
TITLE 329 SOLID WASTE MANAGEMENT DIVISION

NOTICE OF READOPTION
[IC 13-14-9.5](#) FIRST NOTICE OF COMMENT PERIOD
LSA Document #22-122

READOPTON OF RULES IN TITLE 329 UNDER [IC 13-14-9.5](#)

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 329 of the Indiana Administrative Code under [IC 13-14-9.5](#).

RULES TO BE READOPTED:

329 IAC 1-2	Restrictive Covenants
329 IAC 5	STATE ENVIRONMENTAL POLICY
329 IAC 6.1	PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS
329 IAC 10-7.2	Generator Responsibilities for Waste Information
329 IAC 10-8.2	Management Requirements for Certain Solid Wastes
329 IAC 11-1	General Provisions
329 IAC 11-2	Definitions
329 IAC 11-9	Application Procedure for All Solid Waste Processing Facilities
329 IAC 11-11	Permit Issuance and Miscellaneous Provisions
329 IAC 11-12	Solid Waste Processing Facilities; Operation Approval and Preoperational Requirements
329 IAC 11-13.5-2	Access control
329 IAC 11-13.5-3	On-site roads
329 IAC 11-13.5-4	Signs
329 IAC 11-13.5-5	Processing facilities waste criteria
329 IAC 11-13.5-6	Operational requirements
329 IAC 11-13.5-7	Safety requirements
329 IAC 11-13.5-8	Use of contingency action plan
329 IAC 11-13.5-9	Records and reports
329 IAC 11-13.5-10	Training-transfer stations
329 IAC 11-13.5-11	Inspections of transfer stations
329 IAC 11-13.5-12	Permits required for transfer stations
329 IAC 11-13.5-14	General operating requirements for transfer stations
329 IAC 11-13.5-15	Infectious waste at transfer stations
329 IAC 11-13.5-16	Incidental transfer of small amounts of whole waste tires at transfer stations
329 IAC 11-16	Solid Waste Processing Facilities; Closure and Post-Closure Requirements
329 IAC 18	VOLUNTARY PERFORMANCE BASED LEADERSHIP PROGRAMS

RULES TO EXPIRE: None.

AUTHORITY: [IC 13-14-9.5](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under [IC 13-14-9.5](#), which provides for the expiration and readoption of administrative rules. All rules adopted after January 1, 2002, under [IC 13-14-9](#), expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2023. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under [IC 13-14-9.5-4](#), the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during the first comment period, IDEM may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish notice in the Indiana Register that the agency has readopted the rule.

STATUTORY AND REGULATORY REQUIREMENTS

[IC 13-14-9.5-4](#) requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to the Publisher for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
 - (A) consider readoption of that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under [IC 13-14-9](#) with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish a notice in the Indiana Register that the agency has readopted the rule.

REQUEST FOR PUBLIC COMMENTS

IDEM requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #22-122 2022 Title 329 Rule Readoption
Dan Watts
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

- (2) By electronic mail to dwatts1@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending 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 email address indicated in this notice.**

Contact Karla Kindric at kkindric@idem.in.gov or (317) 232-8922 if another method of submitting comments within the comment period is desired. Regardless of the delivery method used, in order 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.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than May 13, 2022.

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

Christine Pedersen, Section Chief
Rules Development Branch
Office of Legal Counsel

Posted: 04/13/2022 by Legislative Services Agency
An [html](#) version of this document.