

IC 13-22-9

Chapter 9. Financial Responsibility for Operators of Hazardous Waste Landfills, Solid Waste Landfills, and Transfer Stations

IC 13-22-9-1

Prerequisite for permit

Sec. 1. Except as provided in section 8 of this chapter, a person that applies for a permit to operate a:

- (1) hazardous waste landfill;
- (2) solid waste landfill; or
- (3) transfer station;

must establish financial responsibility for the costs of closure and postclosure monitoring and maintenance of the hazardous waste landfill, solid waste landfill, or transfer station.

As added by P.L.1-1996, SEC.12.

IC 13-22-9-2

Extent

Sec. 2. The financial responsibility established under section 1 of this chapter must cover the costs of:

- (1) properly closing, in an environmentally sound manner; and
- (2) during postclosure, monitoring and maintaining;

the hazardous waste landfill, solid waste landfill, or transfer station.

As added by P.L.1-1996, SEC.12.

IC 13-22-9-3

Establishment

Sec. 3. Financial responsibility may be established under section 1 of this chapter by filing one (1) or a combination of the following with the commissioner:

- (1) Trust fund agreement.
- (2) Surety bond with a standby trust fund agreement.
- (3) Letter of credit with a standby trust fund agreement.
- (4) Insurance policy with a standby trust fund agreement.
- (5) If the person applying for a permit derives less than fifty percent (50%) of the person's gross revenue from waste management, proof that the person meets a financial test established by the board.

As added by P.L.1-1996, SEC.12.

IC 13-22-9-4

Amount necessary for landfill

Sec. 4. The amount of financial responsibility a person must establish under section 1 of this chapter for a hazardous waste landfill or a solid waste landfill must:

- (1) be the greater of:
 - (A) fifteen thousand dollars (\$15,000) for each acre or part

of an acre covered by the hazardous waste landfill or solid waste landfill; or

(B) an amount determined by the commissioner that is sufficient to close the hazardous waste landfill or solid waste landfill in a manner that:

- (i) minimizes the need for further maintenance; and
- (ii) provides reasonable, foreseeable, and necessary maintenance during postclosure; and

(2) provide assurance of proper postclosure maintenance and monitoring for at least thirty (30) years after the hazardous waste landfill or solid waste landfill has ceased operations.

As added by P.L.1-1996, SEC.12.

IC 13-22-9-5

Amount necessary for transfer station

Sec. 5. The amount of financial responsibility a person must establish under section 1 of this chapter for a transfer station must:

(1) be the greater of:

(A) four thousand dollars (\$4,000) for each acre or part of an acre covered by the transfer station; or

(B) an amount determined by the commissioner that is sufficient to close the transfer station in a manner that:

- (i) minimizes the need for further maintenance; and
- (ii) provides reasonable, foreseeable, and necessary maintenance during postclosure; and

(2) provide assurance of proper postclosure maintenance for one (1) year after the transfer station has ceased operations.

As added by P.L.1-1996, SEC.12.

IC 13-22-9-6

Closure or postclosure costs; source upon noncompliance

Sec. 6. The commissioner may use:

- (1) a trust fund agreement;
- (2) a surety bond;
- (3) a letter of credit; or
- (4) an insurance policy;

required under this chapter for the closure or postclosure monitoring and maintenance of a hazardous waste landfill, solid waste landfill, or transfer station if the person that files the trust fund agreement, surety bond, letter of credit, or insurance policy does not comply with closure or postclosure requirements.

As added by P.L.1-1996, SEC.12.

IC 13-22-9-7

Rules; criteria

Sec. 7. The board shall adopt rules under IC 4-22-2 and IC 13-14-8 to do the following:

- (1) Implement this chapter.

- (2) Establish criteria to determine the following:
 - (A) When the closure and postclosure monitoring and maintenance requirements have been met by a person that provides financial responsibility under section 1 of this chapter.
 - (B) How money in a trust fund agreement, surety bond, letter of credit, or insurance policy provided by a person under section 3 of this chapter may be released to the person when the person meets closure and postclosure requirements.

As added by P.L.1-1996, SEC.12.

IC 13-22-9-8

Closure and postclosure costs; financial responsibility; self-insurance

Sec. 8. (a) A municipal corporation that owns or operates a solid waste landfill that:

- (1) is used exclusively to dispose of ash; and
- (2) complies with construction standards established under:
 - (A) the federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.); and
 - (B) regulations adopted under the federal Resource Conservation and Recovery Act in effect January 1, 1991;

is not required to establish financial responsibility for the costs of closure and postclosure monitoring and maintenance of the solid waste landfill under this chapter if the fiscal body of the municipal corporation adopts a resolution in which the fiscal body elects to practice self-insurance with respect to those costs and commits to the expeditious transfer of money to cover closure and postclosure costs.

(b) A fiscal body adopting a resolution referred to in subsection (a) is not required to:

- (1) set aside financial resources for meeting the costs referred to in subsection (a) when the resolution is adopted; or
- (2) indicate in the resolution whether financial resources will be set aside to meet those costs.

(c) The amounts set forth in sections 4 through 5 of this chapter do not apply to the practice of self-insurance by a municipal corporation under this section if the fiscal body of the municipal corporation determines in the resolution adopted under this section that the program of self-insurance established by the resolution is adequate to meet the costs of:

- (1) closure; and
- (2) postclosure monitoring and maintenance;

of the solid waste landfill owned or operated by the municipal corporation.

As added by P.L.1-1996, SEC.12.