

Proposed Rule
LSA Document #14-29

DIGEST

Adds [327 IAC 7.1-2-30.5](#), [327 IAC 7.1-2-34.2](#), [327 IAC 7.1-2-34.5](#), [327 IAC 7.1-4-5.1](#), and [327 IAC 7.1-5.1](#), and amends [327 IAC 7.1-1-3](#), [327 IAC 7.1-1-5](#), [327 IAC 7.1-2-1](#), [327 IAC 7.1-2-2](#), [327 IAC 7.1-2-4](#), [327 IAC 7.1-2-7](#), [327 IAC 7.1-2-8](#), [327 IAC 7.1-2-11](#), [327 IAC 7.1-2-13](#), [327 IAC 7.1-2-14](#), [327 IAC 7.1-2-15](#), [327 IAC 7.1-2-18](#), [327 IAC 7.1-2-19](#), [327 IAC 7.1-2-24](#), [327 IAC 7.1-2-25](#), [327 IAC 7.1-2-26](#), [327 IAC 7.1-2-28](#), [327 IAC 7.1-2-29](#), [327 IAC 7.1-2-30](#), [327 IAC 7.1-2-34](#), [327 IAC 7.1-2-35](#), [327 IAC 7.1-2-36](#), [327 IAC 7.1-2-37](#), [327 IAC 7.1-2-39](#), [327 IAC 7.1-2-40](#), [327 IAC 7.1-4-1](#), [327 IAC 7.1-4-2](#), [327 IAC 7.1-4-3](#), [327 IAC 7.1-4-4](#), [327 IAC 7.1-6-1](#), [327 IAC 7.1-6-2](#), [327 IAC 7.1-6-3](#), [327 IAC 7.1-6-4](#), [327 IAC 7.1-6-5](#), [327 IAC 7.1-6-6](#), [327 IAC 7.1-7-1](#), [327 IAC 7.1-8-1](#), [327 IAC 7.1-8-2](#), [327 IAC 7.1-8-3](#), [327 IAC 7.1-8-5](#), [327 IAC 7.1-8-7](#), [327 IAC 7.1-8-8](#), [327 IAC 7.1-8-9](#), and [327 IAC 7.1-8-10](#), concerning the septage management activities. Repeals [327 IAC 7.1-1-1](#), [327 IAC 7.1-2-5](#), [327 IAC 7.1-2-21](#), [327 IAC 7.1-2-22](#), [327 IAC 7.1-2-23](#), [327 IAC 7.1-2-41](#), [327 IAC 7.1-2-42](#), [327 IAC 7.1-3-1](#), [327 IAC 7.1-3-2](#), [327 IAC 7.1-3-3](#), [327 IAC 7.1-4-5](#), [327 IAC 7.1-4-6](#), [327 IAC 7.1-4-7](#), [327 IAC 7.1-4-8](#), [327 IAC 7.1-4-9](#), [327 IAC 7.1-4-10](#), [327 IAC 7.1-4-11](#), [327 IAC 7.1-5-1](#), [327 IAC 7.1-5-2](#), [327 IAC 7.1-5-3](#), [327 IAC 7.1-5-4](#), [327 IAC 7.1-5-5](#), [327 IAC 7.1-7-2](#), [327 IAC 7.1-8-4](#), and [327 IAC 7.1-8-6](#). Effective 30 days after filing with the Publisher.

HISTORY

First Notice of Comment Period: February 19, 2014, Indiana Register (DIN: [20140219-IR-327140029FNA](#)).
Continuation of First Notice: April 9, 2014, Indiana Register (DIN: [20140409-IR-327140029FCA](#)).
Second Notice of Comment Period: May 15, 2019, Indiana Register (DIN: [20190515-IR-327140029SNA](#)).
Notice of First Hearing: May 15, 2019, Indiana Register (DIN: [20190515-IR-327140029PHA](#)).
Date of First Hearing: August 14, 2019.

PUBLIC COMMENTS UNDER [IC 13-14-9-4.5](#)

[IC 13-14-9-4.5](#) states that a board may not adopt a rule under [IC 13-14-9](#) that is substantively different from the draft rule published under [IC 13-14-9-4](#), until the Environmental Rules Board (board) has conducted a third comment period that is at least 21 days long. On August 14, 2019, the board preliminarily adopted the draft rule published on May 15, 2019, at DIN: [20190515-IR-327140029SNA](#) without any substantive differences. During the hearing, however, the Indiana Department of Environmental Management (IDEM) received questions from board members that led IDEM to conclude additional changes to the proposed rule are necessary. The proposed rule in this notice is the rule language that was preliminarily adopted by the board on August 14, 2019, and does not reflect revisions that will be included at the final adoption hearing. IDEM is requesting additional comment on proposed substantive revisions to this proposed rule under consideration for final adoption.

REQUEST FOR PUBLIC COMMENTS

Though this proposed rule is not substantively different from the draft rule published on May 15, 2019, at DIN: [20190515-IR-327140029SNA](#), IDEM is requesting comment on the following portions of the proposed (preliminarily adopted) rule that are substantively different from the language contained in the draft rule.

After considering board member questions about the proposed rule language at the preliminary adoption hearing, IDEM determined that surface application of septage is not permitted by [IC 13-11-2-114](#) because the definition of land application, for purposes of [IC 13-18-12](#), is limited to burial or incorporation into the soil. Land application of domestic septage, grease, or a combination of domestic septage and grease by injection or incorporation will continue to be allowed, in accordance with the statute. IDEM conducted outreach on this proposed change and received several comments concerning the cost and practicality of removing surface application from the state rule. Because surface application of septage is not currently allowed under state law and injection or incorporation of septage is more protective of the environment and human health, IDEM is proposing to eliminate all references to surface application from the proposed rule, and limit the methods of land application to burial or incorporation into the soil only. IDEM is seeking additional comment on the removal of surface application of septage from the proposed rule prior to final adoption.

Additional board member questions during the hearing also brought forth the need for IDEM to clarify the soil sample collection method for phosphorus testing under [327 IAC 7.1-8-7](#) to ensure the most accurate results are provided for land appliers. IDEM determined that the best method for soil sample collection is for all soil tests to consist of one composite sample per every twenty acres, with each composite consisting of twenty representative subsamples. These samples must be analyzed for pH by a laboratory certified by the North American Proficiency Testing Program. IDEM is seeking comment on the addition of these soil sample collection methods for phosphorus testing by land application permit holders prior to final adoption.

The proposed rule published with this notice was preliminarily adopted by the Environmental Rules Board on August 14, 2019, and does not reflect the proposed revisions for which comment is requested in this notice or that will be presented at the final adoption hearing.

This notice requests the submission of comments on the sections of the proposed rule listed above, including suggestions for specific amendments to those sections. These comments and IDEM's responses thereto will be presented to the board for its consideration at final adoption under [IC 13-14-9-6](#). Comments on additional sections of the proposed rule that the commentor believes are substantively different from the draft rule may also be submitted for the consideration of the board. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #14-29 Septage Management
Krystal Hackney
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of your faxed comments by calling the Rules Development Branch at (317) 233-8903.

(3) By electronic mail to khackney1@idem.in.gov. To confirm timely delivery of your comments, please request a document receipt when you send the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking you are commenting on.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than July 1, 2020. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Krystal Hackney, Rules Development Branch, Office of Legal Counsel, (317) 232-3158 or (800) 451-6027 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from May 15, 2019, through June 14, 2019, on IDEM's draft rule language. No comments were received during the second comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On August 14, 2019, the Environmental Rules Board (board) conducted the first public hearing/board meeting concerning the development of amendments to [327 IAC 7.1](#). No comments were made at the first hearing.

[327 IAC 7.1-1-1](#); [327 IAC 7.1-1-3](#); [327 IAC 7.1-1-5](#); [327 IAC 7.1-2-1](#); [327 IAC 7.1-2-2](#); [327 IAC 7.1-2-4](#); [327 IAC 7.1-2-5](#); [327 IAC 7.1-2-7](#); [327 IAC 7.1-2-8](#); [327 IAC 7.1-2-11](#); [327 IAC 7.1-2-13](#); [327 IAC 7.1-2-14](#); [327 IAC 7.1-2-15](#); [327 IAC 7.1-2-18](#); [327 IAC 7.1-2-19](#); [327 IAC 7.1-2-21](#); [327 IAC 7.1-2-22](#); [327 IAC 7.1-2-23](#); [327 IAC 7.1-2-24](#); [327 IAC 7.1-2-25](#); [327 IAC 7.1-2-26](#); [327 IAC 7.1-2-28](#); [327 IAC 7.1-2-29](#); [327 IAC 7.1-2-30](#); [327 IAC 7.1-2-30.5](#); [327 IAC 7.1-2-34](#); [327 IAC 7.1-2-34.2](#); [327 IAC 7.1-2-34.5](#); [327 IAC 7.1-2-35](#); [327 IAC 7.1-2-36](#); [327 IAC 7.1-2-37](#); [327 IAC 7.1-2-39](#); [327 IAC 7.1-2-40](#); [327 IAC 7.1-2-41](#); [327 IAC 7.1-2-42](#); [327 IAC 7.1-3-1](#); [327 IAC 7.1-3-2](#); [327 IAC 7.1-3-3](#); [327 IAC 7.1-4-1](#); [327 IAC 7.1-4-2](#); [327 IAC 7.1-4-3](#); [327 IAC 7.1-4-4](#); [327 IAC 7.1-4-5](#); [327 IAC 7.1-4-5.1](#); [327 IAC 7.1-4-6](#); [327 IAC 7.1-4-7](#); [327 IAC 7.1-4-8](#); [327 IAC 7.1-4-9](#); [327 IAC 7.1-4-10](#); [327 IAC 7.1-4-11](#); [327 IAC 7.1-5-1](#); [327 IAC 7.1-5-2](#); [327 IAC 7.1-5-3](#); [327 IAC 7.1-5-4](#); [327 IAC 7.1-5-5](#); [327 IAC 7.1-5.1](#); [327 IAC 7.1-6-1](#); [327 IAC 7.1-6-2](#); [327 IAC 7.1-6-3](#); [327 IAC 7.1-6-4](#); [327 IAC 7.1-6-5](#); [327 IAC 7.1-6-6](#); [327 IAC 7.1-7-1](#); [327 IAC 7.1-7-2](#); [327 IAC 7.1-8-1](#); [327 IAC 7.1-8-2](#); [327 IAC 7.1-8-3](#); [327 IAC 7.1-8-4](#); [327 IAC 7.1-8-5](#); [327 IAC 7.1-8-6](#); [327 IAC 7.1-8-7](#); [327 IAC 7.1-8-8](#); [327 IAC 7.1-8-9](#); [327 IAC 7.1-8-10](#)

SECTION 1. [327 IAC 7.1-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-1-3](#) Applicability

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12-7](#)

Sec. 3. (a) This article applies to all persons a **person** who provide or engage **engages** in wastewater **septage** management.

(b) The following do not involve wastewater as defined in [327 IAC 7.1-2-41](#), and therefore This article does not apply to these **the following** activities:

(1) Land application activities that are regulated under [327 IAC 6.1](#).

(2) Confined feeding operations regulated under [327 IAC 19](#).

~~(2) (3) Waste management activities that are regulated under rules of the solid waste management board at [329 IAC 3.1](#), [329 IAC 10](#), [329 IAC 11](#), [329 IAC 11.5](#), [329 IAC 12](#), and [329 IAC 13](#).~~

~~(3) Management of animal manure.~~

(c) This article does not require A wastewater **septage** management permit or a vehicle license for the transportation of wastewater from the point of its removal to another location on the same site or tract owned by the same person if the wastewater was generated on the same site or tract owned by the same person and either of the following applies: **is not required for activities exempt under [IC 13-18-12-7](#).**

(1) Both of the following:

(A) A facility on the same site or tract owned by the same person has a valid permit under [327 IAC 5](#) implementing the National Pollutant Discharge Elimination System which includes provisions for the management of wastewater.

(B) The wastewater is blended with industrial process wastewater, as defined in [327 IAC 6.1-2-28](#), at the permitted facility.

(2) Both of the following:

(A) A facility on the same site or tract owned by the same person has a valid permit under [327 IAC 3-4](#) regarding operational permits.

(B) The wastewater is blended with industrial process wastewater as defined in [327 IAC 6.1-2-28](#), at the permitted facility.

(d) Solid waste generated by the permitted facility described in subsection (c) must be disposed of in accordance with [327 IAC 6.1](#) or the rules of the solid waste management board at [329 IAC 10](#).

(e) The following documents of the U.S. Environmental Protection Agency are incorporated by reference:

(1) Appendix I of 40 CFR 257, revised as of July 1, 2001.

(2) Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846 [Third Edition, November 1986, as amended by Updates 1 (July 1992), 2 (September 1994), 2A (August 1993), and 2B (January 1995)].

(3) Appendix II A of 40 CFR 257, revised as of July 1, 2001.

(4) 40 CFR 257.3-5(a)(1) and 40 CFR 257.3-5(c), revised as of July 1, 2001.

(5) 50 CFR 17.11 and 50 CFR 17.12, revised as of October 1, 2001.

(6) Areas located in Indiana contained in 50 CFR 17.95 and 50 CFR 17.96, revised as of October 1, 2001.

(f) The Code of Federal Regulations and Publication SW-846 are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The telephone number for the Superintendent of Documents is (202) 512-1800.

(Water Pollution Control Division; [327 IAC 7.1-1-3](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3717; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 2. [327 IAC 7.1-1-5](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-1-5](#) Penalties

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#); [IC 13-30](#)

Sec. 5. Penalties for violation of this article are provided for at:

- (1) [IC 13-30-4](#).
- (2) [IC 13-30-5](#).
- (3) ~~[IC 13-30-10](#)~~; [IC 13-30-8](#).
- (4) ~~[IC 13-30-8](#)~~; [IC 13-30-10](#).

(Water Pollution Control Division; [327 IAC 7.1-1-5](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#); errata filed Jul 31, 2017, 11:06 a.m.: [20170809-IR-327170349ACA](#))

SECTION 3. [327 IAC 7.1-2-1](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-1](#) Applicability

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-11-2](#); [IC 13-18-12](#)

Sec. 1. ~~The definitions in [IC 13-11-2](#) apply to this article.~~ In addition to the definitions in [IC 13-11-2](#), the definitions in this rule apply throughout this article.

(Water Pollution Control Division; [327 IAC 7.1-2-1](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 4. [327 IAC 7.1-2-2](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-2](#) "Agricultural land" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 2. "Agricultural land" means land on which a food crop, a **an animal** feed crop, or a fiber crop is grown. The term includes land used as pasture.

(Water Pollution Control Division; [327 IAC 7.1-2-2](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 5. [327 IAC 7.1-2-4](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-4](#) "Applicant" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 4. "Applicant" means a person who applies for ~~any or all of the following:~~

- (1) a wastewater **septage** management permit **that includes any applicable requirements for transport, storage, treatment, or land application of septage.**
- (2) ~~A wastewater vehicle license.~~
- (3) ~~An approval for land application of wastewater.~~

(Water Pollution Control Division; [327 IAC 7.1-2-4](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 6. [327 IAC 7.1-2-7](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-7](#) "Contaminate" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 7. "Contaminate" means introducing a substance that would cause one (1) of the following:
(1) The concentration of that substance in any drinking water source to exceed the maximum contaminant level specified in Appendix I of 40 CFR 257*.
(2) An increase in the concentration of that substance in any drinking water source where the existing concentration of that substance exceeds the maximum contaminant level specified in Appendix I of 40 CFR 257*.

***This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

(Water Pollution Control Division; [327 IAC 7.1-2-7](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3718; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 7. [327 IAC 7.1-2-8](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-8](#) "Critical habitat" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 8. "Critical habitat" means areas located in Indiana and contained ~~listed~~ in 50 CFR 17.95* and or 50 CFR 17.96*.

***These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

(Water Pollution Control Division; [327 IAC 7.1-2-8](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 8. [327 IAC 7.1-2-11](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-11](#) "Domestic septage" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 11. "Domestic septage" means the following:

- ~~(1) Human excreta, water, scum, sludge, and sewage from sewage disposal systems, or retained contents of waste and wastewater holding tanks.~~
- ~~(2) Wastes carried in liquid from ordinary living processes.~~
- ~~(3) Incidental or accidental seepage from sewage disposal systems.~~

The term does not include contents from chemical toilets, or Type III marine sanitation devices. humans or household operations either as a liquid or solid material removed from a residential sewage disposal system. The term does not include contents from portable sanitary units.

(Water Pollution Control Division; [327 IAC 7.1-2-11](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 9. [327 IAC 7.1-2-13](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-13](#) "Endangered or threatened species" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 13. "Endangered or threatened species" means any species listed as such under 50 CFR 17.11* or 50 CFR 17.12*.

***These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

(Water Pollution Control Division; [327 IAC 7.1-2-13](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 10. [327 IAC 7.1-2-14](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-14](#) "Flood plain" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 14. "Flood plain" means ~~the lowland and relatively flat areas~~ **an area** adjoining inland and coastal waters, including flood-prone areas of offshore islands, which are inundated by a base flood: **a river, stream, or lake that has been or may be covered by a one hundred (100) year flood as determined by [312 IAC 10](#).**

(Water Pollution Control Division; [327 IAC 7.1-2-14](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 11. [327 IAC 7.1-2-15](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-15](#) "Food crop" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 15. "Food ~~crops~~ **crop**" means tobacco, crops grown for human consumption, and animal feed for animals whose products are consumed by humans.

(Water Pollution Control Division; [327 IAC 7.1-2-15](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 12. [327 IAC 7.1-2-18](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-18](#) "Incorporation into the soil" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 18. ~~Incorporated~~ **"Incorporation into the soil"** means the mixing of domestic septage, grease, or mixed lead **a combination of domestic septage and grease** with the surface soil, using standard agricultural practices such as tillage.

(Water Pollution Control Division; [327 IAC 7.1-2-18](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3719; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 13. [327 IAC 7.1-2-19](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-19](#) "Injection" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 19. "Injection" means the placement of domestic septage, grease, or ~~mixed load~~ **a combination of domestic septage and grease** beneath the surface of the soil in the crop root zone, using equipment specifically designed for this purpose.

(Water Pollution Control Division; [327 IAC 7.1-2-19](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 14. [327 IAC 7.1-2-24](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-24](#) "Operator" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 24. "Operator" means the person responsible for the operation of any of the following:

- (1) ~~Wastewater~~ **Septage** management business.
- (2) ~~Wastewater~~ **Septage** management vehicle.
- (3) ~~Wastewater~~ **Septage** treatment facility.
- (4) ~~Wastewater~~ **Septage** storage facility.
- (5) ~~Wastewater~~ **Septage** land application site.

(Water Pollution Control Division; [327 IAC 7.1-2-24](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 15. [327 IAC 7.1-2-25](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-25](#) "Owner" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 25. "Owner" means the person who owns any of the following:

- (1) ~~Wastewater~~ **Septage** management business.
- (2) Vehicle used for ~~wastewater~~ **septage** management activities.
- (3) ~~Wastewater~~ **Septage** treatment facility.
- (4) ~~Wastewater~~ **Septage** storage facility.
- (5) ~~Wastewater~~ **Septage** land application site.

(Water Pollution Control Division; [327 IAC 7.1-2-25](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 16. [327 IAC 7.1-2-26](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-26](#) "Pasture" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 26. "Pasture" means land on which animals feed directly on **animal** feed crops, such as legumes, grasses, grain stubble, or fodder.

(Water Pollution Control Division; [327 IAC 7.1-2-26](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3720; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 17. [327 IAC 7.1-2-28](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-28](#) "Pesticide" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 28. "Pesticide" means any substance that:

- (1) is commercially produced, marketed, or sold to control insects, rodents, nematodes, fungus, or weeds; and
- (2) is regulated by the state chemist's office under rules of the state chemist's office at **under:**
 - (A) [355 IAC 4](#) and [355 IAC 5](#); or by the U.S. Environmental Protection Agency, under the Federal Insecticide, Fungicide and Rodenticide Act, as amended,
 - (B) 7 U.S.C. Section 136.

(Water Pollution Control Division; [327 IAC 7.1-2-28](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 18. [327 IAC 7.1-2-29](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-29](#) "Petroleum based" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 29. "Petroleum based" means crude oil and substances derived from crude oil through processes such as separation, conversion, and finishing, that are liquid at ambient condition of temperature and pressure comprised of a complex blend of hydrocarbons, including but not limited to, the following:

- (1) Motor fuel.
- (2) Jet fuel.
- (3) Mineral oil.
- (4) Lubricants.
- (5) Petroleum solvents.
- (6) Used oil.

(Water Pollution Control Division; [327 IAC 7.1-2-29](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 19. [327 IAC 7.1-2-30](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-30](#) "pH" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 30. "pH" means the logarithm of the reciprocal of hydrogen ion concentration **measured at twenty-five (25) degrees Centigrade (seventy-seven (77) degrees Fahrenheit) or measured at another temperature and then converted to an equivalent value at twenty-five (25) degrees Centigrade (seventy-seven (77) degrees Fahrenheit).**

(Water Pollution Control Division; [327 IAC 7.1-2-30](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 20. [327 IAC 7.1-2-30.5](#) IS ADDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-30.5](#) "Portable sanitary unit" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-11-2-167](#); [IC 13-18-12](#)

Sec. 30.5. "Portable sanitary unit" has the meaning set forth in [IC 13-11-2-167](#).

(Water Pollution Control Division; [327 IAC 7.1-2-30.5](#))

SECTION 21. [327 IAC 7.1-2-34](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-34](#) "Sensitive area" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#); [IC 14-31](#); [IC 14-38-1-5](#)

Sec. 34. "Sensitive area" means a site where land application of domestic septage, ~~a mixed load, or grease,~~ **or a combination of domestic septage and grease** poses a specific water quality threat to one (1) or more of the following:

- (1) Aquifers used as a source of drinking water.
- (2) Public water supply wells.
- (3) Wellhead protection areas.
- (4) Drinking water supply reservoirs.
- (5) Areas requiring special protection from a threat to water quality or because of the area's aesthetic value to the citizens of Indiana, such as:
 - (A) wetlands;
 - (B) karst terrains;
 - (C) the critical habitat of an endangered or threatened species; or
 - (D) natural areas, including:
 - (i) parks;
 - (ii) nature preserves as regulated under [IC 14-31](#);
 - (iii) historic sites as defined in section 17 of this rule; and
 - (iv) public lands as defined in [IC 14-38-1-5](#).

(Water Pollution Control Division; [327 IAC 7.1-2-34](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 22. [327 IAC 7.1-2-34.2](#) IS ADDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-34.2](#) "Septage" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-11-2-199.2](#); [IC 13-18-12](#)

Sec. 34.2. "Septage" has the meaning set forth in [IC 13-11-2-199.2](#).

(Water Pollution Control Division; [327 IAC 7.1-2-34.2](#))

SECTION 23. [327 IAC 7.1-2-34.5](#) IS ADDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-34.5](#) "Septage management" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-11-2-199.3](#); [IC 13-18-12](#)

Sec. 34.5. "Septage management" has the meaning set forth in [IC 13-11-2-199.3](#).

(Water Pollution Control Division; [327 IAC 7.1-2-34.5](#))

SECTION 24. [327 IAC 7.1-2-35](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-35](#) "Set aside" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 35. "Set aside" or "idle" means agricultural land upon which no crop is grown during the crop season.

(Water Pollution Control Division; [327 IAC 7.1-2-35](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3721; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 25. [327 IAC 7.1-2-36](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-36](#) "Sewage disposal system" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-11-2-201](#); [IC 13-18-12](#)

Sec. 36. "Sewage disposal system" as defined in [IC 13-11-2-201](#), means septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:

- (1) store;
- (2) treat;
- (3) make inoffensive; or
- (4) dispose of;

human excrement or liquid carrying wastes of a domestic nature. **has the meaning set forth in [IC 13-11-2-201\(a\)](#).**

(Water Pollution Control Division; [327 IAC 7.1-2-36](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 26. [327 IAC 7.1-2-37](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-37](#) "Surface application" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 37. "Surface application" means the placement of wastewater **septage** by spraying or spreading onto the land surface.

(Water Pollution Control Division; [327 IAC 7.1-2-37](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 27. [327 IAC 7.1-2-39](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-39](#) "Type III marine sanitation device" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 39. "Type III marine sanitation device" means any equipment installed on board a vessel ~~which~~ **that** is designed to receive, retain, treat, or discharge sewage, and any process to treat ~~such~~ sewage. The device or process must be designed to prevent the over board discharge of treated or untreated sewage or any waste derived from sewage.

(Water Pollution Control Division; [327 IAC 7.1-2-39](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 28. [327 IAC 7.1-2-40](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-2-40](#) "Unauthorized" defined

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 40. "Unauthorized" means that which is prohibited by permit license, or approval conditions or Indiana or federal statutes or regulations.

(Water Pollution Control Division; [327 IAC 7.1-2-40](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3722; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 29. [327 IAC 7.1-4-1](#) IS AMENDED TO READ AS FOLLOWS:

Rule 4. Septage Management Permits

[327 IAC 7.1-4-1](#) Permit applications

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#); [IC 25-31-1](#)

Sec. 1. (a) **A person providing or engaging in septage management shall comply with the following:**
(1) Unless exempted by [IC 13-18-12-7](#), possess a valid septage management permit that includes any applicable requirements for transport, storage, treatment, or land application of septage.
(2) Comply with all applicable requirements of [IC 13-18-12](#) and this article.

~~(a)~~ **(b) At least one hundred twenty (120) days prior to the anticipated initiation of a septage management business or the expiration of an existing septage management permit, an application for a wastewater management permit, including a renewal application, applicant must be submitted to the commissioner submit:**

- (1) an application or renewal application on a form provided by the commissioner; and**
- (2) at least one (1) letter indicating approval for the applicant to dispose of septage from:**
 - (A) the owner or operator of a facility identified in [327 IAC 7.1-7-1\(a\)\(1\)](#) through [327 IAC 7.1-7-1\(a\)\(6\)](#);**
 - or**
 - (B) the owner of property on which the septage is to be applied in [327 IAC 7.1-7-1\(a\)\(7\)](#).**

(c) An application including a or renewal application is considered complete only after all information requested by the department has been submitted. received by the department.

~~(b)~~ **(d) An application for renewal of an existing wastewater septage management permit shall must be:**

- (1) postmarked; or**
- (2) hand delivered to the office of land quality, Indiana department of environmental management; or**
- (3) submitted electronically as specified by the department; or**
- ~~(3)~~ **(4) deposited with a private carrier as shown by the receipt issued by the carrier, if the application is sent by the private carrier to the address for the department on the application;**

at least one hundred twenty (120) days prior to the expiration date of the permit or the permit will be invalid upon expiration.

~~(c)~~ **If the applicant intends to store wastewater, or treat wastewater by altering the nature of domestic septage, a mixed load, or grease, then the permit application must be accompanied by all of the following:**

- (1) If the property where the wastewater storage or treatment facility will be located is not owned by the**

applicant:

- (A) the name, mailing address, and telephone number of the property owner; and
 - (B) a statement, signed by the property owner, granting permission to conduct the activities specified in the application and stating that the activities specified in the application are not prohibited by any covenant of record.
- (2) A county map clearly indicating the location of the property on which the facility is proposed.
- (3) An accurate drawing clearly delineating the proposed facility site and the area within one quarter (1/4) mile of the site in all directions. The drawing must use a scale of one (1) inch per one hundred (100) feet and show north. The drawing shall clearly and accurately indicate the location of all features of interest, including the following:
- (A) Potable water supplies.
 - (B) Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water.
 - (C) Drainage inlets and tile systems.
 - (D) Rock outcrops, sinkholes, or undrained depressions.
 - (E) The location of all property lines, easements, and public roads.
 - (F) The critical habitat of endangered or threatened species.
 - (G) Historical sites.
- (4) Plans and specifications certified by a professional engineer licensed under [IC 25-31-1](#) to practice in Indiana. The plans must include the following:
- (A) The design of the facility.
 - (B) The capacity of the facility.
- (5) A brief narrative description of the proposed operating plan and maintenance procedures to be used at the facility.
- (6) The name, address, and phone number of the person, or persons, designated in charge of the facility.
- (7) A letter from at least one (1) publicly owned treatment works permitted under [327 IAC 5-2](#) or other state permitted wastewater treatment plant permitted under [327 IAC 5](#) stating the applicant is authorized to dispose of wastewater at their facility. If the narrative presented in subdivision (5) states the facility will be solidifying all wastewater, the applicant must also submit such a letter from a state permitted municipal solid waste landfill permitted under the rules of the solid waste management board at [329 IAC 10](#).
- (8) A signed statement from either the applicant or the property owner and the applicant, if the applicant is not the property owner, accepting responsibility for closure in compliance with section 11 of this rule.

(Water Pollution Control Division; [327 IAC 7.1-4-1](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3723; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 30. [327 IAC 7.1-4-2](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-4-2](#) Action on application

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-15-7](#); [IC 13-18-12](#); [IC 13-30-10](#); [IC 36-9-30-35](#)

Sec. 2. (a) **Upon receipt by the department of a completed application in accordance with section 1 of this rule**, the commissioner shall:

(1) issue or renew a permit; only after the following: or

~~(1) Receipt of a completed application in accordance with section 1 of this rule.~~

~~(2) An inspection by a representative of the commissioner to determine compliance with the requirements of this article. **take action under subsections (c) and (d).**~~

(b) A permit may be renewed with new or modified conditions based on the information provided in subsection

~~(a). **The commissioner may revoke or modify a permit in accordance with [IC 13-18-12-6.5](#).**~~

(c) If the commissioner determines that one (1) or more of the criteria in subsection (d) demonstrate the applicant's inability or unwillingness to manage septage under the requirements of [IC 13-18-12](#) or this article, the commissioner may:

(1) deny a permit application or a renewal application;

(2) limit the length of a permit or renewal permit to one (1) year; or

(3) place additional conditions on a permit or renewal permit.

~~if the commissioner determines that one (1) or more of the criteria in subsection (d) demonstrate the applicant's inability or unwillingness to manage wastewater under the requirements of [IC 13-18-12](#) or this article.~~

(d) The commissioner may deny, limit the length of, or place additional conditions on a permit or renewal permit based on one (1) or more of the following:

- (1) The applicant has been convicted of a crime under [IC 13-30-10](#) or [IC 36-9-30-35](#).
- (2) The commissioner, under [IC 13-15-7](#), has revoked the applicant's previous permit to operate under
 - (A) this article. ~~or~~
 - (B) ~~[327 IAC 7](#), which was repealed in 2002.~~
- (3) The applicant has a history of one (1) or more violations of [IC 13](#) or rules promulgated by authority of [IC 13](#).
- (4) The applicant was the subject of one (1) or more administrative or judicial enforcement actions concerning ~~wastewater~~ **septage** management under this article. ~~or [327 IAC 7](#), which was repealed in 2002.~~
- (5) The applicant is the subject of one (1) or more pending administrative or judicial enforcement actions commenced under authority of [IC 13](#).

~~(e) The application for a permit or the issuance of a permit does not:~~

- ~~(1) convey any property rights of any sort or any exclusive privileges to the applicant or permittee;~~
- ~~(2) authorize:~~
 - ~~(A) any injury to any person or private property;~~
 - ~~(B) invasion of other property rights; or~~
 - ~~(C) any infringement of federal, state, or local laws or regulations; or~~
- ~~(3) preempt any duty to comply with other federal, state, or local requirements.~~

~~(f) After the transition process described in section 5 of this rule, all permits shall~~ **(e) A septage management permit must** be issued for three (3) years unless limited to one (1) year under subsection (c).

(Water Pollution Control Division; [327 IAC 7.1-4-2](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3724; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#); errata filed Jul 31, 2017, 11:06 a.m.: [20170809-IR-327170349ACA](#))

SECTION 31. [327 IAC 7.1-4-3](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-4-3](#) Updating information

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 3. If the information provided in the application for the **wastewater septage** management permit changes, the applicant or permittee shall provide the new information to the ~~commissioner~~ **department** no more than fifteen (15) days after the information provided in the application changes. The commissioner may modify the permit based on ~~this~~ **the new** information.

(Water Pollution Control Division; [327 IAC 7.1-4-3](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3724; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 32. [327 IAC 7.1-4-4](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-4-4](#) Permit conditions

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 4. (a) ~~The commissioner may include conditions in a permit that ensure compliance with this article. All wastewater~~ **A septage** management permits issued are **permit is** subject to the following conditions and ~~such any additional conditions as stated listed~~ in the permit:

- (1) The ~~business~~ **permittee must only use the business** name stated ~~on~~ **in** the **wastewater septage**

~~management permit and no other name shall be used in advertising for: and engaging in wastewater management services:~~

- ~~(A) septage management vehicle signage;~~
- ~~(B) the business website; and~~
- ~~(C) any other form of septage business including:
 - ~~(i) contracts;~~
 - ~~(ii) receipts; and~~
 - ~~(iii) advertising.~~~~

~~(2) Permits issued under this article or [327 IAC 7](#), which was repealed in 2002, are not transferable.~~

~~(3) The permittee shall provide wastewater **septage** management services in a manner that does not create a threat to human health or the environment, including the following:~~

~~(A) Pumping, dumping, or allowing **The permittee shall not pump, dump, or allow** the leakage or drainage of wastewater **septage** onto any unauthorized premises, ground **land** surfaces, public roads, or into the waters of the state. is prohibited.~~

~~(B) Any spillage of wastewater **septage** onto unauthorized premises, ground **land** surfaces, public roads, or waters of the state must be handled, removed, and disposed in accordance with this article and under [327 IAC 2-6.1](#).~~

~~(C) Water obtained from any source **used** for flushing or cleaning licensed wastewater **septage** vehicles, equipment used in wastewater **septage** management, or a sewage disposal system must:~~

~~(i) be obtained in a manner that prevents the possibility of contaminating the water source; and~~

~~(ii) Backflow prevention devices must be installed when **if the** water is obtained from a potable water source, **include installation of a backflow prevention device.**~~

~~(D) Water used for flushing or cleaning purposes must be disposed of in the same manner as required by this article for **accordance with the** wastewater disposal **requirements of this article.**~~

~~(4) Wastewater management activities must comply with all applicable requirements of [IC 13-18-12](#) and this article.~~

~~(b) If the applicant intends to store or treat wastewater, the wastewater management permit shall be issued subject to the conditions contained in subsection (a), the following conditions, and such additional conditions as may be stated in the permit:~~

~~(1) Except for wastewater storage or treatment facilities approved prior to the effective date of this article, all storage or treatment facilities must comply with site restrictions and be designed and constructed in compliance with this article.~~

~~(2) All facilities must be operated in compliance with this article.~~

(b) The application for a permit or the issuance of a permit does not:

(1) convey any property rights of any sort or any exclusive privileges to the applicant or permittee;

(2) authorize:

(A) any injury to any person or private property;

(B) invasion of other property rights; or

(C) any infringement of federal, state, or local laws or regulations; or

(3) preempt any duty to comply with other federal, state, or local requirements.

(Water Pollution Control Division; [327 IAC 7.1-4-4](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3724; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 33. [327 IAC 7.1-4-5.1](#) IS ADDED TO READ AS FOLLOWS:

[327 IAC 7.1-4-5.1](#) Record keeping

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-14-2-2](#); [IC 13-18-12](#)

Sec. 5.1. (a) A person with a septage management permit shall keep accurate records of activities required by this article.

(b) The records must include the following:

(1) The contract or invoice of all septage management activities.

- (2) The date, location, and method of disposal of septage associated with the contract or invoice as required by [327 IAC 7.1-6-1\(d\)\(3\)](#).
- (3) Land application records as required by [327 IAC 7.1-8-7](#).

(c) The records must be:

- (1) located at the permitted septage management business address;
- (2) made available to the department during normal business hours for inspection as set forth in [IC 13-14-2-2](#);
- (3) updated weekly, except as required at [327 IAC 7.1-8-7\(a\)\(10\)](#); and
- (4) maintained for at least five (5) years.

(Water Pollution Control Division; [327 IAC 7.1-4-5.1](#))

SECTION 34. [327 IAC 7.1-5.1](#) IS ADDED TO READ AS FOLLOWS:

Rule 5.1. Storage and Treatment of Septage

[327 IAC 7.1-5.1-1](#) Application requirements

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#); [IC 25-31-1](#); [IC 25-31.5](#)

Sec. 1. (a) An applicant who plans to store or treat septage by altering the nature of domestic septage, grease, or a combination of domestic septage and grease must include the following with the septage management permit application:

- (1) If the property where the storage or treatment facility will be located is not owned by the applicant:
 - (A) the name, mailing address, and telephone number of the property owner; and
 - (B) a statement, signed by the property owner, granting permission to conduct the activities specified in the application and stating that the activities specified in the application are not prohibited by any covenant of record.
- (2) An accurate drawing or aerial photograph that meets the following criteria:
 - (A) It must clearly delineate the proposed storage or treatment site and the area within one-quarter (1/4) mile of the site in all directions.
 - (B) It must use a scale of one (1) inch per one hundred (100) feet and show north.
 - (C) It must clearly and accurately indicate the location of all features of interest, including the following:
 - (i) Potable water supplies.
 - (ii) Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water.
 - (iii) Drainage inlets and tile systems.
 - (iv) Rock outcrops, sinkholes, or undrained depressions.
 - (v) The location of all property lines, easements, and public roads.
 - (vi) The critical habitat of endangered or threatened species.
 - (vii) Historic sites.
- (3) A soil survey map classifying the soils where the proposed storage or treatment facility is to be located.
- (4) Plans and specifications certified by a professional engineer licensed under [IC 25-31-1](#) to practice in Indiana that include the following:
 - (A) The design of the storage or treatment facility.
 - (B) The capacity of the storage or treatment facility.
- (5) A brief narrative description of the proposed operating plan and maintenance procedures to be used at the storage or treatment facility.
- (6) The name, address, and phone number of the person or persons designated in charge of the storage or treatment facility.
- (7) A signed statement accepting responsibility for closure in compliance with section 7 of this rule from either the:
 - (A) applicant; or
 - (B) property owner and applicant, if the applicant is not the property owner.
- (8) If applicable, a copy of a waiver to any of the setbacks in section 2(a) of this rule obtained from the

owner and occupant of a residence or place of business located within the setback distance.

(b) If the applicant believes more specific soil information for a proposed storage or treatment facility will assist the department in determining if the proposed site may be approved, the following applies:

(1) For soil types that generally have a high water table or fast permeability, the applicant may submit a report by a soil scientist registered under [IC 25-31.5](#) or certified by the American Registry of Certified Professionals in Agronomy, Crops, and Soils (ARCPACS), with the following information:

(A) The depth to the water table from the land surface.

(B) The depth to bedrock.

(C) Evidence that the storage or treatment facility is not located in a flood plain.

(2) The soil survey map in subsection (a)(3) must also be submitted.

(c) A septage management permit for an applicant who plans to store or treat septage is subject to the following:

(1) Any site-specific conditions identified in the application in subsection (a).

(2) Except for a storage or treatment facility approved prior to the effective date of this article, the storage or treatment facility must comply with site restrictions and be designed and constructed in compliance with this article.

(3) The storage or treatment facility must be operated in compliance with this article.

(4) Any additional conditions in the permit.

(Water Pollution Control Division; [327 IAC 7.1-5.1-1](#))

[327 IAC 7.1-5.1-2](#) Site restrictions

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 2. (a) Except under subsection (b), a storage or treatment facility must not be constructed:

(1) within one hundred (100) feet of any easement;

(2) within three hundred (300) feet of any public road;

(3) within six hundred (600) feet of any:

(A) residence;

(B) place of business;

(C) public gathering place;

(D) property line;

(E) lake;

(F) pond;

(G) stream;

(H) intermittent waterway;

(I) surface water impoundment;

(J) wetland;

(K) rock outcrop;

(L) sink hole;

(M) undrained depression; or

(N) potable water supply;

(4) within one thousand (1,000) feet of any:

(A) public water supply well or public water supply surface intake structure;

(B) historic site; or

(C) critical habitat of endangered or threatened species;

(5) in a flood plain; or

(6) in a manner that would allow the septage to enter waters of the state.

(b) A reduced distance from a setback in subsection (a)(1), (a)(2), (a)(3)(A), (a)(3)(B), or (a)(3)(D) may be allowed if the owner or operator of the storage or treatment facility submits with the application a written waiver from the following:

(1) The appropriate local government agency or other appropriate entity with authority to authorize a waiver to a setback for:

(A) an easement located within the setback distance in subsection (a)(1); or

- (B) a public road located within the setback distance in subsection (a)(2).
- (2) The owner and occupant of a residence or place of business located within the setback distance in subsection (a)(3)(A) or (a)(3)(B).
- (3) The owner of property bordered by a property line located within the setback distance in subsection (a)(3)(D).

(Water Pollution Control Division; [327 IAC 7.1-5.1-2](#))

[327 IAC 7.1-5.1-3](#) Design requirements

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 3. (a) A septage storage or treatment facility must be designed:

- (1) in compliance with this article; and
- (2) to prevent entry of storm water run-on from surrounding areas and control storm water run-off.

(b) The storage or treatment of septage is prohibited in an:

- (1) earthen structure; or
- (2) underground steel tank.

(c) Storage tanks of synthetic material, fiberglass, and aboveground metal tanks must comply with the following:

- (1) The tank material and wall thickness must be adequately engineered to contain the contents.
- (2) The tank must be watertight.
- (3) A tank previously used to store a substance other than septage must be cleaned to remove all traces of the other substance prior to the addition of septage to the tank.
- (4) The tank must be anchored, supported, and bedded to provide structural safety and prevent movement.
- (5) An aboveground tank must be supported by a concrete base.
- (6) The bottom of the storage tank must at all times be at least two (2) feet above:
 - (A) the water table; and
 - (B) bedrock.
- (7) An aboveground tank must have protected shutoff valves for all inlet and outlet pipes.
- (8) Vents on a tank must not allow disease vectors to enter the tanks.
- (9) The tank must be constructed or designed to allow inspection and sampling of contents.
- (10) An all-weather access road must be provided to the storage facility sites.

(Water Pollution Control Division; [327 IAC 7.1-5.1-3](#))

[327 IAC 7.1-5.1-4](#) Construction requirements

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 4. (a) A storage or treatment facility must be constructed to prevent:

- (1) leaks and seepage; and
- (2) spills that could enter waters of the state.

(b) The commissioner may incorporate conditions into the septage management permit that require testing to verify the storage or treatment facility's septage management system:

- (1) is consistent with the design standards; and
- (2) meets the performance standards established in this article.

(Water Pollution Control Division; [327 IAC 7.1-5.1-4](#))

[327 IAC 7.1-5.1-5](#) Alternate design and construction or innovative technology

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 5. (a) The use of a design or construction approach other than the requirements specified in this article or an innovative technology may be proposed to the department by the applicant in accordance with the following:

- (1) The proposal for the alternative design, construction, or innovative technology must be accompanied by documentation that ensures that the provisions of this article are met.
- (2) The proposal must comply with all applicable environmental rules and laws.
- (3) The proposal must be submitted with a septage management permit application.

(b) In making a determination on the alternative design, construction, or innovative technology, the commissioner shall consider the following criteria:

- (1) Design specifications that ensure adequate structural integrity.
- (2) Protective measures that reduce the potential for spills.
- (3) Operational practices that provide additional protection.
- (4) Threats of adverse impacts to water quality or other specified sensitive areas.
- (5) Other criteria related to protection of the environment or human health.

(c) The commissioner shall either:

- (1) approve the alternate design and construction, or innovative technology in the permit; or
- (2) send a letter to the applicant explaining the basis for the denial of the proposed alternate design, construction, or innovative technology.

(Water Pollution Control Division; [327 IAC 7.1-5.1-5](#))

[327 IAC 7.1-5.1-6](#) Operational requirements

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 6. (a) A storage or treatment facility must be maintained and operated to prevent any threats to human health or the environment as follows:

- (1) An all-weather off-loading area with containment for spill cleanup must be provided where the vehicle contents are received by the storage or treatment facility.
- (2) Unauthorized access to the storage or treatment facility must be prevented by locks, and the storage or treatment facility must be fenced and posted.
- (3) The storage or treatment facility must be maintained so there is no discharge or seepage of septage other than controlled removal for final disposal of the septage.
- (4) The storage or treatment facility must be maintained to prevent safety hazards or disease vector conditions.

(b) Any uncovered storage structure must allow for and maintain a minimum of two (2) feet of freeboard at all times.

(c) Stockpiles of solids resulting from septage treatment at the treatment facility must be:

- (1) stored on an impervious surface;
- (2) stored for not longer than thirty (30) days at any given time;
- (3) maintained to have adequate run-on and run-off control methods; and
- (4) covered by a tarp, plastic sheet, or roof if stored for longer than seventy-two (72) hours.

(Water Pollution Control Division; [327 IAC 7.1-5.1-6](#))

[327 IAC 7.1-5.1-7](#) Closure

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 7. (a) A storage or treatment facility that is no longer being operated or used must be closed.

(b) The person or persons who signed the statement submitted in accordance with section 1(a)(7) of

this rule must close the storage or treatment facility in accordance with the following:

- (1) The commissioner shall be notified at least thirty (30) days in advance that the storage or treatment facility is to be closed.
- (2) Closure, as described in this section, must be completed within one hundred twenty (120) days after the notification required in subdivision (1).
- (3) The contents of a storage or treatment facility must be disposed of in a manner consistent with [327 IAC 7.1-7](#) or [327 IAC 7.1-8](#).
- (4) Aboveground structures must be dismantled and removed.
- (5) A certification statement indicating that the requirements of this section have been met must be sent to the commissioner within thirty (30) days after completion of closure. The closure certification will be deemed adequate unless, within ninety (90) days of receipt of the closure certification and subsequent review, the commissioner issues a notice of deficiency of closure, including actions necessary to correct the deficiency.

(Water Pollution Control Division; [327 IAC 7.1-5.1-7](#))

SECTION 35. [327 IAC 7.1-6-1](#) IS AMENDED TO READ AS FOLLOWS:

Rule 6. Septage Vehicle Operation

[327 IAC 7.1-6-1](#) Vehicle requirements

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 1. (a) ~~A copy of the current vehicle license~~ **septage management permit** issued by the commissioner must be maintained in the vehicle at all times.

(b) **A septage management vehicle is subject to the following conditions and any additional conditions contained in the septage management permit:**

- (1) The vehicle must be used only as authorized by this rule and in compliance with any applicable restrictions or conditions stated in the septage management permit.
- (2) The vehicle must not be used for the transport of any of the following:
 - (A) A hazardous waste that is regulated under [329 IAC 3.1](#).
 - (B) Septage containing polychlorinated biphenyls (PCBs) equal to or greater than two (2) milligrams per kilogram on a dry weight basis.
 - (C) Petroleum based products.
 - (D) Pesticides.
- (3) The vehicles and equipment used in cleaning sewage disposal systems or transporting septage must not be used for purposes other than the hauling of wastewater as defined in [327 IAC 3-1-2\(23\)](#), animal wastes, landfill leachate, or biosolids as defined in [327 IAC 6.1-2-7](#), without prior written permission of the commissioner.

(c) An owner or operator may obtain approval for the use of a vehicle that does not meet all the requirements of this rule, but that is determined by the commissioner to provide equivalent protection to human health and the environment as follows:

- (1) The owner or operator shall submit documentation to the department that demonstrates the use of the vehicle will provide equivalent protection to human health and the environment.
- (2) The vehicle must:
 - (A) not be used until it has been:
 - (i) approved by the commissioner; and
 - (ii) included in a valid septage management permit; and
 - (B) be operated in accordance with the conditions specified in the septage management permit.

~~(b) (d)~~ **(d)** The operator shall remove ~~wastewater~~ **septage** from the sewage disposal system ~~so as in a manner~~ to minimize the occurrence of spills. Completion of ~~wastewater~~ **septage** removal includes the following:

- (1) Closing all access openings to the sewage disposal system.
- (2) Cleaning up any spilled ~~wastewater~~ **septage**.

(3) **Except under subsection (e)**, providing the customer with a completed, legible invoice showing the following:

- (A) The customer's name and address.
- (B) The date the customer's sewage disposal system was cleaned.
- (C) The amount of **wastewater septage** removed from the system in gallons.
- (D) The name and address of the permitted septage management business.**
- (E) The permittee's septage management permit number.**

~~(4) The invoice required in subdivision (3) must bear the following:~~

- ~~(A) The name and address of the permitted wastewater management business.~~
- ~~(B) The permittee's wastewater management permit number.~~
- ~~(C) The vehicle license number, as assigned by the commissioner, of the vehicle used in cleaning the customer's sewage disposal system.~~

(e) If the septage is removed from a portable sanitary unit or chemical toilet, then the invoice in subsection (d) does not need to show the following:

- (1) The date on which the septage was removed.**
- (2) The amount of septage removed.**

~~(c) When transporting wastewater, licensed~~ **(f) The transportation of septage must be conducted in compliance with the following:**

- (1) Vehicles must be maintained to prevent the leakage, spillage, or discharge of wastewater septage onto ground land surfaces or public roads. including the following:**
 - ~~(1) (2) Portable sanitary units, including chemical toilets, and equipment on the vehicle must be:~~
 - (A) secured to prevent detachment from the vehicle during transport; and**
 - ~~(2) Portable sanitary units, including chemical toilets, and equipment on the vehicle must be~~
 - (B) maintained to prevent any leakage or spillage of wastewater septage during transport.**

(Water Pollution Control Division; [327 IAC 7.1-6-1](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3730; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 36. [327 IAC 7.1-6-2](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-6-2](#) Vehicle tank requirements

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 2. The **septage management** vehicle must be equipped with a leak-proof tank suitable for containment of **wastewater septage** from cleaning sewage disposal systems and must meet the following requirements unless otherwise specified ~~under a restricted license:~~ **in a septage management permit:**

- (1) The tank must be securely affixed to the vehicle chassis.
- (2) The tank must have a capacity of at least:
 - (A) one thousand (1,000) gallons when pumping commercial or residential sewage disposal systems;**
 - or**
 - (B) two hundred fifty (250) gallons when pumping portable toilets or grease interceptors or traps.**
- (3) The tank must be constructed of a metal adequate to prevent collapse when a vacuum is created.
- (4) ~~The tank;~~ If more than seven (7) feet long as measured along the axis of vehicle travel, **the tank** must contain interior baffles **that must be:**
 - (A) of sufficient cross-sectional area to adequately dampen movement of contained liquid during vehicle travel or braking; ~~The baffles must be~~**
 - (B) composed of the same material as the tank and must have the same or greater thickness as the tank walls; ~~The baffles must be and~~**
 - (C) firmly attached to the interior tank wall at least every seven (7) feet along the axis of vehicle travel and must allow for complete draining of the contained wastewater. ~~septage.~~**
- (5) The tank must have a discharge opening of a minimum of two and one-half (2 1/2) inches in diameter, and the discharge point shall allow for complete draining of the contained ~~wastewater. **septage.**~~
- (6) The tank must have watertight valves provided at the tank's inlet and outlet. Watertight caps or plugs must be installed whenever the inlet and outlet openings are not being used to transfer the ~~wastewater. **septage.**~~
- (7) The tank must be constructed so that its interior and exterior can be cleaned.

(8) A device must be installed on the tank to visually indicate from the exterior of the tank the ~~wastewater~~ **septage** level in the tank.

(Water Pollution Control Division; [327 IAC 7.1-6-2](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 37. [327 IAC 7.1-6-3](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-6-3](#) Vehicle pumping system requirements

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 3. A vehicle pumping system must meet the following requirements:

- (1) The inlet and discharge of the sewage pumps must be a minimum of two and one-half (2 1/2) inches in diameter.
- (2) The vehicle engine intake manifold must not be used as a vacuum source.
- (3) The pump installation must be such that **prevent** leakage. ~~is prevented.~~
- (4) All exposed connections or openings must be made watertight with caps or plugs when the pumping system is being used to transfer liquid or ~~wastewater~~. **septage**.

(Water Pollution Control Division; [327 IAC 7.1-6-3](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 38. [327 IAC 7.1-6-4](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-6-4](#) Vehicle hose requirements

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 4. A vehicle hose must meet the following requirements:

- (1) The hose must:
 - (A) be maintained in good condition;
 - (B) have an inside diameter of not less than two and one-half (2 1/2) inches; and
 - (C) be equipped with leakproof connectors.
- (2) The hose must be **made** of such a material and construction that **allows** every portion of the interior and exterior ~~can~~ **to** be cleaned.
- (3) All exposed hose openings or connections must be capped or plugged **closed with a watertight cap or plug** when not in use unless the hoses:
 - (A) have been flushed and rinsed clean; or
 - (B) are carried in a leakproof storage compartment on the vehicle.

(Water Pollution Control Division; [327 IAC 7.1-6-4](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 39. [327 IAC 7.1-6-5](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-6-5](#) Land application vehicle requirements

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 5. Vehicles and equipment that will be used on-site for **land application by** surface application of ~~wastewater~~ **septage** must **meet the following requirements:**

- (1) **The vehicle and equipment must** have a spray bar or splash plate and a screening device that will distribute the ~~wastewater~~ **septage** while the vehicle is in motion. ~~The screening device must be capable of preventing the application of materials not defined as wastewater.~~

(2) The septage screening device must prevent nondegradable materials from being applied to the soil such as:

- (A) plastics; and
- (B) other objectionable trash.

(3) The wastewater distribution septage screening device must be designed to allow the device to be cleaned.

(4) Waste material removed from the screening device must be disposed at a permitted solid waste disposal facility or by another approved disposal method.

(Water Pollution Control Division; [327 IAC 7.1-6-5](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 40. [327 IAC 7.1-6-6](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-6-6](#) Vehicle identification requirements

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 6. Wastewater **A septage** management vehicle identification labeling must be a minimum of three-eighths (3/8) inch in width and of a color contrasting with the background. Such identification must be maintained in a legible condition at all times. All licensed wastewater management vehicles must bear the following visual identification: **meet the following vehicle identification requirements:**

(1) There must be labeled on Both vehicle doors or on the **both vertical** front quarter **quarters** of the tank on both sides, where the tank wall is vertical, **must have the following information:**

- (A) The business name. and
- (B) The business phone number. followed by
- (C) The word "VEHICLE" "IDEM" followed by the vehicle license assigned septage management permit number. assigned by the commissioner, in letters and numbers all at least two (2) inches tall.

(2) The identification information in subdivision (1) must be:

- (A) a minimum of three-eighths (3/8) inch in width;
- (B) a minimum of two (2) inches tall; and
- (C) in a color contrasting with the background.

(3) The maximum capacity of the vehicle tank shall **must** be painted at a location visible at all times:

- (A) either on both sides of the tank or at the rear of the tank; and
- (B) in letters and numbers at least two (2) inches tall.

(4) The identification information must be maintained in a legible condition at all times.

(Water Pollution Control Division; [327 IAC 7.1-6-6](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3731; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 41. [327 IAC 7.1-7-1](#) IS AMENDED TO READ AS FOLLOWS:

Rule 7. Septage Disposal

[327 IAC 7.1-7-1](#) Disposal requirements

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 1. (a) Septage disposal may be accomplished through:

- (1) discharge into a wastewater treatment plant that has a valid National Pollutant Discharge Elimination System (NPDES) permit;
- (2) disposal at a permitted municipal solid waste landfill;
- (3) disposal at a permitted septage treatment facility;
- (4) disposal at a permitted solid waste processing facility in accordance with [329 IAC 11](#);
- (5) disposal at a permitted biomass facility in accordance with [329 IAC 11.5](#);
- (6) for grease only, disposal at an approved biomass facility at a confined feeding operation in

accordance with [327 IAC 19](#); or
(7) land application in accordance with [327 IAC 7.1-8](#).

(a) Disposal (b) **Septage** may be by discharge ~~discharged~~ into a wastewater treatment plant or treatment works collection system that has a valid National Pollutant Discharge Elimination System **NPDES** permit issued by the commissioner under [327 IAC 5](#) as follows:

- (1) The discharge point, method of discharge, and ~~wastewater~~ **septage** quality must be in accordance with the requirements of the wastewater treatment plant accepting the ~~wastewater~~ **septage**.
- (2) ~~Wastewater~~ **Septage** must not be disposed of through a wastewater treatment plant or sewerage system without prior written permission of the responsible official in charge of the wastewater treatment plant. ~~or sewerage system.~~

(b) ~~Domestic septage, grease, or mixed load may be disposed of in a permitted wastewater treatment facility as follows:~~

- (1) ~~Disposal may be by discharge into a treatment facility specifically designed for the treatment of domestic septage, grease, or mixed load.~~
- (2) ~~Facilities for the treatment of domestic septage, grease, or mixed load must have a valid wastewater management permit issued under [327 IAC 7.1-4](#).~~

(c) ~~Wastewater~~ **Septage** may be disposed of in a municipal solid waste landfill: as follows:

- (1) ~~Wastewater may be disposed at a municipal solid waste landfill possessing that has a valid solid waste management permit from the commissioner in accordance with the rules of the solid waste management board at under [329 IAC 10](#); and~~
- (2) ~~Liquid waste must not be accepted for disposal by any municipal solid waste landfill. Free liquid shall be determined utilizing Method 9095 (Paint Filter Liquids Test), as described in the U.S. Environmental Protection Agency Publication SW-846. Free liquids must be removed or solidified before disposal. in accordance with the requirements of the municipal solid waste landfill for septage disposal.~~

(d) ~~Wastewater may be disposed of at an approved land application site as follows:~~

- (1) ~~Wastewater may be disposed at land application sites in compliance with this article. The wastewater may be in the form of grease, domestic septage, or a mixed load. No disposal of wastewater shall be permitted on the land at any property or location without a valid land application approval issued under [327 IAC 7.1-8](#).~~
- (2) ~~The contents of chemical toilets or Type III marine sanitation devices must not be land applied under this article.~~
- (3) ~~Sludges or waste products that are not wastewater must not be land applied under this article.~~
- (4) ~~During the period of the approval, land application sites for disposal of wastewater cannot be used for the disposal of animal manures or biosolids as defined in [327 IAC 6.1-2-7](#).~~

(e) ~~Wastewater may be stored at a storage facility as follows:~~

- (1) ~~Pending final disposal at an approved land application site.~~
- (2) ~~Facilities for the storage of wastewater must be constructed or installed in compliance with this article.~~
- (3) ~~Facilities for the storage of wastewater must have a valid wastewater management permit issued under [327 IAC 7.1-4](#).~~

(Water Pollution Control Division; [327 IAC 7.1-7-1](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3732; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 42. [327 IAC 7.1-8-1](#) IS AMENDED TO READ AS FOLLOWS:

Rule 8. Land Application of Septage

[327 IAC 7.1-8-1](#) Application requirements for land application of septage

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#); [IC 25-31.5](#)

Sec. 1. (a) **Septage may only be applied to the land as follows:**

(1) The only forms of septage that may be applied to the land are:

- (A) domestic septage;
- (B) grease; or
- (C) a combination of domestic septage and grease.

(2) Land application of the material identified in subdivision (1)(A) through (1)(C) must be conducted in accordance with:

- (A) this rule; and
- (B) a valid septage management permit that includes approval of the land application sites to be used.

~~(a) (b) An application or renewal application for a wastewater septage land application site approval, including a renewal, permit must be submitted to the commissioner, on a form provided by the commissioner. An application is considered complete only after all information requested has been submitted.~~

~~(b) An application for renewal of an existing land application approval shall be:~~

- ~~(1) postmarked;~~
 - ~~(2) hand delivered to the office of land quality, Indiana department of environmental management; or~~
 - ~~(3) deposited with a private carrier as shown by the receipt issued by the carrier, if the application is sent by the private carrier to the address for the department on the application;~~
- ~~prior to the expiration date of the permit or the permit will be invalid upon expiration.~~

~~(e) The application must and be accompanied by all of the following:~~

~~(1) A statement, signed by the property owner that:~~

- ~~(A) grants permission to dispose of wastewater septage on the property;~~
- ~~(B) acknowledges the crop and use limitations of sections 9 and 10 of this rule for land used for wastewater land application as set forth by this rule; of septage; and~~
- ~~(C) states activities specified in the permit application are not prohibited by any covenant of record.~~

~~(2) The name, mailing address, and telephone number of the Property owner contact information, including the following:~~

- ~~(A) Name.~~
- ~~(B) Mailing address.~~
- ~~(C) Telephone number.~~
- ~~(D) Electronic mail address, if available.~~

~~(3) A county map clearly indicating the location of the property on which wastewater application is proposed.~~

~~(4) (3) An accurate drawing or aerial photograph that meets the following criteria:~~

- ~~(A) It must clearly delineate the proposed wastewater septage application site and the area within one-quarter (1/4) mile of the site in all directions. The drawing~~
- ~~(B) It must use a scale of one (1) inch per one hundred (100) feet and show north. The drawing shall~~
- ~~(C) It must clearly and accurately indicate the location of all features of interest, including the following:~~
 - ~~(A) (i) Potable water supplies.~~
 - ~~(B) (ii) Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water.~~
 - ~~(C) (iii) Drainage inlets and tile systems.~~
 - ~~(D) (iv) Rock outcrops, sinkholes, or undrained depressions.~~
 - ~~(E) (v) The location and use of all structures, including residences or places of business and any public gathering places.~~
 - ~~(F) (vi) The location of all property lines, easements, and public roads.~~
 - ~~(G) (vii) The critical habitat of endangered or threatened species.~~
 - ~~(H) Historical (viii) Historic sites.~~
 - ~~(I) (ix) Public water supply surface intake structures.~~
 - ~~(J) (x) Public water supply wells.~~

~~(5) (4) A soil survey map or a report by a soil scientist registered under [IC 25-31-5](#) or certified by the American Registry of Certified Professionals in Agronomy, Crops, and Soils (ARCPACS), classifying the soils and their permeabilities within the proposed site. and specifying the site's suitability for wastewater disposal by indicating the following:~~

- ~~(A) That at least three (3) feet of soil exists at all times between the point of application and the:~~
 - ~~(i) water table;~~
 - ~~(ii) bedrock; or~~
 - ~~(iii) both clauses (A) and (B).~~

~~(B) That the land application site is not located in the flood plain of the base flood or one hundred (100) year~~

~~flood.~~

~~(C) That the soil permeability is slower than or equal to six (6) inches per hour for the first three (3) feet below the point of application.~~

(5) A soil analysis that includes the phosphorus concentration in the soil of the proposed land application site analyzed within the past six (6) months in accordance with the phosphorus test methods in Chapter 6 of "Recommended Chemical Soil Test Procedures for the North Central Region".*

(6) For approval by the commissioner of alternative nutrient application rates under section 7(a)(4) of this rule, the following records must be submitted for the proposed land application site:

(A) Harvest records for the previous three (3) years.

(B) A soil analysis reporting fertilizer recommendations.

(C) The nitrogen requirement for the specific crop to be grown on the site.

(D) The phosphorus removal rate for the specific crop to be grown on the site.

~~(6)~~ **(7) Additional information from the owner or operator as follows:**

~~(A) A statement regarding the form or forms~~ **Identification of wastewater the septage to be land applied at the site as domestic septage, grease, or mixed load. a combination of domestic septage and grease.**

~~(B) Facts demonstrating that the site is not located in a sensitive area as defined at~~ [327 IAC 7.1-2-34](#).

~~(C) Facts demonstrating that the site: is land with a low potential for public exposure as defined at~~ [327 IAC 7.1-2-21](#).

(i) has restricted access;

(ii) is inaccessible to the public; or

(iii) is not used by the public during normal work or recreational activities.

~~(D) The number of acres of area available for the application site after setbacks have been taken into consideration.~~

~~(E) A description of all land application methods to be utilized~~ **used** at the site.

~~(F) The estimated annual amount of wastewater~~ **septage** to be applied at the site.

~~(G) The total amount of wastewater~~ **septage** that has been applied to the site in all previous years.

~~(H) A plan indicating what crops are to be grown on the site during the effective period of the approval~~ **permit** or if the site will be pasture land or set aside.

~~(7)~~ **(8) A fee of thirty dollars (\$30) per site per year.**

(c) In addition to the soil survey map required in subsection (b)(4), for soil types that generally have a high water table or fast permeability, the applicant may submit a report by a soil scientist registered under [IC 25-31.5](#) or certified by the American Registry of Certified Professionals in Agronomy, Crops, and Soils (ARCPACS), with the following information:

(1) The depth to the water table from the land surface.

(2) The depth to bedrock.

(3) Evidence that the land application site is not located in a flood plain.

(d) An application for renewal of an existing land application permit must be:

(1) postmarked;

(2) hand delivered to the office of land quality, Indiana department of environmental management;

(3) submitted electronically as specified by the department; or

(4) deposited with a private carrier as shown by the receipt issued by the carrier, if the application is sent by the private carrier to the address for the department on the application;

at least one hundred twenty (120) days prior to the expiration date of the permit or the permit will be invalid upon expiration.

~~(d) Wastewater land application sites will not be approved unless the requirements of subsection (c), including, but not limited to, the site location and soil requirements, are met.~~

***This document is incorporated by reference. Copies of "Recommended Chemical Soil Test Procedures for the North Central Region", North Central Regional Research Publication No. 221, revised August 2015, Missouri Agricultural Experiment Station, SB 1001, may be obtained from the University of Missouri Extension, Columbia, Missouri, <https://extension2.missouri.edu/sb1001>, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

(Water Pollution Control Division; [327 IAC 7.1-8-1](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3732; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted

SECTION 43. [327 IAC 7.1-8-2](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-8-2](#) Land application site prohibitions

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 2. The application of wastewater **septage** at a land application site must not:

- (1) cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife;
- (2) result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR 17.11* and 50 CFR 17.12*;
- (3) cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES) **program** under [327 IAC 5](#);
- (4) cause nonpoint source pollution to waters of the state;
- (5) contaminate a drinking water source;
- (6) cause soil erosion; ~~or~~
- (7) be located in a sensitive area; **flood plain**;
- (8) be on a land application site that has a soil concentration of phosphorus of more than two hundred (200) parts per million;**
- (9) be from a portable sanitary unit or type III marine sanitation device; or**
- (10) be made to sites where manure or biosolids, as defined in [327 IAC 6.1-2-7](#), are applied.**

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Water Pollution Control Division; [327 IAC 7.1-8-2](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3733; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 44. [327 IAC 7.1-8-3](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-8-3](#) Land application approval

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#); [IC 13-30-10](#); [IC 36-9-30-35](#)

Sec. 3. (a) The commissioner may issue or renew a **requirements for land application approval in a septage management permit** only after the following:

- (1) Receipt **by the department** of a completed application in accordance with section 1 of this rule.
- (2) ~~An inspection~~ **A review** of the proposed land application site to determine if the site and proposed methods of application will comply with the requirements of this rule.
- (3) A valid wastewater **septage** management permit:
 - (A) has been issued to the applicant under this article; or**
 - (B) will be issued at the same time as the land application requirements.**

~~(b) An approval may be renewed with new or modified conditions based on the information provided in subsection (a).~~

~~(c) The commissioner may:~~

- ~~(1) deny an approval application or a renewal approval;~~
- ~~(2) limit the length of an approval or renewal approval to one (1) year; or~~
- ~~(3) place additional conditions on an approval or renewal approval;~~

~~if the commissioner determines that one (1) or more of the criteria in subsection (d) demonstrate the applicant's inability or unwillingness to manage wastewater under the requirements of [IC 13-18-12](#) or this article.~~

~~(d)~~ **(b)** The commissioner may deny, limit the length of, or place additional conditions on an approval ~~a permit~~ or ~~permit~~ renewal approval based on one (1) or more of the following:

- (1) The applicant has been convicted of a crime under [IC 13-30-10](#) or [IC 36-9-30-35](#).
- (2) The applicant's previous approval or permit to operate has been revoked by the commissioner under ~~(A) this article. or~~
~~(B) [327 IAC 7](#), which was repealed in 2002.~~
- (3) The applicant has a history of one (1) or more violations of [IC 13](#) or rules promulgated by ~~under the~~ authority of [IC 13](#).
- (4) The applicant was the subject of one (1) or more administrative or judicial enforcement actions concerning ~~wastewater~~ **septage** management under this article. ~~or [327 IAC 7](#), which was repealed in 2002.~~
- (5) The applicant is the subject of one (1) or more pending administrative or judicial enforcement actions commenced under authority of [IC 13](#).

~~(e)~~ **(c)** The application for, ~~an approval~~ or the issuance of, ~~an approval~~ **a permit** does not:

- (1) convey any property rights of any sort or any exclusive privileges to the applicant or ~~approval~~ **permit** holder;
- (2) authorize:
 - (A) any injury to any person or private property;
 - (B) invasion of other property rights; or
 - (C) any infringement of federal, state, or local laws or regulations; or
- (3) preempt any duty to comply with other federal, state, or local requirements.

~~(f)~~ After the transition process described in section 6 of this rule, all approvals shall **(d) A permit must not be** issued for:

- ~~(1) a period not to exceed of more than three (3) years unless limited to one (1) year under subsection (e); No approval shall be issued for (b); or~~
- ~~(2) a term longer than the associated permit required under [327 IAC 7.1-3-1](#)(1).~~ **[327 IAC 7.1-4-1](#).**

(e) Land application approvals in a septage management permit are not transferable.

(Water Pollution Control Division; [327 IAC 7.1-8-3](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3734; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#); errata filed Jul 31, 2017, 11:06 a.m.: [20170809-IR-327170349ACA](#))

SECTION 45. [327 IAC 7.1-8-5](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-8-5](#) Operational requirements

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 5. All ~~wastewater~~ **A septage** land application approvals shall be issued subject to **permittee must comply with** the following conditions and ~~such any~~ additional conditions as may be stated on the approval: **in the permit required by the commissioner to protect human health or the environment:**

- (1) The valid ~~wastewater~~ **septage** land application approval ~~permit~~ or copy of the approval **permit** must be carried in any vehicle disposing of ~~wastewater~~ **septage** at an application site at all times. ~~such approval~~
- ~~(2) The permit or copy of the approval permit must be available for inspection by representatives of the commissioner department or any law enforcement officer.~~
- ~~(2)~~ **(3)** Surface application must be performed using equipment described in [327 IAC 7.1-6-5](#).
- ~~(3)~~ **(4)** The property on which the ~~wastewater~~ **septage** land application site is located must be posted with signs:
 - ~~(A) reading, "NO TRESPASSING"; Such signs must be posted and~~
 - ~~(B) along all access points to the site.~~
- ~~(4)~~ **(5)** The usable portion of any ~~a~~ land application site ~~must be that is the area that is:~~
 - ~~(A) indicated on the permit application; for approval and~~
 - ~~(B) remaining after setbacks and all other restrictions are applied; This area must be and~~
 - ~~(C) clearly marked every one hundred (100) yards at its boundaries by flags or other boundary markers.~~
- ~~(5) The applicable requirements of this rule must be met.~~

~~(6) Land application approvals are not transferable.~~

(6) The septage must:

(A) be surface spread or injected uniformly to prevent overlapping; and

(B) not be spot dumped from stationary vehicles.

(7) All other applicable requirements of this rule.

(Water Pollution Control Division; [327 IAC 7.1-8-5](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3734; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 46. [327 IAC 7.1-8-7](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-8-7](#) Land application rates, record keeping, and reporting

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 7. (a) **Except as approved by the commissioner under subdivision (4)**, the amount of wastewater **septage** to be applied shall **must** not exceed the following: ~~except as approved by the commissioner under subdivision (2):~~

(1) For a soil phosphorus concentration of fifty (50) parts per million or less, the annual application rate for domestic septage ~~or mixed load shall based on the nitrogen requirement of the crop grown on the land application site must not exceed the following:~~

~~(A) seventy-six thousand (76,000)~~ **Fifty-three thousand (53,000)** gallons per acre based on ~~two hundred (200) pounds of nitrogen, on land being prepared for growing a corn~~ **crop grown** during the next growing season.

~~(B) Thirty-eight thousand (38,000) gallons per acre based on one hundred (100) pounds of nitrogen, on land being prepared for growing soybeans,~~ **an alfalfa, soybean**, wheat, or hay **crop grown** during the next growing season.

~~(C) Nineteen thousand (19,000) gallons per acre based on fifty (50) pounds of nitrogen, on land that is grass, pasture, or set aside or otherwise idle for continued growth~~ **during the current growing season.**

~~(2) Proposed wastewater~~ **For a soil phosphorus concentration of between fifty-one (51) and one hundred (100) parts per million, the annual application rates that: rate for septage based on the phosphorus removal rate of the crop grown on the land application site must not exceed the following:**

~~(A) will exceed the maximum amount of nitrogen specified in subdivision (1); or~~ **Twelve thousand (12,000) gallons per acre based on a corn crop grown on the site during the next growing season.**

~~(B) are for crops for which no maximum amount of nitrogen is specified in subdivision (1) may be approved by the commissioner if an equivalent or greater protection to the environment or public health can be shown. The U.S. Environmental Protection Agency formula for annual application rates must be used to compute the proposed rates*.~~ **Nine thousand (9,000) gallons per acre based on a soybean crop grown during the next growing season.**

(C) Ten thousand four hundred (10,400) gallons per acre based on a wheat crop grown during the next growing season.

(D) Thirteen thousand (13,000) gallons per acre based on an alfalfa crop grown during the current growing season.

(E) Eleven thousand two hundred (11,200) gallons per acre based on grass, pasture, or a hay crop grown in the current growing season.

(3) For a soil phosphorus concentration of between one hundred one (101) and two hundred (200) parts per million, the annual application rate for septage based on the phosphorus removal rate of the crop grown on the land application site must not exceed the following:

(A) Eight thousand (8,000) gallons per acre based on a corn crop grown during the next growing season.

(B) Six thousand (6,000) gallons per acre based on a soybean crop grown during the next growing season.

(C) Seven thousand (7,000) gallons per acre based on a wheat crop grown during the next growing season.

(D) Eight thousand seven hundred (8,700) gallons per acre based on an alfalfa crop grown during the current growing season.

(E) Seven thousand five hundred (7,500) gallons per acre based on grass, pasture, or a hay crop grown during the current growing season.

(F) Land application is prohibited on set aside land.

(4) The commissioner may approve alternative annual nutrient application rates proposed in the permit application based on site-specific harvest records or the crop removal rates:

(A) when harvest records indicate the need for a higher application rate than specified in subdivisions (1) through (3); or

(B) for a crop where no maximum rate is specified in subdivisions (1) through (3).

(5) Annual nitrogen application rates are determined using the following formula:

$$\text{AAR} = \frac{\text{N}}{0.0026}$$

Where: AAR means annual application rate
N means crop nitrogen requirement

(6) Application rates limited by the soil phosphorus concentration are determined using one (1) of the following formulas:

(A) For subdivision (2), the following formula:

$$\frac{\text{CRR} \times \text{Y} \times 1.5}{0.00478}$$

Where: CRR means crop removal rate (amount of phosphorus removed by the crop) based on the crop removal rates published in the Natural Resources Conservation Service, Conservation Practice Standard, Nutrient Management, Code 590*, October 2013.
Y means crop yield

(B) For subdivision (3), the following formula:

$$\frac{\text{CRR} \times \text{Y} \times 1.0}{0.00478}$$

Where: CRR means crop removal rate (amount of phosphorus removed by the crop) based on the crop removal rates published in the Natural Resources Conservation Service, Conservation Practice Standard, Nutrient Management, Code 590*, October 2013.
Y means yield

~~(3)~~ **(7) The maximum annual rate for grease only shall must not exceed ten thousand (10,000) gallons per acre.**

~~(4) Land application of wastewater shall cease at the site when a total of two hundred thousand (200,000) gallons per acre of wastewater has been applied. The commissioner must then be notified prior to further land application at the site. The commissioner shall require soil tests for heavy metals and PCBs utilizing representative soil samples from the areas of application to ensure that conditions are not created which would endanger public health or have an adverse impact on vegetation and future crop utilization. The initial test results must be submitted to and approved by the commissioner prior to further land application at the site. The initial test results will be used to determine if and at what frequency tests for heavy metals and PCBs will be required by the commissioner from the approval holder in the future to ensure that conditions are not created which would endanger public health or have an adverse impact on vegetation and future crop utilization.~~

~~(5) The wastewater must be surface spread or injected uniformly to prevent overlapping. Spot dumping from stationary vehicles is not permitted.~~

(8) When two hundred thousand (200,000) gallons per acre of septage have been applied to a site, the permittee shall cease land application until the following actions have been taken:

(A) The permittee shall collect representative soil samples and have them analyzed for the following parameters:

- (i) Arsenic.**
- (ii) Cadmium.**
- (iii) Copper.**
- (iv) Lead.**
- (v) Mercury.**
- (vi) Molybdenum.**
- (vii) Nickel.**
- (viii) Selenium.**
- (ix) Zinc.**
- (x) PCBs.**

(B) The permittee shall submit the results of the soil test to the department with a request to resume land application at the site.

(C) The commissioner shall:

~~nitrogen specified in subsection (a)(1)(A), (a)(1)(B), or (a)(1)(C), or as approved by the commissioner under subsection (a)(2).~~ **projected crop or site use, if no crop is grown.**

~~(11) pH and duration (test twice, at the start of the required time and at the end of the required time).~~

temperature of the septage, including the date and time the pH and temperature are monitored.

(12) Vehicle operator.

(13) The certification statement, "I certify under penalty of law that the pathogen requirements and the vector attraction reduction requirements in [327 IAC 7.1-8](#) have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

~~*The annual application rates are based on the U. S. Environmental Protection Agency formula as follows: Annual Application Rate equals pounds of nitrogen per year per crop divided by 0.0026 (AAR = N/0.0026).~~

(c) The owner or permittee shall submit a quarterly report to the department concerning land application of septage as follows:

- (1) The report must be submitted on a form provided by the department.**
- (2) All the information requested on the form must be included.**
- (3) The report must be submitted within thirty (30) days of the last day of each calendar quarter.**
- (4) The report must be signed by the owner, permittee, or the authorized agent of the owner or permittee.**

***This document is incorporated by reference. Copies may be obtained from the Indiana Natural Resources Conservation Service (NRCS) State Office, 6013 Lakeside Boulevard, Indianapolis, IN 46278, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

(Water Pollution Control Division; [327 IAC 7.1-8-7](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3736; errata filed Aug 9, 2002, 10:16 a.m.: 25 IR 4113; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 47. [327 IAC 7.1-8-8](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-8-8](#) Land application setbacks

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 8. ~~Wastewater shall~~ **Septage must** not be applied or ~~be~~ allowed to drain closer to the following features of interest than the following minimum setbacks: ~~indicated below:~~

Features of Interest	Method of Land Application	
	Surface Spreading	Surface Spreading with Incorporation or Injection
Potable water supplies	500 feet	500 feet
Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water	200 feet	100 feet
Drainage inlets and tile systems	100 feet	50 feet
Rock outcrops, sinkholes, or undrained depressions	100 feet	50 feet
Residences, places of business, or public gathering places	600 feet	500 feet
Public roads	300 feet	200 feet
Property lines or easements	100 feet	50 feet
Historic sites	1,000 feet	1,000 feet
The Critical habitat habitats of endangered or threatened species	1,000 feet	1,000 feet
Public water supply well or public water supply surface intake structure	1,000 feet	1,000 feet

(Water Pollution Control Division; [327 IAC 7.1-8-8](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3738; readopted filed Jun 4,

SECTION 48. [327 IAC 7.1-8-9](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-8-9](#) Land application management practices

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#); [IC 25-31.5](#)

Sec. 9. (a) The land application of ~~wastewater~~ **septage** must be performed ~~only~~ in accordance with the following:

(1) ~~No~~ **Prior to land application, loads containing domestic septage or mixed load may be disposed at a land application site unless the domestic septage or mixed load has been** **must be** treated to reduce pathogens prior to disposal as follows:

(A) If the load is domestic septage only:

(i) the pH must be raised to twelve (12) or higher by addition of alkaline material and, without the addition of more alkaline material, ~~shall~~ **must** remain at twelve (12) or higher for at least thirty (30) minutes; ~~this test and~~

(ii) ~~the procedure must be done twice,~~ **at a minimum of two (2) times, once** at the start of thirty (30) minutes and **once** at the end of thirty (30) minutes.

(B) If the load is a ~~mixed load,~~ **combination of domestic septage and grease:**

(i) the pH must be raised to twelve (12) or higher by addition of alkaline material and, without the addition of more alkaline material, ~~shall~~ **must** remain at twelve (12) or higher for at least two (2) hours; ~~This test and~~

(ii) ~~the procedure must be done twice,~~ **at a minimum of two (2) times, once** at the start of two (2) hours and **once** at the end of two (2) hours.

(C) ~~For clauses (A) and (B),~~ **a temperature reading of the septage must be taken at the same time the pH reading is taken and a temperature correction must be performed if the temperature is not twenty-five (25) degrees Centigrade (seventy-seven (77) degrees Fahrenheit), as follows:**

(i) ~~For every degree the temperature is above twenty-five (25) degrees Centigrade (seventy-seven (77) degrees Fahrenheit),~~ **pH must be adjusted up three one-hundredths (.03) pH units.**

(ii) ~~For every degree the temperature is below twenty-five degrees (25) Centigrade (seventy-seven (77) degrees Fahrenheit),~~ **pH may be adjusted down three one-hundredths (.03) pH units.**

~~(C) Processes (D) A process~~ **A process** to reduce pathogens other than lime stabilization may be ~~utilized~~ **used** only as listed and described in ~~40 CFR 257, Appendix II-A.~~ **40 CFR 503*.**

~~(D) Any (E) A process~~ **A process** to reduce pathogens in domestic septage or a ~~mixed load~~ **combination of domestic septage and grease** other than lime stabilization must be approved by the commissioner prior to use based on a plan submitted by the ~~approval holder~~ **permittee** specifying how ~~that the~~ specific treatment process will be ~~utilized.~~ **used.**

(2) Grease must not be disposed of at any land application site unless injection or incorporation into the soil occurs within six (6) hours after application.

(3) Each container of ~~wastewater~~ **septage** applied to the land ~~shall~~ **must** be monitored by the operator for compliance with the:

(A) ~~treatment process for domestic septage mixed loads,~~ **or a combination of domestic septage and grease;** or the

(B) land application method ~~utilized~~ **used** under subdivision (2) for grease.

(4) Land application is prohibited under any of the following ~~environmental~~ conditions:

(A) When either or both of the following occurs:

(i) The surface soil temperature is less than thirty-two (32) degrees Fahrenheit at the time of intended application.

(ii) The site is snow covered.

(B) When the moisture holding capacity of the soil has been exceeded.

(C) **On slopes greater than six percent (6%).**

(D) **On any area of the site when a soil type within the boundary of the site is reported to have a seasonal water table within three (3) feet of the land surface as:**

(i) **determined using United States Department of Agriculture, Indiana Natural Resources Conservation Service (USDA NRCS) soil survey data**;** or

(ii) **certified by:**

(AA) **a soil scientist registered under [IC 25-31.5](#); or**

(BB) the American Registry of Certified Professionals in Agronomy, Crops, and Soils (ARCPACS).

~~(E)~~ **(E)** Under any other conditions that would result in, or are likely to result in, run-off of wastewater **septage** from the site of application.

(5) Under no conditions shall wastewater **Septage must not** be:

(A) discharged or allowed to drain to the waters of the state; ~~Wastewater shall not be~~ or

(B) applied to:

~~(A)~~ **(i)** road ditches; or

~~(B)~~ **(ii)** swales, sink holes, field depressions, or channels that carry running water during snow melt or rainfall.

(6) ~~Wastewater~~ **Septage** that is surface applied shall **must** not be allowed to pool, pond, or remain as a liquid on the ground for more than twenty-four (24) hours after application.

(7) Injection of ~~wastewater~~ **septage** below the surface of the land must leave no significant amount of the ~~wastewater~~ **septage** present on the land within one (1) hour after application.

(8) All ~~wastewater~~ **septage** must be disposed so that no threat to human health or the environment is created.

(b) **The following requirements apply to** land that is used for the application of ~~a mixed load of grease or a combination of domestic septage and grease~~:

(1) The land must not be used for the production of any food crop unless the soil is tested ~~yearly~~ **annually** and the results ~~found acceptable under~~ **meet the requirements of 40 CFR 257.3-5(a)(1)***, using the definitions found in 40 CFR 257.3-5(c)*.

(2) The test results must be submitted to ~~DEM~~ **the department** on a ~~yearly~~ **annual** basis.

(3) The land is **subject to the** limitations and restrictions regarding land use and crop management ~~also must be followed~~. **in section 10 of this rule.**

(c) Land that is used for the application of only domestic septage may be used for the production of food crops when the limitations and restrictions regarding land use and crop management contained in section 10 of this rule are followed.

***These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

****USDA NRCS soil survey data can be found at <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.**

(Water Pollution Control Division; [327 IAC 7.1-8-9](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3738; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 49. [327 IAC 7.1-8-10](#) IS AMENDED TO READ AS FOLLOWS:

[327 IAC 7.1-8-10](#) Limitations and restrictions regarding land use and crop management

Authority: [IC 13-14-8](#); [IC 13-18-12-4](#)

Affected: [IC 13-18-12](#)

Sec. 10. (a) The ~~following~~ limitations and restrictions on land use and crop management ~~must be followed~~ where grease only has been land applied **are as follows**:

(1) Access to the site by the public must be prohibited for twelve (12) months following the last grease application.

(2) Access **to the site** by animals whose products are consumed by humans must be prevented for at least thirty (30) days following the last grease application.

(3) Food crops for direct human consumption must not be grown for eighteen (18) months following the last grease application.

~~(b) The following limitations and restrictions on land use and crop management must be followed where domestic septage only has been land applied:~~

~~(1) Food crops with harvested parts that touch the septage and soil mixture and are totally aboveground must~~

~~not be harvested for fourteen (14) months after application of domestic septage.~~

~~(2) Food crops with harvested parts below the surface of the land must not be harvested for twenty (20) months after application of domestic septage when the domestic septage remains on the land surface for four (4) months or longer prior to incorporation into the soil.~~

~~(3) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight (38) months after application of domestic septage when the domestic septage remains on the land surface for less than four (4) months prior to incorporation into the soil.~~

~~(4) Animal feed, fiber, and those food crops whose harvested parts do not touch the soil surface must not be harvested for thirty (30) days after application of the domestic septage.~~

~~(5) Turf grown on land where domestic septage is applied must not be harvested for one (1) year after application of the domestic septage when the harvested turf is placed on either a lawn or land with a high potential for public exposure.~~

(e) **(b)** The following limitations and restrictions on land use and crop management ~~must be followed~~ where a ~~mixed load~~ **containing domestic septage or domestic septage and grease** has been land applied **are as follows:**

(1) Access to the site by the public must be prohibited for twelve (12) months following the last ~~mixed-load land~~ application.

(2) Access **to the site** by animals whose products are consumed by humans must be prevented for at least thirty (30) days following the last ~~mixed-load land~~ application.

(3) Food crops for direct human consumption must not be grown for eighteen (18) months following the last ~~mixed-load land~~ application.

(4) Food crops with harvested parts that touch the ~~mixed-load~~ **domestic septage or combination of domestic septage and grease** and soil mixture and are totally aboveground must not be harvested for fourteen (14) months after **the last land** application. ~~of the mixed-load.~~

(5) Food crops with harvested parts below the surface of the land must not be harvested for twenty (20) months after **the last land** application ~~of the mixed-load~~ when the ~~mixed-load~~ **septage** remains on the land surface for four (4) months or longer prior to incorporation into the soil.

(6) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight (38) months after **the last land** application ~~of the mixed-load~~ when the ~~mixed-load~~ **septage** remains on the land surface for less than four (4) months prior to incorporation into the soil.

(7) Animal feed, fiber, and those food crops whose harvested parts do not touch the ~~soil~~ **land** surface must not be harvested for thirty (30) days after **the last land** application. ~~of the mixed-load.~~

(8) Turf grown on land where the ~~mixed-load~~ **septage** is applied must not be harvested for one (1) year after **the last** application of the ~~mixed-load~~ **septage** when the harvested turf is placed on either a lawn or land with a high potential for public exposure.

(Water Pollution Control Division; [327 IAC 7.1-8-10](#); filed Jul 8, 2002, 2:01 p.m.: 25 IR 3739; readopted filed Jun 4, 2008, 11:07 a.m.: [20080702-IR-327080207BFA](#); readopted filed Jul 30, 2014, 4:04 p.m.: [20140827-IR-327140189BFA](#))

SECTION 50. THE FOLLOWING ARE REPEALED: [327 IAC 7.1-1-1](#); [327 IAC 7.1-2-5](#); [327 IAC 7.1-2-21](#); [327 IAC 7.1-2-22](#); [327 IAC 7.1-2-23](#); [327 IAC 7.1-2-41](#); [327 IAC 7.1-2-42](#); [327 IAC 7.1-3-1](#); [327 IAC 7.1-3-2](#); [327 IAC 7.1-3-3](#); [327 IAC 7.1-4-5](#); [327 IAC 7.1-4-6](#); [327 IAC 7.1-4-7](#); [327 IAC 7.1-4-8](#); [327 IAC 7.1-4-9](#); [327 IAC 7.1-4-10](#); [327 IAC 7.1-4-11](#); [327 IAC 7.1-5-1](#); [327 IAC 7.1-5-2](#); [327 IAC 7.1-5-3](#); [327 IAC 7.1-5-4](#); [327 IAC 7.1-5-5](#); [327 IAC 7.1-7-2](#); [327 IAC 7.1-8-4](#); [327 IAC 7.1-8-6](#).

[Notice of Public Hearing](#)

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