

Document: IC 13-14-9 Notice

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TITLE 329 SOLID WASTE MANAGEMENT BOARD

FIRST NOTICE OF COMMENT PERIOD

#01-237(SWMB)

DEVELOPMENT OF NEW RULES CONCERNING COMPOSTING AND PROCESSING OF ORGANIC MATERIALS NOT REGISTERED UNDER IC 13-20-10

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules to establish procedures, requirements, and standards for processing and composting of non-vegetative organic material that is not covered by IC 13-20-10. IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

CITATIONS AFFECTED: 329 IAC 11-2-43; 329 IAC 12.

AUTHORITY: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Solid waste composting and processing are currently regulated in two ways. IC 13-20-10 regulates composting of vegetative matter (grass clippings, wood chips, etc.) utilizing a registration process. Other solid waste is regulated under the solid waste processing facility rule (329 IAC 11) where a permit is required. Non-vegetative organic material processing or composting is not regulated in either IC 13-20-10 or 329 IAC 11. A new rule is needed to include the composting and processing of organic material that is not solid waste or purely vegetative matter.

IDEM is considering several alternatives.

(1) One is to register organic material composting facilities similar to the way vegetative composting facilities are registered. The current statute regulating vegetative matter has been very successful and well received by the public.

(2) A second alternative is to regulate non-vegetative organic processing and composting facilities utilizing the solid waste processing rule. This is costly, cumbersome, and over restrictive. It is too much regulation for a facility with such a limited detrimental impact on the environment.

(3) A third alternative is to ignore these facilities and do nothing. This would allow these facilities to operate with no oversight and create potentially serious environmental problems.

(4) The fourth alternative is to maintain the status quo and arbitrarily determine if these facilities should be classified as a compost facility or a solid waste processing facility. This creates problems because not all like facilities are treated equally.

(5) A fifth alternative is to create a rule to deal with specifically non-vegetative organic material processing and composting. This would provide judicious oversight and treat like facilities equally.

Persons who produce or generate an organic waste product that may be composted and/or processed may be affected by this rule. Relevant issues will be opened for comments pertaining to:

- Processes
- Raw materials
- Location restrictions
- Operating requirements
- Storage
- Design and construction standards and requirements
- Administrative reporting requirements
- Applicability
- Environmental controls
- Final product specifications
- Closure requirements
- Other related issues

This rule would have several benefits. It would provide an environmental benefit by encouraging recycling or reuse of manure and

other organic compostable materials. It would encourage economic development of facilities designed to process organic waste. It would treat all organic composting and processing facilities equally. IDEM requests the submission of any comments or suggestions including specific language that might be included in the rule

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#01-237(SWMB) Organic Composting and Processing
Marjorie Samuel
Rules, Outreach and Planning 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 IDEM receptionist on duty at the eleventh floor reception desk, Office of Land Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana. Comments may be submitted by facsimile to (317) 232-3403. Please confirm the timely receipt of faxed comments by calling the Rules, Planning and Outreach Section at (317) 232-1655 or (317) 232-7995.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed or hand delivered by September 4, 2001.

Additional information regarding this action may be obtained from Lou McFadden, Rules, Planning, and Outreach Section, Office of Land Quality, (317) 232-8922 or (800) 451-6027 (in Indiana).

Bruce Palin
Deputy Assistant Commissioner
Office of Land Quality