TITLE 329 SOLID WASTE MANAGEMENT BOARD

Final Rule
LSA Document #05-168(F)

DIGEST

Adds 329 IAC 15-2-9.5, 329 IAC 15-2-13.2, 329 IAC 15-2-13.3, 329 IAC 15-2-13.4, 329 IAC 15-2-13.5, 329 IAC 15-3-6.5, 329 IAC 15-3-7.5, and 329 IAC 15-5-3.5 to clarify requirements and make the rule consistent with IC 13-20-13 and IC 13-20-14. Amends 329 IAC 15-1-1, 329 IAC 15-3-3, 329 IAC 15-3-5, 329 IAC 15-3-6, 329 IAC 15-3-17, 329 IAC 15-3-20, 329 IAC 15-4-13, 329 IAC 15-4-14, 329 IAC 15-5-1, and 329 IAC 15-5-3 to clarify requirements and make the rule consistent with IC 13-20-13 and IC 13-20-14. Repeals 329 IAC 15-2-2, 329 IAC 15-2-3, 329 IAC 15-2-8, 329 IAC 15-2-9, 329 IAC 15-2-11, and 329 IAC 15-2-12. Readopts 329 IAC 15-1-2, 329 IAC 15-1-3, 329 IAC 15-1-4, 329 IAC 15-2-1, 329 IAC 15-2-4, 329 IAC 15-2-5, 329 IAC 15-2-6, 329 IAC 15-2-7, 329 IAC 15-2-10, 329 IAC 15-2-13, 329 IAC 15-2-14, 329 IAC 15-2-15, 329 IAC 15-3-1, 329 IAC 15-3-2, 329 IAC 15-3-4, 329 IAC 15-3-7, 329 IAC 15-3-8, 329 IAC 15-3-9, 329 IAC 15-3-10, 329 IAC 15-3-11, 329 IAC 15-3-12, 329 IAC 15-3-13, 329 IAC 15-3-14, 329 IAC 15-3-15, 329 IAC 15-3-16, 329 IAC 15-3-18, 329 IAC 15-3-19, 329 IAC 15-3-21, 329 IAC 15-4-1, 329 IAC 15-4-2, 329 IAC 15-4-3, 329 IAC 15-4-4, 329 IAC 15-4-5, 329 IAC 15-4-6, 329 IAC 15-4-7, 329 IAC 15-4-8, 329 IAC 15-4-9, 329 IAC 15-4-10, 329 IAC 15-4-11, 329 IAC 15-4-12, 329 IAC 15-4-15, 329 IAC 15-5-2, 329 IAC 15-5-4, 329 IAC 15-5-5, 329 IAC 15-5-6, 329 IAC 15-5-7, 329 IAC 15-5-8, 329 IAC 15-5-9, 329 IAC 15-5-10, 329 IAC 15-5-11, and 329 IAC 15-5-12. Effective 30 days after filing with the Publisher.

HISTORY

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329 IAC 15-1-1; 329 IAC 15-1-2; 329 IAC 15-1-3; 329 IAC 15-1-4; 329 IAC 15-2-1; 329 IAC 15-2-2; 329 IAC 15-2-3; 329 IAC 15-2-4; 329 IAC 15-2-5; 329 IAC 15-2-6; 329 IAC 15-2-7; 329 IAC 15-2-8; 329 IAC 15-2-9; 329 IAC 15-2-9.5; 329 IAC 15-2-10; 329 IAC 15-2-11; 329 IAC 15-2-12; 329 IAC 15-2-13; 329 IAC 15-2-13.2; 329 IAC 15-2-13.3; 329 IAC 15-2-13.4; 329 IAC 15-2-13.5; 329 IAC 15-2-14; 329 IAC 15-2-15; 329 IAC 15-3-1; 329 IAC 15-3-2; 329 IAC 15-3-3; 329 IAC 15-3-4; 329 IAC 15-3-5; 329 IAC 15-3-6; 329 IAC 15-3-6.5; 329 IAC 15-3-7; 329 IAC 15-3-7.5; 329 IAC 15-3-8; 329 IAC 15-3-9; 329 IAC 15-3-10; 329 IAC 15-3-11; 329 IAC 15-3-12; 329 IAC 15-3-13; 329 IAC 15-3-14; 329 IAC 15-3-15; 329 IAC 15-3-16; 329 IAC 15-3-17; 329 IAC 15-3-18; 329 IAC 15-3-19; 329 IAC 15-3-20; 329 IAC 15-3-21; 329 IAC 15-4-1; 329 IAC 15-4-2; 329 IAC 15-4-3; 329 IAC 15-4-4; 329 IAC 15-4-5; 329 IAC 15-4-6; 329 IAC 15-4-7; 329 IAC 15-4-8; 329 IAC 15-4-9; 329 IAC 15-4-10; 329 IAC 15-4-11; 329 IAC 15-4-12; 329 IAC 15-4-13; 329 IAC 15-4-14; 329 IAC 15-4-15; 329 IAC 15-5-1; 329 IAC 15-5-2; 329 IAC 15-5-3; 329 IAC 15-5-3.5; 329 IAC 15-5-4; 329 IAC 15-5-5; 329 IAC 15-5-6; 329 IAC 15-5-7; 329 IAC 15-5-8; 329 IAC 15-5-9; 329 IAC 15-5-10; 329 IAC 15-5-11; 329 IAC 15-5-12

SECTION 1. 329 IAC 15-1-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 15-1-1 Applicability

Authority: IC 13-19-3-1; IC 13-20-13-11; IC 13-20-14-6
Affected: IC 13-11-2; IC 13-20-13-1; IC 13-30-2; IC 36-9-30

Sec. 1. (a) This article applies to the following:
(1) Waste tire processing operations **as defined in IC 13-11-2-250.5.**
(2) Waste tire storage sites **as defined in IC 13-11-2-251.**
(3) Waste tire transporters **as defined in IC 13-11-2-252.**
(4) Retailers as defined in IC 13-11-2-194(a) and other sources of waste tires.

(b) ~~This article does~~ **The provisions of 329 IAC 15-3 concerning waste tire storage site and waste tire processing operation certificates of registration do** not apply to the following:

(1) A facility ~~that:~~
~~(A) recycles or reuses waste tires; and~~
~~(B) operates~~ **operated as a recycling facility** under a valid ~~solid waste processing facility~~ permit issued by the ~~department under 329 IAC 11.~~ **commissioner.**
(2) A site ~~where~~ **at which** waste tires are stored ~~in conjunction with~~ **under** a recycling program approved by the ~~department.~~ **commissioner.**
(3) ~~A~~ **The** site **of a facility** that is used to retread tires at which fewer than five thousand (5,000) waste tires are present indoors within a completely enclosed structure.
(4) A vehicle or container in which waste tires are stored for ~~less~~ **fewer** than thirty (30) days.
(5) ~~Storage of waste tires in~~ A vehicle: ~~that is:~~
(A) **that is** properly licensed; ~~by the bureau of motor vehicles; and~~
(B) **that is** capable of legally transporting waste tires; **and**
(C) in which ~~the~~ waste tires are completely enclosed.
~~(6) Transformed, new, or remanufactured tires.~~
~~(7) Waste tires in pieces less than two (2) inches in each dimension that are stored in compliance with the rules of the fire prevention and building safety commission.~~
~~(8)~~ **(6)** Other uses of waste tires approved by the commissioner under one (1) of the following:
~~(A) 329 IAC 10-3-1(13).~~
(A) 329 IAC 10-3-1(16).
(B) 329 IAC 11-3-1(15).
(C) 329 IAC 12-3-1(15).

(Solid Waste Management Board; 329 IAC 15-1-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 317; errata filed Sep 8, 2004, 3:30 p.m.: 28 IR 214; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 2. 329 IAC 15-2-9.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 15-2-9.5 "Retailer" defined

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-194; IC 13-20-13-1; IC 13-30-2; IC 36-9-30

Sec. 9.5. "Retailer", as defined in IC 13-11-2-194(a), means a person engaged in the business of selling new tires at retail in Indiana.

(Solid Waste Management Board; 329 IAC 15-2-9.5; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 3. 329 IAC 15-2-13.2 IS ADDED TO READ AS FOLLOWS:

329 IAC 15-2-13.2 "Waste tire" defined

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-250; IC 13-30-2; IC 36-9-30

Sec. 13.2. (a) "Waste tire", as defined in IC 13-11-2-250, means a tire that is not suitable for the tire's original purpose.

(b) A used tire that meets all criteria in section 13 of this rule is not a waste tire.

(Solid Waste Management Board; 329 IAC 15-2-13.2; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 4. 329 IAC 15-2-13.3 IS ADDED TO READ AS FOLLOWS:

329 IAC 15-2-13.3 "Waste tire processing operation" defined

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-250.5; IC 13-30-2; IC 36-9-30

Sec. 13.3. "Waste tire processing operation", as defined in IC 13-11-2-250.5, means an operation that processes waste tires by cutting, shredding, or grinding. The term does not include a retail operation that cuts or shreds waste tires generated by the retail operation.

(Solid Waste Management Board; 329 IAC 15-2-13.3; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 5. 329 IAC 15-2-13.4 IS ADDED TO READ AS FOLLOWS:

329 IAC 15-2-13.4 "Waste tire storage site" defined

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-251; IC 13-30-2; IC 36-9-30

Sec. 13.4. "Waste tire storage site", as defined in IC 13-11-2-251, means a site at which at least:
(1) one thousand (1,000) waste tires are accumulated outdoors or within a structure that is not completely enclosed; or
(2) two thousand (2,000) waste tires are accumulated indoors within a completely enclosed structure.

(Solid Waste Management Board; 329 IAC 15-2-13.4; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 6. 329 IAC 15-2-13.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 15-2-13.5 "Waste tire transporter" defined

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-252; IC 13-30-2; IC 36-9-30

Sec. 13.5. "Waste tire transporter", as defined in IC 13-11-2-252, means a person who engages in the business of:
(1) accepting waste tires from retailers; and
(2) transporting the waste tires to one (1) or more other locations.

(Solid Waste Management Board; 329 IAC 15-2-13.5; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 7. 329 IAC 15-3-3 IS AMENDED TO READ AS FOLLOWS:

329 IAC 15-3-3 Registration of waste tire storage sites

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-20-21-3; IC 13-30-2; IC 36-9-30

Sec. 3. (a) An application for registration of a waste tire storage site must be submitted on a form provided by the department. The completed application form must contain all information requested on the form. The following must be submitted with the application form:
(1) A United States Geological Survey (USGS) seven and one-half (7 ½) minute topographic map or equivalent that shows the boundaries of the waste tire storage site.
(2) A legible map of the waste tire storage site that shows **all of the following:**
(A) Property boundaries.
(B) On-site buildings.
(C) Location, **maximum** length, **maximum** width, and **maximum** height of each waste tire storage area. ~~and.~~
(D) Separation distances between waste tire piles.
(3) A description of the **following:**

(A) Buildings, signs, notices, and alarms to be used for management of waste tires at the facility.
~~(4) A description of~~ **(B)** The program that will be used to manage waste tires at the facility, including the following:
~~(A)~~ **(i)** The anticipated sources and amounts of incoming waste tires.
~~(B)~~ **(ii)** The names and locations of the anticipated destinations of the waste tires.
(iii) The maximum number of waste tires that can be stored at the site at any time.
~~(C)~~ **(iv)** The method and schedule for **the following:**
(AA) Draining incoming waste tires.
~~(D) The method and schedule for~~ **(BB)** Preventing waste tires from accumulating water.
~~(5)~~ **(4)** The contingency plan required by section 18 of this rule.
~~(6)~~ **(5)** The closure cost estimate required by 329 IAC 15-5-3.
~~(7)~~ **(6)** Evidence of the financial assurance mechanism to be used to comply with the financial assurance requirements in 329 IAC 15-5.
~~(8)~~ **(7)** The application fee required by IC 13-20-21-3.

(b) Before beginning ~~storage~~ **accumulation** of waste tires, the person who applies for a certificate of registration for a waste tire storage site shall submit a copy of the:
(1) completed application;
(2) contingency plan required by section 18 of this rule; and
(3) map of the waste tire storage site required by subsection (a)(2);
to the fire department with jurisdiction over the waste tire storage site.

(c) A separate certificate of registration is required for each waste tire storage site.

(d) A new certificate of registration is required for a waste tire storage site that is relocated.

(e) Registration under this rule does not guarantee that the waste tire storage site complies with applicable county or local ordinances.

(Solid Waste Management Board; 329 IAC 15-3-3; filed Oct 10, 2000, 3:10 p.m.: 24 IR 320; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 8. 329 IAC 15-3-5 IS AMENDED TO READ AS FOLLOWS:

329 IAC 15-3-5 Requirements for waste tire processing operations

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 5. **(a)** The owner or operator of a waste tire processing operation shall:
(1) possess a valid certificate of registration issued under this rule; and
(2) comply with all applicable requirements of this rule.

(b) A waste tire processing operation that is under contract to the department to remove waste tires from a waste tire storage site is registered for the purposes of this article as long as that waste tire processing operation complies with the terms of the contract.

(Solid Waste Management Board; 329 IAC 15-3-5; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 9. 329 IAC 15-3-6 IS AMENDED TO READ AS FOLLOWS:

329 IAC 15-3-6 Registration of waste tire processing operations

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-20-21-3; IC 13-30-2; IC 36-9-30

Sec. 6. (a) An application for registration of a waste tire processing operation must be completed on a form provided by the department. The completed application form must contain all information requested on the form. The following must be submitted with the application form:

(1) A United States Geological Survey seven and one-half (7 ½) minute topographic map or equivalent that shows the boundaries of the waste tire processing operation.

(2) A legible map of the waste tire processing operation that shows the following:

(A) Property boundaries.

(B) On-site buildings.

(C) **The** location ~~length, width,~~ and ~~height~~ **dimensions** of each ~~waste tire storage~~ area **to be used to hold waste tires for processing.**

(D) Separation distances between waste tire ~~piles.~~ **holding areas and the following:**

(i) Buildings.

(ii) Fences.

(iii) Property boundaries.

(iv) Other waste tire holding areas.

(v) Other accumulated materials.

(3) A description of the **following:**

(A) Buildings, signs, notices, and alarms to be used to manage waste tires at the facility.

~~(4) A description of~~ **(B)** The program that will be used to manage waste tires at the facility, including the following:

~~(A)~~ **(i)** The anticipated sources and amounts of incoming waste tires.

~~(B)~~ **(ii)** The names and locations of the anticipated destinations of the waste tires.

~~(C)~~ **(iii)** The method and schedule for **the following:**

(AA) Draining incoming waste tires.

~~(D) The method and schedule for~~ **(BB)** Preventing waste tires from accumulating water.

~~(5)~~ **(4)** The contingency plan required by section 18 of this rule.

(5) A description of the measures the owner or operator will use to ensure that the operation will not accumulate either of the following:

(A) One thousand (1,000) or more waste tires at any time outdoors or in a structure that is not completely enclosed.

(B) Two thousand (2,000) or more waste tires indoors within a completely enclosed structure.

(6) The application fee required by IC 13-20-21-3.

(b) **Except as provided in section 6.5 of this rule:**

(1) a separate certificate of registration is required for each waste tire processing operation; **and**

~~(c)~~ **(2)** a new certificate of registration is required for a waste tire processing operation that is relocated.

(c) Registration under this rule does not guarantee that the waste tire processing operation complies with applicable county or local ordinances.

(d) Before beginning processing of waste tires, the person who applies for a certificate of registration for a waste tire processing operation shall submit a copy of the:

(1) completed application;

(2) contingency plan required by section 18 of this rule; and

(3) map of the waste tire processing operation required by subsection (a)(2);

to the fire department with jurisdiction over the waste tire processing operation.

(Solid Waste Management Board; 329 IAC 15-3-6; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321; errata filed Oct 23, 2000, 9:50 a.m.: 24 IR 688; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 10. 329 IAC 15-3-6.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 15-3-6.5 Mobile waste tire processing operations

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-250.5; IC 13-11-2-251; IC 13-20-13-4; IC 13-30-2; IC 36-9-30

Sec. 6.5. (a) Instead of following the requirements in section 6(b) of this rule, a waste tire processing

operation may process waste tires at more than one (1) location under the same registration if the owner or operator does all of the following:

(1) Processes waste tires only from:

(A) existing registered or unregistered waste tire storage sites; or

(B) retailers or other sources of waste tires.

(2) Submits to the department all of the information required by section 6(a)(1) and 6(a)(2) of this rule for each location where waste tires are processed.

(3) Submits to the department the signature of the property owner for a particular location, as required by IC 13-20-13-4(a)(4), for each location where waste tires are processed.

(b) A waste tire processor who processes waste tires at more than one (1) location under this section shall do the following:

(1) Not process waste tires from a location other than the location where the waste tire processing operation is contracted or hired to operate.

(2) Obtain a separate registration under section 6 of this rule to process waste tires on property owned, leased, or otherwise controlled by the owner or operator of the waste tire processing operation.

(Solid Waste Management Board; 329 IAC 15-3-6.5; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 11. 329 IAC 15-3-7.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 15-3-7.5 Waste tire processing operations that accumulate 1,000 or more waste tires

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-250.5; IC 13-11-2-251; IC 13-30-2; IC 36-9-30

Sec. 7.5. A waste tire processing operation that accumulates one thousand (1,000) or more waste tires must do the following:

(1) Register as a waste tire storage site.

(2) Comply with all requirements for waste tire storage sites in this rule including the financial assurance requirements of 329 IAC 15-5.

(Solid Waste Management Board; 329 IAC 15-3-7.5; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 12. 329 IAC 15-3-17 IS AMENDED TO READ AS FOLLOWS:

329 IAC 15-3-17 Waste tire management requirements

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-20-14-4; IC 13-30-2; IC 36-9-30

Sec. 17. (a) The owner or operator of a waste tire storage site or a waste tire processing operation shall operate that waste tire storage site or a waste tire processing operation in compliance with this section at all times.

(b) All wastewater from the waste tire storage site or waste tire processing operation must be discharged in accordance with the rules of the water pollution control board at 327 IAC 5 and 327 IAC 15. If wastewater is discharged to an on-site system, the system must be approved in accordance with the rules of the Indiana state department of health at 410 IAC 6-10.

(c) The waste tire storage site or waste tire processing operation must not do any of the following:

(1) Pose a threat to human health or the environment.

(2) Create a nuisance.

(d) Access to the waste tire storage site or waste tire processing operation must be allowed only when

operating personnel are on duty. Access by persons who are not employees must be supervised at all times by the owner, the operator, or an employee of the waste tire storage site or waste tire processing operation.

(e) Subsection (d) does not apply to persons employed or contracted by federal, state, or local government agencies.

~~(f) A sign must be posted at each point of access to the waste tire storage site or waste tire processing operation from a public road. Each sign must be at least sixteen (16) square feet in size. Each sign must indicate all of the following:~~
~~(1) The name of the waste tire storage site or waste tire processing operation.~~
~~(2) The certificate of registration number.~~
~~(3) Whether the facility is a waste tire storage site or a waste tire processing operation.~~
~~(4) The operating hours or schedule.~~
~~(5) The schedule of fees charges by the waste tire storage site or waste tire processing operation.~~
~~(6) The name and telephone number of a designated emergency contact person to be contacted in case of an emergency.~~

~~(g) The designated emergency contact person required by subsection (f)(6) must be the following:~~
~~(1) Authorized to respond to a reported emergency or be capable of contacting a person authorized to respond to a reported emergency; and~~
~~(2) One (1) of the following:~~
~~(A) The owner or operator, or an employee or contractor of the owner or operator, of the waste tire storage site or waste tire processing operation.~~
~~(B) The emergency response coordinator required by section 19 of this rule.~~
~~(C) An answering service that can contact the emergency response coordinator required by subsection (f)(6).~~
~~(D) For a municipally owned facility, a local emergency agency and telephone number may be used.~~

~~(h)~~ **(f)** The waste tire storage site or waste tire processing operation must maintain the following at the waste tire storage site or waste tire processing operation:
(1) A first aid kit.
(2) Fire extinguishing equipment that complies with the Indiana Fire Code as adopted by the fire prevention and building safety commission at 675 IAC 22.
(3) A telephone or other communication system capable of contacting the fire department and other emergency services.

~~(i)~~ **(g)** Salvaging must not:
(1) interfere with the operation of the waste tire storage site or waste tire processing operation; or
(2) create a nuisance or a health hazard.

~~(j)~~ **(h)** The owner or operator of a waste tire storage site or waste tire processing operation shall take all actions required to **do the following:**
(1) Prevent the breeding of mosquitoes. ~~and~~
(2) Control any mosquito population.

~~(k)~~ **(i) The owner or operator of a waste tire storage site or a waste tire processing operation must not accept** waste tires ~~must not be accepted~~ from a waste tire transporter that is not registered with the department in accordance with this article.

~~(l)~~ **(j)** The owner or operator of a waste tire storage site or waste tire processing operation shall prevent water from accumulating in waste tires by doing **all of** the following:
(1) Waste tires must be drained:
(A) on the day of receipt; and
(B) as necessary thereafter to prevent accumulation of water in the waste tires.
(2) Within seven (7) days after receipt, whole waste tires must be:
(A) altered **or modified so that the tire cannot hold water by:**
(i) shredding;

(ii) chopping;
(iii) drilling with holes and stacking to assure drainage; or
(iv) slitting longitudinally and stacking so the tires will not collect water;
(B) covered; or
(C) otherwise prevented from accumulating water.
(3) Waste tires must not be stored in areas of standing water.

(k) The owner or operator of a waste tire storage site shall only use a waste tire processing operation that is registered under this article to process waste tires at the waste tire storage site.

(l) Retailers and other sources of waste tires shall only use waste tire processing operations that are registered under this article to process waste tires they generate.

(Solid Waste Management Board; 329 IAC 15-3-17; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 13. 329 IAC 15-3-20 IS AMENDED TO READ AS FOLLOWS:

329 IAC 15-3-20 Record keeping and reporting

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 20. (a) The owner or operator of a waste tire storage site or a waste tire processing operation shall keep the following records:
(1) Copies of the transporter manifest forms prepared in accordance with 329 IAC 15-4-14.
(2) A copy of the certificate of registration.

(b) The owner or operator of a waste tire storage site or waste tire processing operation shall submit an annual tire summary to the department by January 31 of each year. The annual tire summary must cover the preceding calendar year. The annual tire summary must be submitted on the ~~following~~ form **provided by the commissioner** and must include all information requested on the form.

ANNUAL TIRE SUMMARY
Indiana Department of Environmental Management
Use of this form is required by 329 IAC 15-3-20(h) and IC 13-20-13-5.

Section A. Facility Information

Name:	Registration Number:

Mailing Address: Street City State Zip Code

Facility Contact Person: Telephone Number (include area code):

Section B. Reporting Time Period

January 1 through December 31, 20____

Section C. Tire Summary Information for the Calendar Year

Number of Waste Tires Received at this Facility: _____ (Check unit of measure used) ☐ whole waste tires ☐ cubic yards ☐ cubic feet ☐ pounds ☐ PTEs

Number of Waste Tires Disposed of by this Facility:
(Use these units: whole waste tires, cubic yards, cubic feet, pounds, PTEs)

Number	Unit	Destination	Disposal Method

Number of Whole Waste Tires Remaining in Storage Passenger Tire Equivalents (PTEs) _____	Number of Waste Tire Pieces Remaining in Storage Passenger Tire Equivalents (PTEs) _____

Section D. Conversion Factors

Tire Pieces						Whole Tires		
multiply	by	to obtain	multiply	by	to obtain	multiply	by	to obtain
pounds	0.04	PTE	cubic feet	0.8	PTE	cubic feet	0.25	PTE
PTE	20	pounds	cubic yards	21.6	PTE	cubic yards	6.75	PTE
			PTE	1.25	cubic feet	PTE	4	cubic feet
			PTE	0.046	cubic yards	PTE	0.15	cubic yards

Section E. Certification

I certify that the information in this summary is true, accurate, and complete to the best of my knowledge.

Authorized Signature _____ Title _____ Date _____

(c) The annual tire summary must be signed by:
(1) the owner or operator; or
(2) a person designated by the owner or operator who is responsible for preparing and reviewing those documents as part of the person's duties in the regular course of business.

(d) The owner or operator of the waste tire storage site or waste tire processing operation shall **do the following:**
(1) Keep a copy of all waste tire manifests received from waste tire transporters for one (1) year. ~~and~~
(2) Make the waste tire manifests available at the waste tire storage site or waste tire processing operation during normal business hours for inspection and photocopying by the department.

(Solid Waste Management Board; 329 IAC 15-3-20; filed Oct 10, 2000, 3:10 p.m.: 24 IR 324; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 14. 329 IAC 15-4-13 IS AMENDED TO READ AS FOLLOWS:

329 IAC 15-4-13 Manifest forms

Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-30-2; IC 36-9-30

Sec. 13. (a) A waste tire transporter shall prepare a manifest for each load of waste tires using the ~~following~~ form **shown in Figure 1 and including all information requested on the form.**

WASTE TIRE MANIFEST

Indiana Department of Environmental Management

Use of this form is required by 329 IAC 15-4-13 and IC 13-20-14-5.

Generator Name _____ Mailing Address _____ City State Zip Code	Shipment Origin Location Address _____ City State Zip Code
Telephone Number (including area code)	Telephone Number (including area code)

Description of Shipment:

Material: _____

(Whole tires, Shredded tires, etc.)

If whole tires, how many of each type: Passenger car tires _____ Truck tires _____ Other tires _____

If shredded tires, approximate weight (in tons) _____ or volume (in cubic yards) _____

Generator's Authorized Agent Signature Date of Shipment

Registration No. _____ Transporter Name: _____ Address: _____ City State Zip Code	Telephone: (_____) _____ Driver's Name: _____ THE TRANSPORTER MUST GIVE A COMPLETED COPY OF THIS FORM TO THE GENERATOR.

I CERTIFY THAT THE MATERIAL DESCRIBED ABOVE WAS PICKED UP AT THE SITE DESCRIBED ABOVE.

Driver's Signature Date of Pickup

Site Name: _____ Address: _____ City State Zip Code	Telephone: (_____) _____ Permit/Registration No. _____ State: _____

I CERTIFY THAT THE MATERIAL DESCRIBED ABOVE HAS BEEN ACCEPTED AND, TO THE BEST OF MY KNOWLEDGE, THIS INFORMATION IS TRUE AND ACCURATE.

Name of Authorized Agent Signature Receipt Date

THE WASTE TIRE TRANSPORTER MUST COMPLETE THIS FORM FOR EACH SHIPMENT OF WASTE TIRES.

WASTE TIRE MANIFEST

State Form 47273 (R2/10-06)

Indiana Department of Environmental Management

INSTRUCTIONS:

1. *Use of this form is required by 329 IAC 15-4-13 and IC 13-20-14-5.*
2. *The Waste Tire Transporter must complete this form for each shipment of waste tires.*
3. *Fill in all information. Generator, transporter, and receiving facility information may be pre-printed.*
4. *Give a copy of this form to the generator (source) of the waste tires.*
5. *Give a second copy of this form to the receiver of the waste tires as listed in IC 13-20-14-4.*
6. *Keep a copy of this form for your records for at least one (1) year.*
7. *For help with this form contact IDEM's Office of Land Quality, Solid Waste Permits Section, at (317) 232-0066.*

GENERATOR (SOURCE OF WASTE TIRES)

Name			Telephone (including area code)	
Address			Generator's Authorized Agent	Print Name
City	State	Zip Code		Signature

DESCRIPTION OF SHIPMENT

Pickup Date	**Time**	**Tire Types and Amounts**
Pickup Location		☐ Passenger tires ☐ Truck tires
Load Type (check one)	☐ Whole Tire Count ☐ Weight in Pounds	☐ Oversize tires ☐ Other tires
	☐ Volume Cubic Yards ☐ Weight in Tons	

TRANSPORTER

Name			Telephone (including area code)	
Address			Permit/Registration No.	State
City	State	Zip Code		

I CERTIFY, UNDER PENALTY OF PERJURY AS PROVIDED IN IC 35-44-2-1, THAT THE MATERIAL DESCRIBED ABOVE WAS PICKED UP AT THE SITE DESCRIBED ABOVE AND, TO THE BEST OF MY KNOWLEDGE, THIS INFORMATION IS TRUE AND ACCURATE.

Driver's Name _____ Signature _____

DESTINATION

Name			Telephone (including area code)	
Address			Permit/Registration No.	State
City	State	Zip Code		

I CERTIFY, UNDER PENALTY OF PERJURY AS PROVIDED IN IC 35-44-2-1, THAT THE MATERIAL DESCRIBED ABOVE HAS BEEN ACCEPTED AND, TO THE BEST OF MY KNOWLEDGE, THIS INFORMATION IS TRUE AND ACCURATE, AND THAT I AM AN AUTHORIZED AGENT OF THE REGISTRANT.

Name of Authorized Agent _____ Signature _____ Receipt Date _____

Figure 1.

(b) A waste tire transporter shall do **all of** the following:
(1) Carry the manifest in the vehicle while transporting the waste tires described on the manifest.
(2) Retain a copy of the manifest for one (1) year.
(3) Provide a copy of the **completed** manifest to **the following:**
(A) The waste tire generator. ~~and~~
(B) The waste tire storage site or waste tire processing operation that receives the waste tires.
(4) Make a copy of the **completed** manifest available to the department upon request.

(c) A waste tire transporter may reproduce copies of the waste tire manifest form with complete information for the generator, transporter, and destination preprinted on the form as long as the:
(1) form is substantially identical to the waste tire manifest form in subsection (a); and
(2) preprinted information does not include waste tire amounts or signatures.

(Solid Waste Management Board; 329 IAC 15-4-13; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 15. 329 IAC 15-4-14 IS AMENDED TO READ AS FOLLOWS:

329 IAC 15-4-14 Reports

Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-30-2; IC 36-9-30

Sec. 14. (a) A waste tire transporter shall report annually to the department the number of waste tires ~~in passenger tire equivalents,~~ transported by the waste tire transporter during the previous year, **using the form provided by the commissioner.**

(b) The annual report:
(1) is due on January 31;
(2) must cover the previous calendar year; and
(3) must be submitted with the annual registration fee required by section 3 of this rule.

(Solid Waste Management Board; 329 IAC 15-4-14; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 16. 329 IAC 15-5-1 IS AMENDED TO READ AS FOLLOWS:

329 IAC 15-5-1 Financial assurance for waste tire storage sites

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 1. The owner or operator of a waste tire storage site shall do the following:
(1) Prepare and submit to the department a closure cost estimate in accordance with section 3 of this rule.
(2) Maintain financial assurance for removal of waste tires **and final closure of the site,** in an amount equal to or greater than the closure cost estimate, using one (1) of the following mechanisms:
(A) A trust fund in accordance with section 5 of this rule.
(B) A surety bond in accordance with section 6 of this rule.
(C) A letter of credit in accordance with section 7 of this rule.
(D) Insurance in accordance with section 8 of this rule.
(3) Maintain financial assurance for removal of waste tires **and final closure of the site** as required by this rule until the department notifies the owner or operator of the waste tire storage site that final closure has been completed in accordance with 329 IAC 15-3-21.

(Solid Waste Management Board; 329 IAC 15-5-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 17. 329 IAC 15-5-3 IS AMENDED TO READ AS FOLLOWS:

329 IAC 15-5-3 Closure cost estimate

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 3. (a) The owner or operator of a waste tire storage site shall submit to the department a written estimate of the cost of completing final closure of the site in accordance with 329 IAC 15-3-21. The original closure cost estimate must be submitted, on a form provided by the department, with the application for a certificate of registration. The closure cost estimate must include the following:

(1) The methods that will be used to remove and properly dispose of all waste tires stored at the site.
(2) The final destination of all waste tires removed from the site.
(3) The name and address of the contractor or contractors to be used to remove the waste tires and complete final closure of the site.
(4) The estimated cost of completing all activities required by 329 IAC 15-3-21.

~~(b) The owner or operator of a waste tire storage site shall submit to the department a revised written closure cost estimate:~~
~~(1) annually, no later than January 31 of each year; and~~
~~(2) whenever a change in the removal plan increases the closure cost estimate.~~
~~The revised closure cost estimate must meet the requirements of subsection (a).~~

~~(c)~~ **(b)** The closure cost estimate must be based on the ~~larger of the following:~~
~~(1) The cost of removing all waste tires, calculated in passenger tire equivalents, accumulated at the site.~~
~~(2) The~~ cost of removing the maximum number of waste tires ~~calculated in passenger tire equivalents,~~ that ~~the owner or operator anticipates will~~ **can** be accumulated at the site at any time.

~~(d)~~ **(c)** The closure cost estimate must be based on the projected costs of contracting a third party to complete final closure of the site. The closure cost estimate must include all costs for all activities required by 329 IAC 15-3-21.

~~(e)~~ **(d)** Once the owner or operator of a waste tire storage site has completed an activity required in 329 IAC 15-3-21, the owner or operator may:

(1) revise the closure cost estimate indicating that the activity has been completed; and
(2) revise that element of the closure cost estimate to zero (0).

(Solid Waste Management Board; 329 IAC 15-5-3; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 18. 329 IAC 15-5-3.5 IS ADDED TO READ AS FOLLOWS:

329 IAC 15-5-3.5 Annual revision of closure cost estimate

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 3.5. The owner or operator of a waste tire storage site shall submit to the department a revised written closure cost estimate:

(1) annually, not later than January 31 of each year; and
(2) whenever a change in the removal plan increases the closure cost estimate.

The revised closure cost estimate must meet the requirements of section 3 of this rule.

(Solid Waste Management Board; 329 IAC 15-5-3.5; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)

SECTION 19. THE FOLLOWING ARE REPEALED: 329 IAC 15-2-2; 329 IAC 15-2-3; 329 IAC 15-2-8; 329 IAC 15-2-9; 329 IAC 15-2-11; 329 IAC 15-2-12.

SECTION 20. THE FOLLOWING ARE READOPTED: 329 IAC 15-1-2; 329 IAC 15-1-3; 329 IAC 15-1-4; 329 IAC 15-2-1; 329 IAC 15-2-4; 329 IAC 15-2-5; 329 IAC 15-2-6; 329 IAC 15-2-7; 329 IAC 15-2-10; 329 IAC 15-2-13; 329 IAC 15-2-14; 329 IAC 15-2-15; 329 IAC 15-3-1; 329 IAC 15-3-2; 329 IAC 15-3-4; 329 IAC 15-3-7; 329 IAC 15-3-8; 329 IAC 15-3-9; 329 IAC 15-3-10; 329 IAC 15-3-11; 329 IAC 15-3-12; 329 IAC 15-3-13; 329 IAC 15-3-14; 329 IAC 15-3-15; 329 IAC 15-3-16; 329 IAC 15-3-18; 329 IAC 15-3-19; 329 IAC 15-3-21; 329 IAC 15-4-1; 329 IAC 15-4-2; 329 IAC 15-4-3; 329 IAC 15-4-4; 329 IAC 15-4-5; 329 IAC 15-4-6; 329 IAC 15-4-7; 329 IAC 15-4-8; 329 IAC 15-4-9; 329 IAC 15-4-10; 329 IAC 15-4-11; 329 IAC 15-4-12; 329 IAC 15-4-15; 329 IAC 15-5-2; 329 IAC 15-5-4; 329 IAC 15-5-5; 329 IAC 15-5-6; 329 IAC 15-5-7; 329 IAC 15-5-8; 329 IAC 15-5-9; 329 IAC 15-5-10; 329 IAC 15-5-11; 329 IAC 15-5-12.

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