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TITLE 327 WATER POLLUTION CONTROL BOARD

SECOND NOTICE OF COMMENT PERIOD

#97-7(WPCB)

DEVELOPMENT OF NEW RULES CONCERNING WASTEWATER MANAGEMENT ACTIVITIES

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for new rules concerning management of wastewater. Cleaning of sewage disposal systems, wastewater transportation, wastewater disposal and related business activities are included in the scope of the draft rules. The new article, 327 IAC 7.1 will replace 327 IAC 7. The new rule language will allow the agency to meet the requirements of 40 CFR 503 and 40 CFR 257 Subpart A regarding the land application of wastewater. By this notice, IDEM is soliciting public comment on the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking. To reflect the new rules, IDEM will be repealing 327 IAC 7.

HISTORY

First Notice of Comment Period: September 1, 1997, Indiana Register (20 IR 3511).

Continuation of First Notice: December 1, 1998, Indiana Register (22 IR 829).

CITATIONS AFFECTED: 327 IAC 7; 327 IAC 7.1.

AUTHORITY: IC 13-14-8; IC 13-18-12.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

A First Notice of Comment Period was published in the September 1, 1997, Indiana Register, with a Continuation of Notice appearing in the December 1, 1998, Indiana Register. During the continuation, additional subject matter was considered to update 327 IAC 7, including repealing 327 IAC 7, to develop new rule language at 327 IAC 7.1. The following is a listing of all issues that appeared:

First comment period:

- (1) Adoption of 40 CFR 503 requirements regarding land application of septage.
- (2) Adoption of applicable 40 CFR 257 Subpart A requirements regarding wastewater.
- (3) Location, construction, and other applicable requirements regarding wastewater storage.
- (4) Land application site requirements and separation distances requirements.
- (5) Reduced land application rates based on soil permeability.
- (6) Competency requirements or testing of those persons who land apply wastewater.
- (7) Land application approvals based on compliance history, in addition to other requirements.
- (8) Land application quarterly reports to be submitted to IDEM. IDEM requests comments on what should be included in the reports and how the reports should be submitted, in addition to other comments regarding the quarterly reports.
- (9) Vehicle tank and truck requirements.
- (10) Increase in the length of time for vehicle licenses and wastewater management permits.
- (11) Deletion of portions of the rules that are cumbersome or do not provide any environmental benefit. An example is approval by the commissioner of chemical or biological cleaners, starters or agents for use in the sewage disposal system.
- (12) Any clarification, definition, or consistency of terms.
- (13) Any other amendments or additions to 327 IAC 7.

Continuation of First Notice:

- (1) Modifying or deleting existing rule language to be consistent with the Indiana statute and federal standards.
- (2) Location, construction, and other applicable requirements regarding wastewater treatment or storage facilities or structures.
- (3) Testing, certifications, and renewals for persons who land apply wastewater.
- (4) Consideration of compliance history as a factor for approvals on all wastewater management activities.

(5) Resolution of any inconsistency of terms.

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from September 1, 1997, through October 3, 1997, and from December 1, 1998, through January 6, 1999, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received comments from the following parties by the comment period deadlines:

Howard T. Beekman, Shorty's Sewer Service (SSS)

Harold H. Holmes III, Holmes Bros. Inc. (HB)

Harry Haynes, Beaver Point Campground (HH)

Ron Phillips, A-1 Phillips & Sons (A-1 Phillips)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: Item 1 - Rule 40 CFR 503 should be adopted. Adding lime to septage to reduce pathogens is a very good idea. Also, I don't believe Rule 503 measures ground water levels below the application area. It should be 24 inches minimum. (HB)

Response: IDEM agrees. The agency will base many of our rule standards on federal regulations from 40 CFR 503 and 40 CFR 257 as appropriate. The rule can incorporate conditions that are more stringent than those in 503.

Comment: Items 1 and 2 - The problems I have with 40 CFR 503 and 40 CFR 257 is few people can understand them, because of the jumping around from one publication to another and one page to another. I've been to several seminars on these publications and found the speakers didn't know most of the answers to the questions from the audience. (HH)

Response: Both 40 CFR 257 and 503 are complicated. IDEM is attempting in this rule to make the requirements regarding wastewater management easier to understand.

Comment: Item 3 - Care, concern and consideration should be given to cost factors in the wastewater storage tank requirements. 95% of the septic tank pumpers should afford to purchase land and equipment if you require us to meeting this requirement. (SSS)

Response: IDEM agrees that costs should be considered in this rulemaking; however, improperly designed and constructed wastewater storage tanks can eventually lead to groundwater contamination.

Comment: Item 3 - Wastewater storage tanks should not be different than septic tanks in regards to location from property lines or residences. They also should not have to be installed above ground water levels. The tank is sealed and when in use cannot leak, if constructed properly. Even if it did leak, it would not be harmful, because a septic drain field is made to leak into the soil, and the storage tank contains the same material. (HB)

Response: A storage tank is just what it is called; there is no treatment that is done in these tanks. Therefore, greater separation distances are required.

Comment: Item 3 - Existing and pre-approved tanks in good condition, kept in good repair, should not be involved. (HH)

Response: All existing and proposed tanks need regulation to ensure compliance and lessen possibilities of leakage and contamination of the environment.

Comment: Item 4 - Land application site requirements and separation distances requirements. Michigan has the County Board of Health of inspect and approve sites for land applying. I believe re-approval of an existing site could be streamlined from its cumbersome duplication of paperwork each year. The re-application could be a one page form or better yet - an until-used-up acceptance. The second point is State Permitted Sewage Treatment Plants are dumping raw waste on their sites during periods of frozen ground while pumpers are not allowed to dump. Waste from septic tank is treated at a cleaner rate than what a treatment plant treats raw sewage; this is a revenue diminishing issue that needs resolved. We have no treatment plants who will accept waste within a reasonable distance (40 miles) except in an emergency condition. In fact each plant is running over permitted gallons. (SSS)

Response: IDEM has lengthened the land application approvals from one to three years after a period of transition. Land application of wastewater on frozen ground has a high potential to adversely affect the waters of the state.

Comment: Item 4 - Land site and separation could be adjusted downward depending on device used and weather conditions. (HH)

Response: Surface application vs. injection of septage allows for different conditions.

Comment: Item 5 - As choice land application sites diminish and population increases making it more difficult to achieve distances a reduced application rate for marginal land makes sense as an interim solution to this problem. A more controlled longer term solution would be a county designated recycle center much like Florida has. (SSS)

Response: Reduced application rates will prolong the lifetime of land application sites.

Comment: Item 5 - Land application rates should not be reduced on high permeability soils. It should be regulated the same as septic systems. The soil loading rate should be used. Example: .75 loading rate soil can absorb $\frac{3}{4}$ of a gallon per day per square foot. This translates to 32,670 gallons per day for one acre. The application rate should be greatly increased to permit heavier application.

Also, the 200,000 gallon limit should be abandoned. With proper crop management the organic material will be almost completely used up.

Land application approvals should be based on the same requirements as for septic construction permits. It should be based on ground water levels. In Indiana, there has to be 24-inch separation between the bottom of the septic trench and the high water level as determined by soil scientists or monitor wells. (HB)

Response: Land application rates on septage that has had only primary treatment needs to be reduced to protect groundwater.

Comment: Item 6 - The competency issue should be for all areas not a minor area. I feel all areas are important. I have seen tank improperly pumped, and personnel unaware of their regulations. If we are going to work in this industry we should know what we are doing. If competency requirements are needed for land applying wastewater we are ignoring the bigger problem. (SSS)

Response: Septage haulers now have an organization that is going to require increased professionalism, Indiana On-site Water Professionals Association (IOWPA).

Comment: Item 6 - Competency requirements should not be necessary for those who land apply wastewater. Anyone who does this already must have a CDL license, which requires the competency to know all the rules and regulations. It just takes common sense to know where and when to apply wastewater. Just because someone is competent doesn't mean they will follow the rules. (HB)

Response: IDEM agrees. At this time in the rulemaking, there will be no competency tests required for haulers. However, the reasons for rules are to set standards to protect public health and the environment, and to provide a level playing field for anyone involved with wastewater management, including septage pumpers.

Comment: Item 6 - Competency requirements could be determined by the IDEM inspector when he inspects the site and talks with the operator. Testing could be a waste of time if rules are not followed. (HH)

Response: IDEM inspectors should not make competency determinations. These tests will not be administered by IDEM.

Comment: Item 7 - This sounds like another rule that won't have staff or staff's time to perform properly. How about first making it easier then checking, teaching and training to insure it is correct. (SSS)

Response: IDEM agrees that outreach by the agency to the regulated community regarding new requirements is important. Rule revision and solicitation of comment are the first steps in this process.

Comment: Item 7 - The rules are always changing. Compliance history is very important. However, sometimes the allegations of non-compliance can be greatly exaggerated. This is why the past should be considered but not necessarily used as a reason for non-approval. If a company is doing a good job today, they should have all the opportunities to continue to operate. (HB)

Response: Past history of compliance is not used to punish businesses, but as a means for the agency to determine if a permit should be issued to an applicant who is continuing to violate state and federal laws, and then could endanger human health and the environment. Additional permit conditions may also be imposed in cases of a history of non-compliance.

Comment: Item 7 - Compliance history is good and comments made by the operator during visit from IDEM representative at the site. IDEM representative should let the operator know a day or so before the visit so the operator will be available. (HH)

Response: The operator is contacted to be available for inspections.

Comment: Item 8 - Would like to see report that meets EPA reporting standards as outlined in instruction manual. Reports should be submitted 10 days after the calendar quarters. Report submission should by mail or fax. (SSS)

Response: Currently, quarterly reports are handled this way.

Comment: Item 8 - Quarterly reports would be O.K. The same information that we are submitting now is fine: date, temperature, weather, amount of septage applied, where it originated from. (HB)

Response: This is the type of information that will continue to be in the quarterly reports described in the new rule.

Comment: Item 8 - Application reports, okay. Could get lost or misplaced and more work for IDEM and the operator. The operator should keep records and have them available for IDEM representative when he visits the site. (HH)

Response: Copies of the reports maintained at IDEM make it easier for an inspector to review prior to inspection.

Comment: Item 9 - Vehicle tank and truck requirements are adequate. (HB)

Response: In the rule, IDEM also will address tank size and slide-in units.

Comment: Item 9 - Equipment should be kept in good repair without leaks. (HH)

Response: IDEM agrees. Protection of human health and the environment as well as ensuring good business operating practices mandates this.

Comment: Item 10 - Many states are moving or already have gone to a 4 year licensing period. This would cut the annual work required in this area by 1/4th. (SSS)

Response: IDEM will begin issuing permits, licenses and approvals for three years with the promulgation of this rule.

Comment: Item 10 - Increase the length of time for vehicle licenses and wastewater permits. It should be 2 or 3 years instead of one, in order to cut down on paperwork. (HB)

Response: IDEM will begin issuing permits, licenses and approvals for three years with the promulgation of this rule.

Comment: The county sanitarians should have the authority to inspect and recommend changes or corrections in the wastewater

applications. These applications are being made in their county, and they should be able to enforce the state rules. (HB)

Response: County sanitarians were given that opportunity through the Department of Health, but have since referred this authority to IDEM.

Comment: Item 10 - Good idea, less work for all involved. (HH)

Response: This is one of the benefits of three-year wastewater permit approvals.

Comment: Item 11 - I agree but which ones and why. (SSS)

Response: One example may be those that do not provide any economic benefit, such as biological cleaners added to tanks.

Comment: Item 11 - Good idea. Example: your letter of disposal requirement. It seems no one knew about it but IDEM, it requires the operator to get involved with another agency which has been my experience very unpleasant because friction of between government agencies. No operator should be without a back up plan, we have one. (HH)

Response: Disposal letters are required in order to determine how the wastewater is going to be disposed of.

Comment: Item 12 - Good idea. Short and simple, we all need this. (HH)

Response: IDEM agrees. Both 40 CFR 257 and 503 are complicated. IDEM is attempting in this rule to make all requirements regarding wastewater management easier to understand.

Comment: Item 13 - This requirement of waiting 18 days after a new truck is inspected to place it into service needs changed. If you pass the requirements and have a current license the vehicle could be used immediately. I did not receive a vehicle license decal for 1996 so I know that isn't the reason. (SSS)

Response: The 18-day waiting period is due to a state statute known as the Administrative Orders and Procedures Act (AOPA), which requires this time for affected parties to appeal IDEM's decisions.

Comment: Item 13 - All this is good. (HH)

Response: The purpose of the rule is to protect human health and the environment by setting forth compliance standards. Hopefully, we do this through understandable rule language.

Comment: We have concerns regarding wastewater treatment plants only accepting septage from customers in the same county as the plant and the fees being charged. (A-1 Phillips)

Response: The issues of wastewater treatment plants accepting septage and the fees charged is not controlled by the Indiana Department of Environmental Management, but rather by the individual facility or the appropriate city or town government. Your concerns need to be addressed at the local level for any changes in the current policies that are in effect.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Mailed comments should be addressed to:

#97-7 (WPCB) Wastewater Management Activities

Marjorie Samuel

Rules, Planning, and Outreach Section

Office of Land Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the receptionist on duty between 8:15 a.m. and 4:45 p.m. at the eleventh floor reception desk, Office of Land Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at (317) 232-3403, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules, Planning, and Outreach Section, at (317) 232-7995 or (317) 232-8899.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by July 2, 2001.

Additional information regarding this action may be obtained from Pam Koons, Rules, Planning, and Outreach Section, Office of Land Quality, (317) 232-8899 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 327 IAC 7.1 IS ADDED TO READ AS FOLLOWS:

ARTICLE 7.1. WASTEWATER MANAGEMENT

Rule 1. General Provisions

327 IAC 7.1-1-1 Purpose

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

Affected: IC 13-18-12-6

Sec. 1. This article establishes procedures, requirements and standards for wastewater management regarding the following:

- (1) Cleaning of sewage disposal systems.**
- (2) Transporting wastewater.**
- (3) Storing wastewater.**
- (4) Treating wastewater.**
- (5) Disposing of wastewater.**

(Water Pollution Control Board; 327 IAC 7.1-1-1)

327 IAC 7.1-1-2 Access to information; right of entry

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

Affected: IC 13-18-12-6

Sec. 2. The commissioner or a designee may make inspections in accordance with IC 13-18-12-6(c). *(Water Pollution Control Board; 327 IAC 7.1-1-2)*

327 IAC 7.1-1-3 Applicability

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

Affected: IC 13-18-12-7

Sec. 3. (a) This article applies to all persons who provide or engage in wastewater management.

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

- (1) Land application activities that are regulated under 327 IAC 6.1.**
- (2) Discharge to the waters of Indiana that are regulated under 327 IAC 5, implementing the National Pollution Discharge Elimination System (NPDES).**
- (3) Waste management activities that are regulated under rules of the solid waste management board at 329 IAC 3.1, 329 IAC 10, 329 IAC 11, 329 IAC 12, and 329 IAC 13.**
- (4) Management of animal manure.**
- (5) Activities described in IC 13-18-12-7.**

(Water Pollution Control Board; 327 IAC 7.1-1-3)

327 IAC 7.1-1-4 Enforcement

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

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

Sec. 4. This article is enforced under the following:

- (1) 13-14-2-6.**
- (2) 13-14-10.**
- (3) 13-18-12-6.5.**
- (4) 13-30-3.**

(Water Pollution Control Board; 327 IAC 7.1-1-4)

327 IAC 7.1-1-5 Penalties

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

Affected: IC 13-30-4; IC 13-30-5; IC 13-30-6; IC 13-30-8

Sec. 5. Penalties for violation of this article are provided for at:

- (1) IC 13-30-4.**
- (2) IC 13-30-5.**
- (3) IC 13-30-6.**

(4) IC 13-30-8.

(Water Pollution Control Board; 327 IAC 7.1-1-5)

Rule 2. Definitions

327 IAC 7.1-2-1 Applicability

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

Affected: IC 13-11-2

Sec. 1. The definitions in IC 13-11-2 apply to this article. In addition to the definitions in IC 13-11-2, the definitions in this rule apply throughout this article. *(Water Pollution Control Board; 327 IAC 7.1-2-1)*

327 IAC 7.1-2-2 “Agricultural land” defined

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

Affected: IC 13-18-12

Sec. 2. “Agricultural land” means land on which a food crop, a feed crop, or a fiber crop is grown. This includes land used as pasture. *(Water Pollution Control Board; 327 IAC 7.1-2-2)*

327 IAC 7.1-2-3 “Applicant” defined

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

Affected: IC 13-18-12

Sec. 3. “Applicant” means a person who applies for any or all of the following:

- (1) A wastewater management permit.**
- (2) A wastewater vehicle license.**
- (3) An approval for land application of wastewater.**

(Water Pollution Control Board; 327 IAC 7.1-2-3)

327 IAC 7.1-2-4 “Base flood or one hundred (100) year flood” defined

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

Affected: IC 13-18-12

Sec. 4. “Base flood or one hundred (100) year flood” means an area or plain where flooding has a one percent (1%) or greater chance of recurring in any given year, or a flood of a magnitude equaled or exceeded, on the average, once in one hundred (100) years. *(Water Pollution Control Board; 327 IAC 7.1-2-4)*

327 IAC 7.1-2-5 “Disease vector” defined

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

Affected: IC 13-18-12

Sec. 5. “Disease vector” means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting microorganisms and disease to humans and other animals. *(Water Pollution Control Board; 327 IAC 7.1-2-5)*

327 IAC 7.1-2-6 “Domestic septage” defined

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

Affected: IC 13-18-12

Sec. 6. “Domestic septage” means the following:

- (1) Human excreta, water, scum, sludge, and sewage from sewage disposal systems, retained contents of wastewater holding tanks, or portable sanitary units.**
- (2) Wastes carried in liquid from ordinary living processes.**
- (3) Incidental or accidental seepage from sewage disposal systems.**

The term does not include contents from chemical toilets or portable sanitary units. *(Water Pollution Control Board; 327 IAC 7.1-2-6)*

327 IAC 7.1-2-7 “Drainage inlet” defined

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

Affected: IC 13-18-12

Sec. 7. “Drainage inlet” means any superficial opening to an underground tile drainage system that drains to waters of the state. For purposes of this article, the term includes water and sediment control basins. (Water Pollution Control Board; 327 IAC 7.1-2-7)

327 IAC 7.1-2-8 “Endangered species” defined

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

Affected: IC 13-18-12

Sec. 8. “Endangered species” means any species listed as such pursuant to Section 4 of the Endangered Species Act. (Water Pollution Control Board; 327 IAC 7.1-2-8)

327 IAC 7.1-2-9 “Grease” defined

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

Affected: IC 13-18-12

Sec. 9. “Grease” means grease, fats, and retained wastes from grease traps or interceptors. (Water Pollution Control Board; 327 IAC 7.1-2-9)

327 IAC 7.1-2-10 “Historic site” defined

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

Affected: IC 14-8-2-125

Sec. 10. “Historic site,” as defined in IC 14-8-2-125, means a site that is important to the general, archaeological, agricultural, economic, social, political, architectural, industrial, or cultural history of Indiana. The term includes adjacent property that is necessary for the preservation or restoration of the site. (Water Pollution Control Board; 327 IAC 7.1-2-10)

327 IAC 7.1-2-11 “Incorporated into the soil” defined

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

Affected: IC 13-18-12

Sec. 11. “Incorporated into the soil” means the mixing of wastewater with the surface soil to a minimum depth of four (4) inches, within six (6) hours of application, using standard agricultural practices such as tillage. (Water Pollution Control Board; 327 IAC 7.1-2-11)

327 IAC 7.1-2-12 “Injection” defined

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

Affected: IC 13-18-12

Sec. 12. “Injection” means the placement of wastewater beneath the surface of the soil to a depth of at least twelve (12) inches using equipment specifically designed for this purpose. (Water Pollution Control Board; 327 IAC 7.1-2-12)

327 IAC 7.1-2-13 “Land with a low potential for public exposure” defined

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

Affected: IC 13-18-12

Sec. 13. (a) “Land with a low potential for public exposure” means land that:

- (1) has restricted access;**
- (2) is inaccessible to the public; or**
- (3) is not used by the public during normal work or recreational activities.**

(b) Examples include, but are not limited to, the following:

- (1) Agricultural land.
- (2) Forests.
- (3) Solid waste land disposal facilities as defined in 329 IAC 10-2-176.
- (4) Strip mines not located in a populated area or accessible to the public.
- (5) Industrial sites not located in a populated area or accessible to the public.
- (6) Construction sites not located in a populated area or accessible to the public.
- (7) Other sites that the commissioner may consider to have a low potential for public exposure based on any of the following:
 - (A) Existing public roads.
 - (B) Population density.
 - (C) Recreational opportunity.
 - (D) Infrastructure development.
 - (E) Level of management property.

(Water Pollution Control Board; 327 IAC 7.1-2-13)

327 IAC 7.1-2-14 “Liquid waste” defined

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

Affected: IC 13-18-12

Sec. 14. “Liquid waste” means any waste material that contains free liquids as determined by Method 9095 (Paint Filter Liquids Test), as described in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846 [Third Edition, November 1986, as amended by Updates 1 (July 1992), 2 (September 1994), 2A (August 1993), and 2B (January 1995)]. *(Water Pollution Control Board; 327 IAC 7.1-2-14)*

327 IAC 7.1-2-15 “Mixed load” defined

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

Affected: IC 13-18-12

Sec. 15. “Mixed load” means a mixture of any quantity of domestic septage with any quantity of grease. *(Water Pollution Control Board; 327 IAC 7.1-2-15)*

327 IAC 7.1-2-16 “Operator” defined

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

Affected: IC 13-18-12

Sec. 16. “Operator” means the person responsible for the operation of any of the following:

- (1) Wastewater management business.
- (2) Wastewater management vehicle.
- (3) Wastewater treatment facility.
- (4) Wastewater storage facility.
- (5) Wastewater land application site.

(Water Pollution Control Board; 327 IAC 7.1-2-16)

327 IAC 7.1-2-17 “Owner” defined

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

Affected: IC 13-18-12

Sec. 17. “Owner” means the person who owns the following:

- (1) A wastewater management business.
- (2) A vehicle used for wastewater management activities.
- (3) Wastewater treatment facility.
- (4) Wastewater storage facility.
- (5) Wastewater land application site.

(Water Pollution Control Board; 327 IAC 7.1-2-17)

327 IAC 7.1-2-18 “Pasture” defined

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

Affected: IC 13-18-12

Sec. 18. “Pasture” means land on which animals feed directly on feed crops, such as legumes, grasses, grain stubble, or stover. (Water Pollution Control Board; 327 IAC 7.1-2-18)

327 IAC 7.1-2-19 “Permit” defined

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

Affected: IC 13-11-2-157

Sec. 19. “Permit” has the meaning set forth in IC 13-11-2-157. (Water Pollution Control Board; 327 IAC 7.1-2-19)

327 IAC 7.1-2-20 “Permittee” defined

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

Affected: IC 13-18-12

Sec. 20. “Permittee” means the person who applies for and receives a wastewater management permit from the department. (Water Pollution Control Board; 327 IAC 7.1-2-20)

327 IAC 7.1-2-21 “Person” defined

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

Affected: IC 13-11-2-158

Sec. 21. “Person” has the meaning set forth in IC 13-11-2-158(a). (Water Pollution Control Board; 327 IAC 7.1-2-21)

327 IAC 7.1-2-22 “Pesticide” defined

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

Affected: IC 13-18-12

Sec. 22. “Pesticide” means any substance that:

- (1) is commercially produced, marketed, or sold to control insects, rodents, nematodes, fungus, or weeds; and**
- (2) is regulated by the state chemist’s office and/or the U.S. Environmental Protection Agency.**

(Water Pollution Control Board; 327 IAC 7.1-2-22)

327 IAC 7.1-2-23 “Petroleum based” defined

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

Affected: IC 13-18-12

Sec. 23. “Petroleum based” means crude oil and substances derived from crude oil through processes such as separation, conversion, and finishing, that are liquid at normal condition of temperature and pressure comprised of a complex blend of hydrocarbons, including, but not limited to, the following:

- (1) Motor fuel.**
- (2) Jet fuel.**
- (3) Mineral oil.**
- (4) Lubricants.**
- (5) Petroleum solvents.**
- (6) Used oil.**

(Water Pollution Control Board; 327 IAC 7.1-2-23)

327 IAC 7.1-2-24 “Potable” defined

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

Affected: IC 13-18-12

Sec. 24. “Potable” means fit to drink. (Water Pollution Control Board; 327 IAC 7.1-2-24)

327 IAC 7.1-2-25 “Public water supply surface intake structure” defined

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

Affected: IC 13-18-12

Sec. 25. “Public water supply surface intake structure” means any structure used for the purpose of providing water through a public water supply system. (Water Pollution Control Board; 327 IAC 7.1-2-25)

327 IAC 7.1-2-26 “Public water supply well” defined

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

Affected: IC 13-18-12

Sec. 26. “Public water supply well” means any well that provides water to the public through a water distribution system that:

(1) serves at least twenty-five (25) persons per day for:

(A) drinking;

(B) domestic use; or

(C) other purposes; or

(2) has at least fifteen (15) service connections.

(Water Pollution Control Board; 327 IAC 7.1-2-26)

327 IAC 7.1-2-27 “Sensitive area” defined

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

Affected: IC 14-31; IC 14-38-1-5

Sec. 27. “Sensitive area” means a site where land application of domestic septage, a mixed load, or grease poses a specific water quality threat to one (1) or more of the following:

(1) Aquifers used as a source of drinking water.

(2) Public water supply wells.

(3) Wellhead protection areas.

(4) Drinking water supply reservoirs.

(5) Areas requiring special protection, such as:

(A) wetlands;

(B) karst terrains;

(C) the critical habitat of an endangered species; or

(D) natural areas, including:

(i) parks;

(ii) nature preserves, as regulated under IC 14-31

(iii) historic sites, as defined in section 10 of this rule; and

(iv) public lands, as defined in IC 14-38-1-5.

(Water Pollution Control Board; 327 IAC 7.1-2-27)

327 IAC 7.1-2-28 “Set aside” or “idle” defined

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

Affected: IC 13-18-12

Sec. 28. “Set aside” or “idle” means agricultural land upon which no crop is grown during crop season. (Water Pollution Control Board; 327 IAC 7.1-2-28)

327 IAC 7.1-2-29 “Sewage disposal system” defined

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

Affected: IC 13-11-2-201

Sec. 29. “Sewage disposal system” has the meaning set forth in IC 13-11-2-201. (Water Pollution Control Board; 327 IAC 7.1-2-29)

327 IAC 7.1-2-30 “Surface application” defined

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

Affected: IC 13-18-12

Sec. 30. “Surface application” means the placement of wastewater by spraying or spreading onto the land surface. (*Water Pollution Control Board; 327 IAC 7.1-2-30*)

327 IAC 7.1-2-31 “Unauthorized” defined

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

Affected: IC 13-18-12

Sec. 31. “Unauthorized” means that which is prohibited by permit, license, or approval conditions or Indiana or federal statutes or regulations. (*Water Pollution Control Board; 327 IAC 7.1-2-31*)

327 IAC 7.1-2-32 “Wastewater” defined

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

Affected: IC 13-11-2-256

Sec. 32. “Wastewater” has the meaning set forth in IC 13-11-2-256. Grease, domestic septage, and a mixed load are all forms of wastewater. (*Water Pollution Control Board; 327 IAC 7.1-2-32*)

327 IAC 7.1-2-33 “Wastewater management” defined

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

Affected: IC 13-11-2-257

Sec. 33. “Wastewater management” has the meaning set forth in IC 13-11-2-257. (*Water Pollution Control Board; 327 IAC 7.1-2-33*)

Rule 3. Permits, Licenses, and Approvals

327 IAC 7.1-3-1 General requirements

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

Affected: IC 13-18-12

Sec. 1. Any person providing or engaging in wastewater management shall comply with the following:

(1) Possess a valid wastewater management permit, in addition to any of the following that are applicable as required by this article:

(A) A valid license for any vehicle used for wastewater management activities.

(B) A valid approval for land application of wastewater.

(2) Comply with all applicable requirements of IC 13-18-12 and this article.

(Water Pollution Control Board; 327 IAC 7.1-3-1)

327 IAC 7.1-3-2 Revocation and Modification

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

Affected: IC 13-18-12-6.5

Sec. 2. The commissioner or a designee may revoke or modify a permit, license, or approval issued by the department in accordance with wastewater management enforcement penalties under IC 13-18-12-6.5. (*Water Pollution Control Board; 327 IAC 7.1-3-2*)

327 IAC 7.1-3-3 Appeals

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

Affected: IC 4-21.5-3

Sec. 3. A person aggrieved by the denial, revocation, or modification of a permit, license, or approval may appeal the denial,

revocation, or modification to the office of environmental adjudication for an administrative review under IC 4-21.5-3. (*Water Pollution Control Board; 327 IAC 7.1-3-3*)

327 IAC 7.1-3-4 Records

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

Affected: IC 13-14-2-2

Sec. 4. (a) Each permitted wastewater management business and any person who services a sewage disposal system shall keep accurate records of activities governed by this article.

(b) The records must include the following:

- (1)** The receipt, contract, or invoice of all wastewater management activities.
- (2)** The date, location, and method of disposal of wastewater associated with the receipts as required by 327 IAC 7.1-6-1(b).
- (3)** Land application records as required by 327 IAC 7.1-8-7.

(c) Such records must be:

- (1)** located at the permitted wastewater management business address;
- (2)** made available to representatives of the department during normal business hours for inspection as set forth in IC 13-14-2-2;
- (3)** updated weekly; and
- (4)** maintained for at least five (5) years.

(*Water Pollution Control Board; 327 IAC 7.1-3-4*)

Rule 4. Wastewater Management Permits

327 IAC 7.1-4-1 Wastewater management permit applications

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

Affected: IC 13-18-12

Sec. 1. (a) An application for a wastewater management permit, including a renewal application, must be submitted to the commissioner on a form provided by the commissioner. An application, including a renewal application, is considered complete only after all information required has been submitted, including all supplemental information that is required by the commissioner.

(b) An application for renewal of an existing wastewater management permit shall be postmarked prior to the expiration date of the permit or the permit will be invalid upon expiration.

(c) If the permittee intends to engage in wastewater treatment by altering the nature of domestic septage, mixed load, or grease, then the permit application must be accompanied by all of the following:

- (1)** If the property where the facility is to be located is not owned by the applicant:
 - (A)** the name, mailing address, and telephone number, if any, of the property owner; and
 - (B)** a statement, signed by the property owner, granting permission to conduct the activities specified in the application.
- (2)** A map of the county clearly indicating the location of the property on which the facility is proposed.
- (3)** An accurate drawing clearly delineating the proposed facility site and the area within one-half (½) mile of the site in all directions. The drawing must use a scale of one (1) inch per one hundred (100) feet and show North. The drawing shall clearly indicate the location of all features of interest, including the following:
 - (A)** Potable water supplies.
 - (B)** Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water.
 - (C)** Drainage inlets and tile systems.
 - (D)** Rock outcrops, sinkholes, or undrained depressions.
 - (E)** The location of all property lines, easements, and public roads.
 - (F)** Habitat of threatened or endangered species.
 - (G)** Historical sites.

(4) Plans and specifications certified by a professional engineer licensed to practice in Indiana. The plans must include the following:

- (A) The design of the facility.
- (B) The capacity of the facility.
- (5) A brief narrative description of the proposed operating and maintenance procedures to be used at the facility.
- (6) The name, address, and phone number of the person, or persons, who prepare the wastewater at the facility.
- (7) A letter from at least one state permitted publicly owned treatment works permitted under 327 IAC 5-2 or wastewater treatment plant stating the applicant is authorized to dispose of wastewater at their facility. If the narrative plan presented in subdivision (5) states the facility will be solidifying all wastewater, the applicant may substitute a letter from a state permitted municipal solid waste landfill.
- (8) A signed statement from either the person requesting the permit, or the property owner and the person requesting the permit, if different from the property owner, accepting responsibility for closure and abandonment in compliance with section 10 of this rule.

(d) If the permittee intends to store wastewater, then the permit application must be accompanied by all of the requirements of subsection (c) with the exception of subsection (c)(6) and (c)(7). (*Water Pollution Control Board; 327 IAC 7.1-4-1*)

327 IAC 7.1-4-2 Action on application

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

Affected: IC 13-15-7; IC 13-30-6; IC 36-9-30-35

Sec. 2. (a) The commissioner shall issue or renew a permit only after the following:

- (1) Receipt of a completed application in accordance with section 1 of this rule.
- (2) An inspection by a representative of the department to determine compliance with the requirements of this article.
- (3) The commissioner has evaluated the applicant's compliance history in providing wastewater management services under this article and 327 IAC 7, which was repealed in 2001.

(b) A permit may be renewed with new or modified conditions based on the information provided in subsection (a).

(c) The commissioner may deny a permit application, including a renewal application, or place conditions on a permit, including a renewal, for any of the following:

- (1) The applicant has been convicted of a crime under IC 13-30-6 or IC 36-9-30-35.
- (2) The commissioner, under IC 13-15-7, has revoked the applicant's previous permit to operate under:
 - (A) this article; or
 - (B) 327 IAC 7, which was repealed in 2001.
- (3) The applicant has a history of repeated violations of IC 13 or rules promulgated by authority of IC 13.
- (4) The applicant has been issued a notice of violation by department that is unresolved.

(d) The issuance of a permit does not:

- (1) convey any property rights of any sort or any exclusive privileges to the permittee;
- (2) authorize:
 - (A) any injury to any person or private property;
 - (B) invasion of other property rights; or
 - (C) any infringement of federal, state, or local laws or regulations; or
- (3) preempt any duty to comply with other federal, state, or local requirements.

(e) After the transition process described in section 5 of this rule, all permits shall be issued for a period not to exceed three (3) years.

(*Water Pollution Control Board; 327 IAC 7.1-4-2*)

327 IAC 7.1-4-3 Updating information

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

Affected: IC 13-18-12

Sec. 3. If the information provided in the application for the wastewater management permit changes, the applicant or permittee shall provide the new information to the department no more than fifteen (15) days after the information provided in the application changes. The commissioner will then decide what action shall be taken based on this information. (*Water*

Pollution Control Board; 327 IAC 7.1-4-3)

327 IAC 7.1-4-4 Permit conditions

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

Affected: IC 13-18-12

Sec. 4. (a) The commissioner may include conditions in a permit that ensure compliance with this article. All wastewater management permits issued are subject to the following conditions and such additional conditions as stated in the permit:

(1) The business name stated on the wastewater management permit and no other name shall be used in advertising for and engaging in wastewater management services.

(2) Permits issued under this article or 327 IAC 7, which was repealed in 2001, are not transferable.

(3) The permittee shall provide wastewater management services in a manner that does not create a threat to human health or the environment, including the following:

(A) Pumping, dumping, or allowing the leakage or drainage of wastewater onto any unauthorized premises, ground surfaces, public roads, or into the waters of the state is prohibited.

(B) Any spillage of wastewater onto unauthorized premises, ground surfaces, public roads or waters of the state must be handled, removed, and disposed in accordance with this article and under 327 IAC 2-6.1.

(C) Water obtained from any source for flushing or cleaning licensed wastewater vehicles, equipment used in wastewater management, or a sewage disposal system, must be obtained in a manner that prevents the possibility of contaminating the water source. Backflow prevention devices must be installed when water is obtained from a potable water source.

(D) Water used for flushing or cleaning purposes must be disposed of in the same manner as required by this article for wastewater disposal.

(b) If the permittee intends to engage in wastewater treatment or storage activities, all permits shall be issued subject to the following conditions and such additional conditions as may be stated in the permit:

(1) Except for structures approved prior to the effective date of this rule, all treatment or storage facilities must be designed, constructed, or installed in compliance with this rule.

(2) All facilities must be operated in compliance with this article.

(3) An all-weather off-loading area with containment for spill cleanup must be provided where the vehicle contents are received by the facility.

(4) All facilities must be constructed in a manner to prevent entry of storm water run-off from surrounding areas.

(c) All wastewater treatment facilities or storage facilities must be maintained and operated to prevent any threats to human health or the environment as follows:

(1) Unauthorized access to the facility must be prevented by locks or the facility must be adequately fenced and posted.

(2) Facilities must be maintained so there is no discharge or seepage of wastewater other than controlled removal for final disposal or land application of the wastewater.

(3) Wastewater treatment or storage facilities must be maintained to prevent safety hazards or disease vector conditions.

(4) Wastewater treatment facilities or storage facilities must be maintained such that there is no discharge of pollutants into the waters of the state.

(Water Pollution Control Board; 327 IAC 7.1-4-4)

327 IAC 7.1-4-5 Transition

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

Affected: IC 13-18-12

Sec. 5. (a) Any permittee possessing a valid wastewater management permit shall, prior to expiration of that permit, submit an application for renewal of the permit in accordance with this subsection. A renewal permit will be issued subject to section 2 of this rule and according to the following schedule:

(1) Any permittee located outside of Indiana or any permittee located in the counties of:

(A) Adams;

(B) Allen;

(C) Bartholomew;

(D) Benton;

(E) Blackford;

- (F) Boone;**
- (G) Brown;**
- (H) Carroll;**
- (I) Cass;**
- (J) Clark;**
- (K) Clay;**
- (L) Clinton;**
- (M) Crawford;**
- (N) Daviess;**
- (O) Dearborn;**
- (P) Decatur;**
- (Q) Dekalb;**
- (R) Delaware;**
- (S) Dubois;**
- (T) Elkhart;**
- (U) Fayette;**
- (V) Floyd;**
- (W) Fountain;**
- (X) Franklin;**
- (Y) Fulton;**
- (Z) Gibson;**
- (AA) Grant; and**
- (BB) Greene;**

in Indiana will be issued a permit valid for one (1) year.

(2) Any permittee located in the counties of:

- (A) Hamilton;**
- (B) Hancock;**
- (C) Harrison;**
- (D) Hendricks;**
- (E) Henry;**
- (F) Howard;**
- (G) Huntington;**
- (H) Jackson;**
- (I) Jasper;**
- (J) Jay;**
- (K) Jefferson;**
- (L) Jennings;**
- (M) Johnson;**
- (N) Knox;**
- (O) Kosciusko;**
- (P) LaGrange;**
- (Q) Lake;**
- (R) LaPorte;**
- (S) Lawrence;**
- (T) Madison;**
- (U) Marion; and**
- (V) Marshall;**

in Indiana will be issued a permit valid for two (2) years.

(3) Any permittee located in the counties of:

- (A) Martin;**
- (B) Miami;**
- (C) Monroe;**
- (D) Montgomery;**
- (E) Morgan;**
- (F) Newton;**

(G) Noble;
(H) Ohio;
(I) Orange;
(J) Owen;
(K) Parke;
(L) Perry;
(M) Pike;
(N) Porter;
(O) Posey;
(P) Pulaski;
(Q) Putnam;
(R) Randolph;
(S) Ripley;
(T) Rush;
(U) St. Joseph;
(V) Scott;
(W) Shelby;
(X) Spencer;
(Y) Starke;
(Z) Steuben;
(AA) Sullivan;
(BB) Switzerland;
(CC) Tippecanoe;
(DD) Tipton;
(EE) Union;
(FF) Vanderburgh;
(GG) Vermillion;
(HH) Vigo;
(II) Wabash;
(JJ) Warren;
(KK) Warrick;
(LL) Washington;
(MM) Wayne;
(NN) Wells;
(OO) White; and
(PP) Whitley;

in Indiana will be issued a permit valid for three (3) years.

(b) All wastewater treatment facilities or wastewater storage facilities approved prior to the effective date of this article that do not have an expiration date specified in the approval shall submit, within one hundred eighty (180) days of the effective date of this article, a wastewater management permit application as specified in section 1 of this rule.

(c) All wastewater treatment facilities or wastewater storage facilities approved prior to the effective date of this article shall submit, prior to the expiration date specified in the approval, a wastewater management permit application as specified in section 1 of this rule.

(d) A permit or renewal permit will be issued subject to section 2 of this rule and according to the schedule set in subsection (a). (*Water Pollution Control Board; 327 IAC 7.1-4-5*)

327 IAC 7.1-4-6 Site restrictions

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

Affected: IC 13-18-12

Sec. 6. Storage facilities or treatment facilities must not be constructed or maintained:

(1) within three hundred (300) feet of any public roads;

(2) within six hundred (600) feet of any:

- (A) residence;**
- (B) places of business;**
- (C) public gathering places;**
- (D) property lines;**
- (E) lakes;**
- (F) ponds;**
- (G) streams;**
- (H) intermittent waterways;**
- (I) surface water impoundments;**
- (J) wetlands;**
- (K) rock outcrops;**
- (L) sink holes;**
- (M) undrained depressions; or**
- (N) potable water supplies;**

(3) within one thousand (1,000) feet of any:

- (A) public water supply well or public water supply surface intake structure;**
- (B) historical sites; or**
- (C) designated critical habitats of threatened or endangered species;**

(4) in a flood plain; and

(5) in a manner that allows the wastewater to enter waters of the state.

(Water Pollution Control Board; 327 IAC 7.1-4-6)

327 IAC 7.1-4-7 General design requirements for treatment facilities or storage facilities

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

Affected: IC 13-18-12

Sec. 7. (a) All wastewater treatment facilities or wastewater storage tanks must be designed, permitted, constructed, and maintained in compliance with this article.

(b) Construction of a wastewater treatment facility must be permitted in accordance with 327 IAC 3.

(c) Any treatment facility that discharges to the waters of the state must have a valid National Pollution Discharge Elimination System permit as required in 327 IAC 5.

(d) Earthen facilities for the storage of wastewater shall not be approved.

(e) Underground steel tanks for the storage of wastewater shall not be approved.

(f) Storage tanks of synthetic material, fiberglass, and aboveground steel tanks must comply with the following:

(1) The tank material and wall thickness shall be adequate to contain the contents.

(2) All tanks must be watertight.

(3) Steel tanks shall be coated to prevent corrosion. Tanks constructed of materials other than steel shall have prior approval of the commissioner and shall be coated if necessary to prevent corrosion or afford further protection from leakage.

(4) Tanks used to store substances other than wastewater must be cleaned to remove all traces of the other substance prior to the addition of wastewater to the tank.

(5) Tanks shall be anchored, supported, and bedded to provide structural safety and prevent movement. Aboveground tanks shall be supported by a concrete base.

(6) The bottom of the storage tank shall be at least two (2) feet above the seasonal high water level or bedrock.

(7) Aboveground tanks must have protected shutoff valves for all inlet and outlet pipes.

(8) Tanks shall possess disease vector-proof vents.

(9) Tanks shall be of such construction or design as to allow inspection and sampling of contents.

(10) An all-weather access road shall be provided to the storage tank sites.

(g) For any uncovered storage structure for wastewater, the design must allow for maintaining at all times a minimum of two (2) feet of freeboard.

(h) Stockpiling of wastewater sludge at the treatment facility must be:

(1) approved by the commissioner; and

(2) covered by a tarp, plastic sheet, or roof if stored for more than thirty (30) days.

(Water Pollution Control Board; 327 IAC 7.1-4-7)

327 IAC 7.1-4-8 General construction requirements for treatment or storage facilities

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

Affected: IC 13-18-12

Sec. 8. (a) All wastewater treatment facilities or storage facilities must be constructed to prevent leaks and seepage and prevent spills that could contaminate ground water or surface water.

(b) All storage structures for wastewater must be designed, constructed, and maintained to a storage capacity of one hundred eighty (180) days, which is the maximum number of days storage is allowed at any given time.

(c) The commissioner may incorporate conditions into the wastewater management permit that require testing to verify that the wastewater management system is consistent with the design standards and meets the performance standards established in this article. *(Water Pollution Control Board; 327 IAC 7.1-4-8)*

327 IAC 7.1-4-9 Innovative technology; alternate design and construction

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

Affected: IC 13-18-12

Sec. 9. (a) The use of a design or construction approach other than the requirements specified in this article or an innovative technology may be proposed by the owner/operator in accordance with the following:

(1) The proposal for the alternative design, construction, or innovative technology must be accompanied by documentation that assures that the performance standards of this article are met.

(2) The proposal must also comply with all existing environmental rules and laws.

(3) The proposal must be submitted with a wastewater management permit application.

(b) In making a determination on the alternative design, construction, or innovative technology the commissioner shall consider the following criteria:

(1) Design specifications that assure adequate structural integrity.

(2) Protective measures that reduce the potential for spills.

(3) Operational practices that provide additional protection.

(4) Threats of adverse impacts to water quality or other specified sensitive areas.

(5) Other criteria related to protection of the environment or human health.

(c) The commissioner shall provide written documentation describing the basis for the approval or denial of the proposed alternate design, construction, or innovative technology. *(Water Pollution Control Board; 327 IAC 7.1-4-9)*

327 IAC 7.1-4-10 Closure and abandonment of treatment facilities or storage facilities

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

Affected: IC 13-18-12

Sec. 10. In the event a treatment or storage facility ceases to be operated or used for more than twenty-four (24) consecutive months, it is the responsibility of the person who signed the statement submitted in accordance with section 1(c)(8) of this rule to abandon the facility properly. The following steps are required:

(1) The commissioner shall be notified at least thirty (30) days in advance that the facility is to be abandoned.

(2) Closure must be completed within one hundred twenty (120) days of the notification required in subdivision (1).

(3) The contents of a facility must be disposed of in a manner consistent with this article and as required by the commissioner.

(4) Aboveground facilities must be dismantled and removed.

(5) Earthen facilities must be:

(A) leveled or filled with earth, and the appurtenances removed or cleaned and closed in an alternative manner equally protective of human health and the environment that has been approved by the commissioner; and

(B) the site shall be returned approximately to its natural contours and be mounded to allow for settling and to divert surface waters.

(6) A certification statement indicating that the requirements of this section have been met must be sent to the commissioner within thirty (30) days of completion of closure. The closure certification will be deemed adequate unless within ninety (90) days of receipt of the closure certification and subsequent review, the commissioner issues a notice of deficiency of closure, including actions necessary to correct the deficiency.

(Water Pollution Control Board; 327 IAC 7.1-4-10)

Rule 5. Vehicle Licenses

327 IAC 7.1-5-1 Vehicle license requirements

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

Affected: IC 13-18-12

Sec. 1. (a) An application for a wastewater management vehicle license, including a renewal, must be submitted to the commissioner, on a form provided by the commissioner. An application shall be considered complete only after all information required has been submitted, including all supplemental information as may be required by the commissioner.

(b) The application for renewal of an existing wastewater vehicle license must be postmarked prior to the expiration date of the license or the license will be invalid upon expiration. *(Water Pollution Control Board; IAC 327 7.1-5-1)*

327 IAC 7.1-5-2 Action on application

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

Affected: IC 13-15-7; IC 13-30-6; IC 36-9-30-35

Sec. 2. (a) The commissioner shall issue or renew a license only after the following:

(1) Receipt of a completed application in accordance with section 1 of this rule.

(2) A vehicle and equipment inspection by a representative of the department to determine compliance with the requirements of this rule.

(3) A valid wastewater management permit is issued to the vehicle owner under this article.

(4) The commissioner shall evaluate the applicant's compliance history in providing wastewater management services under this article and 327 IAC 7, which was repealed in 2001.

(b) A license may be renewed with new or modified conditions based on the information provided in subsection (a).

(c) The commissioner may deny a license application, including a renewal application, or place conditions on a license, including a renewal, for any of the following:

(1) The applicant has been convicted of a crime under IC 13-30-6 or IC 36-9-30-35.

(2) The commissioner, under IC 13-15-7, has revoked the applicant's previous license to operate under:

(A) this article; or

(B) 327 IAC 7, which was repealed in 2001.

(3) The applicant has a history of repeated violations of the Environmental Protection Acts or regulations as specified under the acts.

(4) The applicant has been issued a notice of violation by the department that is unresolved.

(d) The issuance of a license does not:

(1) convey any property rights of any sort or any exclusive privileges to the licensee;

(2) authorize:

(A) any injury to any person or private property;

(B) invasion of other property rights; and

(C) any infringement of federal, state, or local laws or regulations; or

(3) preempt any duty to comply with other federal, state, or local requirements.

(e) After the transition process described in section 5 of this rule, all permits shall be issued for a period not to exceed three (3) years. In no case shall a license be issued for a term longer than the associated permit required under 327 IAC 7.1-3-1(1). *(Water Pollution Control Board; 327 IAC 7.1-5-2)*

327 IAC 7.1-5-3 Updating information

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

Affected: IC 13-18-12

Sec. 3. If the information provided in the application for the vehicle license changes, the applicant or licensee shall provide the new information to the department no more than fifteen (15) days after the information provided in the application changes. The commissioner will then decide what action shall be taken based on this information. *(Water Pollution Control Board; 327 IAC 7.1-5-3)*

327 IAC 7.1-5-4 License conditions and restrictions

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

Affected: IC 13-11-2-155

Sec. 4. (a) The commissioner may include conditions and restrictions in a license that ensure compliance with this article.

(b) All wastewater management vehicle licenses are issued subject to the following conditions and any additional conditions contained in the license:

(1) The vehicle must be used only as authorized by the license and in compliance with any applicable restrictions or conditions stated on the license.

(2) The vehicle must not be used for the transport of any of the following:

(A) A hazardous waste that is regulated under 329 IAC 3.1

(B) PCB as described in IC 13-11-2-155.

(C) Petroleum based products.

(D) Pesticides.

(3) The vehicles and equipment used in cleaning sewage disposal systems or transporting wastewater must not be used for purposes other than the hauling of domestic waste, animal wastes, landfill leachate, or biosolids without prior written permission of the commissioner.

(c) A restricted license may be issued to a licensee for a vehicle that does not comply with specific requirements of this rule, but is adequate to clean designated sewage disposal systems or types of systems, or transport or land apply wastewater. The specific conditions that the vehicle is not required to meet shall be stated on the license.

(d) Wastewater management vehicle licenses are not transferable. *(Water Pollution Control Board; 327 IAC 7.1-5-4)*

327 IAC 7.1-5-5 Transition

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

Affected: IC 13-18-12

Sec. 5. (a) Any permittee possessing a valid vehicle license shall, prior to the expiration of that license, submit an application for renewal of the license in accordance with section 1 of this rule. A renewal license will be issued subject to section 2 of this rule and according to the following schedule:

(1) Any permittee located outside of Indiana or any permittee located in the counties of:

(A) Adams;

(B) Allen;

(C) Bartholomew;

(D) Benton;

(E) Blackford;

(F) Boone;

(G) Brown;

- (H) Carroll;**
- (I) Cass;**
- (J) Clark;**
- (K) Clay;**
- (L) Clinton;**
- (M) Crawford;**
- (N) Daviess;**
- (O) Dearborn;**
- (P) Decatur;**
- (Q) Dekalb;**
- (R) Delaware;**
- (S) Dubois;**
- (T) Elkhart;**
- (U) Fayette;**
- (V) Floyd;**
- (W) Fountain;**
- (X) Franklin;**
- (Y) Fulton;**
- (Z) Gibson;**
- (AA) Grant; and**
- (BB) Greene;**

in Indiana will be issued a license valid for one (1) year.

(2) Any permittee located in the counties of:

- (A) Hamilton;**
- (B) Hancock;**
- (C) Harrison;**
- (D) Hendricks;**
- (E) Henry;**
- (F) Howard;**
- (G) Huntington;**
- (H) Jackson;**
- (I) Jasper;**
- (J) Jay;**
- (K) Jefferson;**
- (L) Jennings;**
- (M) Johnson;**
- (N) Knox;**
- (O) Kosciusko;**
- (P) LaGrange;**
- (Q) Lake;**
- (R) LaPorte;**
- (S) Lawrence;**
- (T) Madison;**
- (U) Marion; and**
- (V) Marshall;**

in Indiana will be issued a license valid for two (2) years.

(3) Any permittee located in the counties of:

- (A) Martin;**
- (B) Miami;**
- (C) Monroe;**
- (D) Montgomery;**
- (E) Morgan;**
- (F) Newton;**
- (G) Noble;**
- (H) Ohio;**

(I) Orange;
(J) Owen;
(K) Parke;
(L) Perry;
(M) Pike;
(N) Porter;
(O) Posey;
(P) Pulaski;
(Q) Putnam;
(R) Randolph;
(S) Ripley;
(T) Rush;
(U) St. Joseph;
(V) Scott,
(W) Shelby;
(X) Spencer;
(Y) Starke;
(Z) Steuben;
(AA) Sullivan;
(BB) Switzerland;
(CC) Tippecanoe;
(DD) Tipton;
(EE) Union;
(FF) Vanderburgh;
(GG) Vermillion;
(HH) Vigo;
(II) Wabash;
(JJ) Warren;
(KK) Warrick;
(LL) Washington;
(MM) Wayne;
(NN) Wells;
(OO) White; and
(PP) Whitley;

in Indiana will be issued a license valid for three (3) years.

(b) In no case shall a license be issued for a term longer than the associated permit required under 327 IAC 7.1-3-1(1).
(*Water Pollution Control Board; 327 IAC 7.1-5-5*)

Rule 6. Licensed Vehicle Operation

327 IAC 7.1-6-1 Vehicle and attendant equipment requirements; general

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

Affected: IC 13-18-12

Sec. 1. (a) The current vehicle license issued by the department must be maintained in the vehicle at all times.

(b) The operator shall remove wastewater from the sewage disposal system so as to minimize the occurrence of spills.
Completion of wastewater removal includes the following:

- (1) Closing all access openings to the sewage disposal system.
- (2) Cleaning up any spilled wastewater.
- (3) Providing the customer with a completed, legible receipt or invoice showing the following:
 - (A) The customer's name and address.
 - (B) The date the customer's sewage disposal system was cleaned.
 - (C) The amount of wastewater removed from the system in gallons.

(4) The receipt or invoice required in subdivision (3) must bear the following:

- (A) The name and address of the permitted wastewater management business.**
- (B) The permittee's department wastewater management permit number.**
- (C) The department vehicle license number of the vehicle used in cleaning the customer's system.**

(c) When in use, licensed vehicles and attendant equipment must be maintained to prevent the leakage, spillage, or discharge of wastewater onto ground surfaces or public roads, including the following.

- (1) Portable sanitary units and equipment on the vehicle must be secured to prevent detachment from the vehicle during transport.**
- (2) Portable sanitary units and equipment on the vehicle must be maintained to prevent any leakage or spillage of wastewater during transport.**

(Water Pollution Control Board; 327 IAC 7.1-6-1)

327 IAC 7.1-6-2 Vehicle and equipment requirements; tanks

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

Affected: IC 13-18-12

Sec. 2. The vehicle must be equipped with a leak-proof tank suitable for containment of wastewater from cleaning sewage disposal systems and must meet the following requirements unless otherwise specified under a restricted license:

- (1) The tank must be securely affixed to the vehicle chassis.**
- (2) The tank must have a capacity of at least one thousand (1,000) gallons or as otherwise approved by the commissioner.**
- (3) The tank must be constructed of steel adequate to prevent collapse when a vacuum is created or as otherwise approved by the commissioner.**
- (4) The tank, if more than seven (7) feet long as measured along the axis of vehicle travel, must contain interior baffles of sufficient cross-sectional area to adequately dampen movement of contained liquid during vehicle travel or braking. The baffles must be composed of the same material as the tank, and must have the same or greater thickness as the tank walls. The baffles must be firmly attached to the interior tank wall at least every seven (7) feet along the axis of vehicle travel, and must allow for complete draining of the contained wastewater.**
- (5) The tank must have a discharge opening of a minimum of two and one-half (2½) inches in diameter and the discharge point shall allow for complete draining of the contained wastewater.**
- (6) The tank must have water-tight valves provided at the tank's inlet and outlet. Water-tight caps or plugs must be installed whenever the inlet and outlet openings are not being used to transfer the wastewater.**
- (7) The tank must be constructed so that its interior and exterior can be cleaned.**
- (8) A device must be installed on the tank to visually indicate the wastewater level in the tank.**

(Water Pollution Control Board; 327 IAC 7.1-6-2)

327 IAC 7.1-6-3 Vehicle and equipment requirements; pumping system

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

Affected: IC 13-18-12

Sec. 3. A vehicle pumping system must meet the following requirements:

- (1) The inlet and discharge of the sewage pumps must be a minimum of two and one-half (2½) inches in diameter.**
- (2) The vehicle engine intake manifold must not be used as a vacuum source.**
- (3) The pump installation must be such that leakage is prevented.**
- (4) All exposed connections or openings must be made water-tight with caps or plugs when the pumping system is being used to transfer liquid or wastewater.**

(Water Pollution Control Board; 327 IAC 7.1-6-3)

327 IAC 7.1-6-4 Vehicle and equipment requirements; hoses

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

Affected: IC 13-18-12

Sec. 4. A vehicle hose must meet the following requirements:

- (1) The hose must:**
 - (A) be maintained in good condition;**

(B) have an inside diameter of not less than two and one-half (2½) inches; and

(C) be equipped with leak-proof connectors.

(2) The hose must be of such material and construction that every portion of the interior and exterior can be cleaned.

(3) All exposed hose openings or connections must be capped or plugged water-tight when not in use, unless the hoses have been flushed and rinsed clean or are carried in a leak-proof storage compartment on the vehicle.

(Water Pollution Control Board; 327 IAC 7.1-6-4)

327 IAC 7.1-6-5 Vehicle and equipment requirements; land application vehicles

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

Affected: IC 13-18-12

Sec. 5. A vehicle that will be used for land application of wastewater must have a spray bar, splash plate, or other device that will distribute the wastewater while the vehicle is in motion. Such wastewater distribution devices must be designed so that the devices may be rinsed free of wastewater after use. *(Water Pollution Control Board; 327 IAC 7.1-6-5)*

327 IAC 7.1-6-6 Vehicle and equipment requirements; vehicle

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

Affected: IC 13-18-12

Sec. 6. Wastewater management vehicle identification labeling must be a minimum of three-eighths (¾) inch in width and of a color contrasting with the background. Such identification must be maintained in a legible condition at all times. All licensed wastewater management vehicles must bear the following visual identification:

(1) There must be labeled on both vehicle doors, or on the front quarter of the tank on both sides, where the tank wall is vertical, the word "VEHICLE" followed by the vehicle license number assigned by the commissioner, in letters and numbers all at least two (2) inches tall.

(2) The business name and city or town where the business is located must appear on both doors of the vehicle.

(3) The maximum capacity of the vehicle tank shall be painted at a location visible at all times, either on both sides of the tank or at the rear of the tank in letters and numbers at least two (2) inches tall.

(Water Pollution Control Board; 327 IAC 7.1-6-6)

Rule 7. Disposal; General Requirements

327 IAC 7.1-7-1 General requirements

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

Affected: IC 13-18-12

Sec. 1. (a) Wastewater may be disposed of in a public sewage treatment facility or collection system as follows:

(1) Disposal may be by discharge into a publicly owned treatment works permitted under 327 IAC 5-2 or publicly owned treatment works collection system, or into a semi-publicly owned treatment facility that has a valid National Pollution Discharge Elimination System permit issued by the commissioner under 327 IAC 5.

(2) The discharge point, method of discharge, and wastewater quality must be in accordance with the requirements of the municipality or other semi-public entity accepting the wastewater.

(3) Wastewater must not be disposed of through a municipal or public sewage treatment facility or sewerage system without prior written permission of the responsible local official.

(b) Wastewater may be disposed of in a permitted wastewater treatment facility as follows:

(1) Disposal may be by discharge into a treatment facility specifically designed for the treatment of wastewater.

(2) No such treatment facility shall be constructed or installed without the permits required under 327 IAC 7.1-4-7(a) and 327 IAC 7.1-4-7(b).

(3) No discharge of pollutants into the waters of the state shall occur without a properly issued and effective National Pollution Discharge Elimination System permit under 327 IAC 5.

(c) Wastewater may be disposed of in a municipal solid waste landfill as follows:

(1) Wastewater may be disposed at a municipal solid waste landfill possessing a valid solid waste management permit from the commissioner in accordance with the rules of the solid waste management board at 329 IAC 10, provided any free

liquids have been removed or solidified.

(2) Waste that contains free liquids must not be accepted for disposal by any municipal solid waste landfill. Free liquid shall be determined utilizing Method 9095 (Paint Filter Liquids Test) as described in the U.S. Environmental Protection Agency Publication SW-846.

(d) Wastewater may be disposed of at an approved land application site as follows:

(1) Wastewater, except for chemical toilet contents, may be disposed at land application sites in compliance with this article. The wastewater may be in the form of grease, domestic septage, or a mixed load. No disposal of wastewater must be permitted on the land or at any property or location without a valid land application approval issued by the commissioner.

(2) Chemical toilet contents must not be land applied under this article.

(3) Sludges or waste products that are not wastewater must not be land applied under this article.

(e) Wastewater may be stored at a storage facility as follows:

(1) Pending final disposal by any of the other methods listed above, wastewater may be discharged to storage facilities.

(2) Facilities for the storage of wastewater must be constructed or installed in compliance with this article.

(3) Facilities for the storage of wastewater must have a valid wastewater management permit under this article.

(Water Pollution Control Board; 327 IAC 7.1-7-1)

327 IAC 7.1-7-2 Wastewater origins; notifications

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

Affected: IC 13-11-2-99; IC 13-22-2-3

Sec. 2. A permittee, owner, or operator shall notify the commissioner if requested to haul wastewater where there is reason to believe the wastewater may contain one or more of the following:

(1) A pollutant listed as toxic under 307(a)(1) of the Clean Water Act.

(2) A hazardous waste as generally described in IC 13-11-2-99.

(3) A hazardous waste that is listed under IC 13-22-2-3.

(Water Pollution Control Board; 327 IAC 7.1-7-2)

Rule 8. Land Application; General Requirements

327 IAC 7.1-8-1 Land application approval requirements

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

Affected: IC 13-18-12

Sec. 1. (a) An application for a wastewater land application site approval, including a renewal, must be submitted to the commissioner, on a form provided by the commissioner. An application is considered complete only after all information required has been submitted, including all supplemental information that is required by the commissioner.

(b) The application for a renewal of an existing land application site approval must be postmarked prior to the expiration date of the approval or the approval will be invalid upon expiration.

(c) The application must be accompanied by all of the following:

(1) A statement, signed by the property owner, granting permission to dispose of wastewater on the property and stating that the property owner is aware of the crop and use limitations for land used for wastewater land application as set forth by this rule.

(2) The name, mailing address, and telephone number, if any, of the property owner.

(3) A map of the county clearly indicating the location of the property on which wastewater application is proposed.

(4) An accurate drawing clearly delineating the proposed wastewater application site and the area within one-half (½) mile of the site in all directions. The drawing must use a scale of one (1) inch per one hundred (100) feet and show North. The drawing shall clearly indicate the location of all features of interest, including the following:

(A) Potable water supplies.

(B) Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water.

(C) Drainage inlets and tile systems.

(D) Rock outcrops, sinkholes or undrained depressions.

- (E) The location and use of all structures, including residences or places of business and any public gathering places.
 - (F) The location of all property lines, easements, and public roads.
 - (G) Designated critical habitat of threatened or endangered species.
 - (H) Historical sites.
 - (I) Public water supply surface intake structures.
 - (J) Public water supply wells.
- (5) A soil survey map or a report by a soil scientist certified by the American Registry of Certified Professionals in Agronomy, Crops, and Soils (ARCPACS), classifying the soils and their permeabilities within the proposed site and specifying the site's suitability for wastewater disposal by indicating the following:
- (A) That at least three (3) feet of soil exists between the point of application and the maximum seasonal ground water level or bedrock.
 - (B) That the land application site is not located in the flood plain of the base flood or one hundred (100) year flood.
 - (C) That the soil permeability is slower than or equal to six (6) inches per hour.
 - (D) A statement regarding the form or forms of wastewater, domestic septage, grease, or mixed load to be land applied at the site.
 - (E) Facts demonstrating that the site is not located on a sensitive area as defined at 327 IAC 7.1-2-27.
 - (F) If the domestic septage is to be land applied, facts demonstrating that the site is land with a low potential for public exposure as defined at 327 IAC 7.1-2-13.
 - (G) The number of acres of area available for the application site after setbacks have been taken into consideration.
 - (H) A description of all land application methods to be utilized at the site.
 - (I) A fee of thirty dollars (\$30) dollars per site per year.
 - (J) A report showing the annual amount of wastewater applied at the site for any year prior to the year of application, with the total gallons of wastewater ever applied at the site clearly indicated.
 - (K) A plan indicating what crops are to be grown on the site during the effective period of the permit, or if the site will be pasture land or set aside.

(d) Wastewater land application sites will not be approved unless the requirements of subsection (c) are met. (*Water Pollution Control Board; 327 IAC 7.1-8-1*)

327 IAC 7.1-8-2 Wastewater land application sites--Prohibitions

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

Affected: IC 13-18-12

Sec. 2 (a) The application of wastewater at a land application site must not:

- (1) cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife; or
- (2) result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR 17.

(b) For purposes of subsection (a), the following definitions apply:

- (1) "Destruction or adverse modification" means a direct or indirect alteration of critical habitat that appreciably diminishes the likelihood of the survival and recovery of threatened or endangered species using that habitat.
- (2) "Taking" means harassing, harming, pursuing, hunting, wounding, killing, capturing, or collecting or attempting to engage in such conduct.

(c) Land application sites must be in compliance with the following:

- (1) The land application of wastewater must not cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES) under 327 IAC 5.
- (2) The land application of wastewater must not cause nonpoint source pollution of waters of the state that violates applicable legal requirements implementing an area wide or statewide water quality management plan that has been approved by the commissioner under Section 208 of the Clean Water Act as amended.

(d) For purposes of subsection (c), "point-source" means the definition in the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., and implementing regulations, specifically 33 CFR 323 (42 FR 37122, July 19, 1977).

(e) The land application of wastewater must not contaminate an underground drinking water source.

(f) For purposes of subsection (e) the following definitions apply:

(1) "Contaminate" means introducing a substance that would cause one (1) of the following:

(A) The concentration of that substance in the ground water to exceed the maximum contaminant level specified in Appendix I of 40 CFR 257.

(B) An increase in the concentration of that substance in the ground water where the existing concentration of that substance exceeds the maximum contaminant level specified in Appendix I of 40 CFR 257.

(2) "Underground drinking water source" means one (1) of the following:

(A) An aquifer supplying drinking water for human consumption.

(B) An aquifer in which the ground water contains less than ten thousand (10,000) milligrams per liter total dissolved solids.

(g) Wastewater must not be applied so as to cause soil erosion. (*Water Pollution Control Board; 327 IAC 7.1-8-2*)

327 IAC 7.1-8-3 Action on application

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

Affected: IC 13-30-6; IC 36-9-30-35

Sec. 3. (a) The commissioner may issue or renew a land application approval only after the following:

(1) Receipt of a completed application in accordance with section 1 of this rule.

(2) An inspection of the proposed land application site to determine if the site and proposed methods of application will comply with the requirements of this rule.

(3) A valid wastewater management permit has been issued to the applicant under this article.

(4) The commissioner has evaluated the applicant's compliance history for land applying wastewater under this article and 327 IAC 7, which was repealed in 2001.

(b) An approval may be renewed with new or modified conditions based on the information provided in subsection (a).

(c) The commissioner may deny an approval application, including a renewal application, or place conditions on an approval, including a renewal, for any of the following:

(1) The applicant has been convicted of a crime under IC 13-30-6 or IC 36-9-30-35.

(2) The applicant's previous approval or permit to operate has been revoked by the commissioner under:

(A) this article; or

(B) 327 IAC 7, which was repealed in 2001.

(3) The applicant has a history of repeated violations of IC 13 or rules promulgated by authority of IC 13.

(4) The applicant has been issued a notice of violation by the commissioner that is unresolved.

(d) The issuance of an approval does not:

(1) convey any property rights of any sort or any exclusive privileges to the approval holder;

(2) authorize:

(A) any injury to any person or private property;

(B) invasion of other property rights; or

(C) any infringement of federal, state, or local laws or regulations; or

(3) preempt any duty to comply with other federal, state, or local requirements.

(e) After the transition process described in section 6 or this rule, all approvals shall be issued for a period not to exceed three (3) years. No approval shall be issued for a term longer than the associated permit required under 327 IAC 7.1-3-1(1). (*Water Pollution Control Board; 327 IAC 7.1-8-3*)

327 IAC 7.1-8-4 Updating information

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

Affected: IC 13-18-12

Sec. 4. If the information provided in the application for the land application approval changes, the applicant or holder of the approval shall provide the new information to the department no more than fifteen (15) days after the information provided in the application changes. The commissioner will determine what, if any, actions shall be taken based on the

updated information. (*Water Pollution Control Board IAC 7.1-8-4*)

327 IAC 7.1-8-5 Approval conditions

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

Affected: IC 13-18-12

Sec. 5. All wastewater land application approvals shall be issued subject to the following conditions and such additional conditions as may be stated on the approval:

(1) The valid wastewater land application approval or copy of the approval must be carried in any vehicle disposing of wastewater at an application site at all times; such approval or copy of the approval must be available for inspection by representatives of the commissioner or any law enforcement officer.

(2) The property on which the wastewater land application site is located must be posted with signs reading, "NO TRESPASSING". Such signs must be posted along all access points to the site.

(3) The usable portion of any land application site must be that area indicated on the application for approval and remaining after setbacks and all other restrictions are applied. This area must be clearly marked every one hundred (100) yards at its boundaries by flags or other boundary markers.

(4) The applicable requirements of this rule must be met.

(5) Land application approvals are not transferable.

(Water Pollution Control Board; 327 IAC 7.1-8-5)

327 IAC 7.1-8-6 Transition

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

Affected: IC 13-18-12

Sec. 6. (a) Any holder of a valid land application approval shall, prior to the expiration of that approval, submit an application for renewal of that approval in accordance with section 1 of this rule. A renewal approval will be issued subject to section 2 of this rule and according to the following schedule:

(1) Any holder of an approval located in the counties of:

- (A) Adams;**
- (B) Allen;**
- (C) Bartholomew;**
- (D) Benton;**
- (E) Blackford;**
- (F) Boone;**
- (G) Brown;**
- (H) Carroll;**
- (I) Cass;**
- (J) Clark;**
- (K) Clay;**
- (L) Clinton;**
- (M) Crawford;**
- (N) Daviess;**
- (O) Dearborn;**
- (P) Decatur;**
- (Q) Dekalb;**
- (R) Delaware;**
- (S) Dubois;**
- (T) Elkhart;**
- (U) Fayette;**
- (V) Floyd;**
- (W) Fountain;**
- (X) Franklin;**
- (Y) Fulton;**
- (Z) Gibson;**
- (AA) Grant; and**

(BB) Greene;
in Indiana will be issued an approval valid for one (1) year.

(2) Any holder of an approval located in the counties of:

- (A) Hamilton;**
- (B) Hancock;**
- (C) Harrison;**
- (D) Hendricks;**
- (E) Henry;**
- (F) Howard;**
- (G) Huntington;**
- (H) Jackson;**
- (I) Jasper;**
- (J) Jay;**
- (K) Jefferson;**
- (L) Jennings;**
- (M) Johnson;**
- (N) Knox;**
- (O) Kosciusko;**
- (P) LaGrange;**
- (Q) Lake;**
- (R) LaPorte;**
- (S) Lawrence;**
- (T) Madison;**
- (U) Marion; and**
- (V) Marshall;**

in Indiana will be issued an approval valid for two (2) years.

(3) Any holder of an approval located in the counties of:

- (A) Martin;**
- (B) Miami;**
- (C) Monroe;**
- (D) Montgomery;**
- (E) Morgan;**
- (F) Newton;**
- (G) Noble;**
- (H) Ohio;**
- (I) Orange;**
- (J) Owen;**
- (K) Parke;**
- (L) Perry;**
- (M) Pike;**
- (N) Porter;**
- (O) Posey;**
- (P) Pulaski;**
- (Q) Putnam;**
- (R) Randolph;**
- (S) Ripley;**
- (T) Rush;**
- (U) St. Joseph;**
- (V) Scott;**
- (W) Shelby;**
- (X) Spencer;**
- (Y) Starke;**
- (Z) Steuben;**
- (AA) Sullivan;**
- (BB) Switzerland;**

I certify under penalty of law, that the Pathogen & Vector Reduction Requirements in 327 IAC 7.1-8 have been met.
 Permittee's Signature: _____
 Date: _____ Total Gallons of Wastewater Applied this Quarter: _____

- (1) Business name.
- (2) Business permit number assigned by the department.
- (3) The site identification number assigned by the department.
- (4) County in which the wastewater is applied.
- (5) The date wastewater is applied to each site.
- (6) The rate, in gallons, at which wastewater is applied to each site.
- (7) Type of the wastewater load applied; domestic septage, mixed load, or grease.
- (8) Method of application.
- (9) Weather at time of application.
- (10) Amount of lime used (or other alternative pathogen/vector reduction process used).
- (11) pH and duration.
- (12) Vehicle operator.
- (13) The certification statement, "I certify under penalty of law, that the pathogen requirements and the vector attraction reduction requirements in 327 IAC 7.1-8 have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

(Water Pollution Control Board; 327 IAC 7.1-8-7)

327 IAC 7.1-8-8 Wastewater land application; setbacks
 Authority: IC 13-14-8; IC 13-18-12
 Affected: IC 13-18-12

Sec. 8. Wastewater shall not be applied or allowed to drain closer to the following features than the minimum setbacks indicated below:

<u>Features of Interest</u>	<u>Method of Land Application</u>	
	<u>Surface Spreading</u>	<u>Incorporation or Injection</u>
Potable water supplies	500 feet	500 feet

Lakes, ponds, streams, intermittent waterways, surface water impoundments, wetlands, or other bodies of water	200 feet	100 feet
Drainage inlets and tile systems	100 feet	50 feet
Rock outcrops, sinkholes or undrained depressions	100 feet	50 feet
Residences, places of business, or public gathering places	600 feet	500 feet
Public roads	300 feet	200 feet
Property lines or easements	100 feet	50 feet
Historic sites	1,000 feet	1,000 feet
Designated critical habitat of threatened or endangered species	1,000 feet	1,000 feet
Public water supply well or public water supply surface intake structure	1,000 feet	1,000 feet

(Water Pollution Control Board; 327 IAC 7.1-8-8)

327 IAC 7.1-8-9 Land application of wastewater; prohibitions; and management practices

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

Affected: IC 13-18-12

Sec. 9. (a) The land application of wastewater must be performed only in accordance with the following:

(1) No domestic septage or mixed load may be disposed at a land application site by surface application unless the domestic septage or mixed load has been treated to reduce pathogens prior to disposal as follows:

(A) The pH of domestic septage or a mixed load must be raised to twelve (12) or higher by addition of alkaline material and, without the addition of more alkaline material, shall remain at twelve (12) or higher for at least two (2) hours.

(B) Processes to reduce pathogens other than lime stabilization may be utilized only as listed and described in 40 CFR 257 Appendix II A, which is hereby incorporated by reference.

(C) Any treatment process for domestic septage or a mixed load other than lime stabilization must be approved by the commissioner prior to use.

(2) Land application must be performed as follows:

(A) Wastewater that is injected below the surface of the land must have no significant amount of the wastewater present on the land within one (1) hour after the wastewater is injected.

(B) Grease must not be disposed of at any land application site by surface application unless soil and grease mixture is adjusted to and maintained at 6.5 pH or greater and incorporation into the soil occurs within six (6) hours after application.

(3) Each container of wastewater applied to the land shall be monitored by the operator for compliance with the treatment process, as applicable to domestic septage and mixed loads, and land application method utilized under subdivision (2).

(4) Land application is prohibited under any of the following environmental conditions:

(A) When either or both of the following occurs the:

(i) surface soil temperature is less than thirty-two (32) degrees Fahrenheit at the time of intended application; or

(ii) site is snow-covered.

(B) When the moisture holding capacity of the soil is exceeded as a result of previous wastewater applications or precipitation.

(C) Under any other conditions that would result in, or are likely to result in, runoff of wastewater from the site of application.

(5) Under no conditions shall wastewater be discharged or allowed to drain to the waters of the state. Wastewater shall not be applied to:

(A) road ditches; or

(B) swales, sink holes, field depressions, or channels that carry running water during snow melt or rainfall.

(6) Wastewater that is land applied shall not be allowed to pool, pond, or remain as a liquid on the ground surface.

(7) All wastewater must be disposed so that no threat to human health or the environment is created.

(8) No wastewater shall be applied on crops that are intended for human consumption.

(9) No wastewater shall be applied on crops or vegetation that are presently being grazed by, or harvested for, domestic livestock.

(b) For purposes of this section, the following definitions apply:

(1) "Animal feed" means any crop grown for consumption by animals, such as forage and grain.

(2) "Food-chain crops" means tobacco, crops grown for human consumption, and animal feed for animals whose products are consumed by humans.

(3) "pH" means the logarithm of the reciprocal of hydrogen ion concentration.

(c) Land that is used for the application of a mixed load or grease must not be used for the production of any food-chain crop.

(d) Future property owners must be notified that grease or a mixture of domestic septage and grease had been applied to the land. The land must not be used for the production of any food-chain crop unless the soil is tested and the levels of cadmium and PCBs in the soil are acceptable under 40 CFR 257. If the PCB and cadmium levels are found acceptable, the land may be used for food-chain crop production.

(e) Wastewater containing concentrations of PCBs greater than two (2) parts per million dry weight shall not land applied.

(Water Pollution Control Board; 327 IAC 7.1-8-9)

327 IAC 7.1-8-10 Limitations and restrictions regarding land use and crop management

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

Affected: IC 13-18-12

Sec. 10. (a) The following limitations and restrictions on land use and crop management must be followed where a mixed load or grease only has been land applied:

(1) Access to the site by the public must be prevented for eighteen (18) months following the last wastewater application.

(2) Access by dairy animals must be prevented for nine (9) months following the last wastewater application.

(3) Access by livestock other than dairy animals must be prevented for two (2) months following the last wastewater application.

(4) Crops for forage with wastewater visibly clinging to the crop must not be harvested or grazed.

(5) Plant residues or windfalls from any harvest or processing must be utilized in a manner consistent with this section.

(b) The following limitations and restrictions on land use and crop management must be followed where only domestic septage has been land applied:

(1) Food crops with harvested parts that touch the septage and soil mixture and are totally above ground must not be harvested for fourteen (14) months after application of domestic septage.

(2) Food crops with harvested parts below the surface of the land must not be harvested for twenty (20) months after application of domestic septage when the domestic septage remains on the land surface for four (4) months or longer prior to incorporation into the soil.

(3) Food crops with harvested parts below the surface of the land must not be harvested for thirty-eight (38) months after application of domestic septage when the domestic septage remains on the land surface for less than four (4) months prior to incorporation into the soil.

(4) Animal feed, fiber, and those food crops whose harvested parts do not touch the soil surface must not be harvested for thirty (30) days after application of the domestic septage.

(5) Turf grown on land where domestic septage is applied must not be harvested for one year after application of the domestic septage when the harvested turf is placed on either a lawn or land with a high potential for public exposure, unless otherwise specified by the permitting authority.

(Water Pollution Control Board; 327 IAC 7.1-8-10)

SECTION 2. 327 IAC 7 IS REPEALED.

Notice of First Meeting/Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on September 12, 2001 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, the Water Pollution Control Board will hold a public hearing on repeal of article 327 IAC 7 and addition of a new article at 327 IAC 7.1.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).

Additional information regarding this action may be obtained from Pam Koons, Rules, Planning and Outreach Section, Office of Land Quality, (317) 232-8899 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator

Indiana Department of Environmental Management

100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

or call (317) 233-6947 (V) or (317) 232-6565 (TDD). Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Land Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Twelfth Floor West, Indianapolis, Indiana and are open for public inspection.