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TITLE 329 SOLID WASTE MANAGEMENT BOARD

FIRST NOTICE OF COMMENT PERIOD #02-11(SWMB)

DEVELOPMENT OF NEW RULES CONCERNING COMPOSTING AND PROCESSING OF ORGANIC MATERIALS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules to establish procedures, requirements, and standards for processing and composting of organic materials. This rule will deal with composting of vegetative material requiring a registration under IC 13-20-10 as well as composting of other types of organic material either separately or in combination. The solid waste processing rule (329 IAC 11) will also be amended to exclude the activities to be regulated under this new rule. IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

CITATIONS AFFECTED: 329 IAC 11.

AUTHORITY: IC 13-14-8-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Composting and processing of organic material is addressed in two (2) ways under current IDEM statutes and rules. IC 13-20-10 governs composting of vegetative matter (grass clippings, wood chips, etc.) utilizing a registration process. Composting of other organic material would be considered processing under the solid waste processing rule (329 IAC 11) where a permit is required. IDEM has considered permitting of nonvegetative organic processing and composting facilities utilizing the solid waste processing rule. This is costly, cumbersome, and overly restrictive. It is too much regulation for a facility with a limited capacity for detrimental impact on the environment. IDEM has also considered maintaining the status quo. This creates problems because not all like facilities are treated equally.

A new rule is needed to regulate the composting and processing of the various types of organic material, including the composting of vegetative matter under IC 13-20-10. The solid waste processing rule (329 IAC 11) will be amended to exclude the activities to be regulated under this new rule. Persons who produce or generate an organic waste product that may be composted and/or processed may be affected by this rule. Relevant issues in the development of the rule include:

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

This rule would have several benefits. It would provide an environmental benefit by encouraging recycling or reuse of manure and other organic compostable materials. It would encourage development of facilities designed to process various types of organic waste by clarifying the facility's regulatory status. It would allow for the combination of several organic materials for composting provided the end product remains environmentally beneficial. Registered composting and organic processing facilities would be regulated similarly. IDEM requests the submission of any comments or suggestions including specific language that might be included in the rule.

STATUTORY AND REGULATORY REQUIREMENTS

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

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area including the character of the uses of surrounding areas.

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

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

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

Mailed comments should be addressed to:

#02-11(SWMB) Organic Composting and Processing
Marjorie Samuel
Rules, Outreach and Planning Section
Office of Land Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

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

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by March 4, 2002.

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

Bruce Palin
Deputy Assistant Commissioner
Office of Land Quality