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**TITLE 329 SOLID WASTE MANAGEMENT  
BOARD**

**SECOND NOTICE OF COMMENT PERIOD  
#05-296 (SWMB)**

**DEVELOPMENT OF AMENDMENTS TO RULES AT 329 IAC 10 CONCERNING CONSTRUCTION/DEMOLITION WASTE AND  
CERTAIN PERMITTING REQUIREMENTS**

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to rules at 329 IAC 10 concerning unrecognizable, crushed construction/demolition waste and changes to permitting requirements mandated under Senate Enrolled Act 279-2005. In addition to the subject matter in the first notice, the Continuation of First Notice proposed further amendments to Article 10 relating to New Source Performance Standards for the purpose of maintaining consistency with state and federal air pollution regulations and to clarify municipal solid waste landfill (MSWLF) owner/operator responsibilities for closure and post-closure cost estimates for gas extraction systems. 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: November 1, 2005, Indiana Register (29 IR 693).

Continuation of First Notice of Comment Period: January 1, 2006, Indiana Register (29 IR 1395).

**CITATIONS AFFECTED:** 329 IAC 10.

**AUTHORITY:** IC 4-22-2; IC 13-14-8-1; IC 13-14-8-2; IC 13-14-9; IC 13-15-2; IC 13-19-3-1; IC 13-19-4-1; IC 13-19-4-6; IC 13-30-2.

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

**Basic Purpose and Background**

An amendment to 329 IAC 10-9-3 is proposed that provides that construction/demolition waste must be easily recognizable as such, and not crushed, in order to be disposed of in a construction/demolition landfill. This amendment is needed in the Indiana solid waste rules because some businesses have been completely crushing large volumes of construction/demolition waste and shipping it by railcar to some of Indiana's neighboring states, causing environmental and health problems that Indiana should avoid. The construction/demolition landfills in our neighboring states, much like Indiana's landfills, are not constructed to receive such large volumes of dense waste. These types of landfills are not constructed with either leachate or gas collection lines or a plastic liner. The disposal of large volumes of dense waste, specifically crushed wallboard, has caused hydrogen sulfide to be produced at these landfills sometimes to the extent that nearby schools and businesses have had to be temporarily closed and the integrity of the landfill has been compromised.

This rulemaking also proposes to amend the permitting requirements in 329 IAC 10 to include statutory revisions that were passed by the Indiana Legislature in Senate Enrolled Act 279-2005. These changes include the following:

- Good character requirements do not apply to the transfer of a permit for a solid waste disposal facility to an applicant that holds a permit for and is operating a solid waste disposal facility or hazardous waste facility in Indiana after December 31, 2004, except as provided in IC 13-19-4-8(e). The implementing amendment is proposed to be added at 329 IAC 10-13-5(d).
- Good character requirements are applied depending on the percentage of change in ownership control for a solid waste disposal facility per IC 13-19-4-8(e).
- Good character requirements do not apply to renewals. The implementing amendments are proposed to be added under the permit application requirements at 329 IAC 10-11-2.1.

This rulemaking will also clarify municipal solid waste landfill owner/operator responsibilities for closure and post-closure cost estimates for gas extraction systems.

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

The following element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is "not imposed under federal law":

NIFL Element (A): 329 IAC 10-9-3(a). "A construction/demolition site may only accept easily recognizable construction/demolition waste as defined in 329 IAC 10-2-37".

(1) This amendment is needed in the Indiana solid waste rules because some businesses have been completely crushing large volumes of construction/demolition waste and shipping it by railcar to some of Indiana's neighboring states, causing environmental and health problems that Indiana should avoid. Adding this NIFL element into Indiana's rules will protect the human health and the environment in our state. The federal law allows crushing of construction/demolition waste and, therefore, is not as protective as Indiana's proposed amendment.

(2) Under 329 IAC 10-9-3(a) owners/operators are required to only accept construction/demolition waste. Since the owner/operator must already assure that only construction/demolition waste is accepted, this rule will not require the owner/operator to pay additional expenses because they must already check the loads being disposed at the site. The owner/operator cannot accept crushed loads because there can be no certainty that the load is construction/demolition waste and will not compromise the integrity of the landfill.

(3) The materials used by IDEM to support this NIFL element was information from the 2005 EPA Regional Solid Waste Meeting in Chicago. Representatives from Ohio presented the hazards associated with construction/demolition landfills accepting crushed waste as there can be no certainty that it is only construction/demolition waste since it is no longer recognizable. IDEM has the supporting documentation to the presentation submitted by the representatives from Ohio.

#### **Potential Fiscal Impact**

Amendments being proposed with this rulemaking will have very limited fiscal impact on regulated entities affected by this rule. IDEM requests comment on any potential fiscal impact associated with the amendment of 329 IAC 10-9-3(b).

Under 329 IAC 10-9-3(a) owners/operators are required to only accept construction/demolition waste. Since the owner/operator must already assure that only construction/demolition waste is accepted, this rule will not require the owner/operator to pay additional expenses because they must already check the loads being disposed at the site. The owner/operator cannot accept crushed loads because there can be no certainty that it is construction/demolition waste and will compromise the integrity of the landfill.

The proposed amendments to 329 IAC 10-20-25 cross-reference the already applicable air pollution control rules and federal rules related to new source performance standards and, therefore, will not result in any additional costs.

The clarification to the MSWLF owner/operator responsibilities for closure and post-closure cost estimates for gas extraction systems is required in the permit and is part of the federal rules on new source performance standards; therefore, no new costs will result.

#### **Public Participation and Workgroup Information**

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Kiran Verma, Rules, Planning, Outreach, and Section, Office of Land Quality at (317) 232-8899 or (800) 451-6027 (in Indiana).

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD**

IDEM requested public comment from November 1, 2005, through November 30, 2005, 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.

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE CONTINUATION OF THE FIRST COMMENT PERIOD**

IDEM proposed further amendments than those listed in the first notice; therefore, IDEM requested public comment from January 1, 2006, through January 31, 2006, 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 Continuation of 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:

#05-296(SWMB) [Amendments to 329 IAC for C/D Waste and Changes to Permitting Requirements]

Marjorie Samuel

Rules, Planning, and Outreach Section

Office of Land Quality

Indiana Department of Environmental Management

100 North Senate Avenue  
Indianapolis, Indiana 46204.

Hand delivered comments will be accepted by the receptionist on duty at the eleventh 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) 233-3403, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules, Planning, and Outreach Section at (317) 232-7995.

#### **COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by May 1, 2006.

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

#### **DRAFT RULE**

SECTION 1. 329 IAC 10-9-3 IS AMENDED TO READ AS FOLLOWS:

##### **329 IAC 10-9-3 Construction/demolition site waste criteria**

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

**Affected:** IC 13-30-2; IC 36-9-30

Sec. 3. (a) A construction/demolition site may accept **only easily recognizable** construction/demolition waste as defined in 329 IAC 10-2-37. Other items are prohibited, except as specified in subsection (b).

(b) Specific, written approval by the commissioner for disposal of other items may be requested. ~~Such~~ Approvals will be granted only if the other items to be disposed of:

- (1) are incidental to the construction/demolition site;
- (2) are of a similar type and size to the items allowed by subsection (a); and
- (3) will not create a greater threat to the environment than the items allowed by subsection (a).

*(Solid Waste Management Board; 329 IAC 10-9-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1805; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 2. 329 IAC 10-11-2.1 IS AMENDED TO READ AS FOLLOWS:

##### **329 IAC 10-11-2.1 Permit application requirements; general**

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

**Affected:** IC 4-21.5-3-5; IC 13-14-11-3; IC 13-19-4; IC 13-20-21; IC 36-7-4; IC 36-9-30

Sec. 2.1. (a) An application for:

- (1) any solid waste land disposal facility permit, including renewals; or ~~for~~
- (2) a modification to a solid waste land disposal facility permit, excluding insignificant modifications;

must be submitted to the commissioner on permit application forms provided by the commissioner in a format specified by the commissioner. All narrative, plans, and other support documentation accompanying the application must also be submitted in a format specified by the commissioner.

(b) A complete application must include all of the following information:

(1) The ~~name names~~ and ~~address addresses~~ of the following:

(A) The applicant.

~~(2) The name and address of~~ (B) The solid waste land disposal facility site.

~~(3) The name and address of~~ (C) The solid waste land disposal facility owner, operator, or permittee if different from the real property owner.

~~(4) The names and addresses of~~ (D) The members of the board of county commissioners of a county that is affected by the permit application.

~~(5) The names and addresses of~~ (E) The:

- (i) mayors of any cities; ~~that are affected by the permit application.~~ **and**
- ~~(6) The names and addresses of the~~ (ii) presidents of town councils of any towns; that are affected by the permit application.
- ~~(7) (2)~~ The legal description as defined in 329 IAC 10-2-104 for the following:
  - (A) The solid waste land disposal facility boundary.
  - (B) If applicable, the solid waste boundary defining the area where the solid waste is to be deposited.
- ~~(8) (2)~~ Sufficient documentation must be provided to verify that the waste deposition area is located within the facility boundaries. **The** documentation must include a map of the legal description for these areas certified by a registered land surveyor.
- ~~(8) (3)~~ Solid waste land disposal facility information, including the following:
  - (A) A description of the type of operation.
  - (B) The planned or remaining life of the solid waste land disposal facility in years.
  - (C) The expected amount of waste to be received in:
    - (i) tons; ~~per operating day~~ or
    - (ii) cubic yards;
  - per operating day.
  - (D) The type of waste to be received.
- ~~(9) (4)~~ Signatures and certification statements in compliance with section 3 of this rule.
- ~~(10) (5)~~ Disclosure of all good character information as described in IC 13-19-4 unless the application is for a **renewal or** minor modification.

(c) Five (5) copies of the completed application and all supporting documentation must be submitted to the commissioner as follows:

- (1) Sent by registered mail, certified mail, **or** private carrier or delivered in person.
- (2) In addition to the paper copies, a copy of the completed application and all supporting documentation may be submitted by electronic submission, the type and format of which will be prescribed by the commissioner. The commissioner may make a determination that only an electronic copy is needed.
- (3) Plans and documentation accompanying the application shall be submitted as required in 329 IAC 10-15-1(c).

(d) Confidential treatment of information may be requested in accordance with 329 IAC 6.1 for all or a portion of the permit application and supporting documentation.

(e) All corporations must submit a copy of the certificate of existence signed by the secretary of state.

(f) Fees must be submitted with the application in accordance with IC 13-20-21. (*Solid Waste Management Board; 329 IAC 10-11-2.1; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3788; filed Feb 9, 2004, 4:51 p.m.: 27 IR 1801, eff Apr 1, 2004*)

SECTION 3. 329 IAC 10-13-5 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 10-13-5 Transferability of permits**

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

**Affected:** IC 13-14-8; IC 13-15-7; IC 13-19-4-8; IC 13-30-6; IC 36-9-30-35

Sec. 5. (a) **As follows**, a permit may be transferred to a third person by the permittee without the need for a new permit or modification or revocation of the existing permit being required if:

- (1) The permittee notifies the commissioner of the proposed transfer at least sixty (60) days before the proposed date of transfer on forms provided by the commissioner.
- (2) A written contract between the permittee and the third person containing a specific date of transfer of permit responsibility is submitted to the commissioner.
- (3) The transferee has not been convicted under IC 13-30-6 or IC 36-9-30-35.
- (4) The commissioner has not revoked under IC 13-15-7 a permit to the transferee that was issued under **any of the following**:
  - (A) This article.
  - (B) 329 IAC 1.5, which was repealed in 1989. ~~or~~
  - (C) 329 IAC 2, which was repealed in 1996.

- (5) The third person, ~~is~~, at the time of the application or permit decision:
- (A) ~~is~~ in compliance with the Environmental Protection Acts and rules promulgated thereunder; and
  - (B) does not have a history of repeated violations of the Acts or rules or material permit conditions that evidence an inability or unwillingness to comply with requirements of this article or a facility permit.
- (6) The transferee provides **the following** proof to the department: ~~of~~
- (A) Financial responsibility under 329 IAC 10-39. ~~and~~
  - ~~(7) the transferee provides proof to the department~~ (B) That the transferee is, or will be, the owner of the real property or ~~provides proof of~~ the applicant's agreement regarding the leasing of the property.

(b) The transfer will be effective on the specific date of transfer provided by the permittee unless the commissioner notifies the permittee and the transferee that the transfer will be denied.

(c) Notwithstanding subsection (a)(1), a variance granted under IC 13-14-8 must not be transferred to another person without independent proof of undue hardship or burden by the person seeking transfer.

**(d) Except as provided in IC 13-19-4-8(e), good character requirements in IC 13-19-4 do not apply to the transfer of a permit for a solid waste disposal facility to an applicant that holds a permit for and is operating either of the following after December 31, 2004:**

- (1) A solid waste disposal facility.**
- (2) A hazardous waste facility.**

*(Solid Waste Management Board; 329 IAC 10-13-5; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1815; errata filed Apr 4, 1996, 4:00 p.m.: 19 IR 2045; filed Mar 19, 1998, 11:07 a.m.: 21 IR 2758; filed Feb 9, 2004, 4:51 p.m.: 27 IR 1806, eff Apr 1, 2004)*

SECTION 4. 329 IAC 10-20-25 IS AMENDED TO READ AS FOLLOWS:

#### **329 IAC 10-20-25 Air criteria**

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

**Affected:** IC 13-30-2; IC 36-9-30

Sec. 25. (a) The owner, operator, or permittee of ~~MSWLFs~~ **an MSWLF** shall **do the following:**

**(1) Ensure that the ~~an~~ MSWLF does not violate any applicable requirements developed under Indiana's state implementation plan (SIP) approved or promulgated by the United States Environmental Protection Agency administrator under Section 110 of the Clean Air Act, 42 U.S.C. 7401 et seq., as amended November 15, 1990.**

**(2) Comply with the new source performance standards and emission guidelines at 326 IAC 12-1-1(b)(1) (40 CFR Part 60 Subpart WWW), as applicable.**

~~(b) The owner, operator, or permittee of an MSWLF shall~~ **(3) Not cause or allow the storage, containment, processing, or disposal of solid waste in a manner that creates a threat to human health or the environment, including the creation of a fire hazard or air pollution.**

*(Solid Waste Management Board; 329 IAC 10-20-25; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1853; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3834; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)*

SECTION 5. 329 IAC 10-22-2 IS AMENDED TO READ AS FOLLOWS:

#### **329 IAC 10-22-2 Closure plan**

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

**Affected:** IC 13-30-2; IC 36-9-30

Sec. 2. (a) The owner, operator, or permittee of an MSWLF shall prepare a written closure plan. The plan must be **as follows:**

**(1) Submitted with the permit application in accordance with 329 IAC 10-11. ~~and be~~**

**(2) Approved by the commissioner as part of the permit.**

The approved closure plan becomes a condition of the permit upon approval.

(b) The owner, operator, or permittee of an MSWLF permitted under 329 IAC 1.5, which was repealed in 1989, or 329 IAC 2, which

was repealed in 1996, that:

- (1) closed on or before January 1, 1998, must close under the MSWLF's existing approved closure plans; or
- (2) intend to close after January 1, 1998, must:
  - (A) revise closure plans to meet the requirements of subsection (c); and
  - (B) submit the revised plans to the commissioner for approval within six (6) months after April 13, 1996, or the anniversary date of the approved closure plans, whichever is earlier.

(c) The closure plan must identify the steps necessary to completely close the MSWLF at any point during its active life in accordance with section 1 of this rule. The plan must be certified by a registered professional engineer. The closure plan must include the following:

- (1) A description of the steps that will be used to partially close, if applicable, and finally close the MSWLF in accordance with section 1 of this rule.
- (2) A listing of labor, materials, and testing necessary to close the MSWLF.
- (3) An estimate of the expected year of closure and a schedule for final closure. The schedule must include the following:
  - (A) The total time required to close the MSWLF.
  - (B) The time required for completion of intervening closure activities.
- (4) An estimate of the maximum inventory of wastes that will be on site over the active life of the MSWLF.
- (5) An estimate of the cost per acre of providing final cover and vegetation. ~~Such~~ **The** cost must reflect cost necessary to close the MSWLF by the third party as required by the approved plan, but must not be less than **the following**:
  - (A) Twenty-one thousand dollars (\$21,000) per acre to close MSWLF units that are constructed with only a soil liner. ~~and~~
  - (B) Seventy-eight thousand seven hundred fifty dollars (\$78,750) per acre for MSWLF units that are constructed with a composite bottom liner system.

For an application for a new MSWLF or a major modification submitted on or after April 1, 2005, the owner, operator, or permittee must adjust the minimum closure costs provided in clauses (A) and (B) for inflation, as described in 329 IAC 10-39-2(c)(1).

- (6) For new MSWLFs and major modifications, the closure cost estimate must include a ten percent (10%) contingency cost on the total closure cost of the MSWLF.
- (7) If the owner, operator, or permittee of an MSWLF utilizes the incremental closure standard, as contained in 329 IAC 10-39-2(b)(3)(B), then for each yearly period following the beginning of operation of the MSWLF, the closure plan must **do the following**:
  - (A) Specify the maximum area of the MSWLF into which municipal solid waste will have been deposited through that year of the MSWLF's life. ~~and must~~
  - (B) Delineate ~~such the~~ areas on the copy of the facility's final contour map. ~~The closure plan must~~
  - (C) List closure cost estimates for each year of the anticipated life of the facility equal to the costs specified by subdivisions (5) and (6).
- (8) An estimate of the yearly maintenance costs for a dike or dikes required under 329 IAC 10-16-2.
- (9) An estimate of the installation costs for a landfill gas control system must be submitted, if the facility has:**
  - (A) **complied with 329 IAC 10-20-25(b); or**
  - (B) **obtained a waiver under 329 IAC 10-22-6(c).**

~~(9)~~ **(10)** A construction quality assurance and construction quality control plan for the construction and installation of the final cover system as required by this rule.

~~(10)~~ **(11)** A description of the final cover, designed in accordance with this rule, and the methods and procedures to be used to install the cover.

~~(11)~~ **(12)** An estimate of the largest area of the MSWLF ever requiring a final cover as required under this rule at any time during the active life.

~~(12)~~ **(13)** If property is used to fulfill or reduce the cost of closure funding, the property must not be sold, relinquished, or used for any other purpose. If the property is proposed to be sold, relinquished, or used for any other purpose, the owner, operator, or permittee shall complete the following requirements:

- (A) The closure plan must be:
  - (i) updated under this section; and
  - (ii) submitted to the commissioner.
- (B) The closure financial responsibility must be:
  - (i) updated under 329 IAC 10-39; and
  - (ii) submitted to the commissioner.
- (C) The owner, operator, or permittee shall receive approval from the commissioner for the requirements under clauses (A) and

(B) ~~prior to~~ **before** selling, relinquishing, or using the property for any other purpose.  
(Solid Waste Management Board; 329 IAC 10-22-2; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1882; errata filed Apr 4, 1996, 4:00 p.m.: 19 IR 2047; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3859; filed Feb 9, 2004, 4:51 p.m.: 27 IR 1855, eff Apr 1, 2004)

SECTION 6. 329 IAC 10-23-3 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 10-23-3 Post-closure plan**

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

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

Sec. 3. (a) The owner, operator, or permittee of an MSWLF shall have a written post-closure plan. The post-closure plan must be as follows:

- (1) Submitted with the permit application in accordance with 329 IAC 10-11. ~~and be~~
- (2) Approved by the commissioner.

The approved post-closure plan must become a condition of the permit. If the permit expires or is revoked, the post-closure plan remains effective and enforceable during the post-closure period. If the plan is determined to be unacceptable, the commissioner shall identify the items needed to make it complete.

(b) The owner, operator, or permittee of existing MSWLFs shall revise and submit post-closure plans meeting the requirements of this rule within six (6) months after April 13, 1996, or the anniversary date of the approved post-closure plan, whichever is earlier.

(c) The post-closure plan must identify the activities that will be carried on after closure under section 2 of this rule and must include at least the following:

(1) A description of the planned:

(A) ground water monitoring activities; and ~~the frequency at which they will be performed.~~

~~(2) A description of the planned~~ (B) maintenance activities;

and the frequency at which they will be performed.

~~(3)~~ (2) A description of the planned uses of the property during the post-closure period. Post-closure use of the property must not disturb the:

(A) integrity of the final cover, liner, or any other component of the containment system; or ~~the~~

(B) function of the monitoring system;

unless necessary to comply with this article. The commissioner may approve other disturbances if the owner, operator, or permittee demonstrates that disturbance of the final cover, liner, or other component of the containment system, including any removal of waste, will not increase the potential threat to human health or the environment.

~~(4)~~ (3) The name, address, and telephone number of the owner, operator, or permittee with responsibility for maintaining the site after closure whom the commissioner may contact about the MSWLF during the post-closure period.

~~(5)~~ (4) A post-closure cost estimate in accordance with 329 IAC 10-39. Post-closure costs must be calculated based on the cost necessary for the work to be performed by a third party for thirty (30) years of the post-closure period and must include the following:

(A) For post-closure maintenance of final cover and vegetation, the amount per acre must be ten percent (10%) of the cost calculated under 329 IAC 10-22-2(c)(5) multiplied by the total acreage of the site permitted for filling.

(B) At a minimum, the amount of funds necessary for leachate treatment and disposal must be based on the following gallons per acre per day over the thirty (30) year post-closure period:

Year	Gallons Per Acre Per Day (GPAD)
1-5	150
6-10	80
11-15	50
16-20	30
21-25	20
26-30	10

The commissioner may increase or decrease this amount of funding if it is determined that, based on a site-specific basis, more

or less funds are necessary. A partial closure for leachate generation rate, based on the rates described in this clause, may be granted if the owner, operator, or permittee of an MSWLF provides actual leachate generation rate data of an area for at least a two (2) years duration after final cover is installed and certified.

(C) At a minimum, the amount of funds necessary to provide for post-closure activities must include funds for the following:

- (i) Ground water monitoring and well maintenance, including piezometers when applicable.
- (ii) Methane monitoring and maintenance.

**(iii) Landfill gas emissions extraction system operation and maintenance.**

~~(iii)~~ **(iv) Maintenance of the following:**

**(AA) The drainage and erosion control system.**

~~(iv)~~ **(BB) The leachate collection system.**

~~(v)~~ **(CC) Access control.**

~~(vi)~~ **(v) Control of vegetation.**

~~(vii)~~ **(vi) Maintenance of the dike or dikes if required under 329 IAC 10-16-2.**

(6) The post-closure cost estimate must include a twenty-five percent (25%) contingency cost based on total post-closure cost.

(7) If the property is used to fulfill or reduce the cost of post-closure funding, the property must not be sold, relinquished, or used for any other purpose. If the property is proposed to be sold, relinquished, or used for any other purpose, the owner, operator, or permittee shall complete the following requirements:

(A) The post-closure plan must be:

- (i)** updated under this section; and
- (ii)** submitted to the commissioner.

(B) The post-closure financial responsibility must be:

- (i)** updated under 329 IAC 10-39; and
- (ii)** submitted to the commissioner.

(C) The owner, operator, or permittee shall receive approval from the commissioner for the requirements under clauses (A) and (B) **prior to before** selling, relinquishing, or using the property for any other purpose.

(d) Proposed changes to the approved post-closure plans may be submitted to the commissioner during the post-closure period. The commissioner shall provide notification that the modification is not acceptable within sixty (60) days of receiving the modification request. If the owner or operator does not receive notification from the commissioner within sixty (60) days, the post-closure plan modifications may be installed in accordance with documentation provided to the commissioner. (*Solid Waste Management Board; 329 IAC 10-23-3; filed Mar 14, 1996, 5:00 p.m.: 19 IR 1887; filed Mar 19, 1998, 11:07 a.m.: 21 IR 2816; filed Aug 2, 1999, 11:50 a.m.: 22 IR 3864; filed Feb 9, 2004, 4:51 p.m.: 27 IR 1859, eff Apr 1, 2004*)

### **Notice of First Meeting/Hearing**

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on July 18, 2006, at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Solid Waste Management Board will hold a public hearing on amendments to 329 IAC 10 concerning construction/demolition waste and certain permitting requirements.*

*The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.*

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

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

*Attn: ADA Coordinator*

*Indiana Department of Environmental Management*

*100 North Senate Avenue*

*P.O. Box 6015*

*Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855 or (317) 233-6565 (TDD). Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Land Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Eleventh Floor East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana, and are open for public inspection.*