

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 13-7-2-11; 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 unit 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 returned 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 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 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.
- (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 of the removal of contaminants from air, water, or land, such as water and wastewater 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, including, 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 3.1, 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 include the following:
- (A) Holding, storage, settling, or aeration pits.
 - (B) Holding, storage, settling, or aeration ponds.
 - (C) Holding, storage, settling, or aeration 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 from a vehicle or container to another vehicle or container for transportation or from one (1) mode of transportation to another mode of transportation, including, but not limited to, the transfer of a trailer, container, or waste from rail to road transportation. "Transfer station" does not include the following:
- (A) Collection container for solid waste.
 - (B) The transfer of solid waste at the point of generation.
 - (C) A recycling facility that receives distinct and recognizable solid waste items that do not require substantial further processing and are delivered back to manufacturing companies and reused. Based on a calendar quarter, a recycling facility shall have not more than ten percent (10%), by volume, of the solid waste which passes through the facility ultimately taken for final disposal.
 - (D) Curbside satellite collection vehicles used for collecting residential waste, which are small motorized vehicles, or equivalent, with bins or containers that once full are deposited into larger solid waste collection vehicles or containers.
- (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 micro-organisms 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; filed May 31, 1994, 5:00 p.m.: 17 IR 2307)

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 uncontaminated 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 3 of this rule.

(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.:*

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; errata, 15 IR 1222*)

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, or at 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, flouride [*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	3 0.05	3 0.5	3 1.25	<5.0

Barium	1	10	25	<100
Cadmium	0.01	0.1	0.25	<1.0
Chromium	0.05	0.5	1.25	<5.0
Lead	0.05	0.5	1.25	<5.0
Mercury	.002	.02	.05	<.2
Selenium	0.01	0.1	0.25	<1.0
Silver	0.05	0.5	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, fluoride [*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-600/4-79-020.

(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;
 - (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;
 - (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 (0.5%) 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.

(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*

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 as follows:

(1) Trust fund requirements as follows:

(A) The permittee may satisfy the requirements of this section by establishing a trust agreement on forms provided by the commissioner or in such other form as approved by the commissioner.

(B) The following are requirements for all trust agreements:

(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 requirements as follows:
- (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) The following are requirements for all surety bonds:
 - (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 subdivision (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 requirements as follows:
- (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) The following are requirements for all letters of credit:
 - (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 subdivision (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 requirements as follows:
- (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) The following are requirements for all insurance:
 - (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 failure to pay the premium. No policy may be canceled, 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 requirements as follows:
- (A) The financial test is only available for restricted waste sites.
 - (B) The permittee shall be deemed to have established financial responsibility if less than fifty percent (50%) of the company's gross revenues are derived from waste management and either of the following:
 - (i) 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 (0.1).

- (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.
- (ii) 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 the following:
 - (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.
 - (BB) In connection with that procedure, no matters came 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 this subdivision. The permittee must choose an alternate financial responsibility mechanism within thirty (30) days after notification of the disallowance.
- (6) Financial test requirements for units of government as follows:
 - (A) This financial test is only available for permittees which are units of government. For the purposes of this subsection only, "unit of government" means a county, municipality, township, or solid waste management district.
 - (B) If a qualified permittee meets the criteria set forth in items (i) and (ii), and either item (iii), (iv), or (v), the permittee shall be deemed to have established financial responsibility as follows:
 - (i) Less than fifty percent (50%) of the permittee's gross revenues are derived from waste management.
 - (ii) The net assessed valuation of the permittee is no less than ten million dollars (\$10,000,000) and is not less than six (6) times the current closure estimate.
 - (iii) The permittee can demonstrate its authority and ability to increase property tax rate per one hundred dollars (\$100) of assessed valuation to raise revenues in the amount of at least six (6) times the current closure estimate.
 - (iv) The annual budget of the permittee, as approved by the state board of tax commissioners, is in excess of an amount which is at least six (6) times the current closure estimate.
 - (v) The permittee meets the following two (2) tests:
 - (AA) Demonstrated ability, in the form of a statement from the bond council or fiscal officer of the permittee, of the permittee's ability to issue general obligation debt of at least six (6) times the current closure estimate payable from property or income taxes.
 - (BB) A current rating for the permittee's most recent bond issuance of AAA, AA, or A as issued by Standard and Poor's, or Aaa, Aa, or A as issued by Moody's.
 - (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 fiscal officer, demonstrating the applicable criteria have been met.
 - (ii) A copy of the most recent state board of accounts' annual financial audit.
 - (iii) A copy of the permittee's current annual budget as certified by the state board of tax commissioners.
 - (iv) A copy of the permittee's most recent tax levy, as certified by the state board of tax commissioners.
 - (D) The permittee must submit updated clause (C) documents to the commissioner within thirty (30) days after their receipt from the appropriate state agencies.
 - (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 financial data required by clause (C) shows that the permittee no longer meets the requirements.
 - (F) The commissioner may disallow use of this test on the basis of qualification in the opinion expressed in the state board of accounts' annual financial audit of the permittee. 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 this subdivision. The permittee must choose an alternate financial responsibility mechanism within thirty (30) days after notification of the disallowance.
- (b) Financial responsibility closure cost estimate requirements shall be as follows:

(1) For purposes of establishing financial responsibility, the permittee must have a detailed written estimate of the cost of closing the facility based on the following:

(A) The closure costs derived under 329 IAC 2-15-3(b).

(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 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 portions 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 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; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1075*)

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 specified as follows:

(1) Trust fund requirements as follows:

(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 that the term "post-closure" be substituted for the term "closure".

(2) Surety bond requirements as follows:

(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 requirements as follows:

(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 requirements as follows:

(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 requirements as follows:

(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.

(6) Financial test requirements for units of government as follows:

(A) This financial test is only available for permittees which are units of government.

(B) If a permittee meets the criteria set forth in section 2(a)(6)(B) through 2(a)(6)(D) of this rule, with the exception that "post-closure" shall be substituted for "closure", the permittee shall be deemed to have established financial responsibility.

(C) 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 financial data required by this clause shows that the

permittee no longer meets the requirements.

(D) The commissioner may disallow use of this test on the basis of qualifications in the opinion expressed in the state board of accounts' annual financial audit of the permittee. 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 this subdivision. The permittee must choose an alternate financial responsibility mechanism within thirty (30) days after notification of the disallowance.

(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 following formula:

$$\text{Next payment} = \frac{\{CE - CV\}}{Y}$$

Where: CE = current post-closure cost estimate
CV = current value of the trust fund
Y = 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; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1078*)

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. 10. (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 intermediate slopes 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)*

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*)

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. 20. (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*)

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*)

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. 10. 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*

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 the 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. 10. (a) The constituents that comprise the ground water protection standard for the purposes of this article are as follows:

(1) Inorganics:

- Arsenic
- Barium
- Cadmium
- Chromium
- Lead
- Mercury
- Nitrate (as N)
- Selenium
- Silver
- 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 units, air 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 2-20. (*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 emissions 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*)

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 provided 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 441*)

Rule 19.5. Transfer Stations

329 IAC 2-19.5-1 Applicability

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

Affected: IC 13-7-10.5-9; IC 13-7-10.5-16

Sec. 1. (a) Except for section 9 of this rule, this rule applies to all transfer stations that engage in municipal waste transfer activities as defined in IC 13-7-10.5-9 regardless of whether the transfer station is located in the state of Indiana or elsewhere.

(b) In addition to complying with this rule, transfer stations located in the state of Indiana must also comply with 329 IAC 2-19.

(c) Except as provided in subsection (a), section 2 of this rule does not apply to a transfer station located outside the state of Indiana if the transfer station is located in a jurisdiction which has a transfer station inspection program similar to that created by this rule and the department has made a determination that the standards of such inspection program, as constituted and as applied, are substantially equivalent to the standards set forth in this rule.

(d) The department shall:

(1) maintain a list of jurisdictions qualifying for the exception in subsection (c);

(2) publish that list from time to time in the Indiana Register; and

(3) provide a copy of the list to any party upon request and upon payment of the cost of providing a copy of the list.

(e) If the owner or operator of a transfer station located outside the state of Indiana believes that the jurisdiction in which the transfer station is located should qualify for the exception in subsection (c), but the jurisdiction is not on the list maintained by the department under subsection (d), the operator may request that the department include the jurisdiction on the list. The department shall then:

(1) promptly make a determination whether the jurisdiction qualifies for the exception in subsection (c);

(2) either include or not include the jurisdiction on the list in accordance with its determination; and

(3) inform the owner or operator of its determination.

(Solid Waste Management Board; 329 IAC 2-19.5-1; filed May 31, 1994, 5:00 p.m.: 17 IR 2310)

329 IAC 2-19.5-2 Inspections

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

Affected: IC 13-7-10.5-16; IC 13-7-16.1-2

Sec. 2. (a) The commissioner or any designated agent of the department, including a third party contractor, upon presentation of proper credentials shall have authority to enter onto transfer station property during the normal business hours of the transfer station and inspect the facility for purposes of assessing compliance with this rule and 329 IAC 2-19.

(b) The department shall have authority to recover costs associated with the inspection of any transfer station. The associated costs shall include, but not be limited to, inspection and travel costs. Recovery of costs for inspections of transfer stations located in this state shall be covered by the annual operation fee required in IC 13-7-16.1-2(g). Cost recovery for any other transfer station shall occur through an annual billing for the actual costs incurred by the department for inspections of that transfer station conducted during the previous calendar year, but shall not exceed the dollar amount of the annual operation fee set forth in IC 13-7-16.1-2(g) which is required to be paid by transfer stations located in Indiana, plus the amount by which actual travel costs incurred in inspecting the transfer station exceed the highest travel cost incurred by the department during the calendar year for any single inspection of a transfer station located in Indiana. As used in this rule, "travel cost" includes any reimbursement for mileage, fares paid for air or ground transportation, rental car fees, and, where reasonably required, meals and lodging, including any applicable taxes or gratuities. *(Solid Waste Management Board; 329 IAC 2-19.5-2; filed May 31, 1994, 5:00 p.m.: 17 IR 2311)*

329 IAC 2-19.5-3 Permits required

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

Affected: IC 13-7-10.5-16

Sec. 3. All transfer stations, other than those excluded under 329 IAC 2-2-1(b)(59), that haul or ship municipal waste to an Indiana solid waste facility must hold a valid permit under this article if located in Indiana or hold a valid permit or applicable authorization issued by the appropriate governmental agency or agencies, if any, in other states, territories, or nations. *(Solid Waste Management Board; 329 IAC 2-19.5-3; filed May 31, 1994, 5:00 p.m.: 17 IR 2311)*

329 IAC 2-19.5-4 Monitoring of incoming municipal waste

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

Affected: IC 13-7-10.5-16

Sec. 4. Incoming municipal waste shall be monitored daily by transfer station employees. The monitoring must be conducted by personnel who are able to recognize the visual indications that special waste as defined by 329 IAC 2-21-1, hazardous waste regulated by 329 IAC 3.1, and infectious waste as defined by 410 IAC 1-3 may be present in the municipal waste observed. The monitoring may be accomplished by either of the following methods:

(1) Conducting, on a daily basis, a minimum of two (2) random inspections which shall consist of a visual observation of all off-loaded municipal waste prior to processing.

(2) Overview of the municipal waste on an ongoing basis by facility personnel.

(Solid Waste Management Board; 329 IAC 2-19.5-4; filed May 31, 1994, 5:00 p.m.: 17 IR 2311)

329 IAC 2-19.5-5 Record keeping

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

Affected: IC 13-7-10.5-16

Sec. 5. (a) Random inspections conducted under section 4(1) of this rule shall be recorded in a format established by the department.

(b) A facility conducting overview inspection of the incoming municipal waste under section 4(2) of this rule must only record events in which special waste, hazardous waste, or infectious waste is found. Records of such events shall be in a format established by the department.

(c) Inspection records shall be maintained on-site and available for review by department personnel for a period of one (1) year from the date of the inspection or event. (*Solid Waste Management Board; 329 IAC 2-19.5-5; filed May 31, 1994, 5:00 p.m.: 17 IR 2312*)

329 IAC 2-19.5-6 Reporting

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

Affected: IC 13-7-10.5-16

Sec. 6. Transfer stations which are transporting and disposing municipal waste at disposal facilities in Indiana on or after the effective date of this rule shall submit to the office of solid waste management by January 31 of each year an annual report, in a format established by the department, which identifies any inspection which found any asbestos, special waste, hazardous waste, or infectious waste detected at the facility and its final disposition. The report shall include, but is not limited to, the following:

- (1) Name of facility.
- (2) Address of facility.
- (3) Permit number of facility.
- (4) Inspection date.
- (5) Name of person conducting each inspection.
- (6) Which type of waste was found and how it was handled, including final disposition.
- (7) Name and address of generator of waste found during an inspection, if known.

(*Solid Waste Management Board; 329 IAC 2-19.5-6; filed May 31, 1994, 5:00 p.m.: 17 IR 2312*)

329 IAC 2-19.5-7 Training

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

Affected: IC 13-7-10.5-16

Sec. 7. The transfer station employee responsible for conducting the random inspections or constant overview required in section 4 of this rule must be able to recognize the visual indications that special waste, hazardous waste, and infectious waste may be present in the municipal waste observed.

(*Solid Waste Management Board; 329 IAC 2-19.5-7; filed May 31, 1994, 5:00 p.m.: 17 IR 2312*)

329 IAC 2-19.5-8 General operating requirements

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

Affected: IC 13-7-10.5-16

Sec. 8. All transfer stations shall be operated in a manner that minimizes the inclusion of liquids and vectors into the municipal waste shipped from the transfer station. Such management practices include, but are not limited to, the following:

- (1) All facility floors must be maintained so as to prevent standing water within the facility structure. All drainage and liquids originating from:
 - (A) storage, handling, and processing municipal waste;
 - (B) cleaning floors; or
 - (C) wash-out water from a municipal waste vehicle;

must be properly directed to a sanitary sewer, a holding tank constructed and operated in accordance with any applicable local approvals or the equivalent of a sanitary sewer or holding tank.

- (2) The facility tipping floor must be cleaned by wash down to prevent odors and other nuisance conditions with all residuals being removed and disposed of properly.

(3) Any municipal waste which is stored overnight at the facility, except nonputrescible waste which has been segregated for recycling, must be removed from the site the following operating day except for holidays and weekends. Any municipal waste stored overnight must be stored in a manner to promote vector control.

- (4) Any hazardous waste, infectious waste, or special waste found at a transfer station must be managed in accordance with the applicable laws.

(*Solid Waste Management Board; 329 IAC 2-19.5-8; filed May 31, 1994, 5:00 p.m.: 17 IR 2312*)

329 IAC 2-19.5-9 General operating requirements for Indiana transfer stations

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

Affected: IC 13-7-10.5-16

Sec. 9. The following operating conditions apply to all Indiana transfer stations that hold, or are required to hold, a valid permit under this article:

- (1) Transfer stations which operate by discharging municipal waste directly from one (1) vehicle into a below the floor opening must have truck wheel curbs or an equivalent backup safety device or procedure.
- (2) Municipal waste which has been segregated and designated as recycled material must be stored in clearly identified containers or permitted

areas and maintained in a safe, sanitary, and orderly manner. A record of the type and quantity of municipal waste shipped off-site for reuse or recycling must be maintained.

(3) Wastewater liquids and drainage that is collected in a holding tank shall be emptied as necessary and properly disposed of whenever necessary to prevent overflow of the holding tank.

(4) An up-to-date copy of the plans and specifications approved by the department in granting the permit shall be maintained on-site.

(Solid Waste Management Board; 329 IAC 2-19.5-9; filed May 31, 1994, 5:00 p.m.: 17 IR 2312; errata, 17 IR 2891)

329 IAC 2-19.5-10 Infectious waste

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

Affected: IC 13-7-10.5-16; IC 16-10-7

Sec. 10. The following conditions apply to all Indiana transfer stations that hold a valid permit under this article and are authorized to accept segregated infectious waste:

(1) Infectious waste must be stored in a manner that preserves the integrity of containers and is not conducive to rapid microbial growth and putrefaction. The maximum duration for storage or containment of infectious waste shall be limited to seven (7) days unless prior written approval is granted from the department.

(2) Storage and containment of infectious waste must be:

(A) in a secure, vector-free, and dry area separate from other solid waste at the facility; and

(B) stored in such a manner and location that eliminates the possibility of exposure to the environment, facility personnel, and public.

Infectious waste shall not be mixed with, or come into contact with, other solid waste. In addition, storage areas must protect infectious waste from the elements, be ventilated to the outdoors, be accessible only to authorized persons, and be marked with prominent warning signs. The warning signs must include the nationally recognized biohazard symbol and be easily read from a distance of twenty-five (25) feet. Outside storage areas containing infectious waste must be locked to prevent unauthorized access.

(3) Infectious waste received by the facility must be packaged and labeled in accordance with 410 IAC 1-3 and such packaging and labeling must be maintained by the facility.

(4) Containers used to contain other containers of infectious waste must be marked with prominent warning signs or conspicuously labeled with the biohazard symbol or the word "INFECTIOUS".

(5) In addition to this section, infectious waste must be labeled and packaged in accordance with applicable United States Department of Transportation regulations.

(6) Infectious waste must be transported and delivered to a facility:

(A) that holds a valid permit under this article and is authorized in writing to accept and treat such waste; or

(B) that is permitted by the appropriate governmental agency or agencies if located in another state, territory, or nation.

(7) Reusable containers for infectious waste must be thoroughly washed and decontaminated each time they are emptied, unless the surfaces of the containers have been completely protected from contamination by using disposable liners, bags, or other devices that are removed with the infectious waste. Reusable containers used for the storage of infectious waste must be disinfected before they are used for the storage or containment of any other solid waste or for other purposes.

(Solid Waste Management Board; 329 IAC 2-19.5-10; filed May 31, 1994, 5:00 p.m.: 17 IR 2313)

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.

(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 (1,800° F) 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 (1,800° F) 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 (1,800° F) 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 (1,800° F) 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 (1,800° F). 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 (1,800° F) 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. 10. 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) boron
 - (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)

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

Affected: IC 13-1-3; IC 13-1-12-9; IC 13-7; IC 36-1-2-23; 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 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 [*IC 16-1 was repealed by P.L.2-1993, SECTION 209, effective July 1, 1993.*].
- (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 36-1-2-23), 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 (1) 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.
- (7) A garbage grinding system.

"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; filed Sep 24, 1992, 9:00 a.m.: 16 IR 666; errata filed Jan 11, 1993, 8:45 a.m.: 16 IR 1402)

329 IAC 2-22-2 Municipal waste transportation manifests

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. 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; filed Sep 24, 1992, 9:00 a.m.: 16 IR 666)*

329 IAC 2-22-3 Manifests required information

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

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; filed Sep 24, 1992, 9:00 a.m.: 16 IR 666)

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

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; filed Sep 24, 1992, 9:00 a.m.: 16 IR 667)*

329 IAC 2-22-5 Prohibition on accepting municipal waste

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

Affected: IC 13-1-3; IC 13-7-10.5; IC 13-7-31; 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; filed Sep 24, 1992, 9:00 a.m.: 16 IR 667)*

329 IAC 2-22-6 Violations

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) A solid waste disposal facility or processing facility that knowingly accepts a shipment of municipal waste in contravention to section

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 section 5(c) of this rule 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 section 5(d) of this rule 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; filed Sep 24, 1992, 9:00 a.m.: 16 IR 667; errata filed Jan 11, 1993, 8:45 a.m.: 16 IR 1402)

Rule 23. Waste Tires

329 IAC 2-23-1 Definitions

Authority: IC 13-7-23-15

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

Sec. 1. (a) The following definitions apply throughout this rule:

(1) "Altered tire" means a waste tire which has been modified so that it is no longer capable of holding accumulations of water, including, but not limited to, waste tires that have been shredded, chopped, drilled with holes sufficient to assure drainage, slit longitudinally, and stacked so as not to collect water or wholly or partially filled with cement or other material to prevent the accumulation of water.

(2) "New tire" means a tire which has never been placed on a vehicle wheel rim.

(3) "Passenger tire equivalent (PTE)" means one (1) average size tire weighing twenty-five (25) pounds, with a volume of four (4) cubic feet for whole waste tires and one and twenty-five hundredths (1.25) cubic feet for shredded waste tires. If both the weight and volume of the tires are known, then the weight of the tires shall be used to establish the PTE. All references to specific numbers of waste tires contained in this rule are in terms of the passenger tire equivalent.

(4) "Person" means an individual, a corporation, a partnership, or an unincorporated association.

(5) "Remanufactured tire" means a waste tire which has been recapped, retreaded, or regrooved and which has not been placed on the wheel of a motor vehicle.

(6) "Shredded waste tire" means tire pieces that are less than four (4) square inches in size and which do not hold water.

(7) "Tire" means a continuous solid or pneumatic rubber covering designed to encircle a wheel of a motor vehicle.

(8) "Transformed tire" means a waste tire that has been manufactured into a usable commodity other than a tire. Usable products, manufactured from tires, which are capable of holding accumulations of water shall be deemed to be transformed if they are stacked, packaged, boxed, containerized, or enclosed in such a manner so as to preclude exposure to precipitation prior to sale or conveyance.

(9) "Vector" means any animal capable of harboring and transmitting micro-organisms from one (1) animal to another or to a human.

(10) "Waste tire" means a tire, including an altered tire, that is not suitable for the tire's original purpose because of wear, damage, or defect.

(11) "Waste tire processing operation" means an operation which processes waste tires by cutting, shredding, or grinding.

(12) "Waste tire storage site" means a site at which five hundred (500) or more waste tires, in passenger tire equivalents, are accumulated in the outdoors at a single location and are not completely enclosed within a structure or vehicle.

(b) Words and terms not defined in this rule shall have the meanings otherwise contained in 329 IAC 2-2-1. *(Solid Waste Management Board; 329 IAC 2-23-1; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2830; errata filed Feb 17, 1994, 5:00 p.m.: 17 IR 1622)*

329 IAC 2-23-2 Applicability

Authority: IC 13-7-23-15

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

Sec. 2. (a) No person shall operate a waste tire storage site, except as provided in this rule, beginning one hundred eighty (180) days after the effective date of this rule.

(b) This rule does not apply to the following:

(1) A facility which recycles or reuses waste tires and which operates under a valid solid waste processing facility permit issued by the department under 329 IAC 2-8.

(2) A site at which waste tires are stored under a recycling program approved by the department.

(3) A site at which less than one thousand (1,000) waste tires are present and at least one (1) of the following conditions apply:

(A) The site is operated by a person who supplies tires to a recycling program approved by the department.

(B) The site is used for the retail sale of tires.

(C) The site is a business that removes tires from vehicles.

(D) The site is a facility that is used for producing remanufactured tires.

(4) Altered tires which have been chopped, shredded, or processed such that the individual dimensions of height, length, and width of the tire product are two (2) inches or less.

(5) Transformed, new, or remanufactured tires.

(c) An operator of a waste tire processing operation may obtain a certification of registration under this rule. (*Solid Waste Management Board; 329 IAC 2-23-2; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2830; errata filed Feb 17, 1994, 5:00 p.m.: 17 IR 1622*)

329 IAC 2-23-3 Inspections

Authority: IC 13-7-23-15

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

Sec. 3. A person who obtains a certificate of registration under this rule must allow the department access to the storage site at reasonable times to inspect for compliance with this rule. (*Solid Waste Management Board; 329 IAC 2-23-3; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2831*)

329 IAC 2-23-4 Enforcement and penalties

Authority: IC 13-7-23-15

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

Sec. 4. In addition to any other penalty provided for in this article or in IC 13-7-13, any failure to abide by this rule within the prescribed time limits, including any failure to obtain, maintain, or fund any financial responsibility mechanism as required by this rule, shall be grounds to withdraw the registration of the facility or to order final closure of the facility. (*Solid Waste Management Board; 329 IAC 2-23-4; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2831*)

329 IAC 2-23-5 Registration

Authority: IC 13-7-23-15

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

Sec. 5. (a) Application for registration of waste tire storage sites shall be completed on forms provided by the department which, at a minimum, shall include the following information:

- (1) The complete name, mailing address, and telephone number of the person who prepared the application.
- (2) The complete name, mailing address, and telephone number of all owners and operators of the facility for which the application is submitted and identification of each applicant as an individual, business, partnership, or other entity.
- (3) The complete name, mailing address of the facility for which registration is being requested, and the name and telephone number of the facility contact person.
- (4) An indication of the status of the facility, new or existing.
- (5) The maximum quantity and type of waste tires to be stored at the facility at any one (1) time.
- (6) A United States Geological Survey (USGS) topographical quadrangle map (seven and one-half (7 1/2) minute), or equivalent, which clearly delineates the boundaries of the facility.
- (7) A waste tire site map shall be submitted to the department, the office of the state fire marshal, and the local fire department. This map shall include property lines, on-site buildings, location of tire storage areas and the related dimensions, and separation distances between tire piles.
- (8) A check or money order made payable to the "IDEM-Waste Tire Management Fund" in the amount of five hundred dollars (\$500).
- (9) A brief narrative description of the proposed operation, including the following:
 - (A) The type of facility operation, including the manner in which waste tires will be collected at the facility.
 - (B) The anticipated sources and quantities of the incoming waste tires.
 - (C) The names and locations of all facilities which shall be the destination for the waste tires.
 - (D) The storage method for all waste tires to be stored at the site, outdoors, in a building, or in an enclosed vehicle.
 - (E) The proposed method of processing the waste tires described in clause (D), if applicable.

(b) For waste tire storage sites which will store at least one thousand (1,000) whole waste tires or one thousand (1,000) altered waste tires, the applicant must provide the following information on forms provided by the department:

- (1) A written estimate of closure costs in accordance with section 15 of this rule.
- (2) Documentation of financial assurance in accordance with the provisions contained in section 16 of this rule.

(c) An application for registration of waste tire processing operations shall be completed on a form provided by the department which, at a minimum, shall include the following information:

- (1) The complete name, mailing address, and telephone number of the person who prepared the application.
- (2) The complete name, mailing address, and telephone number of all owners and operators of the facility for which the application is submitted and identification of each applicant as an individual, business, partnership, or other entity.
- (3) The complete name, mailing address of the facility for which registration is being requested, and the name and telephone number of the facility contact person.
- (4) An indication of the status of the facility, new or existing.
- (5) A check or money order made payable to the "IDEM-Waste Tire Management Fund" in the amount of two hundred dollars (\$200).
- (6) A brief narrative description of the proposed operation including the following:
 - (A) The anticipated sources and quantities of the incoming waste tires.
 - (B) The names and locations of all facilities which shall be the destination for the processed waste tires.
 - (C) The storage method for all waste tires to be stored at the site, outdoors, in a building, or in an enclosed vehicle.
 - (D) The proposed method of processing the waste tires described in clause (C), if applicable.

(*Solid Waste Management Board; 329 IAC 2-23-5; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2831*)

329 IAC 2-23-6 Fees

Authority: IC 13-7-23-15

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

Sec. 6. (a) Unless excluded by section 2 of this rule, all owners or operators of waste tire storage sites or processing operations shall submit an application fee and, if applicable, an annual fee in accordance with this section.

(b) A fee of five hundred dollars (\$500) shall be submitted with the application for a certificate of registration for a waste tire storage site.

(c) A waste tire storage site shall submit an annual fee of five hundred dollars (\$500) to the department 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.

(d) A fee of two hundred dollars (\$200) shall be submitted with the renewal or original application for a certificate of registration for a waste tire processing operation.

(e) The fees specified in this section shall be payable to the "IDEM-Waste Tire Management Fund". (*Solid Waste Management Board; 329 IAC 2-23-6; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2832*)

329 IAC 2-23-7 Action on application

Authority: IC 13-7-23-15

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

Sec. 7. (a) The department shall issue a certificate of registration to a person who owns or operates a waste tire storage site or a waste tire processing operation if the following conditions are met:

- (1) The person complies with this rule.
- (2) The applicant identifies the markets or disposal facilities for the waste tires.

(b) The department shall issue a certificate of registration within thirty (30) days after receipt of a complete application. The time spent by the applicant responding to a request for additional information will not be included in the thirty (30) day period.

(c) If a certificate of registration is not issued by the department within thirty (30) days after receipt of a complete application, the applicant may initiate operation of the facility under interim status until such time the department issues a certificate of registration or denies the application for registration of the waste tire storage site. (*Solid Waste Management Board; 329 IAC 2-23-7; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2832*)

329 IAC 2-23-8 Duration

Authority: IC 13-7-23-15

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

Sec. 8. A certificate of registration issued under this rule shall expire five (5) years after the date the certificate is issued. (*Solid Waste Management Board; 329 IAC 2-23-8; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2832*)

329 IAC 2-23-9 Transferability

Authority: IC 13-7-23-15

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

Sec. 9. A certificate of registration issued under this rule is not transferable. (*Solid Waste Management Board; 329 IAC 2-23-9; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2832*)

329 IAC 2-23-10 Renewal

Authority: IC 13-7-23-15

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

Sec. 10. An application for the renewal of a certificate of registration shall be submitted ninety (90) days prior to the expiration date of the certificate. (*Solid Waste Management Board; 329 IAC 2-23-10; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2832*)

329 IAC 2-23-11 General operating requirements

Authority: IC 13-7-23-15

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

Sec. 11. (a) Unless excluded by section 2 of this rule, all owners or operators of waste tire storage sites shall meet the following requirements:

- (1) All wastewater originating from the facility shall be discharged in accordance with 327 IAC 5 and 327 IAC 15. If wastewater from the facility is to be discharged to an on-site system, the system must be approved in accordance with 410 IAC 6-10.
- (2) The site shall be operated and maintained so as not to create a public nuisance, including, but not limited to, the following:
 - (A) Dust.
 - (B) Vectors.
 - (C) Litter.

(D) Odors.

(E) Fire.

- (3) If any nuisance or pollution conditions are created, immediate corrective action shall be taken.
- (4) The site shall be maintained and kept clean and litter free.
- (5) Access to the waste tire storage site shall be allowed only when operating personnel are on duty and such access shall be controlled. Signs, at least sixteen (16) feet square, indicating the facility name, registration number, type of facility, operating hours, and fee schedule shall be posted at each point of access from a public road.
- (6) The site shall provide equipment at the site to control or abate fires in compliance with the rules of the office of the state fire marshal.
- (7) The site shall install and maintain a communication system for the purpose of making contact with emergency services.
- (8) The site shall keep a first aid kit.
- (9) Salvaging, if undertaken, must not interfere with the site operation nor create unsightliness, nuisance, or health hazard.
- (10) The site must comply with the record keeping and reporting requirements of section 14 of this rule.
- (11) The site must comply with the rules of the fire prevention and building safety commission.
- (12) Where deemed necessary by the Indiana state department of health or the department, steps will be taken to prevent the breeding of mosquitoes and to control any mosquito population.

(b) All owners or operators of a waste tire processing operation must comply with the requirements of subsection (a), except for subsection (a)(10).
(Solid Waste Management Board; 329 IAC 2-23-11; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2832)

329 IAC 2-23-12 Waste tire management

Authority: IC 13-7-23-15

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

Sec. 12. Unless excluded by section 2 of this rule, all owners or operators of waste tire storage sites shall meet the following requirements:

- (1) Waste tires shall not be accepted from a waste tire transporter unless the transporter is registered with the department in accordance with the requirements contained within this article.
- (2) Waste tires shall be drained on the day of receipt.
- (3) A waste tire storage area must be designated. Only waste tires, and products derived from waste tires, may be stored in the designated waste tire storage area.
- (4) Whole waste tires received at the facility shall be altered, covered, or otherwise prevented from accumulating water within seven (7) days after receipt of the whole waste tire.
- (5) Tires shall not be stored in areas of standing water.
- (6) Piles of waste tires shall be separated from all potential ignition sources, including cutting and welding devices and open fires, by not less than two hundred fifty (250) feet unless such activity is carried out within a building which complies with the rules of the fire prevention and building safety commission.
- (7) Piles of whole waste tires shall be separated from grass, weeds, brush, overhanging tree limbs, and similar vegetative growth by no less than fifty (50) feet.
- (8) Piles of waste tires must be at least one hundred (100) feet away from the legal boundary of the property on which a tire storage facility is located.
- (9) Piles of altered waste tires consisting of tire pieces less than four (4) square inches in size shall be stored in piles in accordance with the following provisions:
 - (A) The maximum height of a storage pile of waste tire pieces shall not exceed twenty (20) feet, the maximum width shall not exceed fifty (50) feet, and the maximum length shall not exceed one hundred fifty (150) feet.
 - (B) Each pile of tire pieces must be surrounded by a fire lane of at least forty (40) feet wide. This area surrounding the tire piles shall consist of noncombustible material, such as gravel.
 - (C) Each pile of tire pieces must be at least one hundred (100) feet from any building.
- (10) Whole waste tires and altered waste tires consisting of pieces greater than four (4) square inches in size shall be stored in piles in accordance with the following provisions:
 - (A) The maximum height of a waste tire pile shall not exceed twenty (20) feet, and the maximum width and length shall not exceed two hundred fifty (250) feet.
 - (B) Waste tire storage piles shall be separated from all buildings, whether located on-site or off-site, by one hundred (100) feet. All other tire storage piles by a separation distance that is not less than the distance identified by the following:

Separation of Distances

Exposed Side Length *	Waste Tire Storage Pile Height*									
	22	4	6	8	10	12	14	16	18	20
10	21	28	33	38	39	42	44	47	49	52
25	29	40	49	56	62	67	73	77	82	85
50	37	53	65	75	84	93	100	107	113	118
100	43	68	86	100	116	128	137	146	155	164
150	46	71	99	117	135	149	164	178	189	198
200	47	81	108	130	149	167	183	198	212	226

250	47	84	115	140	162	181	198	216	231	245
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*Units in feet

(C) If the separation distance, as specified in clause (B), cannot be provided, the department will consider an alternative design for storage areas which would address concerns with fire prevention.

(Solid Waste Management Board; 329 IAC 2-23-12; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2833)

329 IAC 2-23-13 Contingency plan

Authority: IC 13-7-23-15

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

Sec. 13. Unless excluded by section 2 of this rule, all owners or operators of waste tire storage sites who will store at least one thousand (1,000) whole waste tires or one thousand (1,000) altered waste tires shall have and maintain a contingency plan according to the following requirements:

- (1) The contingency plan must be designed to minimize the hazards to human health and the environment from fires and run-off contaminants resulting from fires and from disease spreading mosquitoes and other nuisance organisms which may breed in water accumulations in waste tires.
- (2) The contingency plan must be carried out immediately whenever there is a fire or run-off resulting from a fire or evidence of mosquito production in waste tires.
- (3) The contingency plan must describe the actions site personnel must take in response to fires, run-off resulting from fires, and mosquito breeding in waste tires.
- (4) The contingency plan must include a list of the persons to be notified in case of fires or other emergency, with accompanying telephone numbers. This list shall include such persons as local fire officials, safety officials, the department, and the office of the state fire marshal. The contingency plan shall specify that these officials will be notified immediately after discovery of the emergency condition.
- (5) The contingency plan must include evacuation procedures for site personnel that describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by fire). The contingency plan must include provisions for control of mosquito breeding in waste tires.
- (6) A copy of the contingency plan and all revisions to the plan must be maintained at the site and submitted to the fire departments of local jurisdictions, the department, and other state and local emergency response teams that may be called upon to provide emergency service.
- (7) The contingency plan must be reviewed and amended within thirty (30) days if the plan fails in an emergency or the list of emergency coordinators changes.
- (8) At all times, there must be one (1) employee, either on the site or on call, with responsibility for coordinating all emergency response measures. This emergency response coordinator must be familiar with all aspects of the contingency plan, all operations and activities at the site, and the location of all records within the site and site layout. In addition, the emergency response coordinator must have the authority to commit resources needed to implement the contingency plan.

(Solid Waste Management Board; 329 IAC 2-23-13; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2834)

329 IAC 2-23-14 Record keeping and reporting

Authority: IC 13-7-23-15

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

Sec. 14. (a) Unless excluded by section 2 of this rule, all owners or operators of waste tire storage sites shall meet the requirements of this section.

- (b) The owner or operator shall keep a record of waste tires at the site. The following records shall be kept:
 - (1) A daily tire record.
 - (2) An annual tire summary.
 - (3) Copies of the transporter manifest forms prepared in accordance with 329 IAC 2-24.
- (c) The owner or operator shall maintain the daily tire record at the site and include the following information:
 - (1) The facility name and address.
 - (2) The registration number.
 - (3) The date.

- (4) The weight or volume of waste tires received at the site during the operating day.
- (5) The weight or volume of waste tires transported from the site during the operating day and the destination of the tires so transported.
- (6) The total number of waste tires (in PTEs) remaining in storage at the conclusion of the operating day.

Entries on the daily tire record, as required by subsection (b), shall be made at the time of the receipt or transport of each load, unless the owner or operator uses an alternate method of recording the required information that assures that the required information can be entered on the daily tire record by the end of the operating day. Where such an alternate method is used, that record, in addition to the daily tire record, must be maintained.

(d) The owner or operator shall maintain the annual tire summary at the site and include the following:

- (1) The calendar year for which the summary applies.
- (2) The registration number.
- (3) The site name and address.
- (4) The weight or volume of waste tires received at the site during the calendar year.
- (5) The weight or volume of waste tires transported from the site during the calendar year.
- (6) The total number of waste tires (in PTEs) remaining in storage at the conclusion of the calendar year.

The annual tire summary shall be received by the department by January 31 of each year and shall cover the preceding year. Each annual tire summary submitted to the agency shall be in a form as prescribed by the department.

(e) Copies of all records required to be kept under this section shall be retained by the owner or operator for three (3) years and shall be made available at the site during normal business hours for inspection and photocopying by the department.

(f) Certification of documents shall be required as follows:

- (1) All records, summaries, or reports submitted to the department as required by this section shall be signed by a person designated by the owner or operator as responsible for preparing and reviewing such documents as part of his or her duties in the regular course of business.
- (2) Any person signing a document submitted under this section 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 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."

(Solid Waste Management Board; 329 IAC 2-23-14; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2834)

329 IAC 2-23-15 Closure cost estimate

Authority: IC 13-7-23-15

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

Sec. 15. (a) Unless excluded by section 2 of this rule, all waste tire storage sites at which one thousand (1,000) or more waste tires are stored shall submit a written estimate of closure costs, on a form prepared by the department, in accordance with this section.

(b) The registrant shall submit to the department a written estimate of the cost of removing all waste tires from the site. The cost estimate shall be submitted with the application and thereafter submitted annually with the annual tire summary in accordance with section 14 of this rule. The cost estimate shall be received by the department by no later than January 31 of each year.

(c) The owner or operator shall revise the cost estimate whenever a change in the removal plan increases the cost estimate.

(d) The cost estimate equals the larger of the following:

- (1) The cost of removing all waste tires accumulated at the site.
- (2) The cost of removing the maximum number of waste tires which the owner or operator anticipates will be accumulated at the site at any time.

(e) The owner or operator shall base the cost estimate on the projected costs, assuming that a third party will be contracted to

implement the removal plan.

(f) The cost estimate must, at a minimum, include all costs for all activities necessary to remove all waste tires in accordance with this rule.

(g) Once the owner or operator has completed an activity, the owner or operator may revise the cost estimate indicating that the activity has been completed, revising that element of the cost estimate to zero (0). (*Solid Waste Management Board; 329 IAC 2-23-15; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2835*)

329 IAC 2-23-16 Mechanisms for financial assurance

Authority: IC 13-7-23-15

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

Sec. 16. (a) Unless excluded by section 2 of this rule, all waste tire storage sites at which one thousand (1,000) or more waste tires are stored shall meet the requirements of this section.

(b) The owner or operator may utilize any of the following mechanisms to provide financial assurance for removal of waste tires:

- (1) A trust fund in accordance with section 18 of this rule.
- (2) A surety bond in accordance with section 19 of this rule.
- (3) A letter of credit in accordance with section 20 of this rule.
- (4) Insurance in accordance with section 21 of this rule.

(*Solid Waste Management Board; 329 IAC 2-23-16; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2835*)

329 IAC 2-23-17 Use of financial mechanism for multiple sites

Authority: IC 13-7-23-15

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

Sec. 17. An owner or operator may use a single financial responsibility mechanism to meet the requirements for more than one (1) facility. Evidence of financial responsibility submitted to the department must include a list showing, for each facility, the facility registration number, name, address, and the amount of funds available. 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 2-23-17; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2836*)

329 IAC 2-23-18 Trust fund

Authority: IC 13-7-23-15

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

Sec. 18. (a) The owner or operator may satisfy this section by establishing a trust agreement on forms provided by the department or in such other form as approved by the department.

(b) All trust agreements must include the following:

- (1) Identify facilities and corresponding closure cost estimates covered by the trust agreement.
- (2) Set up a trust fund in the amount determined by section 15 of this rule guaranteeing that payments from that fund either will reimburse the owner or operator for department-approved closure work done or will make payments to the department for doing required closure work.
- (3) Require annual valuations of the trust to be submitted to the department.
- (4) Require successor trustees to notify the department, in writing, of their appointment at least ten (10) days prior to the effective date of the appointment.
- (5) Require the trustee to notify the department, in writing, of the failure of the owner or operator to make a required payment into the fund.
- (6) Establish that the trust is irrevocable unless terminated, in writing, with the approval of the owner or operator, the trustee, and the department.
- (7) Certify that the signer of the trust agreement for the owner or operator was duly authorized to bind the owner or operator.
- (8) Contain the notarization of all signatures by a notary public commissioned to be a notary public in Indiana at the time of the notarization.

- (9) 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.
- (10) Require that annual payment into the fund be made within thirty (30) days of each anniversary of the initial payment.

(c) Payments into the trust shall be made as follows:

- (1) The owner or operator shall make a payment into the trust fund each year during the pay-in period.
- (2) The maximum pay-in period is five (5) years. The pay-in period commences on the date the site first receives waste tires.
- (3) Annual payments are determined by the following formula:

$$\text{Annual payment} = (\text{CE}-\text{CV})/\text{Y}$$

Where: CE = Current cost estimate

CV = Current value of the trust fund

Y = Number of years remaining in the pay-in period

- (4) The owner or operator shall make the initial payment prior to the beginning of the pay-in period. The owner or operator shall also, prior to the beginning of the pay-in period, submit to the department a receipt from the trustee for this first annual payment.
- (5) Subsequent payments must be made no later than thirty (30) days after each anniversary of the first payment.
- (6) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current cost estimate at the time the fund is established.
- (7) The owner or operator shall maintain the value of the fund at no less than the value would have been if annual payments were made as specified in subdivision (3).
- (8) If the owner or operator establishes a trust fund after having used one (1) or more alternative mechanisms, the first payment must be in at least the amount the fund would contain if the trust fund were established initially and payments made as provided in subdivision (3).

(d) The trustee shall evaluate the trust fund annually, as of the day the trust was created or on such earlier date as may be provided in the agreement. The trustee shall notify the owner or operator and the department within thirty (30) days after the evaluation date.

(e) Release of excess funds may be requested as follows:

- (1) If the value of the financial assurance is greater than the total amount of the current cost estimate, the owner or operator may submit a written request to the department for release of the amount in excess of the current cost estimate.
- (2) Within sixty (60) days after receiving a request from the owner or operator for a release of funds, the department shall instruct the trustee to release to the owner or operator such funds as the department specifies in writing to be in excess of the current cost estimate.

(f) Reimbursement for removal expenses may be requested as follows:

- (1) After initiating removal, an owner or operator, or any other person authorized to perform removal, may request reimbursement for removal expenditures by submitting itemized bills to the department.
- (2) Within sixty (60) days after receiving the itemized bills for removal activities, the department shall determine whether the expenditures are in accordance with the removal plan. The department shall instruct the trustee to make reimbursement in such amounts as the department specifies in writing in accordance with the removal plan.
- (3) If the department determines, based on available information, that the cost of removal will be greater than the value of the trust fund, the department shall withhold reimbursement of such amounts necessary to accomplish removal until it is determined that the owner or operator is no longer required to maintain financial assurance for removal. In the event the fund is inadequate to pay all claims, the department shall pay claims according to the following priority:
- (A) A person with whom the department has contracted to perform removal activities.
- (B) A person who has completed removal authorized by the department.
- (C) A person who has completed work which furthered the removal.
- (D) The owner or operator and related business entities.

(Solid Waste Management Board; 329 IAC 2-23-18; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2836)

329 IAC 2-23-19 Surety bond

Authority: IC 13-7-23-15

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

Sec. 19. (a) The owner or operator may satisfy the requirements of this section by establishing a surety bond on forms

provided by the department or in such other form as approved by the department.

(b) All surety bonds must do the following:

- (1) Establish penal sums in the amount determined by section 15 of this rule.
- (2) Provide that the surety will be liable to fulfill the closure obligations upon notice from the department that the owner or operator has failed to do so.
- (3) Provide that the surety may not cancel the bond without first sending notice of cancellation by certified mail to the owner or operator and the department at least one hundred twenty (120) days prior to the effective date of the cancellation.
- (4) Provide that the owner or operator may not terminate the bond without prior written authorization by the department.

(c) The owner or operator must establish a standby trust fund to be utilized in the event the owner or operator fails to fulfill closure obligations and the bond guarantee is exercised. Such a trust fund must be established in accordance with section 18 of this rule.

(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 owner or operator after the department releases the owner or operator in accordance with section 22 of this rule. (*Solid Waste Management Board; 329 IAC 2-23-19; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2837*)

329 IAC 2-23-20 Letter of credit

Authority: IC 13-7-23-15

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

Sec. 20. (a) The owner or operator may satisfy the requirements of this section by establishing a letter of credit on forms provided by the department or in such other form as approved by the department.

(b) All letters of credit must do the following:

- (1) Establish credit in the amount determined by section 15 of this rule.
- (2) Be irrevocable.
- (3) Be effective for a period of at least one (1) year and 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 owner or operator and the department at least one hundred twenty (120) days prior to the effective date of cancellation.
- (4) Provide that the institution issuing the letter of credit, upon written notice from the department that the owner's or operator's obligations have not been fulfilled, will deposit funds equal to the amount of credit into a trust fund to be used to ensure closure obligations of the owner or operator are fulfilled.

(c) The owner or operator must establish a standby trust fund to be utilized in the event the owner or operator fails to fulfill closure obligations and the letter of credit is utilized. Such a trust fund must be established in accordance with the requirements of section 18 of this rule.

(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. (*Solid Waste Management Board; 329 IAC 2-23-20; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2837*)

329 IAC 2-23-21 Insurance

Authority: IC 13-7-23-15

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

Sec. 21. (a) The owner or operator may satisfy this section by providing evidence of insurance on forms provided by the department or on such other forms as approved by the department.

(b) All insurance must include the following:

- (1) Establish credit in the amount determined by section 15 of this rule.
- (2) Provide that upon written notification to the insurer by the department the owner or operator 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 department.

(3) Provide that the owner or operator must maintain the policy in full force and effect unless the department consents in writing to termination of the policy.

(4) Provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium by the owner or operator. No policy may be canceled, be terminated, or fail to be renewed unless at least one hundred twenty (120) days prior to such event the department and the owner or operator 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. (*Solid Waste Management Board; 329 IAC 2-23-21; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2838*)

329 IAC 2-23-22 Release of financial responsibility obligations

Authority: IC 13-7-23-15

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

Sec. 22. As part of the acknowledgement of final closure, the department shall notify the owner or operator that financial responsibility is no longer required to be maintained once the requirements for closure have been fulfilled. (*Solid Waste Management Board; 329 IAC 2-23-22; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2838*)

Rule 24. Disposition of Waste Tires

329 IAC 2-24-1 Definitions

Authority: IC 13-7-23.2-14

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

Sec. 1. (a) The following definitions apply throughout this rule:

(1) "Customer" means a person who purchases at least one (1) new tire from a retailer.

(2) "Generator" means a person who possesses more than twenty (20) tires at any point in time and ships tires for reuse, recycling, disposal, or processing for reuse, recycling, or disposal.

(3) "Retailer" means a person engaged in the business of selling new tires at retail in Indiana.

(4) "Waste tire transporter" means a person who:

(A) engages in the business of accepting waste tires from retailers and transporting the waste tires to one (1) or more other locations; or

(B) transports more than twenty (20) waste tires at one (1) time.

(5) "Wholesaler" means a person engaged in the business of selling new tires at wholesale in Indiana.

(b) Words and terms not defined in either 329 IAC 2-23-1 or this section shall have the meanings otherwise contained in 329 IAC 2-2-1. (*Solid Waste Management Board; 329 IAC 2-24-1; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2838*)

329 IAC 2-24-2 Recycling notice

Authority: IC 13-7-23.2-14

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

Sec. 2. (a) In each retail establishment in which a retailer sells new tires, the retailer shall post, in a conspicuous place, a written notice that bears the following statements:

(1) "Do not put waste tires in the trash."

(2) "Recycle your waste tires."

(3) "State law requires us to accept your waste tires for recycling or proper disposal if you purchase new tires from us."

(b) A notice required by this section must be at least eight and one-half (8 1/2) inches wide and eleven (11) inches high, with a minimum of 18-point type lettering.

(c) A person who knowingly violates this section commits a Class C infraction. (*Solid Waste Management Board; 329 IAC 2-24-2; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2838*)

329 IAC 2-24-3 Acceptance of waste tires by retailer

Authority: IC 13-7-23.2-14

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

Sec. 3. A retailer who sells new or remanufactured tires to a customer shall accept waste tires that the customer presents to the retailer at the place where possession of the new or remanufactured tires is transferred to the customer. The number of waste tires that a retailer is required to accept from a customer under this section is equal to the number of new or remanufactured tires that the retailer sells to the customer. (*Solid Waste Management Board; 329 IAC 2-24-3; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2838; errata filed Feb 17, 1994, 5:00 p.m.: 17 IR 1623*)

329 IAC 2-24-4 Disposal methods by retailer

Authority: IC 13-7-23.2-14

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

Sec. 4. A retailer shall dispose of waste tires by delivery to a registered waste tire transporter or by one (1) of the methods identified under section 11 of this rule. (*Solid Waste Management Board; 329 IAC 2-24-4; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2839; errata filed Feb 17, 1994, 5:00 p.m.: 17 IR 1623*)

329 IAC 2-24-5 Waste tire transporter; registration

Authority: IC 13-7-23.2-14

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

Sec. 5. (a) A person may not act as a waste tire transporter one hundred twenty (120) days after the effective date of this rule unless the person is registered with the department as a waste tire transporter. A person who registers with the department as a waste tire transporter shall disclose the following information on forms provided by the department:

- (1) The person's name.
- (2) The address of the person's principal office.
- (3) The addresses of any offices maintained by the person in Indiana.

(b) The department may waive the requirement for a waste tire transporter registration for the clean-up of illegal disposal activities. (*Solid Waste Management Board; 329 IAC 2-24-5; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2839*)

329 IAC 2-24-6 Fees

Authority: IC 13-7-23.2-14

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

Sec. 6. (a) A person who acts as a waste tire transporter in Indiana shall pay an annual registration fee of twenty-five dollars (\$25), with the initial payment due upon application for registration.

(b) The check shall be made payable to the "IDEM-Waste Tire Management Fund". (*Solid Waste Management Board; 329 IAC 2-24-6; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2839*)

329 IAC 2-24-7 Action on application

Authority: IC 13-7-23.2-14

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

Sec. 7. (a) The department shall issue a certificate of registration for waste tire transport to a person who complies with sections 5 and 6 of this rule.

(b) The department shall issue this certificate of registration within thirty (30) days after receipt of a complete application. The time spent by the applicant responding to a request for additional information will not be included in this thirty (30) day period.

(c) If the certificate of registration is not issued by the department within thirty (30) days after receipt of a complete application, the applicant may initiate operation as a transporter under interim status until such time that the department issues a certificate of registration or denies the application for registration as a waste tire transporter. (*Solid Waste Management Board; 329 IAC 2-24-7; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2839*)

329 IAC 2-24-8 Duration**Authority: IC 13-7-23.2-14****Affected: IC 13-1; IC 13-7; IC 36-9-30**

Sec. 8. A certificate of registration issued under this rule shall expire five (5) years after the date the certificate is issued. *(Solid Waste Management Board; 329 IAC 2-24-8; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2839)*

329 IAC 2-24-9 Transferability**Authority: IC 13-7-23.2-14****Affected: IC 13-1; IC 13-7; IC 36-9-30**

Sec. 9. A certificate of registration issued under this rule is not transferable. *(Solid Waste Management Board; 329 IAC 2-24-9; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2839)*

329 IAC 2-24-10 Renewal**Authority: IC 13-7-23.2-14****Affected: IC 13-1; IC 13-7; IC 36-9-30**

Sec. 10. An application for the renewal of a certificate of registration shall be submitted ninety (90) days prior to the expiration date of the certificate. *(Solid Waste Management Board; 329 IAC 2-24-10; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2839)*

329 IAC 2-24-11 Disposal of waste tires by waste tire transporters**Authority: IC 13-7-23.2-14****Affected: IC 13-1; IC 13-7; IC 36-9-30**

Sec. 11. (a) A waste tire transporter shall dispose of waste tires in the waste tire transporter's possession by one (1) or more of the following means:

- (1) Delivery to a wholesaler or to an agent of a wholesaler.
- (2) Delivery to a manufacturer of tires.
- (3) Delivery to a facility that is approved by the department and:
 - (A) recycles tires; or
 - (B) collects tires for delivery to an approved recycling facility.
- (4) Delivery to a permitted final disposal facility regulated under IC 13-7.
- (5) Delivery to a permitted processing facility regulated under IC 13-7.
- (6) Delivery to a facility that is registered with the department to store or process waste tires under this rule.
- (7) Delivery to a waste tire transporter registered under this rule.
- (8) Delivery to a facility located in another state, which is authorized by that state, if applicable, to accept waste tires.

(b) A person referred to in subsection (a) is not required to accept waste tires from a waste tire transporter. *(Solid Waste Management Board; 329 IAC 2-24-11; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2839)*

329 IAC 2-24-12 Manifest forms**Authority: IC 13-7-23.2-14****Affected: IC 13-1; IC 13-7; IC 36-9-30**

Sec. 12. (a) Waste tire transporters shall prepare and carry a manifest upon a form or format provided by the department. The manifest shall contain the following information:

- (1) The printed name and signature of the person who is:
 - (A) the source of the waste tires;
 - (B) the agent for the receiving facility; and
 - (C) the registered waste tire transporter.
- (2) The name, address, and signature of the responsible agent from the source of the waste tires to be transported.
- (3) The printed registration number of the waste tire transporter.
- (4) The number of waste tires, in passenger tire equivalents, transported.

(5) The destination, including name, address, and any department permit or registration numbers, if applicable, to which the waste tires are transported.

(6) The date of the shipment and the date of receipt of the shipment at the final destination.

(b) A waste tire transporter shall retain a copy of a manifest for at least one (1) year and shall make a copy of the manifest available to the department upon request.

(c) The registered transporter shall provide a completed copy to the generator. (*Solid Waste Management Board; 329 IAC 2-24-12; filed Jul 22, 1993, 10:00 a.m.: 16 IR 2840*)