

### **IC 13-19-3**

Chapter 3. Powers and Duties Concerning Solid Waste and Hazardous Waste Management

#### **IC 13-19-3-1**

##### **Regulation of solid and hazardous waste and atomic radiation; review orders; development of operating policies**

Sec. 1. The solid waste management board shall do the following:

- (1) Except as provided in sections 3 through 4 of this chapter, adopt rules under IC 4-22-2 to regulate solid and hazardous waste and atomic radiation in Indiana, including rules necessary to the implementation of the federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended.
- (2) Develop operating policy concerning the activities of the department.
- (3) Carry out other duties imposed by law.

*As added by P.L.1-1996, SEC.9. Amended by P.L.25-1997, SEC.14.*

#### **IC 13-19-3-2**

##### **Orders; review by environmental law judge**

Sec. 2. (a) The commissioner may enter into agreed orders as provided in IC 13-30-3-6.

(b) An environmental law judge under IC 4-21.5-7 shall review orders and determinations of the commissioner.

*As added by P.L.1-1996, SEC.9.*

#### **IC 13-19-3-3 Version a**

##### **Prohibited areas of regulation**

*Note: This version of section effective until 1-1-2004. See also following version of this section, effective 1-1-2004.*

Sec. 3. The board may not adopt rules under section 1 of this chapter to regulate the following:

- (1) The disposal of waste indigenous to the coal mining process, coal combustion fly or bottom ash, or coal combustion fly or bottom ash in mixture with flue gas desulfurization byproducts generated by coal combustion units if the material:
  - (A) is not included in the definition of hazardous waste or is exempt from regulation as a hazardous waste under 42 U.S.C. 6921; and
  - (B) is disposed of at a facility regulated under IC 14-34.
- (2) The use of coal combustion fly or bottom ash, coal combustion fly or bottom ash in mixture with flue gas desulfurization byproducts generated by coal combustion units, or boiler slag if the use includes one (1) of the following uses:
  - (A) The extraction or recovery of materials and compounds contained within coal ash.
  - (B) Bottom ash as an antiskid material.
  - (C) Raw material for manufacturing another product.
  - (D) Mine subsidence, mine fire control, and mine sealing.
  - (E) Structural fill, when combined with cement, sand, or

water to produce a controlled strength fill material.

(F) A base in road construction.

*As added by P.L.1-1996, SEC.9.*

### **IC 13-19-3-3 Version b**

#### **Prohibited areas of regulation**

*Note: This version of section effective 1-1-2004. See also preceding version of this section, effective until 1-1-2004.*

Sec. 3. The board may not adopt rules under section 1 of this chapter to regulate the following:

(1) The disposal of waste indigenous to the coal mining process and coal combustion products (as defined by ASTM E-2201-02a), including fly ash, bottom ash, boiler slag, fluidized bed combustion ash, or flue gas desulfurization material produced from the combustion of coal or the cleaning of stack gases on coal combustion units if the material:

(A) is not included in the definition of hazardous waste or is exempt from regulation as a hazardous waste under 42 U.S.C. 6921; and

(B) is disposed of at a facility regulated under IC 14-34.

(2) The use of coal combustion products (as defined by ASTM E-2201-02a), including fly ash, bottom ash, boiler slag, fluidized bed combustion ash, or flue gas desulfurization material produced from the combustion of coal or the cleaning of stack gases on coal combustion units, if the use includes one (1) of the following uses:

(A) The extraction or recovery of materials and compounds contained within coal combustion products.

(B) Bottom ash as an antiskid material.

(C) Raw material for manufacturing another product.

(D) Mine subsidence, mine fire control, and mine sealing.

(E) Structural fill when combined with cement, sand, or water to produce a controlled strength fill material.

(F) A base in road construction.

(G) Cover for coal processing waste disposal locations to inhibit infiltration at surface and underground mines subject to IC 14-34, so long as a demonstration is made in concurrence with the department of natural resources that the materials and methods to be employed are appropriate for the intended use.

(H) Providing buffering or enhancing structural integrity for refuse piles at surface and underground mines subject to IC 14-34, so long as a demonstration is made in concurrence with the department of natural resources that the materials and methods to be employed are appropriate for the intended use.

(I) Agricultural applications, when applied using appropriate agronomic amounts to improve crop or vegetative production.

*As added by P.L.1-1996, SEC.9. Amended by P.L.215-2003, SEC.4.*

#### **IC 13-19-3-4**

##### **Vertical expansions of existing permitted landfills; rules prohibited**

Sec. 4. Except as provided by sections 5 and 6 of this chapter, the board and the department may not adopt rules under section 1 of this chapter to:

- (1) prohibit; or
- (2) arbitrarily restrict;

vertical expansions of existing permitted landfills.

*As added by P.L.1-1996, SEC.9. Amended by P.L.122-1996, SEC.3.*

#### **IC 13-19-3-5**

##### **Vertical expansions of existing permitted landfills; environmental assessments**

Sec. 5. Notwithstanding federal regulations, the board and the department shall adopt rules under section 1 of this chapter that require an applicant for a vertical expansion of an existing permitted landfill to submit environmental assessments as part of the application, including the following:

- (1) Hydrogeology of the existing landfill site and adjacent areas.
- (2) Evaluation of groundwater.
- (3) Operational history of the landfill.
- (4) Identification of adjacent land uses.

*As added by P.L.1-1996, SEC.9.*

#### **IC 13-19-3-6**

##### **Vertical expansions of existing permitted landfill; submission of design, engineering, and operational requirements**

Sec. 6. Notwithstanding federal regulations, the board and the department shall adopt rules under section 1 of this chapter that require the applicant for a vertical expansion of an existing permitted landfill to submit design, engineering, and operational requirements, including the following:

- (1) A more precise definition of the hydrogeology of the site, including a soil gas analysis.
- (2) Operational requirements.
- (3) Surface water control plan.
- (4) Landfill gas control plan.
- (5) Final cover requirements.
- (6) Closure and financial assurance plans.
- (7) Remedial action plan.

*As added by P.L.1-1996, SEC.9.*

#### **IC 13-19-3-7**

##### **Use of foundry sand**

Sec. 7. The department and the boards shall allow a person to use foundry sand that meets Type III criteria under 329 IAC 10-9 for the following activities in accordance with guidance without requiring the person to obtain any permits from the department:

- (1) As a daily cover for litter and vermin control at a landfill in

accordance with any applicable permits issued for the landfill.

(2) As a protective cover for a landfill leachate system in accordance with any applicable permits issued for the landfill.

(3) For use as capped embankments for ground and sight barriers under ten thousand (10,000) cubic yards or embankments for airports, bridges, or overpasses.

(4) For use:

(A) in a land application operation; or

(B) as a soil amendment;

if the application or amendment does not include the operation of a landfill.

(5) As a structural fill base capped by clay, asphalt, or concrete for the following:

(A) Roads.

(B) Road shoulders.

(C) Parking lots.

(D) Floor slabs.

(E) Utility trenches.

(F) Bridge abutments.

(G) Tanks and vaults.

(H) Construction or architectural fill.

(I) Other similar uses.

(6) As a raw material constituent incorporated into another product, including the following:

(A) Flowable fill.

(B) Concrete.

(C) Asphalt.

(D) Brick.

(E) Block.

(F) Portland cement.

(G) Glass.

(H) Roofing materials.

(I) Rock wool.

(J) Plastics.

(K) Fiberglass.

(L) Mineral wool.

(M) Lightweight aggregate.

(N) Paint.

(O) Plaster.

(P) Other similar products.

*As added by P.L.129-1997, SEC.2. Amended by P.L.30-1999, SEC.3; P.L.14-2000, SEC.37.*

### **IC 13-19-3-7.2**

#### **Rules for voluntary certification programs**

Sec. 7.2. (a) The board may adopt rules under IC 4-22-2 and IC 13-14-9 to develop a voluntary certification program for persons that remediate sites where releases of hazardous substances (as defined in IC 13-11-2-98) or petroleum (as defined in IC 13-11-2-160) have occurred.

(b) The rules adopted under this section must establish, at a minimum, the following:

- (1) Eligibility criteria for certification.
- (2) Criteria and procedures for suspension or revocation of certification.
- (3) A certification application fee.

(c) The department may audit remediations performed by persons certified under rules adopted under this section.

*As added by P.L.131-1997, SEC.1.*

### **IC 13-19-3-8**

#### **Use of slag**

Sec. 8. The board may not adopt rules under section 1 of this chapter to regulate the following activities involving the legitimate use of slag generated by the production of iron or steel under Bureau of the Census Standard Industrial Classification 3312:

- (1) Production of slag.
- (2) Transportation of slag.
- (3) Storage of slag.
- (4) Processing of slag.
- (5) Legitimate use of slag.

*As added by P.L.257-2001, SEC.1.*

### **IC 13-19-3-8.2**

#### **Permit modification to prohibit processing or disposal of solid waste**

Sec. 8.2. The department may modify a permit to prohibit the processing or disposal of specific solid waste at:

- (1) a solid waste disposal facility; or
- (2) a solid waste processing facility.

*As added by P.L.218-2001, SEC.6.*