by an individual who lives in the residence.

Sec. 4. As used in this chapter, "solid waste disposal facility" means a facility at which solid waste is:

- (1) deposited on or beneath the surface of the ground as an intended place of final location; or
- (2) incinerated.

Sec. 5. As used in this chapter, "solid waste processing facility" means a facility at which solid waste is prepared for:

- (1) disposal;
- (2) incineration;
- (3) recovery; or
- (4) transportation.

Sec. 6. As used in this chapter, "vehicle" refers to a municipal waste collection and transportation vehicle.

Sec. 7. As used in this chapter, "railroad car" means a vehicle that can be used for the transportation of municipal waste on a railroad.

Sec. 8. The department shall operate a municipal waste collection and transportation vehicle licensing and inspection program.

Sec. 9. A person may not operate a municipal waste collection and transportation vehicle that is not licensed to operate under this chapter.

Sec. 10. A license issued under this chapter:

- (1) shall be carried at all times on the municipal waste collection and transportation vehicle for which the license is issued; and
- (2) is valid for a period of time specified by the department but not more than five (5) years from the date the license is issued.

Sec. 11. A municipal waste collection and transportation vehicle may be inspected by the department. The department may inspect a vehicle that is not moving, but may not stop a vehicle that is in motion on

a public highway (as defined in IC 9-1-1-2(q)) to conduct an inspection.

Sec. 12. (a) This section applies to the transportation of municipal waste from solid waste processing facilities.

(b) A municipal waste collection and transportation vehicle that is transporting municipal waste from a solid waste processing facility must have attached to it placards that indicate that the vehicle is carrying municipal waste.

(c) A shipment of municipal waste in a municipal waste collection and transportation vehicle must be accompanied by a municipal waste transportation manifest.

(d) A manifest required under subsection (c) must include the following information:

(1) The amount in pounds of municipal waste transported in the vehicle.

(2) The name and address of the solid waste processing facility from which the municipal waste is transported.

(3) The destination of the municipal waste.

(4) The name of the person transporting the municipal waste.

(e) The owner or operator of the solid waste processing facility from which municipal waste is to be transported shall prepare the manifest required by subsection (c) and deliver it to the operator of the vehicle, who shall carry it while transporting the municipal waste. The vehicle operator shall present the manifest to the owner or operator of the facility to which the municipal waste is transported, who shall retain one (1) copy of the manifest and send one (1) copy to the department.

(f) The definition of "manifest" set forth in IC 13-7-1-14 does not apply to this section.

Sec. 13. The rules adopted by the solid waste management board under section 17 of this chapter shall restrict a municipal waste collection and transportation vehicle from uses other than the collection and transportation of municipal waste.

Sec. 14. A solid waste disposal facility or a solid waste processing facility may not accept a shipment of municipal waste:

(1) from a municipal waste collection and transportation vehicle that has not been licensed under this chapter; and

(2) that is not accompanied by a municipal waste transportation manifest required under section 12 of this chapter.

Sec. 15. A solid waste processing facility may not transport municipal waste to another solid waste processing facility or a solid waste disposal facility unless the municipal waste is accompanied by a municipal waste manifest.

Sec. 16. This chapter does not preclude, restrict, or supersede the right of:

- (1) a county in Indiana;
- (2) a municipality in Indiana; or
- (3) a solid waste management district established under Indiana law;

to regulate or license a solid waste collection and transportation vehicle under authority granted by statute or by an ordinance adopted under IC 36.

Sec. 17. The solid waste management board shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 4. (a) The solid waste management board shall adopt the rules required by IC 13-7-10-1.5(d), as added by this act, before January 1, 1991.

(b) The solid waste management board shall adopt the rules required by IC 13-7-31-17, as added by this act, before January 1, 1991.

(c) This SECTION expires January 1, 1991.

SECTION 5. Because an emergency exists, this act takes effect as follows:

- SECTIONS 1 through 2 Upon passage
- SECTION 3 January 1, 1991
- SECTION 4 Upon passage

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M E M O R A N D U M

TO: All Permitted Solid Waste Facilities

SUBJECT: Additional Requirements for Solid Waste Permit Applications Per
New Legislation

As many of you are aware, legislation passed in March 1990, requires from one to three additional information submittals for review before permit renewals, new (construction/operating) permits, permit transfers and major permit modifications can be granted.

If you currently have a permit in our review system or are planning to submit an application for review, this letter will serve as notification of the additional items needed to complete your application. Please send this information to the Solid Waste Management Branch Chief at the above address. If you have already submitted information to satisfy these additional requirements, please review the descriptions on the next page to assure you have completed all of the necessary forms.

The requirements for the character disclosure statement and net worth statement do not apply to government entities. The following is a list of which requirements apply to which permit actions.

PERMIT RENEWALS

Character disclosure statement

NEW (CONSTRUCTION/OPERATING) PERMITS

Character disclosure statement

Net worth statement (not required for solid waste processing facilities)
Demonstration of need

MAJOR MODIFICATIONS TO EXISTING PERMITS

Major modifications are those who propose an increase in disposal capacity:

Character disclosure statement
Demonstration of need

PERMIT TRANSFER

Character disclosure statement

The following is a description of the information which must be submitted to satisfy each of the requirements:

Character Disclosure, IC 13-7-10.2

A copy of House Enrolled Act (HEA) No. 1472 is attached which describes the information to be submitted. Also attached are three forms which must be completed, and returned to IDEM. The first one is a form developed by staff to assist in putting together the information required in the legislation. Please initial the appropriate blank for each required item of information and, when so indicated by you, attach the information which specifically identifies and describes that particular disclosure. A character disclosure statement must be executed under oath or affirmation, and the last page of this form provides a place to do that. The second form is a "Request for Limited Criminal History Information" which must have the blanks at the top of the form filled in. The third form is an "Authorization to Release Criminal History Information" and must be filled-in, signed, and notarized. Please note that character disclosure statements are required not only of applicants but of all person defined as "Responsible Parties".

Demonstration of Need, IC 13-7-10-1.5

The legislation relative to demonstration of need is also contained in HEA No. 1472. Also attached is a copy of the "Need Rule" which has been final adopted by the Solid Waste Management Board. The proposed rule provides an outline of the information which must be submitted as a demonstration of need.

Net Worth IC 13-7-22-2

The legislation relative to the Net Worth Statement is contained in HEA 1388 (attached). In brief, the legislation requires that an independent certified public accountant audit, and issue an unqualified opinion for, a statement of financial position which has been prepared using generally accepted accounting principles. Before the permit may be granted, the statement must indicate that, at the end of the calendar year or fiscal year immediately proceeding the year in which the permit would be issued, the applicant had a positive net worth of at least \$250,000. In addition, the applicant must, under oath or affirmation, state that there are no unsatisfied and nonappealable judgements requiring the payment of money by the applicant.

APPENDIX

M



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor
Kathy Prosser
Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

M E M O R A N D U M

TO: All Proposed and Permitted Solid Waste Facilities

SUBJECT: Additional Requirements for Solid Waste Permit Applications Per New Legislation

As many of you are aware, legislation passed in March 1990, requires from one to three additional information submittals for review before permit renewals, new (construction/operating) permits, permit transfers and major permit modifications can be granted.

If you currently have a permit in our review system or are planning to submit an application for review, this letter will serve as notification of the additional items needed to complete your application. Please send this information to the Solid Waste Management Branch Chief at the above address. If you have already submitted information to satisfy these additional requirements, please review the descriptions on the next page to assure you have completed all of the necessary forms.

PLEASE SUBMIT 4 COPIES OF CHARACTER DISCLOSURE STATEMENT, DEMONSTRATION OF NEED, AND NET WORTH STATEMENT AS SEPARATELY BOUND DOCUMENTS SINCE THESE NEED TO BE REMOVED FROM THE APPLICATION TO BE REVIEWED BY STAFF OTHER THAN THE TECHNICAL STAFF.

The requirements for the character disclosure statement and net worth statement do not apply to government entities. The following is a list of which requirements apply to which permit actions.

PERMIT RENEWALS

Character disclosure statement

NEW (CONSTRUCTION/OPERATING) PERMITS

Character disclosure statement
Net worth statement (not required for solid waste processing facilities)
Demonstration of need

MAJOR MODIFICATIONS TO EXISTING PERMITS

Major modifications are those who propose an increase in disposal capacity:

Character disclosure statement
Demonstration of need

PERMIT TRANSFER

Character disclosure statement

The following is a description of the information which must be submitted to satisfy each of the requirements:

Character Disclosure, IC 13-7-10.2

A copy of House Enrolled Act (HEA) No. 1472 is attached which describes the information to be submitted. A form developed by staff to assist in putting together the information required in the legislation is included in this packet. Please initial the appropriate blank for each required item of information and, when so indicated by you, attach the information which specifically identifies and describes that particular disclosure. A character disclosure statement must be filled-in, signed, and notarized. Please note that character disclosure statements are required not only of applicants but of all person defined as "Responsible Parties".

Demonstration of Need, IC 13-7-10-1.5

The legislation relative to demonstration of need is also contained in HEA No. 1472. Also attached is a copy of the "Need Rule" which has been final adopted by the Solid Waste Management Board. The proposed rule provides an outline of the information which must be submitted as a demonstration of need.

Net Worth, IC 13-7-22-2

The legislation relative to the Net Worth Statement is contained in HEA 1388 (attached). In brief, the legislation requires that an independent certified public accountant audit, and issue an unqualified opinion for, a statement of financial position which has been prepared using generally accepted accounting principles. Before the permit may be granted, the statement must indicate that, at the end of the calendar year or fiscal year immediately proceeding the year in which the permit would be issued, the applicant had a positive net worth of at least \$250,000. In addition, the applicant must, under oath or affirmation, state that there are no unsatisfied and nonappealable judgements requiring the payment of money by the applicant.

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Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

HOUSE ENROLLED ACT No. 1472

AN ACT to amend the Indiana Code concerning the environment.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-7-10.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS:

Chapter 10.2. Good Character Requirements for Solid Waste Management Board Permits

Sec. 1. As used in this chapter, "applicant" means an individual, a corporation, a partnership, or a business association that applies for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e).

Sec. 2. As used in this chapter, "responsible party" means:

- (1) an officer, a corporation director, or a senior management official of a corporation, partnership, or business association that is an applicant; or
- (2) an individual, a corporation, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant.

Sec. 3. (a) Before an application for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e) may be granted, the applicant

and each person who is a responsible party with respect to the applicant must submit to the department:

- (1) a disclosure statement that meets the requirements set forth in subsection (b) and is executed under subsection (c); or
 - (2) all of the following:
 - (A) The information concerning legal proceedings that is required under section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) and that the applicant or responsible party has reported under form 10-K.
 - (B) A description of all judgments that have been entered against the applicant or responsible party in a proceeding described in subsection (b)(3) and that have imposed upon the applicant or responsible party a fine or penalty described in subsection (b)(3)(A).
 - (C) A description of all judgments of conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental protection law.
- (b) In a disclosure statement required under this section, the applicant or responsible party shall set forth the following information:
- (1) The name, business address, and social security number of the applicant or responsible party.
 - (2) A description of the applicant's or responsible party's experience in managing the type of waste that will be managed under the permit.
 - (3) A description of all civil and administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that:
 - (A) have resulted in a fine or penalty of more than ten thousand dollars (\$10,000) within five (5) years before the date of the submission of the application; or
 - (B) allege an act or omission that constitutes a material violation of the state or federal environmental protection law and that presented a substantial endangerment to the public health or the environment.
 - (4) A description of all pending criminal complaints alleging the violation of any state or federal

environmental protection law that have been filed against the applicant or responsible party within five (5) years before the date of submission of the application.

(5) A description of all judgments of criminal conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental protection law.

(6) A description of all judgments of criminal conviction of a felony constituting a crime of moral turpitude under the laws of any state or the United States that are entered against the applicant or responsible party within five (5) years before the date of submission of the application.

(7) The location of all facilities at which the applicant or responsible party manages the type of waste that would be managed under the permit to which the application refers.

(c) A disclosure statement submitted under subsection (a)(1) must be executed under oath or affirmation and be subject to the penalty for perjury under IC 35-44-2-1.

(d) The department may investigate and verify the information set forth in a statement required under this section.

Sec. 4. (a) The commissioner may deny an application for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e) if the commissioner finds that:

- (1) the applicant or a responsible party has intentionally misrepresented or concealed any material fact in a statement required under section 3 of this chapter;
- (2) a civil or administrative complaint described in section 3(b)(3) of this chapter has been filed against the applicant or a responsible party within five (5) years before the date of submission of the application;
- (3) a criminal complaint described in section 3(b)(4) of this chapter has been filed against the applicant or a responsible party within five (5) years before the date of submission of the application;
- (4) a judgment of criminal conviction described in section 3(b)(5) or section 3(b)(6) has been entered against the applicant or a responsible party within five (5) years before the date of submission of the application; or

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(3) the applicant or a responsible party has knowingly and repeatedly violated any state or federal environmental protection laws.

(b) Before making a determination to deny an application for the issuance, renewal, transfer, or major modification of a permit under subsection (a), the commissioner shall consider the following mitigating factors:

(1) The nature and details of the acts attributed to the applicant or responsible party.

(2) With respect to:

(A) a civil or an administrative complaint referred to in subsection (a)(2); or

(B) a criminal complaint referred to in subsection (a)(3);

whether the matter has been resolved.

(3) With respect to:

(A) a civil or an administrative complaint referred to in subsection (a)(2);

(B) a criminal complaint referred to in subsection (a)(3); or

(C) a judgment of conviction referred to in subsection (a)(4);

whether any appeal is pending.

(4) The degree of culpability of the applicant or responsible party.

(5) The applicant's or responsible party's cooperation with the state or federal agencies involved in the investigation of the activities involved in complaints and convictions referred to in subsection (a)(2) through (a)(5).

(6) The applicant's or responsible party's dissociation from any other persons or entities convicted of acts referred to in subsection (a)(2) through (a)(5).

(7) Prior or subsequent self-policing or internal education programs established by the applicant to prevent activities referred to in subsection (a).

(8) Whether the best interests of the public will be served by denial of the permit.

(9) Any demonstration of good citizenship by the applicant or responsible party.

(c) In taking action under this chapter on an application for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(c), the commissioner shall make separately stated findings of fact

to support the action taken. The findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. However, when the commissioner denies an application, the commissioner is not required to explain the extent to which any of the mitigating factors set forth in subsection (b) influenced the commissioner's determination to deny the application.

(d) Provided, however, a denial under this section may not be based solely upon pending complaints disclosed under sections 3(b)(3)(B) or 3(b)(4) of this chapter.

Sec. 5. (a) This section does not apply to the transfer of ownership of a facility from a permittee whose business derives less than fifty percent (50%) of its gross revenue from the management of solid waste to a prospective owner whose business derives less than fifty percent (50%) of its gross revenue from the management of solid waste.

(b) If there is a prospective change of ownership in a facility for which a permit described in IC 13-7-10-1(e) is required, the prospective owner, at least one hundred eighty (180) days before the proposed change in ownership, may submit to the commissioner a disclosure statement that includes the information required by section 3(b) of this chapter and that was executed under section 3(c) of this chapter. The commissioner shall review the disclosure statement and may investigate and verify the information set forth in the disclosure statement. If the commissioner determines that the information disclosed by the disclosure statement and any investigation by the commissioner would require the commissioner to deny the prospective owner's permit application if the prospective owner were applying for a permit under section 3 of this chapter, the commissioner shall disapprove the transfer of ownership of the facility to the prospective owner.

Sec. 6. IC 4-21.5 governs determinations, notice, hearings, and appeal of determinations under this chapter.

Sec. 7. The solid waste management board may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 2. IC 13-7-10-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS: **Sec. 1.5.**

(a) A person that applies for a permit described in section 1(e) of this chapter that concerns solid waste management facility must demonstrate that there is a local or regional need in Indiana for the facility.

(b) *A person that applies for a permit referred to in subsection (a) must submit the following information to the department along with the permit application:

- (1) A description of the area that would be served by the solid waste management facility.
- (2) A description of existing solid waste management facilities in the area that would be served by the solid waste management facility.
- (3) A description of the need that would be fulfilled by constructing the solid waste management facility.

(c) If the department determines that there is not a local or regional need in Indiana for the solid waste management facility, the person referred to in subsection (a) shall not receive a permit described under section 1(e) of this chapter.

(d) The solid waste management board shall adopt rules under IC 4-22-2 to implement this section.

SECTION 3. IC 13-7-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS:

Chapter 31. Municipal Waste Transportation

Sec. 1. This chapter does not apply to a vehicle used exclusively to transport municipal waste within the boundaries of real property owned or leased by the generator of the municipal waste.

Sec. 2. (a) As used in this chapter, "municipal waste" means any garbage, refuse, industrial lunchroom or office waste, and other material resulting from the operation of residential, municipal, commercial, or institutional establishments and from community activities.

(b) The term does not include the following:

- (1) Special waste, as defined in 329 IAC 2-21-1 in effect on January 1, 1990.
- (2) Hazardous waste regulated under IC 13-7-8.5 or under the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) in effect on January 1, 1990.
- (3) Infectious waste, as defined in IC 16-1-9.7-3.
- (4) Wastes that result from the combustion of coal and that are referred to in IC 13-1-12-8.
- (5) Materials that are being transported to a facility for reprocessing or reuse.

(c) As used in subsection (b)(5), "reprocessing or reuse" does not include:

- (1) incineration; or
- (2) placement in a landfill.

Sec. 3. (a) As used in this chapter, "municipal waste collection and transportation vehicle" means a truck or railroad car used to transport municipal waste from a solid waste generator or a solid waste processing facility to a:

- (1) solid waste processing facility in Indiana; or
- (2) solid waste disposal facility in Indiana.

(b) The term does not include a vehicle used to transport municipal waste from a residence if the vehicle is owned or leased by an individual who lives in the residence.

Sec. 4. As used in this chapter, "solid waste disposal facility" means a facility at which solid waste is:

- (1) deposited on or beneath the surface of the ground as an intended place of final location; or
- (2) incinerated.

Sec. 5. As used in this chapter, "solid waste processing facility" means a facility at which solid waste is prepared for:

- (1) disposal;
- (2) incineration;
- (3) recovery; or
- (4) transportation.

Sec. 6. As used in this chapter, "vehicle" refers to a municipal waste collection and transportation vehicle.

Sec. 7. As used in this chapter, "railroad car" means a vehicle that can be used for the transportation of municipal waste on a railroad.

Sec. 8. The department shall operate a municipal waste collection and transportation vehicle licensing and inspection program.

Sec. 9. A person may not operate a municipal waste collection and transportation vehicle that is not licensed to operate under this chapter.

Sec. 10. A license issued under this chapter:

- (1) shall be carried at all times on the municipal waste collection and transportation vehicle for which the license is issued; and
- (2) is valid for a period of time specified by the department but not more than five (5) years from the date the license is issued.

Sec. 11. A municipal waste collection and transportation vehicle may be inspected by the department. The department may inspect a vehicle that is not moving, but may not stop a vehicle that is in motion on

a public highway (as defined in IC 9-1-1-2(q)) to conduct an inspection.

Sec. 12. (a) This section applies to the transportation of municipal waste from solid waste processing facilities.

(b) A municipal waste collection and transportation vehicle that is transporting municipal waste from a solid waste processing facility must have attached to it placards that indicate that the vehicle is carrying municipal waste.

(c) A shipment of municipal waste in a municipal waste collection and transportation vehicle must be accompanied by a municipal waste transportation manifest.

(d) A manifest required under subsection (c) must include the following information:

(1) The amount in pounds of municipal waste transported in the vehicle.

(2) The name and address of the solid waste processing facility from which the municipal waste is transported.

(3) The destination of the municipal waste.

(4) The name of the person transporting the municipal waste.

(e) The owner or operator of the solid waste processing facility from which municipal waste is to be transported shall prepare the manifest required by subsection (c) and deliver it to the operator of the vehicle, who shall carry it while transporting the municipal waste. The vehicle operator shall present the manifest to the owner or operator of the facility to which the municipal waste is transported, who shall retain one (1) copy of the manifest and send one (1) copy to the department.

(f) The definition of "manifest" set forth in IC 13-7-1-14 does not apply to this section.

Sec. 13. The rules adopted by the solid waste management board under section 17 of this chapter shall restrict a municipal waste collection and transportation vehicle from uses other than the collection and transportation of municipal waste.

Sec. 14. A solid waste disposal facility or a solid waste processing facility may not accept a shipment of municipal waste:

- (1)** from a municipal waste collection and transportation vehicle that has not been licensed under this chapter; and

(2) that is not accompanied by a municipal waste transportation manifest required under section 12 of this chapter.

Sec. 15. A solid waste processing facility may not transport municipal waste to another solid waste processing facility or a solid waste disposal facility unless the municipal waste is accompanied by a municipal waste manifest.

Sec. 16. This chapter does not preclude, restrict, or supersede the right of:

- (1) a county in Indiana;
- (2) a municipality in Indiana; or
- (3) a solid waste management district established under Indiana law;

to regulate or license a solid waste collection and transportation vehicle under authority granted by statute or by an ordinance adopted under IC 36.

Sec. 17. The solid waste management board shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 4. (a) The solid waste management board shall adopt the rules required by IC 13-7-10-LS(d), as added by this act, before January 1, 1991.

(b) The solid waste management board shall adopt the rules required by IC 13-7-31-17, as added by this act, before January 1, 1991.

(c) This SECTION expires January 1, 1991.

SECTION 5. Because an emergency exists, this act takes effect as follows:

- SECTIONS 1 through 2 Upon passage
- SECTION 3 January 1, 1991
- SECTION 4 Upon passage

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE FACILITY PERMIT CHARACTER DISCLOSURE STATEMENT

INSTRUCTIONS FOR COMPLETION

The solid waste facility permit character disclosure statement form shall be used to submit the disclosure statement as required by IC 13-7-10.2. The statute requires that each permit applicant and responsible party submit a character disclosure statement prior to the issuance of an original permit, a permit renewal, a major modification of the permit or a permit transfer. Each applicant and responsible party shall submit a separate disclosure statement for each facility and/or company which is required to submit a character disclosure statement.

SECTION A: FACILITY INFORMATION

For all submissions, place the name and address of the facility in the spaces provided. Indicate, in the space provided, the reason or reasons for the submission of the disclosure statement.

SECTION B: APPLICANT INFORMATION

For all submissions, place the name of the applicant, the business address of the applicant and the social security number (or federal tax number if the applicant is not an individual) of the applicant in the spaces provided. An applicant is an individual, a corporation, a partnership, or a business association that applies for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e). This includes solid waste landfills, processing facilities and incinerators. For the purposes of the disclosure statement, the applicant is the person or company in whose name the permit is issued. Each applicant shall complete the required information; attach additional pages as necessary.

SECTION C: RESPONSIBLE PARTY INFORMATION

For all submissions, place the name of the responsible party, the business address of the responsible party, the social security number (or federal tax number if the responsible party is not an individual) of the responsible party and the relationship of the responsible party to the applicant in the spaces provided. For purposes of the disclosure statement, a responsible party may be an officer, a corporation director, or a senior management official of a corporation, partnership, or business association that is an applicant. A responsible party may also be an individual, a corporation, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant. Each responsible party shall complete the required information; attach additional pages as necessary.

SECTION D: DISCLOSURE STATEMENT

Each operator and responsible party shall provide his/her name and indicate whether they are an operator or a responsible party in the spaces provided.

SECTION D1:

Section D1 shall be completed by indicating the appropriate responses to Items A through C by placing the initials of the person filling out the form in the spaces provided. For the purposes of completing the section, Not Applicable is taken to be a negative response to a request for information in Items A through C. Section D1 may be used only by those applicants and/or responsible parties which file a Form 10-K with the Securities and Exchange Commission. At no time may an individual complete Section D1 to satisfy the character disclosure requirements. Any information provided on additional pages should be identified by the appropriate item letter.

SECTION D2:

Section D2 shall be completed by indicating the appropriate responses to Items A through G by placing the initials of the person filling out the form in the spaces provided. For the purposes of completing the section, Not Applicable is taken to be a negative response to a request for information in Items A through G. The information requested in Item H will be used to complete a Request for Limited Criminal History Information if additional information concerning an operator or responsible party is determined to be necessary. Any information provided on additional pages should be identified by the appropriate item letter.

SECTION E: SIGNATORIES

Each applicant and responsible party shall complete a Section E, in original, for each disclosure statement that is submitted. In addition, each completed Section E shall include a properly completed and notarized Acknowledgement.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE FACILITY PERMIT CHARACTER DISCLOSURE STATEMENT**

This form shall be used to submit the character disclosure statement, as required by IC 13-7-10.2, for a solid waste permit. Upon completion of this form, return this form with all additional materials to the following address:

**ATTENTION: SWFP Character Disclosure
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
105 South Meridian Street
Post Office Box 6015
Indianapolis, Indiana 46206-6015**

SECTION A: FACILITY INFORMATION

Facility Name	_____			
Mailing Address	_____			
	Street	_____		
	City	County	State	Zip Code

This statement is for the purposes of:

- a new permit
- a permit modification
- a permit renewal
- a permit transfer.

SECTION B: APPLICANT INFORMATION

The applicant may be an individual, a corporation, a partnership, or a business association that applies for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e). Each applicant shall complete the following information; attach additional pages as necessary.

Applicant Name	_____			
Business Address	_____			
	Street	_____		
	City	County	State	Zip Code
Social Security Number (or Federal Tax Number if Applicant is not an individual)	_____			

SECTION C: RESPONSIBLE PARTY INFORMATION

A responsible party may be an officer, a corporation director, or a senior management official of a corporation, partnership, or business association that is an applicant. A responsible party may also be an individual, a corporation, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant. Each responsible party shall complete the following information; attach additional pages as necessary.

Responsible Party Name	_____			
Business Address	_____			
	Street			
	City	County	State	Zip Code
Social Security Number (or Federal Tax Number if Responsible Party is not an individual)	_____			
Relationship to Applicant	_____			

Responsible Party Name	_____			
Business Address	_____			
	Street			
	City	County	State	Zip Code
Social Security Number (or Federal Tax Number if Responsible Party is not an individual)	_____			
Relationship to Applicant	_____			

Responsible Party Name	_____			
Business Address	_____			
	Street			
	City	County	State	Zip Code
Social Security Number (or Federal Tax Number if Responsible Party is not an individual)	_____			
Relationship to Applicant	_____			

SECTION D: DISCLOSURE STATEMENT

Each Applicant and Responsible Party identified in Sections B and C shall complete a separate Section D and Section E. The Section D requirement may be satisfied by providing all information required by either Section D1 or Section D2. Please indicate that the required item has been provided or does not apply by initialing in the space provided.

THIS DISCLOSURE STATEMENT IS PROVIDED FOR:
Name (print or type) _____
Acting as Applicant or Responsible Party (specify) _____

SECTION D1:

A) The information concerning legal proceedings that is required under Section 13 or 15(d) of the Securities Exchange Act of 1934(15 U.S.C 78a et seq.) and that the applicant or responsible party has reported under Form 10-K.

Not Applicable _____ Provided _____

B) A description of all judgments that have been entered against the applicant or responsible party in a civil or administrative complaint for the violation of any state or federal environmental protection law and that have imposed upon the applicant or responsible party a fine or penalty of more than ten thousand dollars (\$10,000) within five (5) years before the date of the submission of the application.

Not Applicable _____ Provided _____

C) A description of all judgments of conviction entered against the applicant or responsible party for the violation of any state or federal environmental protection law within five (5) years before the date of the submission of the application.

Not Applicable _____ Provided _____

SECTION D2:

A) A description of the applicant's or responsible party's experience in managing the type of waste that will be managed under the Permit. Include the name and business address for employers, the State Permit number for the facility, the type of work experience and the length of time employed.

Not Applicable _____ Provided _____

B) A description of all civil or administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that have resulted in a fine or penalty of more than ten thousand dollars (\$10,000) within five (5) years before the date of the submission of the application.

Not Applicable _____ Provided _____

C) A description of all civil or administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that allege an act or omission that constitutes a material violation of state or federal environmental protection law and that presented a substantial endangerment to the public health or the environment.

Not Applicable _____ Provided _____

D) A description of all pending criminal complaints alleging the violation of any state or federal environmental protection law that have been filed against the applicant or responsible party within five (5) years before the date of submission of the application.

Not Applicable _____ Provided _____

E) A description of all judgments of criminal conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental law.

Not Applicable _____ Provided _____

F) A description of all judgments of criminal conviction of a felony constituting a crime of moral turpitude under the laws of any state or the United States that are entered against the applicant or responsible party within five (5) years before the date of submission of the application.

Not Applicable _____ Provided _____

G) The location of all facilities at which the applicant or responsible party manages the type of waste that would be managed under the permit to which the application refers. Include the facility name, business address, any permit numbers and the type of facility.

Not Applicable _____ Provided _____

H) The following information will be used by IDEM to complete a Request for Limited Criminal History Information if additional information concerning an operator or responsible party is determined to be necessary.

Date of birth _____ Sex _____ Race _____

SECTION E: SIGNATORIES

I affirm that all information contained in this disclosure statement and any attachments is, to the best of my knowledge, true and accurate. I also realize that any information provided in this disclosure statement that was knowingly incorrect may subject me to the penalty for perjury under IC 35-44-2-1.

APPLICANT/RESPONSIBLE PARTY

DATE

ACKNOWLEDGEMENT

State of _____)
County of _____) SS

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ known by me to be the person who executed the foregoing instrument, signed the same and acknowledged to me that he/she did so sign the same, and that the same is his/her free act and deed and that the statements made in the foregoing instrument are true.

IN WITNESS WHEREOF, I have set my hand and official seal this _____ day of _____, 19____.

I am a resident of _____ County, _____

Notary Public

My Commission Expires:

TITLE 329
SOLID WASTE MANAGEMENT BOARD

Proposed Rule
LSA Document # 90-103

Digest

Amends 329 IAC 2-2-1 by adding a definition of "major modification". Adds 329 IAC 2-8-12 to establish criteria for demonstration of local or regional solid waste facility need. Effective 30 days after filing with the secretary of state.

329 IAC 2-2-1
329 IAC 2-8-12

SECTION 1. 329 IAC 2-2-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 2-2-1 Definitions

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10.2

Affected: IC 13-1-3; IC 13-1-12-1; IC 13-7; IC 16-1-9.5-1; IC 25-17.5-1; IC 25-31;
IC 36-9-30;

Sec. 1. (a) In addition to the definitions in subsection (b), the definitions found in IC 13-1-12 apply throughout this article:

(1) "Commissioner" refers to the commissioner of the department created under IC 13-7-2-11 (the department of environmental management).

(2) "Contaminant" means any solid, semisolid, liquid, or gaseous matter, or any odor, radioactive material, pollutant as defined in the Federal Waste Pollution Control Act, hazardous waste as defined by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended, or any combination thereof, from whatever source, that:

(A) is injurious to human health, plant or animal life, or property;

(B) interferes unreasonably with the enjoyment of life or property;

or

(C) is otherwise violative of this article or rules adopted under this article.

(3) "Department" refers to the department of environmental management created under IC 13-7-2.

(4) "Disposal" means the discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste or any constituent of

the waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters. (P.L. 143-1985, SECTION 77.

(5) "Garbage" means all putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

(6) "Hazardous waste" means a solid waste or combination of solid wastes that, because of its quantity, concentration or physical, chemical, or infectious characteristics, may:

(A) cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or

(B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(7) "Incinerator" means an engineered apparatus designed for the burning of solid waste under the effect of controls of temperature, retention time, air, and other combustion factors.

(8) "Open burning" means the combustion of any matter in the open or in an open dump.

(9) "Open dump" means the consolidation of solid waste from one (1) or more sources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations, and that is established and maintained without cover and without regard to the possibilities of contamination of surface or subsurface water resources.

(10) "Person" means an individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, any consolidated unity of government, political subdivision, state agency, or any other legal entity.

(11) "Recovery" means obtaining materials or energy for commercial or industrial use from solid waste or hazardous waste.

(12) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term "solid waste" does not include:

(A) solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point source subject to permits under Section

402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);

(B) source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(C) manures or crop residues return to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation. (P.L. 143-1985, SECTION 90.)

(13) "Solid waste management" means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste. (P.L. 143-1985, SECTION 91.)

(14) "Water pollution" means:

(A) actual or threatened alteration of the physical, thermal, chemical, biological, bacteriological, or radioactive properties of any waters; or

(B) the discharge or threatened discharge of any contaminant into any water that does or can create a nuisance or render the waters harmful, detrimental, or injurious to:

(i) public health, safety, or welfare;

(ii) domestic, commercial, industrial, agricultural, recreational, or other legitimate uses; or

(iii) livestock, wild animals, birds, fish, or aquatic life.

(15) "Waters" means the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, that are wholly or partially within, flow through, or border upon this state. The term does not include any private pond or any off-stream pond, reservoir, or facility built for reduction or control of pollution or cooling of water prior to discharge unless the discharge from the pond reservoir, or facility causes or threatens to cause water pollution.

(b) The following definitions apply throughout this article:

(1) "Access roads" means roads which lead to the entrance of a solid waste processing or disposal facility, normally, a county, state, or federal highway.

(2) "Airport" means a public use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities and military airports.

(3) "Aquifer" means a geologic formation, group of formations, or part of a formation, that is capable of yielding a significant amount of ground water.

(4) "Base flood" means a flood that has a one percent (1%) or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in one hundred (100) years on the average over a

- significantly long period. In any given one hundred (100) year interval such a flood may not occur, or more than one (1) such flood may occur.
- (5) "Bedrock" means cemented or consolidated earth materials, exposed on the earth's surface or underlying unconsolidated earth materials.
- (6) "Board" means the solid waste management board as defined in IC 13-1-12-1.
- (7) "Cell" means a volume of solid waste completely enclosed by cover.
- (8) "Certified professional geologist" means a professional geologist certified by the state of Indiana pursuant to IC 25-17.5-1.
- (9) "Collection container system" means a group of containers for solid waste collection from noncommercial, nonindustrial, and noninstitutional sources, and made available for use by the general public, such as ~~countywide~~ county wide collection box systems.
- (10) "Construction/demolition site" means a solid waste land disposal facility designed and operated to accommodate large volumes of solid waste, having minimal potential for ground water contamination.
- (11) "Cover" means any soil or other suitable material approved by the commissioner placed over the solid waste in accordance with 329 IAC 2-14-12(a).
- (12) "Current closure cost estimate" means the original closure cost estimate or the most recent revision thereof made in accordance with 329 IAC 2-12.
- (13) "Current post-closure cost estimate" means the original post-closure cost estimate or the most recent revisions thereof made in accordance with 329 IAC 2-12.
- (14) "Daily cover" means that cover applied to the working face of the solid waste land disposal facility on a daily basis.
- (15) "Dwelling" means any building which people inhabit on a regular or seasonal basis. The term shall include schools, hospitals, residences, factories, and offices.
- (16) "Equivalent hydraulic conductivity" means the hydraulic conductivity averaged in such a manner as to represent the overall ability of a material to transmit flow.
- (17) "Final closure" or "closure" means those activities to be completed at the end of waste acceptance at a facility, including certification required by 329 IAC 2-15-5, but not including those activities required after said certification.
- (18) "Final cover" means any cover of a type, thickness, elevation, and slope approved by the commissioner for the termination of filling in an area.
- (19) "Flood plain" means the areas adjoining a river, stream, or lake which are inundated by the base flood as determined by the Indiana department of natural resources.
- (20) "Floodway" means the channel of a river or stream and those

portions of the flood plain adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow from the base flood as determined by the Indiana department of natural resources.

(21) "Generating facility" means the location at or on which one (1) or more solid wastes are generated, such as a large manufacturing plant which may have more than one (1) source of solid waste at the plant location.

(22) "Grading" means the contouring of land so that surface water flow and erosion are controlled according to a predetermined plan.

(23) "Ground water" means water below the land surface in the zone of saturation.

(24) "Hydraulic gradient" means the head loss per unit length where the head loss is expressed in terms of the unit length so as to produce a dimensionless value.

(25) "Industrial process waste" includes, but is not limited to, oil, lubricants, resins, chemical catalysts, distillation bottoms, ink, paint sludges, grinding sludges, incinerator ash, core sand, metallic dust sweepings, material which may create asbestos dust, contaminated or recalled wholesale or retail products.

(26) "Infectious waste" means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease (as defined by rule adopted under IC 16-1-9.5-1). Infectious waste includes the following:

(A) Pathological wastes, including tissue, organs, body parts, and blood or body fluids in liquid or semiliquid form that are removed during surgery, biopsy, or autopsy.

(B) Biological cultures and associated biologicals.

(C) Contaminated sharps.

(D) Infectious agent stock and associated biologicals.

(E) Blood and blood products in liquid or semiliquid form.

(F) Laboratory animal carcasses, body parts, and bedding.

(G) Wastes (as defined under P.L 123-1988, SECTION 8).

(27) "Infectious waste incinerator" means a solid waste incinerator that is used to burn infectious ~~wastes~~ waste or mixture of infectious and noninfectious solid waste.

(28) "Karst topography" means a topography formed on a carbonate rock formation and dominated by features of solutional origin.

(29) "Leachate" means liquid that has passed through or emerged from solid waste and contains soluble, suspended, immiscible, or miscible materials removed from such wastes.

(30) "Legal description" means a legal description of the real property, to include the county, township, range, and section numbers and, if applicable, the metes and bounds description, together with the acreage thereof.

- (31) "Lift" means a layer of cells covering a designated area of a solid waste land disposal facility.
- (32) "Locally useful aquifer" means an aquifer which, based on productivity, quality, depth, and alternate sources available, is a source or a probable source of water for any user or potential user within one (1) mile of a particular location.
- (33) "Major Modification" means any change in a permitted solid waste facility which would increase the facility's permitted capacity to process or dispose of solid waste.
- ~~(33)~~ (34) "Normal water line" means the average normal water level, where established through the Indiana department of natural resources, or the average boundary of the water as evidenced by either water level records or changes in the character of vegetation and soil due to the presence of the water.
- ~~(34)~~ (35) "On-site roads" means roads for the passage of vehicles from a facility entrance to the disposal area.
- ~~(35)~~ (36) "Operating personnel" means persons necessary to properly operate a solid waste land disposal or processing facility.
- ~~(36)~~ (37) "Partial closure" means those activities required at the end of waste acceptance for a facility or area of a facility to include the placement of final cover and the establishment of vegetation in accordance with approved closure plans, but exclusive of monitoring and maintenance activities required under post-closure care.
- ~~(37)~~ (38) "Permittee" means any person to whom a solid waste facility permit has been issued.
- ~~(38)~~ (39) "Pollution control waste" includes but is not limited to, liquid, solid, ~~semi-solid~~ semisolid, or gaseous waste generated as a direct or indirect result or the removal of contaminants from air, water, or land, such as water and waste water treatment sludges, baghouse dust, scrubber sludges, and chemical spill, or remedial activity cleanup wastes.
- ~~(39)~~ (40) "Post-closure" means the monitoring and maintenance activities required after final closure of a facility.
- ~~(40)~~ (41) "Post-closure cost estimate" means the original written estimate, in current dollars, or the total cost of post-closure monitoring and maintenance of the facility during the entire post-closure care period, in accordance with the post-closure plan.
- ~~(41)~~ (42) "Processing" means the method, system, or other handling of solid waste so as to change its chemical, biological, or physical form or to render it more amenable for disposal or recovery of materials or energy, or the transfer of solid waste materials but excluding the transportation of solid waste.
- ~~(42)~~ (43) "Registered professional engineer" means a professional engineer registered by the state of Indiana pursuant to IC 25-31.

- ~~(43)~~ (44) "Residue" means solid or semi-solid materials remaining after incineration or processing, including but not limited to, ash, ceramics, glass, metal, and organic substances.
- ~~(44)~~ (45) "Resource recovery" means the processing of solid waste into commercially valuable materials or energy.
- ~~(45)~~ (46) "Restricted waste site" means a solid waste land disposal facility designed and operated to accommodate specific types of waste as specified in 329 IAC 2-9.
- ~~(46)~~ (47) "Salvaging" means the controlled and organized removal of materials from solid waste for utilization.
- ~~(47)~~ (48) "Sanitary landfill" means a solid waste land disposal facility designed to accommodate general types of solid waste, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day.
- ~~(48)~~ (49) "Scavenging" means the uncontrolled and unauthorized removal of materials from solid waste.
- ~~(49)~~ (50) "Site" means the land area on which the permitted facility is situated.
- ~~(50)~~ (51) "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.
- ~~(51)~~ (52) "Soil borings" means the drilling of holes in the earth for the purpose of identifying soil types, subsurface materials, and water table level.
- ~~(52)~~ (53) "Solid waste boundary" means the outermost perimeter of the solid waste fill area, as it would exist at the time of closure, as projected in the facility's closure plan.
- ~~(53)~~ (54) "Solid waste facility" or "facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for processing, storing in conjunction with processing or disposal, or disposing of solid waste, and may consist of several processing, storage, or disposal operational units, e.g., one (1) or more landfills, surface impoundments, or combinations thereof.
- ~~(54)~~ (55) "Solid waste land disposal facility" means a solid waste facility in or upon the land into which solid waste is disposed. Permitted solid waste land disposal facilities shall be classified into one (1) of the following types:
- (A) Sanitary landfill.
 - (B) Construction/demolition sites.
 - (C) Restricted waste sites.

- ~~(55)~~ (56) "Solid waste processing facility" means a solid waste facility upon which is located a solid waste incinerator, transfer station, solid waste baler, solid waste shredder, resource recovery system, composting facility, or garbage grinding facility.
- ~~(56)~~ (57) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which holds or is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, pounds, and lagoons.
- ~~(57)~~ (58) "Surface water" means water present on the surface of the earth, including:
- (A) streams;
 - (B) lakes;
 - (C) ponds;
 - (D) rivers;
 - (E) swamps;
 - (F) marshes; or
 - (G) rainwater present on the earth.
- ~~(58)~~ (59) "Transfer station" means a facility at which solid waste is transferred into larger capacity vehicles or containers for further transportation but shall not include neighborhood recycling collection centers or transfer activities at generating facilities.
- ~~(59)~~ (60) "Twenty-five (25) year, twenty-four (24) hour precipitation event" means the maximum twenty-four (24) hour precipitation with the probable recurrence interval of once in twenty-five (25) years as defined by the Indiana department of natural resources.
- ~~(60)~~ (61) "Vector" means any animal capable of harboring and transmitting microorganisms from one (1) animal to another or to a human.
- ~~(61)~~ (62) "Wash-out" means the carrying away of solid waste by water of the base flood.
- ~~(62)~~ (63) "Water course" means the path taken by flowing surface water.
- ~~(63)~~ (64) "Water table" means the upper surface at which the fluid pressure of the ground water is equal to atmospheric pressure.
- ~~(64)~~ (65) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

~~(65)~~ (66) "Working face" means that portion of a solid waste land disposal facility where the solid waste is deposited. (Solid Waste Management Board; 329 IAC 2-2-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.; errata filed Jan 11, 1989, 1:00 p.m.)

SECTION 2. 329 IAC 2-8-12 IS ADDED ADDED TO READ AS FOLLOWS:

329 IAC 2-8-12 Demonstration and determination of need requirements

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10-1.5
Affected: IC 13-1-3; IC 13-7; IC 13-9.5; IC 36-9-30

Sec. 12. (a) This section applies to all permits for new solid waste facilities or major modifications of permits issued after March 20, 1990.

(b) In accordance with subsection (a), and in addition to other permit application requirements outlined in this rule, the following are also required:

- (1) A description of the anticipated area that would be served by the facility as indicated by the following:
 - (A) Solid waste management district(s) if established.
 - (B) County, counties or portions thereof.
 - (C) County, counties and state if the area includes portions outside of Indiana.
- (2) A description of the existing solid waste management facilities which serve the same described area.
- (3) A description of the need, that would be fulfilled by constructing the proposed facility, as follows:
 - (A) For facilities proposed in areas with approved district solid waste management plans, a description of the need identified in the district solid waste management plan required by IC 13-9.5.
 - (B) For facilities proposed in areas without approved district solid waste management plans, a description of need for the proposed area to be served.
- (4) A description of recycling, composting, or other activities which the facility would operate within the proposed area of service.
- (5) A description of the additional disposal capacity which the facility, if permitted, would provide for the proposed area of service.

- (6) Additional information as requested by the commissioner.
- (c) The commissioner shall review the submitted application and accompanying materials in accordance with provisions of this rule. If it is determined that there is not a local or regional need in Indiana for the solid waste management facility, the commissioner shall deny the permit application. (Solid Waste Management Board; 329 IAC 2-8-12)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

HOUSE ENROLLED ACT No. 1388

AN ACT to amend the Indiana Code concerning the environment.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-7-8.6-3, AS AMENDED BY P.L.8-1989, SECTION 69, IS AMENDED TO READ AS FOLLOWS: Sec. 3.

(a) The Indiana hazardous waste facility site approval authority is created and constitutes a public instrumentality of the state. The exercise by the authority of the powers conferred by this chapter is an essential governmental function.

(b) The authority consists of five (5) statewide members appointed by the governor and four (4) local members. The statewide members shall serve a term of four (4) years.

(c) A vacancy in the office of a member, other than by expiration, shall be filled in like manner as the original appointment for the remainder of the term for statewide members and for the duration of the duties and responsibilities of the local members.

(d) In making appointments to the statewide membership, the governor shall select residents of this state recognized around the state for their judgment, integrity, and credibility. One (1) member shall represent business and industry, one (1) shall represent labor, and one (1) shall represent agriculture. The fourth statewide member shall be a hydrogeologist who has

practiced in this state for at least five (5) years. The fifth statewide member shall be a biologist, chemist, limnologist, or toxicologist and a member of:

- (1) the science faculty of an institution of higher learning in this state; or
- (2) the staff of scientists of an independent research organization in this state.

The governor may remove any statewide member for cause and shall annually appoint one (1) of the statewide members as chairperson.

(e) Five (5) members (statewide or local) of the authority constitute a quorum for the authority to conduct business. However, the affirmative vote of a majority of the membership is necessary for a final decision on a certificate application. A vacancy in the membership of the authority does not impair the right of the quorum to act.

(f) All members of the authority, including members of the executive council, shall be reimbursed for their traveling expenses and other expenses actually incurred in the performance of their duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency. The members who are not state employees are also entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b) for attendance of authority meetings. All reimbursement for expenses shall be as provided by law.

(g) The four (4) local members shall be appointed from the county in which a proposed facility is to be located, as follows:

(1) Two (2) residents of a the largest city or town closest to or in the township containing the proposed facility shall be appointed to the authority by the executive of the city or town, or, if there is no city or town in the township, two (2) residents of the township containing the proposed facility shall be appointed to the authority by the township trustee.

(2) Two (2) residents of the unincorporated portion of the county in which the facility is to be located, one (1) of whom may be the county health officer, shall be appointed by the executive of that county.

If the affected city is a consolidated city, all four (4) local members shall be appointed by the executive of that city. The local members shall serve until the certificate is granted, denied, or no longer subject to their review. The authority constituted for a specific certificate application may be recalled to rehear an application upon an order from the Indiana court of appeals or the supreme court for a rehearing.

(h) No member of the authority may be a member or an employee of or be associated with the board, the department, or the staffs of those agencies.

SECTION 2. IC 13-7-22-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS: Sec. 2.

(a) As used in this section, "applicant" means an individual, a corporation, a partnership, or a business association that applies for an original permit for the construction or operation of a landfill.

(b) As used in this section, "landfill" means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

(c) Before an original permit for the construction or operation of a landfill may be granted, the applicant must submit a statement of financial position that meets the following requirements:

(1) The statement must have been prepared in accordance with generally accepted accounting principles.

(2) The statement must have been audited by an independent certified public accountant.

(3) The accountant referred to in subdivision (2) must have issued an unqualified opinion as to the statement.

(4) The statement must indicate that, at the end of the calendar year or fiscal year immediately preceding the year in which the permit would be issued, the applicant had a positive net worth of at least two hundred fifty thousand dollars (\$250,000).

(d) Before an original permit for the construction or operation of a landfill may be granted, the applicant or a person authorized to act for the applicant under this subsection must submit a statement in which the applicant or authorized person swears or affirms, subject to the penalty for perjury set forth in IC 35-44-2-1, that, to the best of the applicant's or authorized person's knowledge, there are no unsatisfied and nonappealable judgments requiring the payment of money by the applicant.

(e) If the applicant is a subsidiary corporation, the submission of the statement of financial position of the ultimate parent shall satisfy the requirement under subsection (c) if the applicant has been a subsidiary of the parent for at least one (1) year before the submission of the statement of financial position.

(f) The department may investigate and verify the information contained in the statements required under this section.

(g) The commissioner may deny an application for an original permit for the construction or operation of a landfill if the commissioner finds that:

- (1) the applicant does not have a positive net worth of at least two hundred fifty thousand dollars (\$250,000); or
- (2) there are one (1) or more unsatisfied and nonappealable judgments requiring the payment of money by the applicant.

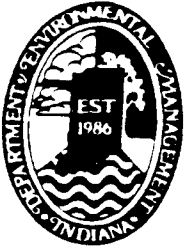
(h) For the purposes of this section, real property in which the applicant has an interest must be valued at the property's fair market value as determined under the assumption that the permit application will not be granted.

(i) The solid waste management board may adopt rules under IC 4-22-2 to administer this section.

SECTION 3. This act applies to:

- (1) a permit application that is filed on or after the effective date of this act;
- (2) a permit application that was filed before the effective date of this act but was not granted or denied by the commissioner of the department of environmental management before the effective date of this act; and
- (3) a permit application that was filed before the effective date of this act and that was granted by the commissioner of the department of environmental management before the effective date of this act if the commissioner's action in granting the permit was appealed to the solid waste management board and that appeal is pending on the effective date of this act.

SECTION 4. Because an emergency exists, this act takes effect upon passage.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor
Kathy Prosser
Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

To Whom It May Concern:

Re: Typical Information Required for
Demonstration of Need for Solid Waste Facilities

The demonstration of need for Solid Waste facilities must be supported by information required by the Indiana Administrative Code, 329 IAC 2-8-12. Specifically the following information is required to complete the demonstration of need. Please note, the enclosed guidelines from the Indiana Solid Waste Management Plan, Volume II and the affected Solid Waste Management District(s) may be of some assistance in preparing the information requested according to the following format.

1. A geographic description and narrative of the anticipated area* that would be served by the facility as indicated by the following:
 - a. Proposed or existing solid waste management district(s) or portions thereof as required by IC-13-9.5.
 - b. Municipality, County, Counties, Facilities or portions thereof, and counties and state if the anticipated service area includes portions outside of Indiana.
 - c. A scale map with anticipated service area and proposed facility identified.
 - d. Maximum one-way haul distance from facility to anticipated area served.

*NOTE: For some types of facilities, the anticipated service area may be an individual waste generation unit.

2. Identification of the existing solid waste management facilities which accept the solid wastes identified in item 3 and which serve the anticipated service area identified in item 1 to include: (Note, a generic table is included as an example.)
 - a. Name of the facility.
 - b. Location of the facility.
 - c. Type of facility.
 - d. Type of waste permitted to be received by the facility.

- e. The permitted disposal or processing capacity of the facility, and annual disposal or processed quantities.
 - f. The estimated remaining useful life of the current facility, and estimated closure date.
 - g. A scale map with existing solid waste management facilities located.
3. Identify the needs for the anticipated service area, with an inventory and a description of each source of solid waste and total quantities to be accepted at the proposed facility to include:
- a. Type of solid waste source (i.e. currently generated, public, restricted, and/or proposed).
 - b. SWM District letters of agreement or support for the facility; or for "captive" sites, notification to the District that the facility will accept a solid waste stream(s).
 - c. Recycling/composting actions and % reduction in disposed quantities. e.g. Material recycling contracts and agreements.
 - d. Solid waste inventory of anticipated service area for designated base year. Residential, commercial, manufacturing, medical, etc. depending on the types of waste to be accepted by the facility.

Volume & Type (Municipal, residential, commercial, manufacturing etc.) of source/generator.

% Allocation from each source category
i.e. in-plant, in-county or SWM district, out-of-state, etc.

Estimated total daily and annual volume of solid waste generated in anticipated service area for current calendar year.
 - e. Projected solid waste generation rate increases. Identify any assumptions and effects of assumptions on generation rates. Refer to 327 IAC 2-14-8 for solid waste weight calculations.
 - f. Projected useful life of facility/total waste disposal or processing capacity proposed.
4. A description of where the solid waste proposed for the facility is currently going.

You should be aware that the information supplied relative to "need" may be incorporated into a permit condition which will limit the service area for a proposed solid waste facility.

Page 3

The above-noted information must be submitted in complete form. The department's technical review of a proposed facility may be delayed until such time as a demonstration of need is complete.

If you have any questions, please contact me at 317/232-8866.

Sincerely,

Patrick Carroll, Chief
Technical Support Branch
Solid and Hazardous Waste Management

PJC/bja

Enclosures

Example Table of Facilities
Copy of 329 IAC 2-8-12
Solid Waste Management District Facilities Inventory Guide

:5460y 6-17-92 bja

329 IAC 2-8-12 Demonstration and determination of need requirements

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10-1.5

Affected: IC 13-1-3; IC 13-7; IC 13-9.5; IC 36-9-30

Sec. 12. (a) This section applies to all permits for new solid waste facilities or major modifications of permits issued after March 20, 1990.

(b) In accordance with subsection (a), and in addition to other permit application requirements outlined in this rule, the following are also required:

(1) A description of the anticipated area that would be served by the facility as indicated by the following:

(A) Solid waste management district(s) if established.

(B) County, counties, or portions thereof.

(C) County, counties, and state if the area includes portions outside of Indiana.

(2) A description of the existing solid waste management facilities which serve the same described area.

(3) A description of the need, that would be fulfilled by constructing the proposed facility, as follows:

(A) For facilities proposed in areas with approved district solid waste management plans, a description of the need identified in the district solid waste management plan required by IC 13-9.5.

(B) For facilities proposed in areas without approved district solid waste management plans, a description of need for the proposed area to be served.

(4) A description of recycling, composting, or other activities which the facility would operate within the proposed area of service.

(5) A description of the additional disposal capacity which the facility, if permitted, would provide for the proposed area of service.

(6) Additional information as requested by the commissioner.

(c) The commissioner shall review the submitted application and accompanying materials in accordance with provisions of this rule. If it is determined that there is not a local or regional need in Indiana for the solid waste management facility, the commissioner shall deny the permit application. (*Solid Waste Management Board; 329 IAC 2-8-12; filed Feb 19, 1991, 12:06 p.m.: 14 IR 1385*)

Rule 9. Solid Waste Facility Classifications and Waste Criteria

329 IAC 2-9-1 Types of facilities

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. The following classifications will be used for the purpose of defining site requirements and permissible wastes to be received for all solid waste facilities:

(1) Construction/demolition site.

(2) Restricted waste site as follows:

(A) Restricted waste site type I.

(B) Restricted waste site type II.

EXAMPLE

EXISTING PERMITTED SOLID WASTE FACILITIES WHICH SERVE THE ANTICIPATED SERVICE AREA

Service Area Number	Facility Name	Location (County, State)	Type	Total (tons) Annual SW Quantities	Annual Out-of-State Solid Waste (Tons)	Total Estimated Permitted Capacity (Tons)	Estimated Remaining Life (year)	Approximate Closure Date
1	Waste, Inc.	Alpha Co.	LF	154,000	None	1,540,000	10 years	2002
2	Beta Recycle	Beta Co.	TS/R	60,000	None	170 tons/day	20 years	2012

NOTES: RWS-Type I, II, III Restricted Waste Sites
 LF - Landfill
 CD - Construction/Demolition Site
 TS/R - Processing Facilities (Transfer Station/Recycle)
 IN - Incinerator
 NA - Not Applicable

SOURCES: IDEM Quarterly Reports '91
 1990 Indiana Solid Waste Management Plan, Vol. I, II, III
 IDEM Summary of Solid Waste Facility Data - 1991 Annual Report

2
DEMOGRAPHIC INFORMATION/
FACILITIES INVENTORY

An important part of the planning process is compiling baseline data on existing population, waste types and quantities, and waste disposal facilities. That baseline information - for calendar year 1992 - will form the basis for projecting population and waste disposal needs for the full 20-year study period, 1992 through 2011.

For five, 10, and 20 years after the district's plan is adopted, HEA 1240 requires you to:

- predict the total population,
- describe the origin, content, and weight of the solid waste to be generated,
- describe the number and type of waste management facilities needed, and
- assess current and future waste management problems.

Plans can be reassessed at any time; however, they are required to be reviewed every five years. Any changes made to help districts accomplish solid waste management goals require that the plan go through the approval process again.

Unless you have conducted a formal waste characterization study for your district, you may use national averages to estimate the content of residential and commercial wastes. You may use the data from "Characterization of Municipal Solid Waste in the United States, 1960 to 2000," prepared by Franklin & Associates for the United States Environmental Protection Agency, 1990. If you believe other data better represent the wastes generated in your district, feel free to use them; in that case, please document your sources.

1. 2. 3

Provide population projections for each county in the district for the entire planning period, calendar years 1992 through 2011. The projections for Indiana counties (Appendix A) may be used, or you may use your own projections; if you do, please indicate the source.

2.2
WASTE GENERATION
Instructions

4 For "Alpha County" compute the residential and commercial waste to be generated during the study period, 1992 through 2011. NOTE: For illustrative purposes only, we have omitted several years from the table. You may want to print your table in LANDSCAPE orientation, two rows of 10 years each, to present the computations for all years of the study period on a single page.

The base year, calendar year 1992, will be the first full year for which complete landfill disposal quantity information will be available. That data will be the basis for projecting future waste quantities according to the USEPA's daily per capita generation rates. The 1988 rates are provided below. These figures are updated annually and districts should use the most recent figures when calculating projections. To obtain the most recent figures, contact IDEM at 1-800-451-6027 or (317) 232-3210.

RESIDENTIAL/COMMERCIAL WASTE GENERATION RATES*
Pounds Per Capita Per Day (PCD)

1992	3.72	1997	3.86	2002	4.00	2007	2.14
1993	3.75	1998	3.88	2003	4.03	2008	4.17
1994	3.75	1999	3.91	2004	4.06	2009	4.21
1995	3.80	2000	3.94	2005	4.09	2010	4.24
1996	3.85	2001	3.97	2006	4.11	2011	4.27

If you use another basis for these projections, please explain in a footnote to your table.

- 5 Compute the industrial waste generated in the district for the baseline year. We recommend conducting a survey to determine representative actual quantities of industrial waste being generated (a sample form is included in Appendix D.) The per capita rates shown above should not be used to project industrial waste generation. Those projections may be based on your assessment of the likely economic growth and industrial distribution in the district, or on some other reasonable measure that you determine. Please explain your rationale in a footnote to your table.
- 6 The sub-total is the amount of waste generated in Alpha County. Repeat these computations as necessary for each county in the district.
- 7 Show the total waste generated in the district on this line.

POINTS TO REMEMBER:

HEA 1240 mandates reducing the amount of waste incinerated and landfilled. This may be achieved by employing strategies such as waste minimization, recycling, composting, etc. The state has already taken action to reduce or eliminate some wastes. For example, HEA 1391 prohibits disposal of lead acid batteries in landfills. Certain recyclables - including yard waste - may also be banned from landfill disposal. Be sure to count your projected reduction of these materials toward the state goals.

In your industrial survey, be sure to ask about industrial wastes recycled, because these amounts should also be credited toward the state goals.

Please include a copy of your survey instrument in an appendix to your district plan.

*Developed from Table 6, "Characterization of Municipal Solid Waste in the United States, 1960 to 2000 (update 1987)" USEPA, 1988.

	BASE YEAR								
	1992	1993	1994	1995	1996	1997	1998	.....>	2011
1 Alpha County.....	90,000	90,400	90,900	91,400	91,900	92,400	92,900	.....>	99,400
2 Beta County.....	60,000	60,300	60,600	60,900	61,200	61,500	61,800	.....>	65,700
3 Total District.....	150,000	150,700	151,500	152,300	153,100	153,900	154,700	.....>	165,100

2.2
WASTE GENERATION

	BASE YEAR		(Tons per Year)					.....>	2011
	1992	1993	1994	1995	1996	1997	1998		
Alpha County									
4 Residential & Commercial Waste.....	61,100	61,800	62,600	63,400	64,200	65,000	65,800	.....>	77,200
5 Industrial Waste.....	35,000	35,400	35,900	36,400	36,900	37,400	37,900	.....>	44,500
6 Sub-Total.....	96,100	97,200	98,500	99,800	101,100	102,400	103,700	.....>	121,700
Beta County									
4 Residential & Commercial Waste.....	40,700	41,200	41,700	42,200	42,800	43,300	43,800	.....>	51,000
5 Industrial Waste.....	19,000	19,200	19,400	19,600	19,900	20,100	20,300	.....>	23,600
6 Sub-Total.....	59,700	60,400	61,100	61,800	62,700	63,400	64,100	.....>	74,600
7 Total Waste Generated in District.....	155,800	157,600	159,600	161,600	163,800	165,800	167,800	.....>	196,300

2.3
WASTE REDUCTION, REUSE, AND RECYCLING IN DISTRICT
Instructions

- 7 Total waste generated in district (carried forward from schedule 2.2).
- 8 Show current recycling by industry for the base year, using data obtained from a survey of industries in the district. (IDEM will not allow credit for recycling by industry unless it is substantiated by such a survey.) Then, project future recycling for the study period as described in 2.2, item 5.
- 9 Include privately and publicly owned/operated facilities that are available to the public. These may include curbside collection, drop-off and buy back centers, etc. Compute recycling for the base year, as well as future projections based on your estimates of growth plus increases needed to meet the state goals.
- 10 In a footnote, provide a narrative description of any other programs.
- 11 The sub-total, the sum of 8, 9, and 10, is the amount of recycling projected to occur in the district. In a footnote to this schedule, provide a breakdown of recyclables by type.
- 12 The anticipated reduction in waste resulting from waste minimization and reduction programs* to be conducted or promoted by the district should be included here. The district's management plan (Part 3) should include a narrative of how these results are to be achieved.
- 13 The amount of yard waste which is diverted from final disposal should be listed here.
- 14 MSW composting includes processed municipal solid waste and may include yard waste. If so, do not include yard waste on line 13 (no double counting!) Enter the net reduction: the amount composted, less the residue that goes to final disposal. If sludge is used in a co-composting process, do not count the sludge as part of the MSW.
- 15 Indiana HB 1391 prohibits lead acid batteries from being disposed of in anything other than a hazardous waste disposal site and requires retailers to accept batteries for recycling. Lead acid batteries entering the waste stream amount to about one battery per ten persons per year with the average weight being 36 pounds. The quantity of waste batteries recycled should be accounted for on this line.
- 16 Tires entering the waste stream amount to about one tire per person per year. The average weight of a tire is about 23 pounds. Anticipated decreases in the quantity of tires entering the waste stream should be included here. (Note that Indiana HEA 1391 establishes programs for dealing with waste tire piles.)
- 17 Add other waste reduction programs proposed by the district and include a narrative description in the district plan, Part 3.
- 18 Total all waste reduction, reuse, and recycling activities (lines 11-17).
- 19 The percentage of waste diverted from final disposal for each future year is calculated by dividing the amount of waste reduction shown on line 18 by the total waste generated in the district for the base year 1992 (line 7).
- 20 The total waste generated within the district is line 7 less line 18.

POINTS TO REMEMBER:

- The amount of waste that the district must finally dispose of (Schedule 2.4) is the net of: 1) the amount generated within the district, 2) and the amount imported into the district, less the amount exported from the district. Estimate the amount of waste in each category to assess the needs of your district and your neighbors and to assess the impact of waste from outside the state.
- Future increases in waste amounts reduced should be estimated based upon the management programs proposed by the district. Note that the state goals are stated in terms of reducing the amount of waste disposed of by incineration or landfilling. Therefore incineration is not a recognized means of waste reduction for meeting the state goals.

*As defined in HEA 1391, Sections 20 and 21. "Waste Minimization means a process that leads to
- preventing the creation of waste or
- a diminution in the volume of waste.
Waste Reduction means a process that leads to the prevention of the creation of waste.

	BASE YEAR		(Tons per Year)					2011
	1992	1993	1994	1995	1996	1997	1998	
7 Total Waste Generated in District.....	155,800	157,600	159,600	161,600	163,800	165,800	167,800	196,300
Recycling:								
8 Industrial.....	10,900	11,000	11,200	11,300	11,500	13,900	16,400	24,700
9 Publicly Available.....	4,700	9,500	14,400	19,400	24,600	27,400	27,700	32,400
10 Other.....	500	510	520	530	540	550	560	690
11 Sub-Total.....	16,100	21,010	26,120	31,230	36,640	41,850	44,640	57,790
12 Waste Reduction.....	200	200	200	200	200	220	240	970
13 Yard Waste.....	3,100	6,300	9,600	12,900	16,400	19,900	21,800	25,500
14 MSW Composting.....	1,600	1,600	1,600	1,600	16,400	16,600	16,800	19,600
15 Lead Acid Batteries.....	270	270	270	270	280	280	280	300
16 Tires.....	1,730	1,730	1,740	1,750	1,760	1,770	1,780	1,900
17 Other.....	310	320	320	320	330	330	340	390
18 Total.....	(23,310)	(31,430)	(39,850)	(48,270)	(72,010)	(80,950)	(85,900)	(106,450)
19 Recycling and Reduction as % of District Waste.....	15%	20%	26%	31%	46%	52%	55%	68%
STATE RECYCLING AND REDUCTION GOALS								
					35%		50% year 2001	
20 Waste from District for Disposal.....	132,490	126,170	119,750	113,330	91,790	84,850	81,900	89,850

2.4

ORIGIN AND DESTINATION OF WASTE FOR DISPOSAL
Instructions

- 20 Waste from district for disposal (carried forward from Schedule 2.3)
- 21, 22 Show the amount of MSW the district expects to send to other districts in Indiana. Show the amount for each district if more than one. The total should include incinerator ash, compost residue, etc., as appropriate.
- 23, 24 Show the amount of waste sent from the district into other state(s) for disposal. Show the amount for each state if more than one. The total should include incinerator ash, compost residue etc. as appropriate.
- 25 This is the total waste exported from the district for disposal elsewhere.
- 26 This is the amount of waste originating and disposed of in the district. (line 20 less line 25).
- 27, 28 Show the amount of MSW (including incinerator ash, compost residue, etc.) the district expects to receive from other districts in Indiana. Show the amount for each district if more than one.
- 29, 30 The amount of MSW (including incinerator ash, compost residue, etc.) the district expects receiving from other state(s). Show the amount for each state if more than one.
- 31 Waste imported into the district from other districts and from out of state.
- 32 Total the waste for final disposal in the district (line 26 plus line 31).
- 33 This is the total waste disposed of in the district by incineration (may include waste that is imported from other districts or from out of state).
- 34 The net of the total amount of waste for final disposal, less the amount incinerated, is the amount of waste to be landfilled for final disposal (line 32 minus line 33).
- 35 Add incinerator ash residue that is landfilled within the district.
- 36 Total the amount of waste landfilled in the district (line 34 plus line 35).

	BASE YEAR		(Tons per Year)					2011
	1992	1993	1994	1995	1996	1997	1998	
20 Waste from District for Disposal.....	132,490	126,170	119,750	113,330	91,790	84,850	81,900	89,850
Waste for Disposal Out of District								
Sent to Other District(s):								
21 District A.....	4,000	4,100	4,200	4,300	4,400	4,500	4,600	5,900
22 District B.....	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Sent to Other State(s):								
23 State A.....	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
24 State B.....	17,500	17,800	18,100	18,400	18,700	19,000	19,300	23,200
25 Total.....	24,700	25,100	25,500	25,900	26,300	26,700	27,100	32,300
Waste for Disposal In District:								
26 Originating In District.....	107,790	101,070	94,250	87,430	65,490	58,150	54,800	57,550
Originating in Other District(s):								
27 District A.....	25,000	25,400	25,800	26,200	26,600	27,000	27,400	33,200
28 District B.....	5,000	5,100	5,200	5,300	5,400	5,500	5,600	6,900
Originating Out of State:								
29 State A.....	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
30 State B.....	17,500	17,800	18,100	18,400	18,700	19,000	19,300	23,200
31 Sub-Total Imported Waste....	49,500	50,300	51,100	51,900	52,700	53,500	54,300	65,300
32 Total Waste Managed in District.....	157,290	151,370	145,350	139,330	118,190	111,650	109,100	122,850
Waste Incinerated								
33 In District.....	0	0	0	0	0	0	91,250	91,250
34 Net.....	157,290	151,370	145,350	139,330	118,190	111,650	17,850	31,600
35 Ash Residue.....	0	0	0	0	0	0	25,550	25,550
Waste Landfilled in								
36 District.....	157,290	151,370	145,350	139,330	118,190	111,650	43,400	57,150

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An important element of your planning for future solid waste management needs is determining what facilities are in place today. In addition, this information will be useful to IDEM in assessing the current status of Indiana's waste management facilities in light of emerging federal and state regulations.

In this subsection you will be asked to provide basic data about the disposal and management facilities operating in your district today.

For ease of completion, we suggest that you remove the forms (right-hand pages) and reproduce enough copies to prepare a draft and final version. Then, return the pages to the manual for easy reference to the instructions applying to each item. You will notice that each form contains space to report on one or more facilities; if your district contains more facilities than provided for on a form, reproduce additional sheets as necessary. The forms are designed to be prepared on a typewriter using double line spacing. However, if you are using an automated word processing system, the easiest approach may be to retype the forms along with the data being reported. For that reason, we have attempted to keep the material to be typed to a minimum, with explanatory and instructional material on the left-hand pages. When retyping the forms, please use double spacing; one-inch top, bottom, right, and left margins; and 12-pitch type size.

When the inventory is complete, number the pages sequentially in the upper right corner, beginning with 2.5-1, 2.5-2, etc.

We have tried to keep the information requested as consistent as possible for all of the facilities cataloged. However, since there are differences among their purposes and operations, you will need to compile slightly different data for each type of facility.

2.5.1

OVERVIEW OF EXISTING SOLID WASTE MANAGEMENT FACILITIES/PROGRAMS
Instructions

This page summarizes the information on the existing solid waste programs in your district. While it is presented as the first page of this subsection, you may find it more convenient to complete this page after you have finished the facilities inventory.

- 1 Facility - The facilities to be summarized are listed in the lefthand column.
- 2 Number - list the number of facilities of each type.
- 3 Design capacity - where applicable, state the total capacity the facilities were designed to accommodate (tons or tons per day [tpd]).
- 4 Remaining capacity - state the remaining capacity based on historical data.
- 5 Quantity in base year - state the total amount managed from January 1 to December 31 of the base year.

2.5.1
**OVERVIEW OF EXISTING SOLID WASTE MANAGEMENT
 FACILITIES/PROGRAMS**

1 Facility	2 Number	3 Design Capacity	4 Remaining Capacity (tons)	5 Quantity in Base Year
Landfills				
Collection Services		N/A	N/A	
Transportation Services		N/A	N/A	
Transfer Station			N/A	
Incinerators/ Waste-to-Energy Facilities			N/A	
Recycling Programs		N/A	N/A	
Compost Facilities		N/A	N/A	
Solid Waste Collection Centers			N/A	

- 1 Name - name of the landfill.
- 2 Site address - street address or site location.
- 3 Mailing address - location of management and address for business correspondence. Include ZIP code. (May be same as 2.)
- 4 Owner - name owner of record (private or municipal entity).
- 5 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 6 Permit number - self-explanatory.
- 7 Waste types - list the types of currently waste accepted at this landfill; for example, MSW, demolition/construction debris, asbestos, yard waste, other (specify).
- 8 Phone - operator's telephone number (include area code).
- 9 Original design capacity - state in tons the facility's intended capacity when it was put into service
- 10 Remaining capacity (tons) - state the current expected capacity based on the most recent professional estimate.
- 11 Remaining life (years) - state the current expected lifespan based on the most recent professional estimate.
- 12 Quantity accepted in base year - state the total amount managed from January 1 to December 31 of the base year.
- 13 Access - is this landfill open to the public, or is it restricted to use by a single entity or waste type? Answer public or captive (dedicated to a single entity that generates and disposes of its own waste.)
- 14 List the name, registration, and company of the professional who developed the estimates for items 10 and 11. Include the date that estimate was completed.

1 Name	6 Permit No.
2 Site Address	7 Waste Types Accepted
3 Mailing Address	
4 Owner	
5 Operator	8 Phone

9 Original Design Capacity (tons)	13 Access
10 Remaining Capacity (tons)	14 Current Capacity Estimated By
11 Remaining Life (years)	
12 Quantity Accepted in Base Year ____ (tons)	Date

1 Name	6 Permit No.
2 Site Address	7 Waste Types Accepted
3 Mailing Address	
4 Owner	
5 Operator	8 Phone

9 Original Design Capacity (tons)	13 Access
10 Remaining Capacity (tons)	14 Current Capacity Estimated By
11 Remaining Life (years)	
12 Quantity Accepted in Base Year ____ (tons)	Date

2.5.3
COLLECTION SERVICES
Instruction

- 1 Name - name of the collection service.
- 2 Address - location of management and address for business correspondence. Include ZIP code.
- 3 Owner - name owner of record (private or municipal entity).
- 4 Operator - name entity or individual responsible for day-to-day operations of the service.
- 5 Permit number - self-explanatory.
- 6 Phone - owner's business telephone number (include area code).
- 7 Quantity collected in base year - state the total amount collected from January 1 to December 31 of the base year.

1 Name
2 Address
3 Owner
4 Operator

5 Permit No.
6 Phone
7 Quantity Collected
in Base Year ____ (tons)

1 Name
2 Address
3 Owner
4 Operator

5 Permit No.
6 Phone
7 Quantity Collected
in Base Year ____ (tons)

1 Name
2 Address
3 Owner
4 Operator

5 Permit No.
6 Phone
7 Quantity Collected
in Base Year ____ (tons)

1 Name
2 Address
3 Owner
4 Operator

5 Permit No.
6 Phone
7 Quantity Collected
in Base Year ____ (tons)

1 Name
2 Address
3 Owner
4 Operator

5 Permit No.
6 Phone
7 Quantity Collected
in Base Year ____ (tons)

2.5.4
TRANSPORTATION SERVICES
Instructions

Transportation services provide bulk hauling of MSW. Transporters most commonly haul material from transfer stations to landfills or other disposal facilities. Transportation modes can include trailer trucks, rail cars, or river barges.

- 1 Name - name of the transportation service.
- 2 Address - location of management and address for business correspondence. Include ZIP code.
- 3 Owner - name owner of record (private or municipal entity).
- 4 Operator - name entity or individual responsible for day-to-day operations of the service.
- 5 Permit number - self-explanatory.
- 6 Phone - business telephone number (include area code).
- 7 Type - list types of transport vehicles used; for example, trailer trucks, rail cars, barges, other (list).
- 8 Quantity collected in base year - state the total amount collected from January 1 to December 31 of the base year.

2.5.4
TRANSPORTATION SERVICES

1 Name	5 Permit No.
2 Address	6 Phone
3 Owner	7 Type
4 Operator	8 Quantity Transported in Base Year ____ (tons)

1 Name	5 Permit No.
2 Address	6 Phone
3 Owner	7 Type
4 Operator	8 Quantity Transported in Base Year ____ (tons)

1 Name	5 Permit No.
2 Address	6 Phone
3 Owner	7 Type
4 Operator	8 Quantity Transported in Base Year ____ (tons)

1 Name	5 Permit No.
2 Address	6 Phone
3 Owner	7 Type
4 Operator	8 Quantity Transported in Base Year ____ (tons)

1 Name	5 Permit No.
2 Address	6 Phone
3 Owner	7 Type
4 Operator	8 Quantity Transported in Base Year ____ (tons)

- 1 Name - name of the facility.
- 2 Site address - street address or site location.
- 3 Mailing address - location of management and address for business correspondence. Include ZIP code. (May be same as 2.)
- 4 Owner - name owner of record (private or municipal entity).
- 5 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 6 Permit number - self-explanatory.
- 7 Phone - operator's telephone number (include area code).
- 8 Functions - state the types of services provided at this facility; for example, transfer only, accepts recyclables from the public, retrieves recyclables from received wastes, etc.
- 9 Design capacity (tpd) - state the maximum daily capacity the facility can manage.
- 10 Quantity received in the base year (tpd and total) - state the average daily tonnage from January 1 to December 31 of the base year and the total tonnage for that period.

1 Name	6 Permit No.
2 Site Address	7 Phone
3 Mailing Address	8 Functions
4 Owner	
5 Operator	

9 Design Capacity (tpd)	10 Quantity Received in Base Year _____ (tpd) (total)
-------------------------	---

1 Name	6 Permit No.
2 Site Address	7 Phone
3 Mailing Address	8 Functions
4 Owner	
5 Operator	

9 Design Capacity (tpd)	10 Quantity Received in Base Year _____ (tpd) (total)
-------------------------	---

1 Name	6 Permit No.
2 Site Address	7 Phone
3 Mailing Address	8 Functions
4 Owner	
5 Operator	

9 Design Capacity (tpd)	10 Quantity Received in Base Year _____ (tpd) (total)
-------------------------	---

2.5.6
INCINERATORS/WASTE-TO-ENERGY FACILITIES
Instructions

All incinerators and waste-to-energy facilities should be included in this inventory, including large hospital incinerators (7 TPD or more), and industrial and commercial facilities. All of these facilities should have permits.

- 1 Name - name of the facility.
- 2 Site address - street address or site location.
- 3 Mailing address - location of management and address for business correspondence. Include ZIP code. (May be same as 2.)
- 4 Owner - name owner of record (private or municipal entity).
- 5 Permit number - self-explanatory.
- 6 Phone - operator's telephone number (include area code).
- 7 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 8 Product - if some type of energy recovery is employed, describe the type; for example, electricity, district heating, steam sales. If no energy is produced, enter "none."
- 9 Design capacity (tpd) - state the maximum daily capacity the facility can manage.
- 10 Quantity processed in the base year (tpd and total) - state the average daily tonnage from January 1 to December 31 of the base year and the total tonnage for that period.
- 11 Ash for disposal (tons) - state the annual tonnage of residual ash for disposal.
- 12 Ash disposal sites - list the names and locations of all ash disposal facilities used.

2.5.6
INCINERATORS/WASTE-TO-ENERGY FACILITIES

- | | |
|---|---------------------------|
| 1 Name | 5 Permit No. |
| 2 Site Address | 6 Phone |
| 3 Mailing Address | 7 Operator |
| 4 Owner | 8 Product |
| *** | |
| 9 Design Capacity (tpd) | 11 Ash for Disposal (tpy) |
| 10 Quantity Processed in the
Base Year ____ (tpd)
(total) | 12 Ash Disposal Sites |

-
- | | |
|---|---------------------------|
| 1 Name | 5 Permit No. |
| 2 Site Address | 6 Phone |
| 3 Mailing Address | 7 Operator |
| 4 Owner | 8 Product |
| *** | |
| 9 Design Capacity (tpd) | 11 Ash for Disposal (tpy) |
| 10 Quantity Processed in the
Base Year ____ (tpd)
(total) | 12 Ash Disposal Sites |

-
- | | |
|---|---------------------------|
| 1 Name | 5 Permit No. |
| 2 Site Address | 6 Phone |
| 3 Mailing Address | 7 Operator |
| 4 Owner | 8 Product |
| *** | |
| 9 Design Capacity (tpd) | 11 Ash for Disposal (tpy) |
| 10 Quantity Processed in the
Base Year ____ (tpd)
(total) | 12 Ash Disposal Sites |

- 1 Name - name of the facility.
- 2 Address - location of management and address for business correspondence. Include ZIP code.
- 3 Owner - name owner of record (private or municipal entity).
- 4 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 5 Phone - operator's telephone number (include area code).
- 6 Description - describe the type of service provided; for example, drop-off centers, reverse vending machines, processing facilities (materials recovery/intermediate processing centers), etc. Include not-for-profit entities such as Goodwill and Salvation Army outlets.
- 7 Processing capacity (tpd) - state daily processing capacity.
- 8 Total quantity collected in the base year - state total tonnage.
- 9 Itemize total materials collected in the base year - state tonnage of materials processed by type. Total should be same as in 8 above.

2.5.7
PUBLICLY AVAILABLE RECYCLING SERVICES

- | | |
|------------|---------------|
| 1 Name | 5 Phone |
| 2 Address | 6 Description |
| 3 Owner | |
| 4 Operator | |

7 Daily Processing Capacity (tpd)

8 Total Quantity Collected in the Base Year ____ (tons)

9 Itemize Materials Collected in the Base Year ____

<u>Material</u>	<u>Tons</u>	<u>Material</u>	<u>Tons</u>	<u>Material</u>	<u>Tons</u>
Aluminum		Clothing		Other (list)	
Glass		Appliances			
Paper		Yard Waste			
Corrugated		Tires			
Plastic		Batteries			
Ferrous Metals					

- | | |
|------------|---------------|
| 1 Name | 5 Phone |
| 2 Address | 6 Description |
| 3 Owner | |
| 4 Operator | |

7 Daily Processing Capacity (tpd)

8 Total Quantity Collected in the Base Year ____ (tons)

9 Itemize Materials Collected in the Base Year ____

<u>Material</u>	<u>Tons</u>	<u>Material</u>	<u>Tons</u>	<u>Material</u>	<u>Tons</u>
Aluminum		Clothing		Other (list)	
Glass		Appliances			
Paper		Yard Waste			
Corrugated		Tires			
Plastic		Batteries			
Ferrous Metals					

2.5.8
COMPOST FACILITIES
Instructions

- 1 Name - name of the facility.
- 2 Site address - street address or site location.
- 3 Mailing address - location of management and address for business correspondence. Include ZIP code. (May be same as 2.)
- 4 Owner - name owner of record (private or municipal entity).
- 5 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 6 Permit number - self-explanatory.
- 7 Phone - operator's telephone number (include area code).
- 8 Materials composted - specify yard waste, MSW, other.
- 9 Quantity processed in 1992 - state total in tons.
- 10 Product - list product or products resulting from composting process (mulch, landfill cover material, etc.)
- 11 Residue for disposal - state tonnage of material not converted to useful product that remains for final disposal (landfilling or incineration).
- 12 Disposal sites - list sites and locations.

1 Name	6 Permit No.
2 Site Address	7 Phone
3 Mailing Address	8 Materials Composted
4 Owner	
5 Operator	

9 Quantity Processed in the Base Year ____ (tons)	10 Product
11 Residue for Disposal (tons)	12 Disposal Sites

1 Name	6 Permit No.
2 Site Address	7 Phone
3 Mailing Address	8 Materials Composted
4 Owner	
5 Operator	

9 Quantity Processed in the Base Year ____ (tons)	10 Product
11 Residue for Disposal (tons)	12 Disposal Sites

1 Name	6 Permit No.
2 Site Address	7 Phone
3 Mailing Address	8 Materials Composted
4 Owner	
5 Operator	

9 Quantity Processed in the Base Year ____ (tons)	10 Product
11 Residue for Disposal (tons)	12 Disposal Sites

2.5.9
SOLID WASTE COLLECTION DEPOTS
Instructions

This is a collection center that receives MSW from the general public. These facilities are usually found in rural areas where curbside collection service may not be available.

- 1 Name - name of the facility.
- 2 Site address - street address or site location.
- 3 Mailing address - location of management and address for business correspondence. Include ZIP code. (May be same as 2.)
- 4 Owner - name owner of record (private or municipal entity).
- 5 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 6 Permit number - self-explanatory.
- 7 Phone - operator's telephone number (include area code).
- 8 Materials - specify materials accepted such as household trash, yard waste, recyclables, other (specify).
- 9 Attendant - is there an attendant on site to accept materials? Please answer yes or no.
- 10 Quantity in the base year - state total tonnage accepted.

2.5.9
SOLID WASTE COLLECTION DEPOTS

- 1 Name
- 2 Site Address
- 3 Mailing Address
- 4 Owner
- 5 Operator

- 6 Permit No.
- 7 Phone

- 8 Materials

9 Attendant?

10 Quantity Collected in
the Base Year ____ (tons)

- 1 Name
- 2 Site Address
- 3 Mailing Address
- 4 Owner
- 5 Operator

- 6 Permit No.
- 7 Phone

- 8 Materials

9 Attendant?

10 Quantity Collected in
the Base Year ____ (tons)

- 1 Name
- 2 Site Address
- 3 Mailing Address
- 4 Owner
- 5 Operator

- 6 Permit No.
- 7 Phone

- 8 Materials

9 Attendant?

10 Quantity Collected in
the Base Year ____ (tons)

2.5.9
SOLID WASTE COLLECTION DEPOTS

- 1 Name
- 2 Site Address
- 3 Mailing Address
- 4 Owner
- 5 Operator

- 6 Permit No.
- 7 Phone
- 8 Materials

...

9 Attendant?

10 Quantity Collected in
the Base Year ____ (tons)

- 1 Name
- 2 Site Address
- 3 Mailing Address
- 4 Owner
- 5 Operator

- 6 Permit No.
- 7 Phone
- 8 Materials

...

9 Attendant?

10 Quantity Collected in
the Base Year ____ (tons)

- 1 Name
- 2 Site Address
- 3 Mailing Address
- 4 Owner
- 5 Operator

- 6 Permit No.
- 7 Phone
- 8 Materials

...

9 Attendant?

10 Quantity Collected in
the Base Year ____ (tons)

2.5.10
WASTE TIRE PILE
Instructions

- 1 Name - name of the facility
- 2 Site location - street address if known.
- 3 Mailing address - location of management and address for business correspondence. Include ZIP code. (May be same as 2.)
- 4 Owner - name owner of record (private or municipal entity).
- 5 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 6 Phone - operator's telephone number (include area code).
- 7 Size of site (acres).
- 8 Approximate number of tires.

1 Name	5 Operator
2 Site Location	6 Phone
3 Mailing Address	7 Size - Acres
4 Owner	8 Number of Tires

1 Name	5 Operator
2 Site Location	6 Phone
3 Mailing Address	7 Size - Acres
4 Owner	8 Number of Tires

1 Name	5 Operator
2 Site Address	6 Phone
3 Mailing Address	7 Size - Acres
4 Owner	8 Number of Tires

- 1 Site location.
- 2 Owner - name owner of record (private or municipal entity).
- 3 Size of site (acres).

1 Location

2 Owner

3 Size (acres)

1 Location

2 Owner

3 Size (Acres)

1 location

2 Owner

3 Size (acres)

2.5.12
MAP OF EXISTING FACILITIES
Instru

Please prepare a map of the district showing the existing facilities in the preceding inventory. Use a scale of 1:_____ and indicate the facilities using this key:

- | | |
|---------------------|----------------------|
| 1) Landfill | 5) Recycling Center |
| 2) Transfer Station | 6) Compost Facility |
| 3) Incinerator | 7) Collection Depots |
| 4) Waste-to-Energy | |

Please include the map as an Appendix of your plan document.

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2.6
PROJECTION OF NEEDED FACILITIES/ACTIVITIES

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

PROJECTION OF NEEDED FACILITIES/ACTIVITIES 2.6

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

[Insert discussion here, adding
additional pages as necessary]

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M E M O R A N D U M

TO: All Permitted Solid Waste Facilities

SUBJECT: Additional Requirements for Solid Waste Permit Applications Per
New Legislation

As many of you are aware, legislation passed in March 1990, requires from one to three additional information submittals for review before permit renewals, new (construction/operating) permits, permit transfers and major permit modifications can be granted.

If you currently have a permit in our review system or are planning to submit an application for review, this letter will serve as notification of the additional items needed to complete your application. Please send this information to the Solid Waste Management Branch Chief at the above address. If you have already submitted information to satisfy these additional requirements, please review the descriptions on the next page to assure you have completed all of the necessary forms.

The requirements for the character disclosure statement and net worth statement do not apply to government entities. The following is a list of which requirements apply to which permit actions.

PERMIT RENEWALS

Character disclosure statement

NEW (CONSTRUCTION/OPERATING) PERMITS

Character disclosure statement
Net worth statement (not required for solid waste processing facilities)
Demonstration of need

MAJOR MODIFICATIONS TO EXISTING PERMITS

Major modifications are those who propose an increase in disposal capacity:

Character disclosure statement
Demonstration of need

PERMIT TRANSFER

Character disclosure statement

The following is a description of the information which must be submitted to satisfy each of the requirements:

Character Disclosure, IC 13-7-10.2

A copy of House Enrolled Act (HEA) No. 1472 is attached which describes the information to be submitted. Also attached are three forms which must be completed, and returned to IDEM. The first one is a form developed by staff to assist in putting together the information required in the legislation. Please initial the appropriate blank for each required item of information and, when so indicated by you, attach the information which specifically identifies and describes that particular disclosure. A character disclosure statement must be executed under oath or affirmation, and the last page of this form provides a place to do that. The second form is a "Request for Limited Criminal History Information" which must have the blanks at the top of the form filled in. The third form is an "Authorization to Release Criminal History Information" and must be filled-in, signed, and notarized. Please note that character disclosure statements are required not only of applicants but of all person defined as "Responsible Parties".

Demonstration of Need, IC 13-7-10-1.5

The legislation relative to demonstration of need is also contained in HEA No. 1472. Also attached is a copy of the "Need Rule" which has been final adopted by the Solid Waste Management Board. The proposed rule provides an outline of the information which must be submitted as a demonstration of need.

Net Worth IC 13-7-22-2

The legislation relative to the Net Worth Statement is contained in HEA 1388 (attached). In brief, the legislation requires that an independent certified public accountant audit, and issue an unqualified opinion for, a statement of financial position which has been prepared using generally accepted accounting principles. Before the permit may be granted, the statement must indicate that, at the end of the calendar year or fiscal year immediately proceeding the year in which the permit would be issued, the applicant had a positive net worth of at least \$250,000. In addition, the applicant must, under oath or affirmation, state that there are no unsatisfied and nonappealable judgements requiring the payment of money by the applicant.

!5101S 6-26-91 bja

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE FACILITY PERMIT CHARACTER DISCLOSURE STATEMENT

INSTRUCTIONS FOR COMPLETION

The solid waste facility permit character disclosure statement form shall be used to submit the disclosure statement as required by IC 13-7-10.2. The statute requires that each permit applicant and responsible party submit a character disclosure statement prior to the issuance of an original permit, a permit renewal, a major modification of the permit or a permit transfer. Each applicant and responsible party shall submit a separate disclosure statement for each facility and/or company which is required to submit a character disclosure statement.

SECTION A: FACILITY INFORMATION

For all submissions, place the name and address of the facility in the spaces provided. Indicate, in the space provided, the reason or reasons for the submission of the disclosure statement.

SECTION B: APPLICANT INFORMATION

For all submissions, place the name of the applicant, the business address of the applicant and the social security number (or federal tax number if the applicant is not an individual) of the applicant in the spaces provided. An applicant is an individual, a corporation, a partnership, or a business association that applies for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e). This includes solid waste landfills, processing facilities and incinerators. For the purposes of the disclosure statement, the applicant is the person or company in whose name the permit is issued. Each applicant shall complete the required information; attach additional pages as necessary.

SECTION C: RESPONSIBLE PARTY INFORMATION

For all submissions, place the name of the responsible party, the business address of the responsible party, the social security number (or federal tax number if the responsible party is not an individual) of the responsible party and the relationship of the responsible party to the applicant in the spaces provided. For purposes of the disclosure statement, a responsible party may be an officer, a corporation director, or a senior management official of a corporation, partnership, or business association that is an applicant. A responsible party may also be an individual, a corporation, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant. Each responsible party shall complete the required information; attach additional pages as necessary.

SECTION D: DISCLOSURE STATEMENT

Each operator and responsible party shall provide his/her name and indicate whether they are an operator or a responsible party in the spaces provided.

SECTION D1:

Section D1 shall be completed by indicating the appropriate responses to Items A through C by placing the initials of the person filling out the form in the spaces provided. For the purposes of completing the section, Not Applicable is taken to be a negative response to a request for information in Items A through C. Section D1 may be used only by those applicants and/or responsible parties which file a Form 10-K with the Securities and Exchange Commission. At no time may an individual complete Section D1 to satisfy the character disclosure requirements. Any information provided on additional pages should be identified by the appropriate item letter.

SECTION D2:

Section D2 shall be completed by indicating the appropriate responses to Items A through G by placing the initials of the person filling out the form in the spaces provided. For the purposes of completing the section, Not Applicable is taken to be a negative response to a request for information in Items A through G. The information requested in Item H will be used to complete a Request for Limited Criminal History Information if additional information concerning an operator or responsible party is determined to be necessary. Any information provided on additional pages should be identified by the appropriate item letter.

SECTION E: SIGNATORIES

Each applicant and responsible party shall complete a Section E, in original, for each disclosure statement that is submitted. In addition, each completed Section E shall include a properly completed and notarized Acknowledgement.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE FACILITY PERMIT CHARACTER DISCLOSURE STATEMENT**

This form shall be used to submit the character disclosure statement, as required by IC 13-7-10.2, for a solid waste permit. Upon completion of this form, return this form with all additional materials to the following address:

ATTENTION: SWFP Character Disclosure
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
105 South Meridian Street
Post Office Box 6015
Indianapolis, Indiana 46206-6015

SECTION A: FACILITY INFORMATION

Facility Name	_____			
Mailing Address	_____			
	Street	_____		
	City	County	State	Zip Code

- This statement is for the purposes of:
- a new permit
 - a permit modification
 - a permit renewal
 - a permit transfer.

SECTION B: APPLICANT INFORMATION

The applicant may be an individual, a corporation, a partnership, or a business association that applies for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e). Each applicant shall complete the following information; attach additional pages as necessary.

Applicant Name	_____			
Business Address	_____			
	Street	_____		
	City	County	State	Zip Code
Social Security Number (or Federal Tax Number if Applicant is not an individual)	_____			

SECTION C: RESPONSIBLE PARTY INFORMATION

A responsible party may be an officer, a corporation director, or a senior management official of a corporation, partnership, or business association that is an applicant. A responsible party may also be an individual, a corporation, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant. Each responsible party shall complete the following information; attach additional pages as necessary.

Responsible Party Name _____

Business Address _____

Street _____

City _____ County _____ State _____ Zip Code _____

Social Security Number _____
(or Federal Tax Number if Responsible Party is not an individual)

Relationship to Applicant _____

Responsible Party Name _____

Business Address _____

Street _____

City _____ County _____ State _____ Zip Code _____

Social Security Number _____
(or Federal Tax Number if Responsible Party is not an individual)

Relationship to Applicant _____

Responsible Party Name _____

Business Address _____

Street _____

City _____ County _____ State _____ Zip Code _____

Social Security Number _____
(or Federal Tax Number if Responsible Party is not an individual)

Relationship to Applicant _____

SECTION D: DISCLOSURE STATEMENT

Each Applicant and Responsible Party identified in Sections B and C shall complete a separate Section D and Section E. The Section D requirement may be satisfied by providing all information required by either Section D1 or Section D2. Please indicate that the required item has been provided or does not apply by initialing in the space provided.

THIS DISCLOSURE STATEMENT IS PROVIDED FOR:
Name (print or type) _____
Acting as Applicant or Responsible Party (specify) _____

SECTION D1:

A) The information concerning legal proceedings that is required under Section 13 or 15(d) of the Securities Exchange Act of 1934(15 U.S.C 78a et seq.) and that the applicant or responsible party has reported under Form 10-K.

Not Applicable _____ Provided _____

B) A description of all judgments that have been entered against the applicant or responsible party in a civil or administrative complaint for the violation of any state or federal environmental protection law and that have imposed upon the applicant or responsible party a fine or penalty of more than ten thousand dollars (\$10,000) within five (5) years before the date of the submission of the application.

Not Applicable _____ Provided _____

C) A description of all judgments of conviction entered against the applicant or responsible party for the violation of any state or federal environmental protection law within five (5) years before the date of the submission of the application.

Not Applicable _____ Provided _____

SECTION D2:

A) A description of the applicant's or responsible party's experience in managing the type of waste that will be managed under the Permit. Include the name and business address for employers, the State Permit number for the facility, the type of work experience and the length of time employed.

Not Applicable _____ Provided _____

B) A description of all civil or administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that have resulted in a fine or penalty of more than ten thousand dollars (\$10,000) within five (5) years before the date of the submission of the application.
Not Applicable _____ Provided _____

C) A description of all civil or administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that allege an act or omission that constitutes a material violation of state or federal environmental protection law and that presented a substantial endangerment to the public health or the environment.
Not Applicable _____ Provided _____

D) A description of all pending criminal complaints alleging the violation of any state or federal environmental protection law that have been filed against the applicant or responsible party within five (5) years before the date of submission of the application.
Not Applicable _____ Provided _____

E) A description of all judgments of criminal conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental law.
Not Applicable _____ Provided _____

F) A description of all judgments of criminal conviction of a felony constituting a crime of moral turpitude under the laws of any state or the United States that are entered against the applicant or responsible party within five (5) years before the date of submission of the application.
Not Applicable _____ Provided _____

G) The location of all facilities at which the applicant or responsible party manages the type of waste that would be managed under the permit to which the application refers. Include the facility name, business address, any permit numbers and the type of facility.
Not Applicable _____ Provided _____

H) The following information will be used by IDEM to complete a Request for Limited Criminal History Information if additional information concerning an operator or responsible party is determined to be necessary.

Date of birth _____ Sex _____ Race _____

SECTION E: SIGNATORIES

I affirm that all information contained in this disclosure statement and any attachments is, to the best of my knowledge, true and accurate. I also realize that any information provided in this disclosure statement that was knowingly incorrect may subject me to the penalty for perjury under IC 35-44-2-1.

APPLICANT/RESPONSIBLE PARTY

DATE

ACKNOWLEDGEMENT

State of _____)
County of _____) SS

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ known by me to be the person who executed the foregoing instrument, signed the same and acknowledged to me that he/she did so sign the same, and that the same is his/her free act and deed and that the statements made in the foregoing instrument are true.

IN WITNESS WHEREOF, I have set my hand and official seal this _____ day of _____, 19____.

I am a resident of _____ County, _____

Notary Public

My Commission Expires:

REQUEST FOR LIMITED CRIMINAL HISTORY INFORMATION

Acct. No 102-152

Requesting Agency or Individual BRUCE PALIN

DEPARTMENT OF ENVIRONMENTAL MGMT
(NAME)

BRANCH CHIEF
(TITLE)

Subject of Request:

LAST NAME

FIRST NAME

M.I

(DATE OF BIRTH)

(ADDRESS)

(SEX)

(RACE)

(MISCELLANEOUS NUMBER)

REASON FOR REQUEST:

- 1. () Applicant has applied for employment with a non-criminal justice organization or individual.
- 2. () Applicant has applied for a license and criminal history data is required by law to be provided in connection with the license.

Set out authority:

IC 13-7-10.2

- 3. () Applicant is a candidate for public office or a public official.
- 4. () Is in the process of being apprehended by a law enforcement agency.
- 5. () Is placed under arrest for the alleged commission of a crime.
- 6. () Has charged that his rights have been abused repeatedly by criminal justice agencies.
- 7. () Is the subject of judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing or probation.
- 8. () Has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a not-for-profit corporation.
- 9. () Is being investigated for welfare fraud by an investigator of the state department of public welfare or a county department of public welfare.
- 10. () Is being sought by the parent locator service of a child support division of the state department of public welfare.

REQUEST MADE PURSUANT TO IC 5-2-5-13?

- A. () Prospective adult volunteer for children (Copy of non-profit status enclosed).
- () Home Health Agency (copy of non-profit status enclosed).
- B. () Department of Public Welfare Day Care/Foster Home Licensing or licensee.

WARNING

A non-criminal justice organization or individual receiving a limited criminal history may not utilize it for purposes:

- (1) other than those stated in the request; or
- (2) which deny the subject any civil right to which the subject is entitled.

IC 5-2-5-5: Any person who uses limited criminal history for any purpose not specified in the request commits a Class (A) misdemeanor offense.

I affirm, under penalty of perjury, that the Limited Criminal History Information requested will be used as specified.

Bruce H Palin
SIGNATURE OF REQUESTOR

1/9/91

DATE

105 S. MERIDIAN ST. INDIANAPOLIS, IN 46206
STREET ADDRESS

CITY

STATE

ZIP

FOR ISP USE ONLY

- No Record on File
- Record Inspected
- Record Released

Fee \$ _____

Information provided not verified by fingerprints.

(SIGNATURE OF DEPARTMENT EMPLOYEE)

(DATE)

INSTRUCTIONS FOR COMPLETING REQUEST FOR LIMITED CRIMINAL HISTORY

- REQUESTING AGENCY OR INDIVIDUAL:** Name of the individual or agency requesting the LCH. If request is for a Home Health Care Agency, it **must** be specified on this line.
- TITLE:** Formal title of the requesting individual who signs as requestor at the bottom of the form.
- SUBJECT OF REQUEST:** Last name, first name, and middle initial of the individual being checked - **must** include date of birth, address, sex, and race of individual. **ONLY ONE INDIVIDUAL PER REQUEST FORM.**
- REASON FOR REQUEST:** Check the applicable line referring to your request. An organization making a request under IC 5-2-5-13A must include proof of their **NOT FOR PROFIT** status. A copy of their "Certificate of Good Standing" issued by the Secretary of State will suffice. Requests made pursuant to IC 5-2-5-13B, the **REQUESTING AGENCY** line must show the State or County Welfare Department, along with individual department/agency name if applicable.
- SIGNATURE OF REQUESTOR:**
DATE
STREET ADDRESS
CITY, STATE, ZIP
- This line must contain the signature of the person making the request, the date of request along with the requestors street address, city, state, and zip code.

PLEASE PROVIDE ALL INFORMATION REQUESTED.
It will prevent return of the request form and speed up our response.

TITLE 329
SOLID WASTE MANAGEMENT BOARD

Proposed Rule
LSA Document # 90-103

Digest

Amends 329 IAC 2-2-1 by adding a definition of "major modification". Adds 329 IAC 2-8-12 to establish criteria for demonstration of local or regional solid waste facility need. Effective 30 days after filing with the secretary of state.

329 IAC 2-2-1
329 IAC 2-8-12

SECTION 1. 329 IAC 2-2-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 2-2-1 Definitions

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10.2
Affected: IC 13-1-3; IC 13-1-12-1; IC 13-7; IC 16-1-9.5-1; IC 25-17.5-1; IC 25-31;
IC 36-9-30;

Sec. 1. (a) In addition to the definitions in subsection (b), the definitions found in IC 13-1-12 apply throughout this article:

(1) "Commissioner" refers to the commissioner of the department created under IC 13-7-2-11 (the department of environmental management).

(2) "Contaminant" means any solid, semisolid, liquid, or gaseous matter, or any odor, radioactive material, pollutant as defined in the Federal Waste Pollution Control Act, hazardous waste as defined by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended, or any combination thereof, from whatever source, that:

(A) is injurious to human health, plant or animal life, or property;
(B) interferes unreasonably with the enjoyment of life or property;
or

(C) is otherwise violative of this article or rules adopted under this article.

(3) "Department" refers to the department of environmental management created under IC 13-7-2.

(4) "Disposal" means the discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste or any constituent of

the waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters. (P.L. 143-1985, SECTION 77.

(5) "Garbage" means all putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

(6) "Hazardous waste" means a solid waste or combination of solid wastes that, because of its quantity, concentration or physical, chemical, or infectious characteristics, may:

(A) cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or

(B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(7) "Incinerator" means an engineered apparatus designed for the burning of solid waste under the effect of controls of temperature, retention time, air, and other combustion factors.

(8) "Open burning" means the combustion of any matter in the open or in an open dump.

(9) "Open dump" means the consolidation of solid waste from one (1) or more sources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations, and that is established and maintained without cover and without regard to the possibilities of contamination of surface or subsurface water resources.

(10) "Person" means an individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, any consolidated unity of government, political subdivision, state agency, or any other legal entity.

(11) "Recovery" means obtaining materials or energy for commercial or industrial use from solid waste or hazardous waste.

(12) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term "solid waste" does not include:

(A) solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point source subject to permits under Section

402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);

(B) source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(C) manures or crop residues return to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation. (P.L. 143-1985, SECTION 90.)

(13) "Solid waste management" means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste. (P.L. 143-1985, SECTION 91.)

(14) "Water pollution" means:

(A) actual or threatened alteration of the physical, thermal, chemical, biological, bacteriological, or radioactive properties of any waters; or

(B) the discharge or threatened discharge of any contaminant into any water that does or can create a nuisance or render the waters harmful, detrimental, or injurious to:

(i) public health, safety, or welfare;

(ii) domestic, commercial, industrial, agricultural, recreational, or other legitimate uses; or

(iii) livestock, wild animals, birds, fish, or aquatic life.

(15) "Waters" means the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, that are wholly or partially within, flow through, or border upon this state. The term does not include any private pond or any off-stream pond, reservoir, or facility built for reduction or control of pollution or cooling of water prior to discharge unless the discharge from the pond reservoir, or facility causes or threatens to cause water pollution.

(b) The following definitions apply throughout this article:

(1) "Access roads" means roads which lead to the entrance of a solid waste processing or disposal facility, normally, a county, state, or federal highway.

(2) "Airport" means a public use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities and military airports.

(3) "Aquifer" means a geologic formation, group of formations, or part of a formation, that is capable of yielding a significant amount of ground water.

(4) "Base flood" means a flood that has a one percent (1%) or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in one hundred (100) years on the average over a

- significantly long period. In any given one hundred (100) year interval such a flood may not occur, or more than one (1) such flood may occur.
- (5) "Bedrock" means cemented or consolidated earth materials, exposed on the earth's surface or underlying unconsolidated earth materials.
- (6) "Board" means the solid waste management board as defined in IC 13-1-12-1.
- (7) "Cell" means a volume of solid waste completely enclosed by cover.
- (8) "Certified professional geologist" means a professional geologist certified by the state of Indiana pursuant to IC 25-17.5-1.
- (9) "Collection container system" means a group of containers for solid waste collection from noncommercial, nonindustrial, and noninstitutional sources, and made available for use by the general public, such as ~~countywide~~ county wide collection box systems.
- (10) "Construction/demolition site" means a solid waste land disposal facility designed and operated to accommodate large volumes of solid waste, having minimal potential for ground water contamination.
- (11) "Cover" means any soil or other suitable material approved by the commissioner placed over the solid waste in accordance with 329 IAC 2-14-12(a).
- (12) "Current closure cost estimate" means the original closure cost estimate or the most recent revision thereof made in accordance with 329 IAC 2-12.
- (13) "Current post-closure cost estimate" means the original post-closure cost estimate or the most recent revisions thereof made in accordance with 329 IAC 2-12.
- (14) "Daily cover" means that cover applied to the working face of the solid waste land disposal facility on a daily basis.
- (15) "Dwelling" means any building which people inhabit on a regular or seasonal basis. The term shall include schools, hospitals, residences, factories, and offices.
- (16) "Equivalent hydraulic conductivity" means the hydraulic conductivity averaged in such a manner as to represent the overall ability of a material to transmit flow .
- (17) "Final closure" or "closure" means those activities to be completed at the end of waste acceptance at a facility, including certification required by 329 IAC 2-15-5, but not including those activities required after said certification.
- (18) "Final cover" means any cover of a type, thickness, elevation, and slope approved by the commissioner for the termination of filling in an area.
- (19) "Flood plain" means the areas adjoining a river, stream, or lake which are inundated by the base flood as determined by the Indiana department of natural resources.
- (20) "Floodway" means the channel of a river or stream and those

- portions of the flood plain adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow from the base flood as determined by the Indiana department of natural resources.
- (21) "Generating facility" means the location at or on which one (1) or more solid wastes are generated, such as a large manufacturing plant which may have more than one (1) source of solid waste at the plant location.
- (22) "Grading" means the contouring of land so that surface water flow and erosion are controlled according to a predetermined plan.
- (23) "Ground water" means water below the land surface in the zone of saturation.
- (24) "Hydraulic gradient" means the head loss per unit length where the head loss is expressed in terms of the unit length so as to produce a dimensionless value.
- (25) "Industrial process waste" includes, but is not limited to, oil, lubricants, resins, chemical catalysts, distillation bottoms, ink, paint sludges, grinding sludges, incinerator ash, core sand, metallic dust sweepings, material which may create asbestos dust, contaminated or recalled wholesale or retail products.
- (26) "Infectious waste" means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease (as defined by rule adopted under IC 16-1-9.5-1). Infectious waste includes the following:
- (A) Pathological wastes, including tissue, organs, body parts, and blood or body fluids in liquid or semiliquid form that are removed during surgery, biopsy, or autopsy.
 - (B) Biological cultures and associated biologicals.
 - (C) Contaminated sharps.
 - (D) Infectious agent stock and associated biologicals.
 - (E) Blood and blood products in liquid or semiliquid form.
 - (F) Laboratory animal carcasses, body parts, and bedding.
 - (G) Wastes (as defined under P.L 123-1988, SECTION 8).
- (27) "Infectious waste incinerator" means a solid waste incinerator that is used to burn infectious ~~wastes~~ waste or mixture of infectious and noninfectious solid waste.
- (28) "Karst topography" means a topography formed on a carbonate rock formation and dominated by features of solutional origin.
- (29) "Leachate" means liquid that has passed through or emerged from solid waste and contains soluble, suspended, immiscible, or miscible materials removed from such wastes.
- (30) "Legal description" means a legal description of the real property, to include the county, township, range, and section numbers and, if applicable, the metes and bounds description, together with the acreage thereof.

- (31) "Lift" means a layer of cells covering a designated area of a solid waste land disposal facility.
- (32) "Locally useful aquifer" means an aquifer which, based on productivity, quality, depth, and alternate sources available, is a source or a probable source of water for any user or potential user within one (1) mile of a particular location.
- (33) "Major Modification" means any change in a permitted solid waste facility which would increase the facility's permitted capacity to process or dispose of solid waste.
- ~~(33)~~ (34) "Normal water line" means the average normal water level, where established through the Indiana department of natural resources, or the average boundary of the water as evidenced by either water level records or changes in the character of vegetation and soil due to the presence of the water.
- ~~(34)~~ (35) "On-site roads" means roads for the passage of vehicles from a facility entrance to the disposal area.
- ~~(35)~~ (36) "Operating personnel" means persons necessary to properly operate a solid waste land disposal or processing facility.
- ~~(36)~~ (37) "Partial closure" means those activities required at the end of waste acceptance for a facility or area of a facility to include the placement of final cover and the establishment of vegetation in accordance with approved closure plans, but exclusive of monitoring and maintenance activities required under post-closure care.
- ~~(37)~~ (38) "Permittee" means any person to whom a solid waste facility permit has been issued.
- ~~(38)~~ (39) "Pollution control waste" includes but is not limited to, liquid, solid, ~~semi-solid~~ semisolid, or gaseous waste generated as a direct or indirect result or the removal of contaminants from air, water, or land, such as water and waste water treatment sludges, baghouse dust, scrubber sludges, and chemical spill, or remedial activity cleanup wastes.
- ~~(39)~~ (40) "Post-closure" means the monitoring and maintenance activities required after final closure of a facility.
- ~~(40)~~ (41) "Post-closure cost estimate" means the original written estimate, in current dollars, or the total cost of post-closure monitoring and maintenance of the facility during the entire post-closure care period, in accordance with the post-closure plan.
- ~~(41)~~ (42) "Processing" means the method, system, or other handling of solid waste so as to change its chemical, biological, or physical form or to render it more amenable for disposal or recovery of materials or energy, or the transfer of solid waste materials but excluding the transportation of solid waste.
- ~~(42)~~ (43) "Registered professional engineer" means a professional engineer registered by the state of Indiana pursuant to IC 25-31.

- ~~(43)~~ (44) "Residue" means solid or semi-solid materials remaining after incineration or processing, including but not limited to, ash, ceramics, glass, metal, and organic substances.
- ~~(44)~~ (45) "Resource recovery" means the processing of solid waste into commercially valuable materials or energy.
- ~~(45)~~ (46) "Restricted waste site" means a solid waste land disposal facility designed and operated to accommodate specific types of waste as specified in 329 IAC 2-9.
- ~~(46)~~ (47) "Salvaging" means the controlled and organized removal of materials from solid waste for utilization.
- ~~(47)~~ (48) "Sanitary landfill" means a solid waste land disposal facility designed to accommodate general types of solid waste, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day.
- ~~(48)~~ (49) "Scavenging" means the uncontrolled and unauthorized removal of materials from solid waste.
- ~~(49)~~ (50) "Site" means the land area on which the permitted facility is situated.
- ~~(50)~~ (51) "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.
- ~~(51)~~ (52) "Soil borings" means the drilling of holes in the earth for the purpose of identifying soil types, subsurface materials, and water table level.
- ~~(52)~~ (53) "Solid waste boundary" means the outermost perimeter of the solid waste fill area, as it would exist at the time of closure, as projected in the facility's closure plan.
- ~~(53)~~ (54) "Solid waste facility" or "facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for processing, storing in conjunction with processing or disposal, or disposing of solid waste, and may consist of several processing, storage, or disposal operational units, e.g., one (1) or more landfills, surface impoundments, or combinations thereof.
- ~~(54)~~ (55) "Solid waste land disposal facility" means a solid waste facility in or upon the land into which solid waste is disposed.
- Permitted solid waste land disposal facilities shall be classified into one (1) of the following types:
- (A) Sanitary landfill.
 - (B) Construction/demolition sites.
 - (C) Restricted waste sites.

~~(55)~~ (56) "Solid waste processing facility" means a solid waste facility upon which is located a solid waste incinerator, transfer station, solid waste baler, solid waste shredder, resource recovery system, composting facility, or garbage grinding facility.

~~(56)~~ (57) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which holds or is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, pounds, and lagoons.

~~(57)~~ (58) "Surface water" means water present on the surface of the earth, including:

(A) streams;

(B) lakes;

(C) ponds;

(D) rivers;

(E) swamps;

(F) marshes; or

(G) rainwater present on the earth.

~~(58)~~ (59) "Transfer station" means a facility at which solid waste is transferred into larger capacity vehicles or containers for further transportation but shall not include neighborhood recycling collection centers or transfer activities at generating facilities.

~~(59)~~ (60) "Twenty-five (25) year, twenty-four (24) hour precipitation event" means the maximum twenty-four (24) hour precipitation event with the probable recurrence interval of once in twenty-five (25) years as defined by the Indiana department of natural resources.

~~(60)~~ (61) "Vector" means any animal capable of harboring and transmitting microorganisms from one (1) animal to another or to a human.

~~(61)~~ (62) "Wash-out" means the carrying away of solid waste by water of the base flood.

~~(62)~~ (63) "Water course" means the path taken by flowing surface water.

~~(63)~~ (64) "Water table" means the upper surface at which the fluid pressure of the ground water is equal to atmospheric pressure.

~~(64)~~ (65) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

~~(65)~~ (66) "Working face" means that portion of a solid waste land disposal facility where the solid waste is deposited. (*Solid Waste Management Board; 329 IAC 2-2-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.; errata filed Jan 11, 1989, 1:00 p.m.*)

SECTION 2. 329 IAC 2-8-12 IS ADDED ADDED TO READ AS FOLLOWS:

329 IAC 2-8-12 Demonstration and determination of need requirements

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10-1.5
Affected: IC 13-1-3; IC 13-7; IC 13-9.5; IC 36-9-30

Sec. 12. (a) This section applies to all permits for new solid waste facilities or major modifications of permits issued after March 20, 1990.

(b) In accordance with subsection (a), and in addition to other permit application requirements outlined in this rule, the following are also required:

- (1) A description of the anticipated area that would be served by the facility as indicated by the following:
 - (A) Solid waste management district(s) if established.
 - (B) County, counties or portions thereof.
 - (C) County, counties and state if the area includes portions outside of Indiana.
- (2) A description of the existing solid waste management facilities which serve the same described area.
- (3) A description of the need, that would be fulfilled by constructing the proposed facility, as follows:
 - (A) For facilities proposed in areas with approved district solid waste management plans, a description of the need identified in the district solid waste management plan required by IC 13-9.5.
 - (B) For facilities proposed in areas without approved district solid waste management plans, a description of need for the proposed area to be served.
- (4) A description of recycling, composting, or other activities which the facility would operate within the proposed area of service.
- (5) A description of the additional disposal capacity which the facility, if permitted, would provide for the proposed area of service.

(6) Additional information as requested by the commissioner.

(c) The commissioner shall review the submitted application and accompanying materials in accordance with provisions of this rule. If it is determined that there is not a local or regional need in Indiana for the solid waste management facility, the commissioner shall deny the permit application.
(Solid Waste Management Board; 329 IAC 2-8-12)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word NEW will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

HOUSE ENROLLED ACT No. 1388

AN ACT to amend the Indiana Code concerning the environment.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-7-8.6-3, AS AMENDED BY P.L.8-1989, SECTION 69, IS AMENDED TO READ AS FOLLOWS: Sec. 3.

(a) The Indiana hazardous waste facility site approval authority is created and constitutes a public instrumentality of the state. The exercise by the authority of the powers conferred by this chapter is an essential governmental function.

(b) The authority consists of five (5) statewide members appointed by the governor and four (4) local members. The statewide members shall serve a term of four (4) years.

(c) A vacancy in the office of a member, other than by expiration, shall be filled in like manner as the original appointment for the remainder of the term for statewide members and for the duration of the duties and responsibilities of the local members.

(d) In making appointments to the statewide membership, the governor shall select residents of this state recognized around the state for their judgment, integrity, and credibility. One (1) member shall represent business and industry, one (1) shall represent labor, and one (1) shall represent agriculture. The fourth statewide member shall be a hydrogeologist who has

practiced in this state for at least five (5) years. The fifth statewide member shall be a biologist, chemist, limnologist, or toxicologist and a member of:

- (1) the science faculty of an institution of higher learning in this state; or
- (2) the staff of scientists of an independent research organization in this state.

The governor may remove any statewide member for cause and shall annually appoint one (1) of the statewide members as chairperson.

(e) Five (5) members (statewide or local) of the authority constitute a quorum for the authority to conduct business. However, the affirmative vote of a majority of the membership is necessary for a final decision on a certificate application. A vacancy in the membership of the authority does not impair the right of the quorum to act.

(f) All members of the authority, including members of the executive council, shall be reimbursed for their traveling expenses and other expenses actually incurred in the performance of their duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency. The members who are not state employees are also entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b) for attendance of authority meetings. All reimbursement for expenses shall be as provided by law.

(g) The four (4) local members shall be appointed from the county in which a proposed facility is to be located, as follows:

(1) Two (2) residents of **a the largest city or town closest to or in the township containing the proposed facility shall be appointed to the authority by the executive of the city or town, or, if there is no city or town in the township, two (2) residents of the township containing the proposed facility shall be appointed to the authority by the township trustee.**

(2) Two (2) residents of the unincorporated portion of the county in which the facility is to be located, one (1) of whom may be the county health officer, shall be appointed by the executive of that county.

If the affected city is a consolidated city, all four (4) local members shall be appointed by the executive of that city. The local members shall serve until the certificate is granted, denied, or no longer subject to their review. The authority constituted for a specific certificate application may be recalled to rehear an application upon an order from the Indiana court of appeals or the supreme court for a rehearing.

(h) No member of the authority may be a member or an employee of or be associated with the board, the department, or the staffs of those agencies.

SECTION 2. IC 13-7-22-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS: Sec. 2.

(a) As used in this section, "applicant" means an individual, a corporation, a partnership, or a business association that applies for an original permit for the construction or operation of a landfill.

(b) As used in this section, "landfill" means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

(c) Before an original permit for the construction or operation of a landfill may be granted, the applicant must submit a statement of financial position that meets the following requirements:

(1) The statement must have been prepared in accordance with generally accepted accounting principles.

(2) The statement must have been audited by an independent certified public accountant.

(3) The accountant referred to in subdivision (2) must have issued an unqualified opinion as to the statement.

(4) The statement must indicate that, at the end of the calendar year or fiscal year immediately preceding the year in which the permit would be issued, the applicant had a positive net worth of at least two hundred fifty thousand dollars (\$250,000).

(d) Before an original permit for the construction or operation of a landfill may be granted, the applicant or a person authorized to act for the applicant under this subsection must submit a statement in which the applicant or authorized person swears or affirms, subject to the penalty for perjury set forth in IC 35-44-2-1, that, to the best of the applicant's or authorized person's knowledge, there are no unsatisfied and nonappealable judgments requiring the payment of money by the applicant.

(e) If the applicant is a subsidiary corporation, the submission of the statement of financial position of the ultimate parent shall satisfy the requirement under subsection (c) if the applicant has been a subsidiary of the parent for at least one (1) year before the submission of the statement of financial position.

(f) The department may investigate and verify the information contained in the statements required under this section.

(g) The commissioner may deny an application for an original permit for the construction or operation of a landfill if the commissioner finds that:

- (1) the applicant does not have a positive net worth of at least two hundred fifty thousand dollars (\$250,000); or
- (2) there are one (1) or more unsatisfied and nonappealable judgments requiring the payment of money by the applicant.

(h) For the purposes of this section, real property in which the applicant has an interest must be valued at the property's fair market value as determined under the assumption that the permit application will not be granted.

(i) The solid waste management board may adopt rules under IC 4-22-2 to administer this section.

SECTION 3. This act applies to:

- (1) a permit application that is filed on or after the effective date of this act;
- (2) a permit application that was filed before the effective date of this act but was not granted or denied by the commissioner of the department of environmental management before the effective date of this act; and
- (3) a permit application that was filed before the effective date of this act and that was granted by the commissioner of the department of environmental management before the effective date of this act if the commissioner's action in granting the permit was appealed to the solid waste management board and that appeal is pending on the effective date of this act.

SECTION 4. Because an emergency exists, this act takes effect upon passage.

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DRAFT

Closure & Post-Closure Plan Preparation Guidance
for
Solid Waste Land Disposal Facilities
Indiana Department Of Environmental Management
May 1989

This document has been prepared as guidance to the regulated community on the preparation of closure and post-closure plans as required by 329 IAC 2. For new land disposal facilities and additional acreage amendment applications, closure and post-closure plans are required as part of the application package. Existing land disposal facilities are not to remain open after September 1, 1989 unless they submit these plans prior to that date. Closure and post-closure plan requirements are specified in Rule 329 IAC 2-15.

Existing facilities are also required to establish financial responsibility for post-closure by September 1, 1989, and for closure by September 1, 1992. Procedures for establishing financial mechanisms are not part of this guidance. Mr. Kevin Hogan of the Solid Waste Management Branch may be contacted at 317/232-3412 for guidance and sample forms.

This guidance has been prepared by staff of the Office of Solid and Hazardous Waste Management, but has not been adopted or approved by the Agency. As such, it is noted as "draft". At a later date, it may be updated or finalized. If you have any comments or questions or wish to check on the availability of any new guidance, please contact the Solid Waste Management Branch at 317/232-3592.

Preparation Of Closure & Post-Closure Plans

Attached are forms that may be used to prepare your closure and/or post-closure plans. These forms are not mandated, but may be used for your convenience. If you do not use the actual forms, then the forms and these instructions should be used as a guide to what should be included in your plans.

You are reminded that if there is any change that causes the submitted information to be incorrect, the applicant must notify the commissioner within 15 days and submit corrected information within a reasonable time (329 IAC 2-8-1(c)).

Closure Plan Line-By-Line Instructions

Item I

Give the facility's name, location, county, solid waste permit number, and total fill acreage.

Existing permitted facilities should give their solid waste permit number if one has been specified in a permit or renewal issued since 329 IAC 2 became effective. Otherwise, the facility's Construction Permit Number should be given. New facilities should indicate "N/A" for not applicable.

For "Total Fill Acreage", existing facilities should provide the total acreage at the site approved for filling regardless of whether some of the area has already received final cover and vegetation. There is a further discussion of areas that are already closed under the instructions for Items II and VIII.

Item II

Give a description of partial closure activities, if any are planned, and a description of final closure activities.

Partial closure refers to the closure (including final cover, vegetation, and certification) of an area of the landfill while

the rest of the landfill remains in operation. The closure plan may specify that partial closure of the landfill will occur according to some type of schedule. This will decrease the area needing closure when the landfill stops operation.

The regulation indicates that the description of closure activities be acceptable for closure at any point in the facility's intended life. In most cases, allowing for early closure in the description of activities will only mean indicating that the facility will close either at the elevations specified by the approved final contour map or at lesser elevations with slopes that are consistent with permit or regulatory minimums and maximums and adequate to prevent ponding of water on filled areas.

Items that should minimally be described for final closure are:

- notifications to the agency and customers;
- source of cover soils;
- compacted cover and topsoil thicknesses;
- soil classifications and testing specifications for the compacted cover and topsoils;
- compaction methods for the cover including lift thicknesses;
- methods and/or testing to provide appropriate slopes and final elevations;
- procedures to establish vegetation;
- any planned construction, modification, or repair of drainage structures;
- any planned new access control measures or repairs of existing access control; and
- certification statements and notices as required by 329 IAC 2-15-5.

The preceding listing was written from the perspective of what will be needed for most sanitary landfills. Some of the requirements may not be applicable to all facilities. For instance, Type III sites and construction/demolition sites are not specifically required by regulation to provide six inches of topsoil.

For most areas that are already permitted, the approved plans and permit specify the type of soil to be used for final cover. If the source of cover soil has already been tested as part of the facility's permit application, then no further testing may be necessary as part of closure activities. Otherwise, soil classification testing should be included as necessary to characterize the soil. Compaction methods should describe lift thicknesses and should also describe either the number of passes of compacting equipment or else the testing for density which will be done.

Closure plans submitted for existing areas, as specified by 329 IAC 2-7-6(b), are not allowed, by regulation, to conflict with previously approved plans. No changes in the landfill fill area or slopes are permitted.

Many currently-permitted sanitary landfills are not required by their current permits to place six inches of topsoil on top of their cover. As specified in the regulation, these landfills will become subject to this requirement at their first permit renewal under 329 IAC 2. Landfills may indicate that their cover will include the six inches of topsoil without being considered to be in conflict with their approved plans in violation of 329 IAC 2-7-6(b). Alternatively, the closure plans may indicate that the topsoil will be included for closure of areas occurring after renewal.

Item III

Give a listing of labor, materials, and testing necessary to close the facility. All activities described in Item II should be accounted for.

Item IV

For Item IV.A, give an estimate of the expected year of closure. It is often difficult to accurately forecast the exact lifetime of a facility. The regulation reflects this uncertainty in asking for only an estimate. This date is not a commitment by the facility to close by a certain date. The time before closure

may however affect the rate at which the post-closure mechanism must be funded. The date of closure should be estimated by dividing the remaining fill volume by the average rate of incoming waste. Normally for sanitary landfills, 20% of the total fill volume is subtracted to allow for cover soil volume and a 2:1 ratio of incoming to in-place volume for the waste is assumed.

For Item IV.B, the total time required to close the facility should be the anticipated length of time between when the facility ceases accepting waste and when the submittals required by 329 IAC 2-15-5 are submitted to the agency. In order to allow for periods of inclement weather during the placement of cover and establishment of vegetation, a time of one year is suggested.

The time for intermediate closure steps under Item IV.C. should be specified for placement of final cover, placement of topsoil, seeding, and activities related to drainage and access control. The regulation requires (at 329 IAC 2-14-13, 14, 15, & 16) that sites apply the final cover within certain time frames. Sanitary landfills are required to place final cover within 180 days.

It is important to note that 329 IAC 2-15-6(a) requires that final closure be initiated within 15 days after receiving the final volume of waste. It may be appropriate to include notification of closure to the agency as an early step in closure in order to meet this deadline.

Item V

Calculate the cost per acre to provide two feet of compacted clay soil; six inches of topsoil; vegetation; and certification of closure including any testing necessary for such certification. Provide this figure based on the above work regardless of whether your actual cover will be more or less extensive than what is specified. The regulation does not require a higher financial assurance for those who plan a more extensive cover system (such as a thicker cover), nor does the regulation allow a smaller amount for those required to do less.

Closure costs must be calculated based on the cost necessary for the work to be performed by a third party. A suggested reference for many of the costs is "Means Site Work Cost Data" by the R.S. Means Company, Inc. In other cases, local contractors may need to be contacted.

The cost of drainage features on the final cover, such as swales and downchutes, may be included in Item V or in Item VI. If these items are included under Item V, then they must be accomplished as part of partial closure, if planned, for an area.

Item VI

List the cost for items other than final cover and vegetation such as drainage structures (if not included above), access repair, and recording the notice on the deed.

Item VII

Multiply Item I.E. by Item V.G. and then add Item VI.C.

Item VIII

Check the yes or no box to indicate whether funding will be on an incremental basis. The regulation provides for two different options for closure cost estimates: the entire facility standard and the incremental standard.

With the entire facility standard, financial assurance must be provided for the cost of closing the entire facility although this amount may be reduced as areas are certified as partially closed. As an example, if a facility planned to fill 100 acres and needed \$10,000/acre for closure, then financial assurance would need to be provided initially for \$1,000,000. This amount could be decreased during the life of the facility as areas are certified as partially closed.

For the incremental standard, the facility is allowed to provide assurance for the closure cost based on a yearly

projection taking into account the areas which will have received waste by the end of the year minus the area that will be closed at the beginning of the year. For example, if, at the beginning of year #3, a facility has placed waste onto five acres of which one has been certified as partially closed and the facility plans on filling two additional acres during the third year, then financial assurance must be provided at the beginning of the year for:

$$5 \text{ acres} - 1 \text{ acre} + 2 \text{ acres} = 6 \text{ acres.}$$

The question has been raised about how to handle areas that are closed either prior to the new regulation becoming effective or to closure plan approval. The regulation specifies that partial closures are to certify that the areas were closed in accordance with approved closure plan. The argument has been made that the facility's permit is, in effect, the approved closure plan prior to approval of the new plan. This argument seems to be a practical way to avoid having facilities be responsible for financial assurance of large areas that are already closed.

If the answer to Item VIII.A is no, skip to Item IX.

For Item VIII.B, attach a copy of the facility's approved final contour map. Indicate on this map the maximum areas of waste deposition on a yearly basis for the remaining life of the facility. The map should clearly identify the lines used to delineate the required boundaries. The map should also be appropriately titled, dated, and show the preparing engineer's certification.

Fill in the table for Item VIII.C. For closure plans required for existing areas under 329 IAC 2-7-6(b), year #1 should start on September 1, 1989. Photocopy additional pages as necessary.

Item IX

Closure plans are required to be certified by a professional engineer registered in the State of Indiana.

Post-Closure Plan Line-By-Line Instructions

Item I

Give the facility's name, location, county, and solid waste permit number.

Existing permitted facilities should give their solid waste permit number if one has been specified in a permit or renewal issued since 329 IAC 2 became effective. Otherwise, the facility's Construction Permit Number should be given. New facilities should indicate "N/A" for not applicable.

Item II

The name, address, and phone # of the permittee who shall be the contact person during post-closure must be provided.

Item III

Provide a description of planned ground water monitoring activities including frequencies. Certain facilities may not be required to monitor ground water. Construction/demolition sites and Restricted Waste Type III sites do not have to monitor ground water if not specified by their permits. These facilities may indicate "N/A" for this item.

You should be aware that 329 IAC 2 requires semi-annual monitoring of ground water as opposed to the quarterly monitoring required in the past. Specific parameters, different from those commonly required in the past, are also specified in the regulation.

Item IV

329 IAC 2-15-7 specifies required post-closure duties. These duties should be reiterated here within the post-closure plan with any necessary detail provided. In particular, 329 IAC 2-15-7(a)(3) & (9) require monitoring of leachate collection and treatment and methane control systems plus control of any gas or leachate generated. These monitoring and control activities need to be

delineated.

You should be aware that Rule 14 of the regulation requires that sanitary landfills implement an approved methane monitoring program. Existing facilities should describe their anticipated monitoring program within the post-closure plan if one has not yet been approved.

Item V

Provide post-closure cost estimates as specified. These estimates should be for the entire 10-year post-closure period rather than on a yearly basis. Costs must be calculated based on the cost necessary for the work to be performed by a third party.

For maintenance of the final cover and vegetation (Item V.B), the cost shall be 10% of the cost per acre calculated for final cover and vegetation calculated in the closure plan multiplied by the total acreage permitted for filling.

Item V.C requires the cost for vegetation control. The regulation at 329 IAC 2-15-7(a)(4) requires control of vegetation on vehicular accessways to monitoring wells. At 329 IAC 2-15-7(a)(5), the regulation requires control of vegetation at the site as necessary to enable the need for slope and cover maintenance and leachate outbreak abatement. In general this will require the landfill to mow portions of the site on at least a yearly basis.

Item V.H requires the cost for ground water monitoring. A January of 1988 survey of ground water monitoring costs by staff indicated an approximate cost per well of \$140 for sampling and \$310 for analysis of the parameters required for sanitary landfills. This cost of \$450 would need to be multiplied by 20 to provide for 10 years of biannual sampling and then multiplied by the number of wells needing to be monitored. This projected cost may change if rates by monitoring laboratories change.

The costs for leachate hauling and disposal (Item V.I &) may

be quite extensive for some facilities and not applicable to others. For facilities not required to collect leachate, these items may be marked "N/A".

Item VI

The permittee or an authorized representative of the permittee must sign the post-closure plan and provide his name, address, and phone number.

SOLID WASTE CLOSURE PLAN

I. GENERAL INFORMATION

A. Facility Name: _____

B. Facility Location: _____

C. Facility County: _____

D. Facility Solid Waste Permit No.: _____

E. Total Fill Acreage (See instructions.): _____

II. CLOSURE ACTIVITIES (Provide a description of the steps that will be used to partially close, if applicable, and finally close the facility. See instructions for items that should be included.)

II. CLOSURE ACTIVITIES (Continued.
necessary.)

Photocopy additional pages as

IV. EXPECTED YEAR OF CLOSURE

A. Expected Year Of Closure:

B. Total Time Required To Close Facility
(See instructions.)

C. Time Required For Intermediate Steps In Closure (Provide a description of intermediate closure activities and the time required. See instructions.)

V. COST PER ACRE FOR FINAL COVER & VEGETATION

A. What % Of Final Cover And Topsoil Is Available From Areas That Are Controlled, And Will Be Controlled Through Post-Closure. By The Permittee?

- 1. % of final cover _____
- 2. Describe location of sources _____

- 3. % of topsoil _____
- 4. Describe location of sources _____

B. Cost Per Acre for Acquisition, Placement, & Compaction of Two Feet of Final Cover

- 1. Acquisition
 - a. Quantity of clay needed per acre (cy/acre) 3,230
 - b. Excavation unit cost (\$/cy) (if obtained on-site) _____
 - c. Purchase unit cost (\$/cy) (if obtained off-site) _____
 - d. Delivery unit cost (\$/cy) (if obtained off-site) _____
 - e. Acquisition cost (\$/acre)
Line 1a * Line 1b (or)
Line 1a * (Line 1c + Line 1d) _____
- 2. Placement and Compaction
 - a. Placement/spreading unit cost (\$/cy) _____
 - b. Compaction unit cost (\$/cy) _____
 - c. Placement and compaction cost (\$/acre)
Line 1a * (Line 2a + Line 2b) _____

- 3. Testing
 - a. Soil classification (if soil source is of variable quality)(\$/acre) _____
 - b. Survey control for cover thickness and proper slopes (\$/acre) _____
 - c. Density testing (if planned)(\$/acre) _____
 - d. Testing cost (\$/acre)
Line 3a + Line 3b + Line 3c _____
- 4. Clay Cover Cost (\$/acre)
Line 1e + Line 2c + Line 3d _____

C. Cost Per Acre For Acquisition & Placement of Topsoil

- 1. Acquisition
 - a. Quantity of topsoil needed per acre (cy/acre) 807
 - b. Excavation unit cost (\$/cy) (if obtained on-site) _____
 - c. Purchase unit cost (\$/cy) (if obtained off-site) _____
 - d. Delivery unit cost (\$/cy) (if obtained off-site) _____
 - e. Acquisition cost (\$/acre)
Line 1a * Line 1b (or)
Line 1a * (Line 1c + Line 1d) _____
- 2. Placement
 - a. Spreading unit cost (\$/cy) _____
 - b. Placement cost (\$/acre)
Line 1a * Line 2a _____
- 3. Topsoil Cost (\$/acre)
Line 1e + Line 2b _____

D. Cost Per Acre to Establish Vegetation

1. Vegetation

- a. Seeding unit cost (\$/acre) _____
- b. Fertilization unit cost (\$/acre) _____
- c. Mulching unit cost (\$/acre) _____
- d. Vegetation Establishment Cost (\$/acre)
Line 1a + Line 1b + Line 1c _____

E. Cost Per Acre to Certify Closure

1. Registered Professional Engineer

- a. Initial review of closure plan (hrs) _____
- b. Total number of inspections _____
- c. Inspection time required (hrs/visit) _____
- d. Total inspection time (hrs)
Line 1b * Line 1c _____
- e. Prepare final documentation (hrs) _____
- f. Total engineer time (hrs)
Line 1a + Line 1d + Line 1e _____
- g. Engineer unit labor cost (\$/hr) _____
- h. Professional engineer cost (\$)
Line 1f * Line 1g _____
- i. Area of site permitted for
filling (acres) _____
- j. Closure Certification Cost (\$/acre)
Line 1h + Line 1i _____

F. Other Costs Per Acre for Final Cover and Vegetation

1. Other Costs (\$/acre) (Specify.)

G. Total of Items B Through F
(Must not be less than \$5,000)

VI. OTHER CLOSURE COSTS (Give these on a total facility basis rather than per acre.)

A. Notation on Property Deed

B. Other Costs

Costs for items such as drainage features, installation of gas vents, etc. should be delineated in this section.

1. Activity

Cost

C. Total (Add costs from sections A. and B.) _____

VII. CLOSURE COST ESTIMATE (Multiply Item I.E by Item V.G. and then add Item VI.C.): _____

VIII. ADDITIONAL INFORMATION REQUIRED FOR FACILITIES PROVIDING FINANCIAL ASSURANCE ON AN INCREMENTAL BASIS

A. Will Closure Financial Assurance Be Provided On An Incremental Basis? (If the answer to this question is no, skip to Item IX.): _____

B. Map Of Areas Of Waste Deposition (Attach a copy of the facility's final contour map which shows the maximum areas of waste deposition on a yearly basis for the remaining life of the facility.)

C. Maximum Areas Of Waste Deposition & Closure Costs (Fill in the following table for each remaining year of the facility's life.)

Year	Max. Area of Waste Deposition (cumulative acres) (end of year)	Closure Cost w/o Partial Closure (\$)	Area Partially Closed (cumulative acres) (start of year)	Incremental Closure Cost (\$)

IX. ENGINEER CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit this information.

Signature: _____

Date: _____

Name: _____

Address: _____

Telephone #: _____

Professional Engineer Registration No.: _____

SOLID WASTE POST-CLOSURE PLAN

I. GENERAL INFORMATION

- A. Facility Name: _____
- B. Facility Location: _____

- C. Facility County: _____
- D. Facility Solid Waste Permit No.: _____

II. POST-CLOSURE CONTACT PERSON

- A. Name: _____
- B. Address: _____

- C. Telephone No.: _____

III. GROUND WATER MONITORING ACTIVITIES (Provide a description of planned ground water monitoring activities including the frequency of the activities. See instructions.)

IV. MAINTENANCE ACTIVITIES (Provide a description of planned maintenance activities and the frequency at which they will be performed. See instructions.)

V. POST-CLOSURE COST ESTIMATE (See instructions. Note that these estimates are to be presented for the entire 10-year post-closure care period rather than on a yearly basis.)

A. Cost for Semi-Annual Inspections and Reports

1. Inspection

- a. Number of inspections during post-closure period (semiannual inspections for 10 years) 20
- b. Inspector time required (hrs/insp) _____
- c. Inspector unit labor cost (\$/hr) _____
- d. Inspection Cost (\$) _____
Line 1a * Line 1b * Line 1c

2. Report Preparation

- a. Number of reports during post-closure period 20
- b. Cost per report (\$) _____
- c. Report cost (\$) _____
Line 2a * Line 2b

3. Inspection and Report Cost (\$)

B. Cost for Maintenance of Final Cover and Vegetation

The cost for cover maintenance and vegetation shall be 10 percent of the cost per acre calculated for final cover and vegetation in the closure plan. (329 IAC 2-15-8(b)(4))

1. Final Cover Maintenance

- a. 10% of cost for placement of final cover and vegetation (as determined in Item V.G of the Closure Plan) (\$/acre) _____
- b. Total area of site permitted for filling (acres) _____
- c. Cover Maintenance Cost (\$) _____
Line 1a * Line 1b

C. Cost for Vegetation Control

Certain areas are required to be mowed per regulation. See instructions.

1. Mowing

a. Mowing frequency (visits/10 years) _____

b. Area to be mowed (acres/visit) _____

c. Mowing unit cost (\$/acre) _____

d. Vegetation Control Cost (\$)
Line 1a * Line 1b * Line 1c _____

D. Cost for Maintenance of Access Control & Benchmarks

1. Access Control Maintenance

a. Access control maintenance
frequency (visits/10 years) _____

b. Amount of fence needing replacement
(linear feet/visit) _____

c. Fencing unit cost (\$/linear foot) _____

d. Fence cost (\$)
Line 1a * Line 1b * Line 1c _____

e. Other (\$)
(specify) _____

f. Access Control Maintenance Cost (\$)
Line 1d + 1e _____

2. Benchmark Maintenance Cost (if any)(\$) _____

3. Access Control & Benchmark Repair Cost (\$)
Line 1f + Line 2 _____

E. Cost for Leachate Collection System Monitoring and Maintenance

- 1. Leachate Collection System Inspection
 - a. Inspection frequency (insp/10 years) _____
 - b. Inspection time required (hrs/insp) _____
 - c. Inspector unit labor cost (\$/hr) _____
 - d. Inspection cost (\$) _____
Line 1a * Line 1b * Line 1c

- 2. Leachate Collection System Maintenance
 - a. Number of pumps replaced during post-closure (pumps/10 years) _____
 - b. Pump unit cost (\$/pump) _____
 - c. Other (\$) _____
(specify) _____

 - d. Leachate system maintenance (Line 2a * Line 2b) + Line 2c _____

- 3. Leachate Collection Monitoring and Maintenance Cost (\$) _____
Line 1d + Line 2d

F. Cost for Methane Control System Monitoring and Maintenance

- 1. Methane Control System Monitoring
 - a. Gas monitoring frequency (visits/10 years) _____
 - b. Time required to monitor (hrs/visit) _____
 - c. Contract lab technician unit labor cost (\$/hr) _____
 - d. Gas monitoring cost (\$) _____
Line 1a * Line 1b * Line 1c

2. Gas Monitoring Well Maintenance

- a. Maintenance frequency (visits/10 years) _____
- b. Monitoring wells needing maintenance per visit _____
- c. Maintenance time required (hrs/well) _____
- d. Unit labor cost (\$/hr) _____
- e. Monitoring well maintenance cost (\$) _____
Line 2a * Line 2b * Line 2c *
Line 2d

3. Gas Monitoring and Maintenance Cost (\$) _____
Line 1d + Line 2e

G. Cost for Ground Water Monitoring System Maintenance

1. Monitoring Well Maintenance

- a. Maintenance frequency (visits/10 yrs) _____
- b. Number of monitoring wells needing maintenance per visit _____
- c. Maintenance time required (hrs/well) _____
- d. Unit labor cost (\$/hr) _____
- e. Monitoring well maintenance cost (\$) _____
Line 1a * Line 1b * Line 1c * Line 1d

2. Monitoring Well and Parts Replacement

- a. Number of wells needing replacement during post-closure period _____
- b. Existing monitoring well sealing unit cost (\$/well) _____
- c. New monitoring well construction unit cost (\$/well) _____

d. Monitoring well replacement cost (\$) _____
Line 2a * (Line 2b + Line 2c)

e. Number of pumps needing replacement _____
during post-closure period

f. Pump unit cost (\$/pump) _____

g. Pump cost (\$) _____
Line 2e * Line 2f

3. Ground Water Monitoring System _____
Maintenance Cost (\$) _____
Line 1e + Line 2d + Line 2g

H. Cost for Ground Water Monitoring

1. Ground Water Monitoring

a. Number of required monitoring wells _____

b. Monitoring frequency _____
(semiannual sampling for 10 years) 20

c. Sampling and analysis cost (\$/well) _____

d. Ground Water Monitoring Cost (\$) _____
Line 1a * Line 1b * Line 1c

I. Cost for Leachate Hauling

1. Leachate Pumping & Hauling

a. Leachate removal frequency _____
(visits/10 years)

b. Quantity to be managed off-site _____
(gallons/visit)

c. Truck capacity (gallons) _____

d. Number of loads/visit _____
Line 1b ÷ Line 1c
(round up to nearest integer)

e. Pumping and transportation
unit cost (\$/load)

f. Leachate Hauling Cost (\$)
Line 1a * Line 1d * Line 1e

J. Cost for Leachate Disposal

1. Leachate Treatment

a. Volume of leachate requiring
disposal (gallons)

b. Disposal unit cost (\$/gal)

c. Leachate Disposal Cost (\$)
Line 1a * Line 1b

K. Other Costs

Any costs not included in the above items should be included here. These might include drainage ditch, access road, and sedimentation pond maintenance, lift station power costs, etc.

1. Activity

Cost

2. Total of Other Costs (\$)

L. Total Post Closure Cost Estimate (\$) _____
(Total of preceding categories)

VI. SIGNATORY CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit this information.

Signature: _____

Date: _____

Name: _____

Address: _____

Telephone #: _____

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Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

HOUSE ENROLLED ACT No. 1472

AN ACT to amend the Indiana Code concerning the environment.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-7-10.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS:

Chapter 10.2. Good Character Requirements for Solid Waste Management Board Permits

Sec. 1. As used in this chapter, "applicant" means an individual, a corporation, a partnership, or a business association that applies for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e).

Sec. 2. As used in this chapter, "responsible party" means:

- (1) an officer, a corporation director, or a senior management official of a corporation, partnership, or business association that is an applicant; or**
- (2) an individual, a corporation, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant.**

Sec. 3. (a) Before an application for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e) may be granted, the applicant

and each person who is a responsible party with respect to the applicant must submit to the department:

(1) a disclosure statement that meets the requirements set forth in subsection (b) and is executed under subsection (c); or

(2) all of the following:

(A) The information concerning legal proceedings that is required under section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) and that the applicant or responsible party has reported under form 10-K.

(B) A description of all judgments that have been entered against the applicant or responsible party in a proceeding described in subsection (b)(3) and that have imposed upon the applicant or responsible party a fine or penalty described in subsection (b)(3)(A).

(C) A description of all judgments of conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental protection law.

(b) In a disclosure statement required under this section, the applicant or responsible party shall set forth the following information:

(1) The name, business address, and social security number of the applicant or responsible party.

(2) A description of the applicant's or responsible party's experience in managing the type of waste that will be managed under the permit.

(3) A description of all civil and administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that:

(A) have resulted in a fine or penalty of more than ten thousand dollars (\$10,000) within five (5) years before the date of the submission of the application; or

(B) allege an act or omission that constitutes a material violation of the state or federal environmental protection law and that presented a substantial endangerment to the public health or the environment.

(4) A description of all pending criminal complaints alleging the violation of any state or federal

environmental protection law that have been filed against the applicant or responsible party within five (5) years before the date of submission of the application.

(5) A description of all judgments of criminal conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental protection law.

(6) A description of all judgments of criminal conviction of a felony constituting a crime of moral turpitude under the laws of any state or the United States that are entered against the applicant or responsible party within five (5) years before the date of submission of the application.

(7) The location of all facilities at which the applicant or responsible party manages the type of waste that would be managed under the permit to which the application refers.

(c) A disclosure statement submitted under subsection (a)(1) must be executed under oath or affirmation and be subject to the penalty for perjury under IC 35-44-2-1.

(d) The department may investigate and verify the information set forth in a statement required under this section.

Sec. 4. (a) The commissioner may deny an application for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e) if the commissioner finds that:

(1) the applicant or a responsible party has intentionally misrepresented or concealed any material fact in a statement required under section 3 of this chapter;

(2) a civil or administrative complaint described in section 3(b)(3) of this chapter has been filed against the applicant or a responsible party within five (5) years before the date of submission of the application;

(3) a criminal complaint described in section 3(b)(4) of this chapter has been filed against the applicant or a responsible party within five (5) years before the date of submission of the application;

(4) a judgment of criminal conviction described in section 3(b)(5) or section 3(b)(6) has been entered against the applicant or a responsible party within five

(5) years before the date of submission of the application; or

(5) the applicant or a responsible party has knowingly and repeatedly violated any state or federal environmental protection laws.

(b) Before making a determination to deny an application for the issuance, renewal, transfer, or major modification of a permit under subsection (a), the commissioner shall consider the following mitigating factors:

(1) The nature and details of the acts attributed to the applicant or responsible party.

(2) With respect to:

(A) a civil or an administrative complaint referred to in subsection (a)(2); or

(B) a criminal complaint referred to in subsection (a)(3);

whether the matter has been resolved.

(3) With respect to:

(A) a civil or an administrative complaint referred to in subsection (a)(2);

(B) a criminal complaint referred to in subsection (a)(3); or

(C) a judgment of conviction referred to in subsection (a)(4);

whether any appeal is pending.

(4) The degree of culpability of the applicant or responsible party.

(5) The applicant's or responsible party's cooperation with the state or federal agencies involved in the investigation of the activities involved in complaints and convictions referred to in subsection (a)(2) through (a)(5).

(6) The applicant's or responsible party's dissociation from any other persons or entities convicted of acts referred to in subsection (a)(2) through (a)(5).

(7) Prior or subsequent self-policing or internal education programs established by the applicant to prevent activities referred to in subsection (a).

(8) Whether the best interests of the public will be served by denial of the permit.

(9) Any demonstration of good citizenship by the applicant or responsible party.

(c) In taking action under this chapter on an application for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e), the commissioner shall make separately stated findings of fact

to support the action taken. The findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. However, when the commissioner denies an application, the commissioner is not required to explain the extent to which any of the mitigating factors set forth in subsection (b) influenced the commissioner's determination to deny the application.

(d) Provided, however, a denial under this section may not be based solely upon pending complaints disclosed under sections 3(b)(3)(B) or 3(b)(4) of this chapter.

Sec. 5. (a) This section does not apply to the transfer of ownership of a facility from a permittee whose business derives less than fifty percent (50%) of its gross revenue from the management of solid waste to a prospective owner whose business derives less than fifty percent (50%) of its gross revenue from the management of solid waste.

(b) If there is a prospective change of ownership in a facility for which a permit described in IC 13-7-10-1(e) is required, the prospective owner, at least one hundred eighty (180) days before the proposed change in ownership, may submit to the commissioner a disclosure statement that includes the information required by section 3(b) of this chapter and that was executed under section 3(c) of this chapter. The commissioner shall review the disclosure statement and may investigate and verify the information set forth in the disclosure statement. If the commissioner determines that the information disclosed by the disclosure statement and any investigation by the commissioner would require the commissioner to deny the prospective owner's permit application if the prospective owner were applying for a permit under section 3 of this chapter, the commissioner shall disapprove the transfer of ownership of the facility to the prospective owner.

Sec. 6. IC 4-21.5 governs determinations, notice, hearings, and appeal of determinations under this chapter.

Sec. 7. The solid waste management board may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 2. IC 13-7-10-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS: Sec. 1.5.

(a) A person that applies for a permit described in section 1(e) of this chapter that concerns solid waste management facility must demonstrate that there is a local or regional need in Indiana for the facility.

(b) *A person that applies for a permit referred to in subsection (a) must submit the following information to the department along with the permit application:

- (1) A description of the area that would be served by the solid waste management facility.
- (2) A description of existing solid waste management facilities in the area that would be served by the solid waste management facility.
- (3) A description of the need that would be fulfilled by constructing the solid waste management facility.

(c) If the department determines that there is not a local or regional need in Indiana for the solid waste management facility, the person referred to in subsection (a) shall not receive a permit described under section 1(e) of this chapter.

(d) The solid waste management board shall adopt rules under IC 4-22-2 to implement this section.

SECTION 3. IC 13-7-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS:

Chapter 31. Municipal Waste Transportation

Sec. 1. This chapter does not apply to a vehicle used exclusively to transport municipal waste within the boundaries of real property owned or leased by the generator of the municipal waste.

Sec. 2. (a) As used in this chapter, "municipal waste" means any garbage, refuse, industrial lunchroom or office waste, and other material resulting from the operation of residential, municipal, commercial, or institutional establishments and from community activities.

(b) The term does not include the following:

- (1) Special waste, as defined in 329 IAC 2-21-1 in effect on January 1, 1990.
- (2) Hazardous waste regulated under IC 13-7-8.5 or under the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) in effect on January 1, 1990.
- (3) Infectious waste, as defined in IC 16-1-9.7-3.
- (4) Wastes that result from the combustion of coal and that are referred to in IC 13-1-12-9.
- (5) Materials that are being transported to a facility for reprocessing or reuse.

(c) As used in subsection (b)(5), "reprocessing or reuse" does not include:

- (1) incineration; or
- (2) placement in a landfill.

Sec. 3. (a) As used in this chapter, "municipal waste collection and transportation vehicle" means a truck or railroad car used to transport municipal waste from a solid waste generator or a solid waste processing facility to a:

- (1) solid waste processing facility in Indiana; or
- (2) solid waste disposal facility in Indiana.

(b) The term does not include a vehicle used to transport municipal waste from a residence if the vehicle is owned or leased by an individual who lives in the residence.

Sec. 4. As used in this chapter, "solid waste disposal facility" means a facility at which solid waste is:

- (1) deposited on or beneath the surface of the ground as an intended place of final location; or
- (2) incinerated.

Sec. 5. As used in this chapter, "solid waste processing facility" means a facility at which solid waste is prepared for:

- (1) disposal;
- (2) incineration;
- (3) recovery; or
- (4) transportation.

Sec. 6. As used in this chapter, "vehicle" refers to a municipal waste collection and transportation vehicle.

Sec. 7. As used in this chapter, "railroad car" means a vehicle that can be used for the transportation of municipal waste on a railroad.

Sec. 8. The department shall operate a municipal waste collection and transportation vehicle licensing and inspection program.

Sec. 9. A person may not operate a municipal waste collection and transportation vehicle that is not licensed to operate under this chapter.

Sec. 10. A license issued under this chapter:

- (1) shall be carried at all times on the municipal waste collection and transportation vehicle for which the license is issued; and
- (2) is valid for a period of time specified by the department but not more than five (5) years from the date the license is issued.

Sec. 11. A municipal waste collection and transportation vehicle may be inspected by the department. The department may inspect a vehicle that is not moving, but may not stop a vehicle that is in motion on

a public highway (as defined in IC 9-1-1-2(q)) to conduct an inspection.

Sec. 12. (a) This section applies to the transportation of municipal waste from solid waste processing facilities.

(b) A municipal waste collection and transportation vehicle that is transporting municipal waste from a solid waste processing facility must have attached to it placards that indicate that the vehicle is carrying municipal waste.

(c) A shipment of municipal waste in a municipal waste collection and transportation vehicle must be accompanied by a municipal waste transportation manifest.

(d) A manifest required under subsection (c) must include the following information:

(1) The amount in pounds of municipal waste transported in the vehicle.

(2) The name and address of the solid waste processing facility from which the municipal waste is transported.

(3) The destination of the municipal waste.

(4) The name of the person transporting the municipal waste.

(e) The owner or operator of the solid waste processing facility from which municipal waste is to be transported shall prepare the manifest required by subsection (c) and deliver it to the operator of the vehicle, who shall carry it while transporting the municipal waste. The vehicle operator shall present the manifest to the owner or operator of the facility to which the municipal waste is transported, who shall retain one (1) copy of the manifest and send one (1) copy to the department.

(f) The definition of "manifest" set forth in IC 13-7-1-14 does not apply to this section.

Sec. 13. The rules adopted by the solid waste management board under section 17 of this chapter shall restrict a municipal waste collection and transportation vehicle from uses other than the collection and transportation of municipal waste.

Sec. 14. A solid waste disposal facility or a solid waste processing facility may not accept a shipment of municipal waste:

(1) from a municipal waste collection and transportation vehicle that has not been licensed under this chapter; and

(2) that is not accompanied by a municipal waste transportation manifest required under section 12 of this chapter.

Sec. 15. A solid waste processing facility may not transport municipal waste to another solid waste processing facility or a solid waste disposal facility unless the municipal waste is accompanied by a municipal waste manifest.

Sec. 16. This chapter does not preclude, restrict, or supersede the right of:

- (1) a county in Indiana;
- (2) a municipality in Indiana; or
- (3) a solid waste management district established under Indiana law;

to regulate or license a solid waste collection and transportation vehicle under authority granted by statute or by an ordinance adopted under IC 36.

Sec. 17. The solid waste management board shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 4. (a) The solid waste management board shall adopt the rules required by IC 13-7-10-1.5(d), as added by this act, before January 1, 1991.

(b) The solid waste management board shall adopt the rules required by IC 13-7-31-17, as added by this act, before January 1, 1991.

(c) This SECTION expires January 1, 1991.

SECTION 5. Because an emergency exists, this act takes effect as follows:

- SECTIONS 1 through 2 Upon passage
- SECTION 3 January 1, 1991
- SECTION 4 Upon passage

M E M O R A N D U M

TO: All Permitted Solid Waste Facilities

SUBJECT: Additional Requirements for Solid Waste Permit Applications Per
New Legislation

As many of you are aware, legislation passed in March 1990, requires from one to three additional information submittals for review before permit renewals, new (construction/operating) permits, permit transfers and major permit modifications can be granted.

If you currently have a permit in our review system or are planning to submit an application for review, this letter will serve as notification of the additional items needed to complete your application. Please send this information to the Solid Waste Management Branch Chief at the above address. If you have already submitted information to satisfy these additional requirements, please review the descriptions on the next page to assure you have completed all of the necessary forms.

The requirements for the character disclosure statement and net worth statement do not apply to government entities. The following is a list of which requirements apply to which permit actions.

PERMIT RENEWALS

Character disclosure statement

NEW (CONSTRUCTION/OPERATING) PERMITS

Character disclosure statement
Net worth statement (not required for solid waste processing facilities)
Demonstration of need

MAJOR MODIFICATIONS TO EXISTING PERMITS

Major modifications are those who propose an increase in disposal capacity:

Character disclosure statement
Demonstration of need

PERMIT TRANSFER

Character disclosure statement

The following is a description of the information which must be submitted to satisfy each of the requirements:

Character Disclosure, IC 13-7-10.2

A copy of House Enrolled Act (HEA) No. 1472 is attached which describes the information to be submitted. Also attached are three forms which must be completed, and returned to IDEM. The first one is a form developed by staff to assist in putting together the information required in the legislation. Please initial the appropriate blank for each required item of information and, when so indicated by you, attach the information which specifically identifies and describes that particular disclosure. A character disclosure statement must be executed under oath or affirmation, and the last page of this form provides a place to do that. The second form is a "Request for Limited Criminal History Information" which must have the blanks at the top of the form filled in. The third form is an "Authorization to Release Criminal History Information" and must be filled-in, signed, and notarized. Please note that character disclosure statements are required not only of applicants but of all person defined as "Responsible Parties".

Demonstration of Need, IC 13-7-10-1.5

The legislation relative to demonstration of need is also contained in HEA No. 1472. Also attached is a copy of the "Need Rule" which has been final adopted by the Solid Waste Management Board. The proposed rule provides an outline of the information which must be submitted as a demonstration of need.

Net Worth IC 13-7-22-2

The legislation relative to the Net Worth Statement is contained in HEA 1388 (attached). In brief, the legislation requires that an independent certified public accountant audit, and issue an unqualified opinion for, a statement of financial position which has been prepared using generally accepted accounting principles. Before the permit may be granted, the statement must indicate that, at the end of the calendar year or fiscal year immediately proceeding the year in which the permit would be issued, the applicant had a positive net worth of at least \$250,000. In addition, the applicant must, under oath or affirmation, state that there are no unsatisfied and nonappealable judgements requiring the payment of money by the applicant.

APPENDIX

2



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place

Evan Bayh
Governor
Kathy Prosser
Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

M E M O R A N D U M

TO: All Proposed and Permitted Solid Waste Facilities

SUBJECT: Additional Requirements for Solid Waste Permit Applications Per New Legislation

As many of you are aware, legislation passed in March 1990, requires from one to three additional information submittals for review before permit renewals, new (construction/operating) permits, permit transfers and major permit modifications can be granted.

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Character disclosure statement
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The legislation relative to demonstration of need is also contained in HEA No. 1472. Also attached is a copy of the "Need Rule" which has been final adopted by the Solid Waste Management Board. The proposed rule provides an outline of the information which must be submitted as a demonstration of need.

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HOUSE ENROLLED ACT No. 1472

AN ACT to amend the Indiana Code concerning the environment.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-7-10.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS:

Chapter 10.2. Good Character Requirements for Solid Waste Management Board Permits

Sec. 1. As used in this chapter, "applicant" means an individual, a corporation, a partnership, or a business association that applies for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e).

Sec. 2. As used in this chapter, "responsible party" means:

- (1) an officer, a corporation director, or a senior management official of a corporation, partnership, or business association that is an applicant; or
- (2) an individual, a corporation, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant.

Sec. 3. (a) Before an application for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e) may be granted, the applicant

and each person who is a responsible party with respect to the applicant must submit to the department:

(1) a disclosure statement that meets the requirements set forth in subsection (b) and is executed under subsection (c); or

(2) all of the following:

(A) The information concerning legal proceedings that is required under section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) and that the applicant or responsible party has reported under form 10-K.

(B) A description of all judgments that have been entered against the applicant or responsible party in a proceeding described in subsection (b)(3) and that have imposed upon the applicant or responsible party a fine or penalty described in subsection (b)(3)(A).

(C) A description of all judgments of conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental protection law.

(b) In a disclosure statement required under this section, the applicant or responsible party shall set forth the following information:

(1) The name, business address, and social security number of the applicant or responsible party.

(2) A description of the applicant's or responsible party's experience in managing the type of waste that will be managed under the permit.

(3) A description of all civil and administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that:

(A) have resulted in a fine or penalty of more than ten thousand dollars (\$10,000) within five (5) years before the date of the submission of the application; or

(B) allege an act or omission that constitutes a material violation of the state or federal environmental protection law and that presented a substantial endangerment to the public health or the environment.

(4) A description of all pending criminal complaints alleging the violation of any state or federal

environmental protection law that have been filed against the applicant or responsible party within five (5) years before the date of submission of the application.

(5) A description of all judgments of criminal conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental protection law.

(6) A description of all judgments of criminal conviction of a felony constituting a crime of moral turpitude under the laws of any state or the United States that are entered against the applicant or responsible party within five (5) years before the date of submission of the application.

(7) The location of all facilities at which the applicant or responsible party manages the type of waste that would be managed under the permit to which the application refers.

(c) A disclosure statement submitted under subsection (a)(1) must be executed under oath or affirmation and be subject to the penalty for perjury under IC 35-44-2-1.

(d) The department may investigate and verify the information set forth in a statement required under this section.

Sec. 4. (a) The commissioner may deny an application for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e) if the commissioner finds that:

(1) the applicant or a responsible party has intentionally misrepresented or concealed any material fact in a statement required under section 3 of this chapter;

(2) a civil or administrative complaint described in section 3(b)(3) of this chapter has been filed against the applicant or a responsible party within five (5) years before the date of submission of the application;

(3) a criminal complaint described in section 3(b)(4) of this chapter has been filed against the applicant or a responsible party within five (5) years before the date of submission of the application;

(4) a judgment of criminal conviction described in section 3(b)(5) or section 3(b)(6) has been entered against the applicant or a responsible party within five (5) years before the date of submission of the application; or

(5) the applicant or a responsible party has knowingly and repeatedly violated any state or federal environmental protection laws.

(b) Before making a determination to deny an application for the issuance, renewal, transfer, or major modification of a permit under subsection (a), the commissioner shall consider the following mitigating factors:

(1) The nature and details of the acts attributed to the applicant or responsible party.

(2) With respect to:

(A) a civil or an administrative complaint referred to in subsection (a)(2); or

(B) a criminal complaint referred to in subsection (a)(3);

whether the matter has been resolved.

(3) With respect to:

(A) a civil or an administrative complaint referred to in subsection (a)(2);

(B) a criminal complaint referred to in subsection (a)(3); or

(C) a judgment of conviction referred to in subsection (a)(4);

whether any appeal is pending.

(4) The degree of culpability of the applicant or responsible party.

(5) The applicant's or responsible party's cooperation with the state or federal agencies involved in the investigation of the activities involved in complaints and convictions referred to in subsection (a)(2) through (a)(5).

(6) The applicant's or responsible party's dissociation from any other persons or entities convicted of acts referred to in subsection (a)(2) through (a)(5).

(7) Prior or subsequent self-policing or internal education programs established by the applicant to prevent activities referred to in subsection (a).

(8) Whether the best interests of the public will be served by denial of the permit.

(9) Any demonstration of good citizenship by the applicant or responsible party.

(c) In taking action under this chapter on an application for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e), the commissioner shall make separately stated findings of fact

to support the action taken. The findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. However, when the commissioner denies an application, the commissioner is not required to explain the extent to which any of the mitigating factors set forth in subsection (b) influenced the commissioner's determination to deny the application.

(d) Provided, however, a denial under this section may not be based solely upon pending complaints disclosed under sections 3(b)(3)(B) or 3(b)(4) of this chapter.

Sec. 5. (a) This section does not apply to the transfer of ownership of a facility from a permittee whose business derives less than fifty percent (50%) of its gross revenue from the management of solid waste to a prospective owner whose business derives less than fifty percent (50%) of its gross revenue from the management of solid waste.

(b) If there is a prospective change of ownership in a facility for which a permit described in IC 13-7-10-1(e) is required, the prospective owner, at least one hundred eighty (180) days before the proposed change in ownership, may submit to the commissioner a disclosure statement that includes the information required by section 3(b) of this chapter and that was executed under section 3(c) of this chapter. The commissioner shall review the disclosure statement and may investigate and verify the information set forth in the disclosure statement. If the commissioner determines that the information disclosed by the disclosure statement and any investigation by the commissioner would require the commissioner to deny the prospective owner's permit application if the prospective owner were applying for a permit under section 3 of this chapter, the commissioner shall disapprove the transfer of ownership of the facility to the prospective owner.

Sec. 6. IC 4-21.5 governs determinations, notice, hearings, and appeal of determinations under this chapter.

Sec. 7. The solid waste management board may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 2. IC 13-7-10-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS: **Sec. 1.5.**

(a) A person that applies for a permit described in section 1(e) of this chapter that concerns solid waste management facility must demonstrate that there is a local or regional need in Indiana for the facility.

(b) A person that applies for a permit referred to in subsection (a) must submit the following information to the department along with the permit application:

- (1) A description of the area that would be served by the solid waste management facility.
- (2) A description of existing solid waste management facilities in the area that would be served by the solid waste management facility.
- (3) A description of the need that would be fulfilled by constructing the solid waste management facility.

(c) If the department determines that there is not a local or regional need in Indiana for the solid waste management facility, the person referred to in subsection (a) shall not receive a permit described under section 1(e) of this chapter.

(d) The solid waste management board shall adopt rules under IC 4-22-2 to implement this section.

SECTION 3. IC 13-7-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS:

Chapter 31. Municipal Waste Transportation

Sec. 1. This chapter does not apply to a vehicle used exclusively to transport municipal waste within the boundaries of real property owned or leased by the generator of the municipal waste.

Sec. 2. (a) As used in this chapter, "municipal waste" means any garbage, refuse, industrial lunchroom or office waste, and other material resulting from the operation of residential, municipal, commercial, or institutional establishments and from community activities.

(b) The term does not include the following:

- (1) Special waste, as defined in 329 IAC 2-21-1 in effect on January 1, 1990.
- (2) Hazardous waste regulated under IC 13-7-8.5 or under the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) in effect on January 1, 1990.
- (3) Infectious waste, as defined in IC 16-1-9.7-3.
- (4) Wastes that result from the combustion of coal and that are referred to in IC 13-1-12-9.
- (5) Materials that are being transported to a facility for reprocessing or reuse.

(c) As used in subsection (b)(5), "reprocessing or reuse" does not include:

- (1) incineration; or
- (2) placement in a landfill.

Sec. 3. (a) As used in this chapter, "municipal waste collection and transportation vehicle" means a truck or railroad car used to transport municipal waste from a solid waste generator or a solid waste processing facility to a:

- (1) solid waste processing facility in Indiana; or
 - (2) solid waste disposal facility in Indiana.
- (b) The term does not include a vehicle used to transport municipal waste from a residence if the vehicle is owned or leased by an individual who lives in the residence.

Sec. 4. As used in this chapter, "solid waste disposal facility" means a facility at which solid waste is:

- (1) deposited on or beneath the surface of the ground as an intended place of final location; or
- (2) incinerated.

Sec. 5. As used in this chapter, "solid waste processing facility" means a facility at which solid waste is prepared for:

- (1) disposal;
- (2) incineration;
- (3) recovery; or
- (4) transportation.

Sec. 6. As used in this chapter, "vehicle" refers to a municipal waste collection and transportation vehicle.

Sec. 7. As used in this chapter, "railroad car" means a vehicle that can be used for the transportation of municipal waste on a railroad.

Sec. 8. The department shall operate a municipal waste collection and transportation vehicle licensing and inspection program.

Sec. 9. A person may not operate a municipal waste collection and transportation vehicle that is not licensed to operate under this chapter.

Sec. 10. A license issued under this chapter:

- (1) shall be carried at all times on the municipal waste collection and transportation vehicle for which the license is issued; and
- (2) is valid for a period of time specified by the department but not more than five (5) years from the date the license is issued.

Sec. 11. A municipal waste collection and transportation vehicle may be inspected by the department. The department may inspect a vehicle that is not moving, but may not stop a vehicle that is in motion on

a public highway (as defined in IC 9-1-1-2(q)) to conduct an inspection.

Sec. 12. (a) This section applies to the transportation of municipal waste from solid waste processing facilities.

(b) A municipal waste collection and transportation vehicle that is transporting municipal waste from a solid waste processing facility must have attached to it placards that indicate that the vehicle is carrying municipal waste.

(c) A shipment of municipal waste in a municipal waste collection and transportation vehicle must be accompanied by a municipal waste transportation manifest.

(d) A manifest required under subsection (c) must include the following information:

(1) The amount in pounds of municipal waste transported in the vehicle.

(2) The name and address of the solid waste processing facility from which the municipal waste is transported.

(3) The destination of the municipal waste.

(4) The name of the person transporting the municipal waste.

(e) The owner or operator of the solid waste processing facility from which municipal waste is to be transported shall prepare the manifest required by subsection (c) and deliver it to the operator of the vehicle, who shall carry it while transporting the municipal waste. The vehicle operator shall present the manifest to the owner or operator of the facility to which the municipal waste is transported, who shall retain one (1) copy of the manifest and send one (1) copy to the department.

(f) The definition of "manifest" set forth in IC 13-7-1-14 does not apply to this section.

Sec. 13. The rules adopted by the solid waste management board under section 17 of this chapter shall restrict a municipal waste collection and transportation vehicle from uses other than the collection and transportation of municipal waste.

Sec. 14. A solid waste disposal facility or a solid waste processing facility may not accept a shipment of municipal waste:

(1) from a municipal waste collection and transportation vehicle that has not been licensed under this chapter; and

(2) that is not accompanied by a municipal waste transportation manifest required under section 12 of this chapter.

Sec. 15. A solid waste processing facility may not transport municipal waste to another solid waste processing facility or a solid waste disposal facility unless the municipal waste is accompanied by a municipal waste manifest.

Sec. 16. This chapter does not preclude, restrict, or supersede the right of:

- (1) a county in Indiana;
- (2) a municipality in Indiana; or
- (3) a solid waste management district established under Indiana law;

to regulate or license a solid waste collection and transportation vehicle under authority granted by statute or by an ordinance adopted under IC 36.

Sec. 17. The solid waste management board shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 4. (a) The solid waste management board shall adopt the rules required by IC 13-7-10-1.5(d), as added by this act, before January 1, 1991.

(b) The solid waste management board shall adopt the rules required by IC 13-7-31-17, as added by this act, before January 1, 1991.

(c) This SECTION expires January 1, 1991.

SECTION 5. Because an emergency exists, this act takes effect as follows:

- SECTIONS 1 through 2 Upon passage
- SECTION 3 January 1, 1991
- SECTION 4 Upon passage

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE FACILITY CHARACTER DISCLOSURE STATEMENT

INSTRUCTIONS FOR COMPLETION:

This form shall be used to comply with the character disclosure statement requirements for a solid waste permit as required by IC 13-7-10.2. Upon completion of this form, return this form with all additional materials to the following address:

**Solid Waste Management Branch Chief
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
105 South Meridian Street
Post Office Box 6015
Indianapolis, Indiana 46206-6015**

SECTION A: FACILITY INFORMATION

Facility Name	_____			
Mailing Address	_____			
	Street	_____		
	City	County	State	Zip Code

This statement is for the purposes of:

- new permit
- permit modification
- permit renewal
- permit transfer.

SECTION B: APPLICANT INFORMATION

The applicant may be an individual, a corporation, a partnership, or a business association that applies for the issuance, renewal, transfer, or major modification of a permit described in IC 13-7-10-1(e). Each applicant shall complete the following information; attach additional pages as necessary.

Applicant Name	_____			
Business Address	_____			
	Street	_____		
	City	County	State	Zip Code
Social Security Number (or Federal Tax Number if Applicant is not an individual)	_____			

SECTION C: RESPONSIBLE PARTY INFORMATION

A responsible party may be an officer, a corporation director, or a senior management official of a corporation, partnership, or business association that is an applicant. A responsible party may also be an individual, a corporation, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant. Each responsible party shall complete the following information; attach additional pages as necessary.

Responsible Party Name	_____			
Business Address	_____			
	Street	_____		
	City	County	State	Zip Code
Social Security Number (or Federal Tax Number if Responsible Party is not an individual)	_____			
Relationship to Applicant	_____			

Responsible Party Name	_____			
Business Address	_____			
	Street	_____		
	City	County	State	Zip Code
Social Security Number (or Federal Tax Number if Responsible Party is not an individual)	_____			
Relationship to Applicant	_____			

Responsible Party Name	_____			
Business Address	_____			
	Street	_____		
	City	County	State	Zip Code
Social Security Number (or Federal Tax Number if Responsible Party is not an individual)	_____			
Relationship to Applicant	_____			

SECTION D: DISCLOSURE STATEMENT

Each Applicant and Responsible Party identified in Sections B and C shall complete a separate Section D and Section E. The Section D requirement may be satisfied by providing all information required by either Section D1 or Section D2. Please indicate that the required item has been provided or does not apply by initialing in the space provided.

THIS DISCLOSURE STATEMENT IS PROVIDED BY:	
Name (print or type)	_____
Applicant/Responsible Party	_____

SECTION D1:

- A) The information concerning legal proceedings that is required under Section 13 or 15(d) of the Securities Exchange Act of 1934(15 U.S.C 78a et seq.) and that the applicant or responsible party has reported under Form 10-K.

Not Applicable _____ Provided _____

- B) A description of all judgments that have been entered against the applicant or responsible party in a civil or administrative complaint for the violation of any state or federal environmental protection law and that have imposed upon the applicant or responsible party a fine or penalty of more than ten thousand dollars (\$10,000) within five (5) years before the date of the submission of the application.

Not Applicable _____ Provided _____

- C) A description of all judgments of conviction entered against the applicant or responsible party for the violation of any state or federal environmental protection law within five (5) years before the date of the submission of the application.

Not Applicable _____ Provided _____

SECTION D2:

- A) A description of the applicant's or responsible party's experience in managing the type of waste that will be managed under the Permit. Include the name and business address for employers, the State Permit number for the facility, the type of work experience and the length of time employed.

Not Applicable _____ Provided _____

B) A description of all civil or administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that have resulted in a fine or penalty of more than ten thousand dollars (\$10,000) within five (5) years before the date of the submission of the application.

Not Applicable _____ Provided _____

C) A description of all civil or administrative complaints against the applicant or responsible party for the violation of any state or federal environmental protection law that allege an act or omission that constitutes a material violation of state or federal environmental protection law and that presented a substantial endangerment to the public health or the environment.

Not Applicable _____ Provided _____

D) A description of all pending criminal complaints alleging the violation of any state or federal environmental protection law that have been filed against the applicant or responsible party within five (5) years before the date of submission of the application.

Not Applicable _____ Provided _____

E) A description of all judgments of criminal conviction entered against the applicant or responsible party within five (5) years before the date of submission of the application for the violation of any state or federal environmental law.

Not Applicable _____ Provided _____

F) A description of all judgments of criminal conviction of a felony constituting a crime of moral turpitude under the laws of any state or the United States that are entered against the applicant or responsible party within five (5) years before the date of submission of the application.

Not Applicable _____ Provided _____

G) The location of all facilities at which the applicant or responsible party manages the type of waste that would be managed under the permit to which the application refers. Include the facility name, business address, any permit numbers and the type of facility.

Not Applicable _____ Provided _____

REQUEST FOR LIMITED CRIMINAL HISTORY INFORMATION

Requesting Agency or Individual BRUCE PALIN

Acct. No 102-15.

Individual DEPARTMENT OF ENVIRONMENTAL MGMT

BRANCH CHIEF

Subject of Request:

LAST NAME FIRST NAME MI (DATE OF BIRTH)

(ADDRESS) (SEX) (RACE) (MISCELLANEOUS NUMBER)

REASON FOR REQUEST:

- 1. () Applicant has applied for employment with a non-criminal justice organization or individual.
- 2. () Applicant has applied for a license and criminal history data is required by law to be provided in connection with the license.

Set out authority:

IC 13-7-10.2

- 3. () Applicant is a candidate for public office or a public official.
- 4. () Is in the process of being apprehended by a law enforcement agency.
- 5. () Is placed under arrest for the alleged commission of a crime.
- 6. () Has charged that his rights have been abused repeatedly by criminal justice agencies.
- 7. () Is the subject of judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing or probation.
- 8. () Has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a not-for-profit corporation.
- 9. () Is being investigated for welfare fraud by an investigator of the state department of public welfare or a county department of public welfare.
- 10. () Is being sought by the parent locator service of a child support division of the state department of public welfare.

REQUEST MADE PURSUANT TO IC 5-2-5-13?

- A. () Prospective adult volunteer for children (Copy of non-profit status enclosed).
- () Home Health Agency (copy of non-profit status enclosed).
- B. () Department of Public Welfare Day Care/Foster Home Licensing or licensee.

WARNING

A non-criminal justice organization or individual receiving a limited criminal history may not utilize it for purposes:

- (1) other than those stated in the request; or
- (2) which deny the subject any civil right to which the subject is entitled.

IC 5-2-5-5: Any person who uses limited criminal history for any purpose not specified in the request commits a Class (A) misdemeanor offense.

I affirm, under penalty of perjury, that the Limited Criminal History Information requested will be used as specified.

Bruce H Palin
SIGNATURE OF REQUESTOR

1/9/91
DATE

105 S. MERIDIAN ST. INDIANAPOLIS, IN 46206
STREET ADDRESS

CITY STATE ZIP

FOR ISP USE ONLY

- No Record on File Record Inspected Record Released Fee \$ _____
- Information provided not verified by fingerprints.

(SIGNATURE OF DEPARTMENT EMPLOYEE)

(DATE)

INSTRUCTIONS FOR COMPLETING REQUEST FOR LIMITED CRIMINAL HISTORY

REQUESTING AGENCY OR INDIVIDUAL:

Name of the individual or agency requesting the LCH. If request is for a Home Health Care Agency, it must be specified on this line.

TITLE:

Formal title of the requesting individual who signs as requestor at the bottom of the form.

SUBJECT OF REQUEST:

Last name, first name, and middle initial of the individual being checked - **must** include date of birth, address, sex, and race of individual. **ONLY ONE INDIVIDUAL PER REQUEST FORM.**

REASON FOR REQUEST:

Check the applicable line referring to your request. An organization making a request under IC 5-2-5-13A must include proof of their NOT FOR PROFIT status. A copy of their "Certificate of Good Standing" issued by the Secretary of State will suffice. Requests made pursuant to IC 5-2-5-13B, the REQUESTING AGENCY line must show the State or County Welfare Department, along with individual department/agency name if applicable.

SIGNATURE OF REQUESTOR:

DATE

STREET ADDRESS

CITY, STATE, ZIP

This line must contain the signature of the person making the request, the date of request along with the requestors street address, city, state, and zip code.

PLEASE PROVIDE ALL INFORMATION REQUESTED.

It will prevent return of the request form and speed up our response.

TITLE 329
SOLID WASTE MANAGEMENT BOARD

Proposed Rule
LSA Document # 90-103

Digest

Amends 329 IAC 2-2-1 by adding a definition of "major modification".
Adds 329 IAC 2-8-12 to establish criteria for demonstration of local or regional solid waste facility need. Effective 30 days after filing with the secretary of state.

329 IAC 2-2-1
329 IAC 2-8-12

SECTION 1. 329 IAC 2-2-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 2-2-1 Definitions

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10.2

Affected: IC 13-1-3; IC 13-1-12-1; IC 13-7; IC 16-1-9.5-1; IC 25-17.5-1; IC 25-31;
IC 36-9-30;

Sec. 1. (a) In addition to the definitions in subsection (b), the definitions found in IC 13-1-12 apply throughout this article:

(1) "Commissioner" refers to the commissioner of the department created under IC 13-7-2-11 (the department of environmental management).

(2) "Contaminant" means any solid, semisolid, liquid, or gaseous matter, or any odor, radioactive material, pollutant as defined in the Federal Waste Pollution Control Act, hazardous waste as defined by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended, or any combination thereof, from whatever source, that:

(A) is injurious to human health, plant or animal life, or property;

(B) interferes unreasonably with the enjoyment of life or property;

or

(C) is otherwise violative of this article or rules adopted under this article.

(3) "Department" refers to the department of environmental management created under IC 13-7-2.

(4) "Disposal" means the discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste or any constituent of

the waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters. (P.L. 143-1985, SECTION 77.

(5) "Garbage" means all putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

(6) "Hazardous waste" means a solid waste or combination of solid wastes that, because of its quantity, concentration or physical, chemical, or infectious characteristics, may:

(A) cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or

(B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(7) "Incinerator" means an engineered apparatus designed for the burning of solid waste under the effect of controls of temperature, retention time, air, and other combustion factors.

(8) "Open burning" means the combustion of any matter in the open or in an open dump.

(9) "Open dump" means the consolidation of solid waste from one, (1) or more sources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations, and that is established and maintained without cover and without regard to the possibilities of contamination of surface or subsurface water resources.

(10) "Person" means an individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, any consolidated unity of government, political subdivision, state agency, or any other legal entity.

(11) "Recovery" means obtaining materials or energy for commercial or industrial use from solid waste or hazardous waste.

(12) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term "solid waste" does not include:

(A) solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point source subject to permits under Section

402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);

(B) source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(C) manures or crop residues return to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation. (P.L. 143-1985, SECTION 90.)

(13) "Solid waste management" means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste. (P.L. 143-1985, SECTION 91.)

(14) "Water pollution" means:

(A) actual or threatened alteration of the physical, thermal, chemical, biological, bacteriological, or radioactive properties of any waters; or

(B) the discharge or threatened discharge of any contaminant into any water that does or can create a nuisance or render the waters harmful, detrimental, or injurious to:

(i) public health, safety, or welfare;

(ii) domestic, commercial, industrial, agricultural, recreational, or other legitimate uses; or

(iii) livestock, wild animals, birds, fish, or aquatic life.

(15) "Waters" means the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, that are wholly or partially within, flow through, or border upon this state. The term does not include any private pond or any off-stream pond, reservoir, or facility built for reduction or control of pollution or cooling of water prior to discharge unless the discharge from the pond reservoir, or facility causes or threatens to cause water pollution.

(b) The following definitions apply throughout this article:

(1) "Access roads" means roads which lead to the entrance of a solid waste processing or disposal facility, normally, a county, state, or federal highway.

(2) "Airport" means a public use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities and military airports.

(3) "Aquifer" means a geologic formation, group of formations, or part of a formation, that is capable of yielding a significant amount of ground water.

(4) "Base flood" means a flood that has a one percent (1%) or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in one hundred (100) years on the average over a

- significantly long period. In any given one hundred (100) year interval such a flood may not occur, or more than one (1) such flood may occur.
- (5) "Bedrock" means cemented or consolidated earth materials, exposed on the earth's surface or underlying unconsolidated earth materials.
- (6) "Board" means the solid waste management board as defined in IC 13-1-12-1.
- (7) "Cell" means a volume of solid waste completely enclosed by cover.
- (8) "Certified professional geologist" means a professional geologist certified by the state of Indiana pursuant to IC 25-17.5-1.
- (9) "Collection container system" means a group of containers for solid waste collection from noncommercial, nonindustrial, and noninstitutional sources, and made available for use by the general public, such as ~~countywide~~ county wide collection box systems.
- (10) "Construction/demolition site" means a solid waste land disposal facility designed and operated to accommodate large volumes of solid waste, having minimal potential for ground water contamination.
- (11) "Cover" means any soil or other suitable material approved by the commissioner placed over the solid waste in accordance with 329 IAC 2-14-12(a).
- (12) "Current closure cost estimate" means the original closure cost estimate or the most recent revision thereof made in accordance with 329 IAC 2-12.
- (13) "Current post-closure cost estimate" means the original post-closure cost estimate or the most recent revisions thereof made in accordance with 329 IAC 2-12.
- (14) "Daily cover" means that cover applied to the working face of the solid waste land disposal facility on a daily basis.
- (15) "Dwelling" means any building which people inhabit on a regular or seasonal basis. The term shall include schools, hospitals, residences, factories, and offices.
- (16) "Equivalent hydraulic conductivity" means the hydraulic conductivity averaged in such a manner as to represent the overall ability of a material to transmit flow .
- (17) "Final closure" or "closure" means those activities to be completed at the end of waste acceptance at a facility, including certification required by 329 IAC 2-15-5, but not including those activities required after said certification.
- (18) "Final cover" means any cover of a type, thickness, elevation, and slope approved by the commissioner for the termination of filling in an area.
- (19) "Flood plain" means the areas adjoining a river, stream, or lake which are inundated by the base flood as determined by the Indiana department of natural resources.
- (20) "Floodway" means the channel of a river or stream and those

- portions of the flood plain adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow from the base flood as determined by the Indiana department of natural resources.
- (21) "Generating facility" means the location at or on which one (1) or more solid wastes are generated, such as a large manufacturing plant which may have more than one (1) source of solid waste at the plant location.
- (22) "Grading" means the contouring of land so that surface water flow and erosion are controlled according to a predetermined plan.
- (23) "Ground water" means water below the land surface in the zone of saturation.
- (24) "Hydraulic gradient" means the head loss per unit length where the head loss is expressed in terms of the unit length so as to produce a dimensionless value.
- (25) "Industrial process waste" includes, but is not limited to, oil, lubricants, resins, chemical catalysts, distillation bottoms, ink, paint sludges, grinding sludges, incinerator ash, core sand, metallic dust sweepings, material which may create asbestos dust, contaminated or recalled wholesale or retail products.
- (26) "Infectious waste" means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease (as defined by rule adopted under IC 16-1-9.5-1). Infectious waste includes the following:
- (A) Pathological wastes, including tissue, organs, body parts, and blood or body fluids in liquid or semiliquid form that are removed during surgery, biopsy, or autopsy.
 - (B) Biological cultures and associated biologicals.
 - (C) Contaminated sharps.
 - (D) Infectious agent stock and associated biologicals.
 - (E) Blood and blood products in liquid or semiliquid form.
 - (F) Laboratory animal carcasses, body parts, and bedding.
 - (G) Wastes (as defined under P.L 123-1988, SECTION 8).
- (27) "Infectious waste incinerator" means a solid waste incinerator that is used to burn infectious wastes waste or mixture of infectious and noninfectious solid waste.
- (28) "Karst topography" means a topography formed on a carbonate rock formation and dominated by features of solutional origin.
- (29) "Leachate" means liquid that has passed through or emerged from solid waste and contains soluble, suspended, immiscible, or miscible materials removed from such wastes.
- (30) "Legal description" means a legal description of the real property, to include the county, township, range, and section numbers and, if applicable, the metes and bounds description, together with the acreage thereof.

- (31) "Lift" means a layer of cells covering a designated area of a solid waste land disposal facility.
- (32) "Locally useful aquifer" means an aquifer which, based on productivity, quality, depth, and alternate sources available, is a source or a probable source of water for any user or potential user within one (1) mile of a particular location.
- (33) "Major Modification" means any change in a permitted solid waste facility which would increase the facilities' permitted capacity to process or dispose of solid waste.
- ~~(33)~~ (34) "Normal water line" means the average normal water level, where established through the Indiana department of natural resources, or the average boundary of the water as evidenced by either water level records or changes in the character of vegetation and soil due to the presence of the water.
- ~~(34)~~ (35) "On-site roads" means roads for the passage of vehicles from a facility entrance to the disposal area.
- ~~(35)~~ (36) "Operating personnel" means persons necessary to properly operate a solid waste land disposal or processing facility.
- ~~(36)~~ (37) "Partial closure" means those activities required at the end of waste acceptance for a facility or area of a facility to include the placement of final cover and the establishment of vegetation in accordance with approved closure plans, but exclusive of monitoring and maintenance activities required under post-closure care.
- ~~(37)~~ (38) "Permittee" means any person to whom a solid waste facility permit has been issued.
- ~~(38)~~ (39) "Pollution control waste" includes but is not limited to, liquid, solid, ~~semi-solid~~ semisolid, or gaseous waste generated as a direct or indirect result or the removal of contaminants from air, water, or land, such as water and waste water treatment sludges, baghouse dust, scrubber sludges, and chemical spill, or remedial activity cleanup wastes.
- ~~(39)~~ (40) "Post-closure" means the monitoring and maintenance activities required after final closure of a facility.
- ~~(40)~~ (41) "Post-closure cost estimate" means the original written estimate, in current dollars, or the total cost of post-closure monitoring and maintenance of the facility during the entire post-closure care period, in accordance with the post-closure plan.
- ~~(41)~~ (42) "Processing" means the method, system, or other handling of solid waste so as to change its chemical, biological, or physical form or to render it more amenable for disposal or recovery of materials or energy, or the transfer of solid waste materials but excluding the transportation of solid waste.
- ~~(42)~~ (43) "Registered professional engineer" means a professional engineer registered by the state of Indiana pursuant to IC 25-31.

~~(43)~~ (44) "Residue" means solid or semi-solid materials remaining after incineration or processing, including but not limited to, ash, ceramics, glass, metal, and organic substances.

~~(44)~~ (45) "Resource recovery" means the processing of solid waste into commercially valuable materials or energy.

~~(45)~~ (46) "Restricted waste site" means a solid waste land disposal facility designed and operated to accommodate specific types of waste as specified in 329 IAC 2-9.

~~(46)~~ (47) "Salvaging" means the controlled and organized removal of materials from solid waste for utilization.

~~(47)~~ (48) "Sanitary landfill" means a solid waste land disposal facility designed to accommodate general types of solid waste, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day.

~~(48)~~ (49) "Scavenging" means the uncontrolled and unauthorized removal of materials from solid waste.

~~(49)~~ (50) "Site" means the land area on which the permitted facility is situated.

~~(50)~~ (51) "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.

~~(51)~~ (52) "Soil borings" means the drilling of holes in the earth for the purpose of identifying soil types, subsurface materials, and water table level.

~~(52)~~ (53) "Solid waste boundary" means the outermost perimeter of the solid waste fill area, as it would exist at the time of closure, as projected in the facility's closure plan.

~~(53)~~ (54) "Solid waste facility" or "facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for processing, storing in conjunction with processing or disposal, or disposing of solid waste, and may consist of several processing, storage, or disposal operational units, e.g., one (1) or more landfills, surface impoundments, or combinations thereof.

~~(54)~~ (55) "Solid waste land disposal facility" means a solid waste facility in or upon the land into which solid waste is disposed.

Permitted solid waste land disposal facilities shall be classified into one (1) of the following types:

- (A) Sanitary landfill.
- (B) Construction/demolition sites.
- (C) Restricted waste sites.

- ~~(55)~~ (56) "Solid waste processing facility" means a solid waste facility upon which is located a solid waste incinerator, transfer station, solid waste baler, solid waste shredder, resource recovery system, composting facility, or garbage grinding facility.
- ~~(56)~~ (57) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which holds or is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, pounds, and lagoons.
- ~~(57)~~ (58) "Surface water" means water present on the surface of the earth, including:
- (A) streams;
 - (B) lakes;
 - (C) ponds;
 - (D) rivers;
 - (E) swamps;
 - (F) marshes; or
 - (G) rainwater present on the earth.
- ~~(58)~~ (59) "Transfer station" means a facility at which solid waste is transferred into larger capacity vehicles or containers for further transportation but shall not include neighborhood recycling collection centers or transfer activities at generating facilities.
- ~~(59)~~ (60) "Twenty-five (25) year, twenty-four (24) hour precipitation event" means the maximum twenty-four (24) hour precipitation event with the probable recurrence interval of once in twenty-five (25) years as defined by the Indiana department of natural resources.
- ~~(60)~~ (61) "Vector" means any animal capable of harboring and transmitting microorganisms from one (1) animal to another or to a human.
- ~~(61)~~ (62) "Wash-out" means the carrying away of solid waste by water of the base flood.
- ~~(62)~~ (63) "Water course" means the path taken by flowing surface water.
- ~~(63)~~ (64) "Water table" means the upper surface at which the fluid pressure of the ground water is equal to atmospheric pressure.
- ~~(64)~~ (65) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

~~(65)~~ (66) "Working face" means that portion of a solid waste land disposal facility where the solid waste is deposited. (*Solid Waste Management Board; 329 IAC 2-2-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.; errata filed Jan 11, 1989, 1:00 p.m.*)

SECTION 2. 329 IAC 2-8-12 IS ADDED ADDED TO READ AS FOLLOWS:

329 IAC 2-8-12 Demonstration and determination of need requirements

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10-1.5
Affected: IC 13-1-3; IC 13-7; IC 13-9.5; IC 36-9-30

Sec. 12. (a) This section applies to all permits for new solid waste facilities or major modifications of permits issued after March 20, 1990.

(b) In accordance with subsection (a), and in addition to other permit application requirements outlined in this rule, the following are also required:

(1) A description of the anticipated area that would be served by the facility as indicated by the following:

(A) Solid waste management district(s) if established.

(B) County, counties or portions thereof.

(C) County, counties and state if the area includes portions outside of Indiana.

(2) A description of the existing solid waste management facilities which serve the same described area.

(3) A description of the need, that would be fulfilled by constructing the proposed facility, as follows:

(A) For facilities proposed in areas with approved district solid waste management plans, a description of the need identified in the district solid waste management plan required by IC 13-9.5.

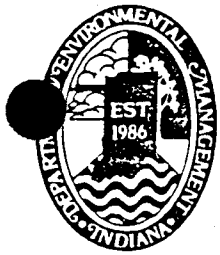
(B) For facilities proposed in areas without approved district solid waste management plans, a description of need for the proposed area to be served.

(4) A description of recycling, composting, or other activities which the facility would operate within the proposed area of service.

(5) A description of the additional disposal capacity which the facility, if permitted, would provide for the proposed area of service.

(6) Additional information as requested by the commissioner.

(c) The commissioner shall review the submitted application and accompanying materials in accordance with provisions of this rule. If it is determined that there is not a local or regional need in Indiana for the solid waste management facility, the commissioner shall deny the permit application.
(Solid Waste Management Board; 329 IAC 2-8-12)



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor
Kathy Prosser
Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

To Whom It May Concern:

Re: Typical Information Required for
Demonstration of Need for Solid Waste Facilities

The demonstration of need for Solid Waste facilities must be supported by information required by the Indiana Administrative Code, 329 IAC 2-8-12. Specifically the following information is required to complete the demonstration of need. Please note, the enclosed guidelines from the Indiana Solid Waste Management Plan, Volume II and the affected Solid Waste Management District(s) may be of some assistance in preparing the information requested according to the following format.

1. A geographic description and narrative of the anticipated area* that would be served by the facility as indicated by the following:
 - a. Proposed or existing solid waste management district(s) or portions thereof as required by IC-13-9.5.
 - b. Municipality, County, Counties, Facilities or portions thereof, and counties and state if the anticipated service area includes portions outside of Indiana.
 - c. A scale map with anticipated service area and proposed facility identified.
 - d. Maximum one-way haul distance from facility to anticipated area served.

*NOTE: For some types of facilities, the anticipated service area may be an individual waste generation unit.

2. Identification of the existing solid waste management facilities which accept the solid wastes identified in item 3 and which serve the anticipated service area identified in item 1 to include: (Note, a generic table is included as an example.)
 - a. Name of the facility.
 - b. Location of the facility.
 - c. Type of facility.
 - d. Type of waste permitted to be received by the facility.

- e. The permitted disposal or processing capacity of the facility, and annual disposal or processed quantities.
 - f. The estimated remaining useful life of the current facility, and estimated closure date.
 - g. A scale map with existing solid waste management facilities located.
3. Identify the needs for the anticipated service area, with an inventory and a description of each source of solid waste and total quantities to be accepted at the proposed facility to include:
- a. Type of solid waste source (i.e. currently generated, public, restricted, and/or proposed).
 - b. SWM District letters of agreement or support for the facility; or for "captive" sites, notification to the District that the facility will accept a solid waste stream(s).
 - c. Recycling/composting actions and % reduction in disposed quantities. e.g. Material recycling contracts and agreements.
 - d. Solid waste inventory of anticipated service area for designated base year. Residential, commercial, manufacturing, medical, etc. depending on the types of waste to be accepted by the facility.

Volume & Type (Municipal, residential, commercial, manufacturing etc.) of source/generator.

% Allocation from each source category
i.e. in-plant, in-county or SWM district, out-of-state, etc.

Estimated total daily and annual volume of solid waste generated in anticipated service area for current calendar year.
 - e. Projected solid waste generation rate increases. Identify any assumptions and effects of assumptions on generation rates. Refer to 327 IAC 2-14-8 for solid waste weight calculations.
 - f. Projected useful life of facility/total waste disposal or processing capacity proposed.
4. A description of where the solid waste proposed for the facility is currently going.

You should be aware that the information supplied relative to "need" may be incorporated into a permit condition which will limit the service area for a proposed solid waste facility.

Page 3

The above-noted information must be submitted in complete form. The department's technical review of a proposed facility may be delayed until such time as a demonstration of need is complete.

If you have any questions, please contact me at 317/232-8866.

Sincerely,

Patrick Carroll, Chief
Technical Support Branch
Solid and Hazardous Waste Management

PJC/bja

Enclosures

Example Table of Facilities
Copy of 329 IAC 2-8-12
Solid Waste Management District Facilities Inventory Guide

!5460y 6-17-92 bja

329 IAC 2-8-12 Demonstration and determination of need requirements

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10-1.5

Affected: IC 13-1-3; IC 13-7; IC 13-9.5; IC 36-9-30

Sec. 12. (a) This section applies to all permits for new solid waste facilities or major modifications of permits issued after March 20, 1990.

(b) In accordance with subsection (a), and in addition to other permit application requirements outlined in this rule, the following are also required:

(1) A description of the anticipated area that would be served by the facility as indicated by the following:

(A) Solid waste management district(s) if established.

(B) County, counties, or portions thereof.

(C) County, counties, and state if the area includes portions outside of Indiana.

(2) A description of the existing solid waste management facilities which serve the same described area.

(3) A description of the need, that would be fulfilled by constructing the proposed facility, as follows:

(A) For facilities proposed in areas with approved district solid waste management plans, a description of the need identified in the district solid waste management plan required by IC 13-9.5.

(B) For facilities proposed in areas without approved district solid waste management plans, a description of need for the proposed area to be served.

(4) A description of recycling, composting, or other activities which the facility would operate within the proposed area of service.

(5) A description of the additional disposal capacity which the facility, if permitted, would provide for the proposed area of service.

(6) Additional information as requested by the commissioner.

(c) The commissioner shall review the submitted application and accompanying materials in accordance with provisions of this rule. If it is determined that there is not a local or regional need in Indiana for the solid waste management facility, the commissioner shall deny the permit application. (*Solid Waste Management Board; 329 IAC 2-8-12; filed Feb 19, 1991, 12:06 p.m.: 14 IR 1385*)

Rule 9. Solid Waste Facility Classifications and Waste Criteria

329 IAC 2-9-1 Types of facilities

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. The following classifications will be used for the purpose of defining site requirements and permissible wastes to be received for all solid waste facilities:

(1) Construction/demolition site.

(2) Restricted waste site as follows:

(A) Restricted waste site type I.

(B) Restricted waste site type II.

EXAMPLE

EXISTING PERMITTED SOLID WASTE FACILITIES WHICH SERVE THE ANTICIPATED SERVICE AREA

Service Area Number	Facility Name	Location (County, State)	Type	Total (tons) Annual SW Quantities	Annual Out-of-State Solid Waste (Tons)	Total Estimated Permitted Capacity (Tons)	Estimated Remaining Life (year)	Approximate Closure Date
1	Waste, Inc.	Alpha Co.	LF	154,000	None	1,540,000	10 years	2002
2	Beta Recycle	Beta Co.	TS/R	60,000	None	170 tons/day	20 years	2012

NOTES: RWS-Type I, II, III Restricted Waste Sites

LF - Landfill

CD - Construction/Demolition Site

TS/R - Processing Facilities (Transfer Station/Recycle)

IN - Incinerator

NA - Not Applicable

SOURCES: IDEM Quarterly Reports '91
1990 Indiana Solid Waste Management Plan, Vol. I, II, III
IDEM Summary of Solid Waste Facility Data - 1991 Annual Report

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word **NEW** will appear in that style type in the introductory clause of each **SECTION** that adds a new provision to the Indiana Code or the Indiana Constitution.

HOUSE ENROLLED ACT No. 1388

AN ACT to amend the Indiana Code concerning the environment.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-7-8.6-3, AS AMENDED BY P.L.8-1989, SECTION 69, IS AMENDED TO READ AS FOLLOWS: Sec. 3.

(a) The Indiana hazardous waste facility site approval authority is created and constitutes a public instrumentality of the state. The exercise by the authority of the powers conferred by this chapter is an essential governmental function.

(b) The authority consists of five (5) statewide members appointed by the governor and four (4) local members. The statewide members shall serve a term of four (4) years.

(c) A vacancy in the office of a member, other than by expiration, shall be filled in like manner as the original appointment for the remainder of the term for statewide members and for the duration of the duties and responsibilities of the local members.

(d) In making appointments to the statewide membership, the governor shall select residents of this state recognized around the state for their judgment, integrity, and credibility. One (1) member shall represent business and industry, one (1) shall represent labor, and one (1) shall represent agriculture. The fourth statewide member shall be a hydrogeologist who has

practiced in this state for at least five (5) years. The fifth statewide member shall be a biologist, chemist, limnologist, or toxicologist and a member of:

- (1) the science faculty of an institution of higher learning in this state; or
- (2) the staff of scientists of an independent research organization in this state.

The governor may remove any statewide member for cause and shall annually appoint one (1) of the statewide members as chairperson.

(e) Five (5) members (statewide or local) of the authority constitute a quorum for the authority to conduct business. However, the affirmative vote of a majority of the membership is necessary for a final decision on a certificate application. A vacancy in the membership of the authority does not impair the right of the quorum to act.

(f) All members of the authority, including members of the executive council, shall be reimbursed for their traveling expenses and other expenses actually incurred in the performance of their duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency. The members who are not state employees are also entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b) for attendance of authority meetings. All reimbursement for expenses shall be as provided by law.

(g) The four (4) local members shall be appointed from the county in which a proposed facility is to be located, as follows:

(1) Two (2) residents of the largest city or town closest to or in the township containing the proposed facility shall be appointed to the authority by the executive of the city or town, or, if there is no city or town in the township, two (2) residents of the township containing the proposed facility shall be appointed to the authority by the township trustee.

(2) Two (2) residents of the unincorporated portion of the county in which the facility is to be located, one (1) of whom may be the county health officer, shall be appointed by the executive of that county.

If the affected city is a consolidated city, all four (4) local members shall be appointed by the executive of that city. The local members shall serve until the certificate is granted, denied, or no longer subject to their review. The authority constituted for a specific certificate application may be recalled to rehear an application upon an order from the Indiana court of appeals or the supreme court for a rehearing.

(h) No member of the authority may be a member or an employee of or be associated with the board, the department, or the staffs of those agencies.

SECTION 2. IC 13-7-22-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS: Sec. 2.

(a) As used in this section, "applicant" means an individual, a corporation, a partnership, or a business association that applies for an original permit for the construction or operation of a landfill.

(b) As used in this section, "landfill" means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

(c) Before an original permit for the construction or operation of a landfill may be granted, the applicant must submit a statement of financial position that meets the following requirements:

(1) The statement must have been prepared in accordance with generally accepted accounting principles.

(2) The statement must have been audited by an independent certified public accountant.

(3) The accountant referred to in subdivision (2) must have issued an unqualified opinion as to the statement.

(4) The statement must indicate that, at the end of the calendar year or fiscal year immediately preceding the year in which the permit would be issued, the applicant had a positive net worth of at least two hundred fifty thousand dollars (\$250,000).

(d) Before an original permit for the construction or operation of a landfill may be granted, the applicant or a person authorized to act for the applicant under this subsection must submit a statement in which the applicant or authorized person swears or affirms, subject to the penalty for perjury set forth in IC 35-44-2-1, that, to the best of the applicant's or authorized person's knowledge, there are no unsatisfied and nonappealable judgments requiring the payment of money by the applicant.

(e) If the applicant is a subsidiary corporation, the submission of the statement of financial position of the ultimate parent shall satisfy the requirement under subsection (c) if the applicant has been a subsidiary of the parent for at least one (1) year before the submission of the statement of financial position.

(f) The department may investigate and verify the information contained in the statements required under this section.

(g) The commissioner may deny an application for an original permit for the construction or operation of a landfill if the commissioner finds that:

- (1) the applicant does not have a positive net worth of at least two hundred fifty thousand dollars (\$250,000); or
- (2) there are one (1) or more unsatisfied and nonappealable judgments requiring the payment of money by the applicant.

(h) For the purposes of this section, real property in which the applicant has an interest must be valued at the property's fair market value as determined under the assumption that the permit application will not be granted.

(i) The solid waste management board may adopt rules under IC 4-22-2 to administer this section.

SECTION 3. This act applies to:

- (1) a permit application that is filed on or after the effective date of this act;
- (2) a permit application that was filed before the effective date of this act but was not granted or denied by the commissioner of the department of environmental management before the effective date of this act; and
- (3) a permit application that was filed before the effective date of this act and that was granted by the commissioner of the department of environmental management before the effective date of this act if the commissioner's action in granting the permit was appealed to the solid waste management board and that appeal is pending on the effective date of this act.

SECTION 4. Because an emergency exists, this act takes effect upon passage.

DEMOGRAPHIC INFORMATION/
FACILITIES INVENTORY

An important part of the planning process is compiling baseline data on existing population, waste types and quantities, and waste disposal facilities. That baseline information - for calendar year 1992 - will form the basis for projecting population and waste disposal needs for the full 20-year study period, 1992 through 2011.

For five, 10, and 20 years after the district's plan is adopted, HEA 1240 requires you to:

- predict the total population,
- describe the origin, content, and weight of the solid waste to be generated,
- describe the number and type of waste management facilities needed, and
- assess current and future waste management problems.

Plans can be reassessed at any time; however, they are required to be reviewed every five years. Any changes made to help districts accomplish solid waste management goals require that the plan go through the approval process again.

Unless you have conducted a formal waste characterization study for your district, you may use national averages to estimate the content of residential and commercial wastes. You may use the data from "Characterization of Municipal Solid Waste in the United States, 1960 to 2000," prepared by Franklin & Associates for the United States Environmental Protection Agency, 1990. If you believe other data better represent the wastes generated in your district, feel free to use them; in that case, please document your sources.

2.1
POPULATION
Instructions

1, 2, 3

Provide population projections for each county in the district for the entire planning period, calendar years 1992 through 2011. The projections for Indiana counties (Appendix A) may be used, or you may use your own projections; if you do, please indicate the source.

2.2
WASTE GENERATION
Instructions

- 4 For "Alpha County" compute the residential and commercial waste to be generated during the study period, 1992 through 2011. NOTE: For illustrative purposes only, we have omitted several years from the table. You may want to print your table in LANDSCAPE orientation, two rows of 10 years each, to present the computations for all years of the study period on a single page.

The base year, calendar year 1992, will be the first full year for which complete landfill disposal quantity information will be available. That data will be the basis for projecting future waste quantities according to the USEPA's daily per capita generation rates. The 1988 rates are provided below. These figures are updated annually and districts should use the most recent figures when calculating projections. To obtain the most recent figures, contact IDEM at 1-800-451-6027 or (317) 232-3210.

RESIDENTIAL/COMMERCIAL WASTE GENERATION RATES*
Pounds Per Capita Per Day (PCD)

1992 3.72	1997 3.86	2002 4.00	2007 2.14
1993 3.75	1998 3.88	2003 4.03	2008 4.17
1994 3.75	1999 3.91	2004 4.06	2009 4.21
1995 3.80	2000 3.94	2005 4.09	2010 4.24
1996 3.85	2001 3.97	2006 4.11	2011 4.27

If you use another basis for these projections, please explain in a footnote to your table.

- 5 Compute the industrial waste generated in the district for the baseline year. We recommend conducting a survey to determine representative actual quantities of industrial waste being generated (a sample form is included in Appendix D.) The per capita rates shown above should not be used to project industrial waste generation. Those projections may be based on your assessment of the likely economic growth and industrial distribution in the district, or on some other reasonable measure that you determine. Please explain your rationale in a footnote to your table.
- 6 The sub-total is the amount of waste generated in Alpha County. Repeat these computations as necessary for each county in the district.
- 7 Show the total waste generated in the district on this line.

POINTS TO REMEMBER:

HEA 1240 mandates reducing the amount of waste incinerated and landfilled. This may be achieved by employing strategies such as waste minimization, recycling, composting, etc. The state has already taken action to reduce or eliminate some wastes. For example, HEA 1391 prohibits disposal of lead acid batteries in landfills. Certain recyclables - including yard waste - may also be banned from landfill disposal. Be sure to count your projected reduction of these materials toward the state goals.

In your industrial survey, be sure to ask about industrial wastes recycled, because these amounts should also be credited toward the state goals.

Please include a copy of your survey instrument in an appendix to your district plan.

*Developed from Table 6, "Characterization of Municipal Solid Waste in the United States, 1960 to 2000" by the USEPA, 1988.

	BASE YEAR							2011
	1992	1993	1994	1995	1996	1997	1998 ----->	
1 Alpha County.....	90,000	90,400	90,900	91,400	91,900	92,400	92,900 ----->	99,400
2 Beta County.....	60,000	60,300	60,600	60,900	61,200	61,500	61,800 ----->	65,700
3 Total District.....	150,000	150,700	151,500	152,300	153,100	153,900	154,700 ----->	165,100

2.2
WASTE GENERATION

	BASE YEAR		(Tons per Year)					2011
	1992	1993	1994	1995	1996	1997	1998 ----->	
Alpha County								
4 Residential & Commercial Waste.....	61,100	61,800	62,600	63,400	64,200	65,000	65,800 ----->	77,200
5 Industrial Waste.....	35,000	35,400	35,900	36,400	36,900	37,400	37,900 ----->	44,500
6 Sub-Total.....	96,100	97,200	98,500	99,800	101,100	102,400	103,700 ----->	121,700
Beta County								
4 Residential & Commercial Waste.....	40,700	41,200	41,700	42,200	42,800	43,300	43,800 ----->	51,000
5 Industrial Waste.....	19,000	19,200	19,400	19,600	19,900	20,100	20,300 ----->	23,600
6 Sub-Total.....	59,700	60,400	61,100	61,800	62,700	63,400	64,100 ----->	74,600
7 Total Waste Generated in District.....	155,800	157,600	159,600	161,600	163,800	165,800	167,800 ----->	196,300

2.3

WASTE REDUCTION, REUSE, AND RECYCLING IN DISTRICT
Instructions

- 7 Total waste generated in district (carried forward from schedule 2.2).
- 8 Show current recycling by industry for the base year, using data obtained from a survey of industries in the district. (IDEM will not allow credit for recycling by industry unless it is substantiated by such a survey.) Then, project future recycling for the study period as described in 2.2, item 5.
- 9 Include privately and publicly owned/operated facilities that are available to the public. These may include curbside collection, drop-off and buy back centers, etc. Compute recycling for the base year, as well as future projections based on your estimates of growth plus increases needed to meet the state goals.
- 10 In a footnote, provide a narrative description of any other programs.
- 11 The sub-total, the sum of 8, 9, and 10, is the amount of recycling projected to occur in the district. In a footnote to this schedule, provide a breakdown of recyclables by type.
- 12 The anticipated reduction in waste resulting from waste minimization and reduction programs^{*} to be conducted or promoted by the district should be included here. The district's management plan (Part 3) should include a narrative of how these results are to be achieved.
- 13 The amount of yard waste which is diverted from final disposal should be listed here.
- 14 MSW composting includes processed municipal solid waste and may include yard waste. If so, do not include yard waste on line 13 (no double counting!) Enter the net reduction: the amount composted, less the residue that goes to final disposal. If sludge is used in a co-composting process, do not count the sludge as part of the MSW.
- 15 Indiana HB 1391 prohibits lead acid batteries from being disposed of in anything other than a hazardous waste disposal site and requires retailers to accept batteries for recycling. Lead acid batteries entering the waste stream amount to about one battery per ten persons per year with the average weight being 36 pounds. The quantity of waste batteries recycled should be accounted for on this line.
- 16 Tires entering the waste stream amount to about one tire per person per year. The average weight of a tire is about 23 pounds. Anticipated decreases in the quantity of tires entering the waste stream should be included here. (Note that Indiana HEA 1391 establishes programs for dealing with waste tire piles.)
- 17 Add other waste reduction programs proposed by the district and include a narrative description in the district plan, Part 3.
- 18 Total all waste reduction, reuse, and recycling activities (lines 11-17).
- 19 The percentage of waste diverted from final disposal for each future year is calculated by dividing the amount of waste reduction shown on line 18 by the total waste generated in the district for the base year 1992 (line 7).
- 20 The total waste generated within the district is line 7 less line 18.

POINTS TO REMEMBER:

- The amount of waste that the district must finally dispose of (Schedule 2.4) is the net of; 1) the amount generated within the district, 2) and the amount imported into the district, less the amount exported from the district. Estimate the amount of waste in each category to assess the needs of your district and your neighbors and to assess the impact of waste from outside the state.
- Future increases in waste amounts reduced should be estimated based upon the management programs proposed by the district. Note that the state goals are stated in terms of reducing the amount of waste disposed of by incineration or landfilling. Therefore incineration is not a recognized means of waste reduction for meeting the state goals.

^{*}As defined in HEA 1391, Sections 20 and 21, "Waste Minimization means a process that leads to
- preventing the creation of waste or
- a diminution in the volume of waste.
Waste Reduction means a process that leads to the prevention of the creation of waste.

2.3
WASTE REDUCTION, REUSE, AND RECYCLING IN DISTRICT

	BASE YEAR		(Tons per Year)						2011
	1992	1993	1994	1995	1996	1997	1998 ----->		
7 Total Waste Generated in District.....	155,800	157,600	159,600	161,600	163,800	165,800	167,800 ----->	196,300	
Recycling:									
8 Industrial.....	10,900	11,000	11,200	11,300	11,500	13,900	16,400 ----->	24,700	
9 Publicly Available.....	4,700	9,500	14,400	19,400	24,600	27,400	27,700 ----->	32,400	
10 Other.....	500	510	520	530	540	550	560 ----->	690	
11 Sub-Total.....	16,100	21,010	26,120	31,230	36,640	41,850	44,660 ----->	57,790	
12 Waste Reduction.....	200	200	200	200	200	220	240 ----->	970	
13 Yard Waste.....	3,100	6,300	9,600	12,900	16,400	19,900	21,800 ----->	25,500	
14 MSW Composting.....	1,600	1,600	1,600	1,600	16,400	16,600	16,800 ----->	19,600	
15 Lead Acid Batteries.....	270	270	270	270	280	280	280 ----->	600	
16 Tires.....	1,730	1,730	1,740	1,750	1,760	1,770	1,780 ----->	1,900	
17 Other.....	310	320	320	320	330	330	340 ----->	390	
18 Total.....	(23,310)	(31,430)	(39,850)	(48,270)	(72,010)	(80,950)	(85,900) ----->	(106,450)	
19 Recycling and Reduction as % of District Waste.....	15%	20%	26%	31%	46%	52%	55% ----->	68%	
STATE RECYCLING AND REDUCTION GOALS									
					35%		50% year 2001		
20 Waste from District for Disposal.....	132,490	126,170	119,750	113,330	91,790	84,850	81,900 ----->	89,850	

2.4

ORIGIN AND DESTINATION OF WASTE FOR DISPOSAL
Instructions

- 20 Waste from district for disposal (carried forward from Schedule 2.3)
- 21, 22 Show the amount of MSW the district expects to send to other districts in Indiana. Show the amount for each district if more than one. The total should include incinerator ash, compost residue, etc., as appropriate.
- 23, 24 Show the amount of waste sent from the district into other state(s) for disposal. Show the amount for each state if more than one. The total should include incinerator ash, compost residue etc. as appropriate.
- 25 This is the total waste exported from the district for disposal elsewhere.
- 26 This is the amount of waste originating and disposed of in the district. (line 20 less line 25).
- 27, 28 Show the amount of MSW (including incinerator ash, compost residue, etc.) the district expects to receive from other districts in Indiana. Show the amount for each district if more than one.
- 29, 30 The amount of MSW (including incinerator ash, compost residue, etc.) the district expects receiving from other state(s). Show the amount for each state if more than one.
- 31 Waste imported into the district from other districts and from out of state.
- 32 Total the waste for final disposal in the district (line 26 plus line 31).
- 33 This is the total waste disposed of in the district by incineration (may include waste that is imported from other districts or from out of state).
- 34 The net of the total amount of waste for final disposal, less the amount incinerated, is the amount of waste to be landfilled for final disposal (line 32 minus line 33).
- 35 Add incinerator ash residue that is landfilled within the district.
- 36 Total the amount of waste landfilled in the district (line 34 plus line 35).

	BASE YEAR		(Tons per Year)					2011
	1992	1993	1994	1995	1996	1997	1998	
20 Waste from District for Disposal.....	132,490	126,170	119,750	113,330	91,790	84,850	81,900	89,850
Waste for Disposal Out of District								
Sent to Other District(s):								
21 District A.....	4,000	4,100	4,200	4,300	4,400	4,500	4,600	5,900
22 District B.....	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Sent to Other State(s):								
23 State A.....	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
24 State B.....	17,500	17,800	18,100	18,400	18,700	19,000	19,300	23,200
25 Total.....	24,700	25,100	25,500	25,900	26,300	26,700	27,100	32,300
Waste for Disposal In District:								
26 Originating In District.....	107,790	101,070	94,250	87,430	65,490	58,150	54,800	77,550
Originating in Other District(s):								
27 District A.....	25,000	25,400	25,800	26,200	26,600	27,000	27,400	33,200
28 District B.....	5,000	5,100	5,200	5,300	5,400	5,500	5,600	6,900
Originating Out of State:								
29 State A.....	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
30 State B.....	17,500	17,800	18,100	18,400	18,700	19,000	19,300	23,200
31 Sub-Total Imported Waste.....	49,500	50,300	51,100	51,900	52,700	53,500	54,300	65,300
32 Total Waste Managed in District.....	157,290	151,370	145,350	139,330	118,190	111,650	109,100	122,850
Waste Incinerated								
33 in District.....	0	0	0	0	0	0	91,250	91,250
34 Net.....	157,290	151,370	145,350	139,330	118,190	111,650	17,850	31,600
35 Ash Residue.....	0	0	0	0	0	0	25,550	25,550
Waste Landfilled in								
36 District.....	157,290	151,370	145,350	139,330	118,190	111,650	43,400	57,150

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An important element of your planning for future solid waste management needs is determining what facilities are in place today. In addition, this information will be useful to IDEM in assessing the current status of Indiana's waste management facilities in light of emerging federal and state regulations.

In this subsection you will be asked to provide basic data about the disposal and management facilities operating in your district today.

For ease of completion, we suggest that you remove the forms (right-hand pages) and reproduce enough copies to prepare a draft and final version. Then, return the pages to the manual for easy reference to the instructions applying to each item. You will notice that each form contains space to report on one or more facilities; if your district contains more facilities than provided for on a form, reproduce additional sheets as necessary. The forms are designed to be prepared on a typewriter using double line spacing. However, if you are using an automated word processing system, the easiest approach may be to retype the forms along with the data being reported. For that reason, we have attempted to keep the material to be typed to a minimum, with explanatory and instructional material on the left-hand pages. When retyping the forms, please use double spacing; one-inch top, bottom, right, and left margins; and 12-pitch type size.

When the inventory is complete, number the pages sequentially in the upper right corner, beginning with 2.5-1, 2.5-2, etc.

We have tried to keep the information requested as consistent as possible for all of the facilities cataloged. However, since there are differences among their purposes and operations, you will need to compile slightly different data for each type of facility.

2.5.1
OVERVIEW OF EXISTING SOLID WASTE MANAGEMENT FACILITIES/PROGRAMS
Instructions

This page summarizes the information on the existing solid waste programs in your district. While it is presented as the first page of this subsection, you may find it more convenient to complete this page after you have finished the facilities inventory.

- 1 Facility - The facilities to be summarized are listed in the lefthand column.
- 2 Number - list the number of facilities of each type.
- 3 Design capacity - where applicable, state the total capacity the facilities were designed to accommodate (tons or tons per day [tpd]).
- 4 Remaining capacity - state the remaining capacity based on historical data.
- 5 Quantity in base year - state the total amount managed from January 1 to December 31 of the base year.

2.5.1
**OVERVIEW OF EXISTING SOLID WASTE MANAGEMENT
 FACILITIES/PROGRAMS**

1 Facility	2 Number	3 Design Capacity	4 Remaining Capacity (tons)	5 Quantity in Base Year
Landfills				
Collection Services		N/A	N/A	
Transportation Services		N/A	N/A	
Transfer Station			N/A	
Incinerators/ Waste-to-Energy Facilities			N/A	
Recycling Programs		N/A	N/A	
Compost Facilities		N/A	N/A	
Solid Waste Collection Centers			N/A	

2.5.2
LANDFILLS
Instructions

- 1 Name - name of the landfill.
- 2 Site address - street address or site location.
- 3 Mailing address - location of management and address for business correspondence. Include ZIP code. (May be same as 2.)
- 4 Owner - name owner of record (private or municipal entity).
- 5 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 6 Permit number - self-explanatory.
- 7 Waste types - list the types of currently waste accepted at this landfill; for example, MSW, demolition/construction debris, asbestos, yard waste, other (specify).
- 8 Phone - operator's telephone number (include area code).
- 9 Original design capacity - state in tons the facility's intended capacity when it was put into service
- 10 Remaining capacity (tons) - state the current expected capacity based on the most recent professional estimate.
- 11 Remaining life (years) - state the current expected lifespan based on the most recent professional estimate.
- 12 Quantity accepted in base year - state the total amount managed from January 1 to December 31 of the base year.
- 13 Access - is this landfill open to the public, or is it restricted to use by a single entity or waste type? Answer public or captive (dedicated to a single entity that generates and disposes of its own waste.)
- 14 List the name, registration, and company of the professional who developed the estimates for items 10 and 11. Include the date that estimate was completed.

1 Name	6 Permit No.
2 Site Address	7 Waste Types Accepted
3 Mailing Address	
4 Owner	
5 Operator	8 Phone
	13 Access
9 Original Design Capacity (tons)	
10 Remaining Capacity (tons)	14 Current Capacity Estimated By
11 Remaining Life (years)	
12 Quantity Accepted in Base Year ____ (tons)	Date

1 Name	6 Permit No.
2 Site Address	7 Waste Types Accepted
3 Mailing Address	
4 Owner	
5 Operator	8 Phone
	13 Access
9 Original Design Capacity (tons)	
10 Remaining Capacity (tons)	14 Current Capacity Estimated By
11 Remaining Life (years)	
12 Quantity Accepted in Base Year ____ (tons)	Date

2.5.3
COLLECTION SERVICES
Instructions

- 1 Name - name of the collection service.
- 2 Address - location of management and address for business correspondence. Include ZIP code.
- 3 Owner - name owner of record (private or municipal entity).
- 4 Operator - name entity or individual responsible for day-to-day operations of the service.
- 5 Permit number - self-explanatory.
- 6 Phone - owner's business telephone number (include area code).
- 7 Quantity collected in base year - state the total amount collected from January 1 to December 31 of the base year.

2.5.3
COLLECTION SERVICES

1 Name	5 Permit No.
2 Address	
3 Owner	6 Phone
4 Operator	7 Quantity Collected in Base Year ____ (tons)

1 Name	5 Permit No.
2 Address	
3 Owner	6 Phone
4 Operator	7 Quantity Collected in Base Year ____ (tons)

1 Name	5 Permit No.
2 Address	
3 Owner	6 Phone
4 Operator	7 Quantity Collected in Base Year ____ (tons)

1 Name	5 Permit No.
2 Address	
3 Owner	6 Phone
4 Operator	7 Quantity Collected in Base Year ____ (tons)

1 Name	5 Permit No.
2 Address	
3 Owner	6 Phone
4 Operator	7 Quantity Collected in Base Year ____ (tons)

2.5.4
TRANSPORTATION SERVICES
Instructions

Transportation services provide bulk hauling of MSW. Transporters most commonly haul material from transfer stations to landfills or other disposal facilities. Transportation modes can include trailer trucks, rail cars, or river barges.

- 1 Name - name of the transportation service.
- 2 Address - location of management and address for business correspondence. Include ZIP code.
- 3 Owner - name owner of record (private or municipal entity).
- 4 Operator - name entity or individual responsible for day-to-day operations of the service.
- 5 Permit number - self-explanatory.
- 6 Phone - business telephone number (include area code).
- 7 Type - list types of transport vehicles used; for example, trailer trucks, rail cars, barges, other (list).
- 8 Quantity collected in base year - state the total amount collected from January 1 to December 31 of the base year.

2.5.4
TRANSPORTATION SERVICES

1 Name	5 Permit No.
2 Address	6 Phone
3 Owner	7 Type
4 Operator	8 Quantity Transported in Base Year ____ (tons)

1 Name	5 Permit No.
2 Address	6 Phone
3 Owner	7 Type
4 Operator	8 Quantity Transported in Base Year ____ (tons)

1 Name	5 Permit No.
2 Address	6 Phone
3 Owner	7 Type
4 Operator	8 Quantity Transported in Base Year ____ (tons)

1 Name	5 Permit No.
2 Address	6 Phone
3 Owner	7 Type
4 Operator	8 Quantity Transported in Base Year ____ (tons)

1 Name	5 Permit No.
2 Address	6 Phone
3 Owner	7 Type
4 Operator	8 Quantity Transported in Base Year ____ (tons)

2.5.5
TRANSFER STATIONS
Instructions

- 1 Name - name of the facility.
- 2 Site address - street address or site location.
- 3 Mailing address - location of management and address for business correspondence. Include ZIP code. (May be same as 2.)
- 4 Owner - name owner of record (private or municipal entity).
- 5 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 6 Permit number - self-explanatory.
- 7 Phone - operator's telephone number (include area code).
- 8 Functions - state the types of services provided at this facility; for example, transfer only, accepts recyclables from the public, retrieves recyclables from received wastes, etc.
- 9 Design capacity (tpd) - state the maximum daily capacity the facility can manage.
- 10 Quantity received in the base year (tpd and total) - state the average daily tonnage from January 1 to December 31 of the base year and the total tonnage for that period.

2.5.5
TRANSFER STATIONS

- | | |
|-------------------|--------------|
| 1 Name | 6 Permit No. |
| 2 Site Address | 7 Phone |
| 3 Mailing Address | 8 Functions |
| 4 Owner | |
| 5 Operator | |

- | | |
|-------------------------|--|
| 9 Design Capacity (tpd) | 10 Quantity Received
in Base Year ____ (tpd)
(total) |
|-------------------------|--|
-

- | | |
|-------------------|--------------|
| 1 Name | 6 Permit No. |
| 2 Site Address | 7 Phone |
| 3 Mailing Address | 8 Functions |
| 4 Owner | |
| 5 Operator | |

- | | |
|-------------------------|--|
| 9 Design Capacity (tpd) | 10 Quantity Received
in Base Year ____ (tpd)
(total) |
|-------------------------|--|
-

- | | |
|-------------------|--------------|
| 1 Name | 6 Permit No. |
| 2 Site Address | 7 Phone |
| 3 Mailing Address | 8 Functions |
| 4 Owner | |
| 5 Operator | |

- | | |
|-------------------------|--|
| 9 Design Capacity (tpd) | 10 Quantity Received
in Base Year ____ (tpd)
(total) |
|-------------------------|--|

2.5.6
INCINERATORS/WASTE-TO-ENERGY FACILITIES
Instructions

All incinerators and waste-to-energy facilities should be included in this inventory, including large hospital incinerators (7 TPD or more), and industrial and commercial facilities. All of these facilities should have permits.

- 1 Name - name of the facility.
- 2 Site address - street address or site location.
- 3 Mailing address - location of management and address for business correspondence. Include ZIP code. (May be same as 2.)
- 4 Owner - name owner of record (private or municipal entity).
- 5 Permit number - self-explanatory.
- 6 Phone - operator's telephone number (include area code).
- 7 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 8 Product - if some type of energy recovery is employed, describe the type; for example, electricity, district heating, steam sales. If no energy is produced, enter "none."
- 9 Design capacity (tpd) - state the maximum daily capacity the facility can manage.
- 10 Quantity processed in the base year (tpd and total) - state the average daily tonnage from January 1 to December 31 of the base year and the total tonnage for that period.
- 11 Ash for disposal (tons) - state the annual tonnage of residual ash for disposal.
- 12 Ash disposal sites - list the names and locations of all ash disposal facilities used.

2.5.6
INCINERATORS/WASTE-TO-ENERGY FACILITIES

- | | |
|---|---------------------------|
| 1 Name | 5 Permit No. |
| 2 Site Address | 6 Phone |
| 3 Mailing Address | 7 Operator |
| 4 Owner | 8 Product |
| *** | |
| 9 Design Capacity (tpd) | 11 Ash for Disposal (tpy) |
| 10 Quantity Processed in the
Base Year ____ (tpd)
(total) | 12 Ash Disposal Sites |
-

- | | |
|---|---------------------------|
| 1 Name | 5 Permit No. |
| 2 Site Address | 6 Phone |
| 3 Mailing Address | 7 Operator |
| 4 Owner | 8 Product |
| *** | |
| 9 Design Capacity (tpd) | 11 Ash for Disposal (tpy) |
| 10 Quantity Processed in the
Base Year ____ (tpd)
(total) | 12 Ash Disposal Sites |
-

- | | |
|---|---------------------------|
| 1 Name | 5 Permit No. |
| 2 Site Address | 6 Phone |
| 3 Mailing Address | 7 Operator |
| 4 Owner | 8 Product |
| *** | |
| 9 Design Capacity (tpd) | 11 Ash for Disposal (tpy) |
| 10 Quantity Processed in the
Base Year ____ (tpd)
(total) | 12 Ash Disposal Sites |

2.5.7
PUBLICLY AVAILABLE RECYCLING SERVICES
Instructions

- 1 Name - name of the facility.
- 2 Address - location of management and address for business correspondence. Include ZIP code.
- 3 Owner - name owner of record (private or municipal entity).
- 4 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 5 Phone - operator's telephone number (include area code).
- 6 Description - describe the type of service provided; for example, drop-off centers, reverse vending machines, processing facilities (materials recovery/intermediate processing centers), etc. Include not-for-profit entities such as Goodwill and Salvation Army outlets.
- 7 Processing capacity (tpd) - state daily processing capacity.
- 8 Total quantity collected in the base year - state total tonnage.
- 9 Itemize total materials collected in the base year - state tonnage of materials processed by type. Total should be same as in 8 above.

2.5.7
PUBLICLY AVAILABLE RECYCLING SERVICES

- 1 Name 5 Phone
 2 Address 6 Description
 3 Owner
 4 Operator
- ***
- 7 Daily Processing Capacity (tpd) 8 Total Quantity Collected in the Base Year ____ (tons)

9 Itemize Materials Collected in the Base Year ____

<u>Material</u>	<u>Tons</u>	<u>Material</u>	<u>Tons</u>	<u>Material</u>	<u>Tons</u>
Aluminum		Clothing		Other (list)	
Glass		Appliances			
Paper		Yard Waste			
Corrugated		Tires			
Plastic		Batteries			
Ferrous Metals					

- 1 Name 5 Phone
 2 Address 6 Description
 3 Owner
 4 Operator
- ***
- 7 Daily Processing Capacity (tpd) 8 Total Quantity Collected in the Base Year ____ (tons)

9 Itemize Materials Collected in the Base Year ____

<u>Material</u>	<u>Tons</u>	<u>Material</u>	<u>Tons</u>	<u>Material</u>	<u>Tons</u>
Aluminum		Clothing		Other (list)	
Glass		Appliances			
Paper		Yard Waste			
Corrugated		Tires			
Plastic		Batteries			
Ferrous Metals					

2.5.8
COMPOST FACILITIES
Instructions

- 1 Name - name of the facility.
- 2 Site address - street address or site location.
- 3 Mailing address - location of management and address for business correspondence. Include ZIP code. (May be same as 2.)
- 4 Owner - name owner of record (private or municipal entity).
- 5 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 6 Permit number - self-explanatory.
- 7 Phone - operator's telephone number (include area code).
- 8 Materials composted - specify yard waste, MSW, other.
- 9 Quantity processed in 1992 - state total in tons.
- 10 Product - list product or products resulting from composting process (mulch, landfill cover material, etc.)
- 11 Residue for disposal - state tonnage of material not converted to useful product that remains for final disposal (landfilling or incineration).
- 12 Disposal sites - list sites and locations.

2.5.8
COMPOST FACILITIES

1 Name	6 Permit No.
2 Site Address	7 Phone
3 Mailing Address	8 Materials Composted
4 Owner	
5 Operator	

9 Quantity Processed in the Base Year ____ (tons)	10 Product
11 Residue for Disposal (tons)	12 Disposal Sites

1 Name	6 Permit No.
2 Site Address	7 Phone
3 Mailing Address	8 Materials Composted
4 Owner	
5 Operator	

9 Quantity Processed in the Base Year ____ (tons)	10 Product
11 Residue for Disposal (tons)	12 Disposal Sites

1 Name	6 Permit No.
2 Site Address	7 Phone
3 Mailing Address	8 Materials Composted
4 Owner	
5 Operator	

9 Quantity Processed in the Base Year ____ (tons)	10 Product
11 Residue for Disposal (tons)	12 Disposal Sites

2.5.9
SOLID WASTE COLLECTION DEPOTS
Instructions

This is a collection center that receives MSW from the general public. These facilities are usually found in rural areas where curbside collection service may not be available.

- 1 Name - name of the facility.
- 2 Site address - street address or site location.
- 3 Mailing address - location of management and address for business correspondence. Include ZIP code. (May be same as 2.)
- 4 Owner - name owner of record (private or municipal entity).
- 5 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 6 Permit number - self-explanatory.
- 7 Phone - operator's telephone number (include area code).
- 8 Materials - specify materials accepted such as household trash, yard waste, recyclables, other (specify).
- 9 Attendant - is there an attendant on site to accept materials? Please answer yes or no.
- 10 Quantity in the base year - state total tonnage accepted.

2.5.9
SOLID WASTE COLLECTION DEPOTS

- 1 Name
- 2 Site Address
- 3 Mailing Address
- 4 Owner
- 5 Operator

- 6 Permit No.
- 7 Phone
- 8 Materials

9 Attendant?

10 Quantity Collected in
the Base Year ____ (tons)

- 1 Name
- 2 Site Address
- 3 Mailing Address
- 4 Owner
- 5 Operator

- 6 Permit No.
- 7 Phone
- 8 Materials

9 Attendant?

10 Quantity Collected in
the Base Year ____ (tons)

- 1 Name
- 2 Site Address
- 3 Mailing Address
- 4 Owner
- 5 Operator

- 6 Permit No.
- 7 Phone
- 8 Materials

9 Attendant?

10 Quantity Collected in
the Base Year ____ (tons)

2.5.10
WASTE TIRE PILES
Instructions

- 1 Name - name of the facility
- 2 Site location - street address if known.
- 3 Mailing address - location of management and address for business correspondence. Include ZIP code. (May be same as 2.)
- 4 Owner - name owner of record (private or municipal entity).
- 5 Operator - name entity or individual responsible for day-to-day operations of the facility.
- 6 Phone - operator's telephone number (include area code).
- 7 Size of site (acres).
- 8 Approximate number of tires.

1 Name	5 Operator
2 Site Location	6 Phone
3 Mailing Address	7 Size - Acres
4 Owner	8 Number of Tires

1 Name	5 Operator
2 Site Location	6 Phone
3 Mailing Address	7 Size - Acres
4 Owner	8 Number of Tires

1 Name	5 Operator
2 Site Address	6 Phone
3 Mailing Address	7 Size - Acres
4 Owner	8 Number of Tires

2.5.11
OPEN DUMPS
Instructions

- 1 Site location.
- 2 Owner - name owner of record (private or municipal entity).
- 3 Size of site (acres).

1 Location

2 Owner

3 Size (acres)

1 Location

2 Owner

3 Size (Acres)

1 location

2 Owner

3 Size (acres)

2.5.12
MAP OF EXISTING FACILITIES
Instructions

Please prepare a map of the district showing the existing facilities in the preceding inventory. Use a scale of 1:_____ and indicate the facilities using this key:

- | | |
|---------------------|----------------------|
| 1) Landfill | 5) Recycling Center |
| 2) Transfer Station | 6) Compost Facility |
| 3) Incinerator | 7) Collection Depots |
| 4) Waste-to-Energy | |

Please include the map as an Appendix of your plan document.

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2.6
PROJECTION OF NEEDED FACILITIES/ACTIVITIES
Instructions

Once you have:

- projected the amount of waste generated in the district,
- determined the effectiveness of various waste reduction strategies proposed to meet state goals, and
- determined the amount of waste for final disposal,

you can assess the capacity of existing facilities and determine what additional facilities are needed. You will probably have to go through this exercise several times to arrive at the best mix of strategies, weighing the cost and effectiveness of various combinations of waste reduction methods and final disposal options. When you have settled on a preferred plan and the facilities it will require, identify each facility or activity on the form shown on the facing page. Provide the requested information for new facilities/activities and for additions or expansions of existing ones.

- 1 Type - State type of facility or activity needed (compost facility, drop-off center, curbside collection, waste-to-energy plant, materials recovery facility, landfill, etc.).
- 2 Location - address for existing facility, general location for new facility.
- 3 Material processed - MSW, newspapers, mixed recyclables, yard waste, etc.
- 4 Existing/new - indicate one.
- 5 Capacity - express needed capacity in tons per day and tons per year for facilities such as composting, recycling processing. Indicate the amount of material to be processed for activities such as recycling programs. For landfills, state the total capacity in tons.
- 6 Year to begin operation - self explanatory.

2.6
PROJECTION OF NEEDED FACILITIES/ACTIVITIES

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

PROJECTION OF NEEDED FACILITIES/ACTIVITIES

2.6

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

1 Type	4 Existing/New
2 Location	5 Capacity (tpd) (tpy) (total tons)
3 Material Processed	6 Year to Begin Operations

[Insert discussion here, adding
additional pages as necessary]

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The following materials are included in this permit application package for a construction/demolition site:

Information on how to obtain copies of the Solid Waste Rule
(329 IAC 2)

1 copy of the Solid Waste Facility Permit Application

1 copy of the Fee Transmittal Form

1 copy of the Permit Application Checklist for
Construction/Demolition Sites

1 copy of the memo "Identification of Potentially Affected Persons"

1 copy of the list for Identification of Potentially Affected Persons

1 copy of the draft Closure and Post-Closure Plan Preparation Guidance

1 copy of the memorandum "Additional Requirements for Solid Waste
Permit Applications Per New Legislation" with the following
attachments:

1. House Entrolled Act No. 1472
2. IDEM Solid Waste Facility Character Disclosure Statement
3. Request for Limited Criminal History Information
4. IDEM Authorization to Release Criminal History Information
5. Title 329, Solid Waste Management Board Proposed Rule LSA
Document #90-103 ("Needs Rule")
6. House Enrolled Act No. 1388

Indiana Department of Environmental Management
Solid Waste Facility Permit Application

Instructions: This application shall be used to apply for all solid waste facility permits pursuant to 329 IAC 2-8. Upon completion, return this application and any additional materials to the following address:

**Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
105 South Meridian Street, P. O. Box 6015
Indianapolis, IN 46206-6015**

This application is for a: new permit permit modification
for additional acreage

Section A. Applicant(s) Information

Name _____			
Mailing Address, Street _____	City _____	State _____	Zip Code _____
AC - Telephone Number _____			

Section B. Property Owner(s) Information

Name _____			
Mailing Address, Street _____	City _____	State _____	Zip Code _____
AC - Telephone Number _____			

Section C. Facility Information

Name _____	
Mailing Address _____	
Facility Contact Person and Telephone # _____	
County and General Location _____	
<u>- Type of Operation -</u>	
<input type="radio"/> Sanitary Landfill <input type="radio"/> Construction/Demolition <input type="radio"/> Incinerator - 10 tons/day or greater <input type="radio"/> Infectious Waste Incinerator - 7 tons/day or greater	<input type="radio"/> Restricted Waste Site TYPE I <input type="radio"/> Restricted Waste Site TYPE II <input type="radio"/> Restricted Waste Site TYPE III <input type="radio"/> Solid Waste Processing Facility
Total Acreage Proposed for Facility _____	
Planned Life of Facility in Years _____	
Type of Waste to be received _____	
Expected Volume of Waste per day (cu. yds or tons) _____	

Section D. Permit Application Completeness Checklists

Checklists to facilitate the submittal of complete applications are available from the Office of Solid and Hazardous Waste Management. The appropriate checklist for the facility type checked in Section C above should be completed and attached as part of this application package.

Section E. Signatories

329 IAC 2-8-1(b) states the owner of the facility is responsible for applying for and obtaining a permit. 329 IAC 2-8-4 contains detailed signatory information and provides the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit information."

Facility Owner Signature

Date

The owner of the land upon which the facility is located shall also sign the application form acknowledging the land owner's responsibility in accordance with 329 IAC 2-8-7.

"I hereby certify that I am fully aware of my responsibilities established in 329 IAC 2 as owner(s) of the land upon which a solid waste facility is located and shall be liable for any environmental harm caused by the facility."

Property Owner Signature

Date

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SOLID WASTE FACILITY PERMIT APPLICATION

FEE TRANSMITTAL FORM

Instruction:

This form shall be used to transmit fees for all solid waste management facility permits (NEW permits, RENEWALS of permits, MAJOR MODIFICATIONS* of permits and ANNUAL OPERATING FEES) pursuant to 329 IAC 2-8, and is to accompany all payments. Make check or money order payable to the Indiana Department of Environmental Management. Upon completion, return this form and appropriate fees to the following address:

Cashier, Room 140
Indiana Department of Environmental Management
105 South Meridian Street
P. O. Box 7060
Indianapolis, IN 46206-7060

(NOTE: A COPY of your check and a COPY of this fee transmittal form must be attached to your permit application).

Section A. Applicant(s) Information

Name:		
Mailing Address:	Street	City
State	Zip Code	AC-Telephone Number:
Facility Name and County:		

*"Major Modification" means any change in a permitted solid waste facility which would increase the facility's permitted capacity to process or dispose of solid waste. (Per 329 IAC 2-2-1 as amended on February 19, 1991).

Section B. Solid Waste Permit Fee Schedule

1. Non-Government Entities

The following fees are to accompany new permit applications and major modifications to existing permits.

	<u>Permit Application for New Sites and Major Modifications</u>	<u>Annual Operating Fees*</u>
Sanitary Landfill		
> 500 tons/day	<input type="checkbox"/> \$20,000	<input type="checkbox"/> \$35,000
250-499 tons/day	<input type="checkbox"/> \$20,000	<input type="checkbox"/> \$15,000
100-249 tons/day	<input type="checkbox"/> \$20,000	<input type="checkbox"/> \$7,000
< 100 tons/day	<input type="checkbox"/> \$20,000	<input type="checkbox"/> \$2,000
Processing Facilities (non-incineration)	<input type="checkbox"/> \$5,000	<input type="checkbox"/> \$2,000
Incinerators		
> 500 tons/day	<input type="checkbox"/> \$20,000	<input type="checkbox"/> \$35,000
250-499 tons/day	<input type="checkbox"/> \$20,000	<input type="checkbox"/> \$15,000
100-249 tons/day	<input type="checkbox"/> \$20,000	<input type="checkbox"/> \$7,000
10-99 tons/day	<input type="checkbox"/> \$20,000	<input type="checkbox"/> \$2,000
Infectious Waste Incinerator (≥ 7 tons/day)	<input type="checkbox"/> \$4,000	<input type="checkbox"/> \$5,000
Restricted Waste Site Type I	<input type="checkbox"/> \$14,000	<input type="checkbox"/> \$15,000
Restricted Waste Site Type II	<input type="checkbox"/> \$4,000	<input type="checkbox"/> \$10,000
Restricted Waste Site Type III	<input type="checkbox"/> \$2,000	<input type="checkbox"/> \$2,000
Construction/Demolition Site	<input type="checkbox"/> \$1,000	<input type="checkbox"/> \$1,500
Waste Tire Cutting Facility	<input type="checkbox"/> \$100	<input type="checkbox"/> \$100

*Annual operating fees will replace renewal fees.

2. Government Entities

	<u>Permit Application for New Sites and Major Modifications</u>	<u>Permit Renewal</u>
Sanitary Landfill	<input type="checkbox"/> \$1,000	<input type="checkbox"/> \$500
Processing Facility (non-incineration)	<input type="checkbox"/> \$500	<input type="checkbox"/> \$250
Incinerator (≥ 10 tons/day)	<input type="checkbox"/> \$1,000	<input type="checkbox"/> \$500
Infectious Waste Incinerator (≥ 7 tons/day)	<input type="checkbox"/> \$1,000	<input type="checkbox"/> \$500
Restricted Waste Site Type I	<input type="checkbox"/> \$1,000	<input type="checkbox"/> \$500
Restricted Waste Site Type II	<input type="checkbox"/> \$1,000	<input type="checkbox"/> \$500
Restricted Waste Site Type III	<input type="checkbox"/> \$500	<input type="checkbox"/> \$250
Construction/Demolition Site	<input type="checkbox"/> \$500	<input type="checkbox"/> \$250

INFORMATION FOR SOLID WASTE PERMIT APPLICANTS
SOLID WASTE RULE 329 IAC 2

Copies of the Solid Waste Rule (329 IAC 2) are available for \$14.65 from the Legislative Services Agency, 302 State House, Indianapolis, Indiana 46204. Address questions to Ms. Rebecca Walker, Office Manager, Administrative Code-Register, Legislative Services Agency at AC 317/232-9557. Make checks payable to the Legislative Services Agency. If you obtain a copy in person, proceed to Room 106 directly. (Room 302 is the main office where mail is received and processed.)

:4170Y 9-27-91 bja



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor
Kathy Prosser
Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

March 4, 1991

TO: Applicant

FROM: Kathy Prosser
Commissioner

SUBJECT: Identification of Potentially Affected Persons

The Administrative Orders and Procedures Act requires that the Department of Environmental Management give notice of its decision on your application to the following persons:

- a. each person to whom the decision is specifically directed;
- b. each person to whom a law requires notice be given;
- c. each competitor who has applied to the Department of Environmental Management for a mutually exclusive license, if issuance is the subject of the decision and the competitor's application has not been denied in an order for which all rights to judicial review have been waived or exhausted;
- d. each person who has provided the Department of Environmental Management with a written request for notification of the decision;
- e. each person who has a substantial and direct proprietary interest in the issuance of the permit (or variance);
- f. each person whose absence as a party in the proceeding concerning the permit (or variance) decision would deny another party complete relief in the proceeding or who claims an interest related to the issuance of the permit (or variance) and is so situated that the disposition of the matter, in the person's absence may:
 1. as a practical matter impair or impede the persons ability to protect that interest, or
 2. leave any other person who is a party to a proceeding concerning the permit subject to a substantial risk of incurring multiple or otherwise inconsistent obligations by reason of the person's claimed interest.

IC 4-21.5-3-5(f) provides that we may request your assistance in identifying these people. Our failure to properly identify and notify these people of the decision could have the result of voiding any decision which is made.

As part of your application, identify those people who you believe are entitled to notice by IC 4-21.5-3-5. I am especially interested in your identifying those addressed under subdivisions (e) and (f) above.

Your assistance in identifying these people will help ensure that the legislature's intent is met and the decision made by the Department of Environmental Management is upheld upon administrative or judicial review.

Thank you for your cooperation.

Identification of Potentially Affected Persons

Please read the attached letter from the Commissioner and list here any persons whom you have reason to believe have a substantial or proprietary interest in this matter or could otherwise be considered to be potentially affected under the law. Failure to notify a person who is later determined to be potentially affected could result in voiding our decision on your permit on procedural grounds. To ensure conformance with the Administrative Adjudication Act and to avoid reversal of a decision on your permit, please list all such parties. Use additional sheets if necessary.

NAME _____

STREET _____

CITY, STATE, ZIPCODE _____

NAME _____

STREET _____

CITY, STATE, ZIPCODE _____

NAME _____

STREET _____

CITY, STATE, ZIPCODE _____

Please complete this form by signing the following statement.

I certify that to the best of my knowledge I have listed all potentially affected parties, as defined by IC 4-21.5, known to me. If none are listed it signifies that no such parties are known.

Signed _____

Title _____

Company _____

Date _____

DRAFT

Closure & Post-Closure Plan Preparation Guidance
for
Solid Waste Land Disposal Facilities
Indiana Department Of Environmental Management
May 1989

This document has been prepared as guidance to the regulated community on the preparation of closure and post-closure plans as required by 329 IAC 2. For new land disposal facilities and additional acreage amendment applications, closure and post-closure plans are required as part of the application package. Existing land disposal facilities are not to remain open after September 1, 1989 unless they submit these plans prior to that date. Closure and post-closure plan requirements are specified in Rule 329 IAC 2-15.

Existing facilities are also required to establish financial responsibility for post-closure by September 1, 1989, and for closure by September 1, 1992. Procedures for establishing financial mechanisms are not part of this guidance. Mr. Kevin Hogan of the Solid Waste Management Branch may be contacted at 317/232-3412 for guidance and sample forms.

This guidance has been prepared by staff of the Office of Solid and Hazardous Waste Management, but has not been adopted or approved by the Agency. As such, it is noted as "draft". At a later date, it may be updated or finalized. If you have any comments or questions or wish to check on the availability of any new guidance, please contact the Solid Waste Management Branch at 317/232-3592.

Preparation Of Closure & Post-Closure Plans

Attached are forms that may be used to prepare your closure and/or post-closure plans. These forms are not mandated, but may be used for your convenience. If you do not use the actual forms, then the forms and these instructions should be used as a guide to what should be included in your plans.

You are reminded that if there is any change that causes the submitted information to be incorrect, the applicant must notify the commissioner within 15 days and submit corrected information within a reasonable time (329 IAC 2-8-1(c)).

Closure Plan Line-By-Line Instructions

Item I

Give the facility's name, location, county, solid waste permit number, and total fill acreage.

Existing permitted facilities should give their solid waste permit number if one has been specified in a permit or renewal issued since 329 IAC 2 became effective. Otherwise, the facility's Construction Permit Number should be given. New facilities should indicate "N/A" for not applicable.

For "Total Fill Acreage", existing facilities should provide the total acreage at the site approved for filling regardless of whether some of the area has already received final cover and vegetation. There is a further discussion of areas that are already closed under the instructions for Items II and VIII.

Item II

Give a description of partial closure activities, if any are planned, and a description of final closure activities.

Partial closure refers to the closure (including final cover, vegetation, and certification) of an area of the landfill while

the rest of the landfill remains in operation. The closure plan may specify that partial closure of the landfill will occur according to some type of schedule. This will decrease the area needing closure when the landfill stops operation.

The regulation indicates that the description of closure activities be acceptable for closure at any point in the facility's intended life. In most cases, allowing for early closure in the description of activities will only mean indicating that the facility will close either at the elevations specified by the approved final contour map or at lesser elevations with slopes that are consistent with permit or regulatory minimums and maximums and adequate to prevent ponding of water on filled areas.

Items that should minimally be described for final closure are:

- notifications to the agency and customers;
- source of cover soils;
- compacted cover and topsoil thicknesses;
- soil classifications and testing specifications for the compacted cover and topsoils;
- compaction methods for the cover including lift thicknesses;
- methods and/or testing to provide appropriate slopes and final elevations;
- procedures to establish vegetation;
- any planned construction, modification, or repair of drainage structures;
- any planned new access control measures or repairs of existing access control; and
- certification statements and notices as required by 329 IAC 2-15-5.

The preceding listing was written from the perspective of what will be needed for most sanitary landfills. Some of the requirements may not be applicable to all facilities. For instance, Type III sites and construction/demolition sites are not specifically required by regulation to provide six inches of topsoil.

For most areas that are already permitted, the approved plans and permit specify the type of soil to be used for final cover. If the source of cover soil has already been tested as part of the facility's permit application, then no further testing may be necessary as part of closure activities. Otherwise, soil classification testing should be included as necessary to characterize the soil. Compaction methods should describe lift thicknesses and should also describe either the number of passes of compacting equipment or else the testing for density which will be done.

Closure plans submitted for existing areas, as specified by 329 IAC 2-7-6(b), are not allowed, by regulation, to conflict with previously approved plans. No changes in the landfill fill area or slopes are permitted.

Many currently-permitted sanitary landfills are not required by their current permits to place six inches of topsoil on top of their cover. As specified in the regulation, these landfills will become subject to this requirement at their first permit renewal under 329 IAC 2. Landfills may indicate that their cover will include the six inches of topsoil without being considered to be in conflict with their approved plans in violation of 329 IAC 2-7-6(b). Alternatively, the closure plans may indicate that the topsoil will be included for closure of areas occurring after renewal.

Item III

Give a listing of labor, materials, and testing necessary to close the facility. All activities described in Item II should be accounted for.

Item IV

For Item IV.A, give an estimate of the expected year of closure. It is often difficult to accurately forecast the exact lifetime of a facility. The regulation reflects this uncertainty in asking for only an estimate. This date is not a commitment by the facility to close by a certain date. The time before closure

may however affect the rate at which the post-closure mechanism must be funded. The date of closure should be estimated by dividing the remaining fill volume by the average rate of incoming waste. Normally for sanitary landfills, 20% of the total fill volume is subtracted to allow for cover soil volume and a 2:1 ratio of incoming to in-place volume for the waste is assumed.

For Item IV.B, the total time required to close the facility should be the anticipated length of time between when the facility ceases accepting waste and when the submittals required by 329 IAC 2-15-5 are submitted to the agency. In order to allow for periods of inclement weather during the placement of cover and establishment of vegetation, a time of one year is suggested.

The time for intermediate closure steps under Item IV.C. should be specified for placement of final cover, placement of topsoil, seeding, and activities related to drainage and access control. The regulation requires (at 329 IAC 2-14-13, 14, 15, & 16) that sites apply the final cover within certain time frames. Sanitary landfills are required to place final cover within 180 days.

It is important to note that 329 IAC 2-15-6(a) requires that final closure be initiated within 15 days after receiving the final volume of waste. It may be appropriate to include notification of closure to the agency as an early step in closure in order to meet this deadline.

Item V

Calculate the cost per acre to provide two feet of compacted clay soil; six inches of topsoil; vegetation; and certification of closure including any testing necessary for such certification. Provide this figure based on the above work regardless of whether your actual cover will be more or less extensive than what is specified. The regulation does not require a higher financial assurance for those who plan a more extensive cover system (such as a thicker cover), nor does the regulation allow a smaller amount for those required to do less.

Closure costs must be calculated based on the cost necessary for the work to be performed by a third party. A suggested reference for many of the costs is "Means Site Work Cost Data" by the R.S. Means Company, Inc. In other cases, local contractors may need to be contacted.

The cost of drainage features on the final cover, such as swales and downchutes, may be included in Item V or in Item VI. If these items are included under Item V, then they must be accomplished as part of partial closure, if planned, for an area.

Item VI

List the cost for items other than final cover and vegetation such as drainage structures (if not included above), access repair, and recording the notice on the deed.

Item VII

Multiply Item I.E. by Item V.G. and then add Item VI.C.

Item VIII

Check the yes or no box to indicate whether funding will be on an incremental basis. The regulation provides for two different options for closure cost estimates: the entire facility standard and the incremental standard.

With the entire facility standard, financial assurance must be provided for the cost of closing the entire facility although this amount may be reduced as areas are certified as partially closed. As an example, if a facility planned to fill 100 acres and needed \$10,000/acre for closure, then financial assurance would need to be provided initially for \$1,000,000. This amount could be decreased during the life of the facility as areas are certified as partially closed.

For the incremental standard, the facility is allowed to provide assurance for the closure cost based on a yearly

projection taking into account the areas which will have received waste by the end of the year minus the area that will be closed at the beginning of the year. For example, if, at the beginning of year #3, a facility has placed waste onto five acres of which one has been certified as partially closed and the facility plans on filling two additional acres during the third year, then financial assurance must be provided at the beginning of the year for:

$$5 \text{ acres} - 1 \text{ acre} + 2 \text{ acres} = 6 \text{ acres.}$$

The question has been raised about how to handle areas that are closed either prior to the new regulation becoming effective or to closure plan approval. The regulation specifies that partial closures are to certify that the areas were closed in accordance with approved closure plan. The argument has been made that the facility's permit is, in effect, the approved closure plan prior to approval of the new plan. This argument seems to be a practical way to avoid having facilities be responsible for financial assurance of large areas that are already closed.

If the answer to Item VIII.A is no, skip to Item IX.

For Item VIII.B, attach a copy of the facility's approved final contour map. Indicate on this map the maximum areas of waste deposition on a yearly basis for the remaining life of the facility. The map should clearly identify the lines used to delineate the required boundaries. The map should also be appropriately titled, dated, and show the preparing engineer's certification.

Fill in the table for Item VIII.C. For closure plans required for existing areas under 329 IAC 2-7-6(b), year #1 should start on September 1, 1989. Photocopy additional pages as necessary.

Item IX

Closure plans are required to be certified by a professional engineer registered in the State of Indiana.

Post-Closure Plan Line-By-Line Instructions

Item I

Give the facility's name, location, county, and solid waste permit number.

Existing permitted facilities should give their solid waste permit number if one has been specified in a permit or renewal issued since 329 IAC 2 became effective. Otherwise, the facility's Construction Permit Number should be given. New facilities should indicate "N/A" for not applicable.

Item II

The name, address, and phone # of the permittee who shall be the contact person during post-closure must be provided.

Item III

Provide a description of planned ground water monitoring activities including frequencies. Certain facilities may not be required to monitor ground water. Construction/demolition sites and Restricted Waste Type III sites do not have to monitor ground water if not specified by their permits. These facilities may indicate "N/A" for this item.

You should be aware that 329 IAC 2 requires semi-annual monitoring of ground water as opposed to the quarterly monitoring required in the past. Specific parameters, different from those commonly required in the past, are also specified in the regulation.

Item IV

329 IAC 2-15-7 specifies required post-closure duties. These duties should be reiterated here within the post-closure plan with any necessary detail provided. In particular, 329 IAC 2-15-7(a)(8) & (9) require monitoring of leachate collection and treatment and methane control systems plus control of any gas or leachate generated. These monitoring and control activities need to be

delineated.

You should be aware that Rule 14 of the regulation requires that sanitary landfills implement an approved methane monitoring program. Existing facilities should describe their anticipated monitoring program within the post-closure plan if one has not yet been approved.

Item V

Provide post-closure cost estimates as specified. These estimates should be for the entire 10-year post-closure period rather than on a yearly basis. Costs must be calculated based on the cost necessary for the work to be performed by a third party.

For maintenance of the final cover and vegetation (Item V.B), the cost shall be 10% of the cost per acre calculated for final cover and vegetation calculated in the closure plan multiplied by the total acreage permitted for filling.

Item V.C requires the cost for vegetation control. The regulation at 329 IAC 2-15-7(a)(4) requires control of vegetation on vehicular accessways to monitoring wells. At 329 IAC 2-15-7(a)(5), the regulation requires control of vegetation at the site as necessary to enable the need for slope and cover maintenance and leachate outbreak abatement. In general this will require the landfill to mow portions of the site on at least a yearly basis.

Item V.H requires the cost for ground water monitoring. A January of 1988 survey of ground water monitoring costs by staff indicated an approximate cost per well of \$140 for sampling and \$310 for analysis of the parameters required for sanitary landfills. This cost of \$450 would need to be multiplied by 20 to provide for 10 years of biannual sampling and then multiplied by the number of wells needing to be monitored. This projected cost may change if rates by monitoring laboratories change.

The costs for leachate hauling and disposal (Item V.I & J) may

be quite extensive for some facilities and not applicable to others. For facilities not required to collect leachate, these items may be marked "N/A".

Item VI

The permittee or an authorized representative of the permittee must sign the post-closure plan and provide his name, address, and phone number.

SOLID WASTE CLOSURE PLAN

I. GENERAL INFORMATION

- A. Facility Name: _____
- B. Facility Location: _____

- C. Facility County: _____
- D. Facility Solid Waste Permit No.: _____
- E. Total Fill Acreage (See instructions.): _____

II. CLOSURE ACTIVITIES (Provide a description of the steps that will be used to partially close, if applicable, and finally close the facility. See instructions for items that should be included.)

II. CLOSURE ACTIVITIES (Continued.
necessary.)

Photocopy additional pages as

IV. EXPECTED YEAR OF CLOSURE

A. Expected Year Of Closure:

B. Total Time Required To Close Facility
(See instructions.)

C. Time Required For Intermediate Steps In Closure (Provide
a description of intermediate closure activities and the time
required. See instructions.)

V. COST PER ACRE FOR FINAL COVER & VEGETATION

A. What % Of Final Cover And Topsoil Is Available From Areas That Are Controlled, And Will Be Controlled Through Post-Closure, By The Permittee?

- 1. % of final cover _____
- 2. Describe location of sources _____

- 3. % of topsoil _____
- 4. Describe location of sources _____

B. Cost Per Acre for Acquisition, Placement, & Compaction of Two Feet of Final Cover

1. Acquisition

- a. Quantity of clay needed per acre (cy/acre) 3,230
- b. Excavation unit cost (\$/cy) (if obtained on-site) _____
- c. Purchase unit cost (\$/cy) (if obtained off-site) _____
- d. Delivery unit cost (\$/cy) (if obtained off-site) _____
- e. Acquisition cost (\$/acre)
Line 1a * Line 1b (or)
Line 1a * (Line 1c + Line 1d) _____

2. Placement and Compaction

- a. Placement/spreading unit cost (\$/cy) _____
- b. Compaction unit cost (\$/cy) _____
- c. Placement and compaction cost (\$/acre)
Line 1a * (Line 2a + Line 2b) _____

3. Testing

a. Soil classification (if soil source is of variable quality)(\$/acre) _____

b. Survey control for cover thickness and proper slopes (\$/acre) _____

c. Density testing (if planned)(\$/acre) _____

d. Testing cost (\$/acre)
Line 3a + Line 3b + Line 3c _____

4. Clay Cover Cost (\$/acre)
Line 1e + Line 2c + Line 3d _____

C. Cost Per Acre For Acquisition & Placement of Topsoil

1. Acquisition

a. Quantity of topsoil needed per acre (cy/acre) _____

807

b. Excavation unit cost (\$/cy) (if obtained on-site) _____

c. Purchase unit cost (\$/cy) (if obtained off-site) _____

d. Delivery unit cost (\$/cy) (if obtained off-site) _____

e. Acquisition cost (\$/acre)
Line 1a * Line 1b (or)
Line 1a * (Line 1c + Line 1d) _____

2. Placement

a. Spreading unit cost (\$/cy) _____

b. Placement cost (\$/acre)
Line 1a * Line 2a _____

3. Topsoil Cost (\$/acre)
Line 1e + Line 2b _____

D. Cost Per Acre to Establish Vegetation

- 1. Vegetation
 - a. Seeding unit cost (\$/acre) _____
 - b. Fertilization unit cost (\$/acre) _____
 - c. Mulching unit cost (\$/acre) _____
 - d. Vegetation Establishment Cost (\$/acre)
Line 1a + Line 1b + Line 1c _____

E. Cost Per Acre to Certify Closure

- 1. Registered Professional Engineer
 - a. Initial review of closure plan (hrs) _____
 - b. Total number of inspections _____
 - c. Inspection time required (hrs/visit) _____
 - d. Total inspection time (hrs)
Line 1b * Line 1c _____
 - e. Prepare final documentation (hrs) _____
 - f. Total engineer time (hrs)
Line 1a + Line 1d + Line 1e _____
 - g. Engineer unit labor cost (\$/hr) _____
 - h. Professional engineer cost (\$)
Line 1f * Line 1g _____
 - i. Area of site permitted for
filling (acres) _____
 - j. Closure Certification Cost (\$/acre)
Line 1h + Line 1i _____

F. Other Costs Per Acre for Final Cover and Vegetation

1. Other Costs (\$/acre) (Specify.)

G. Total of Items B Through F
(Must not be less than \$5,000)

VI. OTHER CLOSURE COSTS (Give these on a total facility basis rather than per acre.)

A. Notation on Property Deed

B. Other Costs

Costs for items such as drainage features, installation of gas vents, etc. should be delineated in this section.

1. Activity

Cost

C. Total (Add costs from sections A. and B.) _____

VII. CLOSURE COST ESTIMATE (Multiply Item I.E by
Item V.G. and then add Item VI.C.): _____

VIII. ADDITIONAL INFORMATION REQUIRED FOR FACILITIES PROVIDING
FINANCIAL ASSURANCE ON AN INCREMENTAL BASIS

A. Will Closure Financial Assurance Be Provided On An
Incremental Basis? (If the answer to this question
is no, skip to Item IX.): _____

B. Map Of Areas Of Waste Deposition (Attach a copy of
the facility's final contour map which shows the
maximum areas of waste deposition on a yearly basis
for the remaining life of the facility.)

C. Maximum Areas Of Waste Deposition & Closure Costs (Fill in the following table for each remaining year of the facility's life.)

Year	Max. Area of Waste Deposition (cumulative acres) (end of year)	Closure Cost w/o Partial Closure (\$)	Area Partially Closed (cumulative acres) (start of year)	Incremental Closure Cost (\$)

IX. ENGINEER CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit this information.

Signature: _____ Date: _____

Name: _____

Address: _____

Telephone #: _____

Professional Engineer Registration No.: _____

SOLID WASTE POST-CLOSURE PLAN

I. GENERAL INFORMATION

A. Facility Name: _____

B. Facility Location: _____

C. Facility County: _____

D. Facility Solid Waste Permit No.: _____

II. POST-CLOSURE CONTACT PERSON

A. Name: _____

B. Address: _____

C. Telephone No.: _____

III. GROUND WATER MONITORING ACTIVITIES (Provide a description of planned ground water monitoring activities including the frequency of the activities. See instructions.)

IV. **MAINTENANCE ACTIVITIES** (Provide a description of planned maintenance activities and the frequency at which they will be performed. See instructions.)

V. POST-CLOSURE COST ESTIMATE (See instructions. Note that these estimates are to be presented for the entire 10-year post-closure care period rather than on a yearly basis.)

A. Cost for Semi-Annual Inspections and Reports

1. Inspection

- a. Number of inspections during post-closure period (semiannual inspections for 10 years) 20
- b. Inspector time required (hrs/insp) _____
- c. Inspector unit labor cost (\$/hr) _____
- d. Inspection Cost (\$) _____
Line 1a * Line 1b * Line 1c

2. Report Preparation

- a. Number of reports during post-closure period 20
- b. Cost per report (\$) _____
- c. Report cost (\$) _____
Line 2a * Line 2b

3. Inspection and Report Cost (\$)

B. Cost for Maintenance of Final Cover and Vegetation

The cost for cover maintenance and vegetation shall be 10 percent of the cost per acre calculated for final cover and vegetation in the closure plan. (329 IAC 2-15-8(b)(4))

1. Final Cover Maintenance

- a. 10% of cost for placement of final cover and vegetation (as determined in Item V.G of the Closure Plan) (\$/acre) _____
- b. Total area of site permitted for filling (acres) _____
- c. Cover Maintenance Cost (\$) _____
Line 1a * Line 1b

C. Cost for Vegetation Control

Certain areas are required to be mowed per regulation. See instructions.

1. Mowing

- a. Mowing frequency (visits/10 years) _____
- b. Area to be mowed (acres/visit) _____
- c. Mowing unit cost (\$/acre) _____
- d. Vegetation Control Cost (\$) _____
Line 1a * Line 1b * Line 1c

D. Cost for Maintenance of Access Control & Benchmarks

1. Access Control Maintenance

- a. Access control maintenance frequency (visits/10 years) _____
- b. Amount of fence needing replacement (linear feet/visit) _____
- c. Fencing unit cost (\$/linear foot) _____
- d. Fence cost (\$) _____
Line 1a * Line 1b * Line 1c
- e. Other (\$) _____
(specify) _____
- f. Access Control Maintenance Cost (\$) _____
Line 1d + 1e

2. Benchmark Maintenance Cost (if any) (\$) _____

3. Access Control & Benchmark Repair Cost (\$) _____
Line 1f + Line 2

E. Cost for Leachate Collection System Monitoring and Maintenance

1. Leachate Collection System Inspection

a. Inspection frequency (insp/10 years) _____

b. Inspection time required (hrs/insp) _____

c. Inspector unit labor cost (\$/hr) _____

d. Inspection cost (\$)
Line 1a * Line 1b * Line 1c _____

2. Leachate Collection System Maintenance

a. Number of pumps replaced during post-closure (pumps/10 years) _____

b. Pump unit cost (\$/pump) _____

c. Other (\$)
(specify) _____

d. Leachate system maintenance
(Line 2a * Line 2b) + Line 2c _____

3. Leachate Collection Monitoring and Maintenance Cost (\$)
Line 1d + Line 2d _____

F. Cost for Methane Control System Monitoring and Maintenance

1. Methane Control System Monitoring

a. Gas monitoring frequency
(visits/10 years) _____

b. Time required to monitor
(hrs/visit) _____

c. Contract lab technician unit
labor cost (\$/hr) _____

d. Gas monitoring cost (\$)
Line 1a * Line 1b * Line 1c _____

2. Gas Monitoring Well Maintenance

- a. Maintenance frequency (visits/10 years) _____
- b. Monitoring wells needing maintenance per visit _____
- c. Maintenance time required (hrs/well) _____
- d. Unit labor cost (\$/hr) _____
- e. Monitoring well maintenance cost (\$) _____
Line 2a * Line 2b * Line 2c *
Line 2d

3. Gas Monitoring and Maintenance Cost (\$) _____
Line 1d + Line 2e

G. Cost for Ground Water Monitoring System Maintenance

1. Monitoring Well Maintenance

- a. Maintenance frequency (visits/10 yrs) _____
- b. Number of monitoring wells needing maintenance per visit _____
- c. Maintenance time required (hrs/well) _____
- d. Unit labor cost (\$/hr) _____
- e. Monitoring well maintenance cost (\$) _____
Line 1a * Line 1b * Line 1c * Line 1d

2. Monitoring Well and Parts Replacement

- a. Number of wells needing replacement during post-closure period _____
- b. Existing monitoring well sealing unit cost (\$/well) _____
- c. New monitoring well construction unit cost (\$/well) _____

- d. Monitoring well replacement cost (\$) _____
Line 2a * (Line 2b + Line 2c)
- e. Number of pumps needing replacement _____
during post-closure period
- f. Pump unit cost (\$/pump) _____
- g. Pump cost (\$) _____
Line 2e * Line 2f

3. Ground Water Monitoring System _____
Maintenance Cost (\$) _____
Line 1e + Line 2d + Line 2g

H. Cost for Ground Water Monitoring

- 1. Ground Water Monitoring
- a. Number of required monitoring wells _____
- b. Monitoring frequency _____
(semiannual sampling for 10 years) 20
- c. Sampling and analysis cost (\$/well) _____
- d. Ground Water Monitoring Cost (\$) _____
Line 1a * Line 1b * Line 1c

I. Cost for Leachate Hauling

- 1. Leachate Pumping & Hauling
- a. Leachate removal frequency _____
(visits/10 years)
- b. Quantity to be managed off-site _____
(gallons/visit)
- c. Truck capacity (gallons) _____
- d. Number of loads/visit _____
Line 1b ÷ Line 1c _____
(round up to nearest integer)

e. Pumping and transportation
unit cost (\$/load)

f. Leachate Hauling Cost (\$)
Line 1a * Line 1d * Line 1e

J. Cost for Leachate Disposal

1. Leachate Treatment

a. Volume of leachate requiring
disposal (gallons)

b. Disposal unit cost (\$/gal)

c. Leachate Disposal Cost (\$)
Line 1a * Line 1b

K. Other Costs

Any costs not included in the above items should be included here. These might include drainage ditch, access road, and sedimentation pond maintenance, lift station power costs, etc.

1. Activity

Cost

2. Total of Other Costs (\$)

L. Total Post Closure Cost Estimate (\$) _____
(Total of preceding categories)

VI. SIGNATORY CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit this information.

Signature: _____ Date: _____

Name: _____

Address: _____

Telephone #: _____

PERMIT APPLICATION CHECKLIST

CONSTRUCTION/DEMOLITION SITE: NEW AND ADDED ACREAGE

NOTE: The application must contain the following information. When specifying the location of an item, include the <i>VOLUME</i> , <i>SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	P
329 IAC 2-8-2 Permit Application			
(a) The following information provided on forms supplied by the commissioner:			
(1) The name and address of the applicant(s).		P	
(2) The name and address of the property owner(s).		P	
(3) The name, address, and location of the facility.		P	
(4) The legal description of the real property, to include the county, township, range, and section numbers and if applicable, the metes and bounds description, together with the acreage thereof for the following:		E	
(A) The area for which ownership will be established.		E/P	
(B) The facility area.		E	
(C) The waste deposition area.		E	
(5) Facility information, including the following:			
(A) A description of the type of operation.		E/P	
(B) The planned life of the facility (years).		E/P	
(C) The expected volume of waste to be received in cubic yards/day and/or tons/day.		E/P	
(D) The type(s) of waste to be received.		E/P	
(6) Required signatures and certification statements in accordance with 329 IAC 2-8-4.		P	
(7) Detailed plans and design specifications as required by 329 IAC 2-10 and 329 IAC 2-11.		E	
(8) Closure and post-closure plans as required by 329 IAC 2-15.		E	
(9) A description of the financial instrument which will be used to comply with 329 IAC 2-12.		P	
(10) Documents necessary to establish ownership of the real estate, including an option to purchase, upon which the facility is to be located. This includes a certified copy of the deed showing ownership in the person identified as the owner in the application, or said deed and evidence that ownership will be transferred to said owner prior to operation of the facility.		P	
(11) The name and addresses of all owners of record of property located within 1 mile of the proposed solid waste boundary of the solid waste land disposal facility.		P	
(12) Certification from the zoning authority, or the county commissioners if there is no zoning authority, that proper zoning approvals have been obtained, and the following documents:		P	
(A) A copy of the zoning requirements, if any, for solid waste facilities.		P	
(B) A copy of the improvement location or occupancy permit issued by the zoning authority (if applicable).		P	
(C) A copy of any zoning map amendments (if applicable).		P	
(D) A copy of any zoning ordinance amendments (if applicable).		P	
(E) A copy of any variance, special exception, special use, contingent use, or conditional use approval (if applicable).		P	
(F) The status of any appeals of any zoning determination, and if none pending, the date by which such appeal must be initiated.		P	
(b) Four copies of the completed application shall be submitted to the Office of Solid and Hazardous Waste by registered mail or in person. For all items larger than 11 X 17 inches, 1 of the 4 required copies submitted on reproducible mylar plastic. (check if present). OPTIONAL: a copy of the drawings submitted on a floppy disk in DGF (AutoCad) or DXF format.		P	
(c) A request of confidentiality for information submitted in accordance with IC 13-7-6-6.		P	
(d) If corporation, articles of existence signed by the Indiana Secretary of State.		P	

NOTE: The application must contain the following information. When specifying the location of an item include the <i>VOLUME, SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	P
(e) An application fee submitted in accordance with 329 IAC 2-8-3, using the Fee Transmittal Form supplied by the Indiana Department of Environmental Management.		P	
329 IAC 2-8-12 Demonstration and Determination of Need Requirements			
(b) The following are included in the application:		P	
(1) A description of the anticipated area that will be served by the facility as indicated by the following:		P	
(A) Solid waste management districts, if established.		P	
(B) County, counties, or portions thereof.		P	
(C) County, counties, and state if the area includes portions outside of Indiana.		P	
(2) A description of the existing solid waste management facilities which serve the same described area.		P	
(3) A description of the need that would be fulfilled by constructing the proposed facility, as follows:		P	
(A) For facilities proposed in areas with approved district solid waste management plans, a description of the need identified in the district solid waste management plan required by IC 13-9.5.		P	
(B) For facilities proposed in areas without approved district solid waste management plans, a description of the need for the proposed area to be served.		P	
(4) A description of recycling, composting, or other activities which the facility would operate within the proposed area of service.		P	
(5) A description of the additional disposal capacity which the facility, if permitted, would provide for the proposed area of service.		P	
(6) Additional information as requested by the Commissioner.		P	
329 IAC 2-10-1 Solid Waste Boundary Limits			
(1) The solid waste boundary of the landfill will not be located in any of these prohibited areas:			
(A) Within a wetlands in violation of Section 404 of the Clean Water Act.		E/G	
(B) Within the critical habitat of an endangered species as defined by 50 CFR 17.		E	
(C) Within floodways of drainage areas greater than 1 square mile, without the approval of the Department of Natural Resources, and within any floodway without provisions to prevent washout of the waste.		E	
(D) Within areas of karst topography, without provisions to collect and contain all of the leachate generated and without a demonstration that the integrity of the landfill will not be damaged by subsidence.		G	
(E) Over mines, unless it is demonstrated that the integrity of the landfill will not be damaged by subsidence.		G	
(F) Within 600 feet of a potable water well in use as a water supply on the date of public notice for zoning approval for the permitted activity, or on the date of public notice of the permit application by the Commissioner, whichever occurs first, unless written consent has been obtained from the owner of the well.		G	
(G) Within 600 feet of any dwelling, in existence on the date of public notice for zoning approval for the permitted activity or on the date of public notice of the permit application by the Commissioner, whichever occurs first, unless written consent has been obtained from the occupant and owner of the dwelling.		E/P	
(H) Within 100 feet of the normal water line of any lake, reservoir, or continuously flowing stream.		E/G	
(I) Within the floodplain, unless the waste is protected from floodwater inundation by a dike with a top elevation not less than 3 feet above the base flood elevation.		E	
(2) Within 50 feet of the real property boundaries of the facility.		E	

NOTE: The application must contain the following information. When specifying the location of an item include the <i>VOLUME</i> , <i>SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	P
329 IAC 2-10-4 Design Standards			
(a) The applicant will demonstrate that there is a barrier between the solid waste and the aquifer in accordance with the requirements contained in this section.			
(1) The barrier shall consist of soil, whether undisturbed, constructed, or a combination thereof, with an equivalent hydraulic conductivity through the barrier of less than or equal to 1×10^{-6} centimeters per second.		E/G	
(2) The barrier shall have a minimum thickness of the following:			
(A) 3 feet between the solid waste and any locally useful aquifer.		E/G	
(b) The barrier thickness, as specified in subsection (a) may be increased due to cation exchange capacities less than 10 milliequivalents per 100 grams or decreased due to lack of ground water resources in the area or alternate technology such as synthetic liners and leachate collection.		E/G	
329 IAC 2-11-1 General			
All design drawings shall be:		E	
- Certified by a registered professional engineer.		E	
- Properly (uniquely) titled.		E	
329 IAC 2-11-2 General Documentation Required			
(a) The application accompanied by the following information:			
(1) A USGS topographical map (7 1/2 minute) or equivalent, including all areas within 2 miles of the facility with property and solid waste boundaries clearly delineated.		E	
(2) Documentation of the base flood elevation within 1/4 mile of the proposed facility. This information shall be obtained from the Indiana Department of Natural Resources, where available.		E	
329 IAC 2-11-3 Plot Plans and Cross-Sectional Drawings			
(a) All plot plans include the following items:			
— Plot plans required by this section have a scale of 1 inch = 100 feet for a site of less than 80 acres and 1 inch = 200 feet for a larger site.		E/G	
— A bar scale shown on all plans.		E/G	
— All plot plans include the facility boundaries.		E/G	
— All facility plan elevations correlate with USGS mean sea level data.		E/G	
— Each of the features required by this section and which are located within 300 feet of the facility boundaries are indicated on a plot plan.		E/G	
(b) Applications are accompanied by the following plot plans and cross-sections:			
(1) A plot plan which indicates:			
(A) The locations and elevations of all existing and proposed on-site boring locations.		E	
(B) Rock outcroppings.		E	
(C) The surface water runoff direction.		E	
(D) Fences.		E	
(E) Utility easements and rights-of-way.		E	
(F) Present land surface contours at intervals of no more than 5 feet.		E	
(G) Proposed location of scales required by 329 IAC 2-14-8.		E	
(2) A plot plan which indicates the fill boundaries and proposed final contours of the site at intervals of no more than 2 feet.		E	
(3) A plot plan that indicates initial facility development. Benchmarks as required by 329 IAC 2-13-2 are shown with a description and elevation provided. Surface contours on this plan are shown at intervals of no more than 5 feet.		E	

NOTE: The application must contain the following information. When specifying the location of an item include the <i>VOLUME, SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	
(4) A plot plan with surface contours at intervals of no more than 5 feet which indicates:		E	
(A) Land surface water diversion structures.		E	
(B) Berms.		E	
(C) Vegetation or fences for visual screening.		E	
(D) Sedimentation and/or erosion control structures.		E	
(E) Protective barriers.		E	
(F) Leachate collection and methane control systems, if proposed.		E	
(G) Existing and proposed structures.		E	
(H) The precise location of the solid waste boundary.		E	
(I) Methods of operation.		E	
(J) Direction and order operation and development will proceed.		E	
(K) Depth of excavation.		E	
(L) Length and width of trenches, if proposed.		E	
(M) Depth of lifts and size of working face.		E	
(N) Areas of the site to be used only for acquisition of cover soil.		E	
329 IAC 2-11-4 Soils, Ground Water and Geology Information; General			
The application is accompanied by the following information:			
(1) A soils map and related description data, as published by the U.S. Department of Agriculture, Soil Conservation Service.		G	
(2) Drilling logs and a topographic map indicating the location, and identifying with respect to the drilling logs, all wells within 2 miles of the proposed facility which are on file with the Indiana Department of Natural Resources.		G	
(3) Results of a survey of all residences within 1/4 mile of the solid waste boundary to determine if wells are present at these residences that do not have well logs on file with the Indiana Department of Natural Resources. Include information on these wells.		G	
329 IAC 2-11-5 Soils, Ground Water and Geology Information; Certified			
(b) The application is accompanied by the following information certified by a registered professional engineer or certified professional geologist, either of whom has the education or professional experience in hydrogeology or ground water hydrology if well logs soils maps, or other information do not indicate a suitable barrier between locally useful aquifers and the waste:		G	
(1) The number and location of soil borings completed at the site are as follows:			
(A) One boring for every 5 acres of fill area up to 100 acres, and 1 boring for every 10 acres of fill area beyond 100 acres, with a minimum of 5 borings at any site. These borings are evenly distributed over the site.		G	
(B) Borings completed to a depth necessary to indicate compliance with the design standards of 329 IAC 2-10, with a minimum depth of 20 feet below the depth of waste placement or to bedrock, whichever is shallower.		G	
(C) At least 1 of the borings required by (A) for sites less than 10 acres, and at least 2 borings for sites greater than 10 acres completed to a depth of at least 70 feet below the depth of waste placement, or at least 20 feet into bedrock, whichever is shallower. If 2 borings are required they are evenly distributed over the site.		G	
(D) Additional borings, not necessarily meeting the preceding requirements, may be required to delineate the boundaries of any feature pertinent to the site design.		G	
(E) Alternate testing, which provides comparable information, and which has been approved by the Commissioner.		G	

NOTE: The application must contain the following information. When specifying the location of an item include the <i>VOLUME</i> , <i>SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	P
(F) The Commissioner was given prior notification as to the date and time of the soil borings.		G	
(2) Borings logs include the following:		G	
— Date of drilling.		G	
— Method of drilling.		G	
— Method of backfilling and sealing of borehole.		G	
— Textural classification and descriptions for the entire depth of the boring.		G	
— The depths to and thickness of any water bearing zones.		G	
— Static water levels immediately following the boring.		G	
— The mean sea level surface elevation.		G	
— Identification of the textural classification system utilized.		G	
(3) The following testing requirements apply to the minimum number of borings required under subdivision (1):		G	
(A) Split spoon samples of the unconsolidated material taken at an interval of 1/2.5 feet.		G	
(B) For at least 3 evenly distributed borings, including 1 deep boring, split spoon samples of the unconsolidated material taken on a continuous basis.		G	
(C) For all required deep borings, continuous core samples taken of any bedrock encountered.		G	
(D) A complete grain size analysis, including Atterberg limits, on a representative sample from each significant stratum encountered. At least 1 grain size analysis and Atterberg limits test performed for each of the required minimum number of borings.		G	
(E) Hydraulic conductivity tests conducted on each of the required minimum number of borings at a depth of approximately 5 feet below the proposed base of waste placement.		G	
(F) For landfills designed under the provisions of 329 IAC 2-10-3(2), CEC tests conducted on each of the required minimum number of borings at a depth of approximately 5 feet below the proposed base of waste placement.		G	
(G) CEC and additional hydraulic conductivity tests conducted as necessary to characterize the major strata proposed for use as base and sidewall barriers or cover material.		G	
(H) Hydraulic conductivity sampling by a combination of in-situ field tests and laboratory permeability tests on undisturbed Shelby tube samples. CEC determined according to the ammonium saturation method specified in Part 2 of Methods of Soil Analysis by the American Society of Agronomy, 1965.		G	
(I) Other tests required by the commissioner in order to further evaluate soil suitability.		G	
(J) All testing and sampling procedures, and results identified with respect to boring and depth.		G	
(4) Maintain boring samples until the solid waste facility permit is issued, or until any litigation with regard to the proposed permit is resolved, whichever is later.		G	
(5) Borings may be converted to piezometers or cased holes to comply with the requirements of section 6 of this rule.		G	
329 IAC 2-11-7 Descriptive Narrative			
(a) A narrative describing the proposed facility, including the following:		E	
(1) — Anticipated quantity of solid waste to be deposited.		E	
— Types of solid waste to be deposited.		E	
— Sources of the solid waste to be deposited.		E	
(2) A description of the equipment to be used for placement and compaction of all solid waste, excavation of soil, moving of stockpiled soils, and application of cover soil.		E	

NOTE: The application must contain the following information. When specifying the location of an item include the <i>VOLUME</i> , <i>SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	
(3) Procedures to control fugitive dust.		E	
(4) A description of sanitary facilities if employees are at the site full time.		E	
(5) A statement as to the existence of, and a description of any wells within 600 feet of the proposed fill area.		E/G	
(6) A description of the access control at the site, including roads, gates, fencing, naturally occurring features, etc., as required by 329 IAC 2-14-1.		E	
(7) A description of the safety equipment to be used at the site. In accordance with 329 IAC 2-14-7, the following safety equipment shall be provided:		E	
(a) Safety devices, including roll bars and fire extinguishers, will be provided on all rolling equipment.		E	
(b) A first aid kit will be available on-site.		E	
(c) A telephone or radio communication system will be provided on-site.		E	
(d) If the landfill is within 10,000 feet of any airport runway used by turbojet aircraft or within 5,000 feet of any airport runway used only by piston-type aircraft, it will be operated in such a manner so as to not pose a bird hazard to aircraft.		E	
(8) The distance from the site to the nearest dwelling.		E	
(9) A description of the location, amount, and depth of excavation that will occur at the site.		E	
(10) A description of the supervision which will occur at the site.		E	
(11) A description of the base flood at the site and whether the site is in the floodway.		E	
(12) The proposed hours of operation.		E	
(13) The names and addresses of all adjoining landowners.		E	
329 IAC 2-14-12 The cover will be of Unified Soil Classification ML, CL, MH, CH, or OH, or other suitable material approved by the Commissioner.		E	
329 IAC 2-14-19 Final Cover of Solid Waste Land Disposal Facility; Requirements		E	
(1) The facility will meet the following requirements for final cover:		E	
(A) The maximum projected erosion rate of the final cover will be 5 tons/acre/year.		E	
(B) The final compacted cover will have 2 feet of final cover material.		E	
(C) The final cover will have a slope of not less than 2% and not greater than 33%.		E	
329 IAC 2-12-2 Closure; Financial Responsibility			
(a) Description of the instrument to be used for establishing financial responsibility for closure:		P	
(1) Trust fund.		P	
(2) Surety bond.		P	
(3) Letter of credit.		P	
(4) Insurance.		P	
(b) Financial closure cost estimate:			
(1) A detailed written estimate of the cost of closing the facility based on the following:		E	
(A) The closure costs derived under 329 IAC 2-15-3(b).		E	
(B) One of the closure estimating standards listed under subdivision (3).		E	
(2) A demonstration of financial responsibility in the form of one of the options under subsection (a) will be submitted prior to operation..		E	
(3) One of the following cost estimating standards:			
(A) The entire facility closure standard, which equals the estimated total cost of closing the facility, less the amount representing portions of the facility which have been certified for partial closure in accordance with 329 IAC 2-15-4.		E	

NOTE: The application must contain the following information. When specifying the location of an item include the <i>VOLUME</i> , <i>SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	P
(B) The incremental closure standard, that is an amount which for any year of operation equals the total cost of closing the portion of the facility dedicated to the current year of facility operation, plus all closure amounts from completed portions of the facility which have not been certified for partial closure in accordance with 329 IAC 2-15-4.		E	
329 IAC 2-12-3 Post-Closure; Financial Responsibility			
(a) Description of the instrument to be used for establishing financial responsibility for post-closure:		P	
(1) Trust fund.		P	
(2) Surety bond.		P	
(3) Letter of credit.		P	
(4) Insurance.		P	
329 IAC 2-14-11 Diversion of Surface Water			
(c) The facility shall demonstrate that the drainage system is adequate to insure that no solid waste will be deposited into standing or ponded water..		E	
329 IAC 2-15-3 Closure Plan			
(a) A closure plan has been submitted with the application.		E	
(b) The closure plan is certified by a registered professional engineer, and includes the following:		E	
(1) A description of the steps that will be used to partially close, if applicable, and finally close the facility in accordance with 329 IAC 2-15-2.		E	
(2) A listing of the labor, materials, and testing necessary to close the facility.		E	
(3) An estimate of the expected year of closure and a schedule of final closure. The schedule must include the following:		E	
(A) The total time required to close the facility.		E	
(B) The time required for completion of intervening closure activities.		E	
(4) An estimate of the cost/acre of providing final cover and vegetation. Such cost is not less than \$5,000 and is that necessary to provide the following:		E	
(A) Two feet of compacted clay soil.		E	
(B) 6 inches of topsoil.		E	
(C) Vegetation.		E	
(D) Certification of closure including any testing necessary for such certification.		E	
(5) Closure costs for items other than providing final cover and vegetation.		E	
(6) The closure plan gives an estimate of the total closure cost estimate through adding the costs determined in subdivision (5) plus the product of the acreage of the fill area multiplied by the cost/acre determined in subdivision (4).		E	
(7) The sum of the closure cost estimate and post-closure cost estimate will not be less than \$15,000/ acre, or fraction of an acre, covered by the facility.		E	
(8) If the facility will use the closure trust fund option, or funds the letter of credit on an annual basis, then for each year of operation, the closure plan specifies the following:		E	
(A) The maximum area of the facility into which solid waste will have been deposited through that year of the facilities life.		E	
(B) The area of landfill used for each year of waste deposition is delineated on the final contour map of the facility.		E	
(C) A list of closure cost estimates for each year of the anticipated life of the facility equal to the costs specified by subdivision (6).		E	
329 IAC 2-15-7 Post-closure Duties			
(a) The post-closure plan includes the following duties:			

NOTE: The application must contain the following information. When specifying the location of an item include the <i>VOLUME</i> , <i>SECTION</i> and <i>APPENDIX</i> in which the item is located, in addition to the <i>PAGE</i> or <i>DRAWING NUMBER</i> .	Location in Application	IDEM Use Only	
		R	
(1) Post-closure activities will be performed in accordance with the approved post-closure plan as specified in 329 IAC 2-15-8.		E	
(2) The facility will be inspected at least twice per year, with written reports submitted to the Commissioner.		E	
(3) The final cover and vegetation will be maintained as required by 329 IAC 2-14.		E	
(4) Final contours of the facility will be maintained in accordance with 329 IAC 2-14 and to insure that ponding of water does not occur on filled areas.		E	
(5) Vegetation will be controlled on vehicular accessways to monitoring wells as required by 329 IAC 2-14.		E	
(6) Vegetation shall be controlled as necessary to enable determination of the need for slope and cover maintenance and leachate outbreak abatement.		E	
(7) Access control and benchmarks will be maintained.		E	
(8) Leachate collection and treatment systems, methane control systems, and water quality monitoring devices will be monitored and maintained.		E	
(9) Leachate and gas generated at the facility will be controlled as required by 329 IAC 2-14.		E	
(b) The post-closure duties outlined in this section will be followed for a period of 30 years following the date of final closure certification in accordance with 329 IAC 2-15-5.		E	
329 IAC 2-15-8 Post-closure Plan			
(a) A post-closure plan has been submitted with the application.		E	
(b) The post-closure plan identifies the activities that will be carried on after closure pursuant to 329 IAC 2-15-7. It must include the following:		E	
(1) A description of the planned ground water monitoring activities and the frequency with which they will be performed.		E	
(2) A description of the planned maintenance activities and the frequency at which they will be performed.		E	
(3) The name, address, and phone number of the person with responsibility for maintaining the site after closure whom may be contacted during the post-closure period.		E	
(4) A post-closure cost estimate in accordance with 329 IAC 2-12-3. Post-closure costs shall be calculated based on the cost necessary for the work to be performed by a third party. For post-closure maintenance of final cover and vegetation the cost per acre is 10% of the cost calculated under 329 IAC 2-15-3(b)(4) multiplied by the total acreage of the site permitted for filling.		E	
(5) For facilities that apply for a permit after July 1, 1991, the estimate of the post-closure cost per acre shall be that necessary for providing the activities as specified in the post-closure plan. The sum of the closure cost estimate and the post-closure cost estimate shall not be less than \$15,000 per acre or fraction of acre covered by the permitted facility.		E	

Preparer's Name (Please Print)

Preparer's Title (Please Print)

Preparer's Name (Signature)

Date

Preparer's Phone Number

APPENDIX

O

ARTICLE 2. SOLID WASTE MANAGEMENT

Rule 1. General Provisions

329 IAC 2-1-1 Enforcement

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. This article shall be enforced through the provisions of IC 13-7-10, IC 13-7-11, or IC 13-7-12, or any combination thereof, as appropriate. (Solid Waste Management Board; 329 IAC 2-1-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1128)

329 IAC 2-1-2 Penalties

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7-13; IC 36-9-30

Sec. 2. Penalties for violation of this article shall be governed by IC 13-7-13. (Solid Waste Management Board; 329 IAC 2-1-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1128)

329 IAC 2-1-3 Reporting

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. (a) Any permittee required to monitor under this article or by any permit issued pursuant to this article, shall maintain all records of all monitoring information and monitoring activities, including:

- (1) the date, exact place, and time of the sampling or measurements;
- (2) the person(s) who performed the sampling or measurements;
- (3) the date(s) analyses were performed;
- (4) the person(s) who performed the analyses;
- (5) the analytical techniques or methods used; and
- (6) the results of such measurements or analyses.

(b) All records of monitoring activities and results shall be retained by the permittee for five (5) years. The five (5) year period shall be extended:

(1) automatically during the course of any unresolved litigation between the Commissioner and a permittee; or

(2) as required by the permit conditions.

(Solid Waste Management Board; 329 IAC 2-1-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1128)

329 IAC 2-1-4 Variances

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7-7-6; IC 36-9-30

Sec. 4. The commissioner may grant a variance from compliance with provisions of this article in accordance with the provisions of IC 13-7-7-6. (*Solid Waste Management Board; 329 IAC 2-1-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1129*)

329 IAC 2-1-5 Severability

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 5. If any provision of this article, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect any other provisions or applications of this article which can be given effect without the invalid provision or application. (*Solid Waste Management Board; 329 IAC 2-1-5; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1129*)

Rule 2. Definitions

329 IAC 2-2-1 Definitions

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10.2

Affected: IC 13-1-3; IC 13-1-12-1; IC 13-7; IC 16-1-9.5-1; IC 25-17.5-1; IC 25-31; IC 36-9-30

Sec. 1. (a) In addition to the definitions in subsection (b), the definitions found in IC 13-1-12 apply throughout this article:

- (1) "Commissioner" refers to the commissioner of the department created under IC 13-7-2-11 (the department of environmental management).
- (2) "Contaminant" means any solid, semisolid, liquid, or gaseous matter, or any odor, radioactive material, pollutant as defined in the Federal Waste Pollution Control Act, hazardous waste as defined by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended, or any combination thereof, from whatever source, that:
 - (A) is injurious to human health, plant or animal life, or property;
 - (B) interferes unreasonably with the enjoyment of life or property; or
 - (C) is otherwise violative of this article or rules adopted under this article.
- (3) "Department" refers to the department of environmental management created under IC 13-7-2.
- (4) "Disposal" means the discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters. (P.L.143-1985, SECTION 77.)
- (5) "Garbage" means all putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.
- (6) "Hazardous waste" means a solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

- (A) cause or significantly contribute to an increase in mortality or increase in serious irreversible or incapacitating reversible illness; or
- (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (7) "Incinerator" means an engineered apparatus designed for the burning of solid waste under the effect of controls of temperature, retention time, air, and other combustion factors.
- (8) "Open burning" means the combustion of any matter in the open or in an open dump.
- (9) "Open dump" means the consolidation of solid waste from one (1) or more sources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations, and that is established and maintained without cover and without regard to the possibilities of contamination of surface or subsurface water resources.
- (10) "Person" means an individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, any consolidated unity [sic.] of government, political subdivision, state agency, or any other legal entity.
- (11) "Recovery" means obtaining materials or energy for commercial or industrial use from solid waste or hazardous waste.
- (12) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term "solid waste" does not include:
- (A) solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point source subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);
- (B) source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or
- (C) manures or crop residues return [sic.] to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation. (P.L.143-1985, SECTION 90.)
- (13) "Solid waste management" means the systematic administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste. (P.L.143-1985, SECTION 91.)
- (14) ~~"Water pollution" means~~
 (A) actual or threatened alteration of the physical, thermal, chemical, biological, bacteriological, or radioactive properties of any waters; or
- (B) the discharge or threatened discharge of any contaminant into any water that does or can create a nuisance or render the waters harmful, detrimental, or injurious to:
- (i) public health, safety, or welfare;
- (ii) domestic, commercial, industrial, agricultural, recreational, or other legitimate uses; or
- (iii) livestock, wild animals, birds, fish, or aquatic life.

- (15) "Waters" means the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, that are wholly or partially within, flow through, or border upon this state. The term does not include any private pond or any off-stream pond, reservoir, or facility built for reduction or control of pollution or cooling of water prior to discharge unless the discharge from the pond, reservoir, or facility causes or threatens to cause water pollution.
- (b) The following definitions apply throughout this article:
- (1) "Access roads" means roads which lead to the entrance of a solid waste processing or disposal facility, normally, a county, state, or federal highway.
 - (2) "Airport" means a public use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities and military airports.
 - (3) "Aquifer" means a geologic formation, group of formations, or part of a formation, that is capable of yielding a significant amount of ground water.
 - (4) "Base flood" means a flood that has a one percent (1%) or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in one hundred (100) years on the average over a significantly long period. In any given one hundred (100) year interval such a flood may not occur, or more than one (1) such flood may occur.
 - (5) "Bedrock" means cemented or consolidated earth materials, exposed on the earth's surface or underlying unconsolidated earth materials.
 - (6) "Board" means the solid waste management board as defined in IC 13-1-12-1.
 - (7) "Cell" means a volume of solid waste completely enclosed by cover.
 - (8) "Certified professional geologist" means a professional geologist certified by the state of Indiana pursuant to IC 25-17.5-1.
 - (9) "Collection container system" means a group of containers for solid waste collection from noncommercial, nonindustrial, and noninstitutional sources, and made available for use by the general public, such as county wide collection box systems.
 - (10) "Construction/demolition site" means a solid waste land disposal facility designed and operated to accommodate large volumes of solid waste, having minimal potential for ground water contamination.
 - (11) "Cover" means any soil or other suitable material approved by the commissioner placed over the solid waste in accordance with 329 IAC 2-14-12(a).
 - (12) "Current closure cost estimate" means the original closure cost estimate or the most recent revision thereof made in accordance with 329 IAC 2-12.
 - (13) "Current post-closure cost estimate" means the original post-closure cost estimate or the most recent revision thereof made in accordance with 329 IAC 2-12.
 - (14) "Daily cover" means that cover applied to the working face of the solid waste land disposal facility on a daily basis.
 - (15) "Dwelling" means any building which people inhabit on a regular or seasonal basis. The term shall include schools, hospitals, residences, factories, and offices.
 - (16) "Equivalent hydraulic conductivity" means the hydraulic conductivity averaged in such a manner as to represent the overall ability of a material to transmit flow.
 - (17) "Final closure" or "closure" means those activities to be completed at the end of waste acceptance at a facility, including certification required by 329 IAC 2-15-5, but not including those activities required after said certification.

- (18) "Final cover" means any cover of a type, thickness, elevation, and slope approved by the commissioner for the termination of filling in an area.
- (19) "Flood plain" means the areas adjoining a river, stream, or lake which are inundated by the base flood as determined by the Indiana department of natural resources.
- (20) "Floodway" means the channel of a river or stream and those portions of the flood plain adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow from the base flood as determined by the Indiana department of natural resources.
- (21) "Generating facility" means the location at or on which one (1) or more solid wastes are generated, such as a large manufacturing plant which may have more than one (1) source of solid waste at the plant location.
- (22) "Grading" means the contouring of land so that surface water flow and erosion are controlled according to a predetermined plan.
- (23) "Ground water" means water below the land surface in the zone of saturation.
- (24) "Hydraulic gradient" means the head loss per unit length where the head loss is expressed in terms of the unit length so as to produce a dimensionless value.
- (25) "Industrial process waste" includes, but is not limited to, oil, lubricants, resins, chemical catalysts, distillation bottoms, ink, paint sludges, grinding sludges, incinerator ash, core sand, metallic dust sweepings, material which may create asbestos dust, contaminated or recalled wholesale or retail products.
- (26) "Infectious waste" means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease (as defined by rule adopted under IC 16-1-9.5-1). Infectious waste includes the following:
- (A) Pathological wastes, including tissue, organs, body parts, and blood or body fluids in liquid or semiliquid form that are removed during surgery, biopsy, or autopsy.
 - (B) Biological cultures and associated biologicals.
 - (C) Contaminated sharps.
 - (D) Infectious agent stock and associated biologicals.
 - (E) Blood and blood products in liquid or semiliquid form.
 - (F) Laboratory animal carcasses, body parts, and bedding.
 - (G) Wastes (as defined under P.L.123-1988, SECTION 8).
- (27) "Infectious waste incinerator" means a solid waste incinerator that is used to burn infectious waste or mixture of infectious and noninfectious solid waste.
- (28) "Karst topography" means a topography formed on a carbonate rock formation and dominated by features of solutional origin.
- (29) "Leachate" means liquid that has passed through or emerged from solid waste and contains soluble, suspended, immiscible, or miscible materials removed from such wastes.
- (30) "Legal description" means a legal description of the real property, to include the county, township, range, and section numbers and, if applicable, the metes and bounds description, together with the acreage thereof.
- (31) "Lift" means a layer of cells covering a designated area of a solid waste land disposal facility.

- (32) "Locally useful aquifer" means an aquifer which, based on productivity, quality, depth, and alternate sources available, is a source or a probable source of water for any user or potential user within one (1) mile of a particular location.
- (33) "Major modification" means any change in a permitted solid waste facility which would increase the facility's *[sic.]* permitted capacity to process or dispose of solid waste.
- (34) "Normal water line" means the average normal water level, where established through the Indiana department of natural resources, or the average boundary of the water as evidenced by either water level records or changes in the character of vegetation and soil due to the presence of the water.
- (35) "On-site roads" means roads for the passage of vehicles from a facility entrance to the disposal area.
- (36) "Operating personnel" means persons necessary to properly operate a solid waste land disposal or processing facility.
- (37) "Partial closure" means those activities required at the end of waste acceptance for a facility or area of a facility to include the placement of final cover and the establishment of vegetation in accordance with approved closure plans, but exclusive of monitoring and maintenance activities required under post-closure care.
- (38) "Permittee" means any person to whom a solid waste facility permit has been issued.
- (39) "Pollution control waste" includes but is not limited to, liquid, solid, semisolid, or gaseous waste generated as a direct or indirect result or *[sic.]* the removal of contaminants from air, water, or land, such as water and waste water treatment sludges, baghouse dust, scrubber sludges, and chemical spill, or remedial activity cleanup wastes.
- (40) "Post-closure" means the monitoring and maintenance activities required after final closure of a facility.
- (41) "Post-closure cost estimate" means the original written estimate, in current dollars, or the total cost of post-closure monitoring and maintenance of the facility during the entire post-closure care period, in accordance with the post-closure plan.
- (42) "Processing" means the method, system, or other handling of solid waste so as to change its chemical, biological, or physical form or to render it more amenable for disposal or recovery of materials or energy, or the transfer of solid waste materials but excluding the transportation of solid waste.
- (43) "Registered professional engineer" means a professional engineer registered by the state of Indiana pursuant to IC 25-31.
- (44) "Residue" means solid or semisolid materials remaining after incineration or processing, ~~and is not limited to, ash, ceramics, glass, metal, and organic substances.~~ *[sic.]* but not limited to, ash, ceramics, glass, metal, and organic substances.
- (45) "Resource recovery" means the processing of solid waste into commercially valuable materials or energy.
- (46) "Restricted waste site" means a solid waste land disposal facility designed and operated to accommodate specific types of waste as specified in 329 IAC 2-9.
- (47) "Salvaging" means the controlled and organized removal of materials from solid waste for utilization.

- (48) "Sanitary landfill" means a solid waste land disposal facility designed to accommodate general types of solid waste, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover material at the end of each working day.
- (49) "Scavenging" means the uncontrolled and unauthorized removal of materials from solid waste.
- (50) "Site" means the land area on which the permitted facility is situated.
- (51) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.
- (52) "Soil borings" means the drilling of holes in the earth for the purpose of identifying soil types, subsurface materials, and water table level.
- (53) "Solid waste boundary" means the outermost perimeter of the solid waste fill area, as it would exist at the time of closure, as projected in the facility's closure plan.
- (54) "Solid waste facility" or "facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for processing, storing in conjunction with processing or disposal, or disposing of solid waste, and may consist of several processing, storage, or disposal operational units, e.g., one (1) or more landfills, surface impoundments, or combinations thereof.
- (55) "Solid waste land disposal facility" means a solid waste facility in or upon the land into which solid waste is disposed. Permitted solid waste land disposal facilities shall be classified into one (1) of the following types:
- (A) Sanitary landfill.
 - (B) Construction/demolition sites.
 - (C) Restricted waste sites.
- (56) "Solid waste processing facility" means a solid waste facility upon which is located a solid waste incinerator, transfer station, solid waste baler, solid waste shredder, resource recovery system, composting facility, or garbage grinding facility.
- (57) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which holds or is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, pounds *[sic.]*, and lagoons.
- (58) "Surface water" means water present on the surface of the earth, including:
- (A) streams;
 - (B) lakes;
 - (C) ponds;
 - (D) rivers;
 - (E) swamps;
 - (F) marshes; or
 - (G) rainwater present on the earth.

(59) "Transfer station" means a facility at which solid waste is transferred into larger capacity vehicles or containers for further transportation but shall not include neighborhood recycling collection centers or transfer activities at generating facilities.

(60) "Twenty-five (25) year, twenty-four (24) hour precipitation event" means the maximum twenty-four (24) hour precipitation event with the probable recurrence interval of once in twenty-five (25) years as defined by the Indiana department of natural resources.

(61) "Vector" means any animal capable of harboring and transmitting microorganisms from one (1) animal to another or to a human.

(62) "Wash-out" means the carrying away of solid waste by water of the base flood.

(63) "Water course" means the path taken by flowing surface water.

(64) "Water table" means the upper surface at which the fluid pressure of the ground water is equal to atmospheric pressure.

(65) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(66) "Working face" means that portion of a solid waste land disposal facility where the solid waste is deposited.

(Solid Waste Management Board; 329 IAC 2-2-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1129; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636; filed Feb 19, 1991, 12:06 p.m.: 14 IR 1381)

Rule 3. Exclusions

329 IAC 2-3-1 Exclusions; general

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-1-5.7; IC 13-7; IC 36-9-30

Sec. 1. The following solid waste management activities are not subject to the provisions of this article:

(1) Disposing of only uncontaminated rocks, bricks, concrete, road demolition waste materials, or dirt.

(2) Land application activities regulated by 327 IAC 6 and 327 IAC 7.

(3) Confined feeding control activities regulated by IC 13-1-5.7.

(4) Wastewater discharge activities regulated by 327 IAC 5.

(5) Processing, except for incineration, in which the waste, other than tires, has been segregated from the general solid waste stream prior to arrival at the processing site.

(6) Processing, except for incineration, of solid waste which takes place at the generating facility.

(7) Processing and disposal of contaminated and untreated natural growth solid waste including tree limbs, stumps, leaves, and grass clippings.

(8) Disposal of saw dust which is derived from processing untreated natural wood.

(9) The disposal of coal ash, transported by water, into an ash pond which has received a water pollution control facility construction permit under 327 IAC 3.

- (10) The operation of surface impoundments; however, the final disposal of solid waste in such facilities at the end of their operation is subject to approval by the commissioner except as excluded under subdivisions (9) and (11).
- (11) The disposal of coal ash at a site receiving a total of less than one hundred (100) cubic yards per year from generators who each produce less than one hundred (100) cubic yards per year.
- (12) Uses and disposal of coal waste as exempted from regulation in P.L.103-1988.
- (13) The legitimate use of iron and steelmaking slags including the use as a base for road building, but not including use for land reclamation except as allowed under subdivision (15).
- (14) The legitimate use of foundry sand which has been demonstrated as suitable for restricted waste site type III under the provisions of 329 IAC 2-9, including the use as a base for road building, but not including use for land reclamation except as allowed under subdivision (15).
- (15) Other uses of solid waste may be approved by the commissioner if the commissioner determines them to be legitimate uses that do not pose a threat to public health and environment.

(Solid Waste Management Board; 329 IAC 2-3-1; filed Nov 10, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1133; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636)

329 IAC 2-3-2 Exclusion; hazardous waste

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) Hazardous wastes are regulated by and shall be treated, stored, and disposed of in accordance with 329 IAC 3. Hazardous waste which is regulated by 329 IAC 3 is not subject to the provisions of this article.

(b) No hazardous waste which is regulated by 329 IAC 3 shall be disposed at any solid waste facility regulated under this article.

(c) For the purposes of this article, "hazardous waste which is regulated by 329 IAC 3" does not include hazardous waste which is generated in quantities less than one hundred (100) kilograms per month and is therefore excluded from regulation under the hazardous waste management article, 329 IAC 3. Such small quantities of hazardous waste shall be disposed of in accordance with this article.

(d) Facilities permitted under 329 IAC 3 are not required to obtain permits under this article for the storage, treatment, or disposal of nonhazardous solid waste where such solid waste is treated or disposed of as a hazardous waste at the receiving hazardous waste facility. *(Solid Waste Management Board; 329 IAC 2-3-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1133)*

329 IAC 2-3-3 Exclusion; disposal of wastes which meet restricted waste site type IV criteria

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. (a) Except as provided in this section, the disposal of coal ash residues (including flue gas desulphurization sludge), foundry sands, and other wastes that have been documented to the commissioner to meet the criteria established in 329 IAC 2-9-3 for restricted waste site type IV waste, is not subject to the provisions of this article.

(b) No restricted waste site type IV waste shall be disposed of in violation of the prohibitions specified under 329 IAC 2-10-1(1)(A) through (F).

(c) The disposal of all restricted waste site type IV waste shall meet the disposal control requirements specified under 329 IAC 2-14-17.

(d) No restricted waste site type IV waste shall be disposed of into standing water where the standing water reflects the water table. (*Solid Waste Management Board; 329 IAC 2-3-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1134*)

329 IAC 2-3-4 Exclusion; collection container systems

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. (a) Except as provided in this section, the permitting and regulation of collection container systems is not subject to the provision of this article.

(b) The operator of a collection container system must file with the commissioner a notification which includes the following information:

(1) A United States Geological Survey (USGS) topographical quadrangle map(s) (seven and one-half (7 1/2) minute), or equivalent, showing the collection container site(s).

(2) A brief narrative description of the proposed operation including:

(A) anticipated sources and quantities of the incoming solid waste;

(B) names and locations of all solid waste incinerators and land disposal facilities which shall be the destination for waste from the collection containers;

(C) frequency of collection container pickup for transport to the receiving facility; and

(D) ~~procedures for controlling odors, fire, vectors, litter, and handling bulk waste at the site(s).~~

(c) The operation of the collection container system shall comply with the operational requirements specified in 329 IAC 2-19-3(a) and 329 IAC 2-19-3(c). (*Solid Waste Management Board; 329 IAC 2-3-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1134*)

Rule 4. Open Dumping and Open Dumps

329 IAC 2-4-1 Purpose

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7-4-1; IC 36-9-30-35

Sec. 1. The purpose of this rule is to implement the provisions of:

(1) IC 13-7-4-1(3) relating to the deposit of contaminants or solid waste upon the land except as permitted in these rules; and

(2) IC 13-7-4-1(4) and IC 36-9-30-35 prohibiting dumping, causing, or allowing the open dumping of garbage or of other solid waste in violation of these rules.

(Solid Waste Management Board; 329 IAC 2-4-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1134)

329 IAC 2-4-2 Acts prohibited

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. No person shall cause or allow 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 contamination. *(Solid Waste Management Board; 329 IAC 2-4-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1135)*

329 IAC 2-4-3 Open dumps prohibited

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7-1-16; IC 36-9-30

Sec. 3. Open dumping and open dumps, as those terms are defined in IC 13-7-1-16 are prohibited. *(Solid Waste Management Board; 329 IAC 2-4-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1135)*

329 IAC 2-4-4 Nuisance control

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. (a) The owner of real estate upon which an open dump is located shall be responsible for correcting and controlling any nuisance conditions which may occur as a result of the open dump.

(b) Correction and control of nuisance conditions shall include:

(1) removal of all solid waste from the area of the open dump and disposal of such wastes in a facility permitted to accept the waste;

(2) apply a two (2) foot compacted soil cover of unified soil classification of ML, CL, CH, or OH to the area of the open dump, contouring and grading the soil to a slope of not less than two percent (2%) to prevent ponding of water and, as soon as weather conditions permit, establishing a grass or ground cover crop on the covered area; or

(3) combination of subdivisions (1) and (2).

(Solid Waste Management Board; 329 IAC 2-4-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1135)

329 IAC 2-4-5 Elimination of threats to human health or the environment

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 5. The owner of real estate upon which is located an open dump shall be responsible for eliminating any threat to human health or the environment. (*Solid Waste Management Board; 329 IAC 2-4-5; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1135*)

329 IAC 2-4-6 Remedial action

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 6. The commissioner may proceed under P.L.170-1987, and rules adopted pursuant thereto (commonly referred to as the "state cleanup law") to require the owner of real estate upon which an open dump is located, or any other responsible party under P.L.170-1987, to perform remedial action (including the installation and monitoring of ground water monitoring wells or other devices), if the commissioner determines that the open dump is a threat to the public health or the environment, due to a release of hazardous substances from the facility into the environment. (*Solid Waste Management Board; 329 IAC 2-4-6; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1135*)

Rule 5. Industrial On-Site Activities Needing Permits

329 IAC 2-5-1 Applicability

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. (a) This rule applies to all industries that dispose of solid waste, including special waste, on the site where the waste is generated or off-site in a facility which is owned and operated by the generator for its exclusive use and which are required to have a permit under this article, but did not have a permit under the previous solid waste management rule, 329 IAC 1.5 [329 IAC 1.5 was repealed filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1183; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636].

(b) In order to continue such activity beyond September 1, 1989, these industries shall submit information to the commissioner in compliance with section 2 of this rule. Compliance with section 2 of this rule shall constitute an interim permit and shall allow the facility to continue operating until such time as the commissioner issues or denies a solid waste facility permit under section 2 of this rule. ~~ment under subsections (a) or (b) shall make the following~~

(c) The provisions of this rule shall not preclude the commissioner from taking action where a particular disposal practice is demonstrated to threaten human health or the environment. (*Solid Waste Management Board; 329 IAC 2-5-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1135*)

329 IAC 2-5-2 Application requirements

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) Before September 1, 1989, all industries subject to this rule shall file a complete application with the commissioner for a solid waste facility permit under this article, or shall submit the following information:

- (1) The name and address of the facility producing the solid waste.
- (2) A description of the process or processes producing the solid waste.
- (3) Information on the quantities of solid waste produced.
- (4) A description of the appearance of the material, any odor produced by the material, and the susceptibility of the material to wind and water dispersal.
- (5) Any available information on the chemical and physical characteristics of the solid waste including composition, density, leachability, reactivity, ignitability, and toxicity.
- (6) Information on any known hazards associated with the waste.
- (7) A description of the current method and location of disposal.

(b) The information submitted shall be identified as the information necessary to satisfy the requirements of this rule and shall be signed as required by 329 IAC 2-8-4. *(Solid Waste Management Board; 329 IAC 2-5-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1136)*

329 IAC 2-5-3 Action on the application

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. (a) The commissioner shall review the information submitted and prioritize permit determinations based upon an assessment of the health and environmental threat posed by the disposal activity, considering the data, or lack of data, on the characteristics of the material and the current disposal method.

(b) To the extent practical, the commissioner shall endeavor to process permits for facilities which dispose of similar types of solid wastes in the same time period to allow industrial categories to share data collection efforts.

(c) In cases where the commissioner determines that further data is needed to adequately evaluate the disposal activities for the purposes of issuing a permit, the commissioner shall provide written notice of such requirements to the facility, and allow a reasonable time period for compliance with requests for additional information. *(Solid Waste Management Board; 329 IAC 2-5-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1136)*

Rule 6. Previously Permitted Facilities Closed Prior to Effective Date of this Article; Responsibilities

329 IAC 2-6-1 Applicability

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. This rule applies to solid waste facilities permitted under the previous provision, 329 IAC 1.5 [329 IAC 1.5 was repealed filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1183; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636], which have closed prior to the effective date of this article. *(Solid Waste Management Board; 329 IAC 2-6-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1136)*

329 IAC 2-6-2 Maintenance, monitoring, or correcting nuisance; permittee responsibility

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) Closed facilities shall continue to be monitored and maintained by the facility permittee in accordance with the permit granted to the facility under 329 IAC 1.5 [329 IAC 1.5 was repealed filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1183; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636], in force at the time the facility was closed.

(b) The owner or operator of a closed facility or the owner of real estate upon which a closed facility is located shall be responsible for correcting and controlling any nuisance conditions occurring at the facility. (Solid Waste Management Board; 329 IAC 2-6-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1136)

329 IAC 2-6-3 Elimination of threats to human health or the environment

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. The owner or operator of a closed facility or the owner of real estate on which a closed facility is located shall be responsible for eliminating any threat to human health or the environment. (Solid Waste Management Board; 329 IAC 2-6-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1136)

329 IAC 2-6-4 Remedial action

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. The commissioner may proceed under P.L.170-1987, (commonly referred to as the "state cleanup law") to require the owner or operator of a closed facility or the owner of the real estate upon which a closed facility is located, or any other responsible party under P.L.170-1987, to perform remedial action (including the installation and monitoring of ground water monitoring wells or other devices), if the commissioner determines that a facility is a threat to the public health or the environment, due to a release of hazardous substances from the facility into the environment. (Solid Waste Management Board; 329 IAC 2-6-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1137)

Rule 7. Application of This Article to Existing Permittees; Transition Provisions

329 IAC 2-7-1 Applicability

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. This rule applies to all solid waste facilities which have construction or operating permits in effect on the effective date of this article. (Solid Waste Management Board; 329 IAC 2-7-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1137)

329 IAC 2-7-2 Existing construction permits

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. Construction permits in effect on the effective date of this article shall serve as solid waste permits under 329 IAC 2-8. In order to begin operation, facilities for which only construction permits, but not operating permits, have been issued prior to the effective date of this article shall be required to submit an application for a solid waste facility permit renewal at least ninety (90) days before expiration of the construction permit. Operation of the facility shall not begin until a solid waste facility permit has been issued under this article. (*Solid Waste Management Board; 329 IAC 2-7-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1137*)

329 IAC 2-7-3 Existing operating permits

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. Operating permits in effect on the effective date of this article shall serve as solid waste permits under 329 IAC 2-8 until such time as a permit renewal is either issued or denied by the commissioner under 329 IAC 2-8, provided there is compliance with section 5(a) of this rule. (*Solid Waste Management Board; 329 IAC 2-7-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1137*)

329 IAC 2-7-4 Operating requirements for facilities with operating permits in effect on the effective date of this article

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. (a) Plans and permit conditions approved prior to the effective date of this article shall continue in effect until permit renewal, unless the permit is reopened for cause under 329 IAC 2-8.

(b) Except as provided in subsection (a), the operational standards of 329 IAC 2-14 (except 329 IAC 2-14-19) for solid waste land disposal facilities, or the operational standards of 329 IAC 2-19 for solid waste processing facilities, shall apply to solid waste facilities with operating permits in effect on the effective date of this article.

(c) The schedule for compliance with the ground water monitoring requirements of 329 IAC 2-16 shall be established at the time of permit renewal for existing solid waste land disposal facilities. At the latest, all facilities shall initiate sampling as specified in 329 IAC 2-16 within two (2) years of the effective date of this article. (*Solid Waste Management Board; 329 IAC 2-7-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1137*)

329 IAC 2-7-5 Renewal of permit by existing permittee

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 5. (a) In order to continue operation, facilities affected by this rule shall submit application for renewal under 329 IAC 2-8 at least one hundred twenty (120) days prior to the expiration of their operating permit.

(b) The renewal permit issued to a facility affected by this rule will identify the site classification as established in 329 IAC 2-9, to reflect the restrictions on waste accepted at the facility under the existing permit.

(c) The operational standards of 329 IAC 2-14 for solid waste land disposal facilities, or the operational standards of 329 IAC 2-19 for solid waste processing facilities, shall apply to solid waste facilities with renewal permits issued under this article. However, the requirements of 329 IAC 2-14-19, relating to final cover for solid waste land disposal facilities, shall not apply where plans approved prior to the effective date of this article specify otherwise. (*Solid Waste Management Board; 329 IAC 2-7-5; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1137*)

329 IAC 2-7-6 Application of requirements for closure plans, postclosure plans, and financial responsibility to solid waste land disposal facilities which have operating permits in effect on the effective date of this article

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 6. (a) Solid waste land disposal facilities closing prior to September 1, 1989, shall not be subject to the requirements of 329 IAC 2-15-5(a)(1) and 329 IAC 2-12.

(b) Solid waste land disposal facilities which have operating permits in effect on the effective date of this article shall not operate after September 1, 1989, unless, prior to that date, they have submitted closure and post-closure plans as required by 329 IAC 2-15 and have established financial responsibility for post-closure in accordance with 329 IAC 2-12. However, the provisions of the plans required in this section shall not conflict with previously approved plans and permit conditions for the facility.

(c) Solid waste land disposal facilities which have operating permits in effect on the effective date of this article shall not operate after September 1, 1992, unless, prior to that date, they have established financial responsibility for closure in accordance with 329 IAC 2-12. (*Solid Waste Management Board; 329 IAC 2-7-6; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1138*)

329 IAC 2-7-7 Application of design and siting standards to solid waste land disposal facilities which have operating permits in effect on the effective date of this article

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 7. For solid waste land disposal facilities which have operating permits in effect on the effective date of this article:

- (1) the prohibitions of 329 IAC 2-10-1 apply with respect to the solid waste boundary;
- (2) the provisions of 329 IAC 2-10-2 apply with respect to increases in height of the fill area; and
- (3) the provisions of 329 IAC 2-10-3 apply with respect to horizontal expansions of the fill area.

(*Solid Waste Management Board; 329 IAC 2-7-7; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1138*)

329 IAC 2-7-8 Pending applications

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 8. (a) This section applies to any person who has filed an application for a solid waste facility permit for either a new land disposal facility or for a horizontal or vertical expansion of an existing permitted land disposal facility in accordance with the requirements then in force and whose application is still pending with the commissioner.

(b) Applicants for a solid waste facility permit whose application was received by the commissioner prior to July 1, 1988, shall be subject to the following:

(1) The applicant shall not be issued a solid waste facility permit unless the pending application is modified to comply with the following provisions of this article:

(A) 329 IAC 2-8-2(a)(9).

(B) 329 IAC 2-8-2(a)(11).

(C) 329 IAC 2-10.

(D) 329 IAC 2-12.

(E) 329 IAC 2-15.

(2) Additional information requested by the commissioner for clarification of the application shall be submitted in accordance with this article.

(3) The initial solid waste facility permit issued under this subsection shall be valid for a period of two (2) years from the effective date of the permit. Renewal of the permit shall be in accordance with 329 IAC 2-8-3 and 329 IAC 2-8-9.

(c) Applicants for a solid waste facility permit whose application was received by the commissioner on or after July 1, 1988, shall comply with the provisions of this article. (*Solid Waste Management Board; 329 IAC 2-7-8; filed Dec 9, 1988, 9:25 a.m.; 12 IR 914*)

Rule 8. Application Procedure and Effect of Permit Issuance for All Solid Waste Facilities

329 IAC 2-8-1 Permit requirement

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7-13-3; IC 36-9-30-35

Sec. 1. (a) Unless excluded in 329 IAC 2-3, and except for activities related to open dumps under 329 IAC 2-4-4 through 329 IAC 2-4-6, and except as otherwise provided in 329 IAC 2-5, any person who disposes of solid waste or operates a solid waste processing facility must have a solid waste facility permit.

(b) The owner of the facility is responsible for applying for and obtaining a permit. The owner of the land upon which the facility is located shall also sign the application form acknowledging the land owner's responsibility in accordance with section 7 of this rule.

(c) In the event that, after the permit application is submitted but prior to the issuance of the permit, there is any change that renders the information in the application incorrect, the applicant shall notify the commissioner of the change within fifteen (15) days and submit corrected information within a reasonable period of time.

(d) It shall be grounds to deny a permit, including a renewal permit, to any applicant if such applicant has been convicted under IC 13-7-13-3 or IC 36-9-30-35 or if such applicant's previous permit to operate under this article, or the previous article, 329 IAC 1.5 [329 IAC 1.5 was repealed filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1183; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636], has been revoked by the commissioner under IC 13-7-10-5. (Solid Waste Management Board; 329 IAC 2-8-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1138)

329 IAC 2-8-2 Permit application

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 4-21.5-3-5; IC 13-1-3; IC 13-7-6-6; IC 36-7-4; IC 36-9-30

Sec. 2. (a) A complete application for a solid waste facility permit shall consist of the following information on forms provided by the commissioner:

- (1) The name and address of the applicant(s).
- (2) The name and address of the property owner(s).
- (3) The name and address and location of the facility.
- (4) The legal description as defined in 329 IAC 2-2-1(b) for the following:
 - (A) The area for which ownership will be established as required in subdivision (10).
 - (B) The area upon which the facility is located.
 - (C) If applicable, the area in which solid waste is to be deposited.
- (5) Facility information, including the following:
 - (A) A description of the type of operation.
 - (B) The planned life of the facility in years.
 - (C) The expected volume of waste to be received in cubic yards per day and/or tons per day.
 - (D) The type of waste to be received.
- (6) Signatures and certification statements in compliance with section 4 of this rule.
- (7) Detailed plans and design specifications as required by 329 IAC 2-10, 329 IAC 2-11, or 329 IAC 2-17.
- (8) Closure and post-closure plans as required by 329 IAC 2-15 or 329 IAC 2-17.
- (9) A description of the financial instrument which will be used to achieve compliance with financial responsibility provisions of 329 IAC 2-12. These documents need not be executed and delivered to the commissioner until after the review of the technical application and until after the applicant receives notice of such requirement in accordance with section 5(d) of this rule.
- (10) Documents necessary to establish ownership or other tenancy of, including an option to purchase, the real estate upon which the facility to be permitted is located. This shall include a certified copy of the deed to the subject real estate showing ownership in the person identified as the owner in the application or, said deed and evidence satisfactory to the commissioner that ownership will be transferred to said owner prior to operation of the facility.

(11) In order to assist the commissioner in identifying persons entitled to notice in accordance with IC 4-21.5-3-5(f), the name and address of all owners or last taxpayers of record of property located within:

(A) one (1) mile of the proposed solid waste boundaries of a solid waste land disposal facility; and

(B) one-half (1/2) mile of the site boundaries of a proposed solid waste processing facility.

(12) Certification verification from the zoning authority, or the county commissioners if there is no zoning authority, that proper zoning approvals have been obtained, and the following documents:

(A) A copy of the zoning requirements, if any, for solid waste facilities in the area where the facility is to be located.

(B) A copy of the improvement location permit or occupancy permit issued by the zoning authority having jurisdiction for the site, if a solid waste facility is permitted by the zoning ordinance in the area where the facility is to be located.

(C) A copy of the amendment(s) to the zone maps incorporated by reference into the zoning ordinance pursuant to IC 36-7-4-601 et seq., if a change in the zone maps is required for the area where the facility is to be located.

(D) A copy of the amendment(s) to the zoning ordinance adopted pursuant to IC 36-7-4-601 et seq., if such amendment is required for the area where the facility is to be located.

(E) A copy of the variance, special exception, special use, contingent use, or conditional use approved pursuant to IC 36-7-4-901 et seq., if such approval is required for the area where the facility is to be located.

(F) The status of any appeals of any zoning determination as described in clauses (B) through (E), and if none pending, the date by which such appeal must be initiated.

(b) The completed application shall be submitted to the commissioner in triplicate by registered or certified mail or in person. For all items larger than eleven (11) inches by seventeen (17) inches, one (1) of the three (3) required copies shall be submitted on reproducible mylar plastic.

(c) Confidentiality of information submitted in the permit application may be requested in accordance with IC 13-7-6-6.

(d) All corporations must submit articles of existence signed by the secretary of state.

(e) Fees shall be submitted with the application in accordance with section 3 of this rule. *(Solid Waste Management Board; 329 IAC 2-8-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1139; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636)*

329 IAC 2-8-3 Fees

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7-16-6; IC 36-1-2-23; IC 36-9-30

Sec. 3. (a) The fees, assessed in this section are established pursuant to, and take into account the requirements of, IC 13-7-16-6.

(b) For the purposes of this section, government entities are defined as the following:

- (1) county, municipality, or township which is defined as a unit under IC 36-1-2-23;
- (2) a nonprofit organization;
- (3) a conservancy district; and
- (4) a school corporation that operates a solid waste management facility.

(c) Permit application fees:

(1) New permit application and major modification fees for government entities shall be as follows:

(A) Sanitary landfill	\$1,000
(B) Construction/demolition	\$500
(C) Restricted waste sites:	
(i) Type I	\$1,000
(ii) Type II	\$1,000
(iii) Type III	\$500
(D) Solid waste processing facility	\$500
(E) Incinerator of ten (10) tons per day or greater	\$1,000
(F) Infectious waste incinerator of seven (7) tons per day or greater	\$1,000

(2) New permit application and major modification fees for nongovernment entities shall be as follows:

(A) Sanitary landfill	\$20,000
(B) Construction/demolition	\$1,000
(C) Restricted waste sites:	
(i) Type I	\$14,000
(ii) Type II	\$4,000
(iii) Type III	\$2,000
(D) Solid waste processing facility	\$5,000
(E) Incinerator of ten (10) tons per day or greater	\$20,000
(F) Infectious waste incinerator of seven (7) tons per day or greater	\$4,000

(3) Renewal permit fees:

(A) A fee shall be assessed equal to one-half (1/2) the initial permit fee for the processing of a request for a renewal of a permit for a government entity.

(B) There is no fee for renewal of permits for nongovernment entities.

(d) Annual operation fees:

(1) The following fees shall be submitted to the department of environmental management by March 1 of every year for the preceding calendar year. Facilities open during any part of the calendar year shall pay the full amount of the fee.

(A) Sanitary landfill

>500 tons per day	\$35,000
250 - 499 tons per day	\$15,000
100 - 249 tons per day	\$7,000
<100 tons per day	\$2,000

(B) Construction/demolition \$1,500

(C) Restricted waste sites:

(i) Type I \$15,000

(ii) Type II \$10,000

(iii) Type III \$2,000

(D) Solid waste processing facility \$2,000

(E) Incinerators:

>500 tons per day \$35,000

250 - 499 tons per day \$15,000

100 - 249 tons per day \$7,000

10 - 99 tons per day \$2,000

(F) Infectious waste incinerator of seven (7) tons per day or greater \$5,000

(2) Government entities are exempt from paying annual operation fees.

(e) New permit application fees and fees for major modifications to existing facilities must be submitted to the department with the permit application.

(f) Solid waste processing facilities that are designed to recycle greater than fifty percent (50%), by weight, of the incoming waste in a calendar year are exempt from paying the permit application fee. The processing facility may apply for this exemption with the permit application. The processing facility must supply documentation supporting the exemption request.

(g) Solid waste processing facilities that recycle greater than fifty percent (50%), by weight, of the incoming waste in a calendar year are exempt from paying the annual operation fee. The processing facility may apply for this exemption on or before March 1 of every year for the preceding calendar year. The processing facility must supply documentation supporting the exemption request.

(h) The fees specified in this section shall be payable to the department of environmental management.

(i) Any fee assessed under this rule in conjunction with a permit application shall not be refundable once staff review of the permit application has commenced. (*Solid Waste Management Board; 329 IAC 2-8-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1140; filed Oct 10, 1991, 5:00 p.m.: 15 IR 226*)

329 IAC 2-8-4 Signatories to permit application and reports

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. (a) All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purposes of this section, "responsible corporate officer" means a president, secretary, treasurer, or any vice president of the corporation in charge of a principal business function, which includes the activity to be permitted.
- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
- (3) For a municipality or state: by the executive of the unit.
- (4) For a federal or other public agency: by either a principal executive officer or ranking elected official or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency, which covers the facility to be permitted.

(b) All reports required by permits and other information requested by or on behalf of the commissioner shall be signed by the permittee, or by a duly authorized representative of that person. A person is presumed to be an authorized representative if the conditions set in subdivision (1), (2), or (3) below are met:

- (1) the information is submitted on behalf of a person described in subsection (a);
- (2) the information is submitted in response to a requirement of the permit or in response to a request for information directed to a person described in subsection (a); or
- (3) written authorization is submitted to the commissioner, by an individual identified in subsection (a), which identifies a specific individual or position as authorized to submit information.

(c) If an authorization under subsection (b)(3) is no longer accurate, a new authorization satisfying the requirements of subsection (b)(3) must be submitted to the commissioner prior to or together with any reports of information to be signed by the authorized representative.

(d) Any person signing a document under subsections (a) or (b) shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further certify that I am authorized to submit this information."

(*Solid Waste Management Board; 329 IAC 2-8-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1140*)

329 IAC 2-8-5 Action on permit application

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1; IC 13-7; IC 36-9-30

Sec. 5. (a) The commissioner shall make an initial review of the submitted application and accompanying materials. During the initial review process, the commissioner may request clarification or supplementation of information submitted in support of the permit application. Within forty-five (45) days of receipt of the permit application the commissioner shall notify the applicant if all of the documents and information required by section 2 of this rule and the fee required by section 3 of this rule have been received and the application is complete. If all the information has not been received, the commissioner shall notify the applicant that the application is incomplete and shall state the specific item(s) needed to make it complete. No further action will be taken on the application until all information has been provided.

(b) After the commissioner concludes that the application is complete:

(1) the commissioner shall comply with the procedural requirements of IC 13-7-10-2 and IC 13-7-10-2.5 relevant to an application for an original permit for a solid waste land disposal facility or a solid waste incinerator regulated under IC 13-7-21; and

(2) the commissioner shall initiate technical review of the application. The technical review shall determine if the proposed facility will be constructed and operated in accordance with the standards established in this article. During the technical review process the commissioner may request clarification or supplementation of information submitted in support of the permit application in order to make a determination as to whether the proposed facility meets the standards of this article.

(c) After the provisions of subsection (b) have been accomplished, if the commissioner determines that permit application meets the requirements of this article and that the facility will be constructed and operated in accordance with the requirements of this article, the permit shall be granted. The commissioner may impose such conditions in a permit as may be necessary to accomplish the purposes of this article, IC 13-1, IC 13-7, and IC 36-9-30.

(d) The notice of the granting of a permit shall state that the permit will not be effective until:

(1) all financial responsibility documents have been executed and delivered to the commissioner in the form and amount specified; and

(2) any real estate transfers necessary to vest legal title of the real estate upon which the permitted activity is to occur in the name of the owner listed on the application have been completed, executed, and recorded and documents evidencing such transfer have been delivered to the commissioner.

(e) All permits will be issued in the name of the owner of the facility. (Solid Waste Management Board; 329 IAC 2-8-5; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1141)

329 IAC 2-8-6 Duration of permits

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 6. A permit, including a renewal permit, shall be issued for a fixed term not to exceed five (5) years. A permit may be modified or revoked prior to the expiration of the term for cause, as provided in section 11 of this rule, or in accordance with conditions set forth in the permit. (*Solid Waste Management Board; 329 IAC 2-8-6; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1141*)

329 IAC 2-8-7 Effect of permit issuance

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 7. (a) The issuance of a permit does not:

- (1) convey any property rights of any sort, or any exclusive privileges;
- (2) authorize any injury to persons or private property or invasion of other private rights or any infringement of federal, state, or local laws or regulations; or
- (3) preempt any duty to comply with other state or local requirements.

(b) The owner and operator of a solid waste facility and the owner or owners of the land upon which a solid waste facility is located shall be liable for any environmental harm caused by the facility. (*Solid Waste Management Board; 329 IAC 2-8-7; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1141*)

329 IAC 2-8-8 Transferability of permits

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7-10-5; IC 13-7-13-3; IC 36-9-30-35

Sec. 8. (a) A permit may be transferred to another person by the permittee, without the need for a new permit or modification or revocation of the existing permit being required, if:

- (1) the permittee notifies the commissioner of the proposed transfer at least sixty (60) days before the proposed date of transfer on forms provided by the commissioner;
- (2) a written agreement containing a specific date of transfer of permit responsibility is submitted to the commissioner;

(3) the transferee has not been convicted under IC 13-7-13-3 or IC 36-9-30-35, nor has the transferee had a permit to operate under this article, or previous solid waste rules, 329 IAC 1.5 [329 IAC 1.5 was repealed filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1183; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636], revoked by the commissioner under IC 13-7-10-5;

- (4) the transferee provides proof of financial responsibility as provided in 329 IAC 2-12; and
- (5) the transferee provides proof that he is, or will be, the owner of the facility.

(b) The transfer will be effective on the specific date of transfer provided by the permittee unless the commissioner notifies the permittee and the transferee that the transfer will be denied. (*Solid Waste Management Board; 329 IAC 2-8-8; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1142*)

329 IAC 2-8-9 Renewal permit application

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 9. (a) Renewal applications shall be submitted at least one hundred twenty (120) days prior to the expiration date of the permit.

(b) A complete application for a solid waste facility permit renewal shall consist of the following information, submitted on forms provided by the commissioner:

- (1) The name and address of the applicant.
- (2) The name and address of the property owner(s).
- (3) The name, address, and location of the facility.
- (4) The operation permit number of the facility.
- (5) The legal description of the facility location, as defined in 329 IAC 2-2-1(b).
- (6) Facility information, including the following:
 - (A) A description of the type of operation.
 - (B) The number of acres permitted for landfilling.
 - (C) The number of acres completed.
 - (D) The remaining life of the facility in years.
 - (E) The volume of waste received at the facility in cubic yards per day or tons per day.
 - (F) The type of waste received at the site.
- (7) A topographic plot plan accurately identifying the following information to a scale as required by 329 IAC 2-11-3(a):
 - (A) Areas of final cover, grading, and seeding.
 - (B) Filled areas lacking final cover, grading, and seeding.
 - (C) Current areas of operation, including depth of fill.
 - (D) Projected fill areas on a per year basis for the next five (5) years.
- (8) Signatures and certification statements in compliance with section 4 of this rule.

(c) Fees shall be submitted with the application in accordance with section 3 of this rule. (Solid Waste Management Board; 329 IAC 2-8-9; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1142)

329 IAC 2-8-10 Action on renewal permit application

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 10. (a) The commissioner shall make an initial review of the renewal application. Within thirty (30) days of receipt of the permit application the commissioner shall notify the applicant if all the required information required by section 9 of this rule and the fee required by section 3 of this rule have been received and the application is complete. If all the information has not been received, the commissioner shall notify the applicant that the application is incomplete and identify information needed to make the application complete. No further action will be taken on the application until all information has been provided.

(b) After the commissioner concludes that the renewal application is complete, the following is required:

(1) The commissioner shall comply with the procedural requirements of IC 13-7-10-2 and IC 13-7-10-2.5 relevant to an application for a renewal permit for a solid waste land disposal facility or a solid waste incinerator regulated under IC 13-7-21.

(2) The commissioner shall review the application to determine whether the facility or operation is in compliance with the plans and specifications as approved in its existing permit. The commissioner may request clarification or supplementation of information submitted in support of the renewal application. The commissioner shall evaluate the facility's compliance record under:

(A) the operational requirements of 329 IAC 2-14, 329 IAC 2-19, or 329 IAC 2-20, as appropriate; and

(B) any prior or existing permit conditions.

(c) After the provisions of subsection (b) have been accomplished, if the commissioner determines that the facility will be in compliance with the requirements of this article and the permit conditions, including any additions to or revisions of the conditions in the existing permit, the commissioner shall grant renewal of the permit.

(d) All renewal permits will be issued in the name of the owner of the facility. (*Solid Waste Management Board; 329 IAC 2-8-10; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1142*)

329 IAC 2-8-11 Permit revocation and modification

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 4-21.5-3-7; IC 13-1-3; IC 13-7-10-5; IC 36-9-30

Sec. 11. (a) The commissioner may revoke or modify a permit issued under this article if cause exists under IC 13-7-10-5(a), and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened and subject to review pursuant to IC 13-7-10-5 and IC 4-21.5-3-7. If a permit is revoked, the entire permit is reopened and subject to revision and if the permit is reissued it may be for a new term.

(b) Suitability of the facility location will not be considered at the time of permit modification or revocation unless new information or standards indicate that a threat to human health or the environment exists.

(c) To request a change in the facility plans or operation, the permittee may request that the commissioner modify the permit. The permittee must submit the requested modification and rationale for such modification. If the commissioner determines that the requested modification is consistent with the standards established in this article the commissioner shall grant the modification. Only the conditions subject to modification are reopened. The commissioner shall give notice of the determination on the modification in accordance with IC 13-7-10-5 and IC 4-21.5-3-7.

(d) Requests to modify a permit to increase the permitted acreage of the fill area of a solid waste land disposal facility shall be processed in accordance with provisions of section 5 of this rule. (*Solid Waste Management Board; 329 IAC 2-8-11; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1143*)

329 IAC 2-8-12 Demonstration and determination of need requirements

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-10-1.5

Affected: IC 13-1-3; IC 13-7; IC 13-9.5; IC 36-9-30

Sec. 12. (a) This section applies to all permits for new solid waste facilities or major modifications of permits issued after March 20, 1990.

(b) In accordance with subsection (a), and in addition to other permit application requirements outlined in this rule, the following are also required:

(1) A description of the anticipated area that would be served by the facility as indicated by the following:

(A) Solid waste management district(s) if established.

(B) County, counties, or portions thereof.

(C) County, counties, and state if the area includes portions outside of Indiana.

(2) A description of the existing solid waste management facilities which serve the same described area.

(3) A description of the need, that would be fulfilled by constructing the proposed facility, as follows:

(A) For facilities proposed in areas with approved district solid waste management plans, a description of the need identified in the district solid waste management plan required by IC 13-9.5.

(B) For facilities proposed in areas without approved district solid waste management plans, a description of need for the proposed area to be served.

(4) A description of recycling, composting, or other activities which the facility would operate within the proposed area of service.

(5) A description of the additional disposal capacity which the facility, if permitted, would provide for the proposed area of service.

(6) Additional information as requested by the commissioner.

(c) The commissioner shall review the submitted application and accompanying materials in accordance with provisions of this rule. If it is determined that there is not a local or regional need in Indiana for the solid waste management facility, the commissioner shall deny the permit application. (*Solid Waste Management Board; 329 IAC 2-8-12; filed Feb 19, 1991, 12:06 p.m.: 14 IR 1385*)

Rule 9. Solid Waste Facility Classifications and Waste Criteria

329 IAC 2-9-1 Types of facilities

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. The following classifications will be used for the purpose of defining site requirements and permissible wastes to be received for all solid waste facilities:

(1) Construction/demolition site.

(2) Restricted waste site as follows:

(A) Restricted waste site type I.

(B) Restricted waste site type II.

- (C) Restricted waste site type III.
- (D) Restricted waste site type IV.
- (3) Sanitary landfill.
- (4) Solid waste processing facility.
- (5) Incinerator.

(Solid Waste Management Board; 329 IAC 2-9-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1143)

329 IAC 2-9-2 Construction/demolition sites waste criteria

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) Construction/demolition sites may accept bricks, concrete, stone, glass, wallboard, lumber, roofing materials, and other items which are affixed to the structure being constructed or demolished, including plumbing fixtures, wiring, and nonasbestos insulation. Other items are prohibited, except as specified in subsection (b).

(b) Specific, written approval for disposal of other items may be requested. Such approvals will be granted only if the other items to be disposed are incidental to the construction/demolition site, are of a similar type and size to the items listed in this section, and will not create a greater threat to the environment than the items listed. *(Solid Waste Management Board; 329 IAC 2-9-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1143)*

329 IAC 2-9-3 Restricted waste sites waste criteria

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. (a) Restricted waste sites shall accept only the waste types specified in the facility permit, determined according to the criteria in this section.

(b) Wastes accepted at a restricted waste site shall be limited to one (1) waste type or related waste types which are:

- (1) expected to have similar chemical and physical composition; and
- (2) demonstrated to be within the concentration limits established in subsection (f) for the appropriate site type for each constituent for which testing is required.

(c) Coal ash and flue gas desulfurization sludge may be disposed at a restricted waste site type I without testing on restricted waste site types II, III, or IV, if the following are completed:

(1) The wastes are analyzed:

(A) by the EP toxicity test for arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver;

(B) by the leaching method for barium, boron, chlorides, total cyanide, fluoride [sic.], pH, sodium, sulfate, total sulfide, and total dissolved solids; and

(C) these constituents are shown to be within the values specified in subsection (f) for the appropriate site type.

(2) Resampling is conducted:

- (A) at five (5) year intervals;
 - (B) whenever the characteristics of the coal changes;
 - (C) whenever the process generating the waste changes; or
 - (D) according to a schedule for resampling specified by the commissioner based on variability noted in previous sampling and other factors affecting the predictability of waste characteristics.
- (d) Foundry wastes may be disposed of as follows:
- (1) At a restricted waste site type I, if:
 - (A) the wastes are analyzed by the EP toxicity test for arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver; and
 - (B) these constituents are shown to be within the values specified in subsection (f) for a type I site.
 - (2) At restricted waste site types II, III, or IV, if:
 - (A) tested by the EP toxicity test for arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver;
 - (B) by the leaching method chlorides, copper, total cyanide, flouride [sic.], iron, manganese, nickel, phenols, pH, sodium, sulfate, total sulfide, total dissolved solids, and zinc; and
 - (C) these constituents are shown to be within the values specified in subsection (f) for the appropriate site type.
 - (3) Resampling is conducted:
 - (A) at two (2) year intervals;
 - (B) whenever the process changes; or
 - (C) according to a schedule for resampling by the commissioner based on variability noted in previous sampling and other factors affecting the predictability of waste characteristics.
 - (4) The generator submits a comprehensive list, comparable to material safety data sheets, of all organic additives used in the process unit operations generating the waste. If trade names are given to additives, it is the generator's responsibility to contact the manufacturer about supplying the commissioner with the chemical ingredient listing that makes up the tradenamed chemical and have the manufacturer contact the commissioner with the proper information. The commissioner may require total organic carbon and/or other organic testing be done.
- (e) For wastes other than those in subsections (c) through (d), the generator may request that the commissioner define test parameters and concentrations limits needed to make a determination of which restricted waste site type adequately controls the expected hazards of the waste, based on the chemical and physical characteristics of the waste. The commissioner may deny such a request for wastes that are heterogeneous, such as municipal garbage and trash, and demolition debris, or wastes that are subject to organic decomposition, and other wastes for which test methods are inadequate to determine the hazards posed by the waste or its decomposition products.

(f) The proper restricted waste site type for the wastes in subsections (c) through (d) shall be determined by testing the waste. The allowable concentrations of waste constituents for each site type, based on the upper confidence limit for each parameter value using the statistical sampling methodology specified in SW 846: "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," Second Edition, July 1982, as amended April 1984 and April 1985, are as follows:

(1) For parameters using the EP toxicity test:

Parameter	Concentrations (milligrams per liter)			
	Type IV	Type III	Type II	Type I
Arsenic	≤.05	≤.5	≤1.25	<5.0
Barium	≤1	≤10	≤25	<100
Cadmium	≤.01	≤.1	≤.25	<1.0
Chromium	≤.05	≤.5	≤1.25	<5.0
Lead	≤.05	≤.5	≤1.25	<5.0
Mercury	≤.002	≤.02	≤.05	<.2
Selenium	≤.01	≤.1	≤.25	<1.0
Silver	≤.05	≤.5	≤1.25	<5.0

(2) For parameters using the leaching method test:

Parameter	Concentrations (milligrams per liter)			
	Type IV	Type III	Type II	Type I
Barium	≤1	≤10	≤25	*
Boron	≤2	≤20	≤50	*
Chlorides	≤250	≤2,500	≤6,250	*
Copper	≤.25	≤2.5	≤6.25	*
Cyanide, Total	≤.2	≤2	≤5	*
Fluoride	≤1.4	≤14	≤35	*
Iron	≤1.5	≤15	*	*
Manganese	≤.05	≤.5	*	*
Nickel	≤.2	≤2	≤5	*
Phenols	≤.3	≤3	≤7.5	*
Sodium	≤250	≤2,500	≤6,250	*
Sulfate	≤250	≤2,500	≤6,250	*
Sulfide, Total	≤1**	≤5	≤12.5	*
Total Dissolved Solids	≤500	≤5,000	≤12,500	*
Zinc	≤2.5	≤25	≤62.5	*

Parameter	Acceptable Range (Standard Units)			
	Type IV	Type III	Type II	Type I
pH	6-9	5-10	4-11	*

*Testing is not required.

**If detection limit problems exist, please consult the office of solid and hazardous waste for guidance.

(3) Testing shall be conducted by the following methods:

- (A) The EP toxicity test as specified by 329 IAC 3.
 - (B) The leaching method test as specified for EP toxicity testing, except with no addition of acetic acid.
 - (C) Analyses for chloride, copper, flouride [sic.], iron, manganese, phenols, sodium, sulfate, total dissolved solids, and zinc shall be conducted by methods specified in "Methods for Chemical Analysis of Water and Wastes," EPA-600/4-79-02.
 - (D) Analyses for total cyanide, nickel, pH, and total sulfide shall be conducted as specified in SW-846: "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," Second Edition, July 1982, as amended April 1984 and April 1985.
 - (E) Analysis for pH results required by the leaching method shall occur at the end of the twenty-four (24) hour extraction period.
- (4) Data submitted to classify a waste under this section shall include waste, sampling, and analytical descriptions as required by the commissioner.
- (g) Notwithstanding sampling results which indicate that waste constituents exceed the criteria for a proposed restricted waste site type, the commissioner may approve the site if the permittee adequately demonstrates that:
- (1) the pH range encountered under leaching conditions likely to be encountered at the site will produce lower concentrations of waste constituents in any leachate generated;
 - (2) due to precipitation, sorption, ion exchange, neutralization, reaction, or decomposition, the waste constituents will be removed from solution; or
 - (3) that dispersion and dilution likely to occur within the monitoring boundary, as defined in 329 IAC 2-16-1(i), will reduce the concentration of waste constituents in leachate as determined by the EP toxicity and leaching method tests.

(Solid Waste Management Board; 329 IAC 2-9-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1144; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636)

329 IAC 2-9-4 Waste disposal criteria

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. Sanitary landfills may accept all solid waste regulated under this article except the following:

- (1) **Special waste shall be accepted at a sanitary landfill only in accordance with 329 IAC 2-21.**
- (2) **Waste which is or which contains free liquids shall not be accepted for disposal by any sanitary landfill effective September 1, 1989. Free liquid shall be determined utilizing the paint filter liquids test as specified in SW 846: "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," Second Edition, July 1982, as amended April 1984 and April 1985. This prohibition shall not apply to:**
 - (A) incidental liquid or rainwater normally associated with routine solid waste disposal;
 - (B) free liquids in containers equal to or less than five (5) gallons in size not to exceed one (1) cubic yard total volume per disposal;
 - (C) food products which contain free liquids, in containers or packages equal to or less than five (5) gallons in size;

(D) the recycling of leachate generated by the facility where approved by the commissioner; and

(E) other liquids as authorized by the commissioner where it has been determined that the disposal of the liquids will not create a threat to human health or the environment.

(Solid Waste Management Board; 329 IAC 2-9-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1145)

329 IAC 2-9-5 Processing facilities waste criteria

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 5. Solid waste processing facilities may accept all solid waste regulated under this article. Special waste may be accepted at solid waste processing facilities in accordance with 329 IAC 2-19 and 329 IAC 2-21. *(Solid Waste Management Board; 329 IAC 2-9-5; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1146)*

329 IAC 2-9-6 Incinerator waste criteria

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 6. Incinerators may accept all solid waste regulated under this article except special waste shall be accepted at an incinerator only in accordance with 329 IAC 2-19 and 329 IAC 2-21. *(Solid Waste Management Board; 329 IAC 2-9-6; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1146)*

Rule 10. Siting and Design Standards for Solid Waste Land Disposal Facilities

329 IAC 2-10-1 Solid waste land disposal facility; solid waste boundary limits

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. On and after the effective date of this article, the solid waste boundary of new solid waste land disposal facilities and the additional areas beyond that which has been previously approved for existing solid waste land disposal facilities, shall be prohibited from the following areas:

(1) For sanitary landfills:

(A) wetlands in violation of Section 404 of the Clean Water Act, as amended;

(B) the critical habitat of an endangered species as defined by 50 C.F.R. 17;

(C) floodways of drainage areas greater than one (1) square mile, without the approval of the department of natural resources and floodways without provisions to prevent washout of the waste;

(D) within areas of karst topography, without provisions to collect and contain all of the leachate generated and without a demonstration that the integrity of the landfill will not be damaged by subsidence;

(E) over mines, unless it is demonstrated that the integrity of the landfill will not be damaged by subsidence;

Army Corps of Engineers has authority

(F) within six hundred (600) feet of a potable water well, in use as a water supply for a dwelling or dwellings on the date of public notice for zoning approval for the permitted activity or the date of public notice by the commissioner of the permit application, whichever occurs first, unless written consent is obtained from the owner of the well;

(G) within six hundred (600) feet of any dwelling, in existence on the date of public notice for zoning approval for the permitted activity or the date of public notice by the commissioner of the permit application, whichever occurs first, unless written consent has been obtained from the occupant and owner of the dwelling;

(H) within one hundred (100) feet of the normal water line of any lake, reservoir, or continuously flowing stream;

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(I) within the floodplain unless the waste is protected from floodwater inundation by a dike with a top elevation not less than three (3) feet above the base flood elevation;

(J) within one hundred (100) feet of the real property boundaries of the facility; and

(K) within one thousand two hundred (1,200) feet of any public water supply well, in use as such on the date of public notice for zoning approval for the permitted activity or the date of public notice by the commissioner of the permit application, whichever occurs first, unless written consent is obtained from the owner of the well.

(2) For construction/demolition sites and restricted waste site types I and II:

(A) within the areas specified in subdivision (1)(A) through (1)(I); and

(B) within fifty (50) feet of the real property boundaries of the facility.

(3) For restricted waste site type III:

(A) within the areas specified in subdivision (1)(A) through (1)(F); and

(B) within fifty (50) feet of the real property boundaries of the facility.

(Solid Waste Management Board; 329 IAC 2-10-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1146)

329 IAC 2-10-2 Height increases for existing sanitary landfills; limits

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. On and after the effective date of this article, the increased height beyond that which has previously been approved for existing sanitary landfills shall:

(1) Be separated from any locally useful aquifer by material which:

(A) has an equivalent hydraulic conductivity through the barrier of less than or equal to 1×10^{-6} centimeters per second; and

(B) provides a cation exchange capacity (CEC) of, at least two thousand three hundred (2,300) milliequivalents per square foot for recompacted soil or two thousand eight hundred (2,800) milliequivalents for natural soil for every vertical foot of solid waste in the site.

(2) For aquifers that are not locally useful beneath a site, the required CEC may be decreased by one-half (1/2) from that specified in subdivision (1).

(3) To the extent that a leachate collection system is designed and will be operated to remove a fraction of the leachate from a site, the barrier thickness calculated under subdivision (1) or (2) may be reduced in proportion to that fraction, except as provided in subdivision (5).

(4) In cases where an aquifer will exist horizontally adjacent to waste deposition, the required barrier thickness may be decreased from that specified in subdivision (1), (2), or (3) dependent upon the projected leachate migration through the barrier.

(5) Notwithstanding any of the calculations in subdivision (1), (2), (3), or (4), a minimum subsurface barrier adjacent to the waste or leachate collection system shall be soil with an equivalent hydraulic conductivity through the barrier of less than or equal to 1×10^{-6} centimeters per second and a thickness of ten (10) feet over locally useful aquifers and five (5) feet in all other cases.

(Solid Waste Management Board; 329 IAC 2-10-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1147)

329 IAC 2-10-3 Sanitary landfills; design standards

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. On and after the effective date of this article the fill area of new sanitary landfills and horizontal expansions of the fill area to areas beyond that which previously has been approved for existing facilities the following shall be required:

(1) The following for sanitary landfills, except for the alternative provisions of subdivision (2):

(A) Have a leachate collection system with the following specifications:

(i) A drainage layer overlying the entire base of the proposed fill area, with a minimum thickness of one (1) foot and a minimum hydraulic conductivity of not less than 1×10^{-3} centimeter per second.

(ii) The base of the drainage layer shall have a minimum slope of two percent (2%) toward the leachate collection lines.

(iii) The upper three (3) feet of material beneath the drainage layer and piping shall be recompacted to achieve an equivalent hydraulic conductivity of not more than 1×10^{-7} centimeter per second.

(iv) The system shall be designed to limit the leachate level above the base of the landfill to a maximum of one (1) foot under the conditions that would be present after the final cover has been placed at the landfill.

(v) A piping system with a minimum slope of five-tenths percent (.5%) and a minimum diameter of six (6) inches.

(vi) A maximum length of leachate collection lines which shall not exceed the capabilities of available clean-out devices.

(vii) The design submitted for the leachate collection system shall adequately address the following:

(AA) Prevention of crushing and clogging of the leachate collection system.

(BB) Protection of the liner and the leachate collection system from damage due to uplift from hydrostatic forces.

(CC) Phasing of construction and inspection procedures to provide for waste disposal capacity during periods of inclement weather.

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(DD) Prevention of damage to the system due to freeze/thaw and wet/dry cycles.

(EE) Storage of collected leachate on-site prior to disposal in a manner adequate to prevent leachate releases to the environment.

(viii) Prior to the placement of waste in an area, a report shall be submitted to the commissioner by a registered professional engineer certifying that the leachate collection system in that area has been constructed according to the approved plans. The report shall indicate the boundaries of the area being certified and shall include the results of testing conducted.

(B) Have a barrier immediately beneath the base of the leachate collection system drainage layer and piping of at least ten (10) feet of material with an equivalent hydraulic conductivity of not more than 1×10^{-6} centimeters per second.

(C) The system may be designed with a different minimum slope than specified in clause (A)(ii) and may be operated at a different leachate level than specified in clause (A)(iv), if it is demonstrated that a comparable level of leachate migration control is provided.

(2) Alternative provisions for sanitary landfills. The requirements of subdivision (1) need not be met if the proposed site meets the following criteria:

(A) Existence of a minimum fifty (50) foot barrier of material having an equivalent hydraulic conductivity no greater than 1×10^{-6} centimeters per second between any locally useful aquifer and the solid waste.

(B) Demonstration that the ground water standard specified in 329 IAC 2-16 shall not be exceeded in any locally useful aquifer or surface waters (excepting on-site retention ponds) without leachate collection. Consideration must be given to the following:

(i) Concentration and total amount of contaminants generated.

(ii) Specific geologic characteristics of the site including secondary porosity features occurring in soil or rock and cation exchange.

(iii) Ground water flow direction and predicted mechanisms of contaminant attenuation.

(C) Notwithstanding clauses (A) through (B), other alternative technologies for the design of a sanitary landfill may be considered by the commissioner provided the alternative is demonstrated to provide at least the equivalent protection to public health and the environment as the standard in subdivision (1).

(Solid Waste Management Board; 329 IAC 2-10-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1147)

329 IAC 2-10-4 Construction/demolition sites and restricted waste sites; design standards

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. (a) On and after the effective date of this article for construction/demolition sites and restricted waste types I, II, and III, the increased height and horizontal expansions of the fill area beyond that which had been approved previously and for new facilities shall have a barrier between the solid waste and an aquifer. This barrier shall:

- (1) consist of soil, whether undisturbed, constructed, or a combination thereof, with an equivalent hydraulic conductivity through the barrier of less than or equal to 1×10^{-6} centimeters per second; and
 - (2) have a minimum thickness of the following:
 - (A) For type I sites, fifteen (15) feet, or ten (10) feet if the waste is demonstrated to have an equivalent hydraulic conductivity through the barrier of less than 1×10^{-6} centimeters per second. A greater thickness may be required where necessary to protect human health and the environment.
 - (B) For type II sites, a range between five (5) feet and ten (10) feet dependent upon the permeability of the waste.
 - (C) For type III sites and construction/demolition sites, three (3) feet between the solid waste and any locally useful aquifer.
- (b) Barrier thickness as specified in subsection (a) may be increased due to cation exchange capacities less than ten (10) milliequivalents per one hundred (100) grams or decreased to lack of ground water resources in the area or alternate technology such as synthetic liners and leachate collection. (*Solid Waste Management Board; 329 IAC 2-10-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1148*)

Rule 11. Information to Accompany Application for a Solid Waste Land Disposal Facility Permit

329 IAC 2-11-1 General

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. An application for a solid waste land disposal facility permit shall be accompanied by the plans or documents specified in this rule. Design drawings and specifications shall be certified by a registered professional engineer. Design drawings shall be properly titled. (*Solid Waste Management Board; 329 IAC 2-11-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1148*)

329 IAC 2-11-2 General documentation required

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) The application for sanitary landfills and restricted waste sites I and II shall be accompanied by the following general documentation:

(1) A United States Geological Survey (USGS) topographical quadrangle [sic.] map(s) (seven and one-half (7 1/2) minute), or equivalent, to include all areas within two (2) miles of the proposed facility boundaries with property boundaries and proposed solid waste boundaries clearly delineated.

(2) Documentation of the base flood elevation within one-fourth (1/4) mile of the proposed facility from the Indiana department of natural resources where available.

(3) A scaled map which depicts the following features which are known to the applicant or discernable from public records, on and within one-half (1/2) mile of the proposed facility:

(A) Location of all wetlands.

(B) Springs and seeps.

- (C) Sinkholes.
- (D) Swamps.
- (E) Legal drains.
- (F) Coal borings.
- (G) Wells.
- (H) Buildings.
- (I) Dwellings.
- (J) Sewers.
- (K) Culverts.
- (L) Drainage tiles.
- (M) Pipelines.
- (N) Powerlines.
- (O) Gas or oil wells.
- (P) Surface water.
- (Q) Water courses.
- (R) Roads.

(b) The application for restricted waste site III and construction/demolition sites shall be accompanied by the items specified in subsection (a)(1) through (a)(2). (*Solid Waste Management Board; 329 IAC 2-11-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1149*)

329 IAC 2-11-3 Plot plans and cross sectional drawings

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. (a) The plot plans required by this section shall be submitted using a scale of, at least, one (1) inch equals one hundred (100) feet for a site of less than eighty (80) acres, or a scale of, at least, one (1) inch equals two hundred (200) feet for a facility of eighty (80) acres or more. A bar scale shall be shown on plans in order to properly indicate the scale if size changes occur. All plot plans shall include the facility boundaries and indicate each of the required features set forth in this section within three hundred (300) feet of the facility boundaries. All facility plan elevations must correlate with United States Geological Survey (USGS) mean sea level data.

(b) Applications for sanitary landfills and restricted waste sites I and II shall be accompanied by the following plot plans and cross sections:

- (1) A plot plan which indicates:
 - (A) locations and elevations of all existing and proposed on-site boring locations;
 - (B) rock outcroppings;
 - (C) surface water run-off direction;
 - (D) fences;
 - (E) utility easements and rights-of-way;

- (F) present land surface contours at intervals of no more than five (5) feet; and
- (G) proposed location of scales required by 329 IAC 2-14-8.

(2) A plot plan which indicates the fill boundaries and proposed final contours of the site at intervals of no more than two (2) feet.

(3) A plot plan, with surface contours at intervals of no more than five (5) feet, which indicates initial facility development. Compliance with this plan is a preoperational requirement under 329 IAC 2-13. Benchmarks as required by 329 IAC 2-13-2 shall be shown with a description and elevation provided.

(4) A plot plan, with surface contours at intervals of no more than five (5) feet which indicates:

- (A) land surface water diversion structures;
- (B) berms;
- (C) vegetation or fences for visual screening;
- (D) sedimentation and/or erosion control structures;
- (E) protective barriers;
- (F) leachate collection and methane control systems, if proposed;
- (G) existing and proposed structures;
- (H) the precise location of the solid waste boundary;
- (I) methods of operation;
- (J) direction and order operation and development will proceed;
- (K) depth of excavation;
- (L) length and width of trenches, if proposed;
- (M) depth of lifts and size of working face; and
- (N) areas of the site to be used only for acquisition of cover soil.

(5) Geological cross sectional drawings of the proposed facility showing:

(A) the types of soil materials or rock strata, as identified by boring logs, from the ground surface to the required boring depth;

(B) depth of proposed fill;

(C) fill boundaries; and

(D) present topography (mean sea level elevations).

All boring logs shall be shown on cross sections; a minimum of two (2) intersecting cross sections shall be submitted.

(6) Cross sectional drawings of proposed on-site all-weather roads.

(7) Cross sectional drawings of proposed sedimentation and/or erosion control structures, berms, dikes, ditches, etc.

(8) Cross sectional drawings of proposed protective barriers, leachate collection, or methane control systems.

(c) Applications for construction/demolition sites shall be accompanied by the items specified in subsection (b)(1) through (b)(4).

(d) Applications for restricted waste site type III shall be accompanied by the items specified in subsection (b)(1) through (b)(2). (*Solid Waste Management Board; 329 IAC 2-11-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1149; filed Oct 23, 1990, 11:13 a.m.: 14 IR 440*)

329 IAC 2-11-4 Soils, ground water, geology information; general

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. The application for sanitary landfills and restricted waste sites I, II, and III and construction/demolition sites shall be accompanied by the following information:

(1) A soils map and related description data, as published by the United States Department of Agriculture (USDA), Soil Conservation Service.

(2) Drilling logs and a topographic map indicating the location, and identifying with respect to the drilling logs, all wells within two (2) miles of the proposed facility which are on file with the Indiana department of natural resources. Where a large number of wells logs would be required by this requirement, the commissioner may alternatively allow a summary of information to be submitted.

(3) A survey of any residences within one-fourth (1/4) mile of the solid waste boundary shall be conducted. The survey is to determine whether wells which do not have well logs on file with the Indiana department of natural resources are present and any information regarding these wells. A statement as to the results of the survey and any information gained shall be included with the application.

(Solid Waste Management Board; 329 IAC 2-11-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1150; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636)

329 IAC 2-11-5 Soils, ground water, geology information; certified

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 5. (a) Applications for sanitary landfills and restricted waste sites I and II shall be accompanied by the following information on soils, ground water, and geology certified by a registered professional engineer or certified professional geologist, either of whom shall have education or professional experience in hydrogeology or ground water hydrology:

(1) The number and location of soil borings completed at the site shall be indicated as follows:

(A) There shall be at least one (1) boring for every five (5) acres of fill area up to one hundred (100) acres, and one (1) boring for every ten (10) acres of fill area beyond one hundred (100) acres, with a minimum of five (5) borings at any site. The borings shall be evenly distributed over the site.

(B) Borings shall be completed to a depth necessary to indicate compliance with the design standards of 329 IAC 2-10, with a minimum depth of twenty (20) feet below the depth of waste placement or to bedrock, whichever is shallower.

(C) At least one (1) of the required borings in clause (A) for sites less than ten (10) acres and at least two (2) borings for sites greater than ten (10) acres shall be completed to a depth of at least seventy (70) feet below the depth of waste placement, or at least twenty (20) feet into bedrock, whichever is shallower. The deep borings, where two (2) are required, shall be evenly distributed over the site.

- (D) Additional borings, not necessarily meeting the preceding requirements, may be required to delineate the boundaries of any features pertinent to the site design.
- (E) The commissioner may vary the minimum requirements where alternate testing provides comparable information.
- (F) The commissioner may require prior notification of the date and time of soil borings.
- (2) Boring logs shall include date of drilling, method of drilling, method of backfilling and sealing of borehole, textural classification, and descriptions for the entire depth of the boring, the depths to and thickness of any water bearing zones, and static water levels immediately following the boring. The mean sea level surface elevation at each boring shall be recorded and submitted with the boring log. The textural classification system utilized shall be identified. The commissioner may establish guidance on the recommended sample descriptions to be utilized.
- (3) The following testing requirements shall apply to the minimum number of borings required under subdivision (1):
- (A) Split spoon samples of the unconsolidated material shall be taken at an interval of one (1) per two and one-half (2 1/2) feet, unless the commissioner authorizes otherwise based on uniformity of geologic conditions at the site.
- (B) For at least three (3) evenly distributed borings, including one (1) of the deep borings required under subdivision (1), split spoon samples of the unconsolidated material shall be taken on a continuous basis.
- (C) For the deep borings required under subdivision (1), continuous core samples shall be taken of any bedrock encountered.
- (D) A complete grain size analysis, including Atterberg limits, shall be performed on a representative sample from each significant stratum encountered. A significant stratum shall be defined as a soil layer with a minimum thickness of eighteen (18) inches which, based on appearance (color and texture), can be visually distinguished from other layers. More than one (1) stratum may be represented by a single grain size analysis and Atterberg limits test where alternating strata of approximately identical color and texture are encountered. At least one (1) grain size analysis and Atterberg limits test shall be performed for each of the required minimum number of borings.
- (E) Hydraulic conductivity tests shall be conducted on each of the required minimum number of borings at a depth of approximately five (5) feet below the proposed base of waste placement.
- (F) For landfills designed under the provisions of 329 IAC 2-10-3(2), cation exchange capacity (CEC) tests shall be conducted on each of the required minimum number of borings at a depth of approximately five (5) feet below the proposed base of waste placement.
- (G) CEC and additional hydraulic conductivity tests shall be conducted as necessary to characterize the major strata proposed for use as base and sidewall barriers or cover material.
- (H) Hydraulic conductivity sampling shall occur by a combination of in situ field tests and laboratory permeability tests on undisturbed Shelby tube samples. CEC shall be determined according to the ammonium saturation method specified in Part 2 of "Methods of Soil Analysis" published by the American Society of Agronomy in 1965.
- (I) Other tests may be required by the commissioner in order to further evaluate soil suitability. The commissioner may vary the preceding minimum requirements where alternate testing methods provide comparable information.

(J) All testing and sampling procedures shall be identified and all results shall be identified with respect to boring and depth.

(4) Boring samples shall be collected and maintained until the solid waste facility permit is issued, or until any litigation with regard to the proposed permit is resolved, whichever is later.

(5) Borings completed for the purpose of satisfying this section may be converted to piezometers or cased holes to comply with the requirements of section 6 of this rule.

(b) Applications for restricted waste site type III and construction/demolition sites shall be accompanied by boring and testing information, if well logs, soils maps, or other information do not indicate a suitable barrier between locally useful aquifers and the waste. (*Solid Waste Management Board; 329 IAC 2-11-5; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1150; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636*)

329 IAC 2-11-6 Hydrogeologic study

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 6. (a) Applications for sanitary landfills and restricted waste site types I and II shall be accompanied by a proposal for the installation of monitoring devices, upgradient and downgradient from the landfill with respect to ground water flow direction. The proposal shall consist of a hydrogeologic study which provides the information specified in subsection (b). The commissioner may modify the requirements for the proposal dependent on site characteristics. The proposal shall be certified by a registered professional engineer or certified professional geologist, either of whom shall have education or professional experience in hydrogeology or hydrology.

(b) The proposal shall provide the following information by means of maps, diagrams, and narrative:

(1) Summary of regional and site specific geologic information obtained from recent or previous soil borings, coal borings, area well logs, and/or published reports.

(2) Water table and/or potentiometric surface maps of the proposed site including ground water flow directions as follows:

(A) Such maps shall be prepared from data from cased holes or piezometers capable of measuring hydraulic head at a maximum screen interval of five (5) feet. This limitation on the maximum length of the screened interval shall not apply to those piezometers used to determine a water table surface. At least three (3) such devices shall be necessary for fill areas less than twenty (20) acres, four (4) such devices for fill areas between twenty (20) and fifty (50) acres, five (5) for fill areas between fifty (50) and ninety (90) acres, and six (6) such devices for fill areas greater than ninety (90) acres. The required devices shall be evenly distributed over the site. In addition, vertical hydraulic gradients shall be measured at a minimum of two (2) separate points at the site. Additional nested piezometers or wells may be required by the commissioner to adequately determine vertical components. Where more than one (1) aquifer is present within the specified boring depths required in section 5 (a)(1)(C) of this rule, individual water table and/or potentiometric maps may be required.

(B) Monthly water level measurements over a period of at least six (6) months shall be submitted to the commissioner prior to operation of the facility along with water table/potentiometric surface maps constructed from each measurement event.

(C) The proposal shall discuss the evidence and/or potential of significant components of vertical ground water flow. If there are significant components of vertical flow, cross-sectional representations of equipotential lines and ground water flow direction shall be provided which adequately represent the flow beneath the site.

(3) Identification of aquifers below the proposed site to the depth required by section 5(a)(1)(C) of this rule, including the following information:

- (A) Aquifer thickness(es).
- (B) Lithology.
- (C) Estimated hydraulic conductivity and effective porosity.
- (D) Presence of low permeability units above or below.
- (E) Whether the aquifers are confined or unconfined.

In addition, a general identification and description shall be provided for aquifers known to exist from the geologic literature and/or area well logs.

- (4) Known or projected information on hydraulic connections of ground water to surface water and hydraulic connections between different aquifers at site.
- (5) Information on the current and proposed use of ground water in the area, including any available information on existing quality of ground water in aquifer(s).
- (6) Diagrammatic representation of proposed monitoring well design and construction, including any available information on existing quality of ground water in aquifer(s).
- (7) Proposed well locations, including length and elevation of screened intervals.

(c) The commissioner may require that pumping tests or similar hydraulic tests be performed to provide a more accurate determination of aquifer characteristics where necessary to determine the adequacy of site or monitoring system design. (*Solid Waste Management Board; 329 IAC 2-11-6; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1151; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636*)

329 IAC 2-11-7 Descriptive narrative

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 7. (a) Applications for sanitary landfills shall be accompanied by a narrative describing the proposed facility which shall include the following:

- (1) **Anticipated quantity, types, and sources of solid waste to be deposited.**
- (2) **The equipment to be used for placement and compaction of all solid waste, excavation of soil, moving of stockpiled soils, and application of cover soil.**
- (3) **Procedures to control fugitive dust.**
- (4) **Sanitary facilities if employees are at the site full-time.**
- (5) **A statement as to the existence of and a description of any wells within six hundred (600) feet of the proposed fill area.**
- (6) **A description of the access control at the site.**
- (7) **A description of the safety equipment to be used at the site.**
- (8) **The distance from the site to the nearest dwelling.**

- (9) A description of the location, amount, and depth of excavation which will occur at the site.
 - (10) A description of the supervision which will occur at the site.
 - (11) A description of the base flood at the site and whether the site is in the floodway.
 - (12) Proposed hours of operation.
 - (13) The names and addresses of all adjoining land owners.
 - (14) Development and progression of the solid waste land disposal facility as illustrated in the design and operational plan.
 - (15) Calculations of available and necessary cover soil. If cover material is obtained from a location other than on the proposed facility, its source, quantity, and characteristics shall be identified and approved by the commissioner.
 - (16) Winter and inclement weather operating procedures, to include the method of obtaining and applying cover soil.
 - (17) If protective barriers, leachate, or methane control measures are proposed, describe or identify the following:
 - (A) Source and type of material utilized.
 - (B) Method and specifications of construction.
 - (C) Testing procedures for conformance with construction specifications.
 - (D) Storage, treatment, and disposal processes.
 - (E) Any calculations necessary to indicate that the proposed design complies with the requirements of this article.
 - (18) Sampling methodology for all proposed monitoring devices.
 - (19) Testing method for all samples to be taken.
 - (20) A description of the proposed sign(s) at the site.
 - (21) Procedures for the disposal of bulky solid waste such as refrigerators, stoves, tree trunks, tires, fence wire, and other similar items.
 - (22) Procedures for controlling or handling windblown materials.
 - (23) Procedures to be used to prevent and extinguish fires.
 - (24) Details of salvage operations, if planned, indicating how the salvage operation shall comply with 329 IAC 2-14.
 - (25) Personnel and equipment facilities.
- (b) Applications for restricted waste site types I and II shall include the items required by subsection (a)(1) through (a)(20).
- (c) Applications for construction/demolition sites and restricted waste site type III shall include the items required by subsection (a)(1) through (a)(13). *(Solid Waste Management Board; 329 IAC 2-11-7; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1152)*

Rule 12. Financial Responsibility

329 IAC 2-12-1 Applicability

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. (a) This rule shall apply to all solid waste land disposal facilities which are required to have a permit by 329 IAC 2-8-1 and which apply for a permit after the promulgation of this rule or which have operating permits in effect on the effective date of this article.

(b) The permittee for solid waste land disposal facilities regulated by this rule shall provide financial responsibility for closure and post-closure in accordance with 329 IAC 2-7-6 and sections 2 through 5 of this rule.

(c) Solid waste land disposal facilities which have operating permits in effect on the effective date of this article, shall not operate after September 1, 1989, unless, prior to that date, they have established financial responsibility for post-closure by choosing a financial assurance mechanism under section 3(a) of this rule and by funding the same under section 3(b) of this rule.

(d) Solid waste land disposal facilities which have operating permits in effect on the effective date of this article, shall not operate after September 1, 1992, unless, prior to that date, they have established financial responsibility for closure by choosing a financial assurance mechanism under section 2(a) of this rule and by funding the same under section 2(b) of this rule.

(e) Solid waste land disposal facilities which apply for permits after the promulgation of this rule shall provide financial responsibility as required by 329 IAC 2-8-2(a)(9). The documents establishing both the closure and post-closure financial responsibility must be executed by and approved by the commissioner prior to operation of the facility. In addition the financial assurance mechanism must be funded under sections 2(b) and 3(b) of this rule prior to operation. *(Solid Waste Management Board; 329 IAC 2-12-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1153; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636)*

329 IAC 2-12-2 Closure; financial responsibility

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) The permittee must establish financial responsibility for closure of the facility. The permittee must choose from the options specified in this subsection.

(1) TRUST FUND:

(A) The permittee may satisfy the requirements of this section by establishing a trust agreement in *[sic.]* forms provided by the commissioner or in such other form as approved by the commissioner.

(B) All trust agreements must:

(i) Identify facilities and corresponding closure cost estimates covered by the trust agreement.

(ii) Set up a trust fund in the amount determined by subsection (b) guaranteeing payments from that fund either will reimburse the permittee for commissioner-approved closure work done or will make payments to the commissioner for doing required closure work.

- (iii) Require annual evaluations of the trust to be submitted to the commissioner.
- (iv) Require successor trustees to notify the commissioner, in writing, of their appointment at least ten (10) days prior to the appointment becoming effective.
- (v) Require the trustee to notify the commissioner, in writing, of the failure of the permittee to make a required payment into the fund.
- (vi) Establish that the trust is irrevocable unless terminated, in writing, with the approval of the permittee, the trustee, and the commissioner.
- (vii) Certify that the signer of the trust agreement for the permittee was duly authorized to bind the permittee.
- (viii) Contain the notarization of all signatures by a notary public commissioned to be a notary public in Indiana at the time of the notarization.
- (ix) Establish that the trustee is authorized to act as a trustee and is an entity whose operations are regulated and examined by a federal and state of Indiana agency.
- (x) Require initial payment into the fund be made within thirty (30) days of the commissioner's approval of the trust agreement, and any subsequent payments be made within thirty (30) days of each anniversary of the initial payment.

(2) SURETY BOND.

- (A) The permittee may satisfy the requirements of this section by establishing a surety bond on forms provided by the commissioner or in such other form as approved by the commissioner.
- (B) All surety bonds must:
 - (i) Establish penal sums in the amount determined by subsection (b).
 - (ii) Provide that the surety will be liable to fulfill the permittee's closure obligations upon notice from the commissioner that the permittee has failed to do so.
 - (iii) Provide that the surety may not cancel the bond without first sending notice of cancellation by certified mail to the permittee and the commissioner at least one hundred twenty (120) days prior to the effective date of the cancellation.
 - (iv) Provide that the permittee may not terminate the bond without prior written authorization by the commissioner.
- (C) The permittee must establish a standby trust fund to be utilized in the event the permittee fails to fulfill closure obligations and the bond guarantee is exercised. Such trust fund must be established in accordance with the requirements of subsection (a)(1).
- (D) The surety company issuing the bond must be among those listed as acceptable sureties for federal bonds in Circular 570 of the U.S. Department of the Treasury.
- (E) The surety will not be liable for deficiencies in the performance of closure by the permittee after the commissioner releases the permittee in accordance with section 6 of this rule.

(3) LETTER OF CREDIT.

- (A) The permittee may satisfy the requirements of this section by establishing a letter of credit on forms provided by the commissioner or in such other form as approved by the commissioner.
- (B) All letters of credit must:
 - (i) Establish credit in the amount determined by subsection (b).
 - (ii) Be irrevocable.

(iii) Be effective for a period of at least one (1) year and must have automatic extensions for periods of at least one (1) year unless the issuing institution provides written notification of cancellation by certified mail to both the permittee and the commissioner at least one hundred twenty (120) days prior to the effective date of cancellation.

(iv) Provide that the institution issuing the letter of credit, upon written notice from the commissioner that the permittee's obligations have not been fulfilled, will deposit funds equal to the amount of credit into a trust fund to be used to ensure permittee's closure obligations are fulfilled.

(C) The permittee must establish a standby trust fund to be utilized in the event the permittee fails to fulfill its closure obligations and the letter of credit is utilized. Such trust funds must be established in accordance with the requirements of subsection (a)(1).

(D) The issuing institution must be an entity which has the authority to issue letters of credit and whose letters of credit operations are regulated and examined by a federal or state of Indiana agency.

(4) INSURANCE.

(A) The permittee may satisfy the requirements of this section by providing evidence of insurance on forms provided by the commissioner or on such other forms as approved by the commissioner.

(B) All insurance must:

(i) Be in the amount determined by subsection (b).

(ii) Provide that upon written notification to the insurer by the commissioner that the permittee has failed to perform final closure, the insurer shall make payments in any amount, not to exceed the amount insured, and to any person authorized by the commissioner.

(iii) Provide that the permittee must maintain the policy in full force and effect unless the commissioner consents in writing to termination of the policy.

(iv) Provide for assignment of the policy to a successor permittee.

(v) Provide that the insurer may not cancel, terminate, or fail to renew the policy except for the permittee's [*sic.*] failure to pay the premium. No policy may be cancelled, be terminated, or fail to be renewed unless at least one hundred twenty (120) days prior to such event the commissioner and the permittee are notified by the insurer in writing.

(C) The insurer must either be licensed to transact the business of insurance or be eligible to provide insurance as an excess or surplus lines insurer in one (1) or more states.

(5) FINANCIAL TEST.

(A) The financial test is only available for restricted waste sites.

(B) If a permittee meets the criteria set forth in item (i) and either item (ii) or (iii), the permittee shall be deemed to have established financial responsibility.

(i) Less than fifty percent (50%) of the company's gross revenues are derived from waste management.

(ii) The permittee meets the following four (4) tests:

(AA) Two (2) of the following three (3) ratios are met:

(aa) A ratio of total liabilities to net worth less than two (2.0).

- (bb) A ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than one-tenth (.1).
- (cc) A ratio of current assets to current liabilities greater than one and one-half (1.5).
- (BB) Net working capital and tangible net worth each at least six (6) times the sum of the current closure and current post-closure cost estimates.
- (CC) Tangible net worth of at least ten million dollars (\$10,000,000).
- (DD) Assets in the United States amounting to at least ninety percent (90%) of the permittee's total assets or at least six (6) times the sum of the current closure and current post-closure cost estimates.
- (iii) The permittee meets the following four (4) tests:
 - (AA) A current rating for the permittee's most recent bond issuance of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's.
 - (BB) Tangible net worth of at least six (6) times the sum of the current closure and post-closure cost estimates.
 - (CC) Tangible net worth of at least ten million dollars (\$10,000,000).
 - (DD) Assets located in the United States amounting to at least ninety percent (90%) of the permittee's total assets or at least six (6) times the sum of the current closure and current post-closure estimates.
- (C) To demonstrate the financial test has been met, the permittee must submit the following documents to the commissioner:
 - (i) A form provided by the commissioner, or such other form as approved by the commissioner, signed by the permittee's chief financial officer, demonstrating the applicable criteria have been met.
 - (ii) A copy of an independent certified public accountant's report examining the permittee's financial statements for the latest completed fiscal year.
 - (iii) A special report from the permittee's independent certified public accountant to the permittee stating:
 - (AA) he has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and
 - (BB) in connection with that procedure, no matters come to his attention which caused him to believe that the specified data should be adjusted.
- (D) The permittee must submit updated clause (C) documents to the commissioner within ninety (90) days after the close of each fiscal year.
- (E) If at any time the permittee fails to meet the financial test, the permittee must establish an alternate financial responsibility mechanism within one hundred twenty (120) days after the end of the fiscal year for which the year-end financial data shows that the permittee no longer meets the requirements.
- (F) The commissioner may disallow use of this test on the basis of qualifications in the opinion expressed in the independent certified public accountant's report examining the permittee's financial statements. An adverse opinion or a disclaimer of opinion will be cause for disallowance. Other qualifications may be cause for disallowance if, in the opinion of the commissioner, they indicate the permittee does not meet the requirements of subsection (a)(5). The permittee must choose an alternate financial responsibility mechanism within thirty (30) days after notification of the disallowance.

(b) Financial responsibility closure cost estimate:

(1) For purposes of establishing financial responsibility, the permittee must have a detailed written estimate of the cost of closing the facility based on:

(A) the closure costs derived under 329 IAC 2-15-3(b); and

(B) one (1) of the closure estimating standards under subdivision (2).

(2) For purposes of this section, "establishment of financial responsibility" means submission of financial responsibility [sic.] to the commissioner in the form of one (1) of the options under subsection (a).

(3) The permittee must use one (1) of the following closure cost estimating standards:

(A) The entire facility closure standard is an amount which equals the estimated total cost of closing the entire facility, less amount representing portions of the facility which have been certified for partial closure in accordance with 329 IAC 2-15-4.

(B) The incremental closure standard is an amount which for any year of operation equals the total cost of closing the portion of the facility dedicated to the current year of facility operation, plus all closure amounts from completed portions of the facility from prior years of operation which have not yet been certified for partial closure in accordance with 329 IAC 2-15-4.

(c) Until final closure of the facility is certified, the permittee must annually review and submit to the commissioner the financial closure estimate derived under this section within thirty (30) days after each anniversary date of the original effective date of the establishment of financial responsibility for closure. The submittal shall also include a copy of the final contour map of the facility which delineates the boundaries of all areas into which waste has been placed as of the anniversary date and certified by a registered engineer or land surveyor. In addition, as part of the annual review, the permittee must revise the closure estimate as follows:

(1) For inflation using an inflation factor derived from the annual implicit price deflator for gross national product as published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of the dividing the latest published annual deflator by the deflator for the previous year as follows:

(A) The first revision is made by multiplying the original closure cost estimate by the inflation factor. The result is the revised closure cost estimate.

(B) Subsequent revisions are made by multiplying the latest revised closure cost estimate by the latest inflation factor.

(2) For changes in the closure plan whenever such changes increase the cost of closure.

(d) The permittee may revise the closure cost estimate downward whenever a change in the closure plan decreases the cost of closure, or whenever portions of the facility have been certified for partial closure under 329 IAC 2-15-4. (Solid Waste Management Board; 329 IAC 2-12-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1154; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636)

329 IAC 2-12-3 Post-closure financial responsibility

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. (a) The permittee must establish financial responsibility for post-closure care of the facility. The permittee must choose from the options as specified in this subsection.

(1) TRUST FUND.

(A) The permittee must establish a trust agreement on forms provided by the commissioner or in such other form as approved by the commissioner.

(B) All trust agreements must conform to the requirements detailed in section 2(a)(1)(B) of this rule, with the exception the term "post-closure" be substituted for the term "closure."

(2) SURETY BOND.

(A) The permittee must establish a surety bond on forms provided by the commissioner or in such other form as approved by the commissioner.

(B) All surety bonds must conform to the requirements detailed in section 2(a)(2)(B) through 2(a)(2)(E) of this rule, with the exception that the term "post-closure" be substituted for the term "closure."

(3) LETTER OF CREDIT.

(A) The permittee must establish a letter of credit on forms provided by the commissioner or in such other form as approved by the commissioner.

(B) All letters of credit must conform to the requirements detailed in section 2(a)(3)(B) through 2(a)(3)(D) of this rule, with the exception that the term "post-closure" be substituted for the term "closure."

(4) INSURANCE.

(A) The permittee must provide evidence of insurance on forms provided by the commissioner or on such other form as approved by the commissioner.

(B) All insurance must conform to the requirements detailed in section 2(a)(4)(B) through 2(a)(4)(C) of this rule, with the exception that the term "post-closure" be substituted for the term "closure."

(5) FINANCIAL TEST.

(A) The financial test is only available for restricted waste sites.

(B) If a permittee meets the criteria set forth in section 2(a)(5)(B) through 2(a)(5)(D) of this rule, the permittee shall be deemed to have established financial responsibility.

(b) The permittee must choose a financial responsibility mechanism which guarantees funds will be available to meet the post-closure requirements of the facility. Funding must equal the amount determined under 329 IAC 2-15-8(b)(4). Funding may be accomplished by initially funding the chosen financial responsibility mechanism in an amount equal to the amount determined under 329 IAC 2-15-8(b)(4). Funding may also be accomplished by making annual payments equal to the amount determined by the formula:

Next payment =

$$\frac{CE-CV}{Y}$$

where CE is the current post-closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in-period. Annual funding shall be no later than thirty (30) days after either each annual anniversary date of the first payment into the mechanism or the establishment of the mechanism, if no payments are required.

(Solid Waste Management Board; 329 IAC 2-12-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1157; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636)

329 IAC 2-12-4 Multiple facilities

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. A permittee may use a single financial responsibility mechanism to meet the requirements for more than one (1) facility. Evidence of financial responsibility submitted to the commissioner must include a list showing, for each facility, the facility permit number, name, address, and the amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. (*Solid Waste Management Board; 329 IAC 2-12-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1157*)

329 IAC 2-12-5 Joint financial responsibility for closure and post-closure

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 5. A permittee may satisfy the requirements for financial responsibility for both closure and post-closure care for one (1) or more facilities by using a trust fund, surety bond, letter of credit, insurance, or financial test, that meets the specifications for the mechanism in sections 2 through 3 of this rule. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial responsibility of closure and of post-closure care. (*Solid Waste Management Board; 329 IAC 2-12-5; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1158*)

329 IAC 2-12-6 Release of financial responsibility obligations

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 6. As part of the acknowledgement of final closure and post-closure, the commissioner shall notify the permittee that he is no longer required to maintain financial responsibility for closure and post-closure once the requirements for closure and post-closure have been fulfilled. (*Solid Waste Management Board; 329 IAC 2-12-6; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1158*)

329 IAC 2-12-7 Incapacity of permittee, guarantors, or financial institutions

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 7. (a) A permittee must notify the commissioner by certified mail of the commencement of a voluntary or involuntary proceeding under Title II (Bankruptcy), U.S. Code, naming the permittee as debtor, within ten (10) days after commencement of the proceeding.

(b) A permittee who fulfills the requirements of sections 1 through 5 of this rule by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial responsibility in the event of bankruptcy of the trustee, or of the institution issuing the surety bond or letter of credit, or insurance policy to issue such instruments. The permittee must establish other financial responsibility within sixty (60) days after such an event. (*Solid Waste Management Board; 329 IAC 2-12-7; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1158; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636*)

329 IAC 2-12-8 Penalty for failure to fund financial responsibility

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7-13; IC 36-9-30

Sec. 8. In addition to any other penalties provided for in this article or in IC 13-7-13, any failure to obtain, maintain, or fund any financial responsibility mechanism as required by this rule within the prescribed time limits shall be deemed to endanger human health and the environment, and shall be grounds for a proceeding to revoke the facility permit or to order final closure of the facility. (*Solid Waste Management Board; 329 IAC 2-12-8; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1158*)

329 IAC 2-12-9 Release of funds

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 9. (a) This section applies to all permittees funding financial responsibility mechanisms under this rule whether utilizing entire facility standard (section 2(b)(3)(A) of this rule) or the incremental standard (section 2(b)(3)(B) of this rule).

(b) Permittees may request release of closure or post-closure financial responsibility funds as follows:

(1) Closure as follows:

(A) Prior to closure of the facility, if payments have been made by the permittee as a part of establishing a financial responsibility mechanism and if the payments total more than the required amount, the permittee may request, and the commissioner shall release, the excess amount, provided no refund shall be made for an amount less than two thousand five hundred dollars (\$2,500). Such requests for release shall be made no more than once a year.

(B) After beginning final closure, a permittee or any other person authorized to perform closure may request reimbursement for closure expenditures by submitting itemized bills to the commissioner for a minimum of ten thousand dollars (\$10,000).

(2) Post-closure as follows:

(A) Prior to closure of the facility, if payments have been made by the permittee as a part of establishing a financial responsibility mechanism and if the payments total more than the required amount, the permittee may request, and the commissioner shall release, the excess amount, provided no refund shall be made for an amount less than two thousand five hundred dollars (\$2,500). Such requests for release shall be made no more than once a year.

(B) During the period of post-closure care, the commissioner may approve a release of funds by an amount of not less than two thousand five hundred dollars (\$2,500) and not more than ten percent (10%) of the current balance of the trust fund, if the permittee demonstrates to the commissioner that the value of the trust fund exceeds the remaining cost of post-closure care. Provided, however, that at no time shall the value of the trust fund be allowed to drop below the remaining cost of post-closure care. Such requests for release shall be made no more than once a year.

(c) Within thirty (30) days after receipt of a request for release of funds pursuant to subsection (b), the commissioner will determine whether the expenditures are justified, and if so, will instruct the trustee to make reimbursement in such amounts as the commissioner specifies in writing. If the commissioner has reason to believe that the cost of the closure or post-closure will be significantly greater than the value of the trust fund, the commissioner may withhold reimbursement of such amounts as deemed prudent until it is determined that the permittee is no longer required to maintain the financial responsibility. (Solid Waste Management Board; 329 IAC 2-12-9; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1158; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636)

Rule 13. Solid Waste Land Disposal Facilities; Operation Approval and Preoperational Requirements

329 IAC 2-13-1 Operation approval

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. (a) A newly constructed solid waste land disposal facility which holds a valid permit under this article may not accept solid waste until it has complied with the applicable preoperational requirements of this rule.

(b) The operator of the facility shall notify the commissioner in writing when all the preoperational requirements have been completed. Unless the commissioner denies operational approval within twenty-one (21) days of receipt of such notice, the facility may begin to accept solid waste in accordance with its permit and the requirements of 329 IAC 2-14. (Solid Waste Management Board; 329 IAC 2-13-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1159)

329 IAC 2-13-2 Preoperational requirements

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) Before beginning operation, sanitary landfills, restricted waste site types I and II, and construction/demolition sites shall be required as follows:

- (1) Establish a series of identifiable boundary markers which will delineate the approved facility boundaries and solid waste boundaries for the life of the facility.
- (2) Complete initial site development and construction in accordance with the initial facility development plan required in 329 IAC 2-11 and complete other preoperational requirements imposed as conditions to the facility permit.
- (3) Establish permanent, on-site benchmark or benchmarks with vertical (mean sea level elevation) and horizontal control, so that no portion of the proposed fill area is further than one thousand (1,000) feet from a benchmark. However, distances greater than the specified one thousand (1,000) feet shall be allowed where necessary to avoid the placement of benchmarks on filled areas.
- (4) Install any required ground water monitoring devices in accordance with 329 IAC 2-16.

(b) Restricted waste site type III shall establish boundary markers as described in subsection (a)(1). (Solid Waste Management Board; 329 IAC 2-13-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1159)

Rule 14. Solid Waste Land Disposal Facilities; Operational Requirements

329 IAC 2-14-1 Access control

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. (a) Solid waste land disposal facilities shall be accessible by means of established roadways only.

(b) Solid waste shall be deposited at the solid waste land disposal facility only when operating personnel are on duty. Containers may be placed outside the facility entrance so that solid waste may be deposited after hours. Restricted waste sites that dispose of waste on-site where the waste is generated or off-site at a location which is owned and operated by the generator for its exclusive use, are exempt from this subsection. (*Solid Waste Management Board; 329 IAC 2-14-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1160*)

329 IAC 2-14-2 On-site roads

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) On-site roads that provide access to disposal areas shall be passable to vehicles utilizing these areas.

(b) The permittee shall construct and maintain on-site roads in such a way as to minimize the tracking of mud or soil material from the facility onto public highways, or provide and maintain equipment to remove any such mud or soil materials which are tracked onto the public highways.

(c) Access to monitoring wells for vehicles driven by department representatives shall be provided. Such areas shall be passable. Gravel or other materials shall be provided as needed to provide trafficability. Vegetation shall be controlled on the access way and around the wells. (*Solid Waste Management Board; 329 IAC 2-14-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1160*)

329 IAC 2-14-3 Signs

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. (a) For all facilities, except facilities disposing of waste generated on-site, a sign of at least sixteen (16) square feet shall be erected at each facility entrance. The sign shall identify:

- (1) the facility name;
- (2) the operating schedule;
- (3) the type of facility; and
- (4) the solid waste facility permit number.

(b) For sanitary landfills and construction/demolition sites, traffic signs, or other devices, as needed, shall be provided to promote an orderly traffic pattern to and from the discharge area. (*Solid Waste Management Board; 329 IAC 2-14-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1160*)

329 IAC 2-14-4 Sanitation

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 15-2.1-16; IC 36-9-30

Sec. 4. (a) Cattle, hogs, poultry, or other livestock are prohibited from any filled area which has not received final cover and vegetation.

(b) Vectors, dust, and odors shall be controlled by effective means so that they do not constitute or contribute to a nuisance or a health hazard.

(c) Windblown materials and litter shall be collected and buried daily. Windblown materials shall be controlled by effective means so that they do not constitute or contribute to a nuisance.

(d) Disposal of dead animals shall be in accordance with IC 15-2.1-16.

(e) Containers which have been placed outside the facility entrance for the disposal of solid waste after hours shall be emptied at a frequency which will minimize odors and control vectors, but in no event, less than once in every twenty-four (24) hours. Areas around the containers shall be maintained in a sanitary and litter-free condition. (*Solid Waste Management Board; 329 IAC 2-14-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1160*)

329 IAC 2-14-5 Scavenging

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 5. Scavenging is prohibited. (*Solid Waste Management Board; 329 IAC 2-14-5; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1160*)

329 IAC 2-14-6 Salvaging

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 6. (a) Salvaging on-site at a solid waste land disposal facility shall be done only under the supervision of the permittee and may not interfere with the facility operations.

(b) Salvaged materials shall be stored in buildings or transportable containers while awaiting removal from the facility. Alternative methods of storing salvaged materials must have prior approval from the commissioner. Approval may be granted at the request of a permittee, if the permittee can demonstrate that the alternative method will provide a comparable level of environmental protection. (*Solid Waste Management Board; 329 IAC 2-14-6; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1160*)

329 IAC 2-14-7 Safety requirements

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 7. (a) Safety devices, including roll bars and fire extinguishers, shall be provided on all rolling equipment.

(b) A first-aid kit shall be available on-site for sanitary landfills and construction/demolition sites.

(c) A telephone or radio communication system shall be provided on-site for sanitary landfills and construction/demolition sites.

(d) A sanitary landfill which operates within ten thousand (10,000) feet (three thousand forty-eight (3,048) meters) of any airport runway used by turbojet aircraft or within five thousand (5,000) feet (one thousand five hundred twenty-four (1,524) meters) of any airport runway used by only piston-type aircraft shall not pose a bird hazard to aircraft. (*Solid Waste Management Board; 329 IAC 2-14-7; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1161*)

329 IAC 2-14-8 Records and reports

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 24-6; IC 36-9-30

Sec. 8. (a) Solid waste land disposal facilities shall maintain on-site an up-to-date copy of the plans and specifications approved by the commissioner in granting the permit.

(b) Solid waste land disposal facilities shall maintain on-site a plot plan of the solid waste land disposal facility. The plot plan shall be updated quarterly. The plot plan shall describe the following:

- (1) Areas of excavation.
- (2) Areas of current filling.
- (3) Areas under intermediate cover.
- (4) Filled areas lacking final cover.
- (5) Finished areas (with final cover, contoured, and seeded).

(c) Solid waste land disposal facilities shall submit to the commissioner by the fifteenth of the month following the end of each quarter year, with the quarters ending on March 31, June 30, September 30, and December 31 of each year, a quarterly report on a form provided by the department which includes, but is not limited to, the following:

- (1) The total weight of solid waste disposed of at the facility during the calendar quarter compiled by waste type such as industrial process waste, pollution control waste, incinerator residue, sludge, or other solid waste forms.
- (2) The origin of solid waste, as provided by the solid waste hauler under subsection (f), disposed of at the facility during the calendar quarter compiled by the county in which the solid waste originated or by state if the waste originated outside of Indiana.
- (3) The remaining site life in years and the remaining site capacity in cubic yards for the existing constructed land disposal facility.
- (4) Areas not yet completed but which have received permit authorization to be constructed.
- (d) Based on reporting results required by subsection (c), any sanitary landfill that accepts, on the average, more than fifty (50) tons per day of solid waste, as determined in subsection (e), and any restricted waste site that accepts waste from sources other than the owner/operator shall install weighing scales within twelve (12) months of such determination and shall operate and maintain these scales in accordance with IC 24-6 concerning trade regulations; consumer sales and credit; weights, measures, and labeling.

(e) Restricted waste sites and construction/demolition sites shall use production information and accepted engineering practices to estimate the weight of waste coming into these facilities. Sanitary landfills that are not required by subsection (d) to weigh solid waste shall calculate the weight as follows:

- (1) One (1) cubic yard of baled solid waste is equal to one (1) ton.
- (2) Three and three-tenths (3.3) cubic yards of compacted solid waste is equal to one (1) ton.
- (3) Six (6) cubic yards of loose solid waste is equal to one (1) ton.

(f) The origin of the solid waste received at land disposal facilities is to be provided to the facility operator by the solid waste hauler. The solid waste hauler shall estimate, by percent, the solid waste originating in each county or state if the load contains solid waste from more than one (1) county or state.

(g) The following must be furnished upon request and made available during normal operating hours for inspection, by any officer, employee, or representative of the department:

- (1) All land disposal facility records, reports, and plans required by this section.
- (2) All special waste disposal approvals required by 329 IAC 2-21.

(Solid Waste Management Board; 329 IAC 2-14-8; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1161; filed Oct 23, 1990, 11:13 a.m.: 14 IR 441)

329 IAC 2-14-9 Open burning

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 9. Open burning of solid waste is prohibited at solid waste land disposal facilities. Burning of solid waste shall take place only in an incinerator permitted under this article and operating in compliance with all applicable air pollution control requirements. *(Solid Waste Management Board; 329 IAC 2-14-9; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1161)*

329 IAC 2-14-10 Waste deposit and compaction

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. (a) Sanitary landfills shall spread and compact solid waste at the working face in shallow layers not exceeding two (2) feet in thickness.

(b) Compaction shall:

- (1) occur on a sloped working face; and
- (2) be accomplished with repeated passes of appropriate equipment.

(c) Neither the slope of the working face nor the slope of compacted material shall exceed 3:1 (run over rise). *(Solid Waste Management Board; 329 IAC 2-14-10; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1161)*

329 IAC 2-14-11 Diversion of surface water

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 11. (a) Sanitary landfills shall divert surface water from the active fill area and shall minimize surface water contact with solid waste or interference with the daily operation.

(b) Sanitary landfills shall provide and maintain sedimentation and/or erosion control systems wherever necessary to minimize erosion and the sedimentation of surface waters. Any permanent surface water diversion structures shall be able to accommodate the twenty-five (25) year precipitation event.

(c) No solid waste land disposal facility shall deposit solid waste in standing or ponded water except for that water resulting from precipitation directly upon the working face. (*Solid Waste Management Board; 329 IAC 2-14-11; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1161*)

258.21 ✓
329 IAC 2-14-12 Cover; general provisions

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 12. (a) Cover for solid waste land disposal facilities shall be soil of Unified Soil Classification ML, CL, MH, CH, or OH, or other suitable material approved by the commissioner to provide an adequate level of environmental protection.

(b) Cover shall be applied and maintained at solid waste facilities in accordance with the applicable requirements of this rule. Other provisions for cover may be approved by the commissioner if it can be demonstrated that an alternate cover or site design will provide an adequate level of environmental protection. (*Solid Waste Management Board; 329 IAC 2-14-12; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1162*)

258.21 ✓
329 IAC 2-14-13 Cover; sanitary landfills and restricted waste site type I

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 13. Sanitary landfills and restricted waste site type I shall:

- (1) limit the size of the working face to an area which can be covered daily;
- (2) apply and compact no less than six (6) inches of cover over all exposed solid waste:
 - (A) by the end of each operating day, regardless of weather conditions; or
 - (B) in the case of a facility which is open continuously, at least once in every twenty-four (24) hour period, as specified in the permit;
- (3) apply and compact intermediate cover of not less than one (1) foot over any point in the fill which has not received solid waste for ninety (90) days or more;
- (4) apply and compact final cover of not less than two (2) feet except as more cover may be required under section 19 of this rule to any point in the fill:
 - (A) within one hundred eighty (180) days of receiving its final waste volume; or
 - (B) when any area of the landfill is filled to its approved elevation; and
- (5) apply six (6) inches of topsoil on top of the final cover to establish vegetation as required by section 18 of this rule.

(Solid Waste Management Board; 329 IAC 2-14-13; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1162)

329 IAC 2-14-14 Cover; restricted waste site type II

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 14. Restricted waste site type II shall:

(1) apply and compact no less than six (6) inches of cover over all exposed solid waste, regardless of weather conditions:

(A) monthly; or

(B) annually, if the waste can be demonstrated to the satisfaction of the commissioner to have an in-place permeability of less than 10-6 centimeters per second;

(2) apply and compact no less than two (2) feet of final cover over any area in the fill within one hundred eighty (180) days of the following:

(A) solid waste has not been disposed for one (1) year; or

(B) any area of the landfill which has been filled to its approved elevation; and

(3) apply six (6) inches of topsoil on top of the final cover to establish vegetation as required by section 18 of this rule.

(Solid Waste Management Board; 329 IAC 2-14-14; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1162)

329 IAC 2-14-15 Cover; restricted waste site type III

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 15. Restricted waste site type III shall:

(1) apply and compact no less than six (6) inches of intermediate cover annually over all exposed solid waste, regardless of weather conditions; and

(2) apply and compact no less than two (2) feet of final cover within one (1) year of when an area is filled to its approved elevation.

(Solid Waste Management Board; 329 IAC 2-14-15; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1162)

329 IAC 2-14-16 Cover; construction/demolition sites

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 16. Construction/demolition sites shall:

(1) apply no less than six (6) inches of cover weekly over all exposed solid waste regardless of weather conditions; and

(2) apply no less than two (2) feet of final cover over any area in the fill within one hundred eighty (180) days:

- (A) solid waste has not been disposed in that area within one (1) year; or
- (B) the area of the landfill is filled to its approved elevations.

(Solid Waste Management Board; 329 IAC 2-14-16; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1163)

329 IAC 2-14-17 Dispersal control

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 17. (a) Notwithstanding the cover requirements of this rule for restricted waste sites and construction/demolition sites, if the facility operation is found to be in violation of fugitive dust regulations of the air pollution control board or if the commissioner documents evidence of visible waste deposits carried by wind or surface water beyond the site property boundary, restricted waste site types II, III, and IV shall:

- (1) apply daily cover; and
- (2) submit a plan to control dispersal.

(b) Application of daily cover shall continue until a dispersal control plan is approved by the commissioner. *(Solid Waste Management Board; 329 IAC 2-14-17; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1163)*

329 IAC 2-14-18 Grading and soil stabilization

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 18. (a) Cover materials applied as required in sections 12 through 17 of this rule shall be continuously maintained, including application and compaction of additional cover as needed to maintain required depth.

(b) A grass or ground cover crop shall be established and maintained continuously as soon as weather permits and seasonal conditions are suitable, on any portion of the solid waste land disposal facility that has received final cover, except where other provisions for land use have been approved by the commissioner.

(c) All solid waste land disposal facilities shall be graded to promote surface water drainage and prevent the ponding of water on previously filled areas.

(d) Vegetation shall be cleared only as necessary. *(Solid Waste Management Board; 329 IAC 2-14-18; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1163)*

329 IAC 2-14-19 Final cover of solid waste land disposal facility; requirements

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 19. Solid waste land disposal facilities shall meet the following requirements for final cover:

- (1) For sanitary landfills:

(A) the maximum projected erosion rate of the final cover shall be five (5) tons per acre per year;

(B) the final compacted cover shall have six (6) inches of topsoil plus a minimum depth of compacted clay of two (2) feet for slopes less than or equal to fifteen percent (15%); of three (3) feet for slopes greater than fifteen percent (15%) but less than twenty-five percent (25%); and of four (4) feet for slopes greater than twenty-five percent (25%); and

(C) the final cover shall have a slope of not less than four percent (4%) and not greater than thirty-three percent (33%).

(2) For restricted waste site type I:

(A) the maximum projected erosion rate shall be five (5) tons per acre per year;

(B) the final compacted cover shall have six (6) inches of topsoil plus a minimum depth of compacted clay of two (2) feet for slopes less than or equal to fifteen percent (15%); of three (3) feet for slopes greater than fifteen percent (15%) but less than twenty-five percent (25%); and of four (4) feet for slopes greater than twenty-five percent (25%); and

(C) the final cover shall have a slope of not less than two percent (2%) and not greater than thirty-three percent (33%).

(3) For restricted waste site types II and III and construction/demolition sites:

(A) the maximum projected erosion rate shall be five (5) tons per acre per year;

(B) the final compacted cover shall be as specified in sections 14 through 16 of this rule and

(C) the final cover shall have a slope of not less than two percent (2%) and not greater than thirty-three percent (33%).

(Solid Waste Management Board; 329 IAC 2-14-19; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1163; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636)

329 IAC 2-14-20 Explosive gases

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) Sanitary landfills shall ensure that:

(1) the concentration of methane generated by the facility does not exceed twenty-five percent (25%) of the lower explosive limit for the gases in facility structures, excluding gas control or recovery system components; and

(2) the concentration of methane gas does not exceed the lower explosive limit for the gases at the facility property boundary.

(b) Sanitary landfills shall implement a methane monitoring program approved by the commissioner to ensure that the standards in subsection (a) are met. The type and frequency of monitoring shall be determined based on soil conditions, hydrogeologic conditions, and the location of structures and property boundaries.

(c) If methane gas levels exceed the limits in subsection (a), the permittee shall:

(1) within twenty-four (24) hours notify the commissioner; and

(2) immediately implement all necessary steps to ensure protection of human health. (Solid Waste Management Board; 329 IAC 2-14-20; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1164)

329 IAC 2-14-21 Surface leachate control

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 21. (a) Any leachate seeps on the surface of the solid waste land disposal facility shall be immediately managed or controlled to prevent off-site migration.

(b) Any surface movement of leachate past a point fifty (50) feet outside of the solid waste boundary is prohibited, except as specified in the facility permit. (Solid Waste Management Board; 329 IAC 2-14-21; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1164)

329 IAC 2-14-22 Leachate collection

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 22. Leachate collection systems shall be operated in such a manner as to comply with the design standards and plans specified in 329 IAC 2-10-3(1)(A). (Solid Waste Management Board; 329 IAC 2-14-22; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1164)

329 IAC 2-14-23 Leachate disposal

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 23. Any discharge or disposal of collected leachate shall be in accordance with applicable state laws and rules. (Solid Waste Management Board; 329 IAC 2-14-23; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1164)

329 IAC 2-14-24 Ground water monitoring wells

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 24. All sanitary landfills and restricted waste site types I and II shall have ground water monitoring devices in accordance with 329 IAC 2-16. (Solid Waste Management Board; 329 IAC 2-14-24; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1164)

Rule 15. Solid Waste Land Disposal Facilities; Closure and Post-Closure

329 IAC 2-15-1 Applicability

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. Except as otherwise provided, this rule applies to all solid waste land disposal facilities, except restricted waste sites IV. (Solid Waste Management Board; 329 IAC 2-15-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1164)

329 IAC 2-15-2 Performance standard

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. The permittee must close the facility and maintain the facility during the post-closure period in a manner that:

- (1) minimizes the need for further maintenance;
- (2) controls post-closure escape of waste, waste constituents, leachate, contaminated rainfall, or waste decomposition products to the ground or surface waters or the atmosphere; and
- (3) at a minimum is in compliance with applicable closure provisions of 329 IAC 2-14 and conditions imposed in the facility permit.

(Solid Waste Management Board; 329 IAC 2-15-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1164)

329 IAC 2-15-3 Closure plan

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. (a) The permittee must have a written closure plan. The closure plan must be submitted with the permit application in accordance with 329 IAC 2-8 and be approved by the commissioner as part of the permit. The approved closure plan will become a condition of the permit.

(b) The closure plan must identify the steps necessary to completely close the facility at any point during its intended life in accordance with section 2 of this rule. The plan shall be certified by a registered professional engineer. The closure plan must include the following:

- (1) A description of the steps that will be used to partially close, if applicable, and finally close the facility in accordance with section 2 of this rule.
- (2) A listing of labor, materials, and testing necessary to close the facility.
- (3) An estimate of the expected year of closure and a schedule for final closure. The schedule must include:

(A) the total time required to close the facility; and

(B) the time required for completion of intervening closure activities.

(4) An estimate of the cost per acre of providing final cover and vegetation. Such cost shall be that necessary for providing the following, but shall not be less than five thousand dollars (\$5,000) per acre:

(A) Two (2) feet of compacted clay soil.

(B) Six (6) inches of topsoil.

(C) Vegetation.

(D) Certification of closure including any testing necessary for such certification.

(5) The closure plan shall separately identify any closure costs for items other than providing final cover and vegetation.

(6) The closure plan shall list a closure cost estimate equal to the costs specified by subdivision (5) plus the product of the total area of the site permitted for filling and the cost per unit area specified by subdivision (4). Closure costs shall be calculated based on the cost necessary for the work to be performed by a third party.

(7) If the facility utilizes the closure trust fund option or funds the letter of credit on an annual basis, as contained in 329 IAC 2-12, then for each yearly period following the beginning of operation of the facility, the plan shall specify the maximum area of the facility into which solid waste will have been deposited through that year of the facility's life and shall delineate such areas on the copy of the facility's final contour map. The closure plan shall list closure cost estimates for each year of the anticipated life of the facility equal to the costs specified by subdivision (5), plus the product of the noted maximum areas of the site and the cost per unit area specified by subdivision (4).

(Solid Waste Management Board; 329 IAC 2-15-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1165)

329 IAC 2-15-4 Partial closure

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. (a) Areas of a solid waste land disposal facility which have received final cover, and are graded and have established vegetation in accordance with the applicable provisions of 329 IAC 2-14 and the approved closure plan prior to closure of the facility may receive certification of partial closure.

(b) The permittee shall submit to the commissioner a certification signed by both the permittee and a registered professional engineer which specifically identifies the closed areas, and that the partial closure was in accordance with the approved closure plan and the standards of this article. Certifications of partial closure shall not be made for an area until the final cover has been completely provided for that area and vegetation has been established. *(Solid Waste Management Board; 329 IAC 2-15-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1165)*

329 IAC 2-15-5 Closure certification

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 5. (a) As part of the final closure of a facility, the permittee must submit to the commissioner the following:

(1) A ~~certification statement~~ signed by both the permittee and a registered professional engineer, ~~that the facility has been closed in accordance with the approved closure plan.~~

(2) Verification that the owner of the property on which the facility is located has recorded a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that the land has been used as a solid waste land disposal facility. At a minimum, the recording must contain:

(A) the general types and location of waste;

(B) the depth of fill;

(C) a plot plan, with surface contours at intervals of two (2) feet, which shall indicate:

- (i) final land surface water runoff direction;
- (ii) surface water diversion structures after completion of the operation; and
- (iii) final grading; and

(D) a statement that no construction, installation of wells, pipes, conduits, or septic systems, or any other excavation shall be done on said property without approval by the commissioner.

(b) The final closure will be deemed adequate unless within one hundred fifty (150) days of receipt of the documentation required by subsection (a), the commissioner issues a notice of deficiency of final closure, including additional action which needs to be taken and the timetable for the necessary additional actions. *(Solid Waste Management Board; 329 IAC 2-15-5; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1165; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636)*

329 IAC 2-15-6 Initiation of final closure

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 6. (a) Within fifteen (15) days after receiving the final volume of waste, the permittee must initiate final closure of all areas not certified as partially closed. Final closure shall be in accordance with the approved closure plan.

(b) The permittee must complete other closure activities in accordance with the approved closure plan. *(Solid Waste Management Board; 329 IAC 2-15-6; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1166)*

329 IAC 2-15-7 Post-closure duties

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 7. (a) The permittee has the following duties after closure of the facility:

(1) Post-closure activities must be performed in accordance with the approved post-closure plan as specified in section 8 of this rule.

(2) Inspection of the facility at least twice per year with a written report on the condition of the facility to be submitted to the commissioner.

(3) Maintenance of the minimum thickness of final cover and vegetation as required by 329 IAC 2-14.

(4) Maintenance of the final contours of the facility in accordance with the applicable standards of 329 IAC 2-14 and at a minimum, to provide that no ponding of water occurs on filled areas.

(5) Control of any vegetation on vehicular accessways to monitoring wells as required by 329 IAC 2-14.

(6) Control of vegetation at the site as necessary to enable determination of the need for slope and cover maintenance and leachate outbreak abatement.

(7) Maintenance of access control and benchmarks at the facility.

(8) Maintenance and monitoring of leachate collection and treatment systems, methane control systems, and water quality monitoring devices.

(9) Control of any leachate or gas generated at the facility, as required by 329 IAC 2-14.

(b) Post-closure requirements imposed by this section must be followed for a period of ten (10) years following the date of final closure certification in accordance with section 5 of this rule. (Solid Waste Management Board; 329 IAC 2-15-7; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1166)

check on if this was to be Kern prep

329 IAC 2-15-8 Post-closure plan

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 8. (a) The permittee must have a written post-closure plan. The post-closure plan must be submitted with the permit application in accordance with 329 IAC 2-8, and be approved if acceptable by the commissioner as part of the permit. The approved post-closure plan will become a condition of the permit. If the plan is determined to be unacceptable, the commissioner shall identify the items needed to make it complete.

(b) The post-closure plan must identify the activities which will be carried on after closure, pursuant to section 7 of this rule, and must include at least the following:

- (1) A description of the planned ground water monitoring activities and the frequency with which they will be performed.
- (2) A description of the planned maintenance activities and the frequency at which they will be performed.
- (3) The name, address, and phone number of the permittee with responsibility for maintaining the site after closure whom the commissioner may contact about the solid waste facility during the post-closure period.
- (4) A post-closure cost estimate in accordance with 329 IAC 2-12-3. Post-closure costs shall be calculated based on the cost necessary for the work to be performed by a third party. For post-closure maintenance of final cover and vegetation the amount per acre shall be ten percent (10%) of the cost calculated under section 3 (b)(4) of this rule multiplied by the total acreage of the site permitted for filling.

(Solid Waste Management Board; 329 IAC 2-15-8; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1166)

The \$15,000/acre — Kern says that didn't make it past the year deadline

329 IAC 2-15-9 Post-closure certification

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 9. When the post-closure care requirements of this rule have been completed the permittee shall submit a certification statement signed by both the permittee and a registered professional engineer that the post-closure care requirements have been met and the facility has stabilized. The post-closure certification will be deemed adequate unless within one hundred fifty (150) days of receipt of the post-closure certification, the commissioner issues notice of the deficiency of post-closure, including actions necessary to correct the deficiency. (Solid Waste Management Board; 329 IAC 2-15-9; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1167)

329 IAC 2-15-10 Responsibility after post-closure to correct nuisance

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. Subsequent to the completion of post-closure, the owner or operator of a closed facility or the owner of real estate upon which a closed facility is located shall be responsible for correcting and controlling any nuisance conditions occurring at the facility. (*Solid Waste Management Board; 329 IAC 2-15-10; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1167*)

329 IAC 2-15-11 Elimination of threats to human health or the environment after post-closure

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 11. Subsequent to the completion of post-closure, the owner or operator of a closed facility or the owner of real estate on which a closed facility is located shall be responsible for eliminating any threat to human health or the environment. (*Solid Waste Management Board; 329 IAC 2-15-11; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1167*)

329 IAC 2-15-12 Remedial action

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 12. The commissioner may proceed under P.L.170-1987 (commonly referred to as the "state cleanup law") to require the owner or operator of a closed facility or the owner of real estate upon which a closed facility is located, or any other responsible party under P.L.170-1987, to perform remedial action (including the installation and monitoring of ground water monitoring wells or other devices), if the commissioner determines that a facility is a threat to the public health or the environment, due to a release of hazardous substances from the facility into the environment. (*Solid Waste Management Board; 329 IAC 2-15-12; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1167*)

Rule 16. Ground Water Monitoring and Corrective Action

329 IAC 2-16-1 Monitoring devices; requirements

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. (a) **New facilities.** All sanitary landfills and all restricted waste site types I and II shall have ground water monitoring devices.

(b) **Existing facilities.** Sanitary landfills in operation on the effective date of this article, which do not have ground water monitoring devices, shall install such devices on or before September 1, 1989.

(c) **Number and location of monitoring devices, new facilities as follows:**

(1) The ground water monitoring system shall consist of a sufficient number of monitoring devices, installed at appropriate locations and depths, to yield ground water samples from the aquifer or aquifers that represent the quality of both background water that has not been affected by leachate from a facility and the quality of ground water passing the monitoring boundary of the facility. If the aquifer to be monitored exceeds the depth specified in 329 IAC 2-11-5(a)(1)(C), the commissioner may allow alternative placement of monitoring devices.

(2) The number, spacing, and depths of monitoring devices shall be proposed by the applicant in the site specific geological study required under 329 IAC 2-11.

(3) A minimum of four (4) ground water monitoring devices, one (1) upgradient and three (3) downgradient, shall be installed.

(d) Number and location of monitoring devices, existing facilities. Pursuant to subsection (b), a minimum of four (4) ground water monitoring devices, one (1) upgradient and three (3) down gradient, shall be installed at facilities which do not have an existing ground water monitoring system which meets the requirements of the commissioner. Locations and installation of monitoring devices shall be in accordance with a plan submitted to and approved by the commissioner.

(e) Notice of installation. The commissioner may request notification in advance of the date and time of the installation of the monitoring devices.

(f) Ground water flow. The permittee must prepare and submit to the commissioner at least annually a ground water flow map or maps as necessary to indicate seasonal ground water. If data acquired during operation of the facility indicates that ground water flow directions are other than as anticipated in the ground water monitoring system design, the commissioner may require additional monitoring wells at the facility.

(g) Replacement of monitoring devices. If for any reason a monitoring well or other monitoring device is destroyed or otherwise fails to properly function, the permittee shall notify the commissioner within ten (10) days of discovery. The device shall be repaired if possible. If the device cannot be repaired, it shall be properly abandoned and replaced within sixty (60) days of the notification, unless the permittee is notified otherwise in writing by the commissioner.

(h) Monitoring devices. The term "monitoring devices" shall include ground water monitoring wells, suction lysimeters, moisture probes, and similar monitoring devices.

(i) The "monitoring boundary of the facility" is defined by the vertical plane provided by the monitoring devices hydraulically downgradient from the facility. The downgradient monitoring devices which constitute the monitoring boundary of the facility shall be located within fifty (50) feet of the solid waste boundary, or the property line, whichever is closer to the solid waste boundary, except where fifty (50) feet is not possible because of site topography or geology. In the case of existing facilities that have ground water monitoring devices approved by the commissioner prior to the effective date of this article, those approved devices shall define the monitoring boundary of the facility. (Solid Waste Management Board; 329 IAC 2-16-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1167)

329 IAC 2-16-2 Sampling procedures

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) ~~The permittee must develop and follow a written ground water monitoring plan.~~ The ground water monitoring plan shall include consistent sampling and analysis procedures to assure that monitoring results will provide a reliable indication of ground water quality in the zone being monitored. The plan shall describe procedures and techniques utilized to comply with subsections (b) through (e). A copy of the ground water monitoring plan shall be kept on-site.

(b) The permittee shall utilize procedures and techniques to ensure that collected samples are representative of the zone being monitored and that prevent cross-contamination of samples from other monitoring devices or from other samples.

(c) The permittee shall establish a quality assurance program that provides quantitative detection limits and the degree of error for analysis of each chemical constituent.

(d) The permittee shall establish a sample preservation and shipment procedure that maintains the reliability of the sample collected for analysis.

(e) The permittee shall institute a chain of custody procedure to prevent tampering and contamination of the collected samples prior to completion of analysis.

(f) The permittee shall take water level measurements and sample monitoring devices for the monitoring parameters specified in section 6(b) of this rule or the constituents specified in section 7 of this rule on a semi-annual basis as specified by the commissioner.

(g) The results of all water elevation measurements and sampling, including copies of original laboratory certified copies of analyses, shall be reported to the commissioner within sixty (60) days of sampling.

(h) The following background quality at existing units may be based on sampling of devices that are not upgradient from the waste management area where:

(1) Hydrogeologic conditions do not allow the permittee to determine what devices are upgradient.

(2) Sampling at other devices will provide an indication of background ground water quality that is as representative or more representative than that provided by the upgradient devices.

(Solid Waste Management Board; 329 IAC 2-16-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1168)

329 IAC 2-16-3 Duration of monitoring program

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. Once established at a solid waste land disposal facility, ground water monitoring shall be conducted throughout the active life and the post-closure care period of the facility, as provided under 329 IAC 2-15. *(Solid Waste Management Board; 329 IAC 2-16-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1169)*

329 IAC 2-16-4 Preoperational conditions relating to ground water monitoring
Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. (a) Unless the commissioner denies operational approval pursuant to 329 IAC 2-13-1, any newly constructed sanitary landfill or restricted waste sites types I or II holding a valid permit under this article may begin accepting solid waste twenty-one (21) days after it has notified the commissioner in writing that the following satisfactorily have been accomplished:

- (1) Installation of any required water quality monitoring devices.
- (2) Submission to the commissioner of a plot plan indicating location, mean sea level elevation, and numbering system of all water quality monitoring devices.
- (3) Submission to the commissioner of a copy of well logs (including construction details).
- (4) Submission to the commissioner of results of the first round of water level measurements and water sampling analysis to determine background water quality in accordance with the monitoring parameters in section 6(b) or 6(c) of this rule, as appropriate, the secondary standards in section 7(c) of this rule, and the constituents in section 10 of this rule. A minimum of four (4) samples taken from each upgradient monitoring device, one (1) every three (3) months for a one (1) year period, shall be used to determine initial background water quality.

(b) All existing solid waste land disposal facilities required to have ground water monitoring shall comply with the requirement of subsection (a)(4) upon institution of their ground water monitoring program under this article and with submission of their first regular sampling under section 2(f) of this rule. The institution of the ground water monitoring program shall be in accordance with 329 IAC 2-7-4(c). (*Solid Waste Management Board; 329 IAC 2-16-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1169*)

329 IAC 2-16-5 Determining increases over background
Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 5. The permittee must determine whether there is a statistically significant increase over background values for each constituent required in the particular ground water monitoring program that applies to the facility. The permittee must make these statistical determinations each time he assesses ground water quality at the monitoring boundary as follows:

- (1) In determining whether a statistically significant increase has occurred, the permittee must compare the ground water quality at each monitoring device at the monitoring boundary for each constituent to the background value for that constituent, according to the statistical procedures specified under subdivision (3).
- (2) The permittee must determine whether there has been a statistically significant increase at each monitoring device at the monitoring boundary within sixty (60) days after completion of sampling.
- (3) The most scientifically valid of the following statistical procedures which will provide a ninety-five percent (95%) level of confidence shall be utilized when determining if a change in the concentration of a constituent has occurred or if ground water quality standards have been exceeded:

(A) Mann-Whitney U-test.

(B) Student's T-test.

(C) Temporal or spatial trend analysis.

(D) Any other valid statistical analysis which is appropriate for the distribution of the data being considered and which provides a reasonable balance between the probability of falsely identifying a significant difference and the probability of failing to identify a significant difference.

(Solid Waste Management Board; 329 IAC 2-16-5; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1169)

329 IAC 2-16-6 Phase I monitoring program

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 6. (a) Phase I monitoring is required at all sanitary landfills and all restricted waste site types I and II except as otherwise provided in sections 7 and 9 of this rule.

(b) A Phase I monitoring program for sanitary landfills must include the following monitoring parameters:

- (1) Field pH.
- (2) Specific conductance.
- (3) Chloride.
- (4) Boron.
- (5) Ammonia.
- (6) Sodium.
- (7) Chemical oxygen demand.
- (8) Total phenolics.
- (9) Methylene chloride.
- (10) 1,1 - dichloroethane.
- (11) Toluene.
- (12) Benzene.
- (13) 1,2 - dichloroethene (total).
- (14) Ethyl benzene.
- (15) 2-butanone (methyl ethyl ketone).

(c) Appropriate monitoring parameters for restricted waste sites shall be determined by the commissioner based on the constituents of the waste permitted to be accepted at the site.

(d) If the permittee determines, pursuant to section 5 of this rule, that there is a statistically significant increase over background for two (2) or more of the parameters under subsection (b) or (c), as appropriate, at any monitoring device at the monitoring boundary, he must:

- (1) notify the commissioner within fourteen (14) days of this finding and the notification must indicate what Phase I parameters have shown statistically significant increases over background levels;

(2) within sixty (60) days, sample the ground water in all monitoring devices, determine concentration of all constituents identified in section 7(b), 7(c), or 7(d) of this rule, as appropriate, and report the results to the commissioner; and

(3) within a reasonable time period, to be established by the commissioner, establish a Phase II detection monitoring program meeting the requirements of section 7 of this rule.

(Solid Waste Management Board; 329 IAC 2-16-6; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1170)

329 IAC 2-16-7 Phase II monitoring program

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 7. (a) Phase II monitoring is required whenever statistically significant increases over background have been detected between background and downgradient monitoring devices for two (2) or more of the phase I parameters under section 6 of this rule, and shall continue until sampling results over a one (1) year period do not show a statistically significant increase in the constituents to be monitored under subsection (b) or (d), as appropriate.

(b) A phase II monitoring program for sanitary landfills must include the constituents that comprise the ground water protection standard set out in section 10(a) of this rule.

(c) The phase II monitoring program for sanitary landfills shall also include monitoring of the following secondary standards:

(1) Chloride.

(2) Copper.

(3) Iron.

(4) Manganese.

(5) Sulfate.

(6) Total dissolved solids.

(7) Zinc.

(d) Appropriate monitoring constituents for restricted waste sites shall be determined by the commissioner based on the constituents of the waste permitted to be accepted at the site.

(e) If the permittee determines, pursuant to section 5 of this rule, that there is a statistically significant increase for constituents specified pursuant to subsection (b) or (d), as appropriate, at any monitoring device at the monitoring boundary, he must:

(1) notify the commissioner of this finding in writing within fourteen (14) days; the notification must indicate what constituents have shown statistically significant increases over background levels; and

(2) within one hundred eighty (180) days, submit to the commissioner a plan for a corrective action program designed to meet the requirements of section 9 of this rule, unless none of the increases over background of constituents identified under this subsection result in an exceedance of the ground water protection standard under section 10 of this rule.

(f) If the permittee determines that the level of concentration of any of the secondary standards at any monitoring device at the monitoring boundary has reached or exceeded the greater of two (2) times the background level or two (2) times the secondary maximum contaminant level established by 40 C.F.R. 143.3, the permittee shall notify the commissioner of this finding within fourteen (14) days, specifying which of the secondary standards have reached this level. (*Solid Waste Management Board; 329 IAC 2-16-7; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1170*)

329 IAC 2-16-8 Increase not attributable to landfill

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 8. If the permittee determines, pursuant to sections 6(d), 7(e), or 7(f) of this rule, that there is a statistically significant increase of the specified constituents at any monitoring device at the solid waste boundary, he may demonstrate that a source other than the solid waste facility caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. The permittee may make a demonstration under this section in lieu of submitting the information under sections 6(d)(2), 7(e)(2), or 7(f) of this rule, only if the demonstration made under this section successfully shows that a source other than the solid waste facility caused the increase or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this section, the permittee must:

(1) notify the commissioner in writing, within seven (7) days of determining a statistically significant increase at the monitoring boundary, that he intends to make a demonstration under this section;

(2) within ninety (90) days, submit a report to the commissioner which demonstrates that a source other than the solid waste facility caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation; and

(3) continue to monitor in accordance with the phase I monitoring program established under section 6 of this rule, or the phase II monitoring program established under section 7 of this rule, as appropriate.

(*Solid Waste Management Board; 329 IAC 2-16-8; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1171*)

329 IAC 2-16-9 Corrective action program

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 9. (a) A corrective action program is required whenever the ground water protection standard under section 10 of this rule is exceeded, and may be required at the discretion of the commissioner if any of the secondary standards under section 7(c) of this rule exceed the levels specified in section 7(f) of this rule.

(b) A corrective action monitoring program must comply with the phase II monitoring requirements under section 7 of this rule. Additional monitoring must be implemented as determined by the commissioner to be necessary to:

(1) determine the areal extent of any plume of contamination for each constituent under section 10 of this rule that has been measured at concentrations that exceed background levels; and

(2) demonstrate the effectiveness of the corrective action program.

This additional monitoring may include a requirement that the permittee sample public or private water supply wells identified by the commissioner to determine the extent of ground water contamination, unless permission cannot be obtained from the well owner.

(c) With the approval of the commissioner, the permittee must immediately implement a corrective action program to:

- (1) prevent further migration of all constituents that exceed the ground water protection standard established under section 10 of this rule;
- (2) minimize any increase in the concentrations of all constituents specified in the ground water protection standard established under section 10 of this rule at the existing monitoring boundary;
- (3) notify all persons who own the land or reside on the land that directly overlies any part of the plume defined in subsection (b)(1);
- (4) replace any currently used sources of ground water that lie within any part of the plume defined in subsection (b)(1) with water from an alternate source that has been approved by the commissioner. The amount of water supplied from an alternate water source under this subdivision must be equal to the usage rates of the replaced ground water source; and
- (5) take any other steps deemed necessary by the commissioner to ensure protection of human health and the environment.

(d) If the commissioner determines that restoration of the ground water protection standard at or beyond the monitoring boundary is necessary to eliminate any threat to human health or the environment, the commissioner may require the permittee to design and implement a corrective action program to achieve the concentration limits in the ground water protection standard by removing or treating in place any constituents under section 10 of this rule that were released by the solid waste facility and that exceed the ground water protection standard established under section 10 of this rule at or beyond the monitoring boundary. Corrective action programs under this subsection must be initiated and completed within a reasonable period of time as determined by the commissioner. When the ground water protection standard has been achieved, the commissioner may determine appropriate monitoring requirements on a site specific basis to demonstrate the continued effectiveness of the corrective action program. (*Solid Waste Management Board; 329 IAC 2-16-9; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1171*)

329 IAC 2-16-10 Ground water quality standard

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. (a) The constituents that comprise the ground water protection standard for the purposes of this article are as follows:

(1) Inorganics:

Arsenic	Mercury
Barium	Nitrate (as N)
Cadmium	Selenium
Chromium	Silver
Lead	Fluoride

(2) Volatile organic compounds:

Acetone
Acrolein
Acrylonitrile
Benzene
Bromodichloromethane
Bromoform
Bromomethane
2-butanone
(methyl ethyl ketone)
Carbon disulfide
Carbon tetrachloride
Chlorobenzene
Chlorodibromomethane
Chloroethane
2-chloroethyl vinyl ether
Chloroform
Chloromethane
Dibromomethane
Dichlorodifluoromethane
1,1-dichloroethane
1,2-dichloroethane
1,2-dichloroethene (total)
cis-1,3-dichloropropene
trans-1,3-dichloropropene
Ethylbenzene
Ethyl methacrylate
2-hexanone
Iodomethane
Methylene chloride
4-methyl-2-pentanone
Styrene
1,1,2,2-tetrachloroethane
Toluene
1,1,1-trichloroethane
1,1,2-trichloroethane
Trichloroethene
Trichlorofluoromethane
1,2,3-trichloropropane
Vinyl acetate
Vinyl chloride
Xylenes (total)

(b) The concentrations of the constituents listed in subsection (a) shall not exceed current background concentrations or the maximum contaminant level (MCL) established for the constituent, whichever is the higher concentration. If an MCL has not been established, then the concentration limit is the background concentration of ground water at the facility. When background is the standard, statistically significant exceedances shall be determined as provided in section 5 of this rule.

(c) As used herein, maximum contaminant level or MCL means the maximum contaminant levels developed under Section 1412 of the Safe Drinking Water Act (SDWA), as amended, and codified under 40 C.F.R. 141 B. (Solid Waste Management Board; 329 IAC 2-16-10; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1172)

Rule 17. Solid Waste Processing Facilities and Incinerators; Information for Permit Application

329 IAC 2-17-1 Solid waste processing facility; permit requirements

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. Solid waste processing facilities, unless excluded in 329 IAC 2-3, must hold a permit under this article. (Solid Waste Management Board; 329 IAC 2-17-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1173)

329 IAC 2-17-2 Solid waste processing facility; permit application requirements

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) In addition to the requirements of 329 IAC 2-8-2, an application for a solid waste processing facility permit shall be accompanied by the plans or documents specified in this rule. Design drawings and specifications shall be certified by a registered professional engineer. Design drawings shall be properly titled.

(b) The following general documentation shall be required:

(1) A United States Geological Survey (USGS) topographic quadrangle map(s) (seven and one-half (7 1/2) minute), or equivalent, to include all areas within two (2) miles of the proposed facility with property boundaries and the proposed processing facility clearly delineated.

(2) Documentation of the base flood elevation within one-fourth (1/4) mile of the proposed facility from the Indiana department of natural resources where available.

(c) Applications shall include a plot plan or plans of the facility including access control measures such as fences, gates, or natural barriers, method of screening, general layout of the equipment, traffic pattern, road access, and surface water drainage. Roads and buildings, on and within one-half (1/2) mile of the facility, shall be shown. The plot plans and drawings required by this section shall be drawn to scale. A bar scale shall be shown on the plans to indicate the scale, if size changes occur.

(d) Applications shall include drawings of all buildings and other structures showing type of construction, construction materials, layout and dimensions for storage, processing, loading, and unloading areas. Drawings shall also include sanitary facilities, plumbing, sewer connections, and utilities. All liquid waste streams generated by the facility shall be shown.

(e) Applications shall include a narrative describing the proposed operation including the following:

- (1) Anticipated type, quantity, and source of solid waste to be processed at the facility, including population and area to be served. Include any analyses already done on the wastes and describe the sampling and analysis methods and equipment used. Describe any proposed sampling of wastestreams, including analytical methods to be used.
- (2) Detailed description of all processes used in the handling, sorting, processing, and transportation of the waste, including a waste flow diagram for all waste streams and residues. Flow rates coinciding with the waste flow diagram shall be specified.
- (3) A description of the proposed testing, treatment, and/or disposal of all waste resulting from the facility. Proposed testing shall be adequate to provide for proper treatment and/or disposal of wastes.
- (4) Specifications for the base of all areas where wastes will be stored or handled.
- (5) Names and locations of solid waste land disposal facilities anticipated to receive waste and/or residue from the facility.
- (6) A contingency plan outlining method(s) of waste disposal to be implemented if the facility is unable to operate or process solid waste in accordance with the approved operating plan for more than twenty-four (24) continuous hours. Include design capacity of waste storage areas and normal percent of capacity used during routine operations. Specify the maximum inventory of wastes in storage or treatment which will occur at any time during the life of the facility.
- (7) Procedures for controlling dust, noise, odors, fire or explosion, vectors, litter, and handling of bulky waste or other materials unsuitable for the proposed process.
- (8) Daily cleanup procedures for solid waste storage, processing, loading and unloading areas.
- (9) Sanitary toilet facilities for employees.
- (10) Proposed operating hours for the facility.

(Solid Waste Management Board; 329 IAC 2-17-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1173)

329 IAC 2-17-3 Incinerators; additional permit application requirements

Authority: IC 13-1-12-8; IC 13-7-7.5

Affected: IC 13-1-3; IC 13-7-8.5; IC 36-9-30

Sec. 3. In addition to the items required under 329 IAC 2-8-2 and section 2 of this rule, applications for incinerators required to submit an application under 329 IAC 2-20 shall include the following information:

- (1) A description of the proposed incinerator(s) and all auxiliary equipment, including the following:

- (A) Specifications for the incinerator, auxiliary burners, boilers, heat recovery unit, pollution control equipment, waste feed (charging) equipment and all residue handling equipment.
 - (B) Design drawings which show the dimensions of all of the equipment listed in clause (A) as well as the locations of the auxiliary fuel burners, temperature, pressure, oxygen, carbon monoxide, carbon dioxide, and gas flow rate sensing equipment.
 - (C) Details of the type, composition, quantity, and storage of all auxiliary fuels to be used.
 - (D) A description of stack heights and the temperature and flow rate of the stack gas.
 - (E) Calculations of the minimum residence time of the combustion gases in the incinerator.
 - (F) A discussion of the residence time of the waste in the combustion chamber and the percent burnout achieved.
 - (G) A description of efficiencies of all control equipment including critical operating parameters affecting that efficiency.
 - (H) An estimate of emission rates of acid gases, sulfur dioxide, nitrogen oxides, hydrocarbons, particulates, heavy metals, and products of incomplete combustion.
 - (I) A narrative comparing the emissions of the proposed incinerator with those of other proven and operating incinerator designs.
 - (J) A description of the operating characteristics of the incineration facility including a description of safety, testing, and maintenance procedures. This must include a discussion of emergency shutdown procedures for system malfunction, a maintenance schedule, and emissions testing and reporting.
 - (K) A discussion of the procedures to prevent the receipt and subsequent combustion of hazardous waste as defined in IC 13-7-8.5 and 329 IAC 3.
 - (L) A discussion of the plan for sampling and analysis of all incineration and control equipment residues. This must include a discussion of the site for residue disposal.
- (2) Based on the size, design, and location of the facility and the potential health and environmental hazards posed by the proposed incinerator, the commissioner may require the submission of:
- (A) a preoperational emission test plan which includes a detailed description of the methods for sampling and analyzing stack emissions and incinerator and control equipment residues; and
 - (B) a detailed health risk assessment which utilizes the results of the emissions tests.

(Solid Waste Management Board; 329 IAC 2-17-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1174)

329 IAC 2-17-4 Closure plans and closure financial responsibility

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. A closure plan and closure financial responsibility similar to that provided for in 329 IAC 2-12 and 329 IAC 2-15 may be required by the commissioner for solid waste processing facilities and incinerators where the proposed solid waste storage or handling practices may pose a threat to human health and the environment if closure of the facility is not accomplished in accordance with approved plans or permit. (*Solid Waste Management Board; 329 IAC 2-17-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1174*)

Rule 18. Solid Waste Processing Facilities and Incinerators; Operational Approval and PreOperational Requirements

329 IAC 2-18-1 Operational approval; processing facilities and incinerators

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. (a) A newly constructed solid waste processing facility or incinerator which holds a valid permit under this article shall not accept solid waste until it has complied with the applicable preoperational requirements of this rule.

(b) The operator of the facility shall notify the commissioner in writing when all the applicable preoperational requirements have been completed. Unless the commissioner denies operational approval within fourteen (14) days of receipt of such notice, the facility may begin to accept solid waste in accordance with its permit and the applicable operational requirements of 329 IAC 2-19 through 329 IAC 2-2. (*Solid Waste Management Board; 329 IAC 2-18-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1175*)

329 IAC 2-18-2 Preoperational requirements; processing facilities and incinerators

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) Before beginning operation, a solid waste processing facility shall complete the initial facility development outlined in the permitted plans and specifications. Initial facility development includes:

- (1) construction of buildings or structures and on-site roads;
- (2) installation of equipment for storage, processing, and handling of solid waste; and
- (3) installation of access control, sanitary facilities, signs, communication devices, and utilities.

(b) Before beginning operation, a solid waste incinerator shall comply with subsection (a) and shall submit written evidence of approval by the office of air management or its designated local air pollution control agency for construction and operation of a solid waste incinerator.

(c) Incinerators which the commissioner requires to perform preoperational emission tests shall comply with the following:

(1) Those incinerators which the commissioner requires to perform preoperational emission testing will be allowed to operate for a period of seven hundred twenty (720) hours in order to bring the incinerator to a point of operational readiness and to perform the tests as specified in their permit to construct and operate the facility. An extension of up to an additional seven hundred twenty (720) hours may be granted by the commissioner with proper justification. No further operation of the incinerator shall occur until the permittee has obtained written acknowledgement from the commissioner that the tests have shown compliance with all emissions limitations specified in the permits and has complied with all other preoperational requirements.

(2) The facility shall notify the commissioner of the schedule for the emissions testing at least thirty (30) days prior to the start of the testing.

(3) All emissions testing shall be conducted under the supervision of a representative of the commissioner.

(4) Results of the preoperational test must contain a certification that the test was performed in compliance with all appropriate rules and the approved emissions test plan.

(Solid Waste Management Board; 329 IAC 2-18-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1175)

Rule 19. Solid Waste Processing Facilities; Operational Requirements

329 IAC 2-19-1 Facility access and roads

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. (a) An all-weather road which is passable by all vehicles utilizing the solid waste processing facility must be provided.

(b) Access to the solid waste processing facility shall be allowed only when operating personnel are on duty and such access must be controlled by the use of gates, fences, and other appropriate means.

(c) For all facilities, except incinerators processing waste generated on-site, each point of access from a public road shall have a sign of at least sixteen (16) square feet in area identifying the operation and indicating the schedule of fees, hours of operation, and solid waste facility permit number. *(Solid Waste Management Board; 329 IAC 2-19-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1175)*

the generator must sign the application assuring that the information provided is true

329 IAC 2-19-2 Public health and safety

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) Vectors, dust, odors, and noise shall be controlled at all times at the facility so that they shall not constitute a nuisance or a health hazard.

(b) Equipment must be provided to abate or control fires. Open burning of solid waste is prohibited.

(c) Telephone or radio communication shall be provided on-site.

(d) First-aid kit shall be available on-site.

(e) Scavenging shall be prohibited. (*Solid Waste Management Board; 329 IAC 2-19-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1175*)

329 IAC 2-19-3 Facility sanitation

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. (a) Solid waste shall be confined to the designated storage, processing, loading, and unloading areas of the processing facility. The processing facility and adjacent areas shall be maintained clean and litter free.

(b) Solid waste may not be stored overnight at the processing facility except in permitted storage areas or in enclosed transporting units.

(c) The solid waste processing facility shall be cleaned as necessary to prevent a nuisance or public health hazard.

(d) Residue from solid waste processing facilities are solid wastes and shall be disposed of in accordance with this article. Incinerator residues shall be disposed as provided in 329 IAC 2-21.

(e) Salvaging, if undertaken, must not interfere with the facility operation nor create unsightliness, nuisance, nor health hazard.

(f) At a minimum, all salvage materials shall be stored in buildings or transportable containers while awaiting removal from the facility. No alternative methods of storing salvage materials may be used without obtaining prior approval from the commissioner, in accordance with the provisions of 329 IAC 2-14-6. (*Solid Waste Management Board; 329 IAC 2-19-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1176*)

329 IAC 2-19-4 Use of contingency plan

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. If the facility is unable to operate or process solid waste in accordance with its approved operating plan for more than a continuous twenty-four (24) hour period, the contingency plan required in 329 IAC 2-17-2(e)(6) must be implemented. (*Solid Waste Management Board; 329 IAC 2-19-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1176*)

329 IAC 2-19-5 Special waste

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 5. (a) Special waste shall be accepted at a solid waste processing facility only in accordance with 329 IAC 2-21.

(b) Special waste approved for processing at a solid waste processing facility shall be handled and disposed of as specified by the commissioner. (*Solid Waste Management Board; 329 IAC 2-19-5; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1176*)

329 IAC 2-19-6 Records and reports

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 6. (a) Solid waste processing facilities shall submit to the commissioner by the fifteenth of the month following the end of each quarter year with the quarters ending on March 31, June 30, September 30, and December 31 of each year a quarterly report on a form approved by the department which includes, but is not limited to, the following:

(1) The total weight of solid waste processed at the facility during the calendar quarter compiled by waste type such as industrial process waste, pollution control waste, incinerator residue, sludge, or other solid waste forms.

(2) The origin of solid waste, as provided by the solid waste hauler under subsection (c), processed at the facility during the calendar quarter compiled by the county from which the solid waste originated or by state if the waste originated outside of Indiana.

(3) The amount and final destination of processing residues that are transported off-site for disposal.

(b) Solid waste processing facilities that do not operate scales for weighing solid waste shall calculate the weight as follows:

(1) One (1) cubic yard of baled solid waste is equal to one (1) ton.

(2) Three and three-tenths (3.3) cubic yards of compacted solid waste is equal to one (1) ton.

(3) Six (6) cubic yards of loose solid waste is equal to one (1) ton.

(c) The origin of the solid waste received at processing facilities is to be provided to the facility operator by the solid waste hauler. The solid waste hauler shall estimate, by percent, the solid waste originating in each county or state if the load contains solid waste from more than one (1) county or state.

(d) The following must be furnished upon request and made available during normal operating hours for inspection, by any officer, employee, or representative of the department:

(1) All solid waste processing facility records and reports required by this section.

(2) All test results of residues generated by the facility.

(3) All special waste disposal approvals required by 329 IAC 2-21.

(Solid Waste Management Board; 329 IAC 2-19-6; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.; 12 IR 1176; filed Oct 23, 1990, 11:13 a.m.; 14 IR 444) - characterizing special waste

Rule 20. Incinerators; Operational Requirements

329 IAC 2-20-1 Applicability and notification

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. All solid waste incinerators and infectious waste incinerators shall file a notification as a solid waste incinerator facility within ninety (90) days of the effective date of this article. Notification shall include the following information:

(1) The name and address of the facility.

- (2) The name and address of the owner/operator of the facility if different from that stated in subdivision (1).
 - (3) A description of the incineration facility including design capacity.
 - (4) A certification by the owner/operator that the facility is in compliance with the requirements specified in 329 IAC 2-19-2 through 329 IAC 2-19-3.
 - (5) A statement by the owner/operator of an infectious waste incinerator whether the facility is in compliance or able to comply with the requirements of section 4 of this rule.
- (Solid Waste Management Board; 329 IAC 2-20-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1176)*

329 IAC 2-20-2 Permit by rule

Authority: IC 13-1-12-8; IC 13-7-7.5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. (a) All solid waste incinerators with a design capacity less than ten (10) tons per day, and infectious waste incinerators with a design capacity of less than seven (7) tons per day shall be deemed to have a permit under this article provided they comply with the following:

- (1) File a notification as a solid waste incinerator facility as required by section 1 of this rule.
- (2) Comply with the requirements of 329 IAC 2-19-2 through 329 IAC 2-19-3.
- (3) Infectious waste incinerators with a design capacity of less than seven (7) tons per day shall also comply with the requirements of section 4 of this rule.
- (4) Operate in compliance with all applicable air pollution control standards and regulations and all conditions set forth in the permit.
- (5) Notify the office of solid and hazardous waste management and all appropriate local government officials within twenty-four (24) hours after the permittee learns of the release, violation, shut down, or damage of the following:
 - (A) Any release of a contaminant in a quantity in excess of that allowed by permit conditions and appropriate regulations.
 - (B) Any violation of operating requirements established in the permit.
 - (C) Any unscheduled shut down of the incinerator or associated equipment.
 - (D) Any damage to the incinerator or associated equipment that could, if unrepaired, result in a release of a contaminant in a quantity exceeding a control level established in the permit or applicable regulations.

provis for disposal of special wastes until certification of post-closure is deemed appropriate

(b) All solid waste incinerators with a design capacity greater than or equal to ten (10) tons per day and less than or equal to thirty (30) tons per day, and infectious waste incinerators with a design capacity of greater than or equal to seven (7) tons per day and less than or equal to thirty (30) tons per day shall be deemed to have a permit under this article provided they comply with the following:

- (1) File a notification as a solid waste incinerator facility as required by section 1 of this rule.
- (2) Submit an application for a solid waste processing facility permit, complying with the requirements of 329 IAC 2-17, within ninety (90) days of the notification required by section 1 of this rule.
- (3) Solid waste incinerators, shall comply with the requirements of 329 IAC 2-19.

- (4) Infectious waste incinerators which burn infectious waste shall comply with the requirements of 329 IAC 2-19 and section 4 of this rule.
- (5) The incinerator must operate in compliance with all applicable air pollution control standards and regulations and all conditions set forth in the permit.
- (6) The permit holder must notify the office of solid and hazardous waste management and all appropriate local government officials within twenty-four (24) hours after the permittee learns of the release, violation, shut down, or damage of the following:
 - (A) Any release of a contaminant in a quantity in excess of that allowed by permit conditions and appropriate regulations.
 - (B) Any violation of operating requirements established in the permit.
 - (C) Any unscheduled shut down of the incinerator or associated equipment.
 - (D) Any damage to the incinerator or associated equipment that could, if unrepaired, result in a release of a contaminant in a quantity exceeding a control level established in the permit or applicable regulations.

(c) Permits granted under subsection (b) shall remain in effect until such time as the commissioner takes action on the application submitted in compliance with 329 IAC 2-17. *(Solid Waste Management Board; 329 IAC 2-20-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1177; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636)*

329 IAC 2-20-3 Incinerators 10 tons per day or greater; infectious waste incinerators 7 tons per day or greater; operational requirements
 Authority: IC 13-1-12-8; IC 13-7-7-5
 Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. The following operational requirements shall apply to solid waste incinerators with a design capacity of ten (10) tons per day or greater, and to infectious waste incinerators with a design capacity of seven (7) tons per day or greater:

- (1) The incinerator must not operate without a valid permit under this article and a valid permit from the office of air management or its designated local air pollution control agency and comply with the operational requirements of 329 IAC 2-19 and all permit conditions.
- (2) The incinerator must dispose of residues in accordance with 329 IAC 2-21-7 at a solid waste facility with a valid permit under this article.
- (3) The incinerator must operate in compliance with all applicable air pollution control standards and regulations and all conditions set forth in the permit.
- (4) The incinerator must notify the office of solid and hazardous waste management and all appropriate local government officials within twenty-four (24) hours after the permittee learns of the release, violation, shut down, or damage of the following:
 - (A) Any release of a contaminant in a quantity in excess of that allowed by permit conditions and appropriate regulations.
 - (B) Any violation of operating requirements established in the permit.
 - (C) Any unscheduled shut down of the incinerator or associated equipment.
 - (D) Any damage to the incinerator or associated equipment that could, if unrepaired, result in a release of a contaminant in a quantity exceeding a control level established in the permit or applicable regulations.

(Solid Waste Management Board; 329 IAC 2-20-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1177)

329 IAC 2-20-4 Infectious waste incinerators; additional operational requirements

Authority: IC 13-1-12-8; IC 13-7-7-5
Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. (a) The following additional operational requirements shall apply to all infectious waste incinerators:

- (1) A solid waste incinerator which is used to burn infectious wastes, except an existing incinerator equipped with an afterburner and achieving zero (0) opacity, shall be a multiple chamber incinerator. Infectious waste incinerators shall maintain a temperature of one thousand eight hundred degrees Fahrenheit (1,800F) with a residence time of one (1) second in the secondary chamber.
 - (2) Any solid waste incinerator which is used to burn antineoplastic agents must maintain a temperature of one thousand eight hundred degrees Fahrenheit (1,800F) with a residence time of one and one-half (1 1/2) seconds in the secondary chamber. For the purpose of this rule, antineoplastic agents means chemotherapy drugs, or compounds used in the treatment of cancer, which are not subject to regulation under 329 IAC 3. Containers or other items containing residues of antineoplastic agents shall not be considered antineoplastic agents.
 - (3) Infectious waste incinerators constructed after January 1, 1988, shall be equipped with an automatic mechanical loading device and an interlock system shall be provided to prevent charging until the secondary chamber exit temperature of one thousand eight hundred degrees Fahrenheit (1,800F) is established.
 - (4) Batch incinerators (fully loaded while cold and never opened until burn cycle is complete) shall incorporate a lockout system which will prevent ignition of the waste until the exit temperature of the secondary chamber or the afterburner reaches one thousand eight hundred degrees Fahrenheit (1,800F) and prevent recharging until the combustion and burndown cycles are complete.
 - (5) No waste shall be charged to an incinerator other than a batch incinerator until the secondary chamber or after burner has achieved a minimum temperature of one thousand eight hundred degrees Fahrenheit (1,800F). The secondary chamber or after burner must achieve and maintain the required minimum temperature for fifteen (15) minutes before charging begins.
 - (6) During shut downs, the secondary chamber or after burner minimum temperature of one thousand eight hundred degrees Fahrenheit (1,800F) is to be maintained using auxiliary burners until the wastes are completely combusted and the burndown cycle is complete.
 - (7) Residue from an infectious waste incinerator shall be disposed in accordance with 329 IAC 2-21.
- (b) All infectious waste incinerators which are not in compliance or not able to comply with the requirements of section 4 of this rule must submit a detailed timetable for the modification of the facility necessary to bring the unit into compliance. This timetable must be submitted within one hundred eighty (180) days of the effective date of this article.

(c) All infectious waste incinerators must be in compliance with section 4 of this rule within eighteen (18) months of the effective date of this article, unless a written extension has been granted by the commissioner. (*Solid Waste Management Board; 329 IAC 2-20-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1178*)

Rule 21. Special Waste

329 IAC 2-21-1 "Special waste" defined

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. (a) "Special waste" means any solid waste not otherwise excluded by 329 IAC 2-3 and 329 IAC 2-5, from a nonresidential source which is any of the following:

- (1) A waste containing free liquids, until September 1, 1989, when such wastes are regulated by 329 IAC 2-9-4(2).
- (2) A sludge waste.
- (3) An industrial process waste.
- (4) A pollution control waste.
- (5) Contaminated soil, residue, debris, and articles from the cleanup of a spill or release of materials listed in subdivisions (1) through (4).

(b) Special waste shall not include the following:

- (1) Coal ash which will not react with water or moisture to produce heat that would adversely impact routine solid waste disposal operations.
- (2) Demolition and construction debris.
- (3) Industrial or commercial waste which is similar to general household solid waste (such as paper, cardboard, plastic, wood, metal scrap, and landscape wastes).
- (4) Food products in containers of five (5) gallons or less, with intact labels.
- (5) Special waste which otherwise meets the definition of subsection (a) but is generated by a single generator in quantities less than one hundred (100) kilograms per month and disposed of in quantities less than one hundred (100) kilograms per shipment.

(*Solid Waste Management Board; 329 IAC 2-21-1; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1179*)

329 IAC 2-21-2 Applicability

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 2. After the effective date of this article, no generator of special waste or permitted solid waste facility may dispose, or cause to be disposed, such waste, except as provided in this rule and 329 IAC 2-5. (*Solid Waste Management Board; 329 IAC 2-21-2; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1179*)

329 IAC 2-21-3 Special waste management

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 3. (a) Any special waste may be disposed of at a hazardous waste facility with a valid permit under 329 IAC 3, without prior certification or approval under this rule.

(b) Special waste disposed of at a permitted restricted waste site type I, II, III, or IV is not subject to this rule if the special waste is specified in the facility permit.

(c) All new sanitary landfills permitted under this article shall be acceptable sites for disposal of waste which has been certified as special waste under section 11 of this rule.

(d) All sanitary landfills holding a valid permit to operate on the effective date of this article shall be presumed to be acceptable sites for disposal of waste which has been certified as special waste under section 11 of this rule (and such authority shall become a part of the facility permit upon renewal under 329 IAC 2-7) unless, before the effective date of this article the commissioner gives notice to a facility that the disposal of special waste at the facility without limitation will not provide reasonable protection of human health and the environment. The notice issued by the commissioner (which will become a part of the facility permit upon renewal under 329 IAC 2-7) may either:

(1) designate the special waste that the facility may accept; or

(2) indicate that the facility may accept special waste only as approved by the commissioner pursuant to section 12 of this rule.

(e) Evaluation of the acceptability of existing sanitary landfills as acceptable sites for disposal of waste which has been certified as special waste shall be based upon the applicable criteria set out in section 13 of this rule.

(f) Special waste may be processed at a processing facility holding a valid permit under this article where specifically authorized by the facility permit. *(Solid Waste Management Board; 329 IAC 2-21-3; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1179)*

329 IAC 2-21-4 Certain generic classes certified as special waste by rule

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 4. (a) The following generic classes of waste are certified as special waste by rule and may be disposed of in accordance with the requirements of this rule at any sanitary landfill specified under this rule as an acceptable site for disposal of waste which has been certified as special waste:

(1) Asbestos-containing waste as defined by section 5 of this rule.

(2) Virgin petroleum product spill material as defined by section 6 of this rule.

(3) Incinerator residues as defined by section 7 of this rule.

(b) The commissioner may recommend by rule the addition of other waste to the subsection (a) list of generic classes of waste certified as special waste. *(Solid Waste Management Board; 329 IAC 2-21-4; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1180)*

329 IAC 2-21-5 Asbestos-containing waste

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 5. (a) Asbestos-containing waste constitutes a generic class of special waste. "Asbestos-containing waste" does not include the following:

(1) Asbestos from the manufacturing, formulating, or grinding of asbestos-containing products, i.e., baghouse collection sludges or dust. These wastes will require certification by the commissioner under section 11 of this rule.

(2) Floor tiles and asphalt-based siding and roofing materials containing asbestos but having very little potential of becoming friable during transportation and disposal. These solid wastes are not special wastes and are not subject to the additional requirements of this rule.

(b) Asbestos-containing waste may be disposed of in accordance with the requirements of this rule at any facility permitted under this rule as an acceptable site for disposal of waste which has been certified as special waste, subject to the following conditions:

(1) **Advance notification.** The generator or hauler shall provide the facility notice in advance of disposal.

(2) **Packaging requirements.** All asbestos-containing waste shall be as follows:

(A) Sufficiently wetted to prevent airborne release during disposal.

(B) In six (6) mil plastic bags or wrapped in six (6) mil plastic, at a minimum.

(C) In containers labeled "Caution--Contains Asbestos. Avoid Opening or Breaking Container. Breathing Asbestos is Hazardous to Your Health."

(3) **Disposal notification.** Each load of asbestos-containing waste shall be accompanied by a completed asbestos disposal notification containing the following information:

(A) Generator's name, complete mailing address, and telephone number.

(B) Removal contractor's name, complete mailing address, and telephone number.

(C) Removal project location.

(D) Source of asbestos.

(E) Volume of waste for disposal.

(F) Signature of generator or cleanup contractor attesting that the above information is true and accurate.

(4) **Disposal requirements.** Asbestos-containing waste shall be covered immediately with soil or solid waste to prevent airborne release. There shall be no visible emissions where asbestos-containing material has been deposited. If nuisance or pollution conditions are created, immediate corrective action shall be taken by the operator. There shall be no direct physical contact between the asbestos-containing waste and heavy equipment during disposal/cover operations.

(Solid Waste Management Board; 329 IAC 2-21-5 filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m. refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1180)

329 IAC 2-21-6 Virgin petroleum product spill material

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 6. (a) Virgin petroleum product spill material, which is limited to materials resulting from spills or leaks of gasoline (leaded or unleaded), heating oils, and diesel fuel, constitute a generic class of special waste. "Virgin petroleum product spill material" includes the following spill or leak-contaminated materials:

- (1) Soils and natural vegetation.
- (2) Absorbant pads and booms used to contain spills or leaks.
- (3) Clay, sand, gravel, straw, corn cob fines, or other material used for containment or absorption.

(b) No free liquids may be accepted and the waste must not present a fire or explosion hazard.

(c) Each load of virgin petroleum product spill material shall be accompanied by a disposal notification which includes the following:

- (1) Generator's name, complete mailing address, and telephone number.
- (2) Clean-up contractors' name, complete mailing address, and telephone number.
- (3) Spill location and county.
- (4) Material spilled and date spilled.
- (5) Volume of waste for disposal.
- (6) Signature of generator or cleanup contractor attesting that the above information is true and accurate.

(Solid Waste Management Board; 329 IAC 2-21-6; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1180)

329 IAC 2-21-7 Incinerator residues

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 7. Incinerator residues, except for residues resulting from combustion with waste regulated by 329 IAC 3, 329 IAC 4, or residues that exhibit hazardous waste characteristics may be disposed of in accordance with the requirements of this rule at any sanitary landfill permitted under this rule as an acceptable site for disposal of waste which has been certified as special waste, provided each load is accompanied by a disposal notification which includes the following:

- (1) Generator's name, complete mailing address, and telephone number.
- (2) Type and source of waste material.
- (3) Volume of incinerator residue.
- (4) Signature of generator attesting that the above information is true and accurate.

(Solid Waste Management Board; 329 IAC 2-21-7; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1181)

329 IAC 2-21-8 Request for certification of special waste

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 8. (a) In order to obtain certification of a waste as a special waste appropriate for disposal under this rule, the generator must file a request for certification with the commissioner, including the following information:

- (1) A narrative description of the process and materials utilized in generating the waste.
- (2) The waste quantities generated and the frequency of generation as intended for disposal.
- (3) An identification of the generator and contractors by company name, address, telephone number, and contact individuals.
- (4) A description of proposed waste handling and transportation methods.
- (5) A description of visual appearance of the waste and any odor produced by the waste.
- (6) A specification of the physical and chemical characteristics of the waste to include the following:
 - (A) Documentation of free liquid content and percent solids.
 - (B) Anticipated and/or actual results of any tests for the hazardous waste characteristics specified in 329 IAC 3-5-2 through 329 IAC 3-5-5 and the special waste technical criteria in section 14 of this rule. For spills of virgin products, testing for the chemical characteristics may be required.
 - (C) Documentation of whether the waste is a listed hazardous waste pursuant to 329 IAC 3-6.
 - (D) Any documentation that the waste will not present an environmental or safety hazard in any manner other than those documented in clauses (A) through (C), including information on acute and/or chronic toxicity, water solubility, acidity, and alkalinity, as well as material safety data sheets (MSDS) and commercial specifications.
 - (E) Laboratory support data as required by section 14(c) of this rule.
 - (F) Documentation that the data accurately represents the waste contaminants. This includes, but is not limited to the justification of the parameters tested, and the number, location, time, date, and frequency of samples taken.

(b) The generator shall indicate the term of approval he is seeking.

(c) The generator must sign the application attesting that the information provided is true and accurate. (*Solid Waste Management Board; 329 IAC 2-21-8; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1181*)

329 IAC 2-21-9 Action on request for certification

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 9. (a) The commissioner shall review the request for certification to determine whether the information submitted satisfies the requirements of section 8 of this rule, and shall advise the generator within ten (10) working days of receipt if more information is needed.

(b) Within twenty-one (21) working days of receipt of the complete request, the commissioner shall certify the waste as provided in section 11 of this rule, or deny the request for certification of the waste. (*Solid Waste Management Board; 329 IAC 2-21-9; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1181*)

329 IAC 2-21-10 Waste characterized as hazardous waste

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 1. If the information submitted indicates that the material proposed for certification is a hazardous waste regulated under 329 IAC 3, the request for certification shall be disapproved and the waste shall not be disposed of at a solid waste facility permitted under this article. The waste must be disposed of in accordance with the hazardous waste rules, 329 IAC 3. (*Solid Waste Management Board; 329 IAC 2-21-10; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1182*)

329 IAC 2-21-11 Certification as a special waste

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 11. (a) The commissioner shall certify a waste as a special waste if the information submitted by the generator pursuant to section 8 of this rule indicates that:

(1) the physical, chemical, and variability characteristics of the waste are reasonably established; and

(2) disposal of the waste will not significantly impact the environment or adversely affect routine solid waste disposal operations.

(b) In the certification, the commissioner may impose conditions such as methods of handling transportation or disposal which are necessary to minimize health, safety, nuisance, or environmental impact of the waste pursuant to subsection (a)(2), and certify the waste for a term not to exceed five (5) years pursuant to subsection (a)(1).

(c) All certifications shall provide that if the process or the raw materials involved in generating the waste change substantially, the certification shall be void. (*Solid Waste Management Board; 329 IAC 2-21-11; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1182*)

329 IAC 2-21-12 Request for disposal approval at a specific sanitary landfill

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 12. (a) A generator may request that the commissioner grant approval to dispose of a special waste at a sanitary landfill which is not authorized to accept special waste under section 3 of this rule. Such request shall be made in conjunction with, or subsequent to, the filing of a request for waste certification under section 8 of this rule.

(b) In determining whether to grant the approval, the commissioner shall consider the action taken on the request for certification pursuant to section 11 of this rule, along with the criteria in section 13 of this rule relating to the evaluation of the permitted sanitary landfill as an acceptable site for disposal of the special waste.

(c) Pursuant to subsection (b), the commissioner shall provide the generator and the specified sanitary landfill with a written approval consisting of:

- (1) generator identification;
- (2) type of waste material;
- (3) volume and frequency of disposal;
- (4) disposal conditions; and
- (5) expiration date of approval.

(Solid Waste Management Board; 329 IAC 2-21-12; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1182)

329 IAC 2-21-13 Basis for evaluation of sanitary landfill by commissioner

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 13. Evaluation by the commissioner of the acceptability of an existing sanitary landfill as a special waste disposal site shall be based upon the following, as applicable:

(1) Operational history such as inspection reports, training of site personnel, and pending or final enforcement actions.

(2) Site geology.

(3) Existence and results of any approved ground water monitoring program pursuant to 329 IAC 2-16.

(4) Existence of a leachate collection system pursuant to 329 IAC 2-10-3.

(5) Existence of a valid permit under this article or under the previous solid waste rule, 329 IAC 1.5 [329 IAC 1.5 was repealed filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1183; errata filed Mar 17, 1989, 3:10 p.m.: 12 IR 1636].

(Solid Waste Management Board; 329 IAC 2-21-13; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1182)

329 IAC 2-21-14 Technical criteria for characterizing special waste

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 14. (a) For purposes of characterizing special waste and issuing special waste approvals, the commissioner may require testing for any of the following:

(1) Hazardous waste criteria as defined under 329 IAC 3.

(2) PCBs.

(3) Other constituents, including:

- (A) barium
- (B) chlorides
- (C) copper
- (D) cyanide, total
- (E) fluoride
- (F) iron
- (G) manganese
- (H) nickel
- (I) phenols
- (J) sodium
- (K) sulfate
- (L) sulfide, total
- (M) total dissolved solids
- (N) zinc.

(b) The commissioner may require testing of criteria other than those listed in subsection (a) where such testing is necessary to properly characterize a special waste for the purposes of this rule.

(c) All waste sampling and analyses required or requested pursuant to these rules must be performed in accordance with the applicable procedures required by 329 IAC 3-6-5 through 329 IAC 3-6-7 or other methods required by this article. Waste analyses submitted to the commissioner for review must be accompanied by sufficient documentation of representative sampling and quality assurance/quality control (QA/QC) information to establish that the applicable procedure was utilized correctly. *(Solid Waste Management Board; 329 IAC 2-21-14; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1183)*

329 IAC 2-21-15 Facility responsibility for special waste disposal

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 15. (a) The operator of a sanitary landfill shall check each load of special waste with the disposal notification, the special waste certification and, where applicable, the site specific approvals issued under section 12 of this rule.

(b) Facilities which receive special waste shall maintain all certifications, notifications, and approvals for disposal of special wastes until certification of post-closure is deemed acceptable.

(c) Facilities which receive special wastes shall submit monthly reports on or before the twentieth day of the month following the reported month to the commissioner which shall contain:

(1) a compilation of all special waste accepted at the facility during the reporting period on forms provided by the commissioner; and

(2) a letter which identifies the facility and the reporting period.

(Solid Waste Management Board; 329 IAC 2-21-15; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1183)

329 IAC 2-21-16 Generator responsibility for special waste disposal

Authority: IC 13-1-12-8; IC 13-7-7-5

Affected: IC 13-1-3; IC 13-7; IC 36-9-30

Sec. 16. The generator shall:

- (1) provide the facility with a copy of the special waste certification for each special waste prior to arrival of the first load for disposal; and
- (2) provide the facility with a written disposal notification with each load for disposal which includes:

- (A) generator's name, complete mailing address, and telephone number;
- (B) type, source, and volume of waste material;
- (C) certification number assigned to the special waste by the commissioner, and
- (D) signature of generator attesting that the above information is true and accurate.

(Solid Waste Management Board; 329 IAC 2-21-16; filed Nov 10, 1988, 5:15 p.m., incorporated matters filed Dec 7, 1988, 11:00 a.m., refiled Jan 11, 1989, 1:00 p.m.: 12 IR 1183)

information during the course of any preserved litigation between the commissioner

Title 329 Solid Waste Management Board
LSA Document # 91-169 (F)

DIGEST

Adds 329 IAC 2-22 to establish a new rule under IC 13-7-31-12 and IC 13-7-31-14 as added by P.L. 109-1990, and by the 1991 General Assembly, which allows the Indiana Department of Environmental Management to implement and administer the solid waste transportation manifest program. Effective (30) days after filing with the secretary of state.

SECTION 1. 329 IAC 2-22 IS ADDED TO READ AS FOLLOWS:

Rule 22. Miscellaneous Requirements Concerning Solid Waste Management

329 IAC 2-22-1 Definitions

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-31-12; IC 13-7-31-14

Affected: IC 13-1-3; IC 36-1-12-9; IC 13-7; IC 16-1-9.7-3;

IC 36-1-2-3; IC 36-9-30;

Sec. 1. (a) In addition to the definitions found in 329 IAC 2-2-1 and IC 13-7-10.5, the definitions in this section apply throughout this rule.

(b) "Broker" means a person who is in the business of making arrangements for the transportation of municipal waste that was generated by another person. This definition does not include an owner or operator of a solid waste processing facility who makes arrangements for transportation of municipal waste from their own facility.

(c) "Manifest" means the form used for identifying the quantity, origin, operators involved in a shipment, and destination of municipal solid waste during its transportation.

(d) "Municipal waste" refers to any any garbage, refuse, industrial lunchroom or office waste, and other material resulting from the operation of residential, municipal, commercial, or institutional establishments and from

community activities. The term does not include the following:

(1) Special waste, as defined in 329 IAC 2-21-1 in effect on January 1, 1990.

(2) Hazardous waste regulated under IC 13-7-8.5 or under the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) in effect on January 1, 1990.

(3) Infectious waste, as defined in IC 16-1-9.7-3.

(4) Wastes that result from the combustion of coal and that are referred to in IC 13-1-12-9.

(5) Materials that are being transported to a facility for reprocessing or reuse. "Reprocessing or reuse" does not include:

(A) Incineration; or

(B) placement in a landfill.

(e) "Operator" refers to a corporation, a partnership, a business association, a unit (as defined in IC 36-1-2-3), or an individual who is a sole proprietor that is one (1) of the following:

(1) A broker.

(2) A person who manages the activities of a transfer station that receives municipal waste.

(3) A transporter.

(f) "Solid Waste Processing Facility" refers to a facility at which at least one of the following is located:

(1) a solid waste incinerator;

(2) a transfer station;

(3) a solid waste shredder;

(4) a solid waste baler;

(5) a resource recovery system;

(6) a composting facility; or

(7) a garbage grinding system.

(8) "Solid Waste Processing Facility" does not include a facility or an operation that generates solid waste.

(g) "Transporter" refers to a person who is in the business of transporting

municipal solid waste.

- (h) "Waste transfer activities" refers to the participation by a:
- (1) broker or a transporter who is a resident of Indiana or not a resident of Indiana; or
 - (2) transfer station that receives municipal waste located inside Indiana or outside Indiana in the collection or transportation of municipal waste for disposal or incineration in Indiana. (*Solid Waste Management Board; 329 IAC 2-22-1*)

329 IAC 2-22-2 Municipal waste transportation manifests

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-31-12; IC 13-7-31-14

Affected: IC 13-1-3; IC 13-7; IC 36-9-30;

Sec. 2. Shipments of municipal waste from solid waste processing facilities must be accompanied by a municipal waste transportation manifest.

(Solid Waste Management Board; 329 IAC 2-22-2)

329 IAC 2-22-3 Manifests required information

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-31-12; IC 13-7-31-14

Affected: IC 13-1-3; IC 13-7-10.5-14; IC 36-9-30;

Sec. 3. The manifest required under section 2 of this rule must include the following information:

- (1) The amount in tons or pounds of municipal waste transported in the vehicle.
- (2) The name and address of the solid waste processing facility from which the municipal waste is transported in the vehicle.
- (3) The destination of the municipal waste.
- (4) The name and business address of the transporter of the municipal waste.
- (5) The acknowledgement numbers issued by the department under IC 13-7-10.5-14(2) to the transfer station, transporter, and broker listed on the manifest.
- (6) The name and address of the broker involved in the shipment, if applicable.

(7) The date of the shipment and the date of receipt at the final disposal facility. (*Solid Waste Management Board; 329 IAC 2-22-3*)

329 IAC 2-22-4 Responsibilities of the owners or operators of the solid waste processing facilities:

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-31-12; IC 13-7-31-14

Affected: IC 13-1-3; IC 13-7; IC 36-9-30;

Sec. 4. (a) The owner or an employee of the solid waste processing facility from which municipal waste is to be transported shall prepare the manifest required under section 2 of this rule and deliver it to the operator of the vehicle, who shall carry it while transporting the municipal waste. The transporter shall present the manifest to the owner or an employee of the facility to which the municipal waste is transported.

(b) The owner or an employee of the facility to which the municipal waste is transported shall retain each manifest for one (1) year, and send one (1) copy of each manifest to the department within three (3) months after receiving the manifest. The manifests shall be retained at the facility and shall be made available to the department staff upon request. (*Solid Waste Management Board; 329 IAC 2-22-4*)

329 IAC 2-22-5 Prohibition on accepting municipal waste

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-31-12; IC 13-7-31-14

Affected: IC 13-1-3; IC 13-7-10.5; IC 13-7-31-8; IC 36-9-30;

Sec. 5. (a) Prior to accepting a shipment of municipal waste from a transfer station located inside or outside of Indiana, a solid waste disposal facility or a solid waste processing facility must receive a copy of the manifest and must review the manifest to determine whether the items listed under section 3 of this rule are included on the manifest.

(b) A solid waste disposal facility or a solid waste processing facility shall not knowingly accept a shipment of municipal waste from a transfer station located inside or outside of Indiana if:

(1) the municipal waste is not accompanied by a manifest that contains the information required under section 3 of this rule; or

(2) the solid waste disposal facility or solid waste processing facility has received notice from the department that the commissioner has issued an order pursuant to IC 13-7-10.5-12 or IC 13-7-10.5-13 which suspends the waste transfer activities within Indiana of the transfer station or operator that is listed on the manifest accompanying the shipment of municipal waste.

(c) Subsection (b)(2) does not apply unless the department has sent a notice by certified mail, return receipt requested, to the solid waste disposal facility or solid waste processing facility that the commissioner has suspended the waste transfer activities of the transfer station or operator listed on the manifest. The notice shall contain the following:

- (1) The name of the operator or transfer station subject to the commissioner's order to suspend waste transfer activities.
- (2) The date on which the waste transfer activities are suspended under the commissioner's order.
- (3) The acknowledgement number issued to the operator under IC 13-7-10.5, if applicable.
- (4) The location of the transfer station if the order applies to a transfer station.

(d) Subsection (b)(2) does not apply after the department has notified a suspended transfer station or operator that they may resume waste transfer activities in Indiana. The notice to the formerly suspended transfer station or operator shall contain the date in which waste transfer activities may resume. A copy of this notice shall be sent by the department, via certified mail return receipt requested, to each solid waste disposal facility and solid waste processing facility that was sent the applicable notice under subsection (c).

(Solid Waste Management Board; 329 IAC 2-22-5)

329 IAC 2-22-6 Violations

Authority: IC 13-1-12-8; IC 13-7-7-5; IC 13-7-31-12; IC 13-7-31-14

Affected: IC 13-1-3; IC 13-7; IC 36-9-30;

Sec. 6. (a) A solid waste disposal facility or processing facility that knowingly accepts a shipment of municipal waste in contravention to Sec. 5(b)

of this rule violates this rule.

(b) Acceptance of a shipment of municipal waste is not a violation of this rule if:

(1) the solid waste disposal facility or processing facility did not receive a notice under subsection 5(c) that the department has suspended the waste transfer activities of a transfer station or operator listed on the manifest; or

(2) the solid waste disposal facility or processing facility did not receive a notice under subsection 5(d) that the department has allowed the waste transfer activities of a transfer station or operator listed on the manifest to resume. (*Solid Waste Management Board; 329 IAC 2-22-6*)

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LSA Document No. 91-169(F)

NOTICES PUBLISHED: In the January 1, 1992 #15 Indiana Register 607, and in the following newspapers: The Indianapolis Star, the Evansville Courier, the Terre Haute Tribune-Star, the Gary Post Tribune, the Richmond Palladium, the Bloomington Herald-Times, the South Bend Tribune, the Ft. Wayne Journal-Gazette, the Columbus Republic, the Jeffersonville News & Journal and the Kokomo Tribune.

HEARINGS HELD: January 22, 1992, 7:00 P.M., first floor hearing room, Department of Environmental Management, 105 S. Meridian St., and January 23, 1992, 7:00 P.M., Ivy Tech, Assembly Room #502, 4100 Cowan Road, Muncie, Indiana.


Hearing comments fully considered by Agency final authority through attendance of the public hearing and or review of written comments. In accordance with the Agency's statutory provisions and IC 4-22-2 the above rule text was adopted on February 19, 1992, in a form that is a revised version of the proposed rule published in the Indiana Register by the Solid Waste Management Board at a duly held public meeting in which a quorum was present. At the suggestion of the Attorney General's Office, non-substantive changes were subsequently made to the version final adopted. The rule was refinal adopted on July 15, 1992 by the Solid Waste Management Board at a duly held public meeting in which a quorum was present.

Approved:



Kathy Prosser, Commissioner &
Technical Secretary

Approved as to Legality:



Linley E. Pearson
Attorney General of Indiana

Date: 9-11-92

Approved:



Evan Bayh
Governor of Indiana

Date: 9-22-92

Accepted for Filing:

FILED

SEP 23 1992

JKK
9:00

Joseph H. Hogsett
Secretary of State

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STATE OF IOWA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DIVISION OF HAZARDOUS WASTE CONTROL

SDOS INC

Re....SW Facilities Rules

To....Whom it may concern

From..Cheryl R. Miller

Date..9/10/92

Per Pat Carroll, OSHWM Technical Support Branch Chief

This is what the Legislative Services Agency (LSA) sends out to people who ask for the latest on Indiana's Solid Waste facility regulations.

There have not been any legislative rule changes in this category since February 1991 with the exception of a new rule that is going up for adoption today (9/10/92). This proposal details a Financial Test for Municipalities (i.e. , providing financial assurance in the case of city-owned facilities' post closure needs.)

Contact LSA at 232-9856 for future rule updates (they have a computerized data system with monthly updates) or refer to the latest Indiana Administrative Code.

copies permitted under 529 (AC) are not required to obtain permits under this rule

APPENDIX

P

(b) Any party to a proceeding before an agency who has obtained an order from an administrative law judge may apply for a court order in a circuit or superior court to enforce the subpoena or order issued by an agency by a verified petition for civil enforcement. Notice of an application under this section shall be given:

(1) to the administrative law judge issuing the order;

(2) to the attorney general; and

(3) to each party to the proceeding before the agency;

by personal service or by the United States mail at the time the application is filed. *As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.24.*

4-21.5-6-3 Civil actions

Sec. 3. (a) This section does not apply to the enforcement of a subpoena, discovery order, or protective order issued by an agency under this article.

(b) Nothing in this chapter limits or precludes civil action under IC 13-6-1-1.

(c) Any party to a proceeding concerning an agency's order may file a petition for civil enforcement of that order.

(d) The action may not be commenced under this section if:

(1) less than sixty (60) days has elapsed since the petitioner gave notice of the alleged violation and of the petitioner's intent to seek civil enforcement to the head of the agency concerned, to the attorney general, and to each alleged violator against whom the petitioner seeks civil enforcement;

(2) the agency has filed and is diligently prosecuting a petition for civil enforcement of the same order against the same defendant; or

(3) a petition for review of the same order has been filed and is pending in court.

(e) The petition under this section must name as defendants each alleged violator against whom the petitioner seeks civil enforcement.

(f) The agency whose order is sought to be enforced is not a party to an action under this section unless the agency moves to intervene. The court shall grant an agency's motion to intervene and shall allow the agency to intervene as a plaintiff or defendant.

(g) The agency whose order is sought to be enforced under this section may move to dismiss on the grounds that the petition fails to qualify under this section or that enforcement would be contrary to the policy of the agency. The court shall grant the motion to dismiss unless the petitioner demonstrates that:

(1) the petition qualifies under this section; and

(2) the agency's failure to enforce its order is based on an exercise of discretion that is improper on one (1) or more of the grounds provided in IC 4-2-5-5-14.

(h) except to the extent expressly authorized by law, a petition for civil enforcement filed under this section may not request, and the court may not grant, any monetary payment apart from taxable costs. *As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.25.*

4-21.5-6-4 Naming violators required

Sec. 4. A petition for civil enforcement must name as defendants each alleged violator against whom the party seeks to obtain civil enforcement. *As added by P.L.18-1986, SEC.1.*

4-21.5-6-5 Venue

Sec. 5. Venue is determined in accordance with the rules governing civil actions in the courts. *As added by P.L.18-1986, SEC.1.*

4-21.5-6-6 Relief granted

Sec. 6. Upon a showing that a person has violated an order issued under this article, the court may grant:

(1) an injunction requested by any petitioner without bond;

(2) a restraining order or any appropriate relief other than an injunction requested by a petitioner under section 1 of this chapter without bond;

(3) a subpoena, discovery order, or protective order requested under section 2 of this chapter without a bond; or

(4) a restraining order or any appropriate relief other than an injunction requested by a petitioner under section 3 of this chapter with the bond specified by the court.

As added by P.L.18-1986, SEC.1.

4-21.5-6-7 Appeal

Sec. 7. Decisions on petitions for civil enforcement are appealable in accordance with the rules governing civil appeals from the courts. *As added by P.L.18-1986, SEC.1.*

ARTICLE 22. ADMINISTRATIVE RULES AND PROCEDURES

Ch. 1.	Repealed	4-22-2-28
Ch. 2.	Adoption of Administrative Rules	4-22-2-29
Ch. 3.	Open Public Hearings	4-22-2-30
Ch. 4.	Fees for Transcripts in Industrial Accident Cases and Utility Regulatory Commission Proceedings	4-22-2-31
Ch. 5.	State Tax Board Hearings	4-22-2-32
Ch. 6.	Fees for Publications of State Agencies	4-22-2-33
Ch. 7.	Codification, Distribution, and Publication of Rules and Other Agency Statements	4-22-2-34
Ch. 8.	Publication of Indiana Register and Indiana Administrative Code	4-22-2-35
Ch. 9.	Evidence; Judicial Notice of Rules	4-22-2-36

Chapter 1. Repealed

(Repealed by P.L.18-1986, SEC.2.)

Chapter 2. Adoption of Administrative Rules

4-22-2-1	Repealed
4-22-2-2	Repealed
4-22-2-3	Definitions
4-22-2-4	Repealed
4-22-2-4.5	Repealed
4-22-2-5	Repealed
4-22-2-5.3	Repealed
4-22-2-5.5	Repealed
4-22-2-6	Repealed
4-22-2-7	Repealed
4-22-2-7.1	Repealed
4-22-2-8	Repealed
4-22-2-9	Repealed
4-22-2-10	Repealed
4-22-2-11	Repealed
4-22-2-12	Repealed
4-22-2-13	Application of chapter
4-22-2-14	Procedural rights and duties
4-22-2-15	Delegation of rulemaking actions
4-22-2-16	"Governing body", "public agency" and "official action" defined
4-22-2-17	Public access to rules and proposed rules
4-22-2-18	Joint rules
4-22-2-19	Action preceding effectiveness of authorizing statute
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4-22-2-21	Incorporation by reference
4-22-2-22	Attorney general as legal advisor
4-22-2-23	Solicitation of comments
4-22-2-24	Notice of hearings on adoption of proposed rules
4-22-2-25	Limitations
4-22-2-26	Public hearings
4-22-2-27	Consideration of comments received at public hearings
4-22-2-28	Review by department of commerce; suggested alternatives
4-22-2-29	Adoption of rules; adoption of revised version of proposed rule
4-22-2-30	Declaration of grounds for or purposes of rule
4-22-2-31	Submission of rules to attorney general for approval
4-22-2-32	Review of rule by attorney general; approval or disapproval
4-22-2-33	Submission of rules to governor for approval
4-22-2-34	Approval or disapproval of rule by governor
4-22-2-35	Submission of rule to secretary of state for filing
4-22-2-36	Effective date of rules
4-22-2-37	Emergency rules; submission to publisher; assignment of document control number; submission to secretary of state; effective date; expiration; extension

- 4-22-2-38 Certain nonsubstantive rules; adoption; submission to publisher; document control number; submission to secretary of state; effective date; objections
- 4-22-2-39 Acceptance of rule for filing by secretary of state
- 4-22-2-40 Recall of rule; re-adoption
- 4-22-2-41 Withdrawal of rule
- 4-22-2-42 Establishment of publishing format
- 4-22-2-43 Rules interpreting, implementing or supplementing this chapter
- 4-22-2-44 Failure to comply with provisions of this chapter

4-22-2-1 Repealed

(Repealed by P.L.31-1985, SEC.50).

4-22-2-2 Repealed

(Repealed by P.L.31-1985, SEC.50).

4-22-2-3 Definitions

Sec. 3. (a) "Agency" means any officer, board, commission, department, division, bureau, committee, or other governmental entity exercising any of the executive (including the administrative) powers of state government. The term does not include the judicial or legislative departments of state government or a political subdivision as defined in IC 36-1-2-13.

(b) "Rule" means the whole or any part of an agency statement of general applicability that:

(1) has or is designed to have the effect of law; and

(2) implements, interprets, or prescribes:

(A) law or policy; or

(B) the organization, procedure, or practice requirements of an agency.

(c) "Rulemaking action" means the process of formulating or adopting a rule. The term does not include an agency action.

(d) "Agency action" has the meaning set forth in IC 4-21.5-1-4.

(e) "Person" means an individual, corporation, partnership, unincorporated association, or governmental entity.

(f) "Publisher" refers to the publisher of the Indiana Register and Indiana Administrative Code, which is the legislative council, or the legislative services agency operating under the direction of the council.

(g) The definitions in this section apply throughout this article. *(Formerly: Acts 1945, c.120, s.3; Acts 1967, c.183, s.1). As amended by Acts 1977, P.L.38, SEC.2; Acts 1978, P.L.17, SEC.1; Acts 1979, P.L.25, SEC.1; Acts 1980, P.L.74, SEC.6; Acts 1982, P.L.27, SEC.1; P.L.31-1985, SEC.1; P.L.7-1987, SEC.5.*

4-22-2-4 Repealed

(Repealed by P.L.31-1985, SEC.50).

4-22-2-4.5 Repealed

(Repealed by P.L.31-1985, SEC.50).

4-22-2-5 Repealed

(Repealed by P.L.31-1985, SEC.50).

4-22-2-5.3 Repealed

(Repealed by P.L.31-1985, SEC.50).

4-22-2-5.5 Repealed

(Repealed by P.L.31-1985, SEC.50).

4-22-2-6 Repealed

(Repealed by P.L.31-1985, SEC.50).

4-22-2-7 Repealed

(Repealed by Acts 1977, P.L.38, SEC.8).

4-22-2-7.1 Repealed

(Repealed by P.L.31-1985, SEC.50).

4-22-2-8 Repealed

(Repealed by P.L.31-1985, SEC.50).

4-22-2-9 Repealed

(Repealed by Acts 1977, P.L.38, SEC.8).

4-22-2-10 Repealed

(Repealed by Acts 1977, P.L.38, SEC.8).

4-22-2-11 Repealed

(Repealed by P.L.31-1985, SEC.50).

4-22-2-12 Repealed

(Repealed by P.L.31-1985, SEC.50).

4-22-2-13 Application of chapter

Sec. 13. (a) Subject to subsections (b) and (c), this chapter applies to the addition, amendment, or repeal of a rule in every rulemaking action.

(b) This chapter does not apply to the following agencies:

(1) Any military officer or board.

(2) Any state educational institution, as defined in IC 20-12-0.5-1.

(c) This chapter does not apply to a rulemaking action that results in any of the following rules:

(1) A resolution or directive of any agency that relates solely to internal policy, internal agency organization, or internal procedure and does not have the effect of law.

(2) A restriction or traffic control determination of a purely local nature that:

(A) is ordered by the director of the department of highways;

(B) is adopted under IC 9-4-1-125(d), IC 9-4-1-125(e), or IC 9-8-1-15; and

(C) applies only to one (1) or more particularly described intersections, highway portions, bridge causeways, or viaduct areas.

(3) A rule adopted by the secretary of state under IC 26-1-9-408.

(4) An executive order or proclamation issued by the governor.

As added by P.L.31-1985, SEC.2.

4-22-2-14 Procedural rights and duties

Sec. 14. This chapter creates only procedural rights and imposes only procedural duties. These procedural rights and duties are in addition to those created and imposed by other law. *As added by P.L.31-1985, SEC.3.*

4-22-2-15 Delegation of rulemaking actions

Sec. 15. Any rulemaking action that this chapter allows or requires an agency to perform, other than final adoption of a rule under section 29 or 37 of this chapter, may be performed by the individual or group of individuals with the statutory authority to adopt rules for the agency, a member of the agency's staff, or another agent of the agency. Final adoption of a rule under section 29 or 37 of this chapter, including re-adoption of a rule that is subject to sections 24 through 36 or to section 37 of this chapter and recalled for further consideration under section 40 of this chapter, may be performed only by the individual or group of individuals with the statutory authority to adopt rules for the agency. *As added by P.L.31-1985, SEC.4.*

4-22-2-16 "Governing body", "public agency" and "official action" defined

Sec. 16. For the purposes of this section, "governing body", "public agency", and "official action" have the meanings set forth in IC 5-14-1.5. When a governing body of a public agency performs an official action under this chapter, the agency shall comply with IC 5-14-1.5 (the Open Door Law). *As added by P.L.31-1985, SEC.5.*

4-22-2-17 Public access to rules and proposed rules

Sec. 17. (a) IC 5-14-3 applies to the text of a rule that an agency intends to adopt from the earlier of the date that the agency takes any action under section 24 of this chapter, otherwise notifies the public of its intent to adopt a rule under any statute, or adopts the rule.

(b) IC 5-14-3 applies both to a rule and to the full text of a matter directly or indirectly incorporated by reference into the rule. *As added by P.L.31-1985, SEC.6.*

4-22-2-18 Joint rules

Sec. 18. (a) If more than one (1) agency is required by statute to adopt the same rule, the agencies may publish a joint notice of a public hearing and conduct a joint public hearing. However, each agency shall separately draft and adopt a rule that covers the same subject matter.

(b) If an agency is authorized to adopt a rule and one (1) or more agencies are required to approve the rule, only the agency that is authorized to adopt the rule is required to comply with this chapter. *As added by P.L.31-1985, SEC.7.*

4-22-2-19 Action preceding effectiveness of authorizing statute

Sec. 19. If an agency will have statutory authority to adopt a rule at the time that the rule becomes effective, the agency may conduct any part of its rulemaking action before the statute authorizing the rule becomes effective. *As added by P.L.31-1985, SEC.8.*

4-22-2-20 Submission of rules; form

Sec. 20. Whenever an agency submits a rule to the publisher, the attorney general, the governor, or the secretary of state under this chapter, the agency shall submit the rule in the form of a written document that:

(1) is clear, concise, and easy to interpret and to apply; and

(2) uses the format, numbering system, standards, and techniques established under section 42 of this chapter.

As added by P.L.31-1985, SEC.9.

4-22-2-21 Incorporation by reference

Sec. 21. (a) If incorporation of the text in full would be cumbersome, expensive, or otherwise inexpedient, an agency may incorporate by reference into a rule part or all of any of the following matters:

(1) A federal or state statute, rule, or regulation.

(2) A code, manual, or other standard adopted by an agent of the United States, a state, or a nationally recognized organization or association.

(b) Each matter incorporated by reference under subsection (a) must be fully and exactly described. However, an agency may refer to a matter that is directly or indirectly referred to in a primary matter by fully and exactly describing the primary matter.

(c) Whenever an agency submits a rule to the attorney general, the governor, or the secretary of state under this chapter, the agency shall also submit a copy of the full text of each matter incorporated by reference under subsection (a) into the rule, other than the following:

(1) An Indiana statute or rule.

(2) A form or instructions for a form numbered by the commission on public records under IC 5-15-5.1-6.

(3) The source of a statement that is quoted or paraphrased in full in the rule.

(4) Any matter that has been filed with the secretary of state before the date that the rule containing the incorporation is filed.

As added by P.L.31-1985, SEC.10.

4-22-2-22 Attorney general as legal advisor

Sec. 22. The attorney general is the legal advisor to all agencies in the drafting and preparation of rules. *As added by P.L.31-1985, SEC.11.*

4-22-2-23 Solicitation of comments

Sec. 23. Before or after an agency notifies the public of its intention to adopt a rule under section 24 of this chapter, the agency may solicit comments from all or any segment of the public on the need for a rule, the drafting of a rule, or any other subject related to a rulemaking action. The procedures that the agency may use include the holding of conferences and the inviting of written suggestions, facts, arguments, or views. An agency's failure to consider comments received under this section does not invalidate a rule subsequently adopted. *As added by P.L.31-1985, SEC.12.*

4-22-2-24 Notice of hearings on adoption of proposed rules

Sec. 24. (a) An agency shall notify the public of its intention to adopt a rule by complying with the publication requirements in subsections (b) and (c).

(b) The agency shall cause a notice of a public hearing to be published once in one (1) newspaper of general circulation in Marion County, Indiana. To publish the newspaper notice, the agency shall directly contract with the newspaper.

(c) The agency shall cause a notice of public hearing and the full text of the agency's proposed rule (excluding the full text of a matter incorporated by reference under section 21 of this chapter) to be published once in the Indiana Register. To publish the notice and proposed rule in the Indiana Register, the agency shall submit the text to the publisher. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the

number of copies of the rule and other documents to be submitted under this subsection.

(d) The agency shall include in the notice required by subsections (b) and (c):

(1) a statement of the date, time, and place at which the public hearing required by section 26 of this chapter will be convened;

(2) a general description of the subject matter of the proposed rule; and

(3) an explanation that the proposed rule may be inspected and copied at the office of the agency.

However, inadequacy or insufficiency of the subject matter description in a notice does not invalidate a rulemaking action.

(e) Although the agency may comply with the publication requirements in this section on different days, the agency must comply with all of the publication requirements in this section at least twenty-one (21) days before the public hearing required by section 26 of this chapter is convened.

(f) This section does not apply to the solicitation of comments under section 23 of this chapter. *As added by P.L.31-1985, SEC.13.*

4-22-2-25 Limitations

Sec. 25. An agency has one (1) year from the date that it publishes a proposed rule in the Indiana Register under section 24 of this chapter to comply with sections 26 through 33 of this chapter and obtain the approval or deemed approval of the governor. If a rule is not approved or deemed approved within the allowed one (1) year period, a later approval or deemed approval is ineffective, and the rule may become effective only through another rulemaking action initiated under this chapter. *As added by P.L.31-1985, SEC.14.*

4-22-2-26 Public hearings

Sec. 26. (a) After the notices and the text of an agency's proposed rule are published under

section 24 of this chapter, the agency shall conduct a public hearing on the proposed rule.

(b) The agency shall convene the public hearing on the date and at the time and place stated in its notices.

(c) The agency may conduct the public hearing in any informal manner that allows for an orderly presentation of comments and avoids undue repetition. However, the agency shall afford any person attending the public hearing an adequate opportunity to comment on the agency's proposed rule through the presentation of oral and written facts or argument.

(d) The agency may recess the public hearing and reconvene it on a different date or at a different time or place by:

- (1) announcing the date, time, and place of the reconvened public hearing in the original public hearing before its recess; and
- (2) recording the announcement in the agency's record of the public hearing.

(e) An agency that complies with subsection (d) is not required to give any further notice of a public hearing that is to be reconvened. *As added by P.L.31-1985, SEC.15.*

4-22-2-27 Consideration of comments received at public hearings

Sec. 27. The individual or group of individuals who will finally adopt the rule under section 29 of this chapter shall fully consider comments received at the public hearing required by section 26 of this chapter and may consider any other information before adopting the rule. Attendance at the public hearing or review of a written record or summary of the public hearing is sufficient to constitute full consideration. *As added by P.L.31-1985, SEC.16.*

4-22-2-28 Review by department of commerce; suggested alternatives

Sec. 28. The department of commerce may review and comment on any proposed rule and

may suggest alternatives to reduce any regulatory burden that the proposed rule imposes on small businesses. The agency that intends to adopt the proposed rule shall respond in writing to the department of commerce concerning the department's comments or suggested alternatives before adopting the proposed rule under section 29 of this chapter. *As added by P.L.31-1985, SEC.17.*

4-22-2-29 Adoption of rules; adoption of revised version of proposed rule

Sec. 29. (a) After an agency has complied with sections 26, 27, and 28 of this chapter, the agency may:

- (1) adopt a rule that is identical to a proposed rule published in the Indiana Register under section 24 of this chapter;
- (2) subject to subsection (b), adopt a rule that consolidates part or all of two (2) or more proposed rules published in the Indiana Register under section 24 of this chapter and considered under section 27 of this chapter;
- (3) subject to subsection (b), adopt part of one (1) or more proposed rules described in subsection (a)(2) in two (2) or more separate adoption actions; or

(4) subject to subsection (b), adopt a revised version of a proposed rule published under section 24 of this chapter and include provisions that did not appear in the published version.

(b) An agency may not adopt a rule that substantially differs from the version or versions of the proposed rule or rules published in the Indiana Register under section 24 of this chapter. *As added by P.L.31-1985, SEC.18.*

4-22-2-30 Declaration of grounds for or purposes of rule

Sec. 30. Unless required by statute to consider specific factors, make written comments or findings of fact, or otherwise state the basis

or purpose of its rule, an agency may adopt a rule without declaring:

- (1) the facts or argument on which the agency has based the rule; or
- (2) the purposes that the agency intends to accomplish by adopting the rule.

As added by P.L.31-1985, SEC.19.

4-22-2-31 Submission of rules to attorney general for approval

Sec. 31. (a) After an agency has complied with section 29 of this chapter, the agency shall submit its rule to the attorney general for approval. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter.

(b) The attorney general shall determine the number of copies of the rule and other documents to be submitted under this section. *As added by P.L.31-1985, SEC.20.*

4-22-2-32 Review of rule by attorney general; approval or disapproval

Sec. 32. (a) The attorney general shall review each rule submitted under section 31 of this chapter for legality.

(b) In the review, the attorney general shall determine whether the rule adopted by the agency under section 29 of this chapter substantially differs from the proposed rule or rules published under section 24 of this chapter on which the adopted rule is based. The attorney general shall consider the following:

- (1) The extent to which all persons affected by the adopted rule should have understood from the published rule or rules that their interests would be affected.
- (2) The extent to which the subject matter of the adopted rule or the issues determined in the adopted rule are different from the subject matter or issues that were involved in the published rule or rules.

(3) The extent to which the effects of the adopted rule differ from the effects that would have occurred if the published rule or rules had been adopted instead.

(c) The attorney general shall disapprove a rule under this section only if it:

- (1) has been adopted without statutory authority;
- (2) has been adopted without complying with this chapter;
- (3) substantially differs from the proposed rule or rules published under section 24 of this chapter on which the adopted rule is based; or
- (4) violates another law.

Otherwise, the attorney general shall approve the rule without making a specific finding of fact concerning these subjects.

(d) The attorney general has forty-five (45) days from the date that an agency submits a rule under section 31 of this chapter to approve or disapprove the rule. If the attorney general neither approves nor disapproves the rule, the rule is deemed approved, and the agency may submit it to the governor for approval under section 33 of this chapter without the approval of the attorney general. *As added by P.L.31-1985, SEC.21.*

4-22-2-33 Submission of rules to governor for approval

Sec. 33. (a) After a rule has been approved or deemed approved under section 32 of this chapter, the agency shall submit the rule to the governor for approval. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter.

(b) The governor shall determine the number of copies of the rule and other documents to be submitted under this section. *As added by P.L.31-1985, SEC.22.*

4-22-2-34 Approval or disapproval of rule by governor

Sec. 34. (a) The governor may approve or disapprove a rule submitted under section 33 of this chapter with or without cause.

(b) The governor has fifteen (15) days from the date that an agency submits a rule under section 33 of this chapter to approve or disapprove the rule. However, the governor may take thirty (30) days to approve or disapprove the rule if the governor files a statement with the secretary of state within the first fifteen (15) days after an agency submits the rule that states that the governor intends to take an additional fifteen (15) days to approve or disapprove the rule. If the governor neither approves nor disapproves the rule within the allowed period, the rule is deemed approved, and the agency may submit the rule to the secretary of state without the approval of the governor. *As added by P.L.31-1985, SEC.23.*

4-22-2-35 Submission of rule to secretary of state for filing

Sec. 35. (a) When a rule has been approved or deemed approved by the governor within the period allowed by section 25 of this chapter, the agency shall immediately submit the rule to the secretary of state for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter.

(b) The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this section.

(c) Subject to section 39 of this chapter, the secretary of state shall:

- (1) accept the rule for filing; and
- (2) file stamp and indicate the date and time the rule is accepted on every duplicate original copy submitted.

As added by P.L.31-1985, SEC.24.

4-22-2-36 Effective date of rules

Sec. 36. A rule that has been accepted for filing under section 35 of this chapter takes effect on the latest of the following dates:

- (1) The effective date of the statute delegating authority to the agency to adopt the rule.
- (2) The date that is thirty (30) days from the date and time that the rule was accepted for filing under section 35 of this chapter.
- (3) The effective date stated by the agency in the rule.
- (4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

As added by P.L.31-1985, SEC.25.

4-22-2-37 Emergency rules; submission to publisher; assignment of document control number; submission to secretary of state; effective date; expiration; extension

Sec. 37. (a) This section applies to a rulemaking action resulting in any of the following rules:

- (1) An order adopted by the director of the department of highways under IC 9-4-1-125 and designated by the director as an emergency rule.
- (2) An action taken by the director of natural resources under IC 14-2-3-3(c).
- (3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
- (4) An emergency rule adopted by the solid waste management board under IC 13-7-8.5-3 and classifying a waste as hazardous.
- (5) A rule, other than a rule described in subsection (6), adopted by the department of

financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(b) Sections 24 through 36 of this chapter do not apply to rules described in subsection (a).

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the secretary of state for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the secretary of state shall:

- (1) accept the rule for filing; and
- (2) file stamp and indicate the date and time that the rule is accepted on every duplicate original copy submitted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

- (1) The effective date of the statute delegating authority to the agency to adopt the rule.
- (2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to IC 14-2-3-3 and IC 22-8-1.1-16.1, a rule described in subsection (a)(1) through (a)(5) expires no later than ninety (90) days after it is accepted for filing under subsection (e). The rule may be extended by adopting another rule under this section, but only for one (1) extension period. For a rule adopted under this section to be effective after one (1) extension period, it must be adopted under sections 24 through 36 of this chapter.

(h) A rule described in subsection (a)(6) expires on the earlier of the following dates:

- (1) The expiration date stated by the adopting agency in the rule.
- (2) The date that it is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

As added by P.L.31-1985, SEC.26. Amended by P.L.11-1987, SEC.7; P.L.36-1987, SEC.1.

4-22-2-38 Certain nonsubstantive rules; adoption; submission to publisher; document control number; submission to secretary of state; effective date; objections

Sec. 38. (a) This section applies to a rulemaking action resulting in any of the following rules:

- (1) A rule that brings another rule into conformity with section 20 of this chapter.
- (2) A rule that amends another rule to replace an inaccurate reference to a statute, rule, regulation, other text, governmental entity, or location with an accurate reference, when the inaccuracy is the result of the rearrangement of a federal or state statute, rule,

or regulation under a different citation number, a federal or state transfer of functions from one (1) governmental entity to another, a change in the name of a federal or state governmental entity, or a change in the address of an entity.

(3) A rule correcting any other typographical, clerical, or spelling error in another rule.

(b) Sections 24 through 37 of this chapter do not apply to rules described in subsection (a).

(c) Notwithstanding any other statute, an agency may adopt a rule described by subsection (a) without complying with any statutory notice, hearing, adoption, or approval requirement. In addition, the governor may adopt a rule described in subsection (a) for an agency without the agency's consent or action.

(d) A rule described in subsection (a) shall be submitted to the publisher for the assignment of a document control number. The agency (or the governor, for the agency) shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(e) After a document control number is assigned, the agency (or the governor, for the agency) shall submit the rule to the secretary of state for filing. The agency (or the governor, for the agency) shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(f) Subject to section 39 of this chapter, the secretary of state shall:

- (1) accept the rule for filing; and
- (2) file stamp and indicate the date and time that it is accepted on every duplicate original copy that is submitted.

(g) Subject to subsection (h), a rule described in subsection (a) takes effect on the latest of the following dates:

- (1) The date that the rule being corrected by a rule adopted under this section becomes effective.
- (2) The date that is forty-five (45) days from the date and time that the rule adopted under this section is accepted for filing under subsection (f).

(h) The governor or the attorney general may file an objection to a rule that is adopted under this section before the date that is forty-five (45) days from the date and time that the rule is accepted for filing under subsection (f). When filed with the secretary of state, the objection has the effect of invalidating the rule. *As added by P.L.31-1985, SEC.27.*

4-22-2-39 Acceptance of rule for filing by secretary of state

Sec. 39. (a) When an agency submits a rule for filing under section 35, 37, or 38 of this chapter, the secretary of state may accept the rule for filing only if the following conditions are met:

- (1) A sufficient number of duplicate original copies of the rule are submitted to allow the secretary of state to comply with IC 4-22-7-5.
- (2) Each submitted copy includes a reference to the document control number assigned to the rule by the publisher.
- (3) Each submitted copy indicates that the agency has conducted its rulemaking action in conformity with all procedures required by law. However, if section 31 of this chapter applies to the rule, the secretary of state shall rely on the approval of the attorney general as the basis for determining that the agency has complied with all procedures required before the date of the approval.

(b) If a rule includes a statement that the rule is not effective until:

(1) an agency has complied with requirements established by the federal or state government;

(2) a specific period of time has elapsed; or

(3) a date has occurred;

the agency has complied with subsection (a)(3) even if the described event or time has not occurred before the secretary of state reviews the rule under this section.

(c) The secretary of state shall take no more than three (3) business days to complete the review of a rule under this section. *As added by P.L.31-1985, SEC.28. Amended by P.L.19-1986, SEC.1.*

4-22-2-40 Recall of rule; readoption

Sec. 40. (a) At any time before a rule is accepted for filing by the secretary of state under section 35, 37, or 38 of this chapter, the agency that adopted the rule may recall it. A rule may be recalled regardless of whether it has been disapproved by the attorney general under section 32 of this chapter or disapproved by the governor under section 34 of this chapter.

(b) Sections 24 through 38 of this chapter do not apply to a recall action under this section. However, the agency shall distribute a notice of its recall action to the publisher for publication in the Indiana Register. Sections 24 and 26 of this chapter do not apply to a readoption action under subsection (c).

(c) After an agency recalls a rule, the agency may reconsider its adoption action and adopt an identical rule or a revised rule. However, if sections 24 through 36 of this chapter apply to the recalled rule, the readopted rule may not substantially differ from the version or versions of the rule published under section 24 of this chapter.

(d) The recall of a rule under this section voids any approval given after the rule was adopted and before the rule was recalled.

(e) If a rule is:

(1) subject to sections 31 and 33 of this chapter;

(2) recalled under subsection (a); and

(3) readopted under subsection (c);

the agency shall resubmit the readopted version of the recalled rule to the attorney general and the governor for approval. The attorney general and the governor have the full statutory period to approve or disapprove the readopted rule. The agency also shall comply with any other applicable approval requirement provided by statute.

(f) The readopted version of a recalled rule is effective only after the agency has complied with section 35, 37, or 38 of this chapter. *As added by P.L.31-1985, SEC.29.*

4-22-2-41 Withdrawal of rule

Sec. 41. (a) At any time before a rule is accepted by the secretary of state for filing under section 35, 37, or 38 of this chapter, the agency that adopted the rule may withdraw it.

(b) Sections 24 through 40 of this chapter do not apply to a withdrawal action. However, the withdrawing agency shall distribute a notice of the withdrawal to the publisher for publication in the Indiana Register.

(c) The withdrawal of a rule under this section terminates the rulemaking action, and the withdrawn rule may become effective only through another rulemaking action initiated under this chapter. *As added by P.L.31-1985, SEC.30.*

4-22-2-42 Establishment of publishing format

Sec. 42. The publisher, with the assistance of the code revision commission, shall establish a format, a numbering system, standards, and techniques for agencies to use whenever they draft and prepare rules under this chapter. *As added by P.L.31-1985, SEC.31.*

4-22-2-43 Rules interpreting, implementing or supplementing this chapter

Sec. 43. (a) Subject to section 42 of this chapter, the attorney general may adopt rules under this chapter to interpret or implement this chapter.

(b) An agency may adopt rules under this chapter to supplement the procedures in this chapter for its own rulemaking actions. *As added by P.L.31-1985, SEC.32.*

4-22-2-44 Failure to comply with provisions of this chapter

Sec. 44. A rulemaking action that does not conform with this chapter is invalid, and a rule that is the subject of a noncomplying rulemaking action does not have the effect of law until it is adopted in conformity with this chapter. *As added by P.L.31-1985, SEC.33.*

Chapter 3. Open Public Hearings

- 4-22-3-1 Public policy
- 4-22-3-2 Broadcasts of public hearings
- 4-22-3-3 Limitations upon broadcasts

4-22-3-1 Public policy

Sec. 1. It is hereby declared to be the public policy of the state of Indiana that there shall be no secrecy in the conduct of the public hearings of the administrative bodies of the state of Indiana. *(Formerly: Acts 1959, c.195, s.1).*

4-22-3-2 Broadcasts of public hearings

Sec. 2. In order to facilitate the public policy so declared, all administrative bodies of the state of Indiana conducting public hearings shall allow the use of either recorded or live broadcasts of such hearings, subject to such reasonable rules and regulations as may be adopted by the administrative body holding and conducting such public hearings. *(Formerly: Acts 1959, c.195, s.2).*

4-22-3-3 Limitations upon broadcasts

Sec. 3. It is hereby specifically declared that such administrative bodies may limit such broadcasts to the broadcast of recordings of such public hearings made in a manner approved by such administrative body, and it is specifically declared that such administrative body may require the use of pooled recording or broadcasting facilities for all of the news or broadcasting media requesting the use of such recordings or broadcasting rights. *(Formerly: Acts 1959, c.195, s.3).*

Chapter 4. Fees for Transcripts in Industrial Accident Cases and Utility Regulatory Commission Proceedings

4-22-4-1 Fees

4-22-4-1 Fees

Sec. 1. (a) Whenever a transcript is furnished to a litigant or other party interested in any industrial accident case heard before any state department, board, or commission, or to any petitioner, remonstrator, intervener, or any other party in any proceeding before the utility regulatory commission, the fee for the transcript shall be the property of the reporter employed by the state department, board or commission who has prepared the transcript.

(b) A party litigant in an industrial accident case or a party in a proceeding before the utility regulatory commission may be provided a transcript at state expense if the party litigant or party files a verified application for provision of transcript and it is established in a hearing upon the application that:

- (1) the applicant will perfect an appeal for which the transcript is requested;
- (2) no other person or party in the proceeding has filed a request for a transcript which transcript would be available to the applicant; and

(3) the applicant lacks sufficient resources, and cannot reasonably obtain sufficient resources, to pay for the transcript.

(c) Whenever any state department, board, or commission orders that a transcript be provided to a person or party litigant under subsection (b), the reporter to whom the fee is due shall prepare a statement, under oath, of the cost of preparation of the transcript. Upon receipt of the statement, the state department, board, or commission shall certify the statement and present it to the auditor of state who shall pay the cost of the transcript out of the state general fund.

(d) Whenever any state agency is required by federal law to provide a person or party litigant with a copy of a transcript at reproduction cost only, the reporter to whom the fee is due shall prepare separate statements of the cost of production of the transcript and the cost of reproduction of the transcript. The statement for production of the transcript shall be presented to the state agency which shall pay the statement out of the funds appropriated to it, and the statement for reproduction of the transcript shall be presented to the person or party litigant who has requested the reproduction of the transcript. *(Formerly: Acts 1935, c.218, s.1). As amended by Acts 1979, P.L.26, SEC.1; P.L.23-1988, SEC.2.*

Chapter 5. State Tax Board Hearings

4-22-5-1 Procedure

4-22-5-1 Procedure

Sec. 1. Where under the provisions of any statute, the State Board of Tax Commissioners is required to conduct a hearing, a member or members of such board need not be present or preside at such hearing, but the board shall have the power, by an order in writing, to appoint to so preside hearing officers whose duties shall be prescribed in such order. In the discharge of their duties, such hearing officers

shall have all the powers to investigate and to require evidence granted to the board. The board may conduct any number of hearings contemporaneously through different hearing officers. At the conclusion of a hearing, the hearing officer shall make a written report thereof. After receipt of such report the board may take further evidence or hold further hearings. The decisions of the board shall be based upon such report, additional evidence and records as the board deems pertinent. *(Formerly: Acts 1961, c.19, s.1).*

Chapter 6. Fees for Publications of State Agencies

- 4-22-6-1 "State agency" defined
- 4-22-6-2 Sale of publications; authorization
- 4-22-6-3 Price

4-22-6-1 "State agency" defined

Sec. 1. As used in this chapter, "state agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, officer, service, or other similar body of state government established by law, resolution, or executive order. *As added by P.L.28-1983, SEC.36.*

4-22-6-2 Sale of publications; authorization

Sec. 2. A state agency may sell any publication that it produces in book, booklet, or pamphlet form. *As added by P.L.28-1983, SEC.36.*

4-22-6-3 Price

Sec. 3. (a) This section does not apply to a state educational institution as defined in IC 20-12-0.5-1.

(b) The price of a state agency publication may not exceed the cost of materials, reproduction, postage, and handling, and may reflect all or a part of the cost of preparation. *As added by P.L.28-1983, SEC.36.*