

## **IC 13-20-8**

### **Chapter 8. Regulation of Solid Waste Incineration**

#### **IC 13-20-8-1**

##### **Rules for construction and operation of incinerators**

Sec. 1. The board shall adopt rules under IC 4-22-2 and IC 13-14-9 to regulate the construction and operation of incinerators under IC 13-14-8. The rules must incorporate by reference pertinent rules adopted by the board concerning air pollution control.

*As added by P.L.1-1996, SEC.10. Amended by P.L.37-2012, SEC.26; P.L.133-2012, SEC.139.*

#### **IC 13-20-8-2**

##### **Repealed**

*(Repealed by P.L.37-2012, SEC.27.)*

#### **IC 13-20-8-3**

##### **Repealed**

*(Repealed by P.L.37-2012, SEC.28.)*

#### **IC 13-20-8-4**

##### **Repealed**

*(Repealed by P.L.37-2012, SEC.29.)*

#### **IC 13-20-8-5**

##### **Department duties**

Sec. 5. (a) The department, in accordance with IC 13-15, shall operate a permit program for all incinerators subject to regulation under the rules of the board.

(b) The department shall issue permits for an incinerator that is in compliance with construction and operating rules adopted by the board.

(c) The department shall grant operating authority under a permit issued by the department only after the owner of the incinerator has:

- (1) complied with all construction and pre-operational standards established by pertinent rules; and
- (2) submitted the results of a pre-operational emissions test that demonstrate that the incinerator's performance complies with all pertinent rules.

(d) The pre-operational emissions test required by this section shall be conducted under the supervision of the department. In addition, the report of the results of the pre-operational emissions test must contain a certification that the test was performed in compliance with the following:

- (1) All pertinent rules.
- (2) The pre-operational emissions test plan submitted with the permit application.

*As added by P.L.1-1996, SEC.10. Amended by P.L.133-2012, SEC.140.*

### **IC 13-20-8-6**

#### **Permit provisions**

Sec. 6. A permit issued under this chapter for the operation of an incinerator must include:

- (1) a provision requiring the permit holder to notify the department and appropriate local government officials of:
  - (A) any release of a contaminant in a quantity exceeding a control level in a permit issued under IC 13-17;
  - (B) any violation of operating requirements established in the permit;
  - (C) any unscheduled shutdown of the incinerator or associated equipment; or
  - (D) any damage to the incinerator or associated equipment that could, if unrepaired, result in a release of a contaminant in a quantity exceeding a control level in a permit issued under IC 13-17; and
- (2) a provision requiring that the notification be given not later than twenty-four (24) hours after the permit holder learns of the release, violation, shutdown, or damage.

*As added by P.L.1-1996, SEC.10. Amended by P.L.37-2012, SEC.30.*

### **IC 13-20-8-7**

#### **Enforcement of chapter; penalties**

Sec. 7. (a) This chapter shall be enforced under IC 13-30-3.

(b) A violation of this chapter or a rule adopted under this chapter is subject to criminal prosecution and to the penalties set forth in the following:

- (1) IC 13-30-4.
- (2) IC 13-30-5.
- (3) IC 13-30-8.

*As added by P.L.1-1996, SEC.10. Amended by P.L.137-2007, SEC.17.*

### **IC 13-20-8-8**

#### **Repealed**

*(Repealed by P.L.37-2012, SEC.31.)*

### **IC 13-20-8-9**

#### **Notification of criteria regarding contents**

Sec. 9. (a) A generator that ships solid waste to a waste-to-energy facility must, before the facility accepts the solid waste, notify the facility if the solid waste meets any of the following criteria:

- (1) The solid waste contains:
  - (A) a volatile:
    - (i) liquid; or
    - (ii) solid;
  - (B) a powder;
  - (C) a flammable material;
  - (D) an allergen; or
  - (E) a sensitizer.

(2) The solid waste:

(A) was segregated from other solid waste; or

(B) received special preparation for shipment.

(3) The solid waste is a bulk material.

(4) The solid waste is a waste resulting directly from a manufacturing process.

(b) The notification under subsection (a) is required before each shipment by a generator of solid waste in bulk quantities to a waste-to-energy facility.

*As added by P.L.218-2001, SEC.8.*