

IC 13-20-10

Chapter 10. Registration of Facilities for Composting Certain Vegetative Matter

IC 13-20-10-1

Applicability of chapter

Sec. 1. (a) This chapter applies to composting (as defined in IC 13-11-2-38) of vegetative matter and other organic material.

(b) This chapter does not apply to the following:

(1) A person who conducts a composting operation at the person's residence or farm for vegetative matter and other types of organic material that are:

(A) generated by the person's activities; and

(B) stored, treated, or disposed of at the person's residence or farm.

(2) A person who conducts a composting operation that processes less than two thousand (2,000) pounds of vegetative matter during a year.

(3) Temporary stores of vegetative matter where only an incidental amount of composting will occur before removal of the matter.

As added by P.L.1-1996, SEC.10. Amended by P.L.199-2014, SEC.7.

IC 13-20-10-2

Registration of facility required for operation

Sec. 2. A person may operate a composting facility only if the person registers the composting facility with the department.

As added by P.L.1-1996, SEC.10. Amended by P.L.199-2014, SEC.8.

IC 13-20-10-3

Registration applications; contents

Sec. 3. To register a composting facility with the department, a person must submit an application to the department that contains the following:

(1) A:

(A) legal description; and

(B) topographic map;

of the site on which the composting facility will be located.

(2) A description of the composting facility that indicates the area to be served by the composting operation.

(3) An estimate of the volume of materials that will be processed annually by the composting facility.

(4) Any other information that the department or the board requires by rule.

As added by P.L.1-1996, SEC.10. Amended by P.L.133-2012, SEC.142; P.L.199-2014, SEC.9.

IC 13-20-10-4

Location of active areas of facilities

Sec. 4. Except as provided in sections 5 and 6 of this chapter, the active area of a composting facility:

- (1) may not be located:
 - (A) within two hundred (200) feet of a well that supplies potable water; or
 - (B) within two hundred (200) feet of a residential structure that exists at the time that the composting facility initially registers under this chapter;
- (2) must be located outside the ten (10) year floodplain, except a facility that is either:
 - (A) operated in conjunction with a publicly owned works permitted under IC 13-15-3; or
 - (B) designed and operated to provide adequate controls to prevent ground or surface water contamination in the event a ten (10) year flood occurs;
- (3) must be designed and operated to:
 - (A) prevent compost from being placed within five (5) feet of a water table or provide adequate controls to prevent ground or surface water contamination;
 - (B) adequately control runoff from the composting facility; and
 - (C) manage leachate that is generated by the composting facility; and
- (4) must include controls for the following:
 - (A) Dust.
 - (B) Odor.
 - (C) Noise.

As added by P.L.1-1996, SEC.10. Amended by P.L.199-2014, SEC.10.

IC 13-20-10-5**Local ordinance on distance between composting facility and residence**

Sec. 5. A unit of local government may adopt an ordinance providing the distance required between the active area of a composting facility and an existing residence. An ordinance adopted under this section may not do any of the following:

- (1) Allow the active area of a composting facility to locate less than two hundred (200) feet from an existing residence.
- (2) Require the active area of a composting facility to locate more than six hundred (600) feet from an existing residence.

As added by P.L.1-1996, SEC.10. Amended by P.L.199-2014, SEC.11.

IC 13-20-10-6**Conditions under which composting facility may be located less than 200 feet from residence**

Sec. 6. The active area of a composting facility may be located less than two hundred (200) feet from a residence if:

- (1) no unit of local government with jurisdiction over:
 - (A) the residence; or
 - (B) the composting facility;has adopted an ordinance under section 5 of this chapter or IC 13-7-35-6(b) (before its repeal); and
- (2) the composting facility obtains written consent from the occupant and the owner of the residence.

As added by P.L.1-1996, SEC.10. Amended by P.L.199-2014, SEC.12.

IC 13-20-10-7

Annual reports

Sec. 7. A person who operates a composting facility that must be registered under this chapter shall submit an annual report to the department:

- (1) before February 1 of each year; and
- (2) that indicates the volume of material processed by the composting facility during the preceding year.

As added by P.L.1-1996, SEC.10. Amended by P.L.199-2014, SEC.13.

IC 13-20-10-8

Expiration and renewal of registrations

Sec. 8. (a) The department shall approve an application for registration of a composting facility under this chapter or renewal of a registration if the applicant meets the requirements of this chapter and rules adopted by the board.

(b) The department may deny an application for the registration of a composting facility or renewal of a registration if the application does not meet the requirements of this chapter or rules adopted by the board.

(c) A registration under this chapter:

- (1) expires five (5) years after the date the composting facility is registered; and
- (2) may be renewed by the person who registered the composting facility if the person applies to the department.

(d) A registration under this chapter may be revoked if the registrant operates the composting facility in violation of:

- (1) this chapter or any other environmental management law; or
- (2) rules adopted by the board.

As added by P.L.1-1996, SEC.10. Amended by P.L.199-2014, SEC.14.

IC 13-20-10-9

Combination of vegetative matter with solid waste prohibited

Sec. 9. Except as provided in IC 13-20-9-1, a person may not

knowingly combine vegetative matter resulting from landscaping maintenance and land clearing projects that is intended for:

- (1) collection; and
- (2) disposal at a solid waste landfill;

with another type of solid waste.

As added by P.L.1-1996, SEC.10.

IC 13-20-10-10

Rules

Sec. 10. The board may adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter.

As added by P.L.1-1996, SEC.10. Amended by P.L.133-2012, SEC.143.