

# ARTICLE 15. WASTE TIRE MANAGEMENT

<a href="#">Rule 1.</a>	General Provisions
<a href="#">Rule 2.</a>	Definitions
<a href="#">Rule 3.</a>	Waste Tire Storage Sites and Waste Tire Processing Operations
<a href="#">Rule 4.</a>	Waste Tire Transporters
<a href="#">Rule 5.</a>	Financial Assurance
<a href="#">Rule 6.</a>	Legitimate Use of Waste Tires

## Rule 1. General Provisions

<a href="#">329 IAC 15-1-1</a>	Applicability
<a href="#">329 IAC 15-1-2</a>	Enforcement
<a href="#">329 IAC 15-1-3</a>	Penalties (Repealed)
<a href="#">329 IAC 15-1-4</a>	Variances

### 329 IAC 15-1-1 Applicability

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#); [IC 13-20-14-6](#)  
Affected: [IC 13-11-2](#); [IC 13-20-13-1](#); [IC 13-20-14-4](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 1. (a) This article applies to the following:

- (1) A waste tire processing operation as defined in [IC 13-11-2-250.5](#).
- (2) A waste tire storage site as defined in [IC 13-11-2-251](#).
- (3) A waste tire transporter as defined in [IC 13-11-2-252](#).

(4) A mobile waste tire processing operation as defined in 329 IAC 15-2-4.8.

(5) A person that uses waste tires in a legitimate use, instead of disposal, in accordance with the requirements for the legitimate use of waste tires at 329 IAC 15-6.

(6) Other sources of waste tires.

(b) Except under subsection (c), the provisions of 329 IAC 15-3 concerning waste tire storage site and waste tire processing operation certificates of registration do not apply to the facilities and activities described in [IC 13-20-13-1](#)(b).

(c) A local government or solid waste management district (SWMD) shall comply with the following requirements to conduct a waste tire amnesty day:

(1) The local government or SWMD shall submit written notice to the department at least thirty (30) days in advance of each amnesty day that includes the following information:

(A) Date of the amnesty day.

(B) Location of the amnesty day.

(C) Name of the local government or SWMD sponsoring the amnesty program.

(D) Destination for processing and disposal of the waste tires.

(E) If subdivision (2) is applicable, the written consent of the property owner or the property owner's authorized representative.

(2) If the local government or SWMD sponsoring a waste tire amnesty day does not own the property where the waste tires are collected or processed, the local government or SWMD shall obtain the written consent of the property owner or the property owner's authorized representative to use the property.

(3) Waste tires must be transported from the property by one (1) or more of the following:

(A) A person designated by the local government or SWMD to transport waste tires in accordance with this subdivision.

(B) A registered waste tire transporter.

(4) Waste tires must be collected and processed by one (1) or more of the following:

(A) A person designated by the local government or SWMD to collect and process waste tires in accordance with this subdivision.

(B) A registered waste tire processing operation.

(C) A registered mobile waste tire processing operation.

(5) All waste tires must be processed or disposed within sixty (60) days after collection in accordance with the following:

(A) This article.

(B) [IC 13-20-14-4](#).

(C) 329 IAC 10.

(6) The local government or SWMD may administer the waste tire amnesty program for not more than sixty (60) days in each calendar year, unless the commissioner has approved a longer period in writing.

*(Solid Waste Management Division; 329 IAC 15-1-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 317; errata filed Sep 8, 2004, 3:30 p.m.: 28 IR 214; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

### 329 IAC 15-1-2 Enforcement

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#); [IC 13-20-14-6](#)

Affected: [IC 13-14-2-6](#); [IC 13-14-10](#); [IC 13-20-13-5.5](#); [IC 13-20-13-13](#); [IC 13-20-14](#); [IC 13-30-3](#); [IC 36-9-30-35](#)

Sec. 2. This article is enforced under the following:

(1) [IC 13-14-2-6](#).

(2) [IC 13-14-10](#).

(3) [IC 13-20-13-5.5](#).

(4) [IC 13-20-13-13](#).

(5) [IC 13-20-14-5.6](#).

(6) [IC 13-20-14-7](#).

(7) [IC 13-20-14-8](#).

(8) [IC 13-30-3](#).

(9) [IC 36-9-30-35](#).

*(Solid Waste Management Division; 329 IAC 15-1-2; filed Oct 10, 2000, 3:10 p.m.: 24 IR 318; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

### 329 IAC 15-1-3 Penalties (Repealed)

Sec. 3. *(Repealed by Solid Waste Management Division; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

### 329 IAC 15-1-4 Variances

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#); [IC 13-20-14-6](#)

Affected: [IC 13-14-8-8](#); [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 [IC 13-14-8-8](#). *(Solid Waste Management Division; 329 IAC 15-1-4; filed Oct 10, 2000, 3:10 p.m.: 24 IR 318; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#))*

## Rule 2. Definitions

[329 IAC 15-2-1](#)

Applicability

[329 IAC 15-2-2](#)

"Altered waste tire" defined (Repealed)

[329 IAC 15-2-2.1](#)

"Altered waste tire" defined

[329 IAC 15-2-3](#)

"Customer" defined (Repealed)

[329 IAC 15-2-4](#)

"Disease vectors" defined

[329 IAC 15-2-4.2](#)

"Electronic format" defined

[329 IAC 15-2-4.4](#)

"Financial assurance" defined

[329 IAC 15-2-4.8](#)

"Mobile waste tire processing operation" defined

[329 IAC 15-2-5](#)

"Nuisance" defined

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WASTE TIRE MANAGEMENT

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<a href="#">329 IAC 15-2-5.5</a>	"Ongoing legitimate use approval" defined
<a href="#">329 IAC 15-2-6</a>	"Operator" defined
<a href="#">329 IAC 15-2-7</a>	"Owner" defined
<a href="#">329 IAC 15-2-8</a>	"Passenger tire equivalent" or "PTE" defined (Repealed)
<a href="#">329 IAC 15-2-9</a>	"Remanufactured tire" defined (Repealed)
<a href="#">329 IAC 15-2-9.5</a>	"Retailer" defined (Repealed)
<a href="#">329 IAC 15-2-10</a>	"Run-off" defined
<a href="#">329 IAC 15-2-11</a>	"Storage" defined (Repealed)
<a href="#">329 IAC 15-2-12</a>	"Transformed tire" defined (Repealed)
<a href="#">329 IAC 15-2-13</a>	"Used tire" defined
<a href="#">329 IAC 15-2-13.2</a>	"Waste tire" defined
<a href="#">329 IAC 15-2-13.3</a>	"Waste tire processing operation" defined
<a href="#">329 IAC 15-2-13.4</a>	"Waste tire storage site" defined
<a href="#">329 IAC 15-2-13.5</a>	"Waste tire transporter" defined
<a href="#">329 IAC 15-2-14</a>	"Wholesaler" defined (Repealed)
<a href="#">329 IAC 15-2-15</a>	"Whole waste tire" defined

**329 IAC 15-2-1 Applicability**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#); [IC 13-20-14-6](#)

Affected: [IC 13-11-2](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 1. In addition to the definitions in [IC 13-11-2](#), the definitions in this rule apply throughout this article. (*Solid Waste Management Division*; 329 IAC 15-2-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 318; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

**329 IAC 15-2-2 "Altered waste tire" defined (Repealed)**

Sec. 2. (*Repealed by Solid Waste Management Division*; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#))

**329 IAC 15-2-2.1 "Altered waste tire" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 2.1. "Altered waste tire" means a waste tire that is modified by:

- (1) shredding;
- (2) chopping;
- (3) cutting;
- (4) drilling with holes;
- (5) grinding; or
- (6) any other method that changes the physical form of the waste tire.

(*Solid Waste Management Division*; 329 IAC 15-2-2.1; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

**329 IAC 15-2-3 "Customer" defined (Repealed)**

Sec. 3. (*Repealed by Solid Waste Management Division*; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#))

**329 IAC 15-2-4 "Disease vectors" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 4. "Disease vectors" means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting micro-organisms and disease to humans and other animals. (*Solid Waste Management Division; 329 IAC 15-2-4; filed Oct 10, 2000, 3:10 p.m.: 24 IR 318; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#)*)

**329 IAC 15-2-4.2 "Electronic format" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 4.2. "Electronic format" means one (1) or more of the following types of electronic media used for information or documents:

- (1) Compact disc or digital video disc.
- (2) Electronic mail or electronic mail attachments.
- (3) File transfer protocol.
- (4) Hypertext transfer protocol.
- (5) Other electronic media approved by the department.

(*Solid Waste Management Division; 329 IAC 15-2-4.2; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

**329 IAC 15-2-4.4 "Financial assurance" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 4.4. "Financial assurance" means a surety bond, trust fund, letter of credit, certificate of deposit, or insurance acquired by the owner or operator of the registered facility in an amount sufficient to provide for final closure at the registered facility in accordance with 329 IAC 15-3-21. (*Solid Waste Management Division; 329 IAC 15-2-4.4; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

**329 IAC 15-2-4.8 "Mobile waste tire processing operation" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 4.8. "Mobile waste tire processing operation" means an operation that processes waste tires at more than one (1) location on a temporary basis on property that is not owned, leased, or otherwise operated by the operation. (*Solid Waste Management Division; 329 IAC 15-2-4.8; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

**329 IAC 15-2-5 "Nuisance" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 5. "Nuisance" means one (1) or more of the following:

- (1) Fugitive dust as defined at 326 IAC 6-4-1.
- (2) Disease vectors.
- (3) Uncontrolled litter.
- (4) Odors.
- (5) Fire.
- (6) Fire hazard, as evidenced by an order from the state fire marshal that the property is not in compliance with the Indiana Fire Code as adopted by the fire prevention and building safety commission at 675 IAC 22.

(*Solid Waste Management Division; 329 IAC 15-2-5; filed Oct 10, 2000, 3:10 p.m.: 24 IR 319; errata filed Oct 23, 2000, 9:50 a.m.: 24 IR 688; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42*)

a.m.: [20221228-IR-329170279FRA](#))

**329 IAC 15-2-5.5 "Ongoing legitimate use approval" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 5.5. "Ongoing legitimate use approval" means a determination by the commissioner that allows for the continuous or regular processing of waste tires for a legitimate use approved under 329 IAC 15-6. (*Solid Waste Management Division; 329 IAC 15-2-5.5; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

**329 IAC 15-2-6 "Operator" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 6. "Operator" means the person or persons responsible for the operation of all or part of a waste tire storage site or waste tire processing operation. (*Solid Waste Management Division; 329 IAC 15-2-6; filed Oct 10, 2000, 3:10 p.m.: 24 IR 319; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#)*)

**329 IAC 15-2-7 "Owner" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 7. "Owner" means the person that owns all or part of a waste tire storage site or waste tire processing operation. (*Solid Waste Management Division; 329 IAC 15-2-7; filed Oct 10, 2000, 3:10 p.m.: 24 IR 319; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); errata filed Feb 16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#)*)

**329 IAC 15-2-8 "Passenger tire equivalent" or "PTE" defined (Repealed)**

Sec. 8. (*Repealed by Solid Waste Management Division; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#)*)

**329 IAC 15-2-9 "Remanufactured tire" defined (Repealed)**

Sec. 9. (*Repealed by Solid Waste Management Division; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#)*)

**329 IAC 15-2-9.5 "Retailer" defined (Repealed)**

Sec. 9.5. (*Repealed by Solid Waste Management Division; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

**329 IAC 15-2-10 "Run-off" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 10. "Run-off" means any water or other liquid that drains over land from any part of the waste tire storage site or waste tire processing operation. (*Solid Waste Management Division; 329 IAC 15-2-10; filed Oct 10, 2000, 3:10 p.m.: 24 IR 319; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#)*)

**329 IAC 15-2-11 "Storage" defined (Repealed)**

Sec. 11. (Repealed by Solid Waste Management Division; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#))

**329 IAC 15-2-12 "Transformed tire" defined (Repealed)**

Sec. 12. (Repealed by Solid Waste Management Division; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#))

**329 IAC 15-2-13 "Used tire" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 13. "Used tire" means a tire that meets all of the following criteria:

(1) The tire is suitable for use on a motor vehicle as follows:

(A) The tire has two thirty-seconds ( $\frac{2}{32}$ ) inch of remaining tread, or the tire wear bars are not exposed.

(B) The tire has no cuts, slashes, or exposed cord.

(2) The tire is stored in a rack, stack, or row.

(3) The tire is stored out of the weather to prevent accumulation of water or precipitation in the tires.

(Solid Waste Management Division; 329 IAC 15-2-13; filed Oct 10, 2000, 3:10 p.m.: 24 IR 319; errata filed Oct 23, 2000, 9:50 a.m.: 24 IR 688; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#))

**329 IAC 15-2-13.2 "Waste tire" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

Affected: [IC 13-11-2-250](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 13.2. (a) "Waste tire", as defined in [IC 13-11-2-250](#), means a tire that is not suitable for the tire's original purpose.

(b) A used tire that meets all criteria in section 13 of this rule is not a waste tire. (Solid Waste Management Division; 329 IAC 15-2-13.2; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#))

**329 IAC 15-2-13.3 "Waste tire processing operation" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

Affected: [IC 13-11-2-250.5](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 13.3. "Waste tire processing operation", as defined in [IC 13-11-2-250.5](#), means an operation that processes waste tires by cutting, shredding, or grinding. The term does not include a retail operation that cuts or shreds waste tires generated by the retail operation. (Solid Waste Management Division; 329 IAC 15-2-13.3; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#))

**329 IAC 15-2-13.4 "Waste tire storage site" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

Affected: [IC 13-11-2-251](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 13.4. "Waste tire storage site", as defined in [IC 13-11-2-251](#), means a site at which at least:

(1) one thousand (1,000) waste tires are accumulated outdoors or within a structure that is not completely enclosed; or

(2) two thousand (2,000) waste tires are accumulated indoors within a completely enclosed structure.

(Solid Waste Management Division; 329 IAC 15-2-13.4; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#))

**329 IAC 15-2-13.5 "Waste tire transporter" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)  
Affected: [IC 13-11-2-252](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 13.5. "Waste tire transporter", as defined in [IC 13-11-2-252](#), means a person that engages in the business of:  
(1) accepting waste tires from retailers; and  
(2) transporting the waste tires to one (1) or more other locations.

*(Solid Waste Management Division; 329 IAC 15-2-13.5; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); errata filed Feb 16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#))*

**329 IAC 15-2-14 "Wholesaler" defined (Repealed)**

Sec. 14. *(Repealed by Solid Waste Management Division; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

**329 IAC 15-2-15 "Whole waste tire" defined**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)  
Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 15. "Whole waste tire" means a waste tire that is not an altered waste tire or a material derived from waste tires. *(Solid Waste Management Division; 329 IAC 15-2-15; filed Oct 10, 2000, 3:10 p.m.: 24 IR 320; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#))*

**Rule 3. Waste Tire Storage Sites and Waste Tire Processing Operations**

<a href="#">329 IAC 15-3-1</a>	Applicability
<a href="#">329 IAC 15-3-2</a>	Requirements for waste tire storage sites
<a href="#">329 IAC 15-3-3</a>	Registration of waste tire storage sites
<a href="#">329 IAC 15-3-4</a>	Fees for waste tire storage sites and processing operations
<a href="#">329 IAC 15-3-5</a>	Requirements for waste tire processing operations
<a href="#">329 IAC 15-3-6</a>	Registration of waste tire processing operations
<a href="#">329 IAC 15-3-6.5</a>	Mobile waste tire processing operations (Repealed)
<a href="#">329 IAC 15-3-7</a>	Fees for waste tire processing operations (Repealed)
<a href="#">329 IAC 15-3-7.5</a>	Waste tire processing operations that accumulate 1,000 or more waste tires (Repealed)
<a href="#">329 IAC 15-3-8</a>	Approval of application for certificate of registration
<a href="#">329 IAC 15-3-9</a>	Conditions included in a certificate of registration (Repealed)
<a href="#">329 IAC 15-3-10</a>	Denial of certificate of registration
<a href="#">329 IAC 15-3-11</a>	Revocation or modification of a certificate of registration
<a href="#">329 IAC 15-3-12</a>	Duration of a certificate of registration
<a href="#">329 IAC 15-3-13</a>	Transferability of a certificate of registration and new owner or operator of a facility
<a href="#">329 IAC 15-3-14</a>	Renewal
<a href="#">329 IAC 15-3-15</a>	Annual submittals by a waste tire storage site
<a href="#">329 IAC 15-3-16</a>	Updating contact information in the registration
<a href="#">329 IAC 15-3-17</a>	Waste tire operational requirements
<a href="#">329 IAC 15-3-18</a>	Contingency plan
<a href="#">329 IAC 15-3-18.5</a>	Contingency plan for mobile waste tire processing operations
<a href="#">329 IAC 15-3-19</a>	Emergency response coordinator
<a href="#">329 IAC 15-3-20</a>	Record keeping and reporting
<a href="#">329 IAC 15-3-20.5</a>	PTE inventory record
<a href="#">329 IAC 15-3-21</a>	Final closure

### 329 IAC 15-3-1 Applicability

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)  
Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 1. This rule applies to owners and operators of waste tire storage sites and waste tire processing operations. (*Solid Waste Management Division; 329 IAC 15-3-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 320; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA; readopted filed Jul 18, 2012, 2:26 p.m.: 20120815-IR-329120206BFA; readopted filed Jun 6, 2018, 1:57 p.m.: 20180704-IR-329180170BFA*)

### 329 IAC 15-3-2 Requirements for waste tire storage sites

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)  
Affected: [IC 13-11-2-251](#); [IC 13-20-13](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 2. (a) The owner or operator of a waste tire storage site shall comply with:

- (1) [IC 13-20-13-2](#);
- (2) [IC 13-20-13-3](#);
- (3) [IC 13-20-13-4](#); and
- (4) the applicable requirements of this article.

(b) If the owner or operator of a registered waste tire storage site has less than the amount of PTEs specified in [IC 13-11-2-251](#) on-site, the owner or operator shall either:

- (1) maintain compliance with subsection (a) at all times; or
- (2) complete closure in accordance with section 21 of this rule and forfeit the certificate of registration for the waste tire storage site.

(c) If a person without a certificate of registration to operate a waste tire storage site accumulates at least the amount of PTEs specified in [IC 13-11-2-251](#), the person shall either:

- (1) apply for a certificate of registration in accordance with this rule; or
- (2) remove and properly dispose of waste tires so the amount of PTEs on-site does not exceed the amount specified in [IC 13-11-2-251](#).

(*Solid Waste Management Division; 329 IAC 15-3-2; filed Oct 10, 2000, 3:10 p.m.: 24 IR 320; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA; readopted filed Jul 18, 2012, 2:26 p.m.: 20120815-IR-329120206BFA; readopted filed Jun 6, 2018, 1:57 p.m.: 20180704-IR-329180170BFA; filed Nov 28, 2022, 10:42 a.m.: 20221228-IR-329170279FRA; errata filed Feb 16, 2023, 10:18 a.m.: 20230222-IR-329230072ACA*)

### 329 IAC 15-3-3 Registration of waste tire storage sites

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)  
Affected: [IC 13-14-13](#); [IC 13-20-21-3](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 3. (a) An application for a certificate of registration for a waste tire storage site must:

- (1) be submitted on a form provided by the department;
- (2) contain all information requested on the form, as specified in subsection (b); and
- (3) include the application fee required under section 4 of this rule.

(b) The following must be submitted with the application form for a certificate of registration for a waste tire storage site:

- (1) The name, address, and contact information of the owner or operator of the waste tire storage site.
- (2) A United States Geological Survey (USGS) seven and one-half (7 1/2) minute topographic map or equivalent that shows the boundaries of the waste tire storage site.
- (3) A legible map of the waste tire storage site on paper not less than eight and one-half (8 1/2) inches by eleven (11) inches in size that includes the following:
  - (A) Property boundaries.
  - (B) On-site buildings.
  - (C) Location, maximum length, maximum width, and maximum height of each waste tire storage area.



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WASTE TIRE MANAGEMENT

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- (D) Separation distances between waste tire storage areas and the following:
  - (i) Buildings.
  - (ii) Fences.
  - (iii) Property boundaries.
  - (iv) Other waste tire storage areas.
  - (v) Other accumulated materials that may:
    - (AA) be a fire hazard; or
    - (BB) restrict access to the waste tires.
- (E) A scale ratio.
- (F) An arrow to true north.
- (4) A description of the following:
  - (A) Buildings, signs, notices, and alarms to be used for management of waste tires at the facility.
  - (B) The program that will be used to manage waste tires at the facility, including the following:
    - (i) The anticipated sources and amounts of incoming waste tires in PTEs.
    - (ii) The names and locations of the anticipated destinations of the waste tires.
    - (iii) The maximum number of waste tires in PTEs that may be stored at the site at any time.
    - (iv) The method and schedule for the following:
      - (AA) Draining incoming waste tires.
      - (BB) Preventing waste tires from accumulating water.
- (5) The contingency plan required by section 18 of this rule.
- (6) The closure cost estimate required by 329 IAC 15-5-3.
- (7) Evidence of the financial assurance mechanism to be used to comply with the financial assurance requirements in 329 IAC 15-5.
- (8) A plan for compliance with the waste tire management requirements specified in section 17 of this rule.
- (c) If the application is for a location not owned by the applicant, the application must include the signature of the person that owns the property on which the waste tire storage site is located.
- (d) The applicant for a certificate of registration for a waste tire storage site shall submit to the fire department with jurisdiction over the waste tire storage site a copy of the:
  - (1) completed application; and
  - (2) contingency plan required by section 18 of this rule.
- (e) A separate certificate of registration is required for each waste tire storage site.
- (f) A new certificate of registration is required for a waste tire storage site that is relocated.
- (g) An application for a certificate of registration must be submitted as a paper copy unless the commissioner makes a determination that a copy in an electronic format as prescribed by the commissioner and in accordance with [IC 13-14-13](#) is sufficient.
- (h) Registration under this rule does not guarantee that a waste tire storage site complies with other applicable:
  - (1) county or local ordinances; or
  - (2) state rules or statutes.

*(Solid Waste Management Division; 329 IAC 15-3-3; filed Oct 10, 2000, 3:10 p.m.: 24 IR 320; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Feb 16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#))*

**329 IAC 15-3-4 Fees for waste tire storage sites and processing operations**

Authority: [IC 13-16](#); [IC 13-19-3-1](#); [IC 13-20-13-11](#)

Affected: [IC 13-20-21](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 4. The owner or operator of a waste tire storage site or processing operation shall pay the following fees:

	Fee
Storage Site Registration	\$500
Processing Operation Registration	\$200

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WASTE TIRE MANAGEMENT

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Storage Site Annual Fee	\$860
Processing Operation Registration Renewal	\$200

*(Solid Waste Management Division; 329 IAC 15-3-4; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed May 9, 2022, 10:17 a.m.: [20220608-IR-329200024FRA](#))*

**329 IAC 15-3-5 Requirements for waste tire processing operations**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

Affected: [IC 13-11-2-251](#); [IC 13-20-13](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 5. (a) The owner or operator of a waste tire processing operation shall comply with:

- (1) [IC 13-20-13-2](#);
- (2) [IC 13-20-13-3](#);
- (3) [IC 13-20-13-4](#); and

(4) the applicable requirements of this article.

(b) If a waste tire processing operation accumulates at least the amount of PTEs specified in [IC 13-11-2-251](#), including all PTEs as calculated under section 20.5 of this rule, the owner or operator shall:

- (1) register as a waste tire storage site; and
- (2) comply with all applicable requirements for a waste tire storage site under this article.

(c) A waste tire processing operation that is under contract to the department to process waste tires is registered for the purposes of this article as long as the waste tire processing operation complies with the terms of the contract.

(d) A waste tire processing operation that also operates as a mobile waste tire processing operation may operate under a single registration by complying with the applicable requirements of section 6 of this rule. *(Solid Waste Management Division; 329 IAC 15-3-5; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Feb 16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#))*

**329 IAC 15-3-6 Registration of waste tire processing operations**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

Affected: [IC 13-11-2-251](#); [IC 13-14-13](#); [IC 13-20-21-3](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 6. (a) An application for a certificate of registration for a waste tire processing operation must:

- (1) be completed on a form provided by the department;
- (2) contain all information requested on the form, as specified in subsection (b); and
- (3) include the application fee required under section 4 of this rule.

(b) The following must be submitted with the application form for a certificate of registration for a waste tire processing operation:

- (1) The name, address, and contact information of the owner or operator of the waste tire processing operation.
- (2) A United States Geological Survey seven and one-half (7 1/2) minute topographic map or equivalent that shows the boundaries of the waste tire processing operation.
- (3) A legible map of the waste tire processing operation on paper not less than eight and one-half (8 1/2) inches by eleven (11) inches in size that includes the following:
  - (A) Property boundaries.
  - (B) On-site buildings.
  - (C) Location, maximum length, maximum width, and maximum height of each area to be used to hold waste tires for processing.
  - (D) Separation distances between waste tire holding areas and the following:
    - (i) Buildings.
    - (ii) Fences.
    - (iii) Property boundaries.

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WASTE TIRE MANAGEMENT

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- (iv) Other waste tire holding areas.
- (v) Other accumulated materials that may:
  - (AA) be a fire hazard; or
  - (BB) restrict access to the waste tires.
- (E) A scale ratio.
- (F) An arrow to true north.
- (4) A description of the following:
  - (A) Buildings, signs, notices, and alarms to be used to manage waste tires at the facility.
  - (B) The program that will be used to manage waste tires at the facility, including the following:
    - (i) The anticipated sources and amounts of incoming waste tires in PTEs.
    - (ii) The names and locations of the anticipated destinations of the waste tires.
    - (iii) The method and schedule for the following:
      - (AA) Draining incoming waste tires.
      - (BB) Preventing waste tires from accumulating water.
- (5) The contingency plan required by section 18 of this rule.
- (6) A description of the measures the owner or operator will use to ensure that the operation will not accumulate more than the amount of PTEs specified in [IC 13-11-2-251](#) at any time unless the facility is also a registered waste tire storage site.
- (7) A plan for compliance with the waste tire management requirements specified in section 17 of this rule.
- (c) If the application for a certificate of registration is for a location not owned by the applicant, the application must include the signature of the person that owns the property on which:
  - (1) the waste tire processing operation is located; or
  - (2) for a mobile waste tire processing operation, each location where waste tire processing occurs.
- (d) A separate certificate of registration is required for each location at which waste tire processing occurs, unless the registration is only for a mobile waste tire processing operation.
- (e) A new certificate of registration is required when a waste tire processing operation that is not a mobile operation relocates to a new location.
- (f) The owner or operator of a mobile waste tire processing operation shall:
  - (1) comply with the:
    - (A) requirements of subsection (a); and
    - (B) contingency plan requirements of either section 18 or 18.5 of this rule; and
  - (2) provide notice to the department of the location at which waste tires are being processed within thirty (30) days of initiating waste tire processing at each location, including the signature of the person that owns the property.
- (g) A waste tire processing operation that operates as both a nonmobile and a mobile waste tire processing operation may operate under a single registration by complying with:
  - (1) the notification requirements under subsection (f)(2); and
  - (2) other applicable requirements under this article for a:
    - (A) mobile waste tire processing operation; and
    - (B) nonmobile waste tire processing operation.
- (h) Unless a person is applying for a certificate of registration for only a mobile waste tire processing operation, the applicant for a certificate of registration for a waste tire processing operation shall submit to the fire department with jurisdiction over the waste tire processing operation a copy of the:
  - (1) completed application; and
  - (2) contingency plan required by section 18 of this rule.
- (i) An application for a certificate of registration must be submitted as a paper copy unless the commissioner makes a determination that a copy in an electronic format as prescribed by the commissioner and in accordance with [IC 13-14-13](#) is sufficient.
- (j) Registration under this rule does not guarantee that a waste tire processing operation complies with other applicable:
  - (1) county or local ordinances; or
  - (2) state rules or statutes.

*(Solid Waste Management Division; 329 IAC 15-3-6; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321; errata filed Oct 23, 2000, 9:50 a.m.: 24 IR 688; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-](#)*

[329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Feb 16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#))

**329 IAC 15-3-6.5 Mobile waste tire processing operations (Repealed)**

Sec. 6.5. (Repealed by Solid Waste Management Division; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

**329 IAC 15-3-7 Fees for waste tire processing operations (Repealed)**

Sec. 7. (Repealed by Solid Waste Management Division; filed May 9, 2022, 10:17 a.m.: [20220608-IR-329200024FRA](#))

**329 IAC 15-3-7.5 Waste tire processing operations that accumulate 1,000 or more waste tires (Repealed)**

Sec. 7.5. (Repealed by Solid Waste Management Division; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

**329 IAC 15-3-8 Approval of application for certificate of registration**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

Affected: [IC 13-20-13-3](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 8. The commissioner shall issue a certificate of registration to the owner or operator of a waste tire storage site or waste tire processing operation, in accordance with [IC 13-20-13-3](#). (Solid Waste Management Division; 329 IAC 15-3-8; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

**329 IAC 15-3-9 Conditions included in a certificate of registration (Repealed)**

Sec. 9. (Repealed by Solid Waste Management Division; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

**329 IAC 15-3-10 Denial of certificate of registration**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#); [IC 13-20-21-7](#)

Affected: [IC 13-11-2-67](#); [IC 13-20-13-3](#); [IC 13-20-14](#); [IC 13-20-21-3](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 10. (a) The department may deny an application for a certificate of registration in accordance with [IC 13-20-13-3](#)(d).

(b) The department shall deny an application for a certificate of registration for failure to submit an application fee required under section 4 of this rule. (Solid Waste Management Division; 329 IAC 15-3-10; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Feb 16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#))

**329 IAC 15-3-11 Revocation or modification of a certificate of registration**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#); [IC 13-20-21-10](#)

Affected: [IC 13-20-13-5.5](#); [IC 13-20-21-4](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 11. (a) A certificate of registration may be revoked or modified in accordance with [IC 13-20-13-5.5](#)(a).

(b) A registrant may submit a request for modification of the registration to the department that complies with the applicable requirements of this article for an application for registration. The commissioner shall:

- (1) approve the request under section 8 of this rule; or
- (2) deny the request under section 10 of this rule.

(Solid Waste Management Division; 329 IAC 15-3-11; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16

p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

### **329 IAC 15-3-12 Duration of a certificate of registration**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 12. A certificate of registration issued under this rule expires on the earlier of the following dates:

(1) Five (5) years after the date the certificate is issued unless a renewal application is submitted to the department in accordance with section 14 of this rule.

(2) The date the department notifies the owner or operator that final closure has been completed in accordance with section 21 of this rule.

(Solid Waste Management Division; 329 IAC 15-3-12; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

### **329 IAC 15-3-13 Transferability of a certificate of registration and new owner or operator of a facility**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 13. (a) A certificate of registration issued under this rule is not transferable to another person.

(b) A certificate of registration is valid only for the location specified in the application for the certificate of registration.

(c) A new owner or operator of a waste tire storage site or waste tire processing operation shall:

(1) apply for a new certificate of registration in accordance with the applicable requirements of this article; and

(2) obtain a valid certificate of registration issued by the commissioner before operating the facility.

(Solid Waste Management Division; 329 IAC 15-3-13; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

### **329 IAC 15-3-14 Renewal**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 14. (a) The owner or operator of a waste tire storage site or waste tire processing operation shall submit an application for renewal of a certificate of registration at least sixty (60) days before the expiration date of the certificate.

(b) An application for renewal of a certificate of registration for a waste tire storage site must comply with section 3 of this rule.

(c) An application for renewal of a certificate of registration for a waste tire processing operation must comply with section 6 of this rule. (Solid Waste Management Division; 329 IAC 15-3-14; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#))

### **329 IAC 15-3-15 Annual submittals by a waste tire storage site**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

Affected: [IC 13-20-21](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 15. The owner or operator of a waste tire storage site shall submit the following to the department not later than January 31 of each year:

(1) The annual operation fee required by section 4 of this rule.

(2) The updated closure cost estimate and evidence of financial assurance required by 329 IAC 15-5-3.5.

(3) The annual tire summary required by section 20(c) of this rule.

*(Solid Waste Management Division; 329 IAC 15-3-15; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Feb 16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#))*

**329 IAC 15-3-16 Updating contact information in the registration**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 16. If the contact information provided in the application for the certificate of registration changes, the owner or operator of a waste tire storage site or waste tire processing operation shall provide the current contact information to the department not more than thirty (30) days after the contact information provided in the application for the certificate of registration changes. *(Solid Waste Management Division; 329 IAC 15-3-16; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

**329 IAC 15-3-17 Waste tire operational requirements**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#); [IC 13-20-13-1.5](#)

Affected: [IC 13-20-14-4](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 17. (a) Except as provided in subsection (j) for a mobile waste tire processing operation, the owner or operator of a waste tire storage site or a waste tire processing operation shall, at all times, operate the storage site or processing operation in compliance with:

(1) this section; and

(2) Chapter 34 of the 2012 International Fire Code, First Printing\*, as amended by 675 IAC 22-2.5-27.

(b) All wastewater from the waste tire storage site or waste tire processing operation must be discharged in accordance with 327 IAC 5 and 327 IAC 15. If wastewater is discharged to an on-site system, the system must be approved by the Indiana department of health in accordance with 410 IAC 6-10.1.

(c) The owner or operator of a waste tire storage site or waste tire processing operation may not do any of the following:

(1) Pose a threat to human health or the environment.

(2) Create a nuisance.

(d) Access to the waste tire storage site or waste tire processing operation is allowed only when operating personnel are on duty and must be controlled by the use of gates, fences, video camera surveillance, or other appropriate means of access.

(e) The owner or operator of the waste tire storage site or waste tire processing operation shall maintain the following at the storage site or processing operation:

(1) A first aid kit.

(2) Fire extinguishing equipment that:

(A) complies with the Indiana Fire Code at 675 IAC 22\*;

(B) is accessible at the storage site or processing operation; and

(C) is in the immediate vicinity of processing operations while processing waste tires.

(3) A telephone or other communication system capable of being used to contact the fire department and other emergency services.

(f) Salvaging may not:

(1) interfere with the operation of the waste tire storage site or waste tire processing operation; or

(2) create a nuisance or a health hazard.

(g) The owner or operator of a waste tire storage site or waste tire processing operation shall take all necessary actions to:

(1) prevent the breeding of mosquitoes and other disease vectors; and

(2) control any population of mosquitoes and other disease vectors.

(h) The owner or operator of a waste tire storage site or waste tire processing operation shall prevent water from accumulating

in waste tires by doing all of the following:

- (1) Waste tires must be drained:
  - (A) on the day of receipt; and
  - (B) as necessary thereafter to prevent accumulation of water in the waste tires.
- (2) Within seven (7) days after receipt, whole waste tires must be:
  - (A) altered or modified so that the tire cannot hold water;
  - (B) covered; or
  - (C) otherwise prevented from accumulating water.
- (3) Waste tires must not be stored in areas of standing water.

(i) The owner or operator of a waste tire storage site shall only use a waste tire processing operation that has a valid certificate of registration under this article.

(j) The owner or operator of a mobile waste tire processing operation shall only comply with subsections (c), (d), and (e) at each location where:

- (1) waste tire processing occurs; and
- (2) waste tires are accumulated for processing.

(k) The owner or operator of a waste tire storage site or waste tire processing operation shall calculate the number of stored PTEs in accordance with the requirements of section 20.5 of this rule.

\*This document is incorporated by reference. Copies of the document may be obtained from the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478, 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, IN 46204. (*Solid Waste Management Division; 329 IAC 15-3-17; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Feb 16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#))*

### **329 IAC 15-3-18 Contingency plan**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 18. (a) The owner or operator of a waste tire storage site or a waste tire processing operation that is not a mobile waste tire processing operation shall develop a contingency plan to address:

- (1) fires or explosions;
  - (2) run-off resulting from fires or explosions; and
  - (3) mosquitoes and other disease vectors.
- (b) The contingency plan must include the following:
- (1) A description of the specific actions that site personnel must take:
    - (A) in response to the hazards listed in subsection (a); and
    - (B) to properly dispose of solid waste resulting from fires or explosions.
  - (2) A list of the agencies to be notified in case of fire, explosion, or other emergency, with the telephone number of each agency, including the following:
    - (A) The fire department with jurisdiction for the site.
    - (B) The county and municipal law enforcement agencies that have jurisdiction over the site.
    - (C) The Indiana department of environmental management, office of land quality, emergency response section at (317) 233-7745 for out-of-state calls, or (888) 233-7745 for in-state calls (toll-free in Indiana).
    - (D) The office of the state fire marshal.
  - (3) A description of how the owner or operator will operate and maintain the facility to minimize hazards to human health and the environment.
  - (4) A description of the methods to control mosquitoes and other disease vectors.
  - (5) The name and title of the emergency response coordinator.
  - (6) The telephone numbers used to contact the emergency response coordinator, and any other methods, such as alternate

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## WASTE TIRE MANAGEMENT

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telephone numbers, to be used to contact the emergency response coordinator.

(7) The duties of the emergency response coordinator.

(c) A copy of the contingency plan and all amendments to the plan must be:

(1) maintained at:

(A) the waste tire storage site or waste tire processing operation; or

(B) an alternate location approved by the department in the certificate of registration; and

(2) submitted to the department and the fire department with jurisdiction over the waste tire storage site or waste tire processing operation within thirty (30) days after the date the:

(A) certificate of registration is issued; and

(B) contingency plan is amended under subsection (e).

(d) The owner or operator of the waste tire storage site or waste tire processing operation shall implement the contingency plan immediately whenever there is:

(1) a fire, explosion, or run-off resulting from a fire or explosion; or

(2) evidence of mosquitoes and other disease vectors.

(e) The owner or operator of the waste tire storage site or waste tire processing operation shall review and amend the contingency plan within thirty (30) days if any of the following occurs:

(1) A change in the operation of the waste tire storage site or waste tire processing operation requires a change in the actions required to control the hazards listed in subsection (a).

(2) The actions described in the plan fail to control an emergency situation when implemented.

(3) All or part of the contingency plan must be implemented in a manner different than described in the plan in an emergency.

(4) The list of emergency response coordinators changes.

(5) The department identifies deficiencies in the contingency plan and directs the owner or operator in writing to revise the contingency plan.

(f) After the discovery of one (1) or more of the conditions listed in subsection (a)(1) and (a)(2), the owner or operator of the waste tire storage site or waste tire processing operation shall immediately notify the entities listed in subsection (b)(2). (*Solid Waste Management Division; 329 IAC 15-3-18; filed Oct 10, 2000, 3:10 p.m.: 24 IR 323; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA; readopted filed Jul 18, 2012, 2:26 p.m.: 20120815-IR-329120206BFA; readopted filed Jun 6, 2018, 1:57 p.m.: 20180704-IR-329180170BFA; filed Nov 28, 2022, 10:42 a.m.: 20221228-IR-329170279FRA*)

### **329 IAC 15-3-18.5 Contingency plan for mobile waste tire processing operations**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 18.5. (a) The owner or operator of a mobile waste tire processing operation shall operate and maintain the mobile waste tire processing operation to minimize hazards to human health and the environment.

(b) The owner or operator of a mobile waste tire processing operation shall either develop a contingency plan in accordance with section 18 of this rule or develop an alternative contingency plan that:

(1) describes the actions the owner or operator shall take to protect human health and the environment in response to fires, explosions, or other emergencies that occur while processing waste tires on a property; and

(2) is applicable to all locations where waste tire processing occurs.

(c) The owner or operator of a mobile waste tire processing operation that develops an alternative contingency plan in accordance with subsection (b) shall:

(1) submit the plan to the department before initiating waste tire processing on a property;

(2) implement the plan when emergencies occur while processing waste tires on a property;

(3) maintain a copy of the plan and all revisions made to the plan at the place of business listed in the certificate of registration or at an alternate location approved by the commissioner in the certificate of registration; and

(4) make available to the department a copy of the plan upon request.

(d) The owner or operator of a mobile waste tire processing operation shall submit an amendment to the alternative contingency plan to the department for approval within thirty (30) days after the change. (*Solid Waste Management Division; 329 IAC 15-3-18.5; filed Nov 28, 2022, 10:42 a.m.: 20221228-IR-329170279FRA*)



**329 IAC 15-3-19 Emergency response coordinator**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 19. (a) The owner or operator of the waste tire storage site or waste tire processing operation shall ensure that at all times there is one (1) person responsible for coordinating all emergency response measures at the waste tire storage site or waste tire processing operation. If the owner or operator designates more than one (1) person to carry out this responsibility, each person designated must meet the requirements of this section.

(b) An emergency response coordinator must:

(1) be at the waste tire storage site or waste tire processing operation or on call at all times;

(2) coordinate all emergency response measures carried out by the waste tire storage site or waste tire processing operation;

(3) be familiar with:

(A) all aspects of the contingency plan;

(B) the identity and telephone numbers of the fire department and other emergency services that have jurisdiction over the site;

(C) all operations and activities at the site;

(D) the layout of the waste tire storage site or waste tire processing operation; and

(E) the location of all records required by section 20 of this rule; and

(4) have authority to commit resources needed to implement the contingency plan.

*(Solid Waste Management Division; 329 IAC 15-3-19; filed Oct 10, 2000, 3:10 p.m.: 24 IR 324; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#))*

**329 IAC 15-3-20 Record keeping and reporting**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

Affected: [IC 13-20-13-5](#); [IC 13-30-2](#); [IC 13-30-10](#); [IC 36-9-30](#)

Sec. 20. (a) The owner or operator of a waste tire storage site or a waste tire processing operation shall maintain the following records:

(1) Copies of the transporter manifest forms required by 329 IAC 15-4-13.

(2) The certificate of registration.

(3) If applicable, a financial assurance mechanism required by 329 IAC 15-5-1, updated with the most recent closure cost estimate.

(4) A daily record of the PTE inventory as required under section 20.5 of this rule.

(b) The owner or operator of a waste tire storage site or waste tire processing operation shall maintain records required by this section in accordance with the following:

(1) The records must be kept on-site at the waste tire storage site or waste tire processing operation in a paper or electronic format that is accessible in accordance with subdivision (2).

(2) The records must be made available at the waste tire storage site or waste tire processing operation for inspection and copying by the department during normal business hours.

(3) Waste tire manifests must be kept for at least one (1) year from creation or receipt.

(4) Certificates of registration and evidence of financial assurance mechanisms must be kept for at least one (1) year after expiration.

(c) The owner or operator of a waste tire storage site or waste tire processing operation shall submit an annual tire summary to the department by January 31 of each year on a form provided by the department that:

(1) includes:

(A) the information specified in [IC 13-20-13-5](#)(1); and

(B) the amount of PTEs on-site at the facility at the end of the calendar year;

(2) is based on the daily PTE inventory calculations required under section 20.5 of this rule; and

(3) is signed by the owner or operator.

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WASTE TIRE MANAGEMENT

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*(Solid Waste Management Division; 329 IAC 15-3-20; filed Oct 10, 2000, 3:10 p.m.: 24 IR 324; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Dec 2, 2022, 12:56 p.m.: [20221228-IR-329170279ACA](#))*

**329 IAC 15-3-20.5 PTE inventory record**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 20.5. (a) Each business day, the owner or operator of a waste tire storage site or waste tire processing operation shall record the number of PTEs that:

- (1) arrive at the facility;
  - (2) leave the facility; and
  - (3) are currently stored at the facility.
- (b) The daily calculation of PTEs on-site must include all whole and altered waste tires intended for:
- (1) disposal;
  - (2) processing;
  - (3) alternative daily cover at a landfill; or
  - (4) any other use.

*(Solid Waste Management Division; 329 IAC 15-3-20.5; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

**329 IAC 15-3-21 Final closure**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#); [IC 13-20-14](#)

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

Sec. 21. (a) The owner or operator of a waste tire storage site or waste tire processing operation completing final closure of a facility shall:

- (1) cease all storage or processing of waste tires;
- (2) remove from the facility and properly dispose of all waste tires in accordance with this article, including all PTEs calculated under section 20.5 of this rule; and
- (3) notify the department on a form provided by the department within thirty (30) days after completing the closure activities required by this subsection.

(b) Final closure is complete when the commissioner notifies the owner or operator of the waste tire storage site or waste tire processing operation in writing that:

- (1) the department has received the notification required by subsection (a)(3);
- (2) the final closure activities required by subsection (a)(1) and (a)(2) are complete; and
- (3) for a waste tire storage site, the financial assurance required by 329 IAC 15-5 is no longer required to be maintained.

(c) The commissioner may approve an alternative method of closure other than the requirements of this section if the alternative method of closure provides protection of human health and the environment equivalent to this section. *(Solid Waste Management Division; 329 IAC 15-3-21; filed Oct 10, 2000, 3:10 p.m.: 24 IR 326; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

**Rule 4. Waste Tire Transporters**

[329 IAC 15-4-1](#)

Requirements for waste tire transporters

[329 IAC 15-4-2](#)

Certificate of registration

[329 IAC 15-4-3](#)

Fees for waste tire transporters

[329 IAC 15-4-4](#)

Approval of application for certificate of registration

[329 IAC 15-4-5](#)

Conditions included in certificate of registration (Repealed)

[329 IAC 15-4-6](#)

Denial of certificate of registration

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WASTE TIRE MANAGEMENT

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<a href="#">329 IAC 15-4-7</a>	Revocation or modification of certificate of registration
<a href="#">329 IAC 15-4-8</a>	Duration of certificate of registration
<a href="#">329 IAC 15-4-9</a>	Transferability
<a href="#">329 IAC 15-4-10</a>	Renewal
<a href="#">329 IAC 15-4-11</a>	Updating or modifying the registration
<a href="#">329 IAC 15-4-12</a>	Disposal of waste tires by waste tire transporters
<a href="#">329 IAC 15-4-13</a>	Manifest forms
<a href="#">329 IAC 15-4-14</a>	Record keeping and reporting
<a href="#">329 IAC 15-4-15</a>	Records (Repealed)
<a href="#">329 IAC 15-4-16</a>	Termination of operation by a waste tire transporter

### 329 IAC 15-4-1 Requirements for waste tire transporters

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)

Affected: [IC 13-11-2-252](#); [IC 13-20-14-5](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 1. (a) A waste tire transporter as defined at [IC 13-11-2-252](#) shall comply with the following:

(1) [IC 13-20-14-5](#).

(2) The applicable requirements of this article.

(3) A certificate of registration issued under this article.

(b) The requirements for registration of waste tire transporters in this rule do not apply to a person that operates a waste tire amnesty program in accordance with 329 IAC 15-1-1(c). (*Solid Waste Management Division; 329 IAC 15-4-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 326; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Feb 16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#)*)

### 329 IAC 15-4-2 Certificate of registration

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)

Affected: [IC 13-14-13](#); [IC 13-20-14-5](#); [IC 13-20-21-3](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 2. (a) An application for a certificate of registration as a waste tire transporter must:

(1) be completed and submitted on a form provided by the department; and

(2) contain the information in [IC 13-20-14-5](#)(a) and the following information:

(A) The business owner telephone numbers.

(B) The business owner email addresses.

(C) A list of all locations where tires will be taken that includes the following:

(i) Name of the location.

(ii) Street address.

(iii) Telephone number.

(iv) Type of location, such as re-tread facility, landfill, registered waste tire facility, or used tire dealer.

(D) A brief description of the waste tire transporting operations, explaining the anticipated sources, types, and quantities of waste tires transported.

(E) A copy of all out-of-state registrations, if applicable.

(F) A business owner certification statement.

(b) The fee required by section 3 of this rule must be submitted with the application form when the form is submitted to the department.

(c) An application for a certificate of registration must be submitted as a paper copy unless the commissioner makes a determination that a copy in an electronic format as prescribed by the commissioner and in accordance with [IC 13-14-13](#) is sufficient. (*Solid Waste Management Division; 329 IAC 15-4-2; filed Oct 10, 2000, 3:10 p.m.: 24 IR 326; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Feb*)

16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#))

**329 IAC 15-4-3 Fees for waste tire transporters**

Authority: [IC 13-16](#); [IC 13-19-3-1](#); [IC 13-20-14-6](#)

Affected: [IC 13-20-21](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 3. A waste tire transporter shall pay the following fees for waste tire transportation:

	Fee
Registration	\$25
Annual Fee	\$100

(Solid Waste Management Division; 329 IAC 15-4-3; filed Oct 10, 2000, 3:10 p.m.: 24 IR 326; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed May 9, 2022, 10:17 a.m.: [20220608-IR-329200024FRA](#))

**329 IAC 15-4-4 Approval of application for certificate of registration**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)

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

Sec. 4. The commissioner shall issue a certificate of registration to a waste tire transporter if the transporter:

- (1) submits a complete and accurate application for a certificate of registration, including applicable fees; and
- (2) complies with all applicable requirements of this article.

(Solid Waste Management Division; 329 IAC 15-4-4; filed Oct 10, 2000, 3:10 p.m.: 24 IR 326; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

**329 IAC 15-4-5 Conditions included in certificate of registration (Repealed)**

Sec. 5. (Repealed by Solid Waste Management Division; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

**329 IAC 15-4-6 Denial of certificate of registration**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#); [IC 13-20-21-7](#)

Affected: [IC 13-11-2-67](#); [IC 13-20-13](#); [IC 13-20-14-5](#); [IC 13-20-21-3](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 6. (a) The department may deny an application for a certificate of registration in accordance with [IC 13-20-14-5\(f\)](#).

(b) The department shall deny an application for a certificate of registration for failure to submit an application fee required under section 3 of this rule. (Solid Waste Management Division; 329 IAC 15-4-6; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Feb 16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#))

**329 IAC 15-4-7 Revocation or modification of certificate of registration**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#); [IC 13-20-21-10](#)

Affected: [IC 13-20-14-5.6](#); [IC 13-20-21-4](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 7. The commissioner may revoke or modify a certificate of registration in accordance with [IC 13-20-14-5.6\(a\)](#). (Solid Waste Management Division; 329 IAC 15-4-7; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

**329 IAC 15-4-8 Duration of certificate of registration**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)  
Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 8. A certificate of registration issued to a waste tire transporter under this rule expires on the earlier of the following dates:

- (1) Five (5) years after the date the certificate is issued unless a renewal application is submitted to the department in accordance with section 10 of this rule.
- (2) The date the department notifies the waste tire transporter under 329 IAC 15-5-12(b) that financial assurance is no longer required to be maintained.

*(Solid Waste Management Division; 329 IAC 15-4-8; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

**329 IAC 15-4-9 Transferability**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)  
Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 9. A certificate of registration issued under this rule is not transferable to another waste tire transporter. *(Solid Waste Management Division; 329 IAC 15-4-9; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#))*

**329 IAC 15-4-10 Renewal**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)  
Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 10. An application for renewal of a certificate of registration must be submitted sixty (60) days before the expiration date of the certificate. An application for renewal of a certificate of registration must comply with section 2 of this rule. *(Solid Waste Management Division; 329 IAC 15-4-10; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#))*

**329 IAC 15-4-11 Updating or modifying the registration**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)  
Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 11. (a) A waste tire transporter shall:

- (1) notify the department in writing at least thirty (30) days before changing the business location of the waste tire transporter; and
- (2) obtain approval from the department before making a change.

(b) If any information provided in the application for the certificate of registration changes, other than the information listed in subsection (a), the waste tire transporter shall provide the current information to the department not more than thirty (30) days after the information changes.

(c) The commissioner may request additional information to verify compliance with the requirements of this article. *(Solid Waste Management Division; 329 IAC 15-4-11; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

**329 IAC 15-4-12 Disposal of waste tires by waste tire transporters**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)  
Affected: [IC 13-20-14-4](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 12. A waste tire transporter may dispose of waste tires only as provided for in [IC 13-20-14-4](#). (*Solid Waste Management Division; 329 IAC 15-4-12; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#)*)

**329 IAC 15-4-13 Manifest forms**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)  
Affected: [IC 13-20-14-5](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 13. (a) A waste tire transporter shall prepare a manifest for each load of waste tires using a form provided by the department that includes the following information:

- (1) The information required by [IC 13-20-14-5](#)(b).
  - (2) Name, address, and telephone number for the:
    - (A) generator;
    - (B) transporter; and
    - (C) destination.
  - (3) Signature of the generator's authorized agent.
  - (4) Permit or registration number for the:
    - (A) transporter; and
    - (B) destination.
  - (5) Signed certification statement from the:
    - (A) transporter; and
    - (B) destination.
  - (6) A description of the shipment, including the following:
    - (A) Pickup date, time, and location.
    - (B) Load type measurement, such as whole tire count, volume, or weight.
    - (C) Tire types and amounts.
- (b) A waste tire transporter shall:
- (1) carry the manifest in the vehicle while transporting the waste tires described on the manifest; and
  - (2) provide a copy of the completed manifest to the:
    - (A) waste tire generator; and
    - (B) destination facility for the waste tires.

(c) A waste tire transporter may reproduce copies of the waste tire manifest form with complete information for the generator, transporter, and destination preprinted on the form as long as the:

- (1) form is substantially identical to the waste tire manifest form provided by the department; and
- (2) preprinted information does not include waste tire amounts or signatures.

(*Solid Waste Management Division; 329 IAC 15-4-13; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Dec 2, 2022, 12:56 p.m.: [20221228-IR-329170279ACA](#)*)

**329 IAC 15-4-14 Record keeping and reporting**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)  
Affected: [IC 13-20-14-5](#); [IC 13-20-21-4](#); [IC 13-30-2](#); [IC 13-30-10](#); [IC 36-9-30](#)

Sec. 14. (a) A waste tire transporter shall maintain the following records:

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WASTE TIRE MANAGEMENT

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- (1) Copies of the transporter manifest forms required by section 13 of this rule.
- (2) Certificate of registration.
- (3) Financial assurance mechanism required by 329 IAC 15-5-2.
- (b) A waste tire transporter shall maintain records required by this section in accordance with the following:
  - (1) The records must be kept on-site at the place of business listed in the certificate of registration in a paper or electronic format that is accessible in accordance with subdivision (2).
  - (2) The records must be made available at the place of business listed in the certificate of registration for inspection and copying by the department during normal business hours.
  - (3) Waste tire manifests must be kept for at least one (1) year from creation or receipt.
  - (4) The certificate of registration and evidence of financial assurance must be kept for at least one (1) year after expiration.
- (c) A waste tire transporter shall submit an annual report to the department by January 31 of each year that must:
  - (1) be on a form provided by the department that includes:
    - (A) the information required in [IC 13-20-14-5\(d\)\(3\)](#); and
    - (B) the percent of waste tires transported from sources in Indiana;
  - (2) be submitted with the annual registration fee required by section 3 of this rule; and
  - (3) include documentation from the financial assurance issuing institution confirming that the financial assurance mechanism required by 329 IAC 15-5-2 is still in effect.

*(Solid Waste Management Division; 329 IAC 15-4-14; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Feb 16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#))*

**329 IAC 15-4-15 Records (Repealed)**

Sec. 15. *(Repealed by Solid Waste Management Division; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

**329 IAC 15-4-16 Termination of operation by a waste tire transporter**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)

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

Sec. 16. When a registered waste tire transporter terminates operation, the waste tire transporter shall notify the department within thirty (30) days after termination on a form provided by the department. *(Solid Waste Management Division; 329 IAC 15-4-16; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

**Rule 5. Financial Assurance**

<a href="#">329 IAC 15-5-1</a>	Financial assurance for waste tire storage sites
<a href="#">329 IAC 15-5-2</a>	Financial assurance for waste tire transporters
<a href="#">329 IAC 15-5-3</a>	Closure cost estimate
<a href="#">329 IAC 15-5-3.5</a>	Annual update of closure cost estimate
<a href="#">329 IAC 15-5-4</a>	Use of financial assurance mechanism for multiple waste tire storage sites and waste tire transporters
<a href="#">329 IAC 15-5-5</a>	Trust fund
<a href="#">329 IAC 15-5-6</a>	Surety bond
<a href="#">329 IAC 15-5-7</a>	Letter of credit
<a href="#">329 IAC 15-5-8</a>	Insurance
<a href="#">329 IAC 15-5-9</a>	Bond for performance
<a href="#">329 IAC 15-5-10</a>	Negotiable certificate of deposit
<a href="#">329 IAC 15-5-11</a>	Negotiable letter of credit
<a href="#">329 IAC 15-5-12</a>	Release of financial assurance obligations

**329 IAC 15-5-1 Financial assurance for waste tire storage sites**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 1. (a) The owner or operator of a waste tire storage site shall do the following:

- (1) Submit the financial assurance information on forms provided by the department.
- (2) Prepare and submit to the department a closure cost estimate in accordance with sections 3 and 3.5 of this rule.
- (3) Fund the financial assurance mechanism before the initial operation of the waste tire storage site.
- (4) Submit proof that the financial assurance mechanism designates the department as the beneficiary.
- (5) Maintain financial assurance for removal of waste tires and final closure of the site, in an amount equal to or greater than the closure cost estimate, using one (1) of the following mechanisms:
  - (A) A trust fund in accordance with section 5 of this rule.
  - (B) A surety bond in accordance with section 6 of this rule.
  - (C) A letter of credit in accordance with section 7 of this rule.
  - (D) Insurance in accordance with section 8 of this rule.

(6) Maintain financial assurance for removal of waste tires and final closure of the site as required by this rule until the commissioner releases the owner or operator of the waste tire storage site from financial assurance in accordance with section 12(a) of this rule.

(b) If changes to the provisions of an established and previously approved financial assurance mechanism are required by the department or requested by the owner or operator, the changes may be made without:

- (1) establishing a new financial assurance mechanism; or
- (2) updating to the most recent financial assurance forms.

This subsection does not preclude any requirement in this rule to establish a different financial assurance mechanism or change the provider of financial assurance. (*Solid Waste Management Division; 329 IAC 15-5-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA; readopted filed Jul 18, 2012, 2:26 p.m.: 20120815-IR-329120206BFA; readopted filed Jun 6, 2018, 1:57 p.m.: 20180704-IR-329180170BFA; filed Nov 28, 2022, 10:42 a.m.: 20221228-IR-329170279FRA*)

**329 IAC 15-5-2 Financial assurance for waste tire transporters**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)

Affected: [IC 13-20-14](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 2. (a) A waste tire transporter shall maintain financial assurance in the amount of at least ten thousand dollars (\$10,000). The financial assurance instrument must be:

- (1) submitted on forms provided by the department;
- (2) in the form of a:
  - (A) bond for performance, executed by a corporate surety licensed to do business in Indiana, in accordance with section 9 of this rule;
  - (B) negotiable certificate of deposit in accordance with section 10 of this rule; or
  - (C) negotiable letter of credit in accordance with section 11 of this rule; and
- (3) payable to the department and conditional upon compliance with:
  - (A) [IC 13-20-14](#); and
  - (B) this article.

(b) The waste tire transporter shall:

- (1) fund the financial assurance mechanism before the initial transport of waste tires; and
- (2) maintain the financial assurance mechanism until the department releases the waste tire transporter from financial assurance in accordance with section 12(b) of this rule.

(c) If changes to the provisions of an established and previously approved financial assurance mechanism are required by the department or requested by the waste tire transporter, the changes may be made without:

- (1) establishing a new financial assurance mechanism; or



(2) updating to the most recent financial assurance forms.

This subsection does not preclude any requirement in this rule to establish a different financial assurance mechanism or change the provider of financial assurance. (*Solid Waste Management Division; 329 IAC 15-5-2; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

### 329 IAC 15-5-3 Closure cost estimate

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 3. (a) The owner or operator of a waste tire storage site shall submit to the department a written estimate of the cost of completing final closure of the site in accordance with:

(1) 329 IAC 15-3-21(a); or

(2) an alternative method of closure approved by the commissioner under 329 IAC 15-3-21(c).

(b) The owner or operator of a waste tire storage site shall submit the original closure cost estimate on a form provided by the department with the application for a certificate of registration. The closure cost estimate must include the following:

(1) The methods that will be used to remove and properly dispose of all waste tires stored at the site.

(2) The final destination of all waste tires removed from the site.

(3) The name and address of the contractor or contractors to be used to remove the waste tires and complete final closure of the site.

(4) The estimated cost of completing all activities required by:

(A) 329 IAC 15-3-21(a); or

(B) an alternative method of closure approved by the commissioner under 329 IAC 15-3-21(c).

(c) The closure cost estimate must be based on the cost of a third party to:

(1) remove the maximum allowable number of PTEs that is specified in the certificate of registration and calculated in accordance with 329 IAC 15-3-20.5;

(2) send the maximum number of allowable PTEs to a final destination; and

(3) complete any other tasks necessary for final closure of the site as required by:

(A) 329 IAC 15-3-21(a); or

(B) an alternative method of closure approved by the commissioner under 329 IAC 15-3-21(c).

(d) A closure cost estimate that is based on any removal method other than landfill disposal must be supported by documentation showing all costs for the removal method.

(e) Once the owner or operator of a waste tire storage site has completed all closure activities required in 329 IAC 15-3-21, the owner or operator may revise:

(1) the closure cost estimate indicating that the activity has been completed; and

(2) the closure cost estimate to zero (0).

(*Solid Waste Management Division; 329 IAC 15-5-3; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

### 329 IAC 15-5-3.5 Annual update of closure cost estimate

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 3.5. (a) The owner or operator of a waste tire storage site shall submit to the department an updated written closure cost estimate:

(1) annually, not later than January 31 of each year;

(2) not more than thirty (30) days after a change in the closure plan that increases the closure cost estimate;

(3) that includes documentation from the financial assurance issuing institution confirming that the financial assurance

mechanism required by section 1 of this rule is still in effect; and

(4) that is on a form provided by the department.

(b) The updated closure cost estimate required by subsection (a) must meet the requirements of section 3 of this rule.

(c) After submitting an updated closure cost estimate to the department in accordance with this section, the owner or operator of a waste tire storage site shall update the financial assurance mechanism not more than thirty (30) days after the submittal. (*Solid Waste Management Division; 329 IAC 15-5-3.5; filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

### **329 IAC 15-5-4 Use of financial assurance mechanism for multiple waste tire storage sites and waste tire transporters**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 4. (a) The owner or operator of a waste tire storage site may use a single financial assurance mechanism to meet the financial assurance requirements for:

(1) more than one (1) waste tire storage site; and

(2) any waste tire transporters also registered by the owner or operator.

(b) Evidence of financial assurance submitted to the department to comply with this section must include a list showing, for each facility or waste tire transporter:

(1) the registration number of the waste tire storage site or waste tire transporter;

(2) name and address of the waste tire storage site or waste tire transporter; and

(3) the amount of funds available in the financial mechanism.

(c) The amount of funds available through the mechanism must be not less than the sum of funds that would be available if a separate mechanism had been established and maintained for each waste tire storage site or waste tire transporter. (*Solid Waste Management Division; 329 IAC 15-5-4; filed Oct 10, 2000, 3:10 p.m.: 24 IR 330; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

### **329 IAC 15-5-5 Trust fund**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 5. (a) The owner or operator of a waste tire storage site may comply with this section by establishing a trust agreement on:

(1) forms provided by the department; or

(2) other forms approved by the department.

(b) Each trust agreement must do the following:

(1) Identify facilities and corresponding closure cost estimates covered by the trust agreement.

(2) Establish a trust fund, in an amount determined by section 3 of this rule, that guarantees that payments from that fund either:

(A) reimburse the owner or operator of the waste tire storage site for department-approved closure work done; or

(B) pay the department for doing required closure work.

(3) Require that annual valuations of the trust fund be submitted to the department.

(4) Require successor trustees to notify the department, in writing, of their appointment at least ten (10) days before the effective date of the appointment.

(5) Require the trustee to notify the department, in writing, of the failure of the owner or operator of the waste tire storage site to make a required payment into the fund.

(6) Establish that the trust is irrevocable unless terminated, in writing, with the approval of the:

(A) owner or operator of the waste tire storage site;

(B) trustee; and

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WASTE TIRE MANAGEMENT

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(C) department.

(7) Certify that the signer of the trust agreement for the owner or operator of the waste tire storage site was duly authorized to bind the owner or operator of the waste tire storage site.

(8) All signatures must be notarized by a notary public commissioned to be a notary public in the state where notarization occurs at the time of the notarization.

(9) Establish that the trustee is:

(A) authorized to act as a trustee; and

(B) an entity whose operations are regulated and examined by a federal or state agency.

(10) Require that annual payments into the fund be made within thirty (30) days after each anniversary of the initial payment.

(c) The owner or operator of the waste tire storage site shall make payments into the trust fund as follows:

(1) The owner or operator of the waste tire storage site shall make a payment into the trust fund each year during the pay-in period.

(2) The maximum pay-in period is five (5) years. The pay-in period commences on the date the site first receives waste tires.

(3) Annual payments are determined by the following formula:

$$\text{Annual Payment} = \frac{\text{CE} - \text{CV}}{\text{Y}}$$

Where: CE = Current cost estimate.

CV = Current value of the trust fund.

Y = Number of years remaining in the pay-in period.

(4) The owner or operator of the waste tire storage site shall:

(A) make the initial payment before the beginning of the pay-in period; and

(B) submit to the department a receipt from the trustee for this first annual payment.

(5) Subsequent payments must be made not later than thirty (30) days after each anniversary of the first payment.

(6) The owner or operator of the waste tire storage site may accelerate payments into the trust fund or may deposit the full amount of the current cost estimate at the time the fund is established.

(7) The owner or operator of the waste tire storage site shall maintain the value of the fund at not less than the value would have been if annual payments were made as specified in subdivision (3).

(8) If the owner or operator of the waste tire storage site establishes a trust fund after having used one (1) or more alternative mechanisms, the first payment must be in at least the amount the fund would contain if the trust fund were established initially and payments had been made as provided in subdivision (3).

(d) The trustee shall evaluate the trust fund annually, as of the day the trust fund was created or on an earlier date if provided in the agreement. The trustee shall notify the owner or operator of the waste tire storage site and the department within thirty (30) days after the evaluation of the trust fund.

(e) The owner or operator of the waste tire storage site may request release of excess funds as follows:

(1) If the value of the financial assurance is greater than the total amount of the current cost estimate, the owner or operator of the waste tire storage site may submit a written request to the department for release of the amount in excess of the current cost estimate.

(2) Within sixty (60) days after receiving a request from the owner or operator of the waste tire storage site for a release of funds, the department shall instruct the trustee to release to the owner or operator of the waste tire storage site the funds that the department specifies in writing to be in excess of the current cost estimate.

(f) The owner or operator of the waste tire storage site may request reimbursement for removal expenses as follows:

(1) After initiating removal, the owner or operator of the waste tire storage site, or any other person authorized to perform removal, may request reimbursement for removal expenditures by submitting itemized bills to the department.

(2) Within sixty (60) days after receiving the itemized bills for removal activities, the department shall determine whether the expenditures are in accordance with the removal plan. The department shall instruct the trustee to make reimbursement in amounts that the department specifies in writing in accordance with the removal plan.

(3) If the department determines, based on available information, that the cost of removal will be greater than the value of the trust fund, the department shall withhold reimbursement of amounts necessary to accomplish removal until it is determined that the owner or operator of the waste tire storage site is no longer required to maintain financial assurance for removal. In

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WASTE TIRE MANAGEMENT

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the event the fund is inadequate to pay all claims, the department shall pay claims according to the following priority:

- (A) A person with whom the department has contracted to perform removal activities.
- (B) A person that has completed removal authorized by the department.
- (C) A person that has completed work that furthered the removal.
- (D) The owner or operator of the waste tire storage site and related business entities.

*(Solid Waste Management Division; 329 IAC 15-5-5; filed Oct 10, 2000, 3:10 p.m.: 24 IR 330; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Feb 16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#))*

### 329 IAC 15-5-6 Surety bond

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 6. (a) The owner or operator of a waste tire storage site may comply with this rule by establishing a surety bond on:

- (1) forms provided by the department; or
- (2) other forms approved by the department.

(b) The owner or operator shall choose from one (1) of the following types of surety bonds:

- (1) A financial guarantee surety bond.
- (2) A performance surety bond.

(c) All surety bonds must contain the following:

(1) The establishment of penal sums in the amount determined by section 3 of this rule.

(2) If a performance surety bond is established, provision that the surety company shall do either of the following:

(A) Perform the closure obligations upon notice from the department that the owner or operator of the waste tire storage site has failed to do so.

(B) Comply with the requirements in subdivision (5).

(3) Provision that the surety company may not cancel the bond without first sending notice of cancellation by certified mail to the owner or operator of the waste tire storage site and the department at least one hundred twenty (120) days before the effective date of the cancellation.

(4) Provision that the owner or operator of the waste tire storage site may not terminate the surety bond without prior written authorization by the department.

(5) Provision that the surety company shall do either of the following if the owner or operator of the waste tire storage site has failed to fulfill closure obligations and the bond guarantee is exercised:

(A) If a standby trust is established in accordance with subsection (d), deposit all payments made directly into the standby trust fund.

(B) If the financial assurance amount is less than twenty thousand dollars (\$20,000) and a standby trust fund is not established, submit all payments directly to the department for the purpose of accomplishing required closure work.

(d) If the financial assurance amount determined under this rule is twenty thousand dollars (\$20,000) or more, the owner or operator of the waste tire storage site shall establish a standby trust fund to be:

(1) utilized in the event the owner or operator of the waste tire storage site has failed to fulfill closure obligations and the bond guarantee is exercised; and

(2) in accordance with section 5 of this rule.

(e) The surety company issuing the bond must be:

(1) among those listed as acceptable sureties for federal bonds in the most recent Circular 570\* of the United States Department of the Treasury; and

(2) authorized to do business in Indiana.

(f) The surety company is not liable for deficiencies in the performance of closure by the owner or operator of the waste tire storage site after the department releases the owner or operator in accordance with section 12 of this rule.

\*This document is available for viewing at <https://www.fiscal.treasury.gov/surety-bonds/circular-570.html> and may be obtained from the United States Department of the Treasury, Bureau of the Fiscal Service, Surety Bond

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WASTE TIRE MANAGEMENT

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Program, 3700 East West Highway, Room 6D22, Hyattsville, MD 20782. (*Solid Waste Management Division; 329 IAC 15-5-6; filed Oct 10, 2000, 3:10 p.m.: 24 IR 331; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

**329 IAC 15-5-7 Letter of credit**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 7. (a) The owner or operator of a waste tire storage site may comply with this rule by establishing a letter of credit on:

(1) forms provided by the department; or

(2) other forms approved by the department.

(b) All letters of credit must contain the following:

(1) The establishment of credit in the amount determined by section 3 of this rule.

(2) Irrevocability.

(3) An effective period of at least one (1) year and automatic extensions for periods of at least one (1) year unless the issuing institution provides written notification of cancellation by certified mail to both the owner or operator and the department at least one hundred twenty (120) days before the effective date of cancellation.

(4) Provision that, upon written notice from the commissioner, the issuing institution for the letter of credit shall comply with the following:

(A) State that the obligations of the owner or operator of the waste tire storage site have not been fulfilled.

(B) Do either of the following:

(i) If a standby trust fund is established in accordance with subsection (c), deposit funds equal to the amount of credit required under subdivision (1) into the standby trust fund.

(ii) If the amount of credit required is less than twenty thousand dollars (\$20,000) and a standby trust fund is not established, submit payments equal to the amount of credit required under subdivision (1) directly to the department for the purpose of accomplishing required closure work.

(c) If the financial assurance amount determined under this rule is twenty thousand dollars (\$20,000) or more, the owner or operator of the waste tire storage site shall establish a standby trust fund to be:

(1) utilized in the event the owner or operator of the waste tire storage site has failed to fulfill closure obligations and the letter of credit is exercised; and

(2) in accordance with section 5 of this rule.

(d) The issuing institution must be an entity:

(1) that has the authority to issue letters of credit; and

(2) whose letters of credit operations are regulated and examined by a federal or state agency.

(*Solid Waste Management Division; 329 IAC 15-5-7; filed Oct 10, 2000, 3:10 p.m.: 24 IR 332; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

**329 IAC 15-5-8 Insurance**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)

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

Sec. 8. (a) The owner or operator of a waste tire storage site may comply with this rule by providing evidence of insurance on:

(1) forms provided by the department; or

(2) other forms approved by the department.

(b) All insurance must include the following requirements:

(1) The establishment of credit in the amount determined by section 3 of this rule.

(2) Provision that the insurer shall make payments

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WASTE TIRE MANAGEMENT

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in any amount

to any person authorized by the department,

if the department notifies the insurer in writing that the owner or operator of the waste tire storage site has failed to perform final closure.

(3) Provision that the owner or operator of the waste tire storage site shall maintain the policy in full force and effect unless the department consents in writing to termination of the policy.

(4) Provision that the insurer may not cancel, terminate, or fail to renew the policy unless the owner or operator of the waste tire storage site fails to pay the premium. No cancellation, termination, or failure to renew may occur unless the department and the owner or operator of the waste tire storage site are notified by the insurer through certified mail at least one hundred twenty (120) days before the event.

(c) In one (1) or more states, the insurer shall either be:

(1) licensed to transact the business of insurance; or

(2) eligible to provide insurance as an excess or surplus lines insurer.

*(Solid Waste Management Division; 329 IAC 15-5-8; filed Oct 10, 2000, 3:10 p.m.: 24 IR 332; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

### **329 IAC 15-5-9 Bond for performance**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)

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

Sec. 9. (a) A waste tire transporter may comply with this rule by establishing a performance bond on:

(1) forms provided by the department; or

(2) other forms approved by the department.

(b) All performance bonds must contain the following:

(1) The establishment of penal sums in the amount of not less than ten thousand dollars (\$10,000).

(2) Provision that the surety company shall do either of the following if the commissioner notifies the surety company in writing that the waste tire transporter has failed to fulfill its obligations under this article:

(A) Perform the obligations of the waste tire transporter.

(B) Submit payments to the department for the entire amount of the penal sum required under subdivision (1).

(3) Provision that the surety company may not cancel the bond without first sending notice of cancellation by certified mail to the waste tire transporter and the department at least one hundred twenty (120) days before the effective date of the cancellation.

(4) Provision that the waste tire transporter may not terminate the bond without prior written authorization by the department.

(c) The surety company issuing the bond must be:

(1) among those listed as acceptable sureties for federal bonds in the most recent Circular 570\* of the United States Department of the Treasury; and

(2) authorized to do business in Indiana.

(d) The surety company is not liable for deficiencies in the performance of the waste tire transporter after the department releases the waste tire transporter in accordance with section 12 of this rule.

\*This document is available for viewing at <https://www.fiscal.treasury.gov/surety-bonds/circular-570.html> and may be obtained from the United States Department of the Treasury, Bureau of the Fiscal Service, Surety Bond Program, 3700 East West Highway, Room 6D22, Hyattsville, MD 20782. *(Solid Waste Management Division; 329 IAC 15-5-9; filed Oct 10, 2000, 3:10 p.m.: 24 IR 332; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

**329 IAC 15-5-10 Negotiable certificate of deposit**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)  
Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 10. (a) A waste tire transporter may comply with this rule by establishing a negotiable certificate of deposit that meets the requirements of this section.

(b) A negotiable certificate of deposit must contain the following:

(1) A principal amount of not less than ten thousand dollars (\$10,000).

(2) Provision that the certificate of deposit may not be withdrawn by the waste tire transporter unless released in writing by the department under section 12 of this rule.

(3) The principal must be deposited for a period of at least one (1) year, with automatic redeposit thereafter for periods of at least one (1) year unless the issuing institution provides written notification of cancellation by certified mail to both the waste tire transporter and the department at least one hundred twenty (120) days before the date on which the certificate of deposit matures.

(4) Provision that the certificate of deposit must be payable to the department in an amount equal to the principal amount required under subdivision (1), if the issuing institution is notified in writing by the commissioner that the waste tire transporter has failed to fulfill its obligations under this article.

(c) The issuing institution must be an entity that has the authority to issue certificates of deposit and whose operations are regulated and examined by a federal or state agency. (*Solid Waste Management Division; 329 IAC 15-5-10; filed Oct 10, 2000, 3:10 p.m.: 24 IR 333; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

**329 IAC 15-5-11 Negotiable letter of credit**

Authority: [IC 13-19-3-1](#); [IC 13-20-14-6](#)  
Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 11. (a) A waste tire transporter may comply with this rule by establishing a negotiable letter of credit on:

(1) forms provided by the department; or

(2) other forms approved by the department.

(b) All negotiable letters of credit must contain the following:

(1) The establishment of credit in the amount of not less than ten thousand dollars (\$10,000).

(2) Irrevocability.

(3) An effective period of at least one (1) year and automatic extensions thereafter for periods of at least one (1) year unless the issuing institution provides written notification of cancellation by certified mail to both the waste tire transporter and the department at least one hundred twenty (120) days before the effective date of cancellation.

(4) Provision that the issuing institution shall make payments to the department in an amount equal to the amount of credit required under subdivision (1), if notified in writing by the commissioner that the waste tire transporter has failed to fulfill its obligations under this article.

(c) The issuing institution must be an entity that has the authority to issue letters of credit and whose letters of credit operations are regulated and examined by a federal or state agency. (*Solid Waste Management Division; 329 IAC 15-5-11; filed Oct 10, 2000, 3:10 p.m.: 24 IR 333; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

**329 IAC 15-5-12 Release of financial assurance obligations**

Authority: [IC 13-19-3-1](#); [IC 13-20-13-11](#)  
Affected: [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 12. (a) The owner or operator of a waste tire storage site is released from the obligation to maintain financial assurance

when:

- (1) the requirements for final closure in 329 IAC 15-3-21(a) or an alternative method of closure approved by the commissioner under 329 IAC 15-3-21(c) are complete; and
- (2) after the department verifies that closure is complete, the commissioner has notified the trustee or issuing institution of the financial assurance mechanism that the owner or operator may be released from financial assurance.
- (b) A waste tire transporter is released from the obligation to maintain financial assurance when:
  - (1) the waste tire transporter has:
    - (A) notified the department of the termination of operations in accordance with 329 IAC 15-4-16; and
    - (B) completed all activities required by the department under this article; and
  - (2) after the department verifies that the activities required in subdivision (1) are complete, the commissioner has notified the trustee or issuing institution of the financial assurance mechanism that the waste tire transporter may be released from financial assurance.

*(Solid Waste Management Division; 329 IAC 15-5-12; filed Oct 10, 2000, 3:10 p.m.: 24 IR 333; readopted filed Nov 30, 2006, 4:16 p.m.: [20061227-IR-329050168FRA](#); readopted filed Jul 18, 2012, 2:26 p.m.: [20120815-IR-329120206BFA](#); readopted filed Jun 6, 2018, 1:57 p.m.: [20180704-IR-329180170BFA](#); filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

### Rule 6. Legitimate Use of Waste Tires

<a href="#">329 IAC 15-6-1</a>	General provisions for the legitimate use of waste tires
<a href="#">329 IAC 15-6-2</a>	Management of waste tires in a legitimate use as solid waste
<a href="#">329 IAC 15-6-3</a>	Preapproved legitimate uses of waste tires
<a href="#">329 IAC 15-6-4</a>	Application for legitimate use of waste tires
<a href="#">329 IAC 15-6-5</a>	Requirements for an approved legitimate use of waste tires
<a href="#">329 IAC 15-6-6</a>	Storage of waste tires for legitimate use
<a href="#">329 IAC 15-6-7</a>	Processing and transportation of waste tires for legitimate use
<a href="#">329 IAC 15-6-8</a>	Reporting and record keeping for legitimate use of waste tires
<a href="#">329 IAC 15-6-9</a>	Revocation of an approved legitimate use of waste tires
<a href="#">329 IAC 15-6-10</a>	Disposal of waste tires used in a legitimate use

#### 329 IAC 15-6-1 General provisions for the legitimate use of waste tires

Authority: [IC 13-19-1-2](#); [IC 13-19-3-1](#); [IC 13-19-3-1.3](#); [IC 13-20-13-11](#)  
 Affected: [IC 13-11-2-57](#); [IC 13-11-2-118.4](#); [IC 13-19-3-1.3](#); [IC 13-20-13-11](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 1. (a) A person may use waste tires in a legitimate use conducted in accordance with the following:

- (1) The definition of legitimate use at [IC 13-11-2-118.4](#).
- (2) The requirements for legitimate use at [IC 13-19-3-1.3](#) and [IC 13-20-13-11\(c\)](#).
- (3) This article.

(b) A person may not use waste tires under this rule in a way that creates a threat to human health or the environment, including the following:

- (1) A fire hazard.
- (2) A vector attraction.
- (3) A nuisance.
- (4) Discharge to waters.
- (5) Violation of environmental management laws or rules.
- (6) Other uses that are not considered to be legitimate uses, including the following:
  - (A) A fill application constituting disposal as defined at [IC 13-11-2-57](#).
  - (B) Closure of an open dump under 329 IAC 10-4-4(a)(1)(B).
  - (C) A use that is primarily to avoid the costs and requirements associated with the processing and disposal of waste tires.

(c) Unless otherwise noted, the requirements of this rule for the legitimate use of waste tires do not apply to the following:

- (1) Approvals issued by the commissioner under 329 IAC 10-3-1(16) and 329 IAC 11-3-1(13) for the legitimate use of waste



tires before the effective date of this rule.

(2) Use of waste tires in the construction or operation of a solid waste land disposal facility in accordance with a solid waste land disposal facility permit issued under 329 IAC 10.

(Solid Waste Management Division; 329 IAC 15-6-1; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

### **329 IAC 15-6-2 Management of waste tires in a legitimate use as solid waste**

Authority: [IC 13-19-1-2](#); [IC 13-19-3-1](#); [IC 13-19-3-1.3](#); [IC 13-20-13-11](#)

Affected: [IC 13-11-2-146](#); [IC 13-30-2-1](#); [IC 36-9-30](#)

Sec. 2. (a) A person is not subject to the applicable solid waste management requirements for waste tires under 329 IAC 10, 329 IAC 11, and this article, if the person:

(1) uses waste tires in a legitimate use as specified in section 3 of this rule or receives an approval from the commissioner under section 4 of this rule for the legitimate use of waste tires; and

(2) complies with the requirements of this rule for the legitimate use of waste tires.

(b) The commissioner may determine a legitimate use of waste tires to be an open dump, in accordance with [IC 13-11-2-146](#), [IC 13-30-2-1](#)(4), and [IC 13-30-2-1](#)(5), for any of the following reasons:

(1) The legitimate use is no longer serving the purpose specified in section 3 of this rule or the approval issued under section 4 of this rule.

(2) The legitimate use is modified without the approval required under section 5(a)(2) of this rule.

(3) The legitimate use violates conditions of the legitimate use approval issued under section 4 of this rule.

(4) The legitimate use poses an unreasonable threat to human health or the environment, as specified in section 1(b) of this rule.

(c) If the commissioner determines that a legitimate use of waste tires is an open dump under subsection (b), the person using waste tires in the open dump shall remove and dispose of the waste tires in accordance with section 10 of this rule, unless the commissioner approves a modification under section 5(a)(2) of this rule. (Solid Waste Management Division; 329 IAC 15-6-2; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

### **329 IAC 15-6-3 Preapproved legitimate uses of waste tires**

Authority: [IC 13-19-1-2](#); [IC 13-19-3-1](#); [IC 13-19-3-1.3](#); [IC 13-20-13-11](#)

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

Sec. 3. (a) A person using waste tires in a legitimate use specified in subsection (b) shall comply with the following:

(1) The applicable requirements in sections 6 through 10 of this rule.

(2) The legitimate use may not pose an unreasonable threat to human health or the environment, as specified in section 1(b) of this rule.

(3) Waste tires must be altered to prevent the accumulation of water.

(4) Other applicable federal, state, and local laws, regulations, and ordinances pertaining to the specific activity.

(b) A person may use waste tires for the following legitimate uses without submitting an application to the department:

(1) The use of tire chips as an aggregate in soil absorption systems for on-site sewage systems, in accordance with the following:

(A) The on-site sewage system is approved by:

(i) the Indiana department of health; or

(ii) a local health department that is authorized by the Indiana department of health.

(B) Any layer of tire chips may not be thicker than ten (10) feet.

(2) The use of tire chips as playground mulch that meets ASTM F3012-22\*, Standard Specification for Loose-Fill Rubber for Use as a Playground Safety Surface under and around Playground Equipment.

(3) The use of tire-derived crumb rubber as a playing or recreational surface that meets ASTM F1292-18e1\*, Standard Specification for Impact Attenuation of Surfacing Materials Within the Use Zone of Playground Equipment.

(4) The use of tire-derived crumb rubber for athletic fields that are:

(A) size No. 6 through No. 200 mesh for crumb rubber; and

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WASTE TIRE MANAGEMENT

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- (B) wire free.
- (5) The use of tire chips for landscaping mulch that are:
  - (A) less than two (2) inches in size for any dimension; and
  - (B) wire free.
- (6) Rubber molded or extruded products.
- (7) Precision-cut, precision-punched, or precision-stamped rubber products that qualify for sale as consumer goods.
- (8) Weights to restrain a tarp or other cover material.
- (9) The use of waste tire sidewalls as a base for traffic barrels or cones.
- (10) Alternative fuel at a facility that is registered to accept waste tires as alternative fuel under 329 IAC 11.7.
- (11) Race track barriers.
- (12) Base or bedding in dairy freestall barns.
- (13) A use of waste tires that uses fewer than one hundred (100) PTEs.

\*These documents are incorporated by reference. Copies may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959 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, IN 46204. (*Solid Waste Management Division; 329 IAC 15-6-3; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#); errata filed Feb 16, 2023, 10:18 a.m.: [20230222-IR-329230072ACA](#)*)

### **329 IAC 15-6-4 Application for legitimate use of waste tires**

Authority: [IC 13-19-1-2](#); [IC 13-19-3-1](#); [IC 13-19-3-1.3](#); [IC 13-20-13-11](#)

Affected: [IC 13-11-2-193.5](#); [IC 13-14-13](#); [IC 13-20-13-11](#); [IC 13-20-14-6](#); [IC 13-30-2](#); [IC 25-31](#); [IC 36-9-30](#)

Sec. 4. (a) For a proposed legitimate use of waste tires that is not specified in section 3 of this rule, a person shall obtain an approval from the commissioner in accordance with this section before the person may use waste tires in the legitimate use.

(b) A person that intends to use waste tires for a legitimate use that is not specified in section 3 of this rule must submit an application to the department for a legitimate use of waste tires on a form provided by the department that includes the following information:

- (1) The name, address, and contact information of the applicant.
  - (2) The location and address of the property where the legitimate use is proposed.
  - (3) If the owner of the property where the legitimate use is proposed is not the person submitting the application, the following information:
    - (A) Name, address, and contact information of the property owner.
    - (B) Written consent and signature from the property owner.
  - (4) The amount of waste tires in PTEs expected to be used for the legitimate use.
  - (5) The sources of the waste tires expected to be used for the legitimate use.
  - (6) The locations of waste tire storage areas expected to be used for the legitimate use, if the locations are not at a registered waste tire processing operation or waste tire storage site.
  - (7) A detailed description of the following:
    - (A) The legitimate use.
    - (B) A justification for the legitimate use of waste tires, including how the legitimate use:
      - (i) is a comparable substitute for an analogous material normally used for the specified purpose;
      - (ii) achieves the specified purpose; and
      - (iii) is commercially valuable for an established or emerging market.
    - (C) How the person using waste tires in a legitimate use will prevent nuisances during the legitimate use.
  - (8) Engineering diagrams, testing, plans, or specifications for the legitimate use, if applicable for the specified purpose.
  - (9) Plans for the legitimate use as a structure or structural fill, including certification from a professional engineer registered under [IC 25-31](#), if applicable for the specified purpose.
  - (10) Other supporting documentation for the information required in this subsection.
- (c) The commissioner shall consider the following to make a determination on an application:
- (1) The person has submitted a complete and accurate application, in accordance with this section.

- (2) The person complies with all applicable requirements of this rule for the legitimate use of waste tires.
- (3) Additional information the commissioner deems necessary to verify the use is legitimate and does not pose a threat to human health and the environment, that may include the following factors:
  - (A) The waste tires provide a functional benefit.
  - (B) The waste tires are an effective substitute for a natural or commercial material.
  - (C) The use meets relevant product specifications or design standards.
  - (D) Design or analytical testing to demonstrate that the use does not pose a threat.
- (d) After review of the application, the commissioner shall provide written notification to the applicant with one (1) of the following determinations:
  - (1) Approval of the application that may include specific conditions applicable to the approved legitimate use.
  - (2) Request for additional information for the application before making a determination. Within thirty (30) days after the request for additional information, the applicant shall do one (1) of the following:
    - (A) Withdraw the application with a written notification to the commissioner.
    - (B) Submit the requested information or agree to the requested changes.
    - (C) Submit a written request and receive approval from the commissioner for an extension of time to comply with the commissioner's request for additional information.
  - (3) Denial of the application, for one (1) or more of the following reasons:
    - (A) The application is incomplete.
    - (B) The applicant has failed to comply with the requirements of this article.
    - (C) An enforcement action is pending against the applicant.
    - (D) The proposed legitimate use poses an unreasonable threat to human health or the environment, as specified in section 1(b) of this rule.
    - (E) The applicant does not submit the additional information that the commissioner requested under subdivision (2) within thirty (30) days after the request.
- (e) An application for a legitimate use must be submitted as a paper copy unless the commissioner makes a determination that a copy in an electronic format as prescribed by the commissioner and in accordance with [IC 13-14-13](#) is sufficient.
- (f) The commissioner may require one (1) or more of the following conditions for an approved legitimate use of waste tires:
  - (1) Notice of completion from the person that uses waste tires in a legitimate use.
  - (2) Restrictive covenant as defined at [IC 13-11-2-193.5](#).
  - (3) Any other conditions as required by the commissioner to prevent threats to human health and the environment in accordance with section 1(b) of this rule.
- (g) A legitimate use approved under this section is valid for two (2) years from the initial date of approval. (*Solid Waste Management Division; 329 IAC 15-6-4; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#)*)

**329 IAC 15-6-5 Requirements for an approved legitimate use of waste tires**

Authority: [IC 13-19-1-2](#); [IC 13-19-3-1](#); [IC 13-19-3-1.3](#); [IC 13-20-13-11](#)

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

Sec. 5. (a) During the term of a valid approval for a legitimate use of waste tires, the following requirements apply:

- (1) If the contact information provided in the application changes, the person using waste tires in a legitimate use shall provide the updated information to the department not more than thirty (30) days after the information changes.
- (2) A person using waste tires in an approved legitimate use that intends to modify the legitimate use shall do the following before implementing the modification:
  - (A) Submit an updated application to the department for approval with the information required in section 4(b) of this rule that describes the modification.
  - (B) Receive approval for the updated application from the commissioner.
- (b) An approval for the legitimate use of waste tires issued under section 4 of this rule is not transferable to a different person.
- (c) A person may renew an ongoing legitimate use approval of waste tires in accordance with the following:
  - (1) The person shall submit an updated application to the department for the ongoing legitimate use approval with the information required in section 4(b) of this rule not less than sixty (60) days before the expiration of the existing valid

approval.

(2) The person shall not continue the legitimate use of waste tires until approval for the renewal has been received from the commissioner.

(d) A person that does not renew an ongoing legitimate use approval of waste tires in accordance with this section before the expiration date of the approval shall cease any activity pertaining to the legitimate use until the legitimate use approval is reissued.

(e) A legitimate use approval renewed under this section is valid for two (2) years from the date of renewal. The legitimate use approval may be renewed for a longer period, not to exceed five (5) years, under the following conditions:

(1) An enforcement action is pending against the person applying for renewal.

(2) The person applying for renewal has maintained compliance with their current legitimate use approval.

(3) The person can demonstrate that there is an established market for the legitimate use.

*(Solid Waste Management Division; 329 IAC 15-6-5; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

### **329 IAC 15-6-6 Storage of waste tires for legitimate use**

Authority: [IC 13-19-1-2](#); [IC 13-19-3-1](#); [IC 13-19-3-1.3](#); [IC 13-20-13-11](#)

Affected: [IC 13-11-2-251](#); [IC 13-30-2-1](#); [IC 36-9-30](#)

Sec. 6. (a) A person may store waste tires for a legitimate use at the following locations:

(1) A registered waste tire processing operation or waste tire storage site, in accordance with this article.

(2) A location other than a registered waste tire processing operation or waste tire storage site, in accordance with subsection (b).

(b) A person storing waste tires for a legitimate use at a location other than a registered waste tire processing operation or waste tire storage site shall comply with the following requirements:

(1) All wastewater from the waste tires stored for a legitimate use must be discharged in accordance with the requirements at 327 IAC 5 and 327 IAC 15.

(2) A person storing waste tires for a legitimate use may not do any of the following:

(A) Pose an unreasonable threat to human health or the environment.

(B) Create a nuisance.

(C) Allow or perform an act prohibited under [IC 13-30-2-1](#).

(D) Store waste tires in areas of standing water.

(3) A person storing waste tires for a legitimate use shall take actions required to:

(A) prevent the breeding of mosquitoes and other disease vectors; and

(B) control any population of mosquitoes and other disease vectors.

(4) A person storing waste tires for a legitimate use shall prevent water from accumulating in the waste tires by doing the following:

(A) Drain the waste tires:

(i) on the day of receipt; and

(ii) as necessary thereafter to prevent accumulation of water in the waste tires.

(B) Store the waste tires in a manner that prevents accumulation of water in the waste tires.

(5) A person may not store waste tires for a legitimate use for more than forty-five (45) days prior to use, except for one (1) or more of the following situations:

(A) An extension is approved in writing by the commissioner.

(B) An alternative timeframe is included in the legitimate use approval.

(C) The person storing waste tires for legitimate use is issued a certificate of registration for a waste tire storage site under 329 IAC 15-3-8 and complies with the applicable requirements of this article for a registered waste tire storage site.

(c) If a person storing waste tires for a legitimate use in accordance with subsection (b) accumulates more than the amount of PTEs specified in [IC 13-11-2-251](#), the person shall:

(1) apply for a certificate of registration for a waste tire storage site; and

(2) cease accumulation of additional waste tires until the commissioner issues a certificate of registration to the person storing waste tires for a legitimate use.

(Solid Waste Management Division; 329 IAC 15-6-6; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

**329 IAC 15-6-7 Processing and transportation of waste tires for legitimate use**

Authority: [IC 13-19-1-2](#); [IC 13-19-3-1](#); [IC 13-19-3-1.3](#); [IC 13-20-13-11](#)

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

Sec. 7. (a) A person may only use a registered waste tire processing operation that complies with the applicable waste tire processing requirements of this article to process waste tires for a legitimate use.

(b) A person may only use a registered waste tire transporter that complies with the applicable waste tire transporter requirements of this article to transport waste tires to and from the location of a legitimate use. (Solid Waste Management Division; 329 IAC 15-6-7; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

**329 IAC 15-6-8 Reporting and record keeping for legitimate use of waste tires**

Authority: [IC 13-19-1-2](#); [IC 13-19-3-1](#); [IC 13-19-3-1.3](#); [IC 13-20-13-11](#)

Affected: [IC 13-11-2-154.5](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 8. (a) A person using waste tires in a legitimate use approved under section 4 of this rule shall do the following:

(1) Keep the information required in subsection (b) in writing during the legitimate use and for at least three (3) years after the earliest of the following dates:

(A) Completion of the legitimate use.

(B) Expiration of the legitimate use approval.

(2) Calculate in PTEs the amount of waste tires required to be recorded in subsection (b).

(3) Make available the information required by this section for inspection and copying by the department upon request.

(4) Maintain any information required by this section in a paper or electronic format that is accessible in accordance with subsection (3).

(b) A person using waste tires in a legitimate use approved under section 4 of this rule shall keep the following information in writing:

(1) Amount of waste tires received for the legitimate use, including the following:

(A) The name and address of the sources of the waste tires.

(B) Waste tire manifests for the waste tires transported on-site.

(2) Amount of waste tires used in the legitimate use.

(3) Location and placement of waste tires remaining after the legitimate use is completed, including the following:

(A) Description of the location and placement of waste tires.

(B) The amount of waste tires sent for disposal.

(C) Waste tire manifests for the waste tires transported off-site.

(4) Any written communication with the commissioner or department regarding changes or modifications to the legitimate use approval.

(Solid Waste Management Division; 329 IAC 15-6-8; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))

**329 IAC 15-6-9 Revocation of an approved legitimate use of waste tires**

Authority: [IC 13-19-1-2](#); [IC 13-19-3-1](#); [IC 13-19-3-1.3](#); [IC 13-20-13-11](#)

Affected: [IC 13-15-7-1](#); [IC 13-20-13-5.5](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 9. The commissioner may revoke an approval for the legitimate use of waste tires for any of the following reasons:

(1) Cause for revocation exists under [IC 13-15-7-1](#).

(2) The legitimate use is no longer serving the purpose specified in section 3 of this rule or the approval issued under section 4 of this rule.

(3) The conditions of the legitimate use pose an unreasonable threat to human health or the environment, as specified in section 1(b) of this rule.

(4) The legitimate use is modified without the approval required under section 5(a)(2) of this rule.

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WASTE TIRE MANAGEMENT

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(5) The legitimate use violates conditions of the legitimate use approval issued under section 4 of this rule.

(6) The legitimate use is determined to be an open dump in accordance with section 2 of this rule.

*(Solid Waste Management Division; 329 IAC 15-6-9; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

**329 IAC 15-6-10 Disposal of waste tires used in a legitimate use**

Authority: [IC 13-19-1-2](#); [IC 13-19-3-1](#); [IC 13-19-3-1.3](#); [IC 13-20-13-11](#)

Affected: [IC 13-20-14-4](#); [IC 13-30-2](#); [IC 36-9-30](#)

Sec. 10. A person using waste tires for a legitimate use shall remove and dispose of the waste tires under [IC 13-20-14-4](#) for any of the following reasons:

(1) The approval is revoked under section 9 of this rule.

(2) Waste tires transported on-site are not used for the legitimate use.

(3) The commissioner determines that the legitimate use is no longer serving the purpose specified in section 3 of this rule or the approval issued under section 4 of this rule.

(4) The commissioner determines that the conditions of the legitimate use pose an unreasonable threat to human health or the environment, as specified in section 1(b) of this rule.

*(Solid Waste Management Division; 329 IAC 15-6-10; filed Nov 28, 2022, 10:42 a.m.: [20221228-IR-329170279FRA](#))*

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