

ARTICLE 12. SOLID WASTE MANAGEMENT ACTIVITY REGISTRATION

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Rule 1. General Provisions

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329 IAC 12-1-1 Enforcement

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)
Affected: [IC 13-14-10](#); [IC 13-15](#); [13-20-2](#); [IC 13-30](#); [IC 36-9-30](#)

Sec. 1. This article shall be enforced through the provisions of [IC 13-14-10](#), [IC 13-15](#), [IC 13-20-2](#), or [IC 13-30-3](#), or any combination thereof as appropriate. (*Solid Waste Management Division; 329 IAC 12-1-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1952; errata filed Dec 6, 1999, 9:41 a.m.: 23 IR 813; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; readopted filed Jun 14, 2019, 2:00 p.m.: 20190710-IR-329190249BFA*)

329 IAC 12-1-2 Penalties

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)
Affected: [IC 13-30](#); [IC 36-9-30](#)

Sec. 2. Penalties for violation of this article shall be governed by [IC 13-30-4](#) through [IC 13-30-5](#), [IC 13-30-8](#), and [IC 13-30-10](#). (*Solid Waste Management Division; 329 IAC 12-1-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1952; errata filed Dec 6, 1999, 9:41 a.m.: 23 IR 813; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: 20070523-IR-329070138BFA; readopted filed Jul 29, 2013, 9:20 a.m.: 20130828-IR-329130179BFA; errata filed Feb 19, 2018, 10:06 a.m.: 20180228-IR-329180109ACA; readopted filed Jun 14, 2019, 2:00 p.m.: 20190710-IR-329190249BFA*)

329 IAC 12-1-3 Reporting

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)
Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 3. (a) Any permittee required to monitor under this article or by any permit issued pursuant to this article, shall maintain all records of all monitoring information and monitoring activities, including:

- (1) the date, exact place, and time of the sampling or measurements;
- (2) the person or persons who performed the sampling or measurements;
- (3) the date or dates analyses were performed;
- (4) the person or persons who performed the analyses;
- (5) the analytical techniques or methods used; and
- (6) the results of such measurements or analyses.

(b) All records of monitoring activities and results shall be retained by the permittee for five (5) years. The five (5) year period shall be extended:

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- (1) automatically during the course of any unresolved litigation between the commissioner and a permittee; or
- (2) as required by the permit conditions.

(Solid Waste Management Division; 329 IAC 12-1-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1952; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); readopted filed Jun 14, 2019, 2:00 p.m.: [20190710-IR-329190249BFA](#))

329 IAC 12-1-4 Variances

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)
Affected: [IC 13-14-8](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 4. The commissioner may grant a variance from compliance with provisions of this article in accordance with the provisions of [IC 13-14-8-8](#) through [IC 13-14-8-11](#). *(Solid Waste Management Division; 329 IAC 12-1-4; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1952; errata filed Dec 6, 1999, 9:41 a.m.: 23 IR 813; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); readopted filed Jun 14, 2019, 2:00 p.m.: [20190710-IR-329190249BFA](#))*

329 IAC 12-1-5 Severability

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)
Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 5. If any provision of this article, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect any other provisions or applications of this article which can be given effect without the invalid provision or application. *(Solid Waste Management Division; 329 IAC 12-1-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1952; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); readopted filed Jun 14, 2019, 2:00 p.m.: [20190710-IR-329190249BFA](#))*

Rule 2. Definitions

329 IAC 12-2-1	Definitions
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329 IAC 12-2-2.1	"Accredited examination" defined (Repealed)
329 IAC 12-2-2.2	"Accredited examination provider" defined
329 IAC 12-2-2.3	"Accredited training course" defined (Repealed)
329 IAC 12-2-2.4	"Accredited training course provider" defined
329 IAC 12-2-3	"Altered tire" defined (Repealed)
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329 IAC 12-2-17	"Hazardous waste" defined (Repealed)
329 IAC 12-2-18	"Incinerator" defined
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329 IAC 12-2-21.1	"Interim operator" defined
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329 IAC 12-2-25	"Open burning" defined (Repealed)
329 IAC 12-2-26	"Open dump" defined (Repealed)
329 IAC 12-2-27	"Operating personnel" defined (Repealed)
329 IAC 12-2-27.1	"Operator" defined
329 IAC 12-2-27.2	"Owner" defined (Repealed)
329 IAC 12-2-28	"Passenger tire equivalent" or "PTE" defined (Repealed)
329 IAC 12-2-29	"Person" defined (Repealed)
329 IAC 12-2-30	"Pollution control waste" defined (Repealed)
329 IAC 12-2-31	"Processing" defined
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329 IAC 12-2-33	"Registered professional engineer" defined (Repealed)
329 IAC 12-2-34	"Remanufactured tire" defined (Repealed)
329 IAC 12-2-35	"Residue" defined (Repealed)
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329 IAC 12-2-37	"Retailer" defined (Repealed)
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329 IAC 12-2-56	"Waste tire" defined (Repealed)
329 IAC 12-2-57	"Waste tire processing operation" defined (Repealed)
329 IAC 12-2-58	"Waste tire storage site" defined (Repealed)

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329 IAC 12-2-59	"Waste tire transporter" defined (Repealed)
329 IAC 12-2-60	"Water pollution" defined (Repealed)
329 IAC 12-2-61	"Waters" defined (Repealed)
329 IAC 12-2-62	"Wholesaler" defined (Repealed)

329 IAC 12-2-1 Definitions

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)
Affected: [IC 13-11-2](#); [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 1. In addition to the definitions found in [IC 13-11-2](#), the definitions in this rule apply only to this article. (*Solid Waste Management Division*; 329 IAC 12-2-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1952; errata filed Dec 6, 1999, 9:41 a.m.: 23 IR 813; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 234; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); readopted filed Jun 14, 2019, 2:00 p.m.: [20190710-IR-329190249BFA](#))

329 IAC 12-2-2 "Access road" defined (Repealed)

Sec. 2. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-2.1 "Accredited examination" defined (Repealed)

Sec. 2.1. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-2.2 "Accredited examination provider" defined

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2.2. "Accredited examination provider" means a person or an organization that provides an examination for the purpose of certifying or recertifying operators in accordance with 329 IAC 12-7 and 329 IAC 12-8. (*Solid Waste Management Division*; 329 IAC 12-2-2.2; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1479; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 234; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-2-2.3 "Accredited training course" defined (Repealed)

Sec. 2.3. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-2.4 "Accredited training course provider" defined

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2.4. "Accredited training course provider" means a person or an organization that provides a training course for the purpose of recertifying operators in accordance with 329 IAC 12-7 and 329 IAC 12-9. (*Solid Waste Management Division*; 329 IAC 12-2-2.4; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 234; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-2-3 "Altered tire" defined (Repealed)

Sec. 3. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-4 "Base flood" defined (Repealed)

Sec. 4. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-5 "Board" defined (Repealed)

Sec. 5. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-5.1 "Certificate" defined

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5.1. "Certificate" means a document issued by the commissioner to an individual meeting the applicable examination, training course, or continuing education requirements of this article. (Solid Waste Management Division; 329 IAC 12-2-5.1; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 234; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-2-5.2 "Certified operator" defined

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5.2. "Certified operator" means an individual who holds a current certificate issued by the commissioner. (Solid Waste Management Division; 329 IAC 12-2-5.2; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-2-6 "Collection container system" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)
Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 6. "Collection container system" has the meaning set forth in 329 IAC 10-2-31. (Solid Waste Management Division; 329 IAC 12-2-6; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1953; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-2-7 "Commissioner" defined (Repealed)

Sec. 7. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-8 "Contaminant" defined (Repealed)

Sec. 8. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-8.5 "Continuing education" defined

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 8.5. "Continuing education" means participation in organized training or learning sessions with qualified continuing education providers and relevant subject matter pertaining to the operation of solid waste facilities. (Solid Waste Management Division; 329 IAC 12-2-8.5; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-2-8.7 "Continuing education provider" defined

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 8.7. "Continuing education provider" means a qualified person or organization that offers continuing education training or learning sessions pertaining to the operation of solid waste facilities. (Solid Waste Management Division; 329 IAC 12-2-8.7; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-2-9 "Customer" defined (Repealed)

Sec. 9. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-10 "Department" defined (Repealed)

Sec. 10. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-11 "Disposal" defined (Repealed)

Sec. 11. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-11.1 "Facility" defined (Repealed)

Sec. 11.1. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-11.2 "Examination" defined

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 11.2. "Examination" means a set of questions, problems, and other tests of knowledge conducted by an accredited examination provider for the purposes of testing individuals seeking certification or recertification as solid waste facility operators. (Solid Waste Management Division; 329 IAC 12-2-11.2; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-2-12 "Garbage" defined (Repealed)

Sec. 12. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-13 "Generating facility" defined (Repealed)

Sec. 13. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-14 "Generator" defined (Repealed)

Sec. 14. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-15 "Grading" defined (Repealed)

Sec. 15. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-16 "Ground water" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)
Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 16. "Ground water" has the meaning set forth in 329 IAC 10-2-85. (Solid Waste Management Division; 329 IAC 12-2-16; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1954; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-2-17 "Hazardous waste" defined (Repealed)

Sec. 17. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-18 "Incinerator" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)
Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 18. "Incinerator" has the meaning set forth in 329 IAC 11-2-16. (Solid Waste Management Division; 329 IAC 12-2-18; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1954; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); readopted filed Jun 14, 2019, 2:00 p.m.: [20190710-IR-329190249BFA](#))

329 IAC 12-2-19 "Industrial process waste" defined (Repealed)

Sec. 19. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-20 "Infectious waste" defined (Repealed)

Sec. 20. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-21 "Infectious waste incinerator" defined (Repealed)

Sec. 21. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-21.1 "Interim operator" defined

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 21.1. "Interim operator" means an individual:

(1) with responsibility for the daily operation of the facility; and

(2) that does not yet hold a current certificate issued by the commissioner.

(Solid Waste Management Division; 329 IAC 12-2-21.1; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 235; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); readopted filed Jun 14, 2019, 2:00 p.m.: [20190710-IR-329190249BFA](#))

329 IAC 12-2-22 "Legal description" defined (Repealed)

Sec. 22. *(Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)*

329 IAC 12-2-23 "New tire" defined (Repealed)

Sec. 23. *(Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)*

329 IAC 12-2-24 "On-site road" defined (Repealed)

Sec. 24. *(Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

329 IAC 12-2-25 "Open burning" defined (Repealed)

Sec. 25. *(Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)*

329 IAC 12-2-26 "Open dump" defined (Repealed)

Sec. 26. *(Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)*

329 IAC 12-2-27 "Operating personnel" defined (Repealed)

Sec. 27. *(Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

329 IAC 12-2-27.1 "Operator" defined

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 27.1. "Operator" means the person or persons responsible for the overall operation of a facility or part of a facility. *(Solid Waste Management Division; 329 IAC 12-2-27.1; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 236; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); readopted filed Jun 14, 2019, 2:00 p.m.: [20190710-IR-329190249BFA](#))*

329 IAC 12-2-27.2 "Owner" defined (Repealed)

Sec. 27.2. *(Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

329 IAC 12-2-28 "Passenger tire equivalent" or "PTE" defined (Repealed)

Sec. 28. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-29 "Person" defined (Repealed)

Sec. 29. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-30 "Pollution control waste" defined (Repealed)

Sec. 30. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-31 "Processing" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 31. "Processing" has the meaning set forth in 329 IAC 11-2-30. (Solid Waste Management Division; 329 IAC 12-2-31; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1956; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 236; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); readopted filed Jun 14, 2019, 2:00 p.m.: [20190710-IR-329190249BFA](#))

329 IAC 12-2-31.5 "Recertification" defined

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 31.5. "Recertification" means to renew a certificate for a certified operator meeting the applicable examination, training course, or continuing education requirements of this article. (Solid Waste Management Division; 329 IAC 12-2-31.5; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1480; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 236; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-2-32 "Recovery" defined (Repealed)

Sec. 32. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-33 "Registered professional engineer" defined (Repealed)

Sec. 33. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-34 "Remanufactured tire" defined (Repealed)

Sec. 34. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-35 "Residue" defined (Repealed)

Sec. 35. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-36 "Resource recovery" defined (Repealed)

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Sec. 36. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-37 "Retailer" defined (Repealed)

Sec. 37. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-38 "Salvaging" defined (Repealed)

Sec. 38. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-39 "Scavenging" defined (Repealed)

Sec. 39. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-40 "Shredded waste tire" defined (Repealed)

Sec. 40. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-41 "Site" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 41. "Site" means the land area on which the registered solid waste management activity is situated. (Solid Waste Management Division; 329 IAC 12-2-41; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1957; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); readopted filed Jun 14, 2019, 2:00 p.m.: [20190710-IR-329190249BFA](#))

329 IAC 12-2-42 "Sludge" defined (Repealed)

Sec. 42. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)

329 IAC 12-2-43 "Solid waste" defined (Repealed)

Sec. 43. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-44 "Solid waste facility" or "facility" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 44. "Solid waste facility" or "facility" has the meaning set forth in 329 IAC 10-2-69. (Solid Waste Management Division; 329 IAC 12-2-44; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1957; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-2-45 "Solid waste land disposal facility" defined (Repealed)

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Sec. 45. *(Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

329 IAC 12-2-46 "Solid waste management" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)
Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 46. "Solid waste management" has the meaning set forth in 329 IAC 11-2-42. *(Solid Waste Management Division; 329 IAC 12-2-46; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1957; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))*

329 IAC 12-2-47 "Solid waste processing facility" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)
Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 47. "Solid waste processing facility" has the meaning set forth in 329 IAC 11-2-43. *(Solid Waste Management Division; 329 IAC 12-2-47; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1958; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); readopted filed Jun 14, 2019, 2:00 p.m.: [20190710-IR-329190249BFA](#))*

329 IAC 12-2-48 "Special waste" defined *(Repealed)*

Sec. 48. *(Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)*

329 IAC 12-2-49 "Surface impoundment" defined *(Repealed)*

Sec. 49. *(Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

329 IAC 12-2-50 "Surface water" defined *(Repealed)*

Sec. 50. *(Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

329 IAC 12-2-51 "Tire" defined *(Repealed)*

Sec. 51. *(Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)*

329 IAC 12-2-51.5 "Training course" defined

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 51.5. "Training course" means a course conducted by an accredited training course provider for the purposes of providing solid waste facility operator training for recertification. *(Solid Waste Management Division; 329 IAC 12-2-51.5; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))*

329 IAC 12-2-52 "Transfer station" defined *(Repealed)*

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Sec. 52. (Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; errata filed Aug 5, 2016, 10:55 a.m.: [20160831-IR-329140111ACA](#))

329 IAC 12-2-53 "Transformed tire" defined (Repealed)

Sec. 53. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-54 "Vector" defined

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#); [IC 13-19-4-10](#)

Affected: [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 54. "Vector" has the meaning set forth in 329 IAC 11-2-48. (Solid Waste Management Division; 329 IAC 12-2-54; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1959; readopted filed Sep 7, 2001, 1:35 p.m.: 25 IR 237; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-2-55 "Washout" defined (Repealed)

Sec. 55. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-56 "Waste tire" defined (Repealed)

Sec. 56. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-57 "Waste tire processing operation" defined (Repealed)

Sec. 57. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-58 "Waste tire storage site" defined (Repealed)

Sec. 58. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-59 "Waste tire transporter" defined (Repealed)

Sec. 59. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-60 "Water pollution" defined (Repealed)

Sec. 60. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-61 "Waters" defined (Repealed)

Sec. 61. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

329 IAC 12-2-62 "Wholesaler" defined (Repealed)

Sec. 62. (Repealed by Solid Waste Management Division; filed Sep 7, 2001, 1:35 p.m.: 25 IR 239)

Rule 3. Exclusions

[329 IAC 12-3-1](#)

Exclusions; general

[329 IAC 12-3-2](#)

Exclusion; hazardous waste

329 IAC 12-3-1 Exclusions; general

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-20-10](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 1. The following solid waste management activities are not subject to the operator certification requirements under this article:

- (1) The operation of solid waste processing facilities permitted under 329 IAC 11, except incinerators and waste-to-energy facilities.
- (2) Land application activities regulated by 327 IAC 6.1 and 327 IAC 7.1.
- (3) Confined feeding control activities regulated by 327 IAC 15-16 and 327 IAC 19.
- (4) Wastewater discharge activities regulated by 327 IAC 5.
- (5) The operation of waste tire processing operations and storage sites registered under 329 IAC 15.
- (6) The operation of electronic waste storage and processing facilities registered under 329 IAC 16.
- (7) The operation of composting facilities registered under [IC 13-20-10](#).
- (8) The operation of biomass anaerobic digestion facilities and biomass gasification facilities registered under 329 IAC 11.5.
- (9) The operation of mobile home salvaging facilities registered under 329 IAC 11.6.
- (10) The operation of facilities that burn alternative fuel registered under 329 IAC 11.7.

(Solid Waste Management Division; 329 IAC 12-3-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1960; errata filed Dec 6, 1999, 9:41 a.m.: 23 IR 813; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; errata filed Aug 5, 2016, 10:55 a.m.: [20160831-IR-329140111ACA](#); readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-3-2 Exclusion; hazardous waste

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 2. Hazardous wastes are regulated by and shall be treated, stored, and disposed of in accordance with 329 IAC 3.1. Hazardous waste that is regulated by 329 IAC 3.1 is not subject to the provisions of this article. *(Solid Waste Management Division; 329 IAC 12-3-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1960; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))*

Rule 4. Collection Container Systems

[329 IAC 12-4-1](#)

Collection container systems

329 IAC 12-4-1 Collection container systems

Authority: [IC 13-14-8-7](#); [IC 13-15-2-1](#); [IC 13-19-3-1](#)

Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 1. (a) Collection container systems are subject to this rule.

(b) The operator of a collection container system shall file with the commissioner a notification that includes the following information:

- (1) A United States Geological Survey (USGS) topographical quadrangle map or maps, seven and one-half (7½) minute or equivalent, showing the collection container site or sites.
- (2) A brief narrative description of the proposed operation, including the following:
 - (A) Anticipated sources and quantities of the incoming solid waste.

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(B) Names and locations of all solid waste incinerators and solid waste land disposal facilities that must be the destination for waste from the collection containers.

(C) Frequency of collection container pickup for transport to the receiving facility.

(D) Procedures for controlling odors, fire, vectors, litter, and handling bulk waste at the site or sites.

(c) The operator of the collection container system shall comply with the operational requirements specified in the following:

(1) Solid waste must be confined to the designated storage, loading, and unloading areas of the site. The collection container system and adjacent areas must be maintained clean and litter free.

(2) The collection container system must be cleaned as necessary to prevent a nuisance or public health hazard.

(Solid Waste Management Division; 329 IAC 12-4-1; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1961; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); readopted filed Jun 14, 2019, 2:00 p.m.: [20190710-IR-329190249BFA](#))

Rule 5. Waste Tires (Repealed)

(Repealed by Solid Waste Management Division; filed Oct 10, 2000, 3:10 p.m.: 24 IR 333)

Rule 6. Disposition of Waste Tires (Repealed)

(Repealed by Solid Waste Management Division; filed Oct 10, 2000, 3:10 p.m.: 24 IR 333)

Rule 7. Solid Waste Facility Operator Certification

329 IAC 12-7-1	Applicability
329 IAC 12-7-2	General provisions
329 IAC 12-7-3	Examination for operator certification and recertification; classification and application
329 IAC 12-7-4	Certification; verification (Repealed)
329 IAC 12-7-5	Reciprocity
329 IAC 12-7-6	Operator recertification; expired certificate
329 IAC 12-7-6.5	Operator recertification; continuing education
329 IAC 12-7-7	Certificate revocation
329 IAC 12-7-8	Duplicate certificate

329 IAC 12-7-1 Applicability

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 1. (a) This rule applies to individuals responsible for operation until final closure certification of the following facilities in accordance with 329 IAC 10 or 329 IAC 11:

(1) Permitted solid waste incinerators and waste-to-energy facilities.

(2) Permitted municipal and nonmunicipal solid waste land disposal facilities.

(3) Permitted restricted waste sites and construction/demolition sites.

(b) An incinerator operator that complies with the training requirements in 326 IAC 11-7-5 is deemed a certified operator for the purposes of this rule if the incinerator:

(1) is defined under 329 IAC 11-2-16; and

(2) burns municipal solid waste.

(c) An operator of a permitted hazardous waste treatment, storage, and disposal facility that complies with the training requirements under 329 IAC 3.1-9 is deemed a certified operator for the purposes of this rule. *(Solid Waste Management Division; 329 IAC 12-7-1; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1481; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))*

329 IAC 12-7-2 General provisions

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 2. (a) Solid waste facilities described in section 1 of this rule must have at least one (1) interim or certified operator at the facility at all times when the facility is in operation. If the interim or certified operator is absent from the facility, the interim or certified operator must be available by electronic communication device or telephone.

(b) Except as provided in subsection (c) or (e), an individual shall not perform the duties of an operator unless that individual has a valid certificate from the commissioner.

(c) A solid waste facility may operate with an interim operator if the certified operator:

- (1) leaves employment at the facility; or
- (2) is unable to fulfill the duties of a certified operator.

(d) A solid waste facility must keep the following information for each interim operator in the operating record:

- (1) The name of the interim operator.
- (2) The date on which the interim operator was designated responsible for the operation of the facility.

(e) An interim operator designated under subsection (c) may serve for up to one hundred twenty (120) days after the:

- (1) departure of the certified operator; or
- (2) date the certified operator is unable to fulfill the duties of a certified operator.

(f) A request for an extension of the one hundred twenty (120) day time period may be made by:

- (1) submitting a written request for extension to the commissioner; and
- (2) providing an explanation of the reason the extension is being requested.

(g) The certified operator shall:

- (1) post the certificate in the office of the facility at which the individual is currently serving as a certified operator; and
- (2) make the certificate and a government-issued photographic identification available for inspection upon request by a department representative during an inspection.

(h) When an operator begins or terminates employment with a facility, the facility must notify the department in writing with the following information:

- (1) The name of the new or former operator.
- (2) The date that the new operator begins employment or the former operator terminates employment.

(Solid Waste Management Division; 329 IAC 12-7-2; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1481; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-7-3 Examination for operator certification and recertification; classification and application

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 3. (a) The commissioner shall issue a certificate to an individual who demonstrates the knowledge necessary to operate the appropriate type of solid waste facility through an examination for certification.

(b) Certificates are classified as follows:

- (1) Category I certification for operators of solid waste incinerators and waste-to-energy facilities.
- (2) Category II certification for operators of municipal and nonmunicipal solid waste land disposal facilities.
- (3) Category III certification for operators of restricted waste sites and construction/demolition sites.
- (4) Category IV certification for a specific facility.

(c) An individual certified to operate a Category II facility shall also be considered certified to operate a Category III facility.

(d) An individual certified to operate only a Category III or Category IV facility is not considered certified to operate a Category II facility and must obtain a separate certification for a Category II facility.

(e) An individual seeking certification by examination must complete an application on forms approved by the commissioner and provided by the accredited examination provider under 329 IAC 12-8. The application must include the following:

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- (1) The name of the individual seeking certification.
- (2) The name, full address, and telephone number of the facility at which the individual is currently serving as an operator, if applicable.
- (3) The type of facility at which the individual is currently serving as an operator, if applicable.
- (4) The category of certification sought by the applicant.
- (5) A statement to be signed by the individual seeking certification. The statement must read, "I certify under penalty of law that this document and all attachments are to the best of my knowledge true, accurate, and complete."
- (f) A certificate granted under subsection (a) is valid for three (3) years from the date of issuance.
- (g) With the application for certification, the individual may request an alternative expiration date that is not later than the date established in subsection (f).

(Solid Waste Management Division; 329 IAC 12-7-3; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1481; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1618; errata filed Mar 19, 2001, 10:31 a.m.: 24 IR 2470; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-7-4 Certification; verification (Repealed)

Sec. 4. *(Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

329 IAC 12-7-5 Reciprocity

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5. (a) An individual seeking certification who is certified as a solid waste facility operator by an accrediting organization in another state may be designated a certified operator for a facility that is comparable to the facility that the individual is certified to operate in another state.

(b) A request for a certificate from the commissioner may be made by submitting the following:

- (1) An application on forms approved by the commissioner.
- (2) A copy of a valid solid waste facility operator certification from an accrediting organization in another state.

(c) Upon receipt of a certificate from the commissioner, the individual seeking reciprocity may begin to operate a facility comparable to the facility for which certification was received from another state.

(d) A certificate issued under this section is valid for one (1) year from the date of issuance. *(Solid Waste Management Division; 329 IAC 12-7-5; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1482; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))*

329 IAC 12-7-6 Operator recertification; expired certificate

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 6. (a) A certified operator or an operator with an expired certification may recertify by completing the following:

(1) At least one (1) of the following recertification methods:

- (A) An examination conducted by an accredited examination provider under 329 IAC 12-8.
- (B) A training course of at least six (6) hours in duration conducted by an accredited training course provider under 329 IAC 12-9.
- (C) Continuing education in accordance with section 6.5 of this rule.

(2) An application in accordance with subsection (b).

(b) A certified operator seeking recertification shall complete an application on forms approved by the commissioner that

includes the following updated information:

- (1) The name of the individual seeking recertification.
- (2) The name, full address, and telephone number of the facility at which the individual is currently serving as certified operator, if applicable.
- (3) The type of facility at which the individual is currently serving as certified operator, if applicable.
- (4) The category of recertification sought by the individual.
- (5) A statement to be signed by the individual seeking recertification. The statement must read, "I certify under penalty of law that this document and all attachments are to the best of my knowledge true, accurate, and complete."
- (c) A certified operator must complete a recertification method in subsection (a)(1) within the three (3) years prior to the expiration date of the certificate.
 - (d) A certified operator that complies with subsections (a) through (c) is recertified for three (3) years from the:
 - (1) date of the most recently completed recertification method; or
 - (2) expiration date of the valid certificate if the operator completes a recertification method within the ninety (90) days prior to the expiration date of the certificate.
 - (e) With the application for recertification, the certified operator may request an alternative expiration date that is not later than the date determined in subsection (d).
 - (f) The commissioner may reissue a certificate to an operator with an expired certificate in accordance with the following:
 - (1) After the expiration of the certificate, the operator must complete any of the recertification methods in subsection (a).
 - (2) A certificate reissued under this subsection is valid for three (3) years from the date of reissuance.
 - (3) With the application for a reissued certificate, the operator may request an alternative expiration date that is not later than the date determined in subdivision (2).

(Solid Waste Management Division; 329 IAC 12-7-6; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1482; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1619; errata filed Mar 19, 2001, 10:31 a.m.: 24 IR 2470; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-7-6.5 Operator recertification; continuing education

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 6.5. A certified operator that seeks recertification through continuing education must complete ten (10) hours of continuing education as follows:

- (1) The ten (10) hours of continuing education must address six (6) or more of the topics specified in:
 - (A) 329 IAC 12-8-3.1(c)(2);
 - (B) 329 IAC 12-8-3.1(c)(3); and
 - (C) 329 IAC 12-9-3.1(b)(2).
- (2) A continuing education provider must have relevant experience or qualifications in the solid waste management industry, including:
 - (A) educational background;
 - (B) academic work;
 - (C) professional experience; or
 - (D) practical experience.
- (3) The operator must complete the ten (10) hours of continuing education within the three (3) years prior to the expiration date of the certificate.
- (4) The operator may not use more than one (1) instance of the same continuing education session for a recertification submittal.
- (5) The operator shall record and retain the following information about each continuing education session:
 - (A) Title of the session.
 - (B) Date of attendance at the session.

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- (C) Name, address, e-mail address, and telephone number of the continuing education provider.
- (D) Verification that the operator attended the session.
- (E) Length of the session in one-half (0.5) hour increments.
- (F) How the session addresses one (1) or more of the topics specified in:
 - (i) 329 IAC 12-8-3.1(c)(2);
 - (ii) 329 IAC 12-8-3.1(c)(3); and
 - (iii) 329 IAC 12-9-3.1(b)(2).
- (6) Prior to the expiration date of the certificate, the operator shall submit to the department:
 - (A) the information recorded in subdivision (5) on forms approved by the commissioner; and
 - (B) the application required in section 6(b) of this rule.
- (7) Upon review of the information submitted in accordance with subdivision (6), the commissioner shall:
 - (A) make a determination on the qualifications of the providers and eligibility of the operator for recertification; and
 - (B) recertify an operator that fulfills the requirements of this rule.

(Solid Waste Management Division; 329 IAC 12-7-6.5; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-32914011FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-7-7 Certificate revocation

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 7. (a) The commissioner may revoke a certificate under [IC 13-15-7](#) if the certified operator does any of the following:

(1) Violates:

- (A) 329 IAC 10, regarding operation of a solid waste facility;
- (B) 329 IAC 11, regarding incinerator operation; or
- (C) 329 IAC 12, regarding operator certification.

(2) Endangers human health, safety, or the environment by knowingly or intentionally violating operating procedures of a solid waste facility.

(3) Falsifies information provided to any of the following:

- (A) The department.
- (B) The commissioner.
- (C) An accredited examination provider.
- (D) An accredited training course provider.
- (E) A continuing education provider.

(4) Falsifies information on an extension request for interim status.

(b) When the commissioner revokes a certificate, the commissioner must establish a revocation time period of at least six (6) months.

(c) After the time period of revocation has expired, an operator with a revoked certificate must pass an examination to become certified, unless specified otherwise by the commissioner.

(d) The commissioner may permanently revoke a certificate:

- (1) for a violation under subsection (a)(2); or
- (2) if the certified operator has had more than one (1) revocation under this section.

(Solid Waste Management Division; 329 IAC 12-7-7; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1483; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-32914011FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-7-8 Duplicate certificate

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

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Sec. 8. In order to replace a certificate that has been lost or stolen, a certified operator must do the following:

- (1) Submit a request for a duplicate certificate to the commissioner.
- (2) Include a statement indicating the reason a duplicate certificate is needed.

(Solid Waste Management Division; 329 IAC 12-7-8; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1483; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); readopted filed Jun 14, 2019, 2:00 p.m.: [20190710-IR-329190249BFA](#); readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

Rule 8. Solid Waste Facility Operator Accredited Examination Provider Requirements

329 IAC 12-8-1	Applicability
329 IAC 12-8-2	Examination requirements (Repealed)
329 IAC 12-8-2.1	Examination providers; application for accreditation
329 IAC 12-8-3	Examination requirements for Category I certification (Repealed)
329 IAC 12-8-3.1	Examination requirements
329 IAC 12-8-4	Examination requirements for Category II certification (Repealed)
329 IAC 12-8-4.1	Verification of examination for certification and recertification
329 IAC 12-8-5	Examination requirements for Category III certification (Repealed)
329 IAC 12-8-6	Accredited examination providers; qualifications for accreditation (Repealed)
329 IAC 12-8-7	Accredited examination providers; application for accreditation (Repealed)
329 IAC 12-8-8	Reaccreditation for an accredited examination provider
329 IAC 12-8-9	Representation of an accredited examination provider
329 IAC 12-8-10	Accreditation revocation

329 IAC 12-8-1 Applicability

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 1. This rule applies to a person or an organization that provides an examination for the purpose of certifying or recertifying individuals under 329 IAC 12-7 and this rule. *(Solid Waste Management Division; 329 IAC 12-8-1; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1483; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))*

329 IAC 12-8-2 Examination requirements (Repealed)

Sec. 2. *(Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017)*

329 IAC 12-8-2.1 Examination providers; application for accreditation

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 2.1. (a) An examination provider must have a valid letter of accreditation from the commissioner to provide an examination for operator certification or recertification.

(b) A person or an organization seeking accreditation as an examination provider by the commissioner must submit an application on forms provided by the commissioner. Failure to submit a complete application may result in denial of accreditation.

(c) Upon submittal of a complete application, the commissioner shall:

- (1) make a determination on the eligibility of the applicant for accreditation; and
 - (2) issue a letter of accreditation to an applicant who meets the requirements of this rule.
- (d) A letter of accreditation is valid for three (3) years from the date of issuance.

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(e) If there is a change in the primary contact person, an accredited examination provider shall notify the department in writing of the change.

(f) An applicant or accredited examination provider must allow department representatives to take any examination, for the purposes of auditing, evaluating, and monitoring any examination without charge to the department. The department is not required to give advance notice of an audit. (*Solid Waste Management Division; 329 IAC 12-8-2.1; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#)*)

329 IAC 12-8-3 Examination requirements for Category I certification (*Repealed*)

Sec. 3. (*Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017*)

329 IAC 12-8-3.1 Examination requirements

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 3.1. (a) An examination must consist of at least fifty (50) multiple choice questions to demonstrate knowledge of the subject matter.

(b) An individual taking the examination must receive a score of at least seventy percent (70%) correct responses to receive certification or recertification.

(c) The examination must address the following subject matter:

(1) A Category I examination must include questions about the topics required in 326 IAC 11-7-5.

(2) A Category II, III, and IV examination must include questions that address each of the following topics:

(A) Waste generation, acceptance, screening, and handling.

(B) Landfill location restrictions and site selection.

(C) Landfill design and construction requirements.

(D) Landfill operational procedures, including:

(i) maintenance and monitoring requirements;

(ii) fire prevention and abatement;

(iii) leachate management; and

(iv) reporting and record keeping.

(E) Landfill storm water management.

(F) Landfill ground water monitoring and remediation.

(G) Management and disposal of certain solid waste specified in 329 IAC 10-8.2.

(H) Landfill closure and post-closure care requirements.

(I) Compliance with state and federal landfill regulatory requirements.

(3) In addition to the topics required in subdivision (2), the examination for each category must include questions that address the following category-specific topics:

(A) For a Category II examination, the following:

(i) Waste characteristics, composition, and sources of:

(AA) municipal solid waste;

(BB) nonmunicipal solid waste; and

(CC) industrial solid waste.

(ii) Landfill operational procedures for:

(AA) gas extraction system management; and

(BB) explosive gases monitoring.

(B) For a Category III examination, the following:

(i) Waste characteristics, composition, and sources of:

(AA) restricted waste; and

(BB) construction/demolition waste.

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- (ii) Landfill operational procedures for dust control.
- (C) For a Category IV examination, the following:
 - (i) The topics in clause (A) or (B), as applicable to the type of site.
 - (ii) Site-specific questions that address the topics applicable to the type of site for which the accredited provider developed the examination.
- (d) An individual may not use any of the following during an examination:
 - (1) Books.
 - (2) Notes.
 - (3) Charts.
 - (4) Any devices that can be used to record, transmit, receive, or play back the following content:
 - (A) Audio.
 - (B) Photographic.
 - (C) Text.
 - (D) Video.
- (e) Examinations developed by the accredited examination provider for the purpose of testing solid waste facility operators may not be shown or given to any person except for the following:
 - (1) The commissioner for approval under section 2.1 of this rule.
 - (2) The individual taking the examination during the time that the examination is administered.
- (f) An accredited examination provider shall provide verification of an examination to the department in accordance with section 4.1 of this rule.
- (g) An accredited examination provider may not use a changed examination without receiving prior approval from the commissioner. Before a change in the examination, an accredited examination provider shall:
 - (1) notify the department in writing of the change with an accompanying copy of the change; and
 - (2) receive approval from the commissioner.
- (h) An accredited examination provider shall send a written notice to the department with the location and time of the examinations:
 - (1) before January 1 of each year in which examinations are scheduled, if the information is available; or
 - (2) at least two (2) weeks in advance of the examination, if the information is not available before January 1 of each year.
- (i) An accredited examination provider shall send notice to the department at least two (2) weeks in advance of the examination if the:
 - (1) time or location of the examination changes; or
 - (2) examination is canceled.
- (j) An accredited examination provider shall provide to an operator taking an examination the application for:
 - (1) certification required in 329 IAC 12-7-3(e); or
 - (2) recertification required in 329 IAC 12-7-6(b).

(Solid Waste Management Division; 329 IAC 12-8-3.1; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-8-4 Examination requirements for Category II certification (*Repealed*)

Sec. 4. (*Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017*)

329 IAC 12-8-4.1 Verification of examination for certification and recertification

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

Affected: [IC 4-21.5-3-4](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 4.1. (a) Within two (2) weeks after each examination, an accredited provider shall submit to the department the following information for examination verification:

- (1) The complete application for all individuals taking the examination required in 329 IAC 12-7-3(e) or 329 IAC 12-7-6(b).

(2) The examination scores for all individuals taking the examination.

(b) The commissioner shall deny certification or recertification to an individual who:

(1) has a revoked certificate for which the time period of revocation has not lapsed; or

(2) failed to receive a passing score of at least seventy percent (70%) correct responses in accordance with section 3.1(b) of this rule.

(c) A denied certification may be appealed under [IC 4-21.5-3-4](#). (*Solid Waste Management Division; 329 IAC 12-8-4.1; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#)*)

329 IAC 12-8-5 Examination requirements for Category III certification (*Repealed*)

Sec. 5. (*Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017*)

329 IAC 12-8-6 Accredited examination providers; qualifications for accreditation (*Repealed*)

Sec. 6. (*Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017*)

329 IAC 12-8-7 Accredited examination providers; application for accreditation (*Repealed*)

Sec. 7. (*Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017*)

329 IAC 12-8-8 Reaccreditation for an accredited examination provider

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 8. (a) An accredited examination provider seeking reaccreditation by the commissioner shall:

(1) submit a complete application on forms provided by the commissioner at least sixty (60) days prior to the expiration date of a valid existing accreditation; and

(2) develop and submit with the application an updated examination in accordance with this rule and 329 IAC 12-7.

(b) Failure to submit a complete application within the time frame specified in subsection (a) may result in delay of a letter of reaccreditation.

(c) Upon submittal of a complete application, the commissioner shall:

(1) make a determination on reaccreditation; and

(2) issue a letter of reaccreditation to an applicant that meets the requirements of this rule.

(d) A letter of reaccreditation is valid for three (3) years from the date of issuance. (*Solid Waste Management Division; 329 IAC 12-8-8; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#)*)

329 IAC 12-8-9 Representation of an accredited examination provider

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 9. No person shall make a representation as an accredited examination provider for the purpose of certifying or recertifying an individual under 329 IAC 12-7 and this rule without being currently accredited by the commissioner under this rule. (*Solid Waste Management Division; 329 IAC 12-8-9; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR*

1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))

329 IAC 12-8-10 Accreditation revocation

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 4-21.5](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 10. (a) The commissioner may revoke the accreditation of an examination provider if the provider:

- (1) violates or fails to meet a requirement of this rule;
- (2) falsifies information on an application under section 2.1 of this rule to provide examinations for individuals taking the examination;
- (3) falsifies information about individuals taking the examination; or
- (4) fails to provide a quality examination based on documented and verified complaints registered with the commissioner or the department about an examination.

(b) A revocation may be appealed under [IC 4-21.5](#). (*Solid Waste Management Division; 329 IAC 12-8-10; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))*

Rule 9. Solid Waste Facility Operator Accredited Training Course Provider Requirements

329 IAC 12-9-1	Applicability
329 IAC 12-9-2	Accredited training course requirements for recertification (Repealed)
329 IAC 12-9-2.1	Training course providers; application for accreditation
329 IAC 12-9-3	Accredited training course providers; qualifications for accreditation (Repealed)
329 IAC 12-9-3.1	Training course requirements for recertification
329 IAC 12-9-4	Accredited training course providers; application for accreditation (Repealed)
329 IAC 12-9-4.1	Verification of training course completion for recertification
329 IAC 12-9-5	Reaccreditation for an accredited training course provider
329 IAC 12-9-6	Representation of an accredited training course provider
329 IAC 12-9-7	Accreditation revocation

329 IAC 12-9-1 Applicability

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 1. This rule applies to a person or an organization that provides a training course for the purpose of recertifying individuals under 329 IAC 12-7 and this rule. (*Solid Waste Management Division; 329 IAC 12-9-1; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1487; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))*

329 IAC 12-9-2 Accredited training course requirements for recertification (Repealed)

Sec. 2. (*Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017*)

329 IAC 12-9-2.1 Training course providers; application for accreditation

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

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Sec. 2.1. (a) A training course provider must have a valid letter of accreditation from the commissioner to provide a training course for operator recertification.

(b) A person or an organization seeking accreditation as a training course provider by the commissioner shall submit an application on forms provided by the commissioner. Failure to submit a complete application may result in denial of accreditation.

(c) Upon submittal of a complete application, the commissioner shall:

- (1) make a determination on the eligibility of the applicant for accreditation; and
- (2) issue a letter of accreditation to an applicant who meets the requirements of this rule.

(d) A letter of accreditation is valid for three (3) years from the date of issuance.

(e) An accredited training course provider shall notify the department in writing of a change in:

- (1) instructional staff, including a copy of the required information on new instructional staff; or
- (2) primary contact person, including a copy of the required information for the new contact.

(f) An applicant or accredited training course provider must allow department representatives to attend, for purposes of auditing, evaluating, and monitoring, any training course without charge to the department. The department is not required to give advance notice of an audit.

(g) An accredited training course provider may use subcontractors to conduct training courses if the commissioner approves the use of subcontractors before the courses are provided. (*Solid Waste Management Division; 329 IAC 12-9-2.1; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#)*)

329 IAC 12-9-3 Accredited training course providers; qualifications for accreditation (*Repealed*)

Sec. 3. (*Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017*)

329 IAC 12-9-3.1 Training course requirements for recertification

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

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

Sec. 3.1. (a) Training courses are classified as follows:

- (1) Category I recertification training course for operators of solid waste incinerators and waste-to-energy facilities.
- (2) Category II recertification training course for operators of municipal and nonmunicipal solid waste land disposal facilities.
- (3) Category III recertification training course for operators of restricted waste sites and construction/demolition sites.
- (4) Category IV recertification training course for a specific facility.

(b) The training course must provide a minimum of six (6) hours of instruction and include:

- (1) topics for the appropriate category of solid waste facility operation as specified in 329 IAC 12-8-3.1(c); and
- (2) updates on:

- (A) applicable Indiana legislation and regulations;
- (B) applicable department policy;
- (C) new or improved technologies;
- (D) changes to processes; and
- (E) industry trends.

(c) An accredited training course provider shall provide verification of training to the department in accordance with section 4.1 of this rule.

(d) An accredited training course provider may not change the course curriculum without receiving prior approval from the commissioner. Before a change in the course curriculum, a course provider shall:

- (1) notify the department in writing of the change with an accompanying copy of the change; and
- (2) receive approval from the commissioner.

(e) An accredited training course provider shall send a written notice to the department with the location and time of the training course:

- (1) before January 1 of each year in which training courses are scheduled, if the information is available; or
- (2) at least two (2) weeks in advance of the training course, if the information is not available before January 1 of each year.

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(f) An accredited training course provider shall send notice to the department at least two (2) weeks in advance of the training course if the:

- (1) time or location of the training course changes; or
- (2) training course is canceled.

(g) An accredited training course provider shall provide to an operator attending a training course the application for recertification required in 329 IAC 12-7-6(b). (*Solid Waste Management Division; 329 IAC 12-9-3.1; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; errata filed Aug 5, 2016, 10:55 a.m.: [20160831-IR-329140111ACA](#); readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#)*)

329 IAC 12-9-4 Accredited training course providers; application for accreditation (*Repealed*)

Sec. 4. (*Repealed by Solid Waste Management Division; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017*)

329 IAC 12-9-4.1 Verification of training course completion for recertification

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 4-21.5-3-4](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 4.1. (a) Within two (2) weeks after each training course, an accredited training course provider must submit to the department the complete application required in 329 IAC 12-7-6(b) for all individuals trained in the course.

(b) The commissioner shall deny recertification to an individual that has a revoked certification for which the time period of revocation has not lapsed.

(c) A denied certification may be appealed under [IC 4-21.5-3-4](#). (*Solid Waste Management Division; 329 IAC 12-9-4.1; filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#)*)

329 IAC 12-9-5 Reaccreditation for an accredited training course provider

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 5. (a) An accredited training course provider seeking reaccreditation by the commissioner shall:

- (1) submit a complete application on forms provided by the commissioner at least sixty (60) days prior to the expiration date of a valid existing accreditation; and
- (2) develop and submit with the application an updated training course in accordance with this rule.

(b) Failure to submit a complete application within the time frame specified in subsection (a) may result in delay of a letter of reaccreditation.

(c) Upon submittal of a complete application, the commissioner shall:

- (1) make a determination on reaccreditation; and
- (2) issue a letter of reaccreditation to an applicant that meets the requirements of this rule.

(d) A letter of reaccreditation is valid for three (3) years from the date of issuance. (*Solid Waste Management Division; 329 IAC 12-9-5; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1488; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#)*)

329 IAC 12-9-6 Representation of an accredited training course provider

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)
Affected: [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 6. No person shall conduct a training course for the purpose of certifying or recertifying an individual under 329 IAC 12-7

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and this rule without being currently accredited as a training course provider by the commissioner under this rule. (*Solid Waste Management Division; 329 IAC 12-9-6; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1489; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))*

329 IAC 12-9-7 Accreditation revocation

Authority: [IC 13-14-8](#); [IC 13-15-10-4](#); [IC 13-19-3-1](#)

Affected: [IC 4-21.5](#); [IC 13-15-10](#); [IC 36-9-30](#)

Sec. 7. (a) The commissioner may revoke the accreditation of a training course provider if the provider:

- (1) violates or fails to meet a requirement of this rule;
- (2) falsifies information on an application under section 2.1 of this rule to provide training courses for operators;
- (3) falsifies certified operator information; or
- (4) fails to provide a quality course based on an audit by department personnel.

(b) A revocation may be appealed under [IC 4-21.5](#). (*Solid Waste Management Division; 329 IAC 12-9-7; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1489; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; readopted filed May 14, 2007, 1:53 p.m.: [20070523-IR-329070138BFA](#); readopted filed Jul 29, 2013, 9:20 a.m.: [20130828-IR-329130179BFA](#); filed Aug 1, 2016, 3:41 p.m.: [20160831-IR-329140111FRA](#), eff Jan 1, 2017; readopted filed May 12, 2023, 1:06 p.m.: [20230607-IR-329230082BFA](#))*

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