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TITLE 329 SOLID WASTE MANAGEMENT BOARD

SECOND NOTICE OF COMMENT PERIOD

#02-11(SWMB)

DEVELOPMENT OF NEW RULES CONCERNING COMPOSTING OF SOURCE-SEPARATED BIODEGRADABLE SOLID WASTE AND VEGETATIVE MATTER

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for a new rule at 329 IAC 14 concerning the composting of source-separated biodegradable solid waste and vegetative matter. By this notice, IDEM is soliciting public comment on the draft rule language including suggestions for specific amendments to the draft rule language. IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: February 1, 2002, Indiana Register (25 IR 5).

CITATIONS AFFECTED: 329 IAC 14.

AUTHORITY: IC 4-22-2; IC 13-14-9; 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

Basic Purpose and Background

Composting of source-separated biodegradable solid waste and vegetative matter is addressed in two 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 source-separated biodegradable solid waste such as sewage sludge, vegetable food waste, and animal manure would be considered processing under the solid waste processing rule (329 IAC 11) where a permit is required. IDEM has considered permitting non-vegetative 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 similar facilities are treated equally and because non-vegetative composting can adversely affect the environment.

A new rule is needed to regulate the composting of various types of source-separated biodegradable solid waste including the composting of vegetative matter regulated under IC 13-20-10. The solid waste processing rule (329 IAC 11) will be proposed to be amended in another rulemaking to exclude the activities to be regulated under this new rule. Persons who produce or generate a source-separated biodegradable solid waste that may be composted may be affected by this rule. Persons who receive or store this type of material with the intent to compost may also be affected by this rule.

Relevant issues in the development of the rule include:

- Definitions of terminology
- Exclusions of activities and operations
- Classification of facilities
- Registration requirements
- Location and siting
- Design and construction standards
- Operational requirements
- Reporting and record keeping requirements
- Closure
- Financial responsibility and assurances

- Certification of facility operators and accreditation of training providers
- Other related issues

This proposed rule would have several benefits. It would encourage the utilization of source-separated biodegradable solid waste in the composting process. This would minimize disposal of these wastes in landfills. It would allow Class 2 and Class 3 type facilities to register under this rule and not obtain a processing facility permit under 329 IAC 11. The cost of disposal would be saved and the waste would be processed into an environmentally friendly product with economic benefit to the producer. The facilities would be regulated in a consistent manner. Financial assurance will guarantee that no community will be left with an economic and environment burden because of improper closure or abandonment of one of these facilities.

IDEM requests the submission of comments and suggestions including any specific language that might be incorporated into the proposed rule.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed Under Federal Law

The following elements of the draft rule impose either a restriction or a requirement on persons to whom the draft rule applies that is “not imposed under federal law” (NIFL elements). Currently, few elements of the proposed rule are covered by any federal law. The facility siting requirements, excluding setback distances, are partially addressed in 40 CFR 257.3. Many elements in the proposed rule relating to Class I facilities are now regulated by state law (IC 13-20-10). The elements listed below impose a restriction or requirement not covered by federal law. They present a fiscal impact to the regulated community over and above the existing costs of doing business.

NIFL Element A: The registration of composting facilities not regulated by IC 13-20-10. 329 IAC 14-5

(1) Facilities that currently compost waste other than vegetative matter are not required to registered under the existing compost facility regulation but obtain a processing facility permit under 329 IAC 11. The state is unaware of the existence of many of these facilities. These facilities may use unsound composting practices and procedures that create an environmental threat to the surrounding environment and community or transfer that threat via the distribution of compost containing environmentally harmful components. The purpose of the registration process is to make the state aware of all facilities that are or wish to compost source-separated biodegradable solid waste. By initiating this registration process, the state can monitor facilities to insure that environmental hazards are minimized. These rules can also protect communities from the environmentally unsafe or nuisance conditions that could be associated with these facilities.

(2) The estimated fiscal impact of this element is a result of the plan preparation costs involved in the registration process. The cost of plan preparation to satisfy the registration requirements could range between \$1,000 and \$4,000 depending on site-specific variables. The process of preparing the registration forms, writing the plans, and acquiring the necessary data could be done “in-house” or by an external consultant. Data analysis costs are site specific based on geographic and geological variables. Existing facilities are exempt from this cost. An existing facility that continued to operate in the same class distinction was determined to have an approximate re-registration cost of one thousand (\$1,000) dollars. A new facility or facility planning to move to a Class II or Class III facility status would have an approximate registration cost of four thousand (\$4,000) dollars.

The benefits of this element are to insure that proposed composting sites and facilities are well planned and placed in environmentally safe and secure locations. Registration requirements necessitate a thorough analysis of the business operation practices and procedures. Potential environmental hazards and harmful practices can be eliminated.

Facilities currently registered as a composting facility and regulated by IC 13-20-10 will not need to register under this proposed rule until their current registration expires. The exception to this requirement is

(1) if an existing facility wishes to compost source-separated biodegradable solid waste in conjunction with the composting of vegetative matter or (2) if an existing facility reported processing over ten thousand (10,000) short tons of compostable matter to the commissioner in the last annual report required by IC 13-20-10 or this article. Based on data from the last reporting period, thirty-one (31) existing facilities would fall under the first exception and require a new registration under Class II or Class III. In addition, eight (8) of the existing facilities would require financial assurance based on their volume of material processed. This is a total of thirty-nine (39) existing facilities that must reregister.

Based on an analysis of past data, IDEM projects an average increase of ten (10) new sites registering every year. Of the existing facilities, seventy-seven (77) would not need to re-register assuming they do not dramatically increase their capacity or add Class II and/or Class III source-separated biodegradable solid wastes to their compost. The life of the current registration is five (5) years. We can project that one-fifth or twenty percent (20%) of the current population of seventy-seven (77) Class I facilities registration will expire every year. This equates to fifteen (15) re registrations of existing facilities every year plus the projected ten (10) new facilities means a total of twenty-five (25) registrations

every year except the first year of the new regulation that would include thirty-nine (39) of the existing facilities required to submit a new registration immediately.

To project the fiscal impact of this element, we extend this out over the new rule's lifecycle which means the rule will expire in seven (7) years unless readopted. This population projection is displayed in the following table. 1-A

Fiscal Element A: The registration of composting facilities					
Year	Existing	New	Total	Subtotal costs	Total costs
Initial	39 CI,CII,CIII 15 renewal CI	10	39 15 10	39 × \$4,000 existing 15 × \$1,000 existing 10 × \$4,000 new	\$156,000 \$15,000 \$40,000
1	15 existing CI	10	15 10	15 × \$1,000 existing 10 × \$4,000 new	\$15,000 \$40,000
2	15 existing CI	10	15 10	15 × \$1,000 existing 10 × \$4,000 new	\$15,000 \$40,000
3	15 existing CI	10	15 10	15 × \$1,000 existing 10 × \$4,000 new	\$15,000 \$40,000
4	15 existing CI	10	15 10	15 × \$1,000 existing 10 × \$4,000 new	\$15,000 \$40,000
5	15 existing CI	10	15 10	15 × \$1,000 existing 10 × \$4,000 new	\$15,000 \$40,000
6	54 existing	10	54 10	54 × \$1,000 existing 10 × \$1,000 new	\$54,000 \$10,000
7	10 existing	10	10 10	10 × \$1,000 existing 10 × \$4,000 new	\$10,000 \$40,000
Totals	193	80	273		\$590,000

(3) IDEM utilized a variety of materials in the development of this element. Data from existing facilities composting vegetative matter was analyzed to determine if they would continue to operate as a Class I facility or be included as a Class II or Class III facility. Rules in other land quality programs were used to provide the level of detail needed for the registration application. States in regional proximity were surveyed to collect data on existing practices and procedures employed in the regulation process of composting facilities. Several consultants experienced in the environmental assessment of potential composting sites were consulted on the cost of preparing an application and all necessary components for the registration process.

Below is a list of materials utilized in the development of the NIFL element (if applicable) and the availability of relevant material for public inspection.

- A. Health criteria: Protection of surface soil and protection of ground water. Data from existing programs; available at OLQ, Rules, Planning and Outreach Section.
- B. Analytical methods: Data from existing programs available at the OLC, Rules, Outreach and Planning Section.
- C. Treatment technology: This type of material was not applicable to the development of the NIFL element.
- D. Economic impact data: Data from existing programs available at the OLC, Rules, Outreach and Planning Section.
- E. Environmental assessment data: Data from existing programs available at the OLC, Rules, Outreach and Planning Section
- F. Analysis of methods to effectively implement the proposed rule: Data from existing programs available at the OLC, Rules, Outreach and Planning Section.
- G. Other background data: Data from existing programs available at the OLC, Rules, Outreach and Planning Section.

NIFL Element B: Design and siting of composting facilities 329 IAC 14-6 & 329 IAC 14-7

(1) Design and siting standards for composting facilities are crucial to protect the quality of Indiana's environment and protect the public health, safety, and well-being of its citizens. The inappropriate siting of a composting facility has lead to numerous health and safety concerns. Nuisance conditions such as dust, noise, and odor can affect the quality of life for those in proximity of a composting site. Unsound siting can contaminate ground and surface water. These design and siting elements were instituted to prevent violations of state and federal environmental and natural resources laws. These elements also help to insure a safe operation.

(2) The estimated fiscal impact of this component could range between \$9,550 and \$200,450 depending on site-specific variables. The process of site design and preparation will depend on location and waste materials to be

utilized. Data analysis costs are site specific based on geographic and geological variables. Costs of design and siting are also determined by the classification of the facility where a Class III facility is much more expensive to design and site than a Class I facility.

The benefits of this element insure that proposed composting sites and facilities are well planned and placed in environmentally safe and secure locations because siting requirements necessitate a thorough analysis of the proposed location.

(3) IDEM utilized a variety of materials in the development of this element. States in regional proximity were surveyed to collect data on existing practices and procedures employed in the regulation process of composting facilities. Several consultants experienced in the environmental assessment of potential composting sites were consulted on the cost-benefit analysis utilized to determine the feasibility of potential sites.

Below is a list of materials utilized (if applicable) and their availability for public inspection.

- A. Health criteria: This type of material was not applicable to the development of the NIFL element.
- B. Analytical methods: The information was based on engineering and compliance knowledge for registered composting facilities; available at OLQ, Rules, Planning and Outreach Section.
- C. Treatment technology: This type of material was not applicable to the development of the NIFL element.
- D. Economic impact data: This type of material was not applicable to the development of the NIFL element.
- E. Environmental assessment data: This type of material was not applicable to the development of the NIFL element.
- F. Analysis of methods to effectively implement the proposed rule: This type of material was not applicable to the development of the NIFL element.
- G. Other background data: This type of material was not applicable to the development of the NIFL element.

NIFL Element C: Operational standards for composting facilities 329 IAC 14-8

(1) Improperly operated compost facilities can cause serious harm to the environment. Facilities must be operated to negate all potential hazards. Many potential environmental concerns can be minimized, and environmentally safe and effective compost can be produced, by using proper operational standards and techniques.

(2) The estimated fiscal impact of this element could range between \$5,090 and \$188,800 depending on several facility-specific variables. The process of determining the fiscal impact of this element will depend on the composting technique utilized and solid waste to be used.

(3) IDEM utilized a variety of materials in the development of this element. Data from existing facilities that compost vegetative matter was analyzed to determine the elements crucial to the production of environmentally safe compost. States in regional proximity were surveyed to collect data on existing practices and procedures employed in the regulation process of composting facilities.

Below is a list of materials utilized in the analysis of this element (if applicable) and their availability for public inspection.

- A. Health criteria: This type of material was not applicable to the development of the NIFL element.
- B. Analytical methods: The information was based on engineering and compliance knowledge for registered composting facilities; available at OLQ, Rules, Planning and Outreach Section.
- C. Treatment technology: This type of material was not applicable to the development of the NIFL element.
- D. Economic impact data: This type of material was not applicable to the development of the NIFL element.
- E. Environmental assessment data: This type of material was not applicable to the development of the NIFL element.
- F. Analysis of methods to effectively implement the proposed rule: This type of material was not applicable to the development of the NIFL element.
- G. Other background data: This type of material was not applicable to the development of the NIFL element.

NIFL Element D: Record keeping and reporting requirements 329 IAC 14-9

(1) Proper record keeping and reporting will aid IDEM in making a determination if a facility is not operating according to performance standards outlined in the proposed rules. By analysis of the reporting data provided to IDEM, a potential compliance problem can be eliminated. There is no applicable federal law to provide this protection for the state of Indiana.

(2) The estimated fiscal impact of this element could range between \$11,200 and \$56,000 depending on facility-specific variables. The process of determining the fiscal impact of this element will depend on the composting techniques utilized and solid waste to be used. The size of the facility and the amount of waste processed and compost produced will have a major impact on the fiscal impact of this element. The major benefit of this element will allow IDEM to provide early detection of any potential environmentally threatening problem.

(3) IDEM utilized information provided by Purdue University on the appropriate information to require in the record keeping section of the rule and the cost of maintaining this information.

Below is a list of materials utilized in the analysis of this element (if applicable) and their availability for public inspection.

- A. Health criteria: This type of material was not applicable to the development of the NIFL element.
- B. Analytical methods: The information was based on engineering and compliance knowledge for registered composting facilities; available at OLQ, Rules, Planning and Outreach Section.
- C. Treatment technology: This type of material was not applicable to the development of the NIFL element.
- D. Economic impact data: This type of material was not applicable to the development of the NIFL element.
- E. Environmental assessment data: This type of material was not applicable to the development of the NIFL element.
- F. Analysis of methods to effectively implement the proposed rule: This type of material was not applicable to the development of the NIFL element.
- G. Other background data: This type of material was not applicable to the development of the NIFL element.

NIFL Element E: Cost of Financial Assurance 329 IAC 14-11

(1) The use of a financial assurance mechanism will insure that the funds will be available to properly close any facility that is not properly closed under a closure plan. If a facility were to terminate business without proper closure, the community and the state of Indiana would be faced with an environmental problem and the expense of cleaning up and closing the facility. There is no current federal law that would protect the citizens of Indiana and the environment should this situation arise.

(2) The estimated fiscal impact of this element will depend on several facility-specific variables. The most important variable is the amount of solid waste processed. Fiscal impact surveys performed by IDEM indicate the financial assurance cost to be equivalent to two and one-half (2.5%) percent of the maximum capacity of solid waste and other materials on-site (short tons) multiplied by \$50/ton. The estimated disposal fee is fifty dollars (\$50) per ton. Financial assurance costs would be approximately \$1.25 per ton. There is no current federal law to require this financial assurance.

(3) IDEM utilized materials in the development of this element. The information was obtained from banking and financial institutions and current financial assurance documents on file with the department.

Below is a list of materials utilized in the analysis of this element (if applicable) and their availability for public inspection.

- A. Health criteria: This type of material was not applicable to the development of the NIFL element.
- B. Analytical methods: Banking and Financial Institutions providing financial assurance to the solid waste industry were called to determine what the cost would be; available at OLQ, Rules, Planning and Outreach Section.
- C. Treatment technology: This type of material was not applicable to the development of the NIFL element.
- D. Economic impact data: This type of material was not applicable to the development of the NIFL element.
- E. Environmental assessment data: This type of material was not applicable to the development of the NIFL element.
- F. Analysis of methods to effectively implement the proposed rule: This type of material was not applicable to the development of the NIFL element.
- G. Other background data: This type of material was not applicable to the development of the NIFL element.

NIFL ELEMENT F: Closure

(1) By including a closure requirement for each of the compost facilities, the rule is ensuring that each facility will be cleaned up upon closure. This will provide protection for the public by removal of the solid waste and material when the facility is no longer composting. Proper closure of each site will also make sure that environmental contamination to the groundwater will not occur when personnel is not available at the site to monitor any problems.

(2) The fiscal impact is variable based on the amount of waste, compost, and materials that will be on-site. It has been estimated that if the waste, etc. is loaded, transported, and disposed of the cost would be about \$50 per ton. It is possible that the cost of closure would be \$0, if all the waste and materials were first composted and the compost either given away or sold.

(3) The only material used to develop this NIFL element is a list of disposal rates for the State of Indiana. However, these disposal rates can fluctuate or be based on a contact between the compost facility and the landfill.

Below is a list of materials utilized (if applicable) and their availability for public inspection.

- A. Health criteria: This type of material was not applicable to the development of the NIFL element.
- B. Analytical methods: This type of material was not applicable to the development of the NIFL element.
- C. Treatment technology: This type of material was not applicable to the development of the NIFL element.
- D. Economic impact data: Costs of disposing of waste in the State of Indiana; available at OLQ, Rules, Planning and Outreach Section.
- E. Environmental assessment data: This type of material was not applicable to the development of the NIFL element.

- F. Analysis of methods to effectively implement the proposed rule: This type of material was not applicable to the development of the NIFL element.
- G. Other background data: This type of material was not applicable to the development of the NIFL element.

NIFL ELEMENT G: Operator Certification

(1) This provision was added to the rule to ensure the waste and materials are composted properly. The regulated community did not want specific rules setting out the process but did believe that the facilities would best be run by operators that were required to be tested and trained in the process. Operator Certification can ensure environmental protection as the operator will know how to properly store the waste, compost and any other materials, will know how to achieve optimal compost production with a minimum of environmental or health threat, and will know all safety standards and cleanup procedures. Operator Certification will allow for flexibility in compost production by providing for a trained, knowledgeable person to run the site.

(2) This element will have no estimated fiscal impact to the state, except for approving testing and training providers and the issuance of certificates to the operators. This will be done by current staff. The fiscal impact will be on the operators that need training and certification testing. There is no training requirement but the operator must take and pass a test to be certified and take the yearly update training. Initially, one operator per registered facility must be certified. At present, there are 113 facilities that will be registered under these new rules. Based on past growth patterns, it is expected that ten (10) new composting facilities will be registered every year. In the first year under this rule, approximately one hundred twenty-five (125) operators would be certified. Over the seven (7) years of the life of the rule, approximately forty (60) more operators would fall under this requirement for a total of one hundred sixty-five trained operators. The cost of training is \$300-\$800 for the test and subsequent yearly update training. The total would be 185 operators \times \$300-\$800 = \$55,500 to \$148,000.

(3) Information was obtained from associations and schools offering the testing and training to the operators. Consultants experienced in the area of testing and training were consulted to determine the cost involved.

Below is a list of materials utilized (if applicable) and their availability for public inspection.

- A. Health criteria: Data from existing program available from the department; available at OLQ, Rules, Planning and Outreach Section.
- B. Analytical methods: This type of material was not applicable to the development of the NIFL element.
- C. Treatment technology: This type of material was not applicable to the development of the NIFL element.
- D. Economic impact data: This information waste obtained from the Solid Waste Association of North America (SWANA) Headquarters based on composting operator training and testing currently provided; available at OLQ, Rules, Planning and Outreach Section
- E. Environmental assessment data: This type of material was not applicable to the development of the NIFL element.
- F. Analysis of methods to effectively implement the proposed rule: This type of material was not applicable to the development of the NIFL element.
- G. Other background data: This type of material was not applicable to the development of the NIFL element.

Potential Fiscal Impact

The potential fiscal impact of this proposed rule will be a function of the total costs of the seven (7) NIFL elements, with elements B through G multiplied by seven (7) years (the life-time of the rule), and then multiplied by (64), the number of current and projected new facilities to be affected by the rule.

Public Participation and Workgroup Information

An external workgroup has been established to discuss issues involved in this rulemaking. The workgroup is made up of IDEM staff and a cross-section of stakeholders. A complete list of workgroup members is available upon request. The external workgroup has had two meetings. The first meeting was held on January 19, 2003 at the IGCN. The second external workgroup meeting was held on December 4, 2003 in the IGCS, Conference room B. A list of workgroup attendees is available upon request.

If you wish to provide comments to the workgroup on the rulemaking, attend meetings, or have suggestions related to the workgroup process, please contact Lynn West, Rules Section, Office of Land Quality at (317) 232-3593 or (800) 451-6027 (in Indiana). Please provide your name, phone number and email address, if applicable, where you can be contacted. The public is also encouraged to submit comments and questions to members of the workgroup who represent their particular interests in the rulemaking.

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from February 1, 2002, through March 4, 2002, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response

to the first notice of public comment period.

REQUEST FOR PUBLIC COMMENTS

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

#02-11(SWMB)[Composting rule]

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 receptionist on duty at the 11th floor reception desk, Office of Land Quality, 100 North Senate Avenue, Indianapolis, Indiana.

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

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by July 1, 2004.

Additional information regarding this action may be obtained from Lynn West, Rules, Planning and Outreach Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. 329 IAC 14 IS ADDED TO READ AS FOLLOWS:

ARTICLE 14. COMPOSTING OF SOURCE-SEPARATED BIODEGRADABLE SOLID WASTE AND VEGETATIVE MATTER

Rule 1. General Provisions

329 IAC 14-1-1 Scope

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 1. This article regulates and provides standards for composting of the following:

(1) Source-separated biodegradable solid wastes.

(2) Vegetative matter as described in IC 13-20-10.

(Solid Waste Management Board; 329 IAC 14-1-1)

329 IAC 14-1-2 Applicability

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 2. (a) This article is applicable to facilities engaged in composting the following:

(1) Source-separated biodegradable solid wastes, except those excluded under 329 IAC 14-3.

(2) Vegetative matter, except those excluded under 329 IAC 14-3.

(3) A mixture of compostable matter from both subdivisions (1) and (2).

(b) Based on a calendar quarter, a facility must have not more than ten percent (10%) by volume of the compostable matter that passes through the facility ultimately taken for final disposal at a permitted solid waste facility or the facility is considered a transfer station and must be permitted under 329 IAC 11. *(Solid Waste Management Board; 329 IAC 14-1-2)*

329 IAC 14-1-3 Enforcement

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-14-2-6; IC 13-20-10; IC 13-30-3

Sec. 3. This article shall be enforced through the provisions of IC 13-14-2-6, IC 13-30-3, or any combination thereof, as appropriate. *(Solid Waste Management Board; 329 IAC 14-1-3)*

329 IAC 14-1-4 Penalties

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10; IC 13-30

Sec. 4. Penalties for violation of this article are provided for at IC 13-30-4, IC 13-30-5 and IC 13-30-6. *(Solid Waste Management Board; 329 IAC 14-1-4)*

329 IAC 14-1-5 Records and reporting

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-14-2-2; IC 13-20-10

Sec. 5. (a) All operating records of monitoring activities and results, as governed by this article, must be retained by the registrant for five (5) years. The five (5) year period shall be extended automatically during the course of any unresolved litigation between the commissioner and a registrant or as required by registration conditions described in this article.

(b) Such records must be:

- (1)** located at the registered facility or at a readily available approved alternative site; and
- (2)** made available to representatives of the commissioner during normal business hours for inspection as set forth in IC 13-14-2-2.

(c) A registrant must submit an annual report to the commissioner before February 1 of each year, on a form provided by the commissioner, that indicates the number of short tons of compostable matter, additives, and bulking agents processed or used in the composting process by the facility and the final disposition of the compost during the previous calendar year or any part of the year that the facility was in operation. The form may require other information relevant to the administration of this article. A closure cost estimate under 329 IAC 14-10-2 must be submitted with the annual report. *(Solid Waste Management Board; 329 IAC 14-1-5)*

329 IAC 14-1-6 Severability

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 6. (a) If any provision of this article or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect any other provisions or applications of this article that can be given effect without the invalid provision or application.

(b) Nothing in these standards shall be construed as relieving any applicant or registrant from the obligation of obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports or other requirements of other regulatory or enforcement agencies, including, but not limited to, the following:

- (1)** Local health entities.
- (2)** Regional water quality control boards.
- (3)** Air quality management districts or air pollution control districts.
- (4)** Local land use authorities.
- (5)** Fire authorities.
- (6)** Solid waste management districts.

(Solid Waste Management Board; 329 IAC 14-1-6)

329 IAC 14-1-7 Incorporation by reference

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 7. Unless specified in the incorporated by reference documents incorporated in this article, the version of the documents referenced in the incorporated by reference documents is the latest version that is in effect on the date of latest adoption of the incorporated by reference documents in this article. *(Solid Waste Management Board; 329 IAC 14-1-7)*

329 IAC 14-1-8 Duration of registration; site specific registrations

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 8. (a) A certificate of registration issued under this article will expire five (5) years after the date the certificate is issued unless the registration is renewed or as stated in the registration.

(b) A certificate of registration is valid only for the specific site described in the registration application for which the registration was issued.

(c) A renewal application for registration must be submitted to the commissioner at least sixty (60) days prior to the expiration of the current registration or the registration will expire. *(Solid Waste Management Board; 329 IAC 14-1-8)*

329 IAC 14-1-9 Requirements for all facility operators

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 9. (a) The operator of a facility regulated under this article must:

- (1)** possess a valid certificate of registration issued under this article to operate a facility; and
- (2)** comply with all applicable requirements of this article and conditions of the registration.

(b) All facility operators shall be trained, tested, and certified by a department-approved certification program. The person responsible for daily operation of the facility shall be certified under 329 IAC 14-12. *(Solid Waste Management Board; 329 IAC 14-1-9)*

329 IAC 14-1-10 Right of entry

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-14-2-2; IC 13-14-5; IC 13-20-10

Sec. 10. The commissioner or an authorized representative of the commissioner may make inspections in accordance with IC 13-14-2-2 and IC 13-14-5. *(Solid Waste Management Board; 329 IAC 14-1-10)*

Rule 2. Definitions

329 IAC 14-2-1 Applicability

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-11-2; IC 13-20-10

Sec. 1. In addition to the definitions found in IC 13-11-2, the definitions in this rule apply throughout this article. *(Solid Waste Management Board; 329 IAC 14-2-1)*

329 IAC 14-2-2 "Access road" defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 2. “Access road” means a road that leads to the entrance of a facility, normally a county, state, or federal highway but may also include any private road or lane. (Solid Waste Management Board; 329 IAC 14-2-2)

329 IAC 14-2-3 “Accredited examination” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-15-10; IC 36-9-30

Sec. 3. “Accredited examination” means a written examination accredited by the commissioner for the purposes of testing individuals seeking to become certified as a composting operators. (Solid Waste Management Board; 329 IAC 14-2-3)

329 IAC 14-2-4 “Accredited examination provider” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-15-10; IC 36-9-30

Sec. 4. “Accredited examination provider” means a person or a postsecondary learning institution that provides an accredited examination for the purpose of certifying operators in accordance with 329 IAC 14-12 and 329 IAC 14-13. (Solid Waste Management Board; 329 IAC 14-2-4)

329 IAC 14-2-5 “Accredited training course” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-15-10; IC 36-9-30

Sec. 5. “Accredited training course” means a course accredited by the commissioner for the purposes of providing composting facility operator training for recertification. (Solid Waste Management Board; 329 IAC 14-2-5)

329 IAC 14-2-6 “Accredited training course provider” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-15-10; IC 36-9-30

Sec. 6. “Accredited training course provider” means a person or a postsecondary learning institution that provides an accredited training course for the purpose of recertifying operators in accordance with 329 IAC 14-12 and 329 IAC 14-13. (Solid Waste Management Board; 329 IAC 14-2-6)

329 IAC 14-2-7 “Active area” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-11-2-1; IC 13-20-10

Sec. 7. (a) “Active area” has the meaning set forth in IC 13-11-2-1 and means the:

- (1) raw compostable matter storage area;**
- (2) composting matter area;**
- (3) compost curing area; or**
- (4) compost storage area;**

of a facility for vegetative matter.

(b) For purposes of this article, the term also means any of the areas in subsection (a) used in composting source-separated biodegradable solid waste.

(c) Examples of an active area include the following:

- (1) The additives and bulking agents staging area.**
- (2) The liquid storage area.**
- (3) The curing compostable matter area.**

(Solid Waste Management Board; 329 IAC 14-2-7)

329 IAC 14-2-8 “Active compostable matter” or “composting matter” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 8. “Active compostable matter” or “composting matter” means matter that is in the process of being rapidly decomposed. Active compostable matter is generating temperatures between ninety (90) degrees Fahrenheit and one hundred forty (140) degrees Fahrenheit during decomposition. This includes the curing of active compostable matter where temperatures will fall below one hundred (100) degrees Fahrenheit. (Solid Waste Management Board; 329 IAC 14-2-8)

329 IAC 14-2-9 “Additive” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 9 “Additive” means a supplemental material mixed with or otherwise added to compostable matter and bulking agents to create a favorable condition for the composting process and includes, but is not limited to, the following source-separated materials:

- (1) Urea.**
- (2) Fertilizers.**
- (3) Earthworms.**
- (4) Soil or clay.**
- (5) Gypsum material.**
- (6) Bacterial or fungal inoculum consisting only of micro-organisms that may also include a commercially prepared medium designed to sustain the micro-organisms during storage and transport that is manufactured and distributed for the purpose of use in a composting process as an inoculant.**

(Solid Waste Management Board; 329 IAC 14-2-9)

329 IAC 14-2-10 “Aerated static pile” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 10. “Aerated static pile” means a composting process that uses an air distribution system to either blow or draw air through a pile of composting matter where little or no pile agitation or turning is performed. (Solid Waste Management Board; 329 IAC 14-2-10)

329 IAC 14-2-11 “Aerobic decomposition” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 11. “Aerobic decomposition” means the biological decomposition of compostable matter, bulking agents, and additives, if applicable, in the presence of oxygen. (Solid Waste Management Board; 329 IAC 14-2-11)

329 IAC 14-2-12 “Agricultural plant materials” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 12. “Agricultural plant materials” means source-separated plant materials such as the following:

- (1) Stems.**
- (2) Leaves.**
- (3) Vines or roots.**
- (4) Corn stalks.**
- (5) Soy bean plant residuals.**
- (6) Other plant remnants from an agricultural process.**

(Solid Waste Management Board; 329 IAC 14-2-12)

329 IAC 14-2-13 “Animal bedding” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 13. “Animal bedding” means the dry straw material used in animal confinement as a surface cover that may contain de minimis amounts of the following:

- (1) Animal excreta.**
- (2) Bedding.**
- (3) Wash waters.**
- (4) Waste feed.**

(Solid Waste Management Board; 329 IAC 14-2-13)

329 IAC 14-2-14 “Applicant” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 14. “Applicant” means the person who applies for the registration. *(Solid Waste Management Board; 329 IAC 14-2-14)*

329 IAC 14-2-15 “Batch” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 15. “Batch” means the compostable matter, bulking agents, and additives, as applicable, used to fill the vessel or other container used for in-vessel composting. *(Solid Waste Management Board; 329 IAC 14-2-15)*

329 IAC 14-2-16 “Biodegradable” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 16. “Biodegradable” means the ability of a substance to be broken down physically or chemically, or both, by micro-organisms. *(Solid Waste Management Board; 329 IAC 14-2-16)*

329 IAC 14-2-17 “Bulking agent” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 17. (a) “Bulking agent” means an organic or inorganic material used to:

- (1) increase porosity;**
- (2) improve aeration; or**
- (3) absorb moisture from;**

composting matter.

(b) The term does not include the following:

- (1) Wood bonded or treated with any type of preservatives.**
- (2) Rocks, bricks, asphalt, or concrete.**
- (3) Construction or demolition debris.**

(Solid Waste Management Board; 329 IAC 14-2-17)

329 IAC 14-2-18 “Certificate” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-15-10; IC 36-9-30

Sec. 18. “Certificate” means a document issued by the commissioner to an individual meeting the testing

requirements of 329 IAC 14-12 and 329 IAC 14-13. *(Solid Waste Management Board; 329 IAC 14-2-18)*

329 IAC 14-2-19 “Certified operator” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-15-10; IC 36-9-30

Sec. 19. “Certified operator” means an individual:

- (1) with responsibility for the daily operation of the facility; and**
- (2) who holds a current certificate of training issued by the commissioner.**

(Solid Waste Management Board; 329 IAC 14-2-19)

329 IAC 14-2-20 “Closure” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 20. “Closure” means the process of terminating facility operations under this article and includes the following:

- (1) Registration expiration without filing for renewal.**
- (2) Intentional permanent cessation of acceptance of compostable matter, bulking agents, and additives.**

(Solid Waste Management Board; 329 IAC 14-2-20)

329 IAC 14-2-21 “Compost” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-11-2-37; IC 13-20-10

Sec. 21. (a) “Compost” has the meaning set forth in IC 13-11-2-37 and means the product:

- (1) produced by the process of composting vegetative matter and other types of organic material; and**
- (2) that may be used:**
 - (A) as a soil conditioner;**
 - (B) as a cover material for a solid waste landfill;**
 - (C) as erosion control;**
 - (D) as mulch; or**
 - (E) for another use approved by the commissioner.**

(b) For purposes of this article, the term also means the product derived from composting source-separated biodegradable solid waste and additives or bulking agents, or both. *(Solid Waste Management Board; 329 IAC 14-2-21)*

329 IAC 14-2-22 “Compostable matter” or “raw compostable matter” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 22. “Compostable matter” or “raw compostable matter” means either of the following:

- (1) Any vegetative matter.**
- (2) Source-separated biodegradable solid waste that when accumulated will become active compostable matter.**

(Solid Waste Management Board; 329 IAC 14-2-22)

329 IAC 14-2-23 “Composting” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-11-2-38; IC 13-20-10

Sec. 23. (a) “Composting” has the meaning set forth in IC 13-11-2-38(a) and means the biological treatment process by which micro-organisms decompose the organic component of vegetative matter and other types of organic material.

(b) For purposes of this article, “other types of organic material” includes source-separated biodegradable solid waste. *(Solid Waste Management Board; 329 IAC 14-2-23)*

329 IAC 14-2-24 “Contaminant” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-11-2-42; IC 13-20-10

Sec. 24. “Contaminant” has the meaning set forth in IC 13-11-2-42. *(Solid Waste Management Board; 329 IAC 14-2-24)*

329 IAC 14-2-25 “Continuously flowing stream” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 25. “Continuously flowing stream” means a body of water that has measurable velocity of flow for at least nine (9) months of the year or is designated as a perennial flowing stream on a United States Geological Survey (USGS) seven and one-half (7 ½) minute series topographical map, but is not labeled as a river. *(Solid Waste Management Board; 329 IAC 14-2-25)*

329 IAC 14-2-26 “Curing” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 26. “Curing” means the final stage of the composting process that occurs after the following:

(1) The active compostable matter has undergone pathogen reduction.

(2) Most of the readily metabolized waste or additive has been decomposed.

(3) The product is stabilized and still maintains a temperature below one hundred (100) degrees Fahrenheit.

(Solid Waste Management Board; 329 IAC 14-2-26)

329 IAC 14-2-27 “Facility” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 27. “Facility” means one (1) or more current or proposed composting operations that stage, process, or store compostable matter, bulking agents, additives, active compostable matter, curing compost, or compost. The term includes:

(1) all land and structures on-site related to the facility registration;

(2) other appurtenances related to the facility registration; and

(3) improvements on the land relating to the facility registration.

(Solid Waste Management Board; 329 IAC 14-2-27)

329 IAC 14-2-28 “Facility boundary” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 28. “Facility boundary” means the outermost perimeter of land related to the facility as defined in section 27 of this rule. *(Solid Waste Management Board; 329 IAC 14-2-28)*

329 IAC 14-2-29 “Grading” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 29. “Grading” means the contouring of land so that surface water flow and erosion are controlled according to a predetermined plan. *(Solid Waste Management Board; 329 IAC 14-2-29)*

329 IAC 14-2-30 “Ground water” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 30. “Ground water” means such accumulations of underground water, natural and artificial, public and private, or parts thereof, that are wholly or partially within, flow through, or border upon this state, but excluding manmade underground storage or conveyance structures. (Solid Waste Management Board; 329 IAC 14-2-30)

329 IAC 14-2-31 “Handling” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 31. “Handling” means the processing, transfer, staging, and storage of compostable matter, bulking agents, and additives. Handling of compostable matter results in controlled biological decomposition. The term includes the following:

- (1) Composting.**
- (2) Screening.**
- (3) Chipping and grinding.**
- (4) Storage activities related to the production of compost.**

(Solid Waste Management Board; 329 IAC 14-2-31)

329 IAC 14-2-32 “Hazardous waste” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-11-2-99; IC 13-20-10

Sec. 32. “Hazardous waste” has the meaning set forth in IC 13-11-2-99. (Solid Waste Management Board; 329 IAC 14-2-32)

329 IAC 14-2-33 “Industrial process waste” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 33. (a) “Industrial process waste” means solid waste generated by a manufacturing or industrial process that is not a hazardous waste regulated under 329 IAC 3.1. The term may include, but is not limited to, waste resulting from any of the following manufacturing processes:

- (1) Electric power generation.**
- (2) Fertilizer or agricultural chemicals production.**
- (3) Food and related products or byproducts production.**
- (4) Inorganic chemicals production.**
- (5) Iron and steel manufacture or foundries.**
- (6) Leather and leather products production.**
- (7) Nonferrous metals manufacture or foundries.**
- (8) Organic chemicals production.**
- (9) Plastics and resins manufacture.**
- (10) Pulp and paper industry.**
- (11) Rubber and miscellaneous plastic products production.**
- (12) Stone, glass, clay, and concrete products.**
- (13) Textile manufacture.**
- (14) Transportation equipment.**
- (15) Oil and gas process and refinery wastes and disposed products.**
- (16) Painting, printing, and allied industries.**
- (17) Contaminated, off-specification, or outdated wholesale products.**
- (18) Recycling activities and process residues.**

(b) The term does not include mining operations, waste, or oil and gas recovery waste. (*Solid Waste Management Board; 329 IAC 14-2-33*)

329 IAC 14-2-34 “Infectious waste” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 34. “Infectious waste” has the meaning set forth in the rules of the Indiana state department of health at 410 IAC 1-3-10, as supported by the ancillary definitions of 410 IAC 1-3. (*Solid Waste Management Board; 329 IAC 14-2-34*)

329 IAC 14-2-35 “Interim operator” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 35. “Interim operator” means an individual:

- (1) with responsibility for the daily operation of the facility; and**
- (2) that does not yet hold a current certificate issued by the commissioner.**

(*Solid Waste Management Board; 329 IAC 14-2-35*)

329 IAC 14-2-36 “In-vessel composting” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 36. “In-vessel composting” means a method of producing compost in which compostable matter, bulking agents, and additives are contained in a:

- (1) drum;**
- (2) silo;**
- (3) building;**
- (4) reactor vessel; or**
- (5) other container;**

that protects the compostable matter, bulking agents, and additives while controlling moisture and air flow.

(*Solid Waste Management Board; 329 IAC 14-2-36*)

329 IAC 14-2-37 “Leachate” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 37. “Leachate” means a liquid that has passed through or emerged from any:

- (1) waste;**
- (2) compostable matter;**
- (3) bulking agent;**
- (4) additive;**
- (5) active compostable matter;**
- (6) curing compost; or**
- (7) compost;**

in the active area of the facility and contains soluble, suspended, or miscible materials removed from such materials. (*Solid Waste Management Board; 329 IAC 14-2-37*)

329 IAC 14-2-38 “Liquid storage area” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 38. “Liquid storage area” means the location of a tank or container that is leak-proof and capable of

holding liquid. *(Solid Waste Management Board; 329 IAC 14-2-38)*

329 IAC 14-2-39 “Manure” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 39. “Manure” includes animal feces and urine and any bedding material, spilled feed, or soil that is mixed with animal feces or urine. *(Solid Waste Management Board; 329 IAC 14-2-39)*

329 IAC 14-2-40 “Mulch” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 40. “Mulch” means a material suitable for a protective covering placed around plants to prevent and control one (1) or more of the following:

- (1) Erosion.**
- (2) Compaction.**
- (3) Moisture loss.**
- (4) Freezing.**
- (5) Weeds.**

(Solid Waste Management Board; 329 IAC 14-2-40)

329 IAC 14-2-41 “On-site” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 41. “On-site” means all areas within the facility boundary. *(Solid Waste Management Board; 329 IAC 14-2-41)*

329 IAC 14-2-42 “Operating personnel” defined

Authority: IC 13-14-8-7; IC 13-15-2-1; IC 13-19-3-1; IC 13-19-4-10

Affected: IC 13-30-2; IC 25-31; IC 36-9-30

Sec. 42. “Operating personnel” means persons necessary to properly operate a registered compost facility. *(Solid Waste Management Board; 329 IAC 14-2-42)*

329 IAC 14-2-43 “Operator” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-15-10; IC 36-9-30

Sec. 43. “Operator” means the person or persons responsible for the overall operation of a facility or part of a facility. *(Solid Waste Management Board; 329 IAC 14-2-43)*

329 IAC 14-2-44 “Owner” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-15-10; IC 36-9-30

Sec. 44. “Owner” means the person who owns a facility or part of a facility. *(Solid Waste Management Board; 329 IAC 14-2-44)*

329 IAC 14-2-45 “Pathogenic” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 45. “Pathogenic” means capable of causing disease. *(Solid Waste Management Board; 329 IAC 14-2-45)*

329 IAC 14-2-46 “Person” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-11-2-158; IC 13-20-10

Sec. 46. “Person” has the meaning set forth in IC 13-11-2-158(a). *(Solid Waste Management Board; 329 IAC 14-2-46)*

329 IAC 14-2-47 “Plant food waste” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 47. (a) “Plant food waste” means raw or cooked vegetable material from any of the following:

- (1) Residences.**
- (2) Farms.**
- (3) Cafeterias.**
- (4) Restaurants.**
- (5) Food processors.**
- (6) Food distributors.**
- (7) Food merchandisers.**

(b) The term also includes food containers that are composed entirely of readily biodegradable materials, such as waxed or unwaxed paper products or corn starch, if the containers have been contaminated with vegetable food by virtue of use.

(c) The term does not include food containers composed or containing materials that are not readily biodegradable, such as metal, glass, or petroleum derived plastic used in container coatings, layers, or other components. *(Solid Waste Management Board; 329 IAC 14-2-47)*

329 IAC 14-2-48 “Public building” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 48. “Public building” means any of the following, whether publicly or privately owned:

- (1) A church.**
- (2) A nursing home.**
- (3) A hospital.**
- (4) A school.**
- (5) A commercial or industrial building.**

(Solid Waste Management Board; 329 IAC 14-2-48)

329 IAC 14-2-49 “Recertification” defined

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-15-10; IC 36-9-30

Sec. 49. “Recertification” means the procedures under 329 IAC 14-12-6 to renew a certification for a certified operator meeting the applicable training requirements. *(Solid Waste Management Board; 329 IAC 14-2-49)*

329 IAC 14-2-50 “Registrant” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 50. “Registrant” means any person to whom a registration has been issued under this article. *(Solid Waste*

Management Board; 329 IAC 14-2-50)

329 IAC 14-2-51 “Residue” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 51. “Residue” means any of the following solid waste remaining:

(1) After handling or processing, that has not completely become composted or recovered including any of the following:

(A) Ceramics.

(B) Glass.

(C) Metal.

(D) Other inorganic substances or organic substances.

(E) Material resulting from a screening process after composting.

(2) Material resulting from a sorting or screening prior to composting.

(Solid Waste Management Board; 329 IAC 14-2-51)

329 IAC 14-2-52 “Site” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 52. “Site” means the land area on which the registered facility is situated. *(Solid Waste Management Board; 329 IAC 14-2-52)*

329 IAC 14-2-53 “Sludge” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 53. “Sludge” means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant. *(Solid Waste Management Board; 329 IAC 14-2-53)*

329 IAC 14-2-54 “Source-separated” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 54. “Source-separated” means solid waste, additives, or bulking agents that have been separated, at the point of generation or at the point of collection, from other solid wastes. *(Solid Waste Management Board; 329 IAC 14-2-54)*

329 IAC 14-2-55 “Static pile” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 55. “Static pile” means a composting process that is similar to the aerated static pile except that the air source may or may not be controlled. *(Solid Waste Management Board; 329 IAC 14-2-55)*

329 IAC 14-2-56 “Storage” defined

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

Affected: IC 13-20-10

Sec. 56. “Storage” means the retention, containment, or accumulation for a period of more than twenty-four (24) hours of:

(1) compostable matter;

- (2) additives;
- (3) bulking agents;
- (4) curing compost; or
- (5) residue;

in such a manner that it does not threaten or potentially threaten human health or impact or potentially impact the environment. The storage must be done in such a manner as not to constitute disposal. It is a rebuttable presumption that storage of residue for more than six (6) months constitutes disposal. *(Solid Waste Management Board; 329 IAC 14-2-56)*

329 IAC 14-2-57 “Surface water” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 57. “Surface water” means water present on the surface of the earth, including the following:

- (1) Continuously flowing streams.
- (2) Lakes.
- (3) Ponds.
- (4) Rivers.
- (5) Swamps.
- (6) Marshes.
- (7) Wetlands.
- (8) Rainwater present on the earth.

(Solid Waste Management Board; 329 IAC 14-2-57)

329 IAC 14-2-58 “Vegetative matter” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 58. “Vegetative matter” means any yard or landscaping waste, including:

- (1) crop residuals;
- (2) leaves;
- (3) grass;
- (4) brush;
- (5) limbs;
- (7) branches; and
- (8) uncontaminated sawdust;

resulting from commercial, industrial, or agricultural operations or from community activities or homeowners.

(Solid Waste Management Board; 329 IAC 14-2-58)

329 IAC 14-2-59 “Vermi-composting” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 59. “Vermi-composting” means a technique that utilizes worms to expedite composting of compostable matter into worm castings or compost. *(Solid Waste Management Board; 329 IAC 14-2-59)*

329 IAC 14-2-60 “Washout” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 60. “Washout” means the carrying away of organic material by flood waters or storm water. *(Solid Waste Management Board; 329 IAC 14-2-60)*

329 IAC 14-2-61 “Water pollution” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10
Affected: IC 13-11-2-260; IC 13-20-10

Sec. 61. “Water pollution” has the meaning set forth in IC 13-11-2-260. *(Solid Waste Management Board; 329 IAC 14-2-61)*

329 IAC 14-2-62 “Water table” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10
Affected: IC 13-20-10

Sec. 62. “Water table” means the upper surface of the ground water at which the fluid pressure of the ground water is equal to atmospheric pressure. *(Solid Waste Management Board; 329 IAC 14-2-62)*

329 IAC 14-2-63 “Windrow” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10
Affected: IC 13-20-10

Sec. 63. “Windrow” means a row of active or curing compostable matter in the process of biological degradation or composting. It is piled in this manner to facilitate turning. *(Solid Waste Management Board; 329 IAC 14-2-63)*

329 IAC 14-2-64 “Windrow composting process” defined

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10
Affected: IC 13-20-10

Sec. 64. “Windrow composting process” means the process in which active or curing compostable matter is placed in elongated piles. The piles or windrows are aerated or mechanically turned on a periodic basis, or both. *(Solid Waste Management Board; 329 IAC 14-2-64)*

Rule 3. Exclusions

329 IAC 14-3-1 Excluded activities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10
Affected: IC 13-20-10-1

Sec. 1. The following activities are excluded from regulation under this article:

- (1) Land application activities, and all other activities regulated by 327 IAC 6.1 and 327 IAC 7.1.
- (2) Confined feeding activities regulated by 327 IAC 16.
- (3) Wastewater discharge activities regulated by 327 IAC 3 and 327 IAC 5.
- (4) Composting performed at a site where less than two thousand (2,000) pounds of compostable matter is processed in any twelve (12) month period.
- (5) Chipping and grinding operations for vegetative matter and untreated and uncontaminated natural growth wood.
- (6) Activities described in IC 13-20-10-1(b)(1) through IC 13-20-10-1(b)(3).
- (7) Concentrated animal feeding operations regulated under 327 IAC 15-15.

(Solid Waste Management Board; 329 IAC 14-3-1)

329 IAC 14-3-2 Excluded operations

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10
Affected: IC 13-20-10

Sec. 2. Excluded from regulation under this article are the following operations that:

- (1) Store vegetative matter for a period of not more than thirty (30) days and are not composting.
- (2) Produce mulch or store mulch.

- (3) Produce wood chips or store wood chips using untreated and uncontaminated wood.
- (4) Are permitted under 329 IAC 11.
- (5) Are permitted under 329 IAC 3.1 that are storing, treating, or disposing of nonhazardous solid waste where such nonhazardous solid waste is treated or disposed of as a hazardous waste at the hazardous waste receiving facility.
- (6) Are permitted under 329 IAC 10.
- (7) Produce sawdust as a result of a manufacturing or milling process.
- (8) Conduct a composting operation for vegetative matter or other organic material at the person's residence or farm, where the compostable matter is generated by the person's activities and is stored, treated, or disposed of at the person's residence or farm.

(Solid Waste Management Board; 329 IAC 14-3-2)

Rule 4. Composting of Vegetative Matter and Source-Separated Solid Waste: Facility Classification

329 IAC 14-4-1 Class I facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 1. (a) Class I facilities are facilities that accept only vegetative matter or agricultural plant materials, or both.

(b) Class I facilities may also use the following source-separated bulking agents with the source-separated biodegradable compostable matter listed in subsection (a):

- (1) Wood chips.
- (2) Straw.
- (3) Uncontaminated sawdust.
- (4) Shredded brush.

(Solid Waste Management Board; 329 IAC 14-4-1)

329 IAC 14-4-2 Class II facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 2. (a) Class II facilities are facilities that accept plant food waste alone or in addition to one (1) or more of the following:

- (1) Vegetative matter.
- (2) Agriculture plant materials.

(b) Class II facilities may also use the following source-separated bulking agents with the source-separated biodegradable compostable matter listed in subsection (a):

- (1) Wood chips.
- (2) Straw.
- (3) Shredded paper.
- (4) Shredded cardboard.
- (5) Uncontaminated sawdust.
- (6) Shredded brush.
- (7) Animal bedding.

(c) Other materials to be used as a bulking agent or used as an additive shall be used only after written approval by the commissioner as specified in section 3(c) of this rule. *(Solid Waste Management Board; 329 IAC 14-4-2)*

329 IAC 14-4-3 Class III facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 3. (a) Class III facilities are facilities that accept one (1) or more of the following wastes alone or in addition to vegetative matter, plant food waste, or agricultural plant materials:

- (1) Manure.**
- (2) Sludge.**
- (3) Animal carcasses not regulated under the rules of the Indiana state board of animal health at 345 IAC 7-7.**
- (4) Source-separated biodegradable compostable matter not listed in subdivisions (1) through (3) only after written approval by the commissioner as specified in subsection (c).**

(b) Class III facilities may also use the following source-separated bulking agents with the source-separated biodegradable compostable matter listed in subsection (a):

- (1) Wood chips.**
- (2) Straw.**
- (3) Shredded paper.**
- (4) Shredded cardboard.**
- (5) Uncontaminated sawdust.**
- (6) Shredded brush.**
- (7) Animal bedding.**

(c) Other source-separated biodegradable solid waste may be composted, used as a bulking agent, or used as an additive after written approval by the commissioner if the source-separated biodegradable solid waste to be composted or used as a bulking agent or other additive:

- (1) does not exceed the limits specified in Table 3 of 327 IAC 6.1; and**
- (2) lacks the potential to harm human health or the environment, or both.**

(Solid Waste Management Board; 329 IAC 14-4-3)

Rule 5. Registration for Composting Facilities

329 IAC 14-5-1 Transition for facilities currently registered under IC 13-20-10

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 1. (a) Facilities registered under IC 13-20-10 on the effective date of this article shall continue to operate with a current registration. The current registration under IC 13-20-10 will serve as a registration under this rule until the registration under IC 13-20-10 expires. The operator of the facility must submit an application for registration under this article sixty (60) days prior to expiration of the registration issued under IC 13-20-10 or the registration will expire on the expiration date.

(b) If a preexisting facility currently registered under IC 13-20-10 desires to include source-separated biodegradable solid wastes listed in Class II or Class III in its composting process, the registrant must submit a new application for registration under this article. This application for registration must be submitted within ninety (90) days after the effective date of this article.

(c) The facility must submit proof of operator certification under this article within twelve (12) months after the effective date of this article. *(Solid Waste Management Board; 329 IAC 14-5-1)*

329 IAC 14-5-2 Registration for Class I

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 2. (a) An application for a registration to operate as a Class I facility must be completed on forms provided by the commissioner. An application, including renewal registration applications, must provide complete information as requested on the form. Renewal registration applications must be sent to the

commissioner sixty (60) days before the expiration date of the current registration.

(b) The following must be submitted with the application form:

(1) A United States Geological Survey (USGS) seven and one-half (7½) minute topographic map or equivalent that shows the facility boundaries.

(2) Detailed plans and specifications as required by 329 IAC 14-6 and 329 IAC 14-7.

(3) A description of the:

(A) buildings;

(B) equipment;

(C) signs; and

(D) notices;

to be used at the facility.

(c) The applicant must provide a management plan that includes the following:

(1) A brief narrative description of the facility, including the geographic area (state, county, municipality) from which compostable matter will be received.

(2) An estimate of the number of short tons of compostable matter, bulking agents, and additives to be processed in the first calendar year of operation.

(3) An estimate of the maximum volume in cubic yards and the number of short tons of material, including stored or staged:

(A) compostable matter;

(B) active compostable matter;

(C) curing compost;

(D) compost;

(E) additives; and

(F) bulking agents;

that could be kept on-site at any given time.

(4) A description of the proposed final use of compost produced.

(5) A description of the procedures or methods used to produce compost at the facility, including controls for dust, odors, and noise.

(6) A description of the methods proposed for collecting, removing, and disposing of residue received or produced at the facility.

(7) A description of the method to be used for ensuring a minimum five (5) foot separation distance at all times from any part of the active area to the ground water. The applicant must submit information to demonstrate how this requirement will be met including a soil boring report, soil maps, or other verification indicating the distance to the water table at the site.

(8) A description of surface water drainage control and leachate management procedures to be utilized at the facility.

(d) The applicant must provide a written closure plan as required by 329 IAC 14-10.

(e) The applicant must provide proof of financial assurance to insure closure if:

(1) a new facility or facility not previously registered with the commissioner estimates processing more than fifteen thousand (15,000) short tons of compostable matter, additives, and bulking agents during any calendar year; or

(2) an existing facility or facility currently registered with the commissioner has previously reported a quantity of fifteen thousand (15,000) short tons or more of compostable matter processed to the commissioner in the last annual report required by IC 13-20-10 or this article.

(f) If required to have financial assurance under subsection (e), the applicant must submit evidence of financial assurance in the amount of fifty dollars (\$50) per short ton of staged or stored:

(1) compostable matter;

(2) active compostable matter;

(3) curing compost;

- (4) compost;
- (5) additives; and
- (6) bulking agents;

based on the maximum capacity of the facility as provided for in 329 IAC 14-11.

(g) The applicant must submit a contingency plan that is designed to control the hazards to human health and the environment. The plan must address, at a minimum, the following issues:

- (1) Equipment breakdown.
- (2) Odors.
- (3) Unauthorized solid waste delivered to the facility.
- (4) Ground water contamination.
- (5) Any accidental release of contaminants.
- (6) Contingencies for the following:
 - (A) Fires.
 - (B) Dust.
 - (C) Noise.
 - (D) Vectors.
 - (E) Power outages.
 - (F) Unusual traffic conditions.
- (7) Unauthorized entry onto the site.

(h) The applicant must submit an affidavit signed and dated by the applicant that the facility is in compliance with the siting and design requirements of 329 IAC 14-6-1 and 329 IAC 14-7-1 and will be operated in accordance with 329 IAC 14-8.

(i) The registration application must contain all the information requested regarding siting requirements for a Class I facility as specified in 329 IAC 14-6.

(j) The registration application must contain all the information requested regarding design requirements for a Class I facility as specified in 329 IAC 14-7.

(k) The registration application must contain a copy of a valid operator certification in accordance with this article.

(l) Renewal registration applications must include the following:

- (1) A completed application on the prescribed form.
- (2) Proof of financial assurance.
- (3) A copy of the operator's certification.
- (4) Notification of any changes to the existing registration.

(Solid Waste Management Board; 329 IAC 14-5-2)

329 IAC 14-5-3 Registration for Class II facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 3. (a) An application for registration to operate as a Class II facility must be completed on forms provided by the commissioner. An application, including a renewal registration application, must provide complete information as requested on the form. Renewal registration applications must be submitted to the commissioner sixty (60) days before the expiration date of the current registration.

(b) The following must be submitted with the application form:

- (1) A United States Geological Survey (USGS) seven and one-half (7½) minute topographic map or equivalent that shows the facility boundaries.
- (2) Detailed plans and specifications as required by 329 IAC 14-6 and 329 IAC 14-7.

- (3) A description of the:
- (A) buildings;
 - (B) equipment;
 - (C) signs; and
 - (D) notices;
- to be used at the facility.

(c) The applicant must provide a management plan that includes the following:

- (1) A brief narrative description of the facility, including the geographic area (state, county, municipality) from which compostable matter will be received.
- (2) An estimate of the number of short tons of compostable matter, bulking agents, and additives to be processed in the first calendar year of operation.
- (3) An estimate of the maximum volume in cubic yards and the number of short tons of material, including stored or staged:
 - (A) compostable matter;
 - (B) active compostable matter;
 - (C) curing compost;
 - (D) compost;
 - (E) additives; and
 - (F) bulking agents;

that could be kept on-site at any given time.

- (4) A description of the proposed final use of compost produced.
- (5) A description of the procedures or methods used to produce compost at the facility, including controls for dust, odors, and noise.
- (6) A description of the methods proposed for collecting, removing, and disposing of residue received or produced at the facility.
- (7) A description of the method to be used for ensuring a minimum three (3) foot separation distance at all times from any part of the active area to the ground water. The applicant must submit information to demonstrate how this requirement will be met including a soil boring report, soil maps, or other verification indicating the distance to the water table at the site.
- (8) A description of the surface water drainage controls.
- (9) A description of the:
 - (A) collection;
 - (B) containment;
 - (C) recirculation;
 - (D) treatment;
 - (E) removal;
 - (F) disposal; and
 - (G) prevention of generation;

of leachate and how leachate will be prevented from entering surface and ground waters.

(d) The applicant must provide a written closure plan that contains the information required by 329 IAC 14-10.

(e) The applicant must submit evidence of financial assurance in the amount of fifty dollars (\$50) per short ton of staged or stored:

- (1) compostable matter;
- (2) active compostable matter;
- (3) compost;
- (4) additives; and
- (5) bulking agents;

based on the maximum capacity of the facility as provided for in 329 IAC 14-11.

(f) The applicant must submit a contingency plan that is designed to control the hazards to human health and

the environment. The plan must address, at a minimum, the following issues:

- (1) Equipment breakdown.
- (2) Odors.
- (3) Unauthorized solid waste delivered to the facility.
- (4) Ground water contamination.
- (5) Any accidental release of contaminants.
- (6) Contingencies for the following:
 - (A) Fires.
 - (B) Dust.
 - (C) Noise.
 - (D) Vectors.
 - (E) Power outages.
 - (F) Unusual traffic conditions.
- (7) Unauthorized entry onto the site.

(g) The applicant must submit a certification statement signed and dated by the applicant that the facility is in compliance with the siting and design requirements of 329 IAC 14-6-1 and 329 IAC 14-7-1 and will be operated in accordance with 329 IAC 14-8.

(h) The registration application must contain all the information requested regarding siting requirements for a Class II facility as specified in 329 IAC 14-6.

(i) The registration application must contain all the information requested regarding design requirements for a Class II facility as specified in 329 IAC 14-7.

(j) The registration application must contain a copy of a valid operator certification in accordance with this article.

(k) Renewal registration applications must include the following:

- (1) A completed application on the prescribed form.
- (2) Proof of financial assurance.
- (3) A copy of the operator's certification.
- (4) Notification of any changes to the existing registration.

(Solid Waste Management Board; 329 IAC 14-5-3)

329 IAC 14-5-4 Registration for Class III facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 4. (a) An application for registration to operate as a Class III facility must be completed on forms provided by the commissioner. An application, including a renewal registration applications, must provide complete information as requested on the form. Renewal registration applications must be submitted to the commissioner sixty (60) days before the expiration date of the current registration.

(b) The following must be submitted with the application form:

- (1) A United States Geological Survey (USGS) seven and one-half (7½) minute topographic map or equivalent that shows the facility boundaries.
- (2) Detailed plans and specifications as required by 329 IAC 14-6 and 329 IAC 14-7.
- (3) A description of the:
 - (A) buildings;
 - (B) equipment;
 - (C) signs; and
 - (D) notices;

to be used at the facility.

(c) The applicant must provide a management plan that includes the following:

(1) A brief narrative description of the facility, including the geographic area (state, county, municipality) from which compostable matter will be received.

(2) An estimate of the number of short tons of compostable matter, bulking agents, and additives to be processed in the first calendar year of operation.

(3) An estimate of the maximum volume in cubic yards and the number of short tons of material, including stored or staged:

(A) compostable matter;

(B) active compostable matter;

(C) curing compost;

(D) compost;

(E) additives; and

(F) bulking agents;

that could be kept on-site at any given time.

(4) A description of the proposed final use of compost produced.

(5) A description of the procedures or methods used to produce compost at the facility, including controls for dust, odors, and noise.

(6) A description of the methods proposed for collecting, removing, and disposing of residue received or produced at the facility.

(7) A description of the method to be used for ensuring a minimum three (3) foot separation distance at all times from any part of the active area to the ground water. The applicant must submit information to demonstrate how this requirement will be met including a soil boring report, soil maps, or other verification indicating the distance to the water table at the site.

(8) A description of the surface water drainage controls.

(9) A description of the:

(A) collection;

(B) containment;

(C) recirculation;

(D) treatment;

(E) removal;

(F) disposal; and

(G) prevention of generation;

of leachate and how leachate will be prevented from entering surface and ground waters.

(d) The applicant must provide a written closure plan that contains the information required by 329 IAC 14-10.

(e) The applicant must submit evidence of financial assurance in the amount of fifty dollars (\$50) per short ton of staged or stored:

(1) compostable matter;

(2) active compostable matter;

(3) compost;

(4) additives; and

(5) bulking agents;

based on the maximum capacity of the facility as required by 329 IAC 14-11.

(f) The applicant must submit a contingency plan that is designed to control the hazards to human health and the environment. The plan must address, at a minimum, the following issues:

(1) Equipment breakdown.

(2) Odors.

(3) Unauthorized solid waste delivered to the facility.

(4) Ground water contamination.

(5) Any accidental release of contaminants.

(6) Contingencies for the following:

- (A) Fires.
- (B) Dust.
- (C) Noise.
- (D) Vectors.
- (E) Power outages.
- (F) Unusual traffic conditions.
- (7) Unauthorized entry onto the site.

(g) The applicant must submit an affidavit signed and dated by the applicant that the facility is in compliance with the siting and design requirements of 329 IAC 14-6 and 329 IAC 14-7 and will be operated in accordance with 329 IAC 14-8.

(h) The registration application must contain all the information requested regarding siting requirements for a Class III facility as specified in 329 IAC 14-6.

(i) The registration application must contain all the information requested regarding design requirements for a Class III facility as specified in 329 IAC 14-7.

(j) The registration application must contain a copy of a valid operator certification in accordance with this article.

(k) Renewal registration applications must include the following:

- (1) A completed application on the prescribed form.
- (2) Proof of financial assurance.
- (3) A copy of operator certification.
- (4) Notification of any changes to the existing registration.

(Solid Waste Management Board; 329 IAC 14-5-4)

329 IAC 14-5-5 Action on application

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-15-7; IC 13-20-10; IC 13-30-6; IC 36-9-30-35

Sec. 5. (a) The commissioner shall issue or renew a certificate of registration only after the applicant has met the following criteria:

- (1) The applicant has submitted a complete registration form as applicable, in accordance with this rule.
- (2) The facility is in compliance with the applicable requirements of this article.
- (3) The applicant has established financial assurance in compliance with this article, as applicable.

(b) The commissioner may:

- (1) deny a registration application or renewal application;
- (2) limit the length of a Class II or Class III registration to less than five (5) years; or
- (3) place additional conditions on or modify a registration or renewal registration;

if the commissioner determines that one (1) or more of the criteria in subsection (c) demonstrate the applicant's inability or unwillingness to comply with the requirements of this article.

(c) The commissioner may deny, limit the length of, or place additional conditions on a registration or a renewal registration based on one (1) or more 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 registration to operate under this article.
- (3) The applicant has a history of one (1) or more violations of IC 13 or rules promulgated by the authority of IC 13.
- (4) The applicant was the subject of one (1) or more administrative or judicial enforcement actions concerning this article or IC 13-20-10.

(5) The applicant is the subject of one (1) or more pending administrative or judicial enforcement actions commenced under authority of IC 13.

(6) The applicant knowingly submitted inaccurate, incorrect, or false information on the application.

(d) The application for a registration or the issuance of a registration does not:

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

(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.

(Solid Waste Management Board; 329 IAC 14-5-5)

329 IAC 14-5-6 Updating information

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 6. If the information in the registration application changes, the applicant or registrant must provide the new information to the commissioner not more than fifteen (15) days after the initial application information changes. Based on the new information submitted, the commissioner may deny, modify, or limit the registration as provided in section 5(c) of this rule. *(Solid Waste Management Board; 329 IAC 14-5-6)*

329 IAC 14-5-7 Registration conditions

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 7. (a) The commissioner may include any conditions in a registration to ensure compliance with this article in addition to the applicable requirements of this article.

(b) A registration is site-specific and not transferable from one (1) location to another.

(c) A registration issued under this article may be transferred to another person by a registrant if:

(1) the registrant notifies the commissioner of the proposed transfer at least forty-five (45) days prior to the date of the proposed transfer of the registration; and

(2) a written agreement is submitted to the commissioner containing:

(A) a specific date for transfer of registration responsibilities; and

(B) coverage between the current and the new registrant including acknowledgment that the:

(i) existing registrant is liable for noncompliance up to that date; and

(ii) new registrant is liable for any noncompliance after the date of transfer.

(d) The commissioner shall notify the current registrant and proposed new registrant within thirty (30) days if the transfer is denied under section 5(c) of this rule. *(Solid Waste Management Board; 329 IAC 14-5-7)*

329 IAC 14-5-8 Revocation or modification

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 8. The commissioner may revoke or modify a certificate of registration for:

(1) failure by the applicant to:

(A) disclose all relevant facts or misrepresentation by the applicant in obtaining a registration; or

(B) correct within the time established by the commissioner a violation of:

(i) this article; or

(ii) a condition of the registration; or

(2) knowingly providing incorrect or inaccurate information on the application.

(Solid Waste Management Board; 329 IAC 14-5-8)

Rule 6. Siting Requirements for Composting Facilities

329 IAC 14-6-1 Class I facility siting requirements

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-15-3; IC 13-20-10

Sec. 1. (a) The active area of a facility must not be located:

(1) within two hundred (200) feet of a:

(A) well that supplies water unless the water is used for composting activities; and

(B) dwelling or public building that exists at the time that the applicant submits an initial registration application;

(2) in a manner that would result in the washout from flooding of any surface water; and

(3) within one hundred (100) feet of the facility property boundaries.

(b) The active area of a facility must be located outside the ten (10) year flood plain, except for a facility that is either:

(1) operated in conjunction with a publicly owned treatment works permitted under IC 13-15-3; or

(2) designed and operated to provide adequate controls to prevent ground water and surface water contamination in the event of a ten (10) year flood.

(c) The facility must be sited to prevent an active area from being placed within five (5) feet of the highest point of a water table or provide adequate controls to prevent ground water and surface water contamination.

(Solid Waste Management Board; 329 IAC 14-6-1)

329 IAC 14-6-2 Class II facility siting requirements

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-15-3; IC 13-20-10; IC 14-22-34; IC 14-31-1; IC 36-7-11

Sec. 2. (a) The active area of a facility must not be located:

(1) within two hundred (200) feet of a:

(A) well that supplies potable water unless the water is used for composting activities; and

(B) dwelling or public building that exists at the time that the applicant submits an initial registration application;

(2) in a manner that would result in the washout from flooding of any:

(A) stream;

(B) pond;

(C) creek;

(D) river water; or

(E) surface water; or

(3) within one hundred (100) feet of:

(A) the real property boundary of the facility; or

(B) surface water, including a drinking water reservoir and a wetland.

(b) The active area of a facility must be located outside of the one hundred (100) year flood plain, except a facility that is either:

(1) operated in conjunction with a publicly owned treatment works permitted under IC 13-15-3; or

(2) designed and operated to provide adequate controls to prevent ground water and surface water contamination in the event of a one hundred (100) year flood.

(c) The facility must be sited to prevent an active area from being placed:

(1) within three (3) feet of the highest point of a water table; or

(2) provide adequate controls to prevent ground water and surface water contamination.

(d) Lowering of the water table beneath the active area of the facility is allowed so that a minimum of a three (3) foot separation distance is provided between the active area and the highest point of the water table.

(e) The facility location must not:

- (1) violate the endangered species laws and regulations;
- (2) result in the destruction or adverse modification of the critical habitat for such species; or
- (3) cause or contribute to the taking of any endangered or threatened species of plant, fish, or wildlife listed under IC 14-22-34.

(f) The facility must not be located in any area where:

- (1) an irreplaceable historic or archaeological site has been listed pursuant to 16 U.S.C. 470 et seq. or IC 36-7-11;
- (2) a natural landmark has been designated by the National Park Service or the Indiana state historic preservation office; or
- (3) a natural area has been designated as a dedicated Indiana nature preserve under the Indiana Natural Areas Preservation Act (IC 14-31-1 et seq.).

(g) Facilities must not locate any active area:

- (1) in violation of Section 404 of the Clean Water Act under 33 U.S.C. 1344, as amended February 4, 1987;
- (2) so as to cause or contribute to violations of Section 401 water quality certification of the Clean Water Act under 33 U.S.C. 1341, as amended December 27, 1977; or
- (3) so as to impair or dredge and fill wetlands under the Clean Water Act, 33 U.S.C. 1344, as amended February 4, 1987, without an appropriate permit.

(Solid Waste Management Board; 329 IAC 14-6-2)

329 IAC 14-6-3 Class III facility siting requirements

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-15-3; IC 13-20-10; IC 14-22-34; IC 14-31-1; IC 36-7-11

Sec. 3. (a) The active area of a facility must not be located:

(1) within six hundred (600) feet of a:

- (A) well that supplies potable water unless the water is used for composting activities; and
- (B) dwelling or public building that exists at the time that the applicant submits an initial registration application;

(2) in a manner that would result in the washout from flooding of any:

- (A) stream;
- (B) pond;
- (C) creek;
- (D) river water; or
- (E) surface water; or

(3) within one hundred (100) feet of:

- (A) the real property boundary of the facility; or
- (B) surface water, including a drinking water reservoir and a wetland.

(b) The active area of a facility must be located outside of the one hundred (100) year flood plain, except a facility that is either:

- (1) operated in conjunction with a publicly owned treatment works permitted under IC 13-15-3; or
- (2) designed and operated to provide adequate controls to prevent ground water and surface water contamination in the event of a one hundred (100) year flood.

(c) The facility must be sited to prevent an active area from being placed:

- (1) within three (3) feet of the highest point of the water table; or
- (2) provide adequate controls to prevent ground water and surface water contamination.

(d) Lowering of the water table beneath the active area of the facility is allowed so that a minimum of a three (3) foot separation distance is provided between the active area and the highest point of the water table.

(e) The facility location must not:

- (1) violate the endangered species laws and regulations;
- (2) result in the destruction or adverse modification of the critical habitat for such species; or
- (3) cause or contribute to the taking of any endangered or threatened species of plant, fish, or wildlife listed under IC 14-22-34.

(f) The facility must not be located in any area where:

- (1) an irreplaceable historic or archaeological site has been listed pursuant to 16 U.S.C. 470 et seq. or IC 36-7-11;
- (2) a natural landmark has been designated by the National Park Service or the Indiana state historic preservation office; or
- (3) a natural area has been designated as a dedicated Indiana nature preserve under the Indiana Natural Areas Preservation Act (IC 14-31-1 et seq.)

(g) Facilities must not locate any active area:

- (1) in violation of Section 404 of the Clean Water Act, under 33 U.S.C. 1344, as amended February 4, 1987;
- (2) so as to cause or contribute to violations of Section 401 water quality certification of the Clean Water Act under 33 U.S.C. 1341, as amended December 27, 1977; or
- (3) so as to impair or dredge and fill wetlands under the Clean Water Act, 33 U.S.C. 1344, as amended February 4, 1987, without an appropriate permit.

(h) The distance established in subsection (a)(1)(B) applies unless written consent to shorten the distance is obtained from the dwelling owner or the dwelling owner and dwelling occupant if the dwelling owner and dwelling occupant are different persons. (*Solid Waste Management Board; 329 IAC 14-6-3*)

Rule 7. Design Requirements for Composting Facilities

329 IAC 14-7-1 Design requirements for Class I facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 1. (a) If an active area is closer than five (5) feet of the highest point of the water table, any of the following designs are considered acceptable for a Class I facility:

- (1) Construction of a clay pad liner with a thickness of at least two (2) feet and a hydraulic conductivity no greater than 1×10^{-6} cm/second.
- (2) Placement of a concrete or asphalt pad.
- (3) Utilization of a synthetic liner system.
- (4) Lowering of the water table beneath the active area of the facility so that a minimum of a three (3) foot separation distance is provided between the active area and the water table.

(b) The facility must be designed to adequately control storm water run-on and run-off from the facility. The following practices, if implemented, will assure adequate control of storm water and properly manage run-on and run-off from the facility:

(1) Run-on is diverted and managed from the facility through the use of:

- (A) ditches;
- (B) dikes;
- (C) berms; or
- (D) swales.

(2) Run-off from the active area is collected in a holding pond or tank and managed properly so as not to create a pollution condition.

(3) The active area of the facility is designed and operated to prevent ponding of water in between windrows

and static piles. Windrows or static piles placed parallel to the slope must allow for proper drainage.

(4) The active area of the facility is graded and maintained to provide a slope of not less than two percent (2%) and not greater than six percent (6%) unless otherwise approved by the commissioner based on site-specific conditions.

(c) The facility must be designed to control:

- (1) nuisance conditions, such as noise and odors; and
- (2) dust from leaving the site.

(d) The design must include a legible map of the facility that delineates the following:

- (1) Property boundaries.
- (2) On-site buildings.
- (3) The location of the active area including length, width, and height of each windrow or static pile.
- (4) The separation distance between the windrows or static piles.
- (5) Staging areas of:
 - (A) compostable matter;
 - (B) bulking agents;
 - (C) additives; and
 - (D) curing compost.
- (6) Storage areas of compost.

(Solid Waste Management Board; 329 IAC 14-7-1)

329 IAC 14-7-2 Design requirements for Class II facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 2. (a) A Class II facility must be constructed using one (1) of the following designs:

- (1) A clay pad liner constructed:
 - (A) over a stable foundation;
 - (B) with a thickness of at least two (2) feet; and
 - (C) with a hydraulic conductivity not greater than 1×10^{-7} cm/second.
- (2) A concrete or asphalt pad.
- (3) A synthetic liner system.

(b) The facility must be designed to adequately control run-on and run-off from the facility and manage leachate that is generated by the facility. The following practices may be implemented to properly manage run-on and run-off and manage leachate from the facility:

- (1) Surface water drainage run-on must be diverted away from the facility through the use of ditches, dikes, berms, or swales. The diversion of run-on away from the active area must control the amount of leachate and run-off that must be managed.
- (2) Leachate and run-off from the active area must be collected in a holding pond or tank, discharged or disposed of in accordance with all applicable local, state, and federal laws, and only disposed of by one (1) of the following:
 - (A) Transported to a treatment plant.
 - (B) Land applied.
 - (C) Managed on-site as approved by the commissioner under subdivision (5).
- (3) The facility must be designed and operated to prevent ponding of water in between windrows and static piles. Windrows or static piles placed parallel to the slope must allow for proper drainage.
- (4) The active area of the facility must be graded and maintained to provide a slope of not less than two percent (2%) and not greater than six percent (6%).
- (5) Other specific practices to be approved by the commissioner. For approval, the applicant must describe the management practice to be employed to protect the ground water and properly manage leachate and run-off and provide the following:
 - (A) Specifics to demonstrate that the design will adequately protect the ground water and properly manage

leachate and run-off.

(B) Design drawings to show that the facility will properly manage leachate and protect ground water. Drawings must include detailed views and necessary cross sections to show all the elements of the design.

(c) The facility must be designed to adequately control:

- (1) nuisance conditions, such as noise and odor; and**
- (2) dust from leaving the site.**

(d) All facilities must have utilities necessary for the safe operation of the facility including the following:

- (1) Lights.**
- (2) Electricity.**
- (3) Water supply.**
- (4) Communications equipment.**

(e) The facility must be designed in such a manner to prevent and control fires.

(f) The operator must design measures, such as the use of wheel washing units or rumble strips, to prevent tracking of mud by delivery vehicles onto access roads.

(g) The plan must include a facility map depicting existing features and existing topographic contours of the area on which the facility is going to be located. The minimum scale must be one (1) inch equals four hundred (400) feet ($1" = 400'$). This map must include the following:

- (1) The proposed facility boundary.**
- (2) Property lines.**
- (3) Easements and rights-of-way.**
- (4) Buildings.**
- (5) Foundations.**
- (6) Roads.**
- (7) Wells.**
- (8) Utilities and other structures.**
- (9) Topography.**
- (10) Drainage swales.**
- (11) Surface waters.**
- (12) Wetlands.**
- (13) Flood plains and similar drainage features.**
- (14) Wooded areas.**
- (15) Location of soil borings and test pits.**
- (16) Features of historical and archaeological significance.**
- (17) Other features, as appropriate.**

(h) A facility plan must include the following:

- (1) Proposed facility access roads and traffic patterns.**
- (2) Buildings.**
- (3) Scales.**
- (4) Utility lines.**
- (5) Drainage diversion.**
- (6) Screening means of access control.**
- (7) Final topography.**
- (8) Areas to be cleared of vegetation.**
- (9) Other design features.**

The extent of coverage and scale must be the same as that for the existing conditions map.

(i) The design plan must include a proposed layout of the facility, including buildings, sanitary facilities, and receiving, staging, processing, and storage areas. The minimum scale must be one (1) inch equals twenty (20)

feet (1" = 20'). The facility layout must also show the following:

(1) The location of the active area including the:

- (A) length;
- (B) width; and
- (C) height;

of each windrow or static pile.

(2) Separation distances between the windrows or static piles.

(3) Staging areas of:

- (A) compostable matter;
- (B) additives; and
- (C) bulking agents.

(4) The compost storage area.

(5) The location of all major facility equipment, including material handling equipment such as the following:

- (A) Chippers.
- (B) Screening equipment.
- (C) Compost turning equipment.

(6) Berms and drains to control and collect leachate from the active area.

(7) Other pertinent design features.

(j) A description of the procedures at the staging area for processing the compostable matter prior to incorporation into the windrow or other composting process, such as debagging or size reduction.

(k) The design plan must include a specification of the maximum:

- (1) size;
- (2) volume;
- (3) height; and
- (4) width;

for staging piles, composting windrows, or other composting processes, curing piles, and finished compost storage.

(l) The design plan must include the following:

(1) A specification of the methods of measuring critical parameters within the windrow and other composting processes.

(2) A description of methods used to ensure the critical parameters are met. Critical parameters addressed must include the following:

- (A) Carbon to nitrogen ratio.
- (B) Temperature.
- (C) Moisture content.
- (D) pH.
- (E) Stability.

(m) Any changes, modifications, or deviations from the design are changes that require approval of the updated information by the commissioner under 329 IAC 14-5-6. (*Solid Waste Management Board; 329 IAC 14-7-2*)

329 IAC 14-7-3 Design requirements for Class III facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 3. (a) A Class III facility must be constructed using one (1) of the following designs:

(1) A clay pad liner constructed:

- (A) over a stable foundation;
- (B) with a thickness of at least two (2) feet; and
- (C) with a hydraulic conductivity not greater than 1×10^{-7} cm/second.

- (2) A concrete or asphalt pad.
- (3) A synthetic liner system on an acceptable foundation.

(b) The facility must be designed to adequately control run-on and run-off from the facility and manage leachate that is generated by the facility. The following practices must be implemented to properly manage run-on and run-off and leachate from the facility:

(1) Surface water drainage run-on must be diverted away from the facility through the use of ditches, dikes, berms, or swales. The diversion of run-on away from the active area must control the amount of leachate and run-off that must be managed.

(2) Leachate and run-off from the active area must be collected in a holding pond or tank, discharged or disposed in accordance with all applicable local, state, and federal laws, and disposed of by one (1) of the following:

(A) Transporting to a treatment plant.

(B) Land applied.

(C) Managed on-site as approved by the commissioner under subdivision (5).

(3) The facility must be designed and operated to prevent ponding of water in between windrows. Windrows placed parallel to the slope must allow for proper drainage.

(4) The active area of the facility must be graded and maintained to provide a slope of not less than two percent (2%) and not greater than six percent (6%).

(5) Other specific practices must be approved by the commissioner. The management practice to be employed to protect the ground water and properly manage leachate and run-off must be described and provide the following:

(A) Specifics to demonstrate that the design will adequately protect the ground water and properly manage leachate and run-off.

(B) Design drawings to show that the facility will properly manage leachate and protect ground water. Drawings must include detailed views and necessary cross sections to show all the elements of the design.

(c) The facility must be adequately designed to control:

- (1) nuisance conditions, such as noise and odors, and
- (2) dust from leaving the site.

(d) All facilities must have utilities necessary for the safe operation of the facility, including the following:

- (1) Lights.
- (2) Electricity.
- (3) Water supply.
- (4) Communications equipment.

(e) The facility must be designed in such a manner to prevent and control fires.

(f) The owner must design measures, such as the use of wheel washing units or rumble strips, to prevent tracking of mud by delivery vehicles onto access roads.

(g) The plan must include a facility map depicting existing features and existing topographic contours of the area on which the facility is going to be located. The minimum scale must be one (1) inch equals four hundred (400) feet (1" = 400'). This map must include the following:

- (1) The proposed facility boundary.
- (2) Property lines.
- (3) Easements and rights-of-way.
- (4) Buildings.
- (5) Foundations.
- (6) Roads.
- (7) Wells.
- (8) Utilities and other structures.
- (9) Topography.

- (10) Drainage swales.
- (11) Surface waters.
- (12) Wetlands.
- (13) Flood plains and similar drainage features.
- (14) Wooded areas.
- (15) The location of soil borings and test pits.
- (16) Features of historical and archaeological significance.
- (17) Other features, as appropriate.

(h) A design plan must include the following:

- (1) Proposed facility access roads and traffic patterns.
- (2) Buildings.
- (3) Scales.
- (4) Utility lines.
- (5) Drainage diversion.
- (6) Screening means of access control.
- (7) Final topography.
- (8) Areas to be cleared of vegetation.
- (9) Other design features.

The extent of coverage and scale must be the same as that for the existing conditions map.

(i) The design plan must include a proposed layout of the facility including buildings, sanitary facilities, and receiving, staging, active area, processing, and storage areas. The minimum scale must be one (1) inch equals twenty (20) feet (1" = 20'). The facility layout must also show the following:

- (1) The location of the active area, including the following information for each windrow or static pile:
 - (A) Length.
 - (B) Width.
 - (C) Height.
- (2) Separation distances between the windrows or static piles.
- (3) Staging areas of the following:
 - (A) Compostable matter.
 - (B) Curing compostable matter.
 - (C) Additives.
 - (D) Bulking agents.
- (4) The compost storage area.
- (5) The location of all major facility equipment, including material handling equipment such as the following:
 - (A) Chippers.
 - (B) Screening equipment.
 - (C) Compost turning equipment.
- (6) Berms and drains to control and collect leachate from the active area.
- (7) Other pertinent design features.

(j) The design plan must include a description of the procedures at the staging area for processing the compostable matter prior to incorporation into the windrow or other composting process, such as debagging or size reduction.

(k) The design plan must include a specification of the maximum:

- (1) size;
- (2) volume;
- (3) height; and
- (3) width;

for staging piles, composting windrows, or other composting processes, curing piles, and finished compost storage.

(l) The design plan must include the following:

(1) A specification of the methods of measuring critical parameters within the windrow and other composting processes.

(2) A description of methods used to ensure the critical parameters are met. Critical parameters addressed must include the following:

(A) Carbon to nitrogen ratio.

(B) Temperature.

(C) Moisture content.

(D) pH.

(E) Stability.

(m) The design plan must include information on physical and chemical characteristics of bulking agents and additives.

(n) Any changes, modifications, or deviations from the design are changes that require approval of the updated information by the commissioner under 329 IAC 14-5-6. (*Solid Waste Management Board; 329 IAC 14-7-3*)

Rule 8. Operational Requirements for Composting Facilities

329 IAC 14-8-1 Operational requirements for Class I facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 1. (a) Facilities must do the following:

(1) Control dust in such a manner as to minimize the amount of fugitive dust that leaves the site.

(2) Implement management practices adequate to control offensive and noxious odors from leaving the site.

(3) Operate in such a manner that excessive noise from facility operation is controlled.

(4) Control litter from leaving the facility or accumulating on-site.

(5) Control vermin so as not to become a nuisance or health hazard.

(6) Take immediate action to correct any problems listed in subdivisions (1) through (5) occurring at the facility.

(7) Implement controls for surface water run-on and run-off.

(b) Facilities must control and dispose of solid waste as follows:

(1) Any solid waste received that is unsuitable for composting must be stored in enclosed, leakproof containers and disposed of in accordance with applicable rules. Any leachate generated from the solid waste must be contained and properly disposed of.

(2) Noncompostable solid waste must not be left at the facility for more than thirty (30) days.

(c) Vegetative matter must be removed from containers and bags unless:

(1) contained in biodegradable bags; or

(2) other methods of container and bag removal are approved by the commissioner based on an equivalent degree of litter control.

(d) Grass clippings must be mixed with bulking agents or active compostable matter within seventy-two (72) hours of receipt.

(e) Compostable matter must be turned or manipulated to facilitate the biological process if required by the composting procedure.

(f) The composting facility site must be monitored by operating personnel, and access to the facility must be controlled by an appropriate method or methods sufficient to control open dumping.

(g) Waste screening procedures must be adequate to prevent the composting of any unauthorized waste including hazardous waste and infectious waste. Compost offered for sale or public distribution or otherwise used by the operator must be inspected to minimize:

- (1) particles that could cause injury to persons handling the compost; and
- (2) contaminants that could cause detrimental impacts to public health or the environment.

(h) Adequate measures must be in place to eliminate fire hazards, and equipment must be available to control fires. Plans must be submitted to local fire departments.

(i) Employees must be trained in accordance with the facility's management plan and certified under this article.

(j) The owner of a facility must not cause or allow the:

- (1) storage;
- (2) containment;
- (3) processing; or
- (4) disposal;

of solid waste in a manner that creates a threat to human health or the environment, including the creation of air or water pollution.

(k) A sign must be posted at each point of access to the facility that indicates the following:

- (1) The name of the facility.
- (2) The registration number of the facility.
- (3) The hours of operation.
- (4) A list of materials accepted for composting.
- (5) That no dumping is allowed.
- (6) The penalty for violations.
- (7) All necessary safety precautions.
- (8) The name and phone number to call in case of an emergency.
- (9) Any other pertinent information.

(l) Storage time of raw materials must be controlled as necessary to prevent excessive stockpiling.

(m) Unloading of compostable matter, bulking agents, and additives must take place in designated areas as specified in the registration.

(n) Facilities must use best management practices as described in Indiana Yard Waste Solutions, a manual adopted by the Indiana department of environmental management and the Indiana Recycling Coalition, Inc., revised September 1993. (*Solid Waste Management Board; 329 IAC 14-8-1*)

329 IAC 14-8-2 Operational requirements for Class II facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 2. (a) Facilities must do the following:

- (1) Control dust in such a manner as to minimize the amount of fugitive dust that leaves the site.
- (2) Implement management practices to adequately control offensive and noxious odors from leaving the site.
- (3) Operate in such a manner that excessive noise from facility operation is controlled.
- (4) Control litter from leaving the facility or accumulating on-site.
- (5) Control vermin so as not to become a nuisance or health hazard.
- (6) Take immediate action to correct any problems listed in subdivisions (1) through (5) occurring at the facility.

(b) Class II facilities must control and dispose of solid waste as follows:

- (1) Any solid waste received that is unsuitable for composting must be stored in enclosed, leakproof containers and disposed of in accordance with the applicable rules.
 - (2) Noncompostable solid waste must not be left at the facility for more than thirty (30) days.
- (c) Staged source-separated biodegradable solid waste and vegetative matter must be removed from containers and bags within twenty-four (24) hours of receipt at the facility unless:
- (1) contained in biodegradable bags; or
 - (2) other methods of container and bag removal are approved by the commissioner.
- (d) Grass clippings and food waste shall be incorporated into windrows or other composting process within seventy-two (72) hours of receipt at the facility unless otherwise approved by the commissioner.
- (e) Vegetative matter, plant food waste, wood waste, and crop residues shall be size reduced if necessary to provide adequate particle surface area for effective composting.
- (f) The composting site must be monitored by operating personnel at least once a day, and access to the facility must be controlled by an appropriate method or methods sufficient to control open dumping.
- (g) Waste screening procedures must be adequate to prevent the composting of any unauthorized waste including hazardous waste and infectious waste. Compost offered for sale or public distribution or otherwise used by the operator must be inspected to minimize the following:
- (1) Sharp particles that could cause injury to persons handling the compost.
 - (2) Contaminants that could cause detrimental impacts to public health or the environment.
 - (3) Must be stabilized to eliminate pathogenic organisms and to ensure that the materials do not reheat upon standing.
- (h) Adequate measures must be in place to eliminate fire hazards, and equipment must be available to control fires. Plans must be submitted to local fire departments.
- (i) Employees must be trained in accordance with the facility's management plan.
- (j) The owner or operator of a facility must not cause or allow the:
- (1) storage;
 - (2) containment;
 - (3) processing; or
 - (4) disposal;
- of solid waste in a manner that creates a threat to human health or the environment, including the creation of air or water pollution.
- (k) A sign must be posted at each point of access to the facility that indicates the following:
- (1) The name of the facility.
 - (2) The registration number of the facility.
 - (3) The hours of operation.
 - (4) A list of materials accepted for composting.
 - (5) That no dumping is allowed.
 - (6) The penalty for violations.
 - (7) All necessary safety precautions.
 - (8) The name and phone number to call in case of an emergency.
 - (9) Any other pertinent information.
- (l) Storage time of raw materials must be controlled, and the product must be marketed, used, or given away to prevent excessive stockpiling.
- (m) Unloading of compostable matter, bulking agents, and additives must take place in designated areas as

specified in the registration.

(n) The registrant must obtain a permit in accordance with 327 IAC 6.1-5 to sell or distribute the finished compost product.

(o) Facilities must use best management practices as described in *Indiana Yard Waste Solutions*, a manual adopted by the Indiana department of environmental management and the Indiana Recycling Coalition, Inc., revised September 1993.

(p) Internal temperature of active compostable matter must be tested biweekly to ensure temperature is sufficient to reduce pathogens to a level as required by rules of the water pollution control board at 327 IAC 6.1, Table 3. Other operational methods to monitor reduction of pathogens may be approved by the commissioner. (*Solid Waste Management Board; 329 IAC 14-8-2*)

329 IAC 14-8-3 Operational requirements for Class III facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 3. (a) Facilities must do the following:

- (1) Control dust in such a manner that controls the amount of fugitive dust that leaves the site.
- (2) Implement management practices to control offensive and noxious odors from leaving the site.
- (3) Operate in such a manner that excessive noise from facility operation is controlled.
- (4) Control litter from leaving the facility or accumulating on-site.
- (5) Control vermin so as not to become a nuisance or health hazard.
- (6) Take immediate action to correct any problems listed in subdivisions (1) through (5) occurring at the facility.

(b) Class III facilities must control and dispose of solid waste as follows:

- (1) Any solid waste received that is unsuitable for composting must be stored in enclosed, leakproof containers and disposed of in accordance with the applicable rules.
- (2) No unapproved or noncompostable solid waste should be left at the facility for more than thirty (30) days.

(c) Staged source-separated biodegradable solid waste and vegetative matter must be removed from containers and bags within twenty-four (24) hours of receipt by the facility unless contained in biodegradable bags.

(d) Grass clippings, manure, and plant food waste shall be incorporated into windrows or other composting process within seventy-two (72) hours of receipt at the facility unless otherwise approved by the commissioner.

(e) Vegetative matter, plant food waste, wood waste, and agricultural plant materials shall be size reduced if necessary to provide adequate particle surface area for effective composting.

(f) Compost must be produced by a process to further reduce pathogens. Three (3) acceptable methods of pathogen reduction processes are as follows:

- (1) The windrow method for reducing pathogens consists of an unconfined composting process involving periodic aeration and mixing. Aerobic conditions must be maintained during the composting process. A temperature of fifty-five (55) degrees Celsius or one hundred thirty-one (131) degrees Fahrenheit must be maintained in the windrow for at least three (3) weeks. The windrow must be turned at least once every three (3) to five (5) days.
- (2) The static aerated pile method for reducing pathogens consists of an unconfined composting process involving mechanical aeration of insulated compost piles. Aerobic conditions must be maintained during the compost process. The temperature of the compost pile must be maintained at fifty-five (55) degrees Celsius or one hundred thirty-one (131) degrees Fahrenheit for at least seven (7) days.
- (3) The enclosed vessel method for reducing pathogens consists of a confined compost process involving mechanical mixing of compost under controlled environmental conditions. The retention time in the vessel

must be at least twenty-four (24) hours with the temperature maintained at fifty-five (55) degrees Celsius. A stabilization period of at least seven (7) days must follow the enclosed vessel retention period. Temperature in the compost pile must be maintained at least fifty-five (55) degrees Celsius or one hundred thirty-one (131) degrees Fahrenheit for three (3) days during the stabilization process.

(g) Public access to facilities must be allowed only when operating personnel are on duty, and access must be controlled by the use of gates, fences, or other appropriate means.

(h) Waste screening procedures must be in place to ensure that only approved compostable matter, bulking agents, and additives are accepted by the facility. These procedures must include methods for detecting hazardous waste, infectious waste, or any unauthorized waste. The facility must reject unauthorized waste.

(i) Adequate measures must be in place to eliminate fire hazards, and equipment must be available to control fires. Plans must be submitted to local fire departments.

(j) Training procedures must be established to ensure that operators and employees adhere to environmental laws and rules not to pollute by using the best management practices and available technology. The operator must be certified under this article.

(k) The owner or operator of a facility must not cause or allow the:

- (1) storage;
- (2) containment;
- (3) processing; or
- (4) disposal;

of solid waste in a manner that creates a threat to human health or the environment, including the creation of air or water pollution.

(l) A sign must be posted at each point of access to the facility that indicates the following:

- (1) The name of the facility.
- (2) The registration number of the facility.
- (3) The hours of operation.
- (4) A list of materials accepted for composting.
- (5) That no dumping is allowed.
- (6) The penalty for violations.
- (7) All necessary safety precautions.
- (8) The name and phone number to call in case of an emergency.
- (9) Any other pertinent information.

(m) Compost and materials resulting from composting or similar processes and offered for sale or public distribution or otherwise used by the operator must be inspected to minimize or eliminate the following:

- (1) Sharp particles that could cause injury to persons handling the compost.
- (2) Toxins that could cause detrimental impacts to public health or the environment.
- (3) Pathogenic organisms.
- (4) Materials do not reheat upon standing.

(n) Storage time of completed materials must be controlled to maintain the quality of the compost, and the product must be marketed, used, or given away to prevent excessive stockpiling.

(o) Unloading of compostable matter, bulking agents, and additives must take place in designated areas as specified in the registration.

(p) The registrant must obtain a permit in accordance with 327 IAC 6.1-5 to sell or distribute the finished compost product.

(q) Facilities must use best management practices as described in *Indiana Yard Waste Solutions*, a manual adopted by the Indiana department of environmental management and the Indiana Recycling Coalition, Inc., revised September 1993.

(r) The management plan must provide for each type of compostable matter to be composted. Either laboratory data or literature data documenting the:

- (1) carbon;
- (2) nitrogen;
- (3) phosphorus content;
- (4) potassium content;
- (5) moisture content; and
- (6) pH content;

of the mixture must be provided.

(s) Internal temperature of active compostable matter must be tested biweekly to ensure temperature is sufficient to reduce pathogens to a level as required by rules of the water pollution control board at 327 IAC 6.1, Table 3. (*Solid Waste Management Board; 329 IAC 14-8-3*)

Rule 9. Record Keeping and Reporting Requirements

329 IAC 14-9-1 Record keeping and reporting requirements for Class I facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 1. (a) The following must be furnished upon request and made available during normal operating hours for inspection by any officer, employee, or representative of the commissioner:

- (1) The average daily quantity of compostable matter received (monitored weekly; calculated as the quantity received in a week divided by the number of days open that week).
- (2) The origin, type, and quantity of any additive received at the facility.
- (3) The type and quantity of any bulking agent used in the composting process, as quantified based on a monthly review of bulking agents remaining. Water added during composting need not be quantified.
- (4) The dates of turning of each windrow or pile.
- (5) All monitoring data required in the facility's management plan.
- (6) The quantity of compost removed from the facility.
- (7) Proof of financial assurance, as applicable.
- (8) Proof of operator certification.

(b) A person who operates a Class I facility must submit an annual report on forms provided by the department to the commissioner:

- (1) before February 1 of each year for January through December of the previous year;
- (2) indicating the of compostable matter, additives, and bulking agents processed by the facility and the final disposition of the compost during the previous calendar year; and
- (3) including a closure cost estimate made in accordance with 329 IAC 14-10-2.

(*Solid Waste Management Board; 329 IAC 14-9-1*)

329 IAC 14-9-2 Record keeping and reporting requirements for Class II facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10; IC 15-5

Sec. 2. (a) The following must be furnished upon request and made available during normal operating hours for inspection by any officer, employee, or representative of the commissioner:

- (1) The daily quantity of compostable material received.
- (2) The origin, type, and quantity of any bulking agent or additive accepted when received at the facility.
- (3) The type and quantity of any bulking agent or additive used in the composting process, as quantified based

on a monthly review of bulking agents and additives remaining. Water added during composting need not be quantified.

(4) The dates of turning of each windrow or pile.

(5) All monitoring data required in the facility management plan.

(6) For any odor complaint received, the information collected under this article.

(7) Details of all incidents that require implementation of the facility's contingency plan, in accordance with this article and methods used to resolve them.

(8) The quantity of compost removed from the facility.

(9) Proof of approved financial assurance.

(10) Proof of operator certification.

(b) A person that operates a Class II facility must submit an annual report on forms provided by the department to the commissioner:

(1) before February 1 of each year for January through December of the previous year;

(2) indicating the short tons of compostable matter, additives, and bulking agents processed by the facility and the final disposition during the previous calendar year;

(3) including a:

(A) copy of a storm water permit in accordance with IC 15-5; and

(B) closure cost estimate made in accordance with 329 IAC 14-10-2.

(Solid Waste Management Board; 329 IAC 14-9-2)

329 IAC 14-9-3 Record keeping requirements for Class III facilities

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10; IC 15-5

Sec. 3. (a) The following must be furnished upon request and made available during normal operating hours for inspection by any officer, employee, or representative of the commissioner:

(1) The quantity of each load of compostable material received.

(2) The origin, type, and quantity of any bulking agent or additive accepted when received at the facility.

(3) The type and quantity of any bulking agent or additive used in the composting process, as quantified based on a monthly review of bulking agents or additives remaining. Water added during composting need not be quantified.

(4) The dates of turning of each windrow or pile.

(5) All monitoring data required in the facility management plan.

(6) For any odor complaint received, the information collected under this article.

(7) Details of all incidents that require implementation of the facility's contingency plan in accordance with this article and methods used to resolve them.

(8) The following records pertaining to sampling and testing as applicable:

(A) Locations in the active area from which samples are obtained.

(B) Number of samples taken.

(C) Volume of each sample taken.

(D) Date and time of collection samples.

(E) Name and signature of person responsible for sampling.

(F) Name and address of the laboratory receiving samples if applicable.

(9) The quantity of compost removed from the facility.

(10) Proof of approved financial assurance.

(11) Proof of operator certification.

(b) A person that operates a Class III facility must submit an annual report to the commissioner on forms provided by the commissioner:

(1) before February 1 of each year for January through December of the previous year;

(2) indicating the short tons of compostable matter, additives, and bulking agents processed by the facility and the final disposition of the compost during the previous calendar year; and

(3) including a:

(A) copy of a storm water permit in accordance with IC 15-5; and
(B) closure cost estimate made in accordance with 329 IAC 14-10-2.
(Solid Waste Management Board; 329 IAC 14-9-3)

Rule 10. Closure

329 IAC 14-10-1 Final closure

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10
Affected: IC 13-20-10

Sec. 1. (a) The operator must initiate implementation of the closure plan within thirty (30) days following the intentional cessation of accepting solid waste and of composting activities.

(b) Not later than seventy-two (72) hours following the beginning of closure, the operator must post signs easily visible at all access roads leading into the facility. The text of such signs must read, in letters not less than three (3) inches high, "This facility is closed for all composting activities and all receipt of compostable matter. No dumping allowed.". Such signs must be maintained in legible condition until certification of completion of closure for the facility is issued by the commissioner.

(c) Final closure of a facility is complete when all of the following occur:

- (1) All storage and processing of compostable matter has stopped.
- (2) All equipment used at the operation has been removed.
- (3) All compost, compostable matter, bulking agents, and additives have been:
 - (A) collected;
 - (B) removed from the site; and
 - (C) disposed of properly in accordance with this article and 329 IAC 10.

(d) The commissioner notifies the owner or operator of the facility in writing that final closure has been completed and financial responsibility is no longer required to be maintained. (Solid Waste Management Board; 329 IAC 14-10-1)

329 IAC 14-10-2 Closure cost estimate

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10
Affected: IC 13-20-10

Sec. 2. (a) The owner or operator of a facility shall submit to the commissioner a written estimate of the cost of completing final closure of the site in accordance with this section. The original closure cost estimate must be submitted, on a form provided by the commissioner, with the application for a certificate of registration. The closure cost estimate must include the following:

- (1) The methods that will be used to remove and properly dispose of all solid waste and materials stored at the site.
- (2) The final destination of all solid waste and materials removed from the site.
- (3) The name and address of the contractor or contractors, if applicable, to be used to remove the materials and solid waste and complete final closure of the site.
- (4) The estimated cost of completing all activities required by this rule.

(b) The owner or operator of a facility shall submit to the commissioner a revised written closure cost estimate:

- (1) annually, no later than February 1 with the annual report required by 329 IAC 14-9; and
- (2) whenever a change in the removal plan increases the closure cost estimate.

The revised closure cost estimate must meet the requirements of subsection (a).

(c) The closure cost estimate must be based on the cost of removing the maximum amount of materials, calculated in short tons, that the owner or operator anticipates will be accumulated at the site at any time.

(d) The closure cost estimate must be based on the projected costs of contracting a third party to complete final closure of the site.

(e) Once the owner or operator of a facility has completed an activity required in this rule, the owner or operator may revise:

- (1) the closure cost estimate indicating that the activity has been completed; and
- (2) that element of the closure cost estimate to zero (0).

(Solid Waste Management Board; 329 IAC 14-10-2)

Rule 11. Financial Responsibility for Composting Facilities

329 IAC 14-11-1 Applicability

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 1. All registrants except those excluded by 329 IAC 14-5-2(e). *(Solid Waste Management Board; 329 IAC 14-11-1)*

329 IAC 14-11-2 Compliance dates

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 2. (a) Facilities currently registered under IC 13-20-10 must submit renewal applications sixty (60) days before the current registration expires and be in compliance with all applicable provisions under this article.

(b) Financial responsibility will be required with the registration application for new facilities.

(c) Class II and Class III facilities shall comply with this rule immediately. *(Solid Waste Management Board; 329 IAC 14-11-2)*

329 IAC 14-11-3 Amount and scope of financial responsibility

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 3. (a) No financial responsibility is required if a Class I facility processes less than fifteen thousand (15,000) short tons of compostable matter, bulking agents, and additives per year.

(b) The amount of financial responsibility for a Class I facility that has a maximum capacity of more than fifteen thousand (15,000) short tons of compostable matter, bulking agents, and additives per year is fifty dollars (\$50) per short ton based on the maximum capacity of the facility.

(c) The amount of financial responsibility for a Class II facility is fifty dollars (\$50) per short ton for the maximum capacity of the facility for compostable matter, bulking agents, and additives.

(d) The amount of financial responsibility for a Class III facility is fifty dollars (\$50) per short ton for the maximum capacity of the facility for compostable matter, bulking agents, and additives. *(Solid Waste Management Board; 329 IAC 14-11-3)*

329 IAC 14-11-4 Mechanisms of financial assurance

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 4. The owner or operator of a facility shall do the following:

- (1)** Prepare and submit to the commissioner a closure cost estimate in accordance with section 3 of this rule.

(2) Maintain financial assurance for closure costs, in an amount equal to or greater than the closure cost estimate, using one (1) of the following mechanisms:

- (A) A trust fund in accordance with section 6 of this rule.
- (B) A surety bond in accordance with section 7 of this rule.
- (C) A letter of credit in accordance with section 8 of this rule.
- (D) Insurance in accordance with section 9 of this rule.
- (E) A performance bond in accordance with section 10 of this rule.
- (F) A negotiable certificate of deposit in accordance with section 11 of this rule.
- (G) A negotiable letter of credit in accordance with section 12 of this rule.
- (H) The local government financial test option as specified in 329 IAC 10-39-2(6) and 329 IAC 10-39-2(7).

(3) Maintain financial assurance for closure as required by this rule until the commissioner notifies the owner or operator of the facility that final closure has been completed in accordance with 329 IAC 14-10.

(Solid Waste Management Board; 329 IAC 14-11-4)

329 IAC 14-11-5 Use of financial mechanism for multiple sites

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 5. (a) The owner or operator of a facility may use a single financial responsibility mechanism to meet the requirements for more than one (1) facility. Evidence of financial responsibility submitted to the commissioner must include a list showing the following for each facility:

- (1) The registration number of the composting facility.
- (2) The name and address of the composting facility.
- (3) The amount of funds available in the financial mechanism.

(b) The amount of funds available through the mechanism must be not less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility.

(c) The owner or operator may use a combination of two (2) or more financial mechanisms to satisfy the total amount of financial assurance required. *(Solid Waste Management Board; 329 IAC 14-11-5)*

329 IAC 14-11-6 Trust fund

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 6. (a) The owner or operator of a facility may comply with this section by establishing a trust agreement on:

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

(b) Each trust agreement must do the following:

- (1) Identify facility and corresponding closure cost estimates covered by the trust agreement.
- (2) Establish a trust fund, in an amount determined by section 3 of this rule, that guarantees that payments from that fund either:
 - (A) reimburse the owner or operator of the facility for commissioner-approved closure work done; or
 - (B) pay the commissioner for doing required closure work.
- (3) Require that annual valuations of the trust be submitted to the commissioner.
- (4) Require successor trustees to notify the commissioner, in writing, of their appointment at least ten (10) days before the effective date of the appointment.
- (5) Require the trustee to notify the commissioner, in writing, of the failure of the owner or operator of the facility or facilities to make a required payment into the fund.
- (6) Establish that the trust is irrevocable unless terminated, in writing, with the approval of the:
 - (A) owner or operator of the facility;
 - (B) trustee; and

(C) commissioner.

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

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

(9) Establish that the trustee is authorized to act as a trustee and is an entity whose operations are regulated and examined by a federal or state of Indiana agency.

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

(c) Payments into the trust must be made as follows:

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

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

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

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

Where:

CE = Current cost estimate.

CV = Current value of the trust fund.

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

(4) The owner or operator of the facility shall make the initial payment before the beginning of the pay-in period. The owner or operator of the facility shall also, before the beginning of the pay-in period, submit to the commissioner a receipt from the trustee for this first annual payment.

(5) Subsequent payments must be made no later than thirty (30) days after each anniversary of the first payment.

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

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

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

(d) The trustee shall evaluate the trust fund annually, as of the day the trust was created or on such earlier date as may be provided in the agreement. The trustee shall notify the owner or operator of the facility and the commissioner within thirty (30) days after the evaluation date.

(e) Release of excess funds may be requested as follows:

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

(2) Within sixty (60) days after receiving a request from the owner or operator of the facility for a release of funds, the commissioner shall instruct the trustee to release to the owner or operator of the facility such funds as the commissioner specifies in writing to be in excess of the current cost estimate.

(f) Reimbursement for removal expenses may be requested as follows:

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

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

with the removal plan.

(3) If the commissioner determines, based on available information, that the cost of removal will be greater than the value of the trust fund, the commissioner shall withhold reimbursement of such amounts necessary to accomplish removal until it is determined that the owner or operator of the facility is no longer required to maintain financial assurance for removal. In the event the fund is inadequate to pay all claims, the commissioner shall pay claims according to the following priority:

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

(Solid Waste Management Board; 329 IAC 14-11-6)

329 IAC 14-11-7 Surety bond

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 7. (a) The owner or operator of a facility may comply with this rule by establishing a surety bond on:

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

(b) All surety bonds must contain the following:

- (1) The establishment of penal sums in the amount determined by section 3 of this rule.
- (2) Provision that the surety will be liable to fulfill the closure obligations upon notice from the commissioner that the owner or operator of the facility has failed to do so.
- (3) Provision that the surety may not cancel the bond without first sending notice of cancellation by certified mail to the owner or operator of the facility and the commissioner at least one hundred twenty (120) days before the effective date of the cancellation.
- (4) Provision that the owner or operator of the facility may not terminate the bond without prior written authorization by the commissioner.

(c) The owner or operator of the facility shall establish a standby trust fund to be utilized in the event the owner or operator of the facility fails to fulfill closure obligations and the bond guarantee is exercised. Such a trust fund must be established in accordance with section 6 of this rule.

(d) The surety company issuing the bond must be among those listed as acceptable sureties for federal bonds in the most recent Circular 570 of the United States Department of the Treasury.

(e) The surety will not be liable for deficiencies in the performance of closure by the owner or operator of the facility after the commissioner releases the owner or operator in accordance with section 13 of this rule. *(Solid Waste Management Board; 329 IAC 14-11-7)*

329 IAC 14-11-8 Letter of credit

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 8. (a) The owner or operator of a facility may comply with this rule by establishing a letter of credit on:

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

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

- (1) The establishment of credit in the amount determined by section 3 of this rule.
- (2) Irrevocability.
- (3) An effective period of at least one (1) year and automatic extensions for periods of at least one (1) year unless the issuing institution provides written notification of cancellation by certified mail to both the owner

or operator and the commissioner at least one hundred twenty (120) days before the effective date of cancellation.

- (4) Provision that, upon written notice from the commissioner, the institution issuing the letter of credit will:
- (A) state that the obligations of the owner or operator of the facility have not been fulfilled; and
 - (B) deposit funds equal to the amount of credit into a trust fund to be used to ensure closure obligations of the owner or operator are fulfilled.

(c) The owner or operator of the facility shall establish a standby trust fund to be utilized in the event the owner or operator of the facility fails to fulfill closure obligations and the letter of credit is utilized. Such a trust fund must be established in accordance with section 6 of this rule.

(d) The issuing institution must be an entity that has the authority to issue letters of credit and whose letters of credit operations are regulated and examined by a federal or state of Indiana agency. (*Solid Waste Management Board; 329 IAC 14-11-8*)

329 IAC 14-11-9 Insurance

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 9. (a) The owner or operator of a facility may comply with this rule by providing evidence of insurance on:

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

(b) All insurance must include the following requirements:

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

(2) Provision that the insurer shall make payments:

(A) in any amount, not to exceed the amount insured; and

(B) to any person authorized by the commissioner;

if the commissioner notifies the insurer in writing that the owner or operator of the facility has failed to perform final closure.

(3) Provision that the owner or operator of the facility shall maintain the policy in full force and effect unless the commissioner consents in writing to termination of the policy.

(4) Provision that the insurer may not cancel, terminate, or fail to renew the policy unless the owner or operator of the facility fails to pay the premium. No cancellation, termination, or failure to renew may occur unless the commissioner and the owner or operator of the facility are notified by the insurer in writing at least one hundred twenty (120) days before such event

(c) The insurer shall either be licensed to transact the business of insurance or be eligible to provide insurance as an excess or surplus lines insurer in one (1) or more states. (*Solid Waste Management Board; 329 IAC 14-11-9*)

329 IAC 14-11-10 Bond for performance

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 10. (a) A facility may comply with this rule by establishing a performance bond on:

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

(b) All performance bonds must contain the following:

(1) The establishment of performance bond for the amount in accordance with section 3 of this rule.

(2) Provision that the surety will be liable to fulfill the obligations of the facility upon notice from the commissioner that the facility has failed to fulfill all obligations of this article.

(3) Provision that the surety may not cancel the bond without first sending notice of cancellation by certified

mail to the facility and the commissioner at least one hundred twenty (120) days before the effective date of the cancellation.

(4) Provision that the facility may not terminate the bond without prior written authorization by the commissioner.

(5) Provision that the surety will pay to the commissioner, for deposit in the management fund established for this purpose, the entire amount of the penal sum described in subdivision (1) in the event the facility fails to fulfill all obligations under this article.

(c) The facility shall establish a standby trust fund to be utilized in the event the facility fails to fulfill all obligations under this article and the bond guarantee is exercised. Such a trust fund must be established in accordance with section 6 of this rule.

(d) The surety company issuing the bond must be among those listed as acceptable sureties for federal bonds in the most recent Circular 570 of the United States Department of the Treasury.

(e) The surety will not be liable for deficiencies in the performance of the facility after the commissioner releases the facility in accordance with section 13 of this rule. *(Solid Waste Management Board; 329 IAC 14-11-10)*

329 IAC 14-11-11 Negotiable certificate of deposit

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 11. (a) A facility may comply with this rule by establishing a negotiable certificate of deposit that meets the requirements of this section.

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

(1) A principal amount established in accordance with section 3 of this rule.

(2) Provision that the certificate of deposit may not be withdrawn by the facility unless released in writing by the commissioner under section 3 of this rule.

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

(4) Provision that the certificate of deposit must be payable to the commissioner, for deposit in the management fund, upon written notice from the commissioner, stating that obligations of the facility under this article have not been fulfilled.

(c) The issuing institution must be an entity that has the authority to issue certificates of deposit and whose operations are regulated and examined by a federal agency or an agency or commissioner of the state. *(Solid Waste Management Board; 329 IAC 14-11-11)*

329 IAC 14-11-12 Negotiable letter of credit

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 12. (a) A facility may comply with this rule by establishing a negotiable letter of credit on:

(1) forms provided by the commissioner; or

(2) forms approved by the commissioner.

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

(1) The establishment of credit in accordance with section 3 of this rule.

(2) Irrevocability.

(3) An effective period of at least one (1) year and automatic extensions thereafter for periods of at least one (1) year unless the issuing institution provides written notification of cancellation by certified mail to both the

facility and the commissioner at least one hundred twenty (120) days before the effective date of cancellation.
(4) Provision that the institution will deposit funds equal to the amount of credit into the management fund to be used to ensure that all obligations of the facility under this article are fulfilled, if notified in writing by the commissioner that the obligations of the facility have not been fulfilled.

(c) The facility shall establish a standby trust fund to be utilized in the event the facility fails to fulfill all obligations under this article and the letter of credit is utilized. Such a trust fund must be established in accordance with the requirements of section 6 of this rule.

(d) The issuing institution must be an entity that has the authority to issue letters of credit and whose letters of credit operations are regulated and examined by a federal agency or an agency or department of the state.
(Solid Waste Management Board; 329 IAC 14-11-12)

329 IAC 14-11-13 Release of financial responsibility obligations

Authority: IC 13-14-9-1; IC 13-14-8-2; IC 13-15-2-1; IC 13-19-3-1; IC 13-20-10-10

Affected: IC 13-20-10

Sec. 13. When the requirements for closure in 329 IAC 14-10 have been completed, the commissioner will notify the registrant of the facility in writing that financial responsibility is no longer required to be maintained.
(Solid Waste Management Board; 329 IAC 14-11-13)

Rule 12. Facility Operator Certification

329 IAC 14-12-1 Applicability

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 1. This rule shall apply to operators. (Solid Waste Management Board; 329 IAC 14-12-1)

329 IAC 14-12-2 General provisions

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 2. (a) Composting facilities to which this rule applies must have at least one (1) interim or certified operator available when the facility registered under this article is in operation. If the interim or certified operator is absent from the facility, the interim or certified operator shall remain available through contact by electronic communication device or telephone.

(b) Except as provided in subsection (c), (e), or (f), an individual shall not perform the duties of an operator unless that individual has a valid certificate from the commissioner.

(c) An individual who performs the duties of an operator on or before the effective date of this rule shall be considered an interim operator and may continue to perform the duties of a certified operator. However, an interim operator shall pass an accredited examination and receive a certificate under this rule and 329 IAC 14-13 no later than one (1) year after the effective date of this rule.

(d) For each interim operator, the composting facility designated in section 1(a) of this rule shall keep the following information in the operating record:

- (1) The name of the interim operator.
- (2) The date on which the interim operator was designated responsible for the operation of the facility.

(e) A composting facility may operate a facility with an interim operator if the certified operator:

- (1) leaves the employment of the facility; or
- (2) is unable to fulfill the responsibilities of certified operator for a period of time.

(f) An interim operator designated under subsection (e) may serve for up to one hundred twenty (120) days after the departure of the certified operator.

(g) A request for an extension of the one hundred twenty (120) day time period may be made by:

- (1) submitting a written request for extension to the commissioner; and
- (2) providing an explanation of the reason the extension is being requested.

(h) The certificate shall be posted in the office at the facility for the certified operator. Certified operators shall have available at the permitted facility a photographic identification card, such as a driver's license or other picture identification card, when serving as the facility's certified operator. The certificate and photographic identification card shall both be available for inspection by the department representatives during an inspection.

(Solid Waste Management Board; 329 IAC 14-12-2)

329 IAC 14-12-3 Operator certification: certification; classification and application

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 3. (a) A certification shall be issued by the commissioner to an individual who demonstrates the skill and knowledge necessary to operate the appropriate composting facility through:

- (1) testing for the initial certification; or
- (2) attendance in an accredited training course for recertification.

(b) An individual seeking certification or recertification must complete an application provided by the approved examination provider or the accredited training course provider that contains the following:

- (1) The name of the individual seeking certification or recertification.
- (2) The name, full address, and telephone number of the facility at which the individual is currently employed if applicable.
- (3) The type of facility at which the individual is currently employed if applicable.
- (4) A statement to be signed by the individual seeking certification or recertification. The statement must read, "I certify under penalty of law that this document and all attachments are to the best of my knowledge true, accurate, and complete."

(c) An initial certificate granted under subsection (a)(1) or section 5 of this rule shall be valid for one (1) year from the date of issuance. *(Solid Waste Management Board; 329 IAC 14-12-3)*

329 IAC 14-12-4 Certification; verification

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 4-21.5-3-4; IC 13-20-10; IC 36-9-30

Sec. 4. (a) Within one (1) week after each examination, providers of an approved examination shall provide verification of testing to the commissioner by submission of the following:

- (1) The completed application for all individuals taking the approved examination.
- (2) The examination scores for all individuals taking the approved examination.

(b) Within one (1) week after each course, accredited training course providers shall provide verification of training to the commissioner by submission of the completed application for all individuals trained in the accredited training course.

(c) The verification from the provider of an approved examination or the accredited training course provider shall be reviewed by the commissioner and compared to the list of people having had their certification revoked as provided for in section 7(a) of this rule.

(d) The commissioner will deny certification to an individual that has a revoked certification for which the time period of the penalty has not lapsed.

(e) A denied certification may be appealed under IC 4-21.5-3-4. (*Solid Waste Management Board; 329 IAC 14-12-4*)

329 IAC 14-12-5 Reciprocity

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 5. (a) Any individual seeking certification who has been certified as a compost facility operator by an accrediting institution in another state may be designated a certified operator for a facility that is comparable to the facility that the individual was certified to operate in another state.

(b) A request for a certificate from the commissioner may be made by submitting the following:

(1) An application on forms prescribed by the commissioner.

(2) A copy of a compost facility operator certification from an accrediting institution in another state.

(c) Upon receipt of a certificate from the commissioner, the individual seeking reciprocity may begin to operate a facility comparable to the facility for which certification was received from another state. (*Solid Waste Management Board; 329 IAC 14-12-5*)

329 IAC 14-12-6 Operator certification: recertification

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 6. (a) To renew, an operator must take an accredited training course approved by the commissioner under 329 IAC 14-13. A certified operator must complete an accredited training course prior to expiration of the operator's valid certificate.

(b) A certified operator completing one (1) or more accredited training courses in the twelve (12) months prior to the expiration of that operator's valid certificate shall be recertified. Recertification renews that operator's valid certificate for one (1) year from the expiration date of the certificate that was valid at the time of the training. (*Solid Waste Management Board; 329 IAC 14-12-6*)

329 IAC 14-12-7 Certification revocation

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 4-21.5; IC 13-20-10; IC 36-9-30

Sec. 7. (a) The commissioner may make a decision to revoke a certificate if the certified operator commits any of the following:

(1) Repeatedly violates a requirement or requirements of this article.

(2) Endangers human health, safety, or the environment by knowingly or intentionally violating operating procedures of a composting facility.

(3) Falsifies information provided to the department, a provider of an accredited examination, or an accredited training course provider for certification purposes.

(4) Falsifies information on an extension request for interim status.

(b) A revoked certificate must be for a period established by the commissioner, but not less than six (6) months.

(c) The certification may be revoked following the procedures under IC 4-21.5.

(d) Unless specified otherwise by the commissioner in a revocation of certification, a certified operator having a revoked certification must pass an accredited examination after the time period designated under subsection (b) of the revocation has expired to become certified after a revocation.

(e) Permanent revocation of certification may be made by the commissioner for an operator with multiple violations or revocations. *(Solid Waste Management Board; 329 IAC 14-12-7)*

329 IAC 14-12-8 Duplicate certificate

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 8. In order to replace a certificate that has been lost or stolen, a certified operator must do the following:

(1) Submit a request for a duplicate certificate to the commissioner.

(2) Include a statement indicating the reason a duplicate certificate is needed.

(Solid Waste Management Board; 329 IAC 14-12-8)

Rule 13. Facility Operator Testing Requirements

329 IAC 14-13-1 Applicability

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 1. This rule shall apply to a person or postsecondary learning institution that provides an accredited examination for the purpose of certifying individuals under 329 IAC 14-12 and this rule. *(Solid Waste Management Board; 329 IAC 14-13-1)*

329 IAC 14-13-2 Examination requirements

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 2. (a) Examinations shall consist of at least fifty (50) multiple choice questions. Hands-on testing may also be included as part of the examination to demonstrate knowledge and skill of the subject matter.

(b) An individual taking the accredited examination must receive a score of at least seventy percent (70%) correct responses to receive certification.

(c) Except as indicated in subsection (d), the examination shall include a question or questions that address each of the topics outlined in section 3 of this rule.

(d) Books, notes, charts, or other informational sources must not be used by the applicant during the examination.

(e) Accredited providers of an accredited examination shall develop a new examination for purposes of this rule and 329 IAC 14-12 at least once every three (3) years.

(f) All examinations developed by the provider of an accredited examination for the purpose of testing composting facility operators must not be shown or given to any person except for the following:

(1) The commissioner for approval under section 7 of this rule.

(2) The individual taking the examination during the time that the examination is administered.

(Solid Waste Management Board; 329 IAC 14-13-2)

329 IAC 14-13-3 Examination requirements for certification

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 3. (a) In order to qualify for accreditation as an accredited examination provider for a composting facility certification for operators of composting facilities, the written examination must meet the requirements of this section.

(b) The commissioner may approve an examination for certification for a specific site.

(c) A certification examination shall adequately address the following topics:

(1) Purpose of training course.

(2) Overview of the following current Indiana composting rule requirements:

(A) Registration requirements.

(B) Classes of composting facilities.

(C) Allowable materials to be composted.

(D) Design requirements.

(E) Set back requirements.

(F) Reporting requirements.

(G) Closure requirements.

(H) Financial assurance requirements.

(3) Overview of the following other state and federal requirements:

(A) 327 IAC 15 –storm water rule requirements.

(B) Land application rule requirements.

(C) Marketing and distribution permit requirements.

(D) Overview of other environmental rules as pertaining to composting facility siting, construction, and operation.

(4) General overview of composting methods.

(5) The following composting process fundamentals:

(A) The following best management practices for proper composting:

(i) Temperature control testing.

(ii) Moisture control testing.

(iii) Nitrogen to carbon ratio.

(B) Pathogen control.

(6) The following operational and site maintenance practices to control:

(A) Odor.

(B) Dust.

(C) Litter.

(D) Run-off/sedimentation control.

(E) Contaminated water/leachate storage and management.

(7) Monitoring and the control of incoming materials and solid waste as follows:

(A) Site access control.

(B) Incoming waste screening procedures.

(C) Management of unauthorized waste and its disposal.

(8) Proper storage of compostable materials and waste.

(9) Occupational and environmental safety, as follows:

(A) Occupational Safety and Health Administration (OSHA).

(B) Facility workplace.

(C) Waste handling and exposure.

(10) The following facility contingency plans:

(A) Fire prevention and control.

(B) Spill control.

(11) The following record keeping and notification requirements:

(A) Annual reporting requirements.

(B) Inventory of material on-site.

(Solid Waste Management Board; 329 IAC 14-13-3)

329 IAC 14-13-4 Accredited examination providers; qualifications for accreditation

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 4. A person or postsecondary learning institution wishing to be approved as a provider of an examination

for composting facility operator certification shall provide the following:

- (1) Documentation that the examination meets or exceeds the applicable requirements of section 3 of this rule, this section, and section 5 of this rule.
- (2) Verification of testing to the commissioner in accordance with 329 IAC 14-12-4.
- (3) At least two (2) weeks in advance of the examination, notice to the commissioner of the location and time accredited examinations are to be conducted.
- (4) Allow department representatives to attend and take any examination, for the purposes of auditing, evaluating, and monitoring, without charge to the department. The department is not required to give advanced notice of such an audit.

(Solid Waste Management Board; 329 IAC 14-13-4)

329 IAC 14-13-5 Accredited examination providers; application for accreditation

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 5. (a) A provider of an examination seeking accreditation of an examination by the commissioner shall complete the following:

- (1) Submit a completed application on forms prescribed by the commissioner.
- (2) Provide the following information:
 - (A) The provider's name, full address, telephone number, and primary contact person.
 - (B) The type of examination.
 - (C) A copy of the examination and information on scoring.
 - (D) A detailed statement about the development of the examination.
 - (E) A schedule and plans for revisions of the examination.

(b) A letter of accreditation from the commissioner shall be issued to a provider that receives approval of an examination.

(c) A letter of accreditation from the commissioner shall be valid for three (3) years from the date it is issued.

(d) Examination providers shall not be approved to provide examinations unless they have a valid letter of accreditation from the commissioner.

(e) Within thirty (30) days of any change to an examination, a provider of an accredited examination shall submit a copy of the changed examination to the commissioner. *(Solid Waste Management Board; 329 IAC 14-13-5)*

329 IAC 14-13-6 Reaccreditation

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 6. (a) An accredited examination provider seeking reaccreditation by the commissioner shall:

- (1) have possessed a valid letter of accreditation from the commissioner within the previous six (6) months for providing accredited examinations for operators; and
- (2) submit a completed application on forms prescribed by the commissioner and include updated information as required in section 5(a)(2) of this rule.

(b) Upon review, the commissioner shall make an initial determination as to the eligibility of the examination for reaccreditation. The commissioner shall issue a letter of reaccreditation to an accredited examination provider that fulfills the requirements of this rule.

(c) A letter of reaccreditation shall be valid for three (3) years from the date of issuance.

(d) Within thirty (30) days of a change, an accredited examination provider shall notify the commissioner in writing of a change in the examination or primary contact person. *(Solid Waste Management Board; 329 IAC 14-*

13-6)

329 IAC 14-13-7 Representation of examination accreditation

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 7. No person shall make a representation as providing an accredited examination for the purpose of accrediting an individual under 329 IAC 14-12 and this rule without being currently accredited by the commissioner under this rule. *(Solid Waste Management Board; 329 IAC 14-13-7)*

329 IAC 14-13-8 Accreditation revocation

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 4-21.5; IC 13-20-10; IC 36-9-30

Sec. 8. (a) The commissioner may revoke the accreditation of an examination if the examination provider commits any of the following:

- (1) Violates a requirement of this rule.
- (2) Falsifies information on an application to provide accredited examinations for individuals taking the examination.
- (3) Falsifies information on individuals taking the examination.
- (4) Fails to meet a qualification specified in sections 2 through 5 of this rule.
- (5) Fails to provide a quality examination based on documented complaints registered with the commissioner about an examination.
- (6) Has a continual failure rate of more than twenty percent (20%) of the individuals taking the examination.

(b) The accreditation may be revoked following procedures under IC 4-21.5. *(Solid Waste Management Board; 329 IAC 14-13-8)*

Rule 14. Facility Operator Training Requirements

329 IAC 14-14-1 Applicability

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 1. This rule shall apply to a person or postsecondary learning institution that provides an accredited training course for the purpose of recertifying individuals under 329 IAC 14-12, 329 IAC 14-13, and this rule. *(Solid Waste Management Board; 329 IAC 14-14-1)*

329 IAC 14-14-2 Accredited training course requirements for recertification

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-20-10; IC 36-9-30

Sec. 2. (a) The accredited training course must include, at a minimum, applicable topics relating to a composting facility operation as follows:

- (1) An update on applicable Indiana legislation and regulations.
- (2) Discussion of applicable department policy.
- (3) Information on new or improved technologies.
- (4) Information on changes to processes.
- (5) Information on changes in management practices.

(b) The accredited training course must be at least four (4) hours in length. *(Solid Waste Management Board; 329 IAC 14-14-2)*

329 IAC 14-14-3 Accredited training course providers; qualifications for accreditation

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2
Affected: IC 13-20-10; IC 36-9-30

Sec. 3. A person or postsecondary learning institution wishing to be approved as a provider of an accredited training course shall do the following:

- (1) Provide documentation that the training course or courses meet or exceed the applicable requirements of section 2 of this rule.
- (2) Provide verification of training to the commissioner in accordance with 329 IAC 14-12-4.
- (3) Allow department representatives to attend, for purposes of auditing, evaluating, and monitoring, any training course without charge to the department. The department is not required to give advanced notice of such an audit.
- (4) At least two (2) weeks in advance of the first day of the course, provide notice to the commissioner of the location and time of accredited training courses.

(Solid Waste Management Board; 329 IAC 14-14-3)

329 IAC 14-14-4 Accredited training course providers; application for accreditation

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2
Affected: IC 13-20-10; IC 36-9-30

Sec. 4. (a) A training course provider seeking accreditation of a training course by the commissioner shall complete the following:

- (1) Submit a completed application on forms prescribed by the commissioner, including the following:
 - (A) The training course provider's name, full address, telephone number, and primary contact person.
 - (B) The name and category of the training course.
- (2) Provide the following additional information:
 - (A) The course curriculum and course objectives.
 - (B) A letter from the training course provider that clearly indicates how the course meets the applicable requirements of section 2 of this rule, including the following information:
 - (i) Length of training in hours.
 - (ii) Amount and type of practical exercises.
 - (iii) Topics and objectives for the course.
 - (C) Provide a copy of all course materials, such as the following:
 - (i) Student manuals.
 - (ii) Instructor notebooks.
 - (iii) Handouts.
 - (D) Provide the names and qualifications of all potential course instructors, including academic credentials and field experience in composting management.

(b) A letter of accreditation shall be issued to a training course provider that receives accreditation from the commissioner.

(c) A letter of accreditation from the commissioner shall be valid for three (3) years from the date it is issued.

(d) Training course providers shall not be approved to provide accredited training courses for recertification unless they have a valid letter of accreditation from the commissioner.

(e) The use of subcontractors to conduct accredited training courses must be approved by the commissioner before such courses are provided.

(f) Not later than thirty (30) days after a change, an accredited training course provider shall notify the commissioner in writing of a change in the course curriculum, instructional staff, or primary contact person.

(Solid Waste Management Board; 329 IAC 14-14-4)

329 IAC 14-14-5 Reaccreditation

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2
Affected: IC 13-20-10; IC 36-9-30

Sec. 5. (a) A training course provider seeking reaccreditation of an accredited training course by the commissioner shall:

- (1) have possessed a valid letter of accreditation from the commissioner within the previous six (6) months for providing accredited training courses for operators; and
- (2) submit a completed application on forms prescribed by the commissioner and include updated information as required in section 4(a)(2) of this rule.

(b) Upon review, the commissioner shall make a determination as to the eligibility of the training course for reaccreditation. The commissioner shall issue a letter of reaccreditation to a training course provider that fulfills the requirements of this rule.

(c) A letter of reaccreditation shall be valid for three (3) years from the date of issuance.

(d) Not later than thirty (30) days after a change, an accredited training course provider reaccredited under this section shall notify the commissioner in writing of a change in the course curriculum, instructional staff, or primary contact person. *(Solid Waste Management Board; 329 IAC 14-14-5)*

329 IAC 14-14-6 Representation of training course accreditation

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2
Affected: IC 13-20-10; IC 36-9-30

Sec. 6. No person shall make a representation as conducting an accredited training course for the purpose of accrediting an individual under 329 IAC 14-12 and this rule without being currently accredited by the commissioner under this rule. *(Solid Waste Management Board; 329 IAC 14-14-6)*

329 IAC 14-14-7 Accreditation revocation

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2
Affected: IC 4-21.5; IC 13-20-10; IC 36-9-30

Sec. 7. (a) The commissioner may revoke the accreditation of a training course if the training course provider commits any of the following:

- (1) Violates a requirement of this rule.
- (2) Falsifies information on an application under section 4 of this rule to provide accredited training courses for operators.
- (3) Falsifies certified operator information.
- (4) Fails to meet a qualification specified in sections 2 through 5 of this rule.
- (5) Fails to provide a quality course based on an audit by department personnel.

(b) The accreditation may be revoked following procedures under IC 4-21.5. *(Solid Waste Management Board; 329 IAC 14-14-7)*

Notice of First Hearing/Meeting

These rules are not scheduled for hearing at this time. When the public hearing is scheduled, it will be noticed in the Change in Notice of Public Hearing section of the Indiana Register.

Additional information regarding this action may be obtained from Lynn West, Rules, Planning and Outreach Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

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