

SUMMARY/RESPONSE TO COMMENTS
COAL COMBUSTION RESIDUALS
LSA Document #21-458

The Indiana Department of Environmental Management (IDEM) published a Continuation of Second Notice of Comment Period on January 18, 2023, on the Indiana Register website at [20230118-IR-329210458SCA](https://www.in.gov/idem/20230118-IR-329210458SCA), providing an additional sixty (60) days for submission of comments on the Second Notice of Comment Period through March 19, 2023.

However, due to recently passed legislation under House Enrolled Act 1623-2023 (HEA 1623) amending state law at [IC 13-19-3-3](https://www.in.gov/idem/20230118-IR-329210458SCA), and in response to comments received during the first Continuation of Second Notice of Comment Period, IDEM has significantly changed the draft rule and is providing an additional thirty (30) days for submission of comments on the rulemaking. IDEM received comments from the following parties during the first Continuation of Second Notice of Comment Period:

J Michael Brown, Ohio Valley Electric Corporation, Indiana-Kentucky Electric Corporation (IKEC)
Lisa Evans, Earthjustice (EJ)
Indra Frank, Hoosier Environmental Council (HEC)
Linda Hanson, League of Women Voters of Indiana (LWVI)
Ben Inskeep, Citizens Action Coalition (CAC)
Andie Jahnz-Davis, Michigan City Sustainability Commission (MCSC)
Tim Maloney, Hoosier Environmental Council (HEC)
Danielle McGrath, Indiana Energy Association (IEA)
Harshini Ratnayake, Save the Dunes Council (SDC)
Brian Sauder, Faith in Place (FIP)
Michael T. Scanlon, Barnes and Thornburg (BT)
Barbara Schilling, League of Women Voters of Indiana (LWVI)
Amanda Shepherd, Sierra Club, Hoosier Chapter (SCHC)
Susan Thomas, Just Transition Northwest Indiana (JTNWI)

IDEM received multiple detailed comments regarding the draft rule. Because IDEM made substantial changes to the rule language in response to the comments, it is not providing detailed responses to the comments at this time. The following is a summary of the comments received and IDEM's brief responses to those comments:

More Stringent than Federal Regulations

Comment: Commenters encourage the agency to create a state CCR program that is no more stringent than federal law. Commenters assert the proposed requirements that differ from federal CCR regulations make the draft rule more stringent than federal law and conflict with the statutory directive at [IC 13-19-3-3\(c\)](https://www.in.gov/idem/20230118-IR-329210458SCA). (IKEC, IEA, BT)

Comment: Other commenters supported the additional requirements related to dust management. (MCSC, SCHC, CAC, FIP, SDC, HEC, LE, LWVI, JTNWI)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](https://www.in.gov/idem/20230118-IR-329210458SCA) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

More Stringent Regulations in Draft Rule Are Not Clearly Identified and Justified

Comment: Commenters assert the agency's second notice does not comply with the requirements at [IC 13-14-9-4](https://www.in.gov/idem/20230118-IR-329210458SCA) (2023) to list and analyze any draft rule language that is more stringent than or exceeds the scope of federal law. Commenters seek this list and analysis from the agency to justify several provisions they claim are more stringent than federal law. That information, and IDEM's justification for more stringent elements, must be made available to the public. Further, commenters assert the notice's deficiencies could jeopardize or invalidate the rulemaking and subject it to legal challenges. (IKEC, IEA, BT)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](https://www.in.gov/idem/20230118-IR-329210458SCA) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Incorporation by Reference of the Federal Regulations

Comment: Commenters encourage the agency to adopt the federal CCR regulations through an incorporation by reference. Commenters contend a strict incorporation by reference will expedite EPA's review

and approval of Indiana's CCR permit program. Other approved states used incorporation by reference. (IKEC, IEA)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Timing of the Effective Date of IDEM's Draft Rule

Comment: Commenters request that the rule repeat statutory language regarding the rule's effective date being contingent on EPA's approval of the state program. See [IC 13-19-3-3\(g\)](#). These commenters offer draft rule language to this effect. (IEA, IKEC)

Comment: One commenter argues, "approval" under the statute means full, not partial, approval. That commenter also points out rules more stringent than federal law have a delayed effective date under [IC 13-14-9-4](#) (2023). Commenter requests the agency state that the rule would not be effective until the adjournment sine die of the Indiana General Assembly after the agency provides notice to the Legislative Services Agency, as required by [IC 13-14-9-4\(c\)](#) (2023). (IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards. The effective date of this rulemaking will be determined by Indiana statute.

Applicability of the Federal Rule

Comment: Commenters request clear language that the federal CCR rule determines which CCR units are subject to it. (IEA, MCSC, SCHC, CAC, FIP, SDC, HEC, LE, LWVI, JTNWI)

Comment: The commenter suggests that the new state CCR program should not impose requirements from [329 IAC 10](#). (IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Opportunity for Public Review and Comment

Comment: Commenters request the agency post its CCR-related notices, including rulemaking notices and other notices required under the CCR rule, to IDEM's CCR website instead of relying on the Indiana register. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Comment: Another commenter requests a third comment period if the agency intends for the new rule to apply retroactively. (IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Qualified Professional Engineer Requirements

Comment: Commenters take issue with draft rule language related to Qualified Professional Engineers (QPEs). One commenter asserts the agency is prohibited by [IC 13-19-3-3\(c\)](#) from reserving the right to approve items that have been certified by a QPE. (BT)

Comment: Other commenters acknowledge the agency has the right to review and approve QPE-certified items, but that review should defer to the QPE, and any disputes should be resolved through a defined dispute resolution process. (IEA, IKEC)

Comment: A commenter states that a dispute resolution process should involve the Indiana Public Licensing Agency. (IKEC)

Comment: One commenter noted a typo where the agency omitted "professional" from the term "qualified professional engineer". (IEA)

Comment: One commenter suggests the state definition of QPE requires less technical qualifications than the federal definition and proposes languages to harmonize the state definition with the federal one. That commenter claims the agency's staff cannot meet the definition of QPE and questions their technical backgrounds and abilities. Commenter asks that the agency work with its QPEs rather than conduct independent review of its submissions. Commenter asserts agency staff do not have first-hand knowledge of its facilities, as does its QPE. Commenter provides an example of when it disagreed with a technical determination the agency made on a site unrelated to this rulemaking. (IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Municipal Solid Waste Landfills

Comment: Commenters take issue with the draft rule's imposition of municipal solid waste landfill regulations on CCR units. To the extent the agency needs draw on other state regulations and as allowed by statute, the agency should use regulations related to restricted waste sites to maintain consistency with how CCR units are currently regulated. (BT, IEA) *Comment:* A commenter also seeks justification for proposed financial assurance figures in relation to similar figures in [329 IAC 10](#). (IEA)

Comment: Other commenters request other solid waste units that accept coal ash become subject to the draft rule at [329 IAC 14](#). These commenters also suggest rule language that would add requirements to facilities that accept coal ash in addition to other solid waste. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Inactive CCR units

Comment: Commenters assert that inactive CCR landfills should be added to the applicability requirements and definitions section of Article 14. The definition of inactive CCR surface impoundment should clarify that liquids includes surface, ground, and pore water. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Comment: Another commenter contends inactive CCR surface impoundments should be exempt from the applicability requirements of Article 14. (IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Beneficial Use

Comment: Commenters argue that, despite the federal definition which includes encapsulated and unencapsulated uses, beneficial uses of CCR should be limited to encapsulated uses only. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

CCR Landfills Located in Floodplains

Comment: Commenters state that no new CCR units should be built in a floodplain. Commenters seek stronger regulations to prevent siting CCR units in floodplains and detail the potential environmental problems with siting CCR units in floodplains. Similarly, commenters detail the ecological benefits of floodplains. Commenters strongly urge against allowing closure in place of CCR units in floodplains. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Comment: Other commenters find the draft setback and siting requirements to be redundant of federal regulations. (IEA)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Location Restrictions

Comment: Commenters state that IDEM should prohibit new CCR units in protected species habitats. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Closure in Place

Comment: Some commenters seek stricter requirements for closure in place. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Comment: Other commenters urge the agency to adopt the federal closure in place standard without revision. (IEA)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Adding Boron to Draft Rule

Comment: Some commenters support the inclusion of Boron as an Appendix IV constituent. These commenters assert, in [329 IAC 14-3-4\(c\)\(1\)](#), the Boron Groundwater Protection Standard proposed to be added to 40 CFR 257.95(h)(2) should be 1,800 ug/l instead of the proposed 4,000 ug/l. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Comment: Other commenters strongly oppose the inclusion of Boron and claim there is no legal or scientific justification to add Boron to Appendix IV in the rulemaking record. (IEA, IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Placement of Downgradient Wells

Comment: Commenters dispute where monitoring wells should be placed near a CCR unit. Some commenters argue for requiring downgradient wells to be placed within fifty (50) feet of the waste boundary and no more than three hundred (300) feet of horizontal spacing between them. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Comment: Other commenters want the well location and spacing requirements to mirror those in the federal rule to prevent potential stringency issues. (IEA, IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Assessment of Corrective Measures

Comment: Commenters argue that corrective action costs should be estimated for and covered by all financial assurance instruments. The assessment of corrective measures should be submitted to the commissioner for approval. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Post-Closure Inspection Requirements

Comment: Commenters support the post-closure inspection frequency requirement but assert that additional inspections should happen more than twice per year if the area of the closed unit has been subjected to an environmental stress. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Permit Applications and Requirements

Comment: Some commenters argue that the requirements related to an aquifer of significance at [329 IAC 10-16-9](#) should apply to the permitting of CCR units. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Comment: Other commenters seek clear deadlines for the agency to act on a permit and extended timelines under which they need to submit a permit application. Commenters assert applicants should be required to submit only what the federal CCR rule requires. (IEA, IKEC)

Comment: Another commenter requested facilities already subject to a state permit need not apply for a new permit if the current permit includes all applicable CCR requirements. (IEA)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of

Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Design Criteria

Comment: Commenters oppose the idea put forth in the draft rule language that liner design criteria would apply retroactively to CCR units, some of which commenters claim already comply with existing rules. Commenters also urge the agency to mirror federal regulation to avoid being more and potentially less stringent than federal law. References to requirements in [329 IAC 10](#) should not be included. (IKEC, IEA)

Comment: One commenter urges the agency to avoid questioning or overriding QPEs' certifications of design elements, including liners, cover systems, and liner alternatives. (IKEC)

Comment: Other commenters proposed language that would permit compliance with liner requirements in [329 IAC 10](#) as an alternative to compliance with 40 CFR 257.70(a)(1). (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, ST)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Financial Assurance Requirements

Comment: Some commenters support the inclusion of financial assurance requirements and suggest language that clarifies closure and post-closure cost estimates include the cost of bringing affected groundwater into compliance with groundwater protection standards. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Comment: Another commenter argues the financial assurance requirements must be removed because they do not exist in the federal CCR rule. (IEA)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Groundwater Monitoring

Comment: Some commenters support semiannual groundwater reporting requirements. They also support the requirement for IDEM to approve groundwater monitoring plans and reports. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Shortened Deadlines in Draft Rule

Comment: One commenter opposes any changes to any deadlines or timelines set out in the federal CCR rule and further argues deadlines should not be shortened without justification. (IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Non-CCR Waste Disposal

Comment: Commenters take issue with the draft rule's prohibition on receipt of non-CCR waste in a CCR unit unless approved by the agency. (IEA)

Comment: Relatedly, commenters question and oppose changes rule language at [329 IAC 10-3-1](#). (IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Changing the Definition of Aquifer

Comment: Commenters think that IDEM should not revise the definition of aquifer; the proposed changes expand the federal definition and could affect units already complying with the federal rule. (IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the

existing federal requirements and add statutorily mandated permitting standards.

Vegetative Maintenance of Landfill Sites

Comment: Commenters seek flexibility, and consistency with the federal CCR rule, regarding vegetative and slope maintenance at CCR units. (IEA, IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Inspection Requirements

Comment: Some commenters seek clarity regarding inspection requirements and urge the agency not to require more frequent inspections than as provided in the federal CCR rule. (IEA, IKEC)

Comment: Other commenters seek increased inspection frequency, especially after events that could affect the integrity of a CCR unit, events such as earthquakes or floods. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Definitions in the Draft Rule

Comment: Commenters request the agency refrain from amending the definitions in the federal CCR rule and clarify that the federal definitions control in the event of a conflict. (IEA, IKEC)

Comment: One commenter asserted that some of the draft definitions could alter the rule's overall applicability. (IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Closure Requirements

Comment: Commenters argue the state closure standards must be identical to, or incorporate by reference without amendment, the federal closure standards. Commenters offer draft rule language to this effect. The agency's proposed changes are more stringent than federal law. (IEA, IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Cover Requirements

Comment: Commenters claim the draft rule language contains cover requirements that are more stringent than the federal CCR rule and request the agency incorporate the federal rule by reference without changes. (IEA, IKEC)

Comment: One commenter stated that many facilities have already constructed and received approval of cover systems; the new rule should not force these facilities to reconstruct their cover systems. (IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Errors in Draft Language

Comment: Commenters point out various typos in the draft rule language. (MCSC, SCHC, CAC, FIP, SDC, HEC, EJ, LWVI, JTNWI, IEA, IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Legacy Ponds

Comments: Commenter argues the state rule should not apply to legacy ponds because the federal CCR rule

does not either. (IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Environmental Restrictive Covenants

Comment: Commenter contends the agency can require only deed notices be recorded on the CCR unit properties, not environmental restrictive covenants. (IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

Moving or Reconstructing Existing CCR Units

Comment: Commenter argues that IDEM should not require existing units to be physically moved or reconstructed in order to comply with the new state CCR permit program. (IKEC)

Response: Due to the recent legislation in HEA 1623 amending state law at [IC 13-19-3-3](#) and many comments on the draft rule language, IDEM is amending the draft rule and extending the Second Notice of Comment Period for an additional thirty days. The draft rule has been revised to only incorporate by reference the existing federal requirements and add statutorily mandated permitting standards.

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