

ARTICLE 7.1. WASTEWATER MANAGEMENT

Rule 1. General Provisions

327 IAC 7.1-1-1 Purpose *(Repealed)*

Sec. 1. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

327 IAC 7.1-1-2 Right of entry

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-14-2-2; IC 13-14-5; IC 13-18-12-6

Sec. 2. Under IC 13-18-12-6(c), the commissioner may make inspections in accordance with IC 13-14-2-2 and IC 13-14-5. *(Water Pollution Control Division; 327 IAC 7.1-1-2; filed Jul 8, 2002, 2:01 p.m.: 25 IR 3717; readopted filed Jun 4, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA)*

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 a person who engages in septage management.

(b) This article does not apply to the following activities:

(1) Land application activities regulated under 327 IAC 6.1.

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

(3) Waste management activities regulated under 329 IAC 3.1, 329 IAC 10, 329 IAC 11, 329 IAC 11.5, 329 IAC 12, and 329 IAC 13.

(c) A septage management permit is not required for activities exempt under IC 13-18-12-7. *(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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

327 IAC 7.1-1-4 Enforcement

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-14-2-6; IC 13-14-10; IC 13-18-12-6.5; IC 13-30-3

Sec. 4. This article is enforced under IC 13-30-3. *(Water Pollution Control Division; 327 IAC 7.1-1-4; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA)*

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 13-30-8.

(4) 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

Rule 2. Definitions

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. 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

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, 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

327 IAC 7.1-2-3 "Animal feed" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 3. "Animal feed" means any crop grown for consumption by animals, such as forage and grain. (*Water Pollution Control Division; 327 IAC 7.1-2-3; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA*)

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 a septage management permit that includes any applicable requirements for transport, storage, treatment, or land application of septage. (*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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

327 IAC 7.1-2-5 "Base flood or one hundred (100) year flood" defined (Repealed)

Sec. 5. (*Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

327 IAC 7.1-2-6 "Chemical toilet" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 6. "Chemical toilet" means a toilet manufactured to receive nonwater-carried human waste directly into a deodorizing and liquefying chemical in a leakproof tank. (*Water Pollution Control Division; 327 IAC 7.1-2-6; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA*)

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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

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 listed in 50 CFR 17.95* 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

327 IAC 7.1-2-9 "Destruction or adverse modification" defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 9. "Destruction or adverse modification" means a direct or indirect alteration of critical habitat that appreciably diminishes the likelihood of the survival and recovery of endangered or threatened species using that habitat. (*Water Pollution Control Division; 327 IAC 7.1-2-9; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA*)

327 IAC 7.1-2-10 "Disease vector" defined

Authority: IC 13-14-8; IC 13-18-12-4

Affected: IC 13-18-12

Sec. 10. "Disease vector" means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting micro-organisms and disease to humans and other animals. (*Water Pollution Control Division; 327 IAC 7.1-2-10; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA)

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 waste and wastewater from 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

327 IAC 7.1-2-12 "Drainage inlet" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 12. "Drainage inlet" means any surficial opening to an underground tile drainage system that drains to waters of the state. For purposes of this article, the term includes water and sediment control basins. (*Water Pollution Control Division; 327 IAC 7.1-2-12; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA*)

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 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

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 an area adjoining 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

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 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*)

readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

327 IAC 7.1-2-16 "Grease" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 16. "Grease" means grease, fats, and retained wastes from grease traps or interceptors. (*Water Pollution Control Division; 327 IAC 7.1-2-16; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA*)

327 IAC 7.1-2-17 "Historic site" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 14-8-2-125

Sec. 17. "Historic site" has the meaning set forth in IC 14-8-2-125. (*Water Pollution Control Division; 327 IAC 7.1-2-17; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA*)

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. "Incorporation into the soil" means the mixing of domestic septage, grease, or 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

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 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

327 IAC 7.1-2-20 "Intermittent waterway" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 20. "Intermittent waterway" means a waterway that flows only at certain times of the year, as when it receives water from springs or from some surface source. The waterway does not flow continuously, as when water losses from evaporation or seepage exceed the available waterway flow. (*Water Pollution Control Division; 327 IAC 7.1-2-20; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA*)

327 IAC 7.1-2-21 "Land with a low potential for public exposure" defined (Repealed)

Sec. 21. (Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

327 IAC 7.1-2-22 "Liquid waste" defined (Repealed)

Sec. 22. (Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

327 IAC 7.1-2-23 "Mixed load" defined (Repealed)

Sec. 23. (Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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) Septage management business.
- (2) Septage management vehicle.
- (3) Septage treatment facility.
- (4) Septage storage facility.
- (5) 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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) Septage management business.
- (2) Vehicle used for septage management activities.
- (3) Septage treatment facility.
- (4) Septage storage facility.
- (5) 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

327 IAC 7.1-2-27 "Person" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-11-2-158; IC 13-18-12

Sec. 27. "Person" has the meaning set forth in IC 13-11-2-158(a). (*Water Pollution Control Division; 327 IAC 7.1-2-27; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA*)

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 under:
 - (A) 355 IAC 4 and 355 IAC 5; or
 - (B) 7 U.S.C. 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

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 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

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; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

327 IAC 7.1-2-31 "Potable" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 31. "Potable" means fit to drink. (*Water Pollution Control Division; 327 IAC 7.1-2-31; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA*)

327 IAC 7.1-2-32 "Public water supply surface intake structure" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 32. "Public water supply surface intake structure" means any structure used for the purpose of providing water through a public water supply system. (*Water Pollution Control Division; 327 IAC 7.1-2-32; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA*)

327 IAC 7.1-2-33 "Public water supply well" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 33. "Public water supply well" means any well that provides water to the public through a water distribution system that:

- (1) serves at least twenty-five (25) persons per day for:
 - (A) drinking;
 - (B) domestic use; or
 - (C) other purposes; or
- (2) has at least fifteen (15) service connections.

(*Water Pollution Control Division; 327 IAC 7.1-2-33; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA*)

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, 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

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; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

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" 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

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" 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

327 IAC 7.1-2-37 "Surface application" defined (Repealed)

Sec. 37. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

327 IAC 7.1-2-38 "Taking" defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12

Sec. 38. "Taking" means harassing, harming, pursuing, hunting, wounding, killing, capturing, or collecting or attempting to engage in such conduct. (*Water Pollution Control Division; 327 IAC 7.1-2-38; 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA*)

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 that is designed to receive, retain, treat, or discharge sewage, and any process to treat 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

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 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

327 IAC 7.1-2-41 "Wastewater" defined (Repealed)

Sec. 41. (*Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

327 IAC 7.1-2-42 "Wastewater management" defined (Repealed)

Sec. 42. (*Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

Rule 3. Permits, Licenses, and Approvals

327 IAC 7.1-3-1 General requirements (Repealed)

Sec. 1. (*Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

327 IAC 7.1-3-2 Revocation and modification (Repealed)

Sec. 2. (*Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

327 IAC 7.1-3-3 Records; access to information (Repealed)

Sec. 3. (Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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 13-18-12-7; 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.

(b) An applicant for a new septage management permit or renewal permit must submit the following information on the appropriate forms provided by the commissioner:

(1) A complete application or renewal application as described in subsection (c) of this rule [sic].

(2) At least one (1) letter indicating approval for the applicant to dispose of septage from:

(A) the owner or operator of a disposal 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 or renewal application for a septage management permit is considered complete only after all of the following information has been received by the department:

(1) An application for a new or renewal septage management permit on forms provided by the department that include the following information:

(A) Permit number, as applicable.

(B) If the applicant plans to store, treat, or land apply septage.

(C) Type of septage.

(D) Applicant contact information.

(E) Facility contact and title, if different from property owner.

(F) Disposal options including an approval letter.

(G) Disclosure statement.

(H) Certification.

(I) List of potentially affected persons.

(2) An application for a new or renewal septage management permit that includes storage or treatment must include the following:

(A) The information under subsection (c)(1) of this rule [sic].

(B) The information found in 327 IAC 7.1-5.1-1(a) of this rule [sic].

(3) An application for a new or renewal septage management permit that includes land application must include the following:

(A) The information found in subsection (c)(1) of this rule [sic].

(B) The information under 327 IAC 7.1-8-1 and 327 IAC 7.1-8-7, as applicable, of this rule [sic].

(d) An application for renewal of an existing septage management 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;

prior to the expiration date of the permit or the permit will be invalid upon expiration. (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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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 13-18-12-6.5; 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; or

(2) take action under subsections (c) and (d).

(b) 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.

(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 this article.

(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 is the subject of one (1) or more pending administrative or judicial enforcement actions commenced under authority of IC 13.

(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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

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 septage management permit changes, the applicant or permittee shall provide the new information to the department no more than fifteen (15) days after the information provided in the application changes. The commissioner may modify the permit based on 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

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) A septage management permit is subject to the following conditions:

(1) The permittee must only use the business name stated in the septage management permit for:

(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 are not transferable.
- (3) The permittee shall provide septage management services in a manner that does not create a threat to human health or the environment, including the following:
 - (A) The permittee shall not pump, dump, or allow the leakage or drainage of septage onto any unauthorized premises, land surfaces, public roads, or into the waters of the state.
 - (B) Any spillage of septage onto unauthorized premises, land surfaces, public roads, or waters of the state must be handled, removed, and disposed in accordance with this article and 327 IAC 2-6.1.
 - (C) Water from any source used for flushing or cleaning septage vehicles, equipment used in 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) 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 accordance with the wastewater disposal requirements of 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

327 IAC 7.1-4-5 Transition (Repealed)

Sec. 5. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

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; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

327 IAC 7.1-4-6 Site restrictions (Repealed)

Sec. 6. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

327 IAC 7.1-4-7 Design requirements for treatment facilities or storage facilities (Repealed)

Sec. 7. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

327 IAC 7.1-4-8 Construction requirements for treatment or storage facilities *(Repealed)*

Sec. 8. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

327 IAC 7.1-4-9 Operational requirements for treatment or storage facilities *(Repealed)*

Sec. 9. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

327 IAC 7.1-4-10 Innovative technology; alternate design and construction *(Repealed)*

Sec. 10. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

327 IAC 7.1-4-11 Closure of treatment facilities or storage facilities *(Repealed)*

Sec. 11. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

Rule 5. Vehicle Licenses

327 IAC 7.1-5-1 Vehicle license requirements *(Repealed)*

Sec. 1. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

327 IAC 7.1-5-2 Action on application *(Repealed)*

Sec. 2. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

327 IAC 7.1-5-3 Updating information *(Repealed)*

Sec. 3. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

327 IAC 7.1-5-4 License conditions and restrictions *(Repealed)*

Sec. 4. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

327 IAC 7.1-5-5 Transition *(Repealed)*

Sec. 5. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

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 13-15-8; IC 13-18-12; IC 25-31-1; IC 25-31.5

Sec. 1. (a) In addition to the application requirements in 327 IAC 7.1-4-1(c)(1), an applicant who plans to store or treat septage by altering the nature of septage 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

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- (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 notarized and 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.
- (9) If applicable, a notarized affidavit concerning notification requirements under IC 13-15-8, for all new or previously nonpermitted septage management facilities.
- (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; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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 13-18-12-2.2

Sec. 1. (a) A copy of the current 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:

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- (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.
 - (d) The operator shall remove septage from the sewage disposal system in a manner to minimize spills. Completion of septage removal includes the following:
 - (1) Closing all access openings to the sewage disposal system.
 - (2) Cleaning up any spilled septage.
 - (3) Except under IC 13-18-12-2.2, 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 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.
 - (e) 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 septage onto land surfaces or public roads.
 - (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
 - (B) maintained to prevent any leakage or spillage of 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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 septage from cleaning sewage disposal systems and must meet the following requirements unless otherwise specified 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 material adequate to prevent collapse when a vacuum is created.
- (4) 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;
 - (B) composed of the same material as the tank and must have the same or greater thickness as the tank walls; 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 septage.
- (5) The tank must have a discharge opening of a minimum of two and one-half (2 ½) inches in diameter, and the discharge point shall allow for complete draining of the contained 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 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 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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 ½) inches in diameter.
- (2) The vehicle engine intake manifold must not be used as a vacuum source.
- (3) The pump installation must prevent leakage.
- (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 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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 ½) inches; and
 - (C) be equipped with leakproof connectors.
- (2) The hose must be made of a material and construction that allows every portion of the interior and exterior to be cleaned.
- (3) All exposed hose openings or connections must be 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

327 IAC 7.1-6-5 Vehicle requirements; land application vehicles *(Repealed)*

Sec. 5. (Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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. A septage management vehicle must meet the following vehicle identification requirements:

- (1) Both vehicle doors or both vertical front quarters of the tank must have the following information:
 - (A) The business name.
 - (B) The business phone number.
 - (C) The word "IDEM" followed by the assigned septage management permit number.
- (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 must be 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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.

(b) Septage may be discharged into a wastewater treatment plant or treatment works collection system that has a valid NPDES permit under 327 IAC 5 as follows:

- (1) The discharge point, method of discharge, and septage quality must be in accordance with the requirements of the wastewater treatment plant accepting the septage.
- (2) Septage must not be disposed of through a wastewater treatment plant without prior written permission of the responsible official in charge of the wastewater treatment plant.
- (c) Septage may be disposed of in a municipal solid waste landfill:
 - (1) that has a valid solid waste management permit under 329 IAC 10; and
 - (2) in accordance with the requirements of the municipal solid waste landfill for septage disposal.

(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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

327 IAC 7.1-7-2 Wastewater origins; notifications (Repealed)

Sec. 2. (Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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 13-15-8; 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.

(b) In addition to the application requirements in 327 IAC 7.1-4-1(c)(1), an application or renewal application for a septage management permit that includes land application of septage must be submitted to the commissioner, on a form provided by the commissioner and be accompanied by the following:

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

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

(2) Property owner contact information, including the following:

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

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

- (A) It must clearly delineate the proposed septage application 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 and use of all structures, including residences or places of business and any public gathering places.
 - (vi) The location of all property lines, easements, and public roads.
 - (vii) The critical habitat of endangered or threatened species.
 - (viii) Historic sites.
 - (ix) Public water supply surface intake structures.

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- (x) Public water supply wells.
 - (4) A soil survey map classifying the soils within the proposed site.
 - (5) A soil test that includes the phosphorus concentration in the soil of the proposed land application site analyzed within the past six (6) months and conducted in accordance with the requirements in subsection 7(b) [section 7(b)] of this rule.
 - (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 test reporting fertilizer recommendations.
 - (C) The nitrogen requirement for the specific crop to be grown on the site in accordance with section 7(a)(5) of this rule.
 - (D) The phosphorus removal rate for the specific crop to be grown on the site in accordance with section 7(a)(6) of this rule.
 - (7) Additional information from the owner or operator as follows:
 - (A) Identification of the septage to be land applied at the site as domestic septage, grease, or 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:
 - (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 used at the site.
 - (F) The estimated annual amount of septage to be applied at the site.
 - (G) The total amount of 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 permit or if the site will be pasture land or set aside.
 - (8) A fee of thirty dollars (\$30) per site per year.
 - (9) Land application site identification.
 - (10) Location including:
 - (A) Section.
 - (B) Township.
 - (C) Range numbers.
 - (D) Civil township.
 - (E) County Name.
 - (11) Notarized affidavit concerning notification requirements under IC 13-15-8 to affected persons.
 - (12) List of potentially affected persons for each land application site.
 - (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), rather than using the NRCS published data provided by the department, 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;
- prior to the expiration date of the permit or the permit will be invalid upon expiration. (*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 filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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 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;
- (7) be in a 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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. The commissioner may issue or renew requirements for land application 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) 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 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.

(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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

327 IAC 7.1-8-4 Updating information (Repealed)

Sec. 4. (Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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. A person land applying septage must comply with the following conditions and any additional requirements in a septage management permit issued by the commissioner:

- (1) The valid septage management permit or copy of the septage management permit must be carried in any vehicle disposing of septage at an application site at all times.
- (2) The septage management permit or copy of the septage management permit must be available for inspection by the department or any law enforcement officer.
- (3) The property on which the septage land application site is located must be posted with signs:
 - (A) reading, "NO TRESPASSING"; and
 - (B) along all access points to the site.
- (4) The usable portion of a land application site is the area that is:
 - (A) indicated on the septage management permit application;
 - (B) remaining after setbacks and all other restrictions are applied; and
 - (C) clearly marked every one hundred (100) yards at its boundaries by flags or other boundary markers.
- (5) 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

327 IAC 7.1-8-6 Transition (Repealed)

Sec. 6. *(Repealed by Water Pollution Control Division; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)*

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 septage to be applied must not exceed the following:

- (1) For a soil phosphorus concentration of fifty (50) parts per million or less, the annual application rate for septage based on the nitrogen requirement of the crop grown on the land application site must not exceed the following:
 - (A) Fifty-three thousand (53,000) gallons per acre based on a corn crop grown during the next growing season.
 - (B) Thirty-eight thousand (38,000) gallons per acre based on an alfalfa, soybean, wheat, or hay crop grown during the next growing season.
 - (C) Nineteen thousand (19,000) gallons per acre based on land that is grass, pasture, or set aside for continued growth during the current growing season.
- (2) For a soil phosphorus concentration of between fifty-one (51) and one hundred (100) 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) Twelve thousand (12,000) gallons per acre based on a corn crop grown on the site during the next growing season.
 - (B) 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

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

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

(A) The person land applying septage 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.

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- (B) The person land applying septage 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:
 - (i) review the test results to determine whether land application may continue at the site; and
 - (ii) notify the person land applying septage with a decision on whether land application may resume.
- (9) After two hundred thousand (200,000) gallons per acre of septage have been applied to a site, for each subsequent septage management permit application that requests approval for land application of septage at the site, the person land applying septage shall:
 - (A) conduct soil sampling as required in subdivision (8); and
 - (B) submit the results to the commissioner.
- (10) The operator must keep an operating record of the amount of septage applied that is:
 - (A) updated each application day;
 - (B) located at the permitted septage management business address; and
 - (C) made available to representatives of the commissioner during normal business hours for inspection.
- (b) All soil tests must:
 - (A) consist of one (1) composite sample per every twenty (20) acres, with each composite consisting of twenty (20) representative subsamples;
 - (B) be analyzed for pH; and
 - (C) be analyzed by a laboratory certified by The North American Proficiency Testing (NAPT) Program.
- (c) For each day that septage is land applied the operator must record and retain for five (5) years the following information:
 - (1) Business name.
 - (2) Business permit number identified in the permit.
 - (3) The site identification number identified in the permit.
 - (4) A map identifying the area of the site where septage was applied.
 - (5) The date septage was applied to each site.
 - (6) The volume, in gallons, of septage that was applied to each site.
 - (7) Whether the type of septage applied was domestic septage, grease, or a combination of domestic septage and grease.
 - (8) Method of application.
 - (9) Number of acres used.
 - (10) The projected crop or site use, if no crop is grown.
 - (11) pH and 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."
 - (d) 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, as listed in subsection (c) of this rule *[sic]*, 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA*)

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. Septage must not be incorporated or injected or be allowed to drain closer to the features of interest than the following minimum setbacks:

Features of Interest	
Potable water supplies	500 feet
Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water	100 feet
Drainage inlets and tile systems	50 feet
Rock outcrops, sinkholes, or undrained depressions	50 feet
Residences, places of business, or public gathering places	500 feet
Public roads	200 feet
Property lines or easements	50 feet
Historic sites	1,000 feet
Critical habitats of endangered or threatened species	1,000 feet
Public water supply well or public water supply surface intake structure	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, 2008, 11:07 a.m.: 20080702-IR-327080207BFA; readopted filed Jul 30, 2014, 4:04 p.m.: 20140827-IR-327140189BFA; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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 septage must be performed in accordance with the following:

(1) Prior to land application, loads containing domestic septage must be treated to reduce pathogens 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, must remain at twelve (12) or higher for at least thirty (30) minutes; and
- (ii) the procedure must be done 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 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, must remain at twelve (12) or higher for at least two (2) hours; and
- (ii) the procedure must be done 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.

(D) A process to reduce pathogens other than lime stabilization may be used only as listed and described in 40 CFR 503*.

(E) A process to reduce pathogens in domestic septage or a 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 permittee specifying

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how the specific treatment process will be used.

- (2) The septage must:
 - (A) be applied by:
 - (i) injection; or
 - (ii) incorporation into the soil within six (6) hours of application;
 - (B) pass through a screening device to prevent plastics and other objectionable material from being applied to the soil; and
 - (C) be applied uniformly to prevent overlapping.
- (3) Each container of septage applied to the land must be monitored by the operator for compliance with the:
 - (A) treatment process for domestic septage or a combination of domestic septage and grease; or
 - (B) land application method used under subdivision (2) for grease.
- (4) Land application is prohibited under any of the following 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%) when land applying by incorporation or on slopes greater than eighteen percent (18%) when land applying by injection.
 - (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) Under any other conditions that would result in, or are likely to result in, run-off of septage from the site of application.
- (5) Septage must not be:
 - (A) discharged or allowed to drain to the waters of the state; or
 - (B) applied to:
 - (i) road ditches;
 - (ii) swales, sink holes, field depressions, or channels that carry running water during snow melt or rainfall.
 - (C) placed on the land in one (1) location and allowed to accumulate.
- (6) Injection of septage below the surface of the land must leave no significant amount of the septage present on the land within one (1) hour after application.
- (7) All septage must be disposed so that no threat to human health or the environment is created.
- (8) The following requirements apply to land that is used for the application 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 annually and the results 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 the department on an annual basis.
- (3) The land is subject to the limitations and restrictions regarding land use and crop management 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; readopted filed May 27, 2020, 11:52 a.m.:*

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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 limitations and restrictions on land use and crop management 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 limitations and restrictions on land use and crop management where a 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 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 land application.
- (3) Food crops for direct human consumption must not be grown for eighteen (18) months following the last land application.
- (4) Food crops with harvested parts that touch the 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.
- (5) 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 when the septage remains on the land surface for less than four (4) months prior to incorporation into the soil.
- (6) Animal feed, fiber, and those food crops whose harvested parts do not touch the land surface must not be harvested for thirty (30) days after the last land application.
- (7) Turf grown on land where the septage is applied must not be harvested for one (1) year after the last application of the 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; readopted filed May 27, 2020, 11:52 a.m.: 20200624-IR-327200186BFA; filed Mar 3, 2022, 10:40 a.m.: 20220330-IR-327140029FRA)

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