
TITLE 329 SOLID WASTE MANAGEMENT DIVISION

FIRST NOTICE OF COMMENT PERIOD

LSA Document #22-279

SOLID WASTE AND HAZARDOUS WASTE PERMITTING**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at [329 IAC 3.1](#) and [329 IAC 11](#) concerning hazardous waste and solid waste permitting. IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

CITATIONS AFFECTED: [329 IAC 3.1](#); [329 IAC 11](#).

AUTHORITY: [IC 13-14-8-1](#); [IC 13-15-1-3.2](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

IDEM's Office of Land Quality issues permits, registrations, or approvals to regulated facilities and operations to ensure solid waste, hazardous waste, manure, biosolids, and septage are properly managed, disposed of, or land applied as allowed by laws and rules. Only permitted or regulated facilities may accept regulated waste materials, unless those materials are exempt from the rules for certain recycling, reuse, or reclamation activities.

A facility with various types of wastes may need multiple permits or registrations. However, Public Law 120-2022, which was enacted on March 14, 2022, includes provisions that modify how solid waste and hazardous waste are permitted. Specifically, the provisions currently found at [IC 13-15-1-3.2](#) assert that holding a separate solid waste permit is not necessary if the regulated entity already has a separate hazardous waste permit. Further, [IC 13-15-1-3.2\(e\)](#) requires the Environmental Rules Board to amend rules at [329 IAC 11](#) to conform with this law.

In accordance with this law, IDEM is proposing amendments to rules found at [329 IAC 11](#). These amendments will provide the necessary solid waste permit exclusions in [329 IAC 11-3-2](#). This rulemaking would also amend [329 IAC 3.1](#) to allow solid waste processing operations at hazardous waste facilities to be included in relevant hazardous waste permits, instead of requiring a separate solid waste processing facility permit. There are three facilities in Indiana that could be impacted by this rulemaking as they currently hold both solid waste processing and hazardous waste permits: Heritage Environmental Services, Tradebe Environmental Services, and Clean Earth (formerly known as Stericycle Environmental Solutions). This rulemaking will not make changes to the statutory definition of solid waste or change how hazardous wastes are regulated under [329 IAC 3.1](#). Additional changes may include correcting obsolete cross-references, typographical errors, and inconsistencies, and simplifying and clarifying existing rule language.

IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 329 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.

Alternatives to Be Considered Within the Rulemaking

Alternative 1. Amend rules at [329 IAC 11](#) to comply with the requirements of [IC 13-15-1-3.2](#).

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law and there is no comparable federal law. It is statutorily mandated by [IC 13-15-1-3.2\(e\)](#).
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 2. Do not amend existing rules.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No. It is statutorily mandated by [IC 13-15-1-3.2\(e\)](#).
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Applicable Federal Law

IDEM's hazardous waste management permitting rules are consistent with the requirements of P.L. 94-580, the Resource Conservation and Recovery Act and the regulations promulgated pursuant to this law, which can be found at 40 CFR 260 through 40 CFR 270.

Potential Fiscal Impact

Potential Fiscal Impact of Alternative 1. This will have a positive fiscal impact on the three facilities in Indiana that have both solid waste permits and hazardous waste permits since they will no longer be required to pay the requisite fees associated with solid waste permitting. However, the rule will have a moderate negative fiscal impact on the agency as it stands to lose revenue since it will no longer be able to collect the fees.

Potential Fiscal Impact of Alternative 2. Not amending the rules at [329 IAC 11](#) will have no fiscal impact on regulated entities or the agency. However, not amending the rules would be a violation of state law.

Small Business Assistance Information

IDEM established a compliance and technical assistance program (CTAP) under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on CTAP and other resources available can be found at:

www.in.gov/idem/ctap

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Jennifer Collins
IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison
IGCN 1316
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 234-9730 or (800) 988-7901
ctap@idem.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Emily Totten
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 402-3062
etotten@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Drake Abramson
IDEM Small Business Assistance Program Ombudsman/Business, Agricultural, and Legislative Liaison
IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8921 or (800) 451-6027
dabramso@idem.in.gov

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Seth Engdahl, Rules Development Branch, Office of Legal Counsel at sengdahl@idem.in.gov, (317) 234-9535, or (800) 451-6027 (in Indiana).

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #22-279 Solid Waste and Hazardous Waste Permitting
Seth Engdahl
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 electronic mail to sengdahl@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 address indicated in this notice.**

Contact Karla Kindrick 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 October 21, 2022.

Additional information regarding this action may be obtained from Seth Engdahl, Rules Development Branch, Office of Legal Counsel, sengdahl@idem.in.gov, (317) 234-9535, or (800) 451-6027 (in Indiana).

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

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