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TITLE 327 WATER POLLUTION CONTROL BOARD

Proposed Rule LSA Document #01-429

DIGEST

Adds 327 IAC 7.1 concerning management of wastewater from sewage disposal systems. Adds language that will allow the agency to meet the federal requirements of 40 CFR 503 and 40 CFR 257 Subpart A, regarding land application of various types of wastewater and related record keeping activities. Repeals 327 IAC 7-1, 327 IAC 7-2-1, 327 IAC 7-2-2, 327 IAC 7-2-3, 327 IAC 7-2-4, 327 IAC 7-2-5, 327 IAC 7-2-7, 327 IAC 7-3, 327 IAC 7-4-1, 327 IAC 7-4-2, 327 IAC 7-4-3, 327 IAC 7-4-4, 327 IAC 7-4-5, 327 IAC 7-4-6, 327 IAC 7-4-7, 327 IAC 7-4-8, 327 IAC 7-4-10, 327 IAC 7-4-11, 327 IAC 7-5, 327 IAC 7-6, 327 IAC 7-7, and 327 IAC 7-8. Effective 30 days after filing with the secretary of state.

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).

Second Notice of Comment Period and Notice of First Hearing: June 1, 2001, Indiana Register (24 IR 2898).

Date of First Hearing: September 12, 2001; but postponed.

Notice of First Hearing: November 1, 2001, Indiana Register (25 IR 403).

Date of First Hearing: November 14, 2001.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least twenty-one (21) days long. Because this proposed rule is not substantively different from the draft rule published on June 1, 2001 at 24 IR 2898, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from June 1, 2001, through July 2, 2001, on IDEM's draft rule language. IDEM received comments from the following parties:

Bethlehem Steel Corporation (BSC)

Indiana Steel Environmental Group (ISEG)

United Waste Water Management (UWM)

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

Comment: The purpose of the draft rule, as understood, is to incorporate the Federal requirements at 40 CFR 257 and 503, which regulate contract haulers of septic waste. The language at 327 IAC 7.1-1-1 should be revised to reflect the language currently in 327 IAC 7-1-1. The reason for this request is to make it perfectly clear that Rule 7.1 deals only with wastewater that is hauled from septic systems and grease traps. The term wastewater is frequently used very broadly. While the definition of the term is limited to human sewage by Indiana Code 13-11-2-256, there is concern that the draft rule could lead to confusion within the regulated community. A clear statement, within the purpose of the rule, will help to minimize this potential. (BSC) (ISEG)

Response: The language of 327 IAC 7.1-1-1 comes directly from IC 13-18-12-4(a). However, IDEM has made changes to 327 IAC 7.1-1-1 to clarify that "wastewater" is from "sewage disposal systems."

Comment: Subsection (b)(2) of proposed 327 IAC 7.1-1-3 should be modified to read as follows: "On-site activities at facilities that are regulated under 327 IAC 5, implementing the National Pollutant Discharge Elimination System (NPDES), or 327 IAC 3-4." (BSC) (ISEG)

Response: IDEM has made changes to the language at 327 IAC 7.1-1-3 to make clear that facilities regulated under 327 IAC 5 and facilities required to obtain construction permits under 327 IAC 3 are excluded from this rule.

Comment: Many of the site restrictions proposed in Section 6 of Rule 4 Wastewater Management Permits unnecessarily encumber the siting of a state-of-the-art type of storage or treatment facility. For example, the 600 foot buffer to property lines would increase

a one acre site to approximately 38.8 acres. This is unreasonable, unrealistic, unnecessary, and would eliminate siting of these facilities in Indiana.

Local zoning and building codes should handle the needed buffer distances. IDEM should write the rule to assure that the environment is protected. In the proposed rule, little addresses protection of the environment, but rather keeps it at a distance so that it is “out of sight-out of mind.” Adequate odor control and spill prevention/containment measures would do more for protecting the environment and the quality of life in Indiana.

If you still feel it is necessary to put dimensioned site restrictions into the rule, then I propose the following wording:

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

(1) within fifty (50) feet of any public roads; (2) within one hundred (100) feet of any: (A) places of business, (B) property lines; (3) within six hundred (600) feet of any: (A) residence, (B) public gathering places, (C) lakes, (D) ponds, (E) streams, (F) intermittent waterways, (G) surface water impoundments, (H) wetlands, (I) rock outcrops, (J) sink holes, (K) undrained depressions, or (L) potable water supplies; (4) 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; (5) in a flood plain; (6) in a manner that allows the wastewater to enter waters of the state.

I hope that you will give serious consideration to changing this section of the Rule. While IDEM needs to protect the environment and public health in Indiana, this can be done with a regulatory framework that will allow private industry to function in the marketplace. (UWM)

Response: IDEM disagrees. The separation distances found at 327 IAC 7-6-6 were extended to site restrictions in this rule at 327 IAC 7.1-4-6 because of the pathogens associated with septage and the larger volumes that may be associated with modern storage and treatment facilities. In regards to state-of-the-art facilities, the agency encourages innovation that is demonstrated to provide equivalent protection for human health and the environment, as stated in “Innovative technology; alternate design and construction”, 327 IAC 7.1-4-9.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On November 14, 2001, the Water Pollution Control Board conducted the first public hearing/board meeting concerning the development of new rule 327 IAC 7.1. Comments were made by the following party:

Bill Hayden (BH)

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

Comment: I do not oppose the adoption of this rule, but I think that land application of septage that’s only treated with lime is environmentally risky, and inevitably will contaminate the waters of the state.

This is highly concentrated stuff; almost as bad as hog waste. It probably doesn’t have quite as much phosphorus, but it seems to me that it should be treated as any other sewage waste. It should be treated through a sewage treatment plant rather than just spread on the open ground.

I also am concerned, if I read the rule right, even though someone who’s doing this has to give a lot of information about environmental features such as sinkholes and so on, I’m not sure that the Commissioner, under the rule, has the authority to refuse to grant a permit because of environmental liability. I hope I’m not reading this correctly, but if I’ve read it right, I’m very concerned about that. (BH)

Response: IDEM disagrees. Regarding the treatment of septage, 327 IAC 7.1 as proposed is more stringent than the current requirements in 327 IAC 7 and some parts of the applicable federal regulations. The proposed treatment requirements include adding lime to all types of wastewater loads that will be land applied with the exception of grease only loads. Vector attraction and pathogen reduction requirements have been updated, setback restrictions have been increased, and application rates have been reduced. Record keeping requirements also have been increased.

In regards to IDEM’s Commissioner’s authority, IDEM believes the proposed rule language gives the commissioner adequate authority to refuse to grant permits under specified conditions.

FISCAL ANALYSIS PREPARED BY THE LEGISLATIVE SERVICES AGENCY

IDEM has estimated that the economic impact of this rule will be less than five hundred thousand dollars (\$500,000) on the regulated entities. The proposed rule was not submitted to the Legislative Services Agency for analysis under IC 4-22-2-28.

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|---------------|----------------|
| 327 IAC 7-1 | 327 IAC 7-4-5 |
| 327 IAC 7-2-1 | 327 IAC 7-4-6 |
| 327 IAC 7-2-2 | 327 IAC 7-4-7 |
| 327 IAC 7-2-3 | 327 IAC 7-4-8 |
| 327 IAC 7-2-4 | 327 IAC 7-4-10 |
| 327 IAC 7-2-5 | 327 IAC 7-4-11 |
| 327 IAC 7-2-7 | 327 IAC 7-5 |
| 327 IAC 7-3 | 327 IAC 7-6 |
| 327 IAC 7-4-1 | 327 IAC 7-7 |
| 327 IAC 7-4-2 | 327 IAC 7-8 |
| 327 IAC 7-4-3 | 327 IAC 7.1 |
| 327 IAC 7-4-4 | |

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 13-18-12-4

Affected: IC 13-18-12

Sec. 1. This article establishes procedures, requirements and standards for the management of wastewater from sewage disposal systems regarding the following:

- (1) **Cleaning.**
- (2) **Transport.**
- (3) **Storage.**
- (4) **Treatment.**
- (5) **Disposal.**

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

327 IAC 7.1-1-2 Right of entry

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

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; incorporation by reference

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

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) **Any facility that has a valid permit under 327 IAC 5, implementing the National Pollution Discharge Elimination System (NPDES).**
- (3) **Any facility that was permitted by or is required to have a valid construction permit under 327 IAC 3.**
- (4) **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.**
- (5) **Management of animal manure.**
- (6) **Activities excepted from permitting or licensure under IC 13-18-12-7.**

(c) The following are incorporated by reference:

(1) Appendix I of 40 CFR 257, revised as of July 1, 2001.

(2) 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)].

(3) Appendix II A of 40 CFR 257, revised as of July 1, 2001.

(4) 40 CFR 257.3-5(a) and 40 CFR 257.3-5(c), revised as of July 1, 2001.

(d) The Code of Federal Regulations and Publication SW-846 are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The telephone number for the Superintendent of Documents is (202) 512-1800. (*Water Pollution Control Board; 327 IAC 7.1-1-3*)

327 IAC 7.1-1-4 Enforcement

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

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

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

(1) IC 13-14-2-6.

(2) IC 13-14-10.

(3) IC 13-18-12-6.5.

(4) IC 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 13-18-12-4

Affected: IC 13-18-12; 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 13-18-12-4

Affected: IC 13-11-2; IC 13-18-12

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 13-18-12-4

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. The term includes land used as pasture. (*Water Pollution Control Board; 327 IAC 7.1-2-2*)

327 IAC 7.1-2-3 “Animal feed” defined

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

Affected: IC 13-18-12

Sec. 3. “Animal feed” means any crop grown for consumption by animals, such as forage and grain. (*Water Pollution Control Board; 327 IAC 7.1-2-3*)

327 IAC 7.1-2-4 “Applicant” defined

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

Affected: IC 13-18-12

Sec. 4. “Applicant” means a person who applies for 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 7.1-2-4)

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

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

Affected: IC 13-18-12

Sec. 5. “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 7.1-2-5)*

327 IAC 7.1-2-6 “Chemical toilet” defined

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

Affected: IC 13-18-12

Sec. 6. “Chemical toilet” means a toilet manufactured to receive nonwater-carried human waste directly into a deodorizing and liquefying chemical in a leakproof tank. *(Water Pollution Control Board; 327 IAC 7.1-2-6)*

327 IAC 7.1-2-7 “Contaminate” defined

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

Affected: IC 13-18-12

Sec. 7. “Contaminate” means introducing a substance that would cause one (1) of the following:

- (1) The concentration of that substance in any drinking water source to exceed the maximum contaminant level specified in Appendix I of 40 CFR 257.**
- (2) An increase in the concentration of that substance in any drinking water source where the existing concentration of that substance exceeds the maximum contaminant level specified in Appendix I of 40 CFR 257.**

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

327 IAC 7.1-2-8 “Destruction or adverse modification” defined

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

Affected: IC 13-18-12

Sec. 8. “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. *(Water Pollution Control Board; 327 IAC 7.1-2-8)*

327 IAC 7.1-2-9 “Disease vector” defined

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

Affected: IC 13-18-12

Sec. 9. “Disease vector” means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting micro-organisms and disease to humans and other animals. *(Water Pollution Control Board; 327 IAC 7.1-2-9)*

327 IAC 7.1-2-10 “Domestic septage” defined

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

Affected: IC 13-18-12

Sec. 10. “Domestic septage” means the following:

(1) Human excreta, water, scum, sludge, and sewage from sewage disposal systems, or retained contents of wastewater holding tanks.

(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 Type III marine sanitation devices as defined in 33 CFR 159.3, revised July 1, 2001. (*Water Pollution Control Board; 327 IAC 7.1-2-10*)

327 IAC 7.1-2-11 “Drainage inlet” defined

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

Affected: IC 13-18-12

Sec. 11. “Drainage inlet” means any surficial opening to an underground tile drainage system that drains to waters of the state. For purposes of this article, the term includes water and sediment control basins. (*Water Pollution Control Board; 327 IAC 7.1-2-11*)

327 IAC 7.1-2-12 “Endangered species” defined

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

Affected: IC 13-18-12

Sec. 12. “Endangered species” means any species listed as such pursuant to Section 4 of the Endangered Species Act. (*Water Pollution Control Board; 327 IAC 7.1-2-12*)

327 IAC 7.1-2-13 “Food crops” defined

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

Affected: IC 13-18-12

Sec. 13. “Food crops” means tobacco, crops grown for human consumption, and animal feed for animals whose products are consumed by humans. (*Water Pollution Control Board; 327 IAC 7.1-2-13*)

327 IAC 7.1-2-14 “Grease” defined

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

Affected: IC 13-18-12

Sec. 14. “Grease” means grease, fats, and retained wastes from grease traps or interceptors. (*Water Pollution Control Board; 327 IAC 7.1-2-14*)

327 IAC 7.1-2-15 “Historic site” defined

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

Affected: IC 14-8-2-125

Sec. 15. “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 7.1-2-15*)

327 IAC 7.1-2-16 “Incorporated into the soil” defined

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

Affected: IC 13-18-12

Sec. 16. “Incorporated into the soil” means the mixing of domestic septage, grease, or mixed load with the surface soil, using standard agricultural practices such as tillage. (*Water Pollution Control Board; 327 IAC 7.1-2-16*)

327 IAC 7.1-2-17 “Injection” defined

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

Affected: IC 13-18-12

Sec. 17. “Injection” means the placement of domestic septage, grease, or mixed load beneath the surface of the soil in the crop root zone, using equipment specifically designed for this purpose. (Water Pollution Control Board; 327 IAC 7.1-2-17)

327 IAC 7.1-2-18 “Land with a low potential for public exposure” defined

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

Affected: IC 13-18-12

Sec. 18. (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 the rules of the solid waste management board at 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 of property.**

(Water Pollution Control Board; 327 IAC 7.1-2-18)

327 IAC 7.1-2-19 “Liquid waste” defined

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

Affected: IC 13-18-12

Sec. 19. “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 7.1-2-19)

327 IAC 7.1-2-20 “Mixed load” defined

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

Affected: IC 13-18-12

Sec. 20. “Mixed load” means a mixture of any quantity of domestic septage with any quantity of grease. (Water Pollution Control Board; 327 IAC 7.1-2-20)

327 IAC 7.1-2-21 “Operator” defined

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

Affected: IC 13-18-12

Sec. 21. “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 7.1-2-21)

327 IAC 7.1-2-22 “Owner” defined

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

Affected: IC 13-18-12

Sec. 22. “Owner” means the person who owns any of the following:

- (1) Wastewater management business.**
- (2) 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 7.1-2-22)

327 IAC 7.1-2-23 “Pasture” defined

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

Affected: IC 13-18-12

Sec. 23. “Pasture” means land on which animals feed directly on feed crops, such as legumes, grasses, grain stubble, or fodder. *(Water Pollution Control Board; 327 IAC 7.1-2-23)*

327 IAC 7.1-2-24 “Person” defined

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

Affected: IC 13-11-2-158; IC 13-18-12

Sec. 24. “Person” has the meaning set forth in IC 13-11-2-158(a). *(Water Pollution Control Board; 327 IAC 7.1-2-24)*

327 IAC 7.1-2-25 “Pesticide” defined

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

Affected: IC 13-18-12

Sec. 25. “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 or the U.S. Environmental Protection Agency.**

(Water Pollution Control Board; 327 IAC 7.1-2-25)

327 IAC 7.1-2-26 “Petroleum based” defined

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

Affected: IC 13-18-12

Sec. 26. “Petroleum based” means crude oil and substances derived from crude oil through processes such as separation, conversion, and finishing, that are liquid at ambient condition of temperature and pressure comprised of a complex blend of hydrocarbons, including, 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 7.1-2-26)

327 IAC 7.1-2-27 “pH” defined

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

Affected: IC 13-18-12

Sec. 27. “pH” means the logarithm of the reciprocal of hydrogen ion concentration. *(Water Pollution Control Board; 327 IAC 7.1-2-27)*

327 IAC 7.1-2-28 “Potable” defined

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

Sec. 28. “Potable” means fit to drink. *(Water Pollution Control Board; 327 IAC 7.1-2-28)*

327 IAC 7.1-2-29 “Public water supply surface intake structure” defined

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

Sec. 29. “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 7.1-2-29)*

327 IAC 7.1-2-30 “Public water supply well” defined

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

Sec. 30. “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 7.1-2-30)

327 IAC 7.1-2-31 “Sensitive area” defined

Authority: IC 13-14-8; IC 13-18-12-4
Affected: IC 13-18-12; IC 14-31; IC 14-38-1-5

Sec. 31. “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 15 of this rule; and
 - (iv) public lands as defined in IC 14-38-1-5.

(Water Pollution Control Board; 327 IAC 7.1-2-31)

327 IAC 7.1-2-32 “Set aside” or “idle” defined

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

Sec. 32. “Set aside” or “idle” means agricultural land upon which no crop is grown during the crop season. *(Water Pollution Control Board; 327 IAC 7.1-2-32)*

327 IAC 7.1-2-33 “Sewage disposal system” defined

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

Affected: IC 13-11-2-201; IC 13-18-12

Sec. 33. “Sewage disposal system”, as defined in IC 13-11-2-201, means septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:

- (1) store;
- (2) treat;
- (3) make inoffensive; or
- (4) dispose of;

human excrement or liquid carrying wastes of a domestic nature. (*Water Pollution Control Board; 327 IAC 7.1-2-33*)

327 IAC 7.1-2-34 “Surface application” defined

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

Affected: IC 13-18-12

Sec. 34. “Surface application” means the placement of wastewater by spraying or spreading onto the land surface. (*Water Pollution Control Board; 327 IAC 7.1-2-34*)

327 IAC 7.1-2-35 “Taking” defined

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

Affected: IC 13-18-12

Sec. 35. “Taking” means harassing, harming, pursuing, hunting, wounding, killing, capturing, or collecting or attempting to engage in such conduct. (*Water Pollution Control Board; 327 IAC 7.1-2-35*)

327 IAC 7.1-2-36 “Unauthorized” defined

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

Affected: IC 13-18-12

Sec. 36. “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 7.1-2-36*)

327 IAC 7.1-2-37 “Wastewater” defined

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

Affected: IC 13-11-2-256; IC 13-18-12

Sec. 37. “Wastewater”, as defined in IC 13-11-2-256, means the following:

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

Grease, domestic septage, and a mixed load are all forms of wastewater. (*Water Pollution Control Board; 327 IAC 7.1-2-37*)

327 IAC 7.1-2-38 “Wastewater management” defined

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

Affected: IC 13-11-2-257; IC 13-18-12

Sec. 38. “Wastewater management”, as defined in IC 13-11-2-257, means the following:

- (1) The cleaning of sewage disposal systems.
- (2) The transportation, storage, treatment, or disposal of wastewater.

(*Water Pollution Control Board; 327 IAC 7.1-2-38*)

Rule 3. Permits, Licenses, and Approvals

327 IAC 7.1-3-1 General requirements

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

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 13-18-12-4

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 commissioner in accordance with 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 13-18-12-4

Affected: IC 4-21.5-3; IC 13-18-12

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; access to information

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

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

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 commissioner during normal business hours for inspection as set forth in IC 13-14-2-2;

(3) updated weekly, except as required at 327 IAC 7.1-8-7(a)(4); 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 13-18-12-4

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 applicant intends to store wastewater, or treat wastewater by altering the nature of domestic septage, a mixed load, or grease, then the permit application must be accompanied by all of the following:

(1) If the property where the wastewater storage or treatment facility will be located is not owned by the applicant:

(A) the name, mailing address, and telephone number of the property owner; and

(B) a statement, signed by the property owner, granting permission to conduct the activities specified in the application and stating that the activities specified in the application are not prohibited by any covenant of record.

(2) A county map 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 and accurately 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) Designated critical habitats 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 plan and maintenance procedures to be used at the facility.

(6) The name, address, and phone number of the person, or persons, designated in charge of the facility.

(7) A letter from at least one publicly owned treatment works permitted under 327 IAC 5-2 or other state permitted wastewater treatment plant stating the applicant is authorized to dispose of wastewater at their facility. If the narrative presented in subdivision (5) states the facility will be solidifying all wastewater, the applicant must also submit a letter from a state permitted municipal solid waste landfill.

(8) A signed statement from either the applicant or the property owner and the applicant, if the applicant is not the property owner, accepting responsibility for closure and abandonment in compliance with section 11 of this rule.

(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 13-18-12-4

Affected: IC 13-15-7; IC 13-18-12; 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 commissioner 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 additional 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 two (2) or more 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 application for a permit or the issuance of a permit does not:

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

(2) authorize:

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

(B) invasion of other property rights; or

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

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

(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 13-18-12-4

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 commissioner no more than fifteen (15) days after the information provided in the application changes. The commissioner will then decide what, if any, action shall be taken, including modification of the permit, 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 13-18-12-4

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.

(4) Wastewater management activities must comply with all applicable requirements of IC 13-18-12 and this article.

(b) If the applicant intends to store or treat wastewater, the wastewater management permit shall be issued subject to the conditions contained in subsection (a), the following conditions, and such additional conditions as may be stated in the permit:

(1) Except for wastewater storage or treatment facilities approved prior to the effective date of this article, all storage or treatment facilities must comply with site restrictions and be designed and constructed in compliance with this article.

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

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

327 IAC 7.1-4-5 Transition

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

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. Failure to timely submit a wastewater management permit application will cause the approval to store or treat wastewater to expire one hundred eighty-one (181) days after the effective date of this article.

(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. Failure to timely submit a wastewater management permit application will invalidate the approval to store or treat wastewater on the expiration date.

(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 13-18-12-4

Affected: IC 13-18-12

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

- (1) within one hundred (100) feet of any easement;
- (2) within three hundred (300) feet of any public road;
- (3) within six hundred (600) feet of any:
 - (A) residence;
 - (B) place of business;
 - (C) public gathering place;
 - (D) property line;
 - (E) lake;
 - (F) pond;
 - (G) stream;
 - (H) intermittent waterway;
 - (I) surface water impoundment;
 - (J) wetland;
 - (K) rock outcrop;
 - (L) sink hole;
 - (M) undrained depression; or
 - (N) potable water supply;
- (4) within one thousand (1,000) feet of any:
 - (A) public water supply well or public water supply surface intake structure;
 - (B) historical site; or
 - (C) designated critical habitat of threatened or endangered species;
- (5) in a flood plain; or
- (6) in a manner that would allow the wastewater to enter waters of the state.

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

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

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

Affected: IC 13-18-12

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

(b) All facilities must be designed so as to prevent entry of storm water run-off from surrounding areas.

(c) Earthen facilities for the storage or treatment of wastewater shall not be approved.

(d) Underground steel tanks for the storage or treatment of wastewater shall not be approved.

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

(1) The tank material and wall thickness shall be adequately engineered 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:

(A) the water table;

(B) bedrock; or

(C) both clauses (A) and (B).

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

(8) Vents on tanks shall not allow disease vectors to enter the tanks.

(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.

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

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

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

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 enter waters of the state.

(b) The commissioner may incorporate conditions into the wastewater management permit that require testing to verify that the facility's 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 Operational requirements for treatment or storage facilities

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

Affected: IC 13-18-12

Sec. 9. (a) All wastewater treatment facilities or storage facilities permitted under this article must be maintained and operated to prevent any threats to human health or the environment as follows:

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

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

- (3) Facilities must be maintained so there is no discharge or seepage of wastewater other than controlled removal for final disposal of the wastewater.
- (4) Facilities must be maintained so as to prevent safety hazards or disease vector conditions.

(b) Any uncovered storage structure must allow for and maintain a minimum of two (2) feet of freeboard at all times.

(c) Stockpiles of solids resulting from wastewater treatment at the treatment facility must be:

- (1) approved by the commissioner;
- (2) stored on an impervious surface;
- (3) stored for not longer than thirty (30) days at any given time;
- (4) maintained to have adequate run-on and run-off control methods; and
- (5) covered by a tarp, plastic sheet, or roof if stored for longer than seventy-two (72) hours.

(Water Pollution Control Board; 327 IAC 7.1-4-9)

327 IAC 7.1-4-10 Innovative technology; alternate design and construction

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

Affected: IC 13-18-12

Sec. 10. (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 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 7.1-4-10)*

327 IAC 7.1-4-11 Closure and abandonment of treatment facilities or storage facilities

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

Affected: IC 13-18-12

Sec. 11. 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 or persons 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, as described in this section, 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.
- (4) Aboveground facilities must be dismantled and removed.
- (5) Earthen facilities must be:

(A) cleaned and leveled or filled with earth, and the appurtenances removed or 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 7.1-4-11)

Rule 5. Vehicle Licenses

327 IAC 7.1-5-1 Vehicle license requirements

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

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; 327 IAC 7.1-5-1)*

327 IAC 7.1-5-2 Action on application

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

Affected: IC 13-15-7; IC 13-18-12; 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 commissioner 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 additional 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 two (2) or more 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 commissioner that is unresolved.**

(d) The application for a license or 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 13-18-12-4

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 commissioner no more than fifteen (15) days after the information provided in the application changes. The commissioner will then decide what, if any, action shall be taken, including modification of the license, 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 13-18-12-4

Affected: IC 13-11-2-155; IC 13-18-12

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) Wastewater containing PCBs equal to or greater than two (2) milligrams per kilogram on a dry weight basis.

(C) Petroleum based products.

(D) Pesticides.

(3) The vehicles and equipment used in cleaning sewage disposal systems or transporting 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 13-18-12-4

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 13-18-12-4

Affected: IC 13-18-12

Sec. 1. (a) The current vehicle license issued by the commissioner 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 wastewater management permit number.
 - (C) The vehicle license number, as assigned by the commissioner, of the vehicle used in cleaning the customer's sewage disposal system.

(c) When transporting wastewater, 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, including chemical toilets, and equipment on the vehicle must be secured to prevent detachment from the vehicle during transport.
- (2) Portable sanitary units, including chemical toilets, 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 13-18-12-4

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 watertight valves provided at the tank's inlet and outlet. Watertight caps or plugs must be installed whenever the inlet and outlet openings are not being used to transfer the 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 from the exterior of the tank 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 13-18-12-4

Affected: IC 13-18-12

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

- (1) The inlet and discharge of the sewage pumps must be a minimum of two and one-half (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 watertight 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 13-18-12-4

Affected: IC 13-18-12

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

(1) The hose must:

- (A) be maintained in good condition;**
- (B) have an inside diameter of not less than two and one-half (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 watertight 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 13-18-12-4

Affected: IC 13-18-12

Sec. 5. Vehicles and equipment that will be used on-site for surface application of wastewater must have a spray bar or splash plate and a screening device that will distribute the wastewater while the vehicle is in motion. The screening device must be capable of preventing the application of solids not defined as wastewater. The wastewater distribution device must be designed to allow the device to be cleaned. *(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 13-18-12-4

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. Wastewater Disposal

327 IAC 7.1-7-1 General requirements

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

Affected: IC 13-18-12

Sec. 1. (a) Disposal may be by discharge into a wastewater treatment plant or treatment works collection system that has a valid National Pollution Discharge Elimination System permit issued by the commissioner under 327 IAC 5 as follows:

- (1) The discharge point, method of discharge, and wastewater quality must be in accordance with the requirements of the wastewater treatment plant accepting the wastewater.**
- (2) Wastewater must not be disposed of through a wastewater treatment plant or sewerage system without prior written permission of the responsible official.**

(b) Domestic septage, grease, or mixed load 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 domestic septage, grease, or mixed load.

(2) Facilities for the treatment of domestic septage, grease, or mixed load must have a valid wastewater management permit.

(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.

(2) Liquid waste 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. Free liquids must be removed or solidified before disposal.

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

(1) Wastewater 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 shall be permitted on the land at any property or location without a valid land application approval issued by the commissioner.

(2) The contents of chemical toilets or Type III marine sanitation devices 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.

(4) Land application sites for disposal of wastewater cannot be used for the disposal of animal manures.

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

(1) Pending final disposal at an approved land application site.

(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 13-18-12-4

Affected: IC 13-11-2-99; IC 13-18-12; 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 (1) 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 13-18-12-4

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 that:

- (A) grants permission to dispose of wastewater on the property;
 - (B) acknowledges the crop and use limitations of sections 9 and 10 of this rule for land used for wastewater land application as set forth by this rule; and
 - (C) states activities specified in the application are not prohibited by any covenant of record.
- (2) The name, mailing address, and telephone number of the property owner.
 - (3) A county map 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 and accurately 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:
 - (i) water table;
 - (ii) bedrock; or
 - (iii) both clauses (A) and (B).
 - (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 for the first three (3) feet below the point of application.
 - (6) Additional information from the owner/operator as follows:
 - (A) A statement regarding the form or forms of wastewater to be land applied at the site; domestic septage, grease, or mixed load.
 - (B) Facts demonstrating that the site is not located in a sensitive area as defined at 327 IAC 7.1-2-31.
 - (C) Facts demonstrating that the site is land with a low potential for public exposure as defined at 327 IAC 7.1-2-18.
 - (D) The number of acres of area available for the application site after setbacks have been taken into consideration.
 - (E) A description of all land application methods to be utilized at the site.
 - (F) The annual amount of wastewater to be applied at the site.
 - (G) The total amount of wastewater that has been applied to the site in all previous years.
 - (H) A plan indicating what crops are to be grown on the site during the effective period of the permit, or if the site will be pasture land or set aside.
 - (7) A fee of thirty dollars (\$30) per site per year.

(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 13-18-12-4
 Affected: IC 13-18-12

Sec. 2. 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;**
- (2) result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR 17;**
- (3) cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES) under 327 IAC 5;**
- (4) cause nonpoint source pollution to waters of the state;**
- (5) contaminate a drinking water source; or**
- (6) 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 13-18-12-4

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 additional 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 two (2) or more 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 application for an approval or the issuance of an approval does not:

- (1) convey any property rights of any sort or any exclusive privileges to the applicant or 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 of 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 13-18-12-4

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 commissioner no more than fifteen (15) days after the information provided in the application changes. The commissioner will determine what, if any, action shall

be taken, including modification of the approval, based on the updated information. (*Water Pollution Control Board; 327 IAC 7.1-8-4*)

327 IAC 7.1-8-5 Approval conditions

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

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) Surface application must be performed using equipment described in 327 IAC 7.1-6-5.**
- (3) 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.**
- (4) 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.**
- (5) The applicable requirements of this rule must be met.**
- (6) 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 13-18-12-4

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;
- (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 an approval valid for three (3) years.

(b) 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 7.1-8-6)*

327 IAC 7.1-8-7 Wastewater land application rates and records

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

Affected: IC 13-18-12

Sec. 7. (a) The amount of wastewater to be applied shall not exceed the following:

(1) The maximum annual rate for domestic septage or mixed load shall not exceed:

- (A) seventy-seven thousand (77,000) gallons per acre on land being prepared for growing corn during the next growing season;
- (B) thirty-eight thousand (38,000) gallons per acre on land being prepared for growing soybeans, wheat, or hay during the next growing season; or
- (C) nineteen thousand (19,000) gallons per acre on land that is grass, pasture, set aside, or otherwise idle.

(2) The maximum annual rate for grease only shall not exceed ten thousand (10,000) gallons per acre.

(3) Land application of wastewater shall cease at the site when a total of two hundred thousand (200,000) gallons per acre of wastewater has been applied. The commissioner must be notified prior to further land application. The commissioner may require soil tests for heavy metals and PCBs utilizing representative soil samples from the areas of application to ensure that conditions are not created which would endanger public health or have an adverse impact on vegetation and future crop utilization. The initial test results must be submitted to and approved by the commissioner prior to further land application. The initial test results will determine if tests for heavy metals and PCBs will be required in the future.

(4) The wastewater must be surface spread, incorporated, or injected uniformly to prevent overlapping. Spot dumping from stationary vehicles is not permitted.

(5) The operator must keep an operating record of the amount of wastewater applied. This record must be:

- (A) updated each application day; and
- (B) located at the permitted wastewater management business address and made available to representatives of the commissioner during normal business hours for inspection.

(b) For each day that wastewater is land applied the operator must record and retain for five (5) years on a land application report form information as follows:

| | |
|---|---------------------|
| Land Application for the _____ Quarter of _____ | |
| Business Name: _____ | |
| Business Permit Number: _____ | |
| Site ID Number & County: _____ | Page _____ of _____ |

| Features of Interest | Method of Land Application | |
|---|----------------------------|----------------------------|
| | Surface Spreading | Incorporation or Injection |
| 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 13-18-12-4

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 unless the domestic septage or mixed load has been treated to reduce pathogens prior to disposal as follows:

(A) If the load is domestic septage only, the pH 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 thirty (30) minutes. This test must be done twice, at the start of the required time and at the end of the required time.

(B) If the load is a mixed load, then the pH 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. This test must be done twice, at the start of the required time and at the end of the required time.

(C) Processes to reduce pathogens other than lime stabilization may be utilized only as listed and described in 40 CFR 257, Appendix II A.

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

(2) Grease must not be disposed of at any land application site unless injection or 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 to domestic septage and mixed loads, or the land application method utilized under subdivision (2) for grease.

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

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

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

(ii) The site is snow covered.

(B) When the moisture holding capacity of the soil 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, run-off 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 surface applied shall not be allowed to pool, pond, or remain as a liquid on the ground for more than twenty-four (24) hours after application.

(7) Injection of wastewater below the surface of the land must leave no significant amount of the wastewater present on the land within one (1) hour after application.

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

(b) Land that is used for the application of a mixed load or grease must not be used for the production of any food crop unless the soil is tested yearly and the results found acceptable under 40 CFR 257.3-5(a) and 40 CFR 257.3-5(c). The test results must be submitted to IDEM on a yearly basis. The limitations and restrictions regarding land use and crop management also must be followed.

(c) 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 crop unless the soil is tested and the results are acceptable under 40 CFR 257.3-5(a) and 40 CFR 257.3-5(c).

(d) Land that is used for the application of only domestic septage may be used for the production of food crops when the limitations and restrictions regarding land use and crop management contained in section 10 of this rule are followed. (*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 13-18-12-4

Affected: IC 13-18-12

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

(1) Access to the site by the public must be prevented for twelve (12) months following the last grease application.

(2) Access by animals whose products are consumed by humans must be prevented for at least thirty (30) days following the last grease application.

(3) Food crops for direct human consumption must not be grown for eighteen (18) months following the last grease application.

(b) The following limitations and restrictions on land use and crop management must be followed where domestic septage only 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 (1) 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 commissioner.

(c) The following limitations and restrictions on land use and crop management must be followed where a mixed load has been land applied:

(1) Access to the site by the public must be prevented for twelve (12) months following the last mixed load application.

(2) Access by animals whose products are consumed by humans must be prevented for at least thirty (30) days following the last mixed load application.

(3) Food crops for direct human consumption must not be grown for eighteen (18) months following the last mixed load application.

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

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

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

(7) 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 mixed load.

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

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

SECTION 2. THE FOLLOWING ARE REPEALED: 327 IAC 7-1; 327 IAC 7-2-1; 327 IAC 7-2-2; 327 IAC 7-2-3; 327 IAC 7-2-4; 327 IAC 7-2-5; 327 IAC 7-2-7; 327 IAC 7-3; 327 IAC 7-4-1; 327 IAC 7-4-2; 327 IAC 7-4-3; 327 IAC 7-4-4; 327 IAC 7-4-5; 327 IAC 7-4-6; 327 IAC 7-4-7; 327 IAC 7-4-8; 327 IAC 7-4-10; 327 IAC 7-4-11; 327 IAC 7-5; 327 IAC 7-6; 327 IAC 7-7; and 327 IAC 7-8.

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on March 13, 2002 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Water Pollution Control Board will hold a public hearing on proposed new rules concerning management of wastewater from sewage disposal systems.

The purpose of this hearing is to receive comments from the public prior to final 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 Indiana Government Center-North, 100 North Senate Avenue, Twelfth Floor, Central File Room and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Mary Beth Tuohy
Assistant Commissioner
Office of Land Quality