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## **TITLE 329 SOLID WASTE MANAGEMENT BOARD**

### **SECOND NOTICE OF COMMENT PERIOD**

LSA Document #05-168(SWMB)

## **DEVELOPMENT OF NEW RULES, AMENDMENTS TO RULES, AND READOPTION OF RULES CONCERNING WASTE TIRE MANAGEMENT AT 329 IAC 15**

### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for new rules and amendments to rules in 329 IAC 15 to:

- make the rules clearer and maintain consistency with IC 13-20-13 and IC 13-20-14;
- allow regulated entities to use common industry units of measurement for waste tire reports and calculations;
- eliminate the requirement for facility signs and replace it with a requirement for waste tire storage sites and waste tire processing operations to provide a copy of their contingency plan to the local fire department;
- clarify the requirements for waste tire processing operations, including mobile waste tire processing operations;
- clarify that a waste tire processing operation that also meets the definition of a waste tire storage site because it accumulates one thousand (1,000) or more waste tires outdoors (or two thousand (2,000) or more waste tires in a completely enclosed structure) must register as a waste tire storage site and provide financial assurance, as required by Indiana law;
- remove the Annual Tire Summary form from the rule;
- update the Waste Tire Manifest form to make it easier to use and reproduce and to meet State Board of Accounts forms standards; and to
- clarify the financial assurance requirements for waste tire storage sites and the requirement to update the closure cost estimate.

As provided in IC 13-14-9.5-3, IDEM intends to readopt 329 IAC 15 in accordance with IC 13-14-9.5 using the rulemaking procedures in IC 13-14-9.

By this notice, IDEM is soliciting public comment on the draft rule language. IDEM is requesting 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: July 1, 2005, Indiana Register (28 IR 3062).

**CITATIONS AFFECTED:** ADDS 329 IAC 15-2-9.5; 329 IAC 15-2-13.2; 329 IAC 15-2-13.3; 329 IAC 15-2-13.4; 329 IAC 15-2-13.5; 329 IAC 15-3-6.5; 329 IAC 15-3-7.5; 329 IAC 15-5-3.5. AMENDS 329 IAC 15-1-1; 329 IAC 15-2-13; 329 IAC 15-3-3; 329 IAC 15-3-5; 329 IAC 15-3-6; 329 IAC 15-3-17; 329 IAC 15-3-20; 329 IAC 15-4-13; 329 IAC 15-4-14; 329 IAC 15-5-1; 329 IAC 15-5-3. REPEALS 329 IAC 15-2-2; 329 IAC 15-2-3; 329 IAC 15-2-8; 329 IAC 15-2-9; 329 IAC 15-2-11; 329 IAC 15-2-12. READOPTS 329 IAC 15-1-2; 329 IAC 15-1-3; 329 IAC 15-1-4; 329 IAC 15-2-1; 329 IAC 15-2-4; 329 IAC 15-2-5; 329 IAC 15-2-6; 329 IAC 15-2-7; 329 IAC 15-2-10; 329 IAC 15-2-14; 329 IAC 15-2-15; 329 IAC 15-3-1; 329 IAC 15-3-2; 329 IAC 15-3-4; 329 IAC 15-3-7; 329 IAC 15-3-8; 329 IAC 15-3-9; 329 IAC 15-3-10; 329 IAC 15-3-11; 329 IAC 15-3-12; 329 IAC 15-3-13; 329 IAC 15-3-14; 329 IAC 15-3-15; 329 IAC 15-3-16; 329 IAC 15-3-18; 329 IAC 15-3-19; 329 IAC 15-3-21; 329 IAC 15-4-1; 329 IAC 15-4-2; 329 IAC 15-4-3; 329 IAC 15-4-4; 329 IAC 15-4-5; 329 IAC 15-4-6; 329 IAC 15-4-7; 329 IAC 15-4-8; 329 IAC 15-4-9; 329 IAC 15-4-10; 329 IAC 15-4-11; 329 IAC 15-4-12; 329 IAC 15-4-15; 329 IAC 15-5-2; 329 IAC 15-5-4; 329 IAC 15-5-5; 329 IAC 15-5-6; 329 IAC 15-5-7; 329 IAC 15-5-8; 329 IAC 15-5-9; 329 IAC 15-5-10; 329 IAC 15-5-11; 329 IAC 15-5-12.

**AUTHORITY:** IC 13-14-8-4; IC 13-14-8-7; IC 13-14-9; IC 13-14-9.5; IC 13-20-13; IC 13-20-14.

### **SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

#### **Basic Purpose and Background**

The rules for waste tire management at 329 IAC 15 were effective on November 9, 2000. Since their implementation, IDEM has identified several areas where the rules are confusing or difficult to comply with. IDEM has also identified several areas where the rules can be streamlined and made easier and potentially less costly to follow.

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

As required by IC 13-14-9-4, each element of the draft rule imposes either a restriction or a requirement that is “not imposed under federal law” (NIFL elements).

**NIFL ELEMENT 1.** Make the rules clearer and maintain consistency with IC 13-20-13 and IC 13-20-14. IDEM is proposing amendments to the following:

- Amend 329 IAC 15-1-1(b) to remove exclusions not authorized in IC 13-20-13-1. This would allow regulated entities to exclude the same activities, and possibly more, through IDEM approvals, while reducing the possibility that a facility may misjudge an exclusion and be found out of compliance with the rules.
- Amend 329 IAC 15-2-13 to provide a positive means for a facility to identify used tires.
- Add 329 IAC 15-3-3(e) and 329 IAC 15-3-6(d) to clarify that registration as a waste tire storage site or waste tire processing operation does not guarantee compliance with local zoning requirements.
- Add a provision in 329 IAC 15-3-5 to recognize a waste tire processor under contract to IDEM to clean up waste tire dumps as a registered processor.
- Remove the definition of “altered tire” and place those criteria in the management requirements in 329 IAC 15-3-17.

*Environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement:* After five (5) years, IDEM has found several areas where the rules can be streamlined and improved.

*Examples in which federal law is inadequate:* There is no corresponding federal law.

*Estimated fiscal impact and expected benefits:* This amendment does not change any requirement and will not result in any fiscal impact to regulated entities.

*Availability for public inspection of all materials relied on by IDEM in the development of this NIFL element:* The materials relied on to develop this element are available for public inspection at the Indiana Department of Environmental Management, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

**NIFL ELEMENT 2.** Allow regulated entities to use common industry units of measurement for waste tire reports and calculations in annual reports and the waste tire manifest. Remove the definition of “passenger tire equivalent” in 329 IAC 15-2-8. Remove the annual tire summary form from 329 IAC 15-3-20 and develop simplified forms for the annual tire summary in 329 IAC 15-3-20 and the annual tire report in 329 IAC 15-4-14.

*Environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement:* Under the current rule, waste tire storage sites and waste tire processing operations must recalculate the amount of tires they manage annually for the annual tire summary. This amendment would allow them to use common industry units instead of recalculating the passenger tire equivalent as now required.

*Examples in which federal law is inadequate:* There is no corresponding federal law.

*Estimated fiscal impact and expected benefits:* This amendment would reduce the time required to prepare the waste tire manifest, the annual tire summary, and the annual tire report. IDEM has no information to determine the actual cost savings involved.

*Availability for public inspection of all materials relied on by IDEM in the development of this NIFL element:* The materials relied on to develop this element are available for public inspection at the Indiana Department of Environmental Management, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

**NIFL ELEMENT 3.** Remove the requirement for signs and replace it with a requirement for waste tire storage sites and waste tire processing operations to provide a copy of the contingency plan to the local fire department.

*Environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement:* The sign requirement was originally conceived as a way to inform the public when the facility was open to receive waste tires and to provide for emergency notification. Many facilities do not accept waste tires from the public, and most counties have a 9-1-1 system for emergency notification. Having the facility’s contingency plan on file with the local fire department will allow the fire department to contact the facility’s emergency response coordinator in an emergency.

*Examples in which federal law is inadequate:* There is no corresponding federal law.

*Estimated fiscal impact and expected benefits:* This amendment will not result in any fiscal impact to regulated entities.

*Availability for public inspection of all materials relied on by IDEM in the development of this NIFL element:* The materials relied on to develop this element are available for public inspection at the Indiana Department of Environmental Management, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

**NIFL ELEMENT 4.** Clarify the requirements for waste tire processing operations, including mobile waste tire processing operations.

*Environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement:* The current rule did not provide separate requirements for mobile waste tire processors. These amendments would allow a mobile waste tire processor to operate at more than one site under a single registration. They would also add a requirement for a waste tire processing operation to show how it will restrict the number of waste tires it accumulates below the statutory threshold of one thousand (1,000) waste tires.

*Examples in which federal law is inadequate:* There is no corresponding federal law.

*Estimated fiscal impact and expected benefits:* This amendment does not change any requirement and will not result in any fiscal impact to regulated entities.

*Availability for public inspection of all materials relied on by IDEM in the development of this NIFL element:* The materials relied on to develop this element are available for public inspection at the Indiana Department of Environmental Management, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

**NIFL ELEMENT 5.** Add a new 329 IAC 15-3-7.5 to clarify that a waste tire processing operation that also meets the definition of a waste tire storage site because it accumulates one thousand (1,000) or more waste tires outdoors ( or two thousand (2,000) or more waste tires in a completely enclosed structure) must register as a waste tire storage site and provide financial assurance as required by Indiana law. Repeal the definition of “storage” in 329 IAC 15-2-11 to be consistent with the definition of waste tire storage site in IC 13-11-2-251. The current rule language allows storage of one thousand (1,000) or more waste tires for up to six (6) months without registering as a waste tire storage site before the site can be considered an open dump. The waste tire statutes do not allow any such grace period. This amendment would correct the rules to comply with Indiana law.

*Environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement:* A significant number of waste tire processing operations have historically exceeded the statutory limit of one thousand (1,000) waste tires that may be accumulated without registering as a waste tire storage operation and providing financial assurance for the accumulated tires. This results in a large number of waste tires being stored without being covered by a surety bond or other financial assurance mechanism to cover the cost of cleaning up the sites. A notable example of this under funding is the CR3 waste tire processing facility in Muncie, Indiana that experienced a catastrophic fire in 2003. That facility had accumulated several million waste tires without financial assurance at the time the tires burned, resulting in cleanup costs of over four million dollars (\$4,000,000) that must be funded by taxpayers and recovered through lengthy court action. This amendment would help to ensure that intent of the General Assembly to require waste tire storage site operators to provide financial assurance to cover the cost of cleaning up their sites is carried out.

*Examples in which federal law is inadequate:* There is no corresponding federal law.

*Estimated fiscal impact and expected benefits:* This amendment imposes no costs or requirements that are not already imposed by Indiana law. This amendment would help insure that Indiana taxpayers are protected from the costs of cleaning up waste tire storage sites.

*Availability for public inspection of all materials relied on by IDEM in the development of this NIFL element:* The materials relied on to develop this element are available for public inspection at the Indiana Department of Environmental Management, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

**NIFL ELEMENT 6.** Update the Waste Tire Manifest form in 329 IAC 15-4-13 to be simpler to complete and to reproduce and to meet State Board of Accounts forms standards.

*Environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement:* The current manifest form does not meet State Board of Account standards. This amendment would bring this form into compliance with those standards and make it easier to use.

*Examples in which federal law is inadequate:* There is no corresponding federal law.

*Estimated fiscal impact and expected benefits:* While the manifest form would be easier to use, IDEM does not expect this amendment to result in a quantifiable cost savings.

*Availability for public inspection of all materials relied on by IDEM in the development of this NIFL element:* The materials relied on to develop this element are available for public inspection at the Indiana Department of Environmental Management, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

**NIFL ELEMENT 7.** Clarify 329 IAC 15-5-1 to clearly set out what activities must be covered by a waste tire storage site’s financial assurance. Clarify when the closure cost estimate must be revised by moving that requirement from 329 IAC 15-5-3(b) to a new 329 IAC 15-3-3.5.

*Environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement:* This section is currently ambiguous about what specific costs must be covered by financial assurance: removal of waste tires or final closure of the site in accordance with 329 IAC 15-3-21. This amendment would make no new requirements. It simply moves the existing requirement to periodically update the closure cost estimate to a new, separate section to emphasize this commonly-overlooked requirement.

*Examples in which federal law is inadequate:* There is no corresponding federal law.

*Estimated fiscal impact and expected benefits:* This amendment would clarify that financial assurance must cover all costs associated with final closure of the waste tire storage site, consistent with the rest of the waste tire rule and Indiana law. This amendment will not result in any increased costs to waste tire storage sites.

*Availability for public inspection of all materials relied on by IDEM in the development of this NIFL element:* The materials relied on to develop this element are available for public inspection at the Indiana Department of Environmental Management, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor West, Indianapolis, Indiana.

## **Potential Fiscal Impact**

While the potential fiscal impact of this rulemaking cannot be estimated at this time, IDEM does not believe that the fiscal impact of this rulemaking will exceed five hundred thousand dollars (\$500,000) to the regulated entities. IDEM specifically requests comment on the fiscal impact of this rule to regulated entities.

**Public Participation and Workgroup Information**

IDEM may establish an external workgroup to discuss issues involved in this rulemaking. The workgroup, if established, would be made up of department staff and a cross-section of stakeholders. If you believe a workgroup would further the purposes of this rule and you wish to participate in the workgroup, please submit your name, mailing address, telephone number, e-mail address, and the area(s) of interest you wish to represent to:

#05-168(SWMB) [Waste Tire Management]

Marjorie Samuel

Office of Land Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204-2241

If too many applications are received to form a functional workgroup, the department will select a representative group from the applications on file.

The formation of a workgroup, if it occurs, will be announced on IDEM's rulemaking website: <http://www.in.gov/idem/rules/>.

If a workgroup is formed and you wish to provide comments to the workgroup on the rulemaking, attend meetings, or submit suggestions related to the workgroup process, please contact Steve Mojonner, Rules, Planning and Outreach Section, Office of Land Quality at (317) 233-1655 or (800) 451-6027 (in Indiana). Please provide your name, phone number and e-mail address, if applicable, where you can be contacted.

The public is also encouraged to submit comments and questions directly to members of the workgroup who represent their particular interests in the rulemaking. If a workgroup is established, a list of workgroup members and the interests they represent will be provided on request.

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

IDEM requested public comment from July 1, 2005 through July 31, 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.

**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 rule. Mailed comments should be addressed to:

#05-168(SWMB)[Waste Tire Management]

Marjorie Samuel

Office of Land Quality

Indiana Department of Environmental Management

100 North Senate Avenue

Indianapolis, Indiana 46204-2241

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, Eleventh Floor East, Indianapolis, Indiana. Comments may be submitted by facsimile at (317) 232-3403, 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) 233-1655 or (317) 232-7995.

**COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by May 31, 2006.

**DRAFT RULE**

SECTION 1. 329 IAC 15-1-1 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 15-1-1 Applicability**

**Authority:** IC 13-19-3-1; IC 13-20-13-11; IC 13-20-14-6

**Affected:** IC 13-11-2; IC 13-20-13-1; IC 13-30-2; IC 36-9-30

Sec. 1. (a) This article applies to the following:

- (1) Waste tire processing operations **as defined in IC 13-11-2-250.5.**
- (2) Waste tire storage sites **as defined in IC 13-11-2-251.**
- (3) Waste tire transporters **as defined in IC 13-11-2-252.**
- (4) **Retailers as defined in IC 13-11-2-194(a) and other sources of waste tires.**

(b) ~~This article does~~ **The provisions of 329 IAC 15-3 concerning waste tire storage site and waste tire processing operation certificates of registration do not apply to the following:**

- (1) A facility ~~that:~~
  - ~~(A) recycles or reuses waste tires; and~~
  - ~~(B) operates operated as a recycling facility under a valid solid waste processing facility permit issued by the department under 329 IAC 11-3-1(13); and~~
- (2) A site ~~where at which~~ waste tires are stored ~~in conjunction with~~ **under** a recycling program approved by the ~~department.~~ **commissioner.**
- (3) ~~A~~ **The site of a facility** that is used to retread tires at which fewer than five thousand (5,000) waste tires are present indoors within a completely enclosed structure.
- (4) A vehicle or container in which waste tires are stored for ~~less~~ **fewer** than thirty (30) days.
- (5) ~~Storage of waste tires in~~ A vehicle: ~~that is:~~
  - ~~(A) that is properly licensed; by the bureau of motor vehicles; and~~
  - ~~(B) that is capable of legally transporting waste tires; and~~
  - ~~(C) in which the waste tires are completely enclosed.~~
- (6) ~~Transformed, new, or remanufactured tires.~~
- (7) ~~Waste tires in pieces less than two (2) inches in each dimension that are stored in compliance with the rules of the fire prevention and building safety commission.~~
- (8) ~~(6)~~ Other uses of waste tires approved by the commissioner under one (1) of the following:
  - ~~(A) 329 IAC 10-3-1(13);~~
  - (A) 329 IAC 10-3-1(16).**
  - ~~(B) 329 IAC 11-3-1(15).~~
  - ~~(C) 329 IAC 12-3-1(15).~~

*(Solid Waste Management Board; 329 IAC 15-1-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 317; errata filed Sep 8, 2004, 3:30 p.m.: 28 IR 214)*

SECTION 2. 329 IAC 15-2-9.5 IS ADDED TO READ AS FOLLOWS:

**329 IAC 15-2-9.5 “Retailer” defined**

**Authority:** IC 13-19-3-1; IC 13-20-13-11

**Affected:** IC 13-11-2-194; IC 13-20-13-1; IC 13-30-2; IC 36-9-30

**Sec. 9.5. “Retailer”, as defined in IC 13-11-2-194(a), means a person engaged in the business of selling new tires at retail in Indiana.** *(Solid Waste Management Board; 329 IAC 15-2-9.5)*

SECTION 3. 329 IAC 15-2-13 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 15-2-13 “Used tire” defined**

**Authority:** IC 13-19-3-1; IC 13-20-13-11

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

Sec. 13. “Used tire” means a tire that meets all of the following criteria:

- (1) The tire is suitable for use on a motor vehicle as follows:
  - (A) The tire has **more than** two thirty-seconds ( $\frac{2}{32}$ ) inch of remaining tread. ~~or the tire wear bars are not exposed.~~
  - (B) The tire has no cuts, slashes, or exposed cord.
- (2) The tire is stored **as follows:**
  - ~~(A) In a rack, stack, or row.~~
  - ~~(B) Out of the weather to prevent accumulation of water or precipitation in the tires.~~
- (3) **The following information is legibly marked on the sidewall of each tire:**

**(A) The amount of tread remaining on the tire, in thirty-seconds of an inch.**

**(B) The retail price of the tire.**

*(Solid Waste Management Board; 329 IAC 15-2-13; filed Oct 10, 2000, 3:10 p.m.: 24 IR 319; errata filed Oct 23, 2000, 9:50 a.m.: 24 IR 688)*

SECTION 4. 329 IAC 15-2-13.2 IS ADDED TO READ AS FOLLOWS:

**329 IAC 15-2-13.2 “Waste tire” defined**

**Authority:** IC 13-19-3-1; IC 13-20-13-11

**Affected:** IC 13-11-2-250; IC 13-30-2; IC 36-9-30

**Sec. 13.2. (a) “Waste tire”, as defined in IC 13-11-2-250, means a tire that is not suitable for the tire’s original purpose.**

**(b) A used tire that meets all criteria in section 13 of this rule is not a waste tire.** *(Solid Waste Management Board; 329 IAC 15-2-13.2)*

SECTION 5. 329 IAC 15-2-13.3 IS ADDED TO READ AS FOLLOWS:

**329 IAC 15-2-13.3 “Waste tire processing operation” defined**

**Authority:** IC 13-19-3-1; IC 13-20-13-11

**Affected:** IC 13-11-2-250.5; IC 13-30-2; IC 36-9-30

**Sec. 13.3. “Waste tire processing operation”, as defined in IC 13-11-2-250.5, means an operation that processes waste tires by cutting, shredding, or grinding. The term does not include a retail operation that cuts or shreds waste tires generated by the retail operation.** *(Solid Waste Management Board; 329 IAC 15-2-13.3)*

SECTION 6. 329 IAC 15-2-13.4 IS ADDED TO READ AS FOLLOWS:

**329 IAC 15-2-13.4 “Waste tire storage site” defined**

**Authority:** IC 13-19-3-1; IC 13-20-13-11

**Affected:** IC 13-11-2-251; IC 13-30-2; IC 36-9-30

**Sec. 13.4. “Waste tire storage site”, as defined in IC 13-11-2-251, means a site at which at least:**

- (1) one thousand (1,000) waste tires are accumulated outdoors or within a structure that is not completely enclosed; or**
- (2) two thousand (2,000) waste tires are accumulated indoors within a completely enclosed structure.**

*(Solid Waste Management Board; 329 IAC 15-2-13.4)*

SECTION 7. 329 IAC 15-2-13.5 IS ADDED TO READ AS FOLLOWS:

**329 IAC 15-2-13.5 “Waste tire transporter” defined**

**Authority:** IC 13-19-3-1; IC 13-20-13-11

**Affected:** IC 13-11-2-252; IC 13-30-2; IC 36-9-30

**Sec. 13.5. “Waste tire transporter”, as defined in IC 13-11-2-252, means a person who engages in the business of:**

- (1) accepting waste tires from retailers; and**
- (2) transporting the waste tires to one (1) or more other locations.**

*(Solid Waste Management Board; 329 IAC 15-2-13.5)*

SECTION 8. 329 IAC 15-3-3 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 15-3-3 Registration of waste tire storage sites**

**Authority:** IC 13-19-3-1; IC 13-20-13-11

**Affected:** IC 13-20-21-3; IC 13-30-2; IC 36-9-30

**Sec. 3. (a) An application for registration of a waste tire storage site must be submitted on a form provided by the department. The**

completed application form must contain all information requested on the form. 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 boundaries of the waste tire storage site.
- (2) A legible map of the waste tire storage site that shows **all of the following**:
  - (A) Property boundaries.
  - (B) On-site buildings.
  - (C) Location, **maximum** length, **maximum** width, and **maximum** height of each waste tire storage area. ~~and~~.
  - (D) Separation distances between waste tire piles.
- (3) A description of the **following**:
  - (A) Buildings, signs, notices, and alarms to be used for management of waste tires at the facility.
  - ~~(4) A description of~~ (B) The program that will be used to manage waste tires at the facility, including the following:
    - ~~(A)~~ (i) The anticipated sources and amounts of incoming waste tires.
    - ~~(B)~~ (ii) The names and locations of the anticipated destinations of the waste tires.
    - (iii) **The maximum number of waste tires that can be stored at the site at any time.**
    - ~~(C)~~ (iv) The method and schedule for **the following**:
      - (AA) Draining incoming waste tires.
      - ~~(D)~~ ~~The method and schedule for~~ (BB) Preventing waste tires from accumulating water.
- ~~(5)~~ (4) The contingency plan required by section 18 of this rule.
- ~~(6)~~ (5) The closure cost estimate required by 329 IAC 15-5-3.
- ~~(7)~~ (6) Evidence of the financial assurance mechanism to be used to comply with the financial assurance requirements in 329 IAC 15-5.
- ~~(8)~~ (7) The application fee required by IC 13-20-21-3.

(b) Before beginning ~~storage~~ **accumulation** of waste tires, the person who applies for a certificate of registration for a waste tire storage site shall submit a copy of the:

- (1) **completed application;**
  - (2) **contingency plan required by section 18 of this rule; and**
  - (3) map of the waste tire storage site required by subsection (a)(2);
- to the fire department with jurisdiction over the waste tire storage site.

(c) A separate certificate of registration is required for each waste tire storage site.

(d) A new certificate of registration is required for a waste tire storage site that is relocated.

**(e) Registration under this rule does not guarantee that the waste tire storage site complies with applicable county or local ordinances.** (*Solid Waste Management Board; 329 IAC 15-3-3; filed Oct 10, 2000, 3:10 p.m.: 24 IR 320*)

SECTION 9. 329 IAC 15-3-5 IS AMENDED TO READ AS FOLLOWS:

#### **329 IAC 15-3-5 Requirements for waste tire processing operations**

**Authority:** IC 13-19-3-1; IC 13-20-13-11

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

Sec. 5. (a) The owner or operator of a waste tire processing operation shall:

- (1) possess a valid certificate of registration issued under this rule; and
- (2) comply with all applicable requirements of this rule.

**(b) A waste tire processing operation that is under contract to the department to remove waste tires from a waste tire storage site is registered for the purposes of this article as long as that waste tire processing operation complies with the terms of the contract.** (*Solid Waste Management Board; 329 IAC 15-3-5; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321*)

SECTION 10. 329 IAC 15-3-6 IS AMENDED TO READ AS FOLLOWS:

#### **329 IAC 15-3-6 Registration of waste tire processing operations**

**Authority: IC 13-19-3-1; IC 13-20-13-11**

**Affected: IC 13-20-21-3; IC 13-30-2; IC 36-9-30**

Sec. 6. (a) An application for registration of a waste tire processing operation must be completed on a form provided by the department. The completed application form must contain all information requested on the form. The following must be submitted with the application form:

(1) A United States Geological Survey seven and one-half (7½) minute topographic map or equivalent that shows the boundaries of the waste tire processing operation.

(2) A legible map of the waste tire processing operation that shows the following:

(A) Property boundaries.

(B) On-site buildings.

(C) **The location, length, width, and height dimensions of each waste tire storage area to be used to hold waste tires for processing.**

(D) Separation distances between waste tire ~~piles~~ **holding areas and the following:**

**(i) Buildings.**

**(ii) Fences.**

**(iii) Property boundaries.**

**(iv) Other waste tire holding areas.**

**(v) Other accumulated materials.**

(3) A description of the **following:**

**(A) Buildings, signs, notices, and alarms to be used to manage waste tires at the facility.**

~~(4) A description of (B)~~ **The program that will be used to manage waste tires at the facility, including the following:**

~~(A)~~ **(i) The anticipated sources and amounts of incoming waste tires.**

~~(B)~~ **(ii) The names and locations of the anticipated destinations of the waste tires.**

~~(C)~~ **(iii) The method and schedule for the following:**

**(AA) Draining incoming waste tires.**

~~(D)~~ **The method and schedule for (BB) Preventing waste tires from accumulating water.**

~~(5) (4)~~ **The contingency plan required by section 18 of this rule.**

**(5) A description of the measures the owner or operator will use to ensure that the operation will not accumulate either of the following:**

**(A) One thousand (1,000) or more waste tires at any time outdoors or in a structure that is not completely enclosed.**

**(B) Two thousand (2,000) or more waste tires indoors within a completely enclosed structure.**

(6) The application fee required by IC 13-20-21-3.

**(b) Except as provided in section 6.5 of this rule:**

**(1) a separate certificate of registration is required for each waste tire processing operation; and**

~~(2)~~ **a new certificate of registration is required for a waste tire processing operation that is relocated.**

**(c) Registration under this rule does not guarantee that the waste tire processing operation complies with applicable county or local ordinances.**

**(d) Before beginning processing of waste tires, the person who applies for a certificate of registration for a waste tire processing operation shall submit a copy of the:**

**(1) completed application;**

**(2) contingency plan required by section 18 of this rule; and**

**(3) map of the waste tire processing operation required by subsection (a)(2);**

**to the fire department with jurisdiction over the waste tire processing operation.** *(Solid Waste Management Board; 329 IAC 15-3-6; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321; errata filed Oct 23, 2000, 9:50 a.m.: 24 IR 688)*

SECTION 11. 329 IAC 15-3-6.5 IS ADDED TO READ AS FOLLOWS:

#### **329 IAC 15-3-6.5 Mobile waste tire processing operations**

**Authority: IC 13-19-3-1; IC 13-20-13-11**

**Affected: IC 13-11-2-250.5; IC 13-11-2-251; IC 13-20-13-4; IC 13-30-2; IC 36-9-30**



**Sec. 6.5. (a) Instead of following the requirements in section 6(b) of this rule, a waste tire processing operation may process waste tires at more than one (1) location under the same registration if the owner or operator does all of the following:**

**(1) Processes waste tires only from:**

- (A) existing registered or unregistered waste tire storage sites; or**
- (B) retailers or other sources of waste tires.**

**(2) Submits to the department all of the information required by section 6(a)(1) and 6(a)(2) of this rule for each location where waste tires are processed.**

**(3) Submits to the department the signature of the property owner for a particular location, as required by IC 13-20-13-4(a)(4), for each location where waste tires are processed.**

**(b) A waste tire processor who processes waste tires at more than one (1) location under this section shall do the following:**

**(1) Not process waste tires from a location other than the location where the waste tire processing operation is contracted or hired to operate.**

**(2) Obtain a separate registration under section 6 of this rule to process waste tires on property owned, leased, or otherwise controlled by the owner or operator of the waste tire processing operation. (*Solid Waste Management Board; 329 IAC 15-3-6.5*)**

SECTION 12. 329 IAC 15-3-7.5 IS ADDED TO READ AS FOLLOWS:

**329 IAC 15-3-7.5 Waste tire processing operations that accumulate 1,000 or more waste tires**

**Authority: IC 13-19-3-1; IC 13-20-13-11**

**Affected: IC 13-11-2-250.5; IC 13-11-2-251; IC 13-30-2; IC 36-9-30**

**Sec. 7.5. A waste tire processing operation that accumulates one thousand (1,000) or more waste tires must do the following:**

**(1) Register as a waste tire storage site.**

**(2) Comply with all requirements for waste tire storage sites in this rule including the financial assurance requirements of 329 IAC 15-5.**

*(Solid Waste Management Board; 329 IAC 15-3-7.5)*

SECTION 13. 329 IAC 15-3-17 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 15-3-17 Waste tire management requirements**

**Authority: IC 13-19-3-1; IC 13-20-13-11**

**Affected: IC 13-20-14-4; IC 13-30-2; IC 36-9-30**

**Sec. 17. (a) The owner or operator of a waste tire storage site or a waste tire processing operation shall operate that waste tire storage site or a waste tire processing operation in compliance with this section at all times.**

**(b) All wastewater from the waste tire storage site or waste tire processing operation must be discharged in accordance with the rules of the water pollution control board at 327 IAC 5 and 327 IAC 15. If wastewater is discharged to an on-site system, the system must be approved in accordance with the rules of the Indiana state department of health at 410 IAC 6-10.**

**(c) The waste tire storage site or waste tire processing operation must not do any of the following:**

- (1) Pose a threat to human health or the environment.**
- (2) Create a nuisance.**

**(d) Access to the waste tire storage site or waste tire processing operation must be allowed only when operating personnel are on duty. Access by persons who are not employees must be supervised at all times by the owner, the operator, or an employee of the waste tire storage site or waste tire processing operation.**

**(e) Subsection (d) does not apply to persons employed or contracted by federal, state, or local government agencies.**

**(f) A sign must be posted at each point of access to the waste tire storage site or waste tire processing operation from a public road. Each sign must be at least sixteen (16) square feet in size. Each sign must indicate all of the following:**

**(1) The name of the waste tire storage site or waste tire processing operation.**

- (2) The certificate of registration number.
- (3) Whether the facility is a waste tire storage site or a waste tire processing operation.
- (4) The operating hours or schedule.
- (5) The schedule of fees charges by the waste tire storage site or waste tire processing operation.
- (6) The name and telephone number of a designated emergency contact person to be contacted in case of an emergency.

(g) The designated emergency contact person required by subsection (f)(6) must be the following:

(1) Authorized to respond to a reported emergency or be capable of contacting a person authorized to respond to a reported emergency; and

(2) One (1) of the following:

(A) The owner or operator, or an employee or contractor of the owner or operator, of the waste tire storage site or waste tire processing operation.

(B) The emergency response coordinator required by section 19 of this rule.

(C) An answering service that can contact the emergency response coordinator required by subsection (f)(6).

(D) For a municipally owned facility, a local emergency agency and telephone number may be used.

(h) (f) The waste tire storage site or waste tire processing operation must maintain the following at the waste tire storage site or waste tire processing operation:

(1) A first aid kit.

(2) Fire extinguishing equipment that complies with the Indiana Fire Code as adopted by the fire prevention and building safety commission at 675 IAC 22.

(3) A telephone or other communication system capable of contacting the fire department and other emergency services.

(i) (g) Salvaging must not:

(1) interfere with the operation of the waste tire storage site or waste tire processing operation; or

(2) create a nuisance or a health hazard.

(j) (h) The owner or operator of a waste tire storage site or waste tire processing operation shall take all actions required to **do the following**:

(1) Prevent the breeding of mosquitoes. ~~and~~

(2) Control any mosquito population.

(k) (i) **The owner or operator of a waste tire storage site or a waste tire processing operation must not accept waste tires must not be accepted** from a waste tire transporter that is not registered with the department in accordance with this article.

(l) (j) The owner or operator of a waste tire storage site or waste tire processing operation shall prevent water from accumulating in waste tires by doing **all of** the following:

(1) Waste tires must be drained:

(A) on the day of receipt; and

(B) as necessary thereafter to prevent accumulation of water in the waste tires.

(2) Within seven (7) days after receipt, whole waste tires must be:

(A) **altered or modified so that the tire cannot hold water by:**

(i) **shredding;**

(ii) **chopping;**

(iii) **drilling with holes and stacking to assure drainage; or**

(iv) **slitting longitudinally and stacking so the tires will not collect water;**

(B) covered; or

(C) otherwise prevented from accumulating water.

(3) Waste tires must not be stored in areas of standing water.

(m) (k) **The owner or operator of a waste tire storage site shall only use a waste tire processing operation that is registered under this article to process waste tires at the waste tire storage site.**

(n) (l) **Retailers and other sources of waste tires shall only use waste tire processing operations that are registered under this article to process waste tires they generate.** (Solid Waste Management Board; 329 IAC 15-3-17; filed Oct 10, 2000, 3:10 p.m.):

SECTION 14. 329 IAC 15-3-20 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 15-3-20 Record keeping and reporting**

**Authority:** IC 13-19-3-1; IC 13-20-13-11

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

Sec. 20. (a) The owner or operator of a waste tire storage site or a waste tire processing operation shall keep the following records:

(1) Copies of the transporter manifest forms prepared in accordance with 329 IAC 15-4-14.

(2) A copy of the certificate of registration.

(b) The owner or operator of a waste tire storage site or waste tire processing operation shall submit an annual tire summary to the department by January 31 of each year. The annual tire summary must cover the preceding calendar year. The annual tire summary must be submitted on the following form **provided by the commissioner** and must include all information requested on the form.

ANNUAL TIRE SUMMARY			
Indiana Department of Environmental Management			
Use of this form is required by 329 IAC 15-3-20(b) and IC 13-20-13-5.			
<b>Section A: Facility Information</b>			
Name:		Registration Number:	
Mailing Address:	Street	City	State      Zip Code
Facility Contact Person:		Telephone Number (include area code):	
<b>Section B: Reporting Time Period</b>			
January 1 through December 31, 20____			
<b>Section C: Tire Summary Information for the Calendar Year</b>			
Number of Waste Tires _____ (Check unit of measure used)			
Received at this Facility: _____ <input type="checkbox"/> whole waste tires <input type="checkbox"/> cubic yards <input type="checkbox"/> cubic feet <input type="checkbox"/> pounds <input type="checkbox"/> PTEs			
Number of Waste Tires Disposed of by this Facility: _____			
(Use these units: whole waste tires; cubic yards; cubic feet; pounds; PTEs)			
Number	Unit	Destination	Disposal Method
Number of Whole Waste Tires Remaining in Storage		Number of Waste Tire Pieces Remaining in Storage	
Passenger Tire Equivalents (PTEs) _____		Passenger Tire Equivalents (PTEs) _____	
<b>Section D: Conversion Factors</b>			
Tire Pieces		Whole Tires	
multiply	by	to obtain	multiply
multiply	by	to obtain	multiply
multiply	by	to obtain	multiply

pounds	0.04	PTE	cubic feet	0.8	PTE	cubic feet	0.25	PTE
PTE	25	pounds	cubic yards	21.6	PTE	cubic yards	6.75	PTE
			PTE	1.25	cubic feet	PTE	4	cubic feet
			PTE	0.046	cubic yards	PTE	0.15	cubic yards

#### Section E: Certification

I certify that the information in this summary is true, accurate, and complete to the best of my knowledge.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

(c) The annual tire summary must be signed by:

- (1) the owner or operator; or
- (2) a person designated by the owner or operator who is responsible for preparing and reviewing those documents as part of the person's duties in the regular course of business.

(d) The owner or operator of the waste tire storage site or waste tire processing operation shall **do the following:**

- (1) Keep a copy of all waste tire manifests received from waste tire transporters for one (1) year. **and**
- (2) Make the waste tire manifests available at the waste tire storage site or waste tire processing operation during normal business hours for inspection and photocopying by the department.

*(Solid Waste Management Board; 329 IAC 15-3-20; filed Oct 10, 2000, 3:10 p.m.: 24 IR 324)*

SECTION 15. 329 IAC 15-4-13 IS AMENDED TO READ AS FOLLOWS:

#### 329 IAC 15-4-13 Manifest forms

**Authority:** IC 13-19-3-1; IC 13-20-14-6

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

Sec. 13. (a) A waste tire transporter shall prepare a manifest for each load of waste tires using the following form shown in **Figure 1** and including all information requested on the form.

WASTE TIRE MANIFEST					
Indiana Department of Environmental Management					
Use of this form is required by 329 IAC 15-4-13 and IC 13-20-14-5.					
GENERATOR					
Generator Name _____			Shipment Origin _____		
Mailing Address _____			Location Address _____		
City _____	State _____	Zip Code _____	City _____	State _____	Zip Code _____
Telephone Number (including area code) _____			Telephone Number (including area code) _____		
Description of Shipment:					
Material: _____					
(Whole tires; Shredded tires; etc.)					
If whole tires; how many of each type: Passenger car tires _____ Truck tires _____ Other tires _____					
If shredded tires; approximate weight (in tons) _____ or volume (in cubic yards) _____					
Generator's Authorized Agent _____			Signature _____		Date of Shipment _____
TRANSPORTER					

Registration No: _____			Telephone: (____) _____		
Transporter Name: _____			Driver's Name: _____		
Address: _____			THE TRANSPORTER MUST GIVE A COMPLETED COPY OF THIS FORM TO THE GENERATOR.		
City _____	State _____	Zip Code _____			
I CERTIFY THAT THE MATERIAL DESCRIBED ABOVE WAS PICKED UP AT THE SITE DESCRIBED ABOVE.					
Driver's Signature _____			Date of Pickup _____		
DESTINATION					
Site Name: _____			Telephone: (____) _____		
Address: _____			Permit/Registration No: _____		
City _____			State: _____		
I CERTIFY THAT THE MATERIAL DESCRIBED ABOVE HAS BEEN ACCEPTED AND, TO THE BEST OF MY KNOWLEDGE, THIS INFORMATION IS TRUE AND ACCURATE.					
Name of Authorized Agent _____		Signature _____		Receipt Date _____	
THE WASTE TIRE TRANSPORTER MUST COMPLETE THIS FORM FOR EACH SHIPMENT OF WASTE TIRES.					

## WASTE TIRE MANIFEST

State Form

Indiana Department of Environmental Management

Approved by the State Board of Accounts



### INSTRUCTIONS:

1. Use of this form is required by 329 IAC 15-4-13 and IC 13-20-14-5. Use this form for regular or recurring shipments.
2. The Waste Tire Transporter must complete this form for each shipment of waste tires.
3. Pre-print or stamp generator, transporter, and receiving facility information. Fill in all remaining information.
4. Give a copy of this form to the generator (source) of the waste tires.
5. Give a second copy of this form to the receiver of the waste tires as listed in IC 13-20-14-4.
6. Keep a copy of this form for your records for at least one (1) year.
7. For more information, contact IDEM's Office of Land Quality, Solid Waste Permits Section, at (317) 232-0066.

GENERATOR (SOURCE OF WASTE TIRES)					
Name _____			Telephone (including area code) _____		
Address _____			Generator's Authorized Agent	Print Name _____	
City _____	State _____	Zip Code _____		Signature _____	
DESCRIPTION OF SHIPMENT					
Pickup Date _____		Time _____		<b>Tire Types and Amounts</b> <input type="checkbox"/> Passenger <input type="checkbox"/> Truck <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 100px; height: 20px;"></div> <div style="border: 1px solid black; width: 100px; height: 20px;"></div> </div> <input type="checkbox"/> Oversize <input type="checkbox"/> Other <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 100px; height: 20px;"></div> <div style="border: 1px solid black; width: 100px; height: 20px;"></div> </div>	
Pickup Location _____					
Load Type (check one)	<input type="checkbox"/> Whole Tire Count		<input type="checkbox"/> Weight in Pounds		
	<input type="checkbox"/> Volume in Cubic Yards		<input type="checkbox"/> Weight in Tons		

TRANSPORTER				
Name			Telephone (including area code)	
Address			Permit/Registration No.	
City	State	Zip Code	State	
<b>I CERTIFY, UNDER PENALTY OF PERJURY AS PROVIDED IN IC 35-44-2-1, THAT THE MATERIAL DESCRIBED ABOVE WAS PICKED UP AT THE SITE DESCRIBED ABOVE AND, TO THE BEST OF MY KNOWLEDGE, THIS INFORMATION IS TRUE AND ACCURATE.</b>				
Driver's Name			Signature	
DESTINATION				
Name			Telephone (including area code)	
Address			Permit/Registration No.	
City	State	Zip Code	State	
<b>I CERTIFY, UNDER PENALTY OF PERJURY AS PROVIDED IN IC 35-44-2-1, THAT THE MATERIAL DESCRIBED ABOVE HAS BEEN ACCEPTED AND, TO THE BEST OF MY KNOWLEDGE, THIS INFORMATION IS TRUE AND ACCURATE.</b>				
Name of Authorized Agent			Signature	Receipt Date

Figure 1

(b) A waste tire transporter shall do **all of** the following:

- (1) Carry the manifest in the vehicle while transporting the waste tires described on the manifest.
- (2) Retain a copy of the manifest for one (1) year.
- (3) Provide a copy of the **completed** manifest to **the following**:
  - (A) The waste tire generator. ~~and~~
  - (B) The waste tire storage site or waste tire processing operation that receives the waste tires.
- (4) Make a copy of the **completed** manifest available to the department upon request.

(c) A waste tire transporter may reproduce copies of the waste tire manifest form with complete information for the generator, transporter, and destination preprinted on the form as long as the:

- (1) form is substantially identical to the waste tire manifest form in subsection (a); and
- (2) preprinted information does not include waste tire amounts or signatures.

*(Solid Waste Management Board; 329 IAC 15-4-13; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327)*

SECTION 16. 329 IAC 15-4-14 IS AMENDED TO READ AS FOLLOWS:

### 329 IAC 15-4-14 Reports

**Authority:** IC 13-19-3-1; IC 13-20-14-6

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

Sec. 14. (a) A waste tire transporter shall report annually to the department the number of waste tires ~~in passenger tire equivalents,~~ transported by the waste tire transporter during the previous year, **using the form provided by the commissioner.**

(b) The annual report:

- (1) is due on January 31;
- (2) must cover the previous calendar year; and

(3) must be submitted with the annual registration fee required by section 3 of this rule.  
(Solid Waste Management Board; 329 IAC 15-4-14; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329)

SECTION 17. 329 IAC 15-5-1 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 15-5-1 Financial assurance for waste tire storage sites**

**Authority:** IC 13-19-3-1; IC 13-20-13-11

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

Sec. 1. The owner or operator of a waste tire storage site shall do the following:

- (1) Prepare and submit to the department a closure cost estimate in accordance with section 3 of this rule.
- (2) Maintain financial assurance for removal of waste tires **and final closure of the site**, 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 5 of this rule.
  - (B) A surety bond in accordance with section 6 of this rule.
  - (C) A letter of credit in accordance with section 7 of this rule.
  - (D) Insurance in accordance with section 8 of this rule.
- (3) Maintain financial assurance for removal of waste tires **and final closure of the site** as required by this rule until the department notifies the owner or operator of the waste tire storage site that final closure has been completed in accordance with 329 IAC 15-3-21.

(Solid Waste Management Board; 329 IAC 15-5-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329)

SECTION 18. 329 IAC 15-5-3 IS AMENDED TO READ AS FOLLOWS:

**329 IAC 15-5-3 Closure cost estimate**

**Authority:** IC 13-19-3-1; IC 13-20-13-11

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

Sec. 3. (a) The owner or operator of a waste tire storage site shall submit to the department a written estimate of the cost of completing final closure of the site in accordance with 329 IAC 15-3-21. The original closure cost estimate must be submitted, on a form provided by the department, 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 waste tires stored at the site.
- (2) The final destination of all waste tires removed from the site.
- (3) The name and address of the contractor or contractors to be used to remove the waste tires and complete final closure of the site.
- (4) The estimated cost of completing all activities required by 329 IAC 15-3-21.

~~(b) The owner or operator of a waste tire storage site shall submit to the department a revised written closure cost estimate:~~

~~(1) annually, no later than January 31 of each year; 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) (b) The closure cost estimate must be based on the larger of the following:~~

~~(1) The cost of removing all waste tires, calculated in passenger tire equivalents, accumulated at the site.~~

~~(2) The cost of removing the maximum number of waste tires calculated in passenger tire equivalents, that the owner or operator anticipates will can be accumulated at the site at any time.~~

~~(d) (c) The closure cost estimate must be based on the projected costs of contracting a third party to complete final closure of the site. The closure cost estimate must include all costs for all activities required by 329 IAC 15-3-21.~~

~~(e) (d) Once the owner or operator of a waste tire storage site has completed an activity required in 329 IAC 15-3-21, the owner or operator may:~~

~~(1) revise the closure cost estimate indicating that the activity has been completed; and~~

~~(2) revise that element of the closure cost estimate to zero (0).~~

(Solid Waste Management Board; 329 IAC 15-5-3; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329)

SECTION 19. 329 IAC 15-5-3.5 IS ADDED TO READ AS FOLLOWS:

**329 IAC 15-5-3.5 Annual revision of closure cost estimate**

**Authority:** IC 13-19-3-1; IC 13-20-13-11

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

**Sec. 3.5.** The owner or operator of a waste tire storage site shall submit to the department a revised written closure cost estimate:

(1) annually, not later than January 31 of each year; and

(2) whenever a change in the removal plan increases the closure cost estimate.

The revised closure cost estimate must meet the requirements of section 3 of this rule. (*Solid Waste Management Board; 329 IAC 15-5-3.5*)

SECTION 20. THE FOLLOWING ARE REPEALED: 329 IAC 15-2-2; 329 IAC 15-2-3; 329 IAC 15-2-8; 329 IAC 15-2-9; 329 IAC 15-2-11; 329 IAC 15-2-12.

SECTION 21. THE FOLLOWING ARE READOPTED: 329 IAC 15-1-2; 329 IAC 15-1-3; 329 IAC 15-1-4; 329 IAC 15-2-1; 329 IAC 15-2-4; 329 IAC 15-2-5; 329 IAC 15-2-6; 329 IAC 15-2-7; 329 IAC 15-2-10; 329 IAC 15-2-14; 329 IAC 15-2-15; 329 IAC 15-3-1; 329 IAC 15-3-2; 329 IAC 15-3-4; 329 IAC 15-3-7; 329 IAC 15-3-8; 329 IAC 15-3-9; 329 IAC 15-3-10; 329 IAC 15-3-11; 329 IAC 15-3-12; 329 IAC 15-3-13; 329 IAC 15-3-14; 329 IAC 15-3-15; 329 IAC 15-3-16; 329 IAC 15-3-18; 329 IAC 15-3-19; 329 IAC 15-3-21; 329 IAC 15-4-1; 329 IAC 15-4-2; 329 IAC 15-4-3; 329 IAC 15-4-4; 329 IAC 15-4-5; 329 IAC 15-4-6; 329 IAC 15-4-7; 329 IAC 15-4-8; 329 IAC 15-4-9; 329 IAC 15-4-10; 329 IAC 15-4-11; 329 IAC 15-4-12; 329 IAC 15-4-15; 329 IAC 15-5-2; 329 IAC 15-5-4; 329 IAC 15-5-5; 329 IAC 15-5-6; 329 IAC 15-5-7; 329 IAC 15-5-8; 329 IAC 15-5-9; 329 IAC 15-5-10; 329 IAC 15-5-11; 329 IAC 15-5-12.

***Notice of Public Hearing***

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on 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 proposed new rules and amendments to rules and readoption of rules at 329 IAC 15.*

*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 new rules. 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 Steve Mojonier, Rules, Planning and Outreach Section, Office of Land Quality, (317) 233-1655 or call (800) 451-6027 (in Indiana) and ask for extension 3-1655.*

*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) 232-6565 (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, 100 North Senate Avenue and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Bruce H. Palin  
Assistant Commissioner  
Office of Land Quality