

**IDEM****Nonrule Policy Document**

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**Title:** Guidance Interpreting Indiana Municipal Solid Waste Landfill Operational Regulations  
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**Brief Description or Subject Matter:** Guidelines for Indiana Department of Environmental Management inspectors to determine facility compliance with municipal solid waste landfill regulations

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### **GUIDANCE INTERPRETING INDIANA MUNICIPAL SOLID WASTE LANDFILL OPERATIONAL REGULATIONS**

This guidance is intended to assist IDEM inspectors in determining compliance at municipal solid waste landfills. In addition, the guidance should assist the regulated community in determining compliance with the regulations. The format of this guidance is an outline of each operational requirement contained in 329 IAC 10. The exact rule is not printed in this guidance. The guidance contains instructions on what the IDEM inspector should be looking for in order to determine if a facility is in compliance.

329 IAC 10-13-4 Effect of permit issuance

(c ) Determine if permittee is constructing and operating the facility in accordance with the permit. The owner, operator and permittee are equally responsible for complying with the conditions of the permit, the regulations and the statutes. **Violation occurs when:**

Facility fails to comply with any condition specified in the permit.

Facility begins an activity not covered by the permit, which requires a modification.

329 IAC 10-20-1 Access Control

(a) Determine if facility is only accessible by an established roadway(s). **Violation occurs when:**

Facility does not have an established roadway; or

There are other means of access beyond the facility established roadway(s).

(b) Determine if solid waste is being or has been deposited at the facility when operating personnel are not on duty. **Violation occurs when:**

Facility fails to secure access; and

Waste is deposited at the facility when operating personnel are not on duty, other than in collection containers provided by the facility.

(c ) Determine if facility is using effective artificial or natural barriers to prevent unauthorized vehicular entry or illegal disposal. If (c ) is a violation, then either (a) or (b) will also be a violation. ((a) or (b) can be a violation without (c ) being a violation.) **Violation occurs when:**

Effective barriers are not being utilized to prevent a violation of (a) and/or (b).

329 IAC 10-20-2 On-site Roads

(a) Determine if all on-site roads that provide access to the disposal area are passable to vehicles utilizing such roads. Determine if roads are the specified width. **Violation occurs when:**

Mud is too thick for any of the vehicles that utilize an on-site road providing access to the disposal area to get through;

Deep ruts that could prevent vehicles from getting through are present on on-site roads, providing access to the disposal area;

On-site roads that provide access to the disposal area are impassable;

One-way roads that provide access to the disposal area are less than ten (10) feet wide; or

Two-way roads that provide access to the disposal area are less than twenty-two (22) feet wide.

(b) Determine if facility has (1) constructed and is maintaining on-site roads in a manner to minimize the tracking of mud off-site and (2) has equipment available to remove mud/soil tracked onto public roads. Determine if facility is collecting and returning, or removing by street sweeping, any mud or soil tracked onto access roads. **Violation occurs when:**

Off-site roads are muddy without available equipment to remove mud;

On-site roads are capable of allowing mud to be tracked to off-site roads without any available equipment to remove mud: If excessive mud is present on off-site roads, then a violation exists, even if equipment is available and roads on-site are good; or

Facility does not have access to either (1) equipment capable of collecting the mud and soil and returning it to the facility or (2) equipment that is a street sweeping mechanism capable of removing the material.

**Note:** In poor weather, if the facility is working to minimize mud carried off-site, the inspector should use discretion in marking this violation. The rule states "to minimize" not "to eliminate" mud being tracked off-site. Equipment need not be on site to be available.

(c ) Determine if water that is used to control dust or to clean mud and soil from on-site or access roads results in discharge of sediments to surface waters. **Violation occurs when:**

Use of water to control dust or clear roadways, either on-site or off-site, results in discharge of sediment to off-site surface waters;

Fugitive dust (dust crossing the facility boundary) is present; or

Dust is present on-site that is obscuring vehicle visibility or contributing or constituting a nuisance, health hazard, or a safety hazard.

(d) Determine ability to access all monitoring wells by vehicles. The rule specifies that vehicular access must be provided "...throughout any season of the year." **Violation occurs when:**

Any department vehicle is not able to access all of the monitoring wells at the facility due to poorly maintained access roads; or

Vegetation on the access way and around wells is not maintained.

(e) Determine if adequate space is provided on-site for vehicles waiting to unload waste or recyclables. **Violation occurs when:**

Vehicles are parking on or causing congestion on off-site roads while waiting to unload.

### 329 IAC 10-20-3 Signs

Check to see if facility has appropriate signs identifying the facility and, as needed, for traffic control. **Violation occurs when:**

Facility does not have appropriate facility signs, including the name and phone number of emergency contact person; or

Traffic signs/devices are needed but not provided.

**Note:** The primary contact number must be answered by a person employed or contracted by the facility operator who is either authorized to respond to a reported emergency or who is capable of contacting a person authorized to respond. An answering service who can call facility emergency personnel is appropriate. A local emergency entity and telephone number (i.e. police or sheriff) does not meet the requirements of this regulation, unless the facility is municipally owned, in such case the city or county is designating the emergency contact to another municipal employee.

### 329 IAC 10-20-4 Sanitation

**Note:** The only reference to odors in this portion of the rule is in subsection (g).

**Note:** The presence of vectors, dust, or odors could be a result of inadequate or the absence of daily cover and the inspector should investigate the possibility of such violations.

(a) Determine the presence and extent of any vectors and the means the facility is utilizing to control them. **Violation occurs when:**

Vectors are present on-site and the facility is not utilizing an effective means to control them;

Nuisance is created by the presence of vectors; or

Vectors were previously noted on-site and their presence was not reduced or eradicated.

(b) Check for the presence of livestock on any portion of the site that has not received final cover and is fully vegetated. **Violation occurs when:**

Livestock are present on any area of the site that is not final covered and vegetated.

(c) Determine the presence and extent of any dust and the means the facility is utilizing to control it (effective control mechanism may be watering the roads - see 10-20-2(c)). **Violation occurs when:**

Dust is present on-site and the facility is not utilizing an effective means to control it and the dust is creating a nuisance, health hazard, or safety hazard.

(d) Check for any control barriers the facility is utilizing to keep windblown materials or litter from constituting or contributing to a nuisance. **Violation occurs when:**

Windblown materials or litter is present with no effective control mechanism being utilized by the facility.

(e) Check for the presence of windblown material or litter at the facility. Items to consider in determining to cite the facility for a violation when windblown materials or litter are present on permitted acreage: (1) repeat violation; (2) presence of effective control mechanisms; and (3) amount of windblown material or litter present. **Violation occurs when:**

Litter is present off-site, regardless of control mechanisms in place, and the litter is not being immediately cleaned up for burial by the end of the working day;

An unacceptable amount of litter is present on-site, regardless of control mechanisms in place, and the litter will not be collected and buried by the end of the working day; or  
Previous day's litter is present on-site or off-site.

(f) Determine how dead animals are being disposed of at the site. (Note that IC 15-2.1-16-1(c) states that this law does not apply to "any bodies of dead fish, reptiles or small animals of any kind such as dogs, cats and small game".) **Violation occurs when:**

Facility is not disposing of dead animals in accordance with IC 15-2.1-16.

**Note:** The State Veterinary should be notified (317/232-1344) any time a large quantity of animals from agricultural production (i.e., poultry, cattle) are disposed. The State Veterinary is concerned with non-reporting of possible disease outbreaks.

(g)(1) Determine if containers placed outside the facility for disposal are being emptied once every twenty-four (24) hours and, as necessary, more frequently than every twenty-four (24) hours to minimize odors and control vectors. Check for the presence of litter around the containers. **Violation occurs when:**

Containers are not being emptied every twenty-four (24) hours;

When needed to minimize odors and control vectors, facility is not emptying containers more frequently than every twenty-four (24) hours;

Litter is present around the containers; or

Area around containers is not maintained in a sanitary condition.

(g)(2) Determine if containers placed inside the facility for collection of solid waste are being emptied and the collected solid waste is being properly disposed once every twenty-four (24)

hours and, as necessary, more frequently than every twenty-four (24) hours to minimize odors and control vectors. Check for the presence of litter around the containers. **Violation occurs when:**

- Containers are not being emptied every twenty-four (24) hours;
- When needed to minimize odors and control vectors, facility is not emptying containers more frequently than every twenty-four (24) hours;
- Litter is present around the containers; or
- Area around containers is not maintained in a sanitary condition.

(g)(3) Determine if containers for the collection of recyclables are being emptied in a manner to minimize odors and control vectors. Check for the presence of litter around the containers. Determine if containers for recyclables which can become windblown are equipped with a cover.

**Violation occurs when:**

- Odors and vectors are present and the facility is not emptying containers at a frequency to minimize the odors and vectors;
- Litter is present around the containers;
- Areas around the containers are not being maintained in a sanitary condition; or
- Containers for recyclables which can become windblown are not equipped with a cover or the cover is not being used and recyclables are becoming windblown.

**Note:** If there is a violation involving the presence of litter in any of the above-referenced container areas, 329 IAC 10-20-4(g) should be marked as a violation rather than the general litter section of the rule, 329 IAC 10-20-4(e).

(h) Check that the facility is not creating any threat to human health or the environment, including air or water pollution. **Violations occur when:**

- Storage, containment, processing, and disposal of solid waste create a threat to human health or the environment; or
- Air or water pollution is present.

329 IAC 10-20-5 Scavenging

As defined by 329 IAC 10-2-164, scavenging means the uncontrolled and unauthorized removal of materials from solid waste. **Violation occurs when:**

- Uncontrolled, unauthorized salvaging is occurring at the facility.

329 IAC 10-20-6 Salvaging

As defined by 329 IAC 10-20-163, salvaging means the controlled and organized removal of materials from solid waste for utilization.

(a) Determine if salvaging occurring at the site is being supervised by the permittee and whether it is interfering with facility operations. **Violation occurs when:**

- Salvaging is not supervised by the permittee; or
- Salvaging is interfering with the facility operations in any manner.

(b) Check to see how the facility is storing salvaged or recycled materials. **Violation occurs when:**

- Facility is not storing salvaged or recycled material in a building, transportable containers, or bales;

Salvaged material remains on the ground after normal operating hours;  
Baled materials are not baled in a manner that protects the contents from weather;  
Storage, even in a container, bale or building, is creating litter, a fire threat or contributing to a nuisance; or  
Facility has not obtained approval from IDEM for alternative storage of salvaged or recycled materials.

**Note:** The facility should remove full containers of salvaged or recycled materials as soon as possible.

### 329 IAC 10-20-7 Safety Requirements

(a) Determine if safety equipment including roll bars and fire extinguisher are on all rolling equipment. Determine if fire extinguishers have been checked and safety tagged annually.

**Violation occurs when:**

Facility does not have, at least, the above noted safety equipment; or  
Facility has not had fire extinguishers checked and tagged annually.

(b) Determine if a first-aid kit is available on-site. **Violation occurs when:**

Facility does not have a first-aid kit available on-site.

(c) Determine if a telephone is on-site. **Violation occurs when:**

Facility does not have a telephone on-site.

(d) Determine if heated and lighted shelters, potable drinking water and sanitary restrooms are available for facility personnel on-site. **Violation occur when:**

Any of the above items are not provided.

### 329 IAC 10-20-8 Records and Reports

The facility must maintain an operating record at the facility, unless an alternate location is approved by the commissioner. "Facility" has the meaning set forth in 329 IAC 10-2-69. The operating record must include all facility records, reports and plans required throughout 329 IAC 10.

(a)(1) Determine if the facility has on-site an up-to-date copy of the plans and specifications used by IDEM to grant the permit. **Violation occurs when:**

Plans and specifications are not kept on-site or are not up-to-date.

(a)(2) Check if facility has copies of their current permit on-site. **Violation occurs when:**

Facility does not have a copy of their current permit on-site.

(a)(3) Determine if the facility has on-site an IDEM quarterly plot plan. **Violation occurs when:**

Plot plan is out-of-date.

Plot plan is not kept on-site; or

Plot plan has inaccurate or incomplete information.

**Note:** Maps should be dated as to the last update by the responsible party. IDEM suggests using a copy of the annual contour map for quarterly updates (see 329 IAC 10-20-24(c)).

Determine if the facility has the following information maintained in the facility operating record:

- (a)(4) Copies of the last twelve (12) months of IDEM operating inspection reports.
- (a)(5) A log of the self-inspections required under section 329 IAC 10-20-28.
- (a)(6) An annually updated contour map of the site. The map must be of a specified scale and it must be submitted to IDEM each year by February 15.
- (a)(7) All special waste records for the last three years must be maintained on-site. Older records must be retained thru post-closure, but can be stored at an alternative location, approved by the commissioner.
- (a)(8) All location demonstrations required by 329 IAC 10-16.
- (a)(9) All waste screening records, including inspections, staff training and notifications, as required by 329 IAC 10-20-23.
- (a)(10) All gas monitoring results and remediation plans as required by 329 IAC 10-20-17.
- (a)(11) All gas condensate testing results and weekly generation records, if applicable.
- (a)(12) All leachate testing results and weekly pumping records.
- (a)(13) All design documentation required for leachate and/or gas condensate recycling as
- (a)(14) All groundwater monitoring information as required by 329 IAC 10-21,
- (a)(15) All closure and post-closure plans and records, including an approved sampling and
- (a)(16) All financial assurance documentation as specified in 329 IAC 10-39.
- (a)(17) All MSW transportation manifests from solid waste processing facilities must be retained for one (1) year. In addition, in accordance with IC 13-20-4-7 (formerly IC 13-7-31-12), new final disposal facilities must submit copies of the solid waste processing facility manifests to IDEM during the first year of their operation as well as maintain the manifests at the facility for one (1) year. After the first year of operation is concluded, final disposal facilities only need to maintain the manifests at their site for one (1) year and are not required to submit the manifests to IDEM. **Violation occurs when:**

Any of the above records required by (a)(4) through(a)(17) are not present as specified (in an operating record located at the facility or an alternative location approved by the commissioner); or

Any of the above records required by (a)(4) through (a)(17) are not completed as specified.

- (b) Determine if facility furnishes upon request all land disposal facility records, reports and plans required by 329 IAC 10-20-8. Note that the language in (a) above includes any other records that may be mentioned anywhere in Rule 10, even if they are not specifically listed in this section. **Violation occurs when:**

Facility cannot furnish the above noted items during an inspection.

- (c ) Provision on how records must be submitted to IDEM.

- (d) Allows the commissioner to set alternative schedules for record keeping and notification. This rule can be used to require more or less frequent sampling, testing, reporting, etc.

#### 329 IAC 10-20-9 Open burning

Determine if facility is open burning solid waste or if there is any evidence of open burning.

#### **Violation occurs when:**

Landfill catches on fire;

Inspector observes open burning of solid waste; or  
Inspector observes clear evidence that open burning has occurred at the facility.

### 329 IAC 10-20-10 Waste Deposit and Compaction

(a) Check if the first layer of waste placed onto the synthetic liner is properly applied over the protective layer. **Violation occurs when:**

First layer of waste is not placed directly over the protective layer;  
Large debris capable of ripping the synthetic liner is present in the first lift; or  
Lift directly over the liner is less than four (4) feet thick.

**Note:** If the protective layer is not present or is inadequate, a violation of the permit exists (329 IAC 10-13-4).

(b) Determine if facility is spreading and compacting all lifts other than the first in layers not over two (2) feet thick and on a sloped working face with a maximum slope of 3:1 (run over rise). For every three (3) feet out, the decline or incline should not exceed one (1) foot.

Language pertaining to intermediate slopes is not addressed in this section. **Violation occurs when:**

Compacted solid waste exceeds two (2) feet layers; or  
Working face exceeds a 3:1 (run over rise) slope.

(c) Determine if compaction is occurring on a sloped working face and if repeated passes are being made with equipment designed for compaction purposes. Note that track equipment is not considered appropriate equipment for regular use. **Violation occurs when:**

Compaction is not occurring on a sloped working face;  
Repeated passes are not being made;  
Facility is not using appropriate compactor equipment that is capable of compaction; or  
Facility utilizes non-compaction equipment beyond temporary use.

**Note:** The rules states “Use of tracked vehicles for compaction shall be limited to temporary replacement of regular compaction equipment while it is under maintenance or repair.” This language was incorporated specifically to end the use of bulldozers, which are designed to “float” over the ground surface, as a compaction tool. Facilities must use equipment designed specifically for compaction in their daily operations, unless tracked vehicles are needed on a temporary basis. IDEM suggests facilities maintain documentation of equipment breakdown to establish that tracked vehicles are being used only on a temporary basis. Alternatively, IDEM suggests that facilities have a plan to obtain proper compaction equipment (lease, etc.) while the equipment is being repaired.

### 329 IAC 10-20-11 Diversion of Surface Water and Run-on and Run-off Control Systems

(a) The facility is to design, construct and maintain run-on and run-off control systems on the active portion of the facility. The active portion is defined as the area which has or is receiving waste and has not been formally closed. Effective means to divert run-on and run-off are berms, ditches, pipes, and/or pumps.

(1) Determine if the facility is maintaining an effective run-on control system, capable of diverting the peak discharge of a twenty-five (25) year storm from the active portion of the site. **Violation occurs when:**

Facility has no run-on diversion controls in place;



Facility is utilizing ineffective diversion controls; or  
Surface water runs onto the site and comes into contact with waste.

(2) Determine if the facility is maintaining an effective run-off control system, capable of collecting and controlling the volume resulting from a twenty-four (24) hour, twenty-five (25) year storm from the active portion of the site. **Violation occurs when:**

Facility has no run-off controls in place; or  
Facility is utilizing ineffective controls.

(b) Determine if facility is depositing waste in ponded or standing water. Note that this section of the rule only applies to conditions at the working face. **Violation occurs when:**

Facility is depositing waste in ponded or standing water. (Note - the facility should pump a trench before filling.)

(c) Determine if the facility is handling run-off in compliance with 327 IAC 15-5 and 15-6, and the discharge is in compliance with NPDES under 327 IAC 5. **Violation occurs when:**

Run-off violates 327 IAC 15-5 or 15-6; or  
Discharge violates NPDES.

#### 329 IAC 10-20-12 Erosion and Sedimentation Control Measures; General Requirements

(a) Determine if the facility has and is maintaining sedimentation and/or erosion control systems. The facility should address sedimentation and erosion at any disturbed area. Determine if facility is using such controls to minimize erosion and sedimentation of surface waters. Effective control measures, include, but are not limited to, the following: (1) seeding and mulching; (2) grading; (3) sediment traps and barriers; (4) rip rap; (5) berms; (6) diversions; (7) grade stabilization structures; (8) temporary sediment basins. **Violation occurs when:**

Facility has excessive off-site siltation/sedimentation (rule does not say eliminate, just minimize).

**Note:** IDEM inspectors can require specific practices related to sedimentation or erosion control systems. IDEM requirements may be based on Department of Natural Resources (DNR) recommendations and/or IDEM's determination that identified controls are necessary. When IDEM determines that specific DNR recommendations need to be instituted, IDEM inspectors must first require (through notation on an IDEM inspection report) that the DNR recommendations be instituted, prior to citing a facility for failure to implement the effective controls. If a facility does not comply, then a violation exists.

(b) Provision that specifies the design and construction requirements for temporary and permanent sedimentation basins.

(c) This section allows IDEM, through the commissioner, to require any of the controls and practices listed in subsection (a) be installed within the drainage area of a permanent basin to extend the permanent basin's life and efficiency. If a hillside needs to be seeded or a berm needs to be installed, the operator can not claim the area of concern is part of a larger, approved permanent basin-- IDEM can require additional controls inside the main "basin". **Violations occur when:**

Facility does not provide effective sedimentation or erosion control systems when deemed necessary by the commissioner.

**Note:** The presence of rills indicates a need for more or better efforts to minimize erosion. However, the presence of rills does not necessarily indicate there is a violation of this section of the regulation.

**Note:** IDEM inspectors can require specific controls and practices related to the drainage areas of permanent basins. IDEM requirements may be based on Department of Natural Resources (DNR) recommendations and/or IDEM's determination that identified practices and controls are necessary. When IDEM determines that specific DNR recommendations need to be instituted, IDEM inspectors must first require (through notation on an IDEM inspection report) that the DNR recommendations be instituted, prior to citing a facility for failure to implement the controls and practices. If a facility does not comply, then a violation exists.

(d) Provision that allows the commissioner to approve alternatives to 329 IAC 10-20-12(b) and (c).

(e) Determine if the site has removed accumulated sediment once basins are one-half (1/2) full.

**Violations occur when:**

Sediment depth in basins is over one-half (1/2) the design dimensions and facility fails to remove accumulated sediment.

(f) Provision that allows the commissioner to require additional information regarding design and construction controls.

329 IAC 10-20-13 Cover; general provisions

(a) Determine what type of daily, intermediate, and final cover material the facility is using.

**Violation occurs when:**

Daily or intermediate cover material being used does not meet the criteria for the 5 Unified Soil Classifications, ML, CL, MH, CH, or OH, or other suitable department approved material; or

Final cover is not as specified in 329 IAC 10-22-6 or 329 IAC 10-22-7, as applicable.

(b) This section of the rule does not address violations of inadequate cover application (see 329 IAC 10-20-14 and 329 IAC 10-20-16). This section of the rule addresses the maintenance of daily cover. Determine if the facility is properly maintaining daily cover. If a facility is utilizing an alternative cover or alternative site design for cover provisions, it must be approved by the department. **Violation occurs when:**

Facility fails to maintain daily cover; or

Facility utilizes an alternative cover or alternative site design for cover provisions that has not been approved by IDEM.

**Note:** Section 10-20-14(c) deals with the improper use of alternative cover, so there will only be a violation of this section of the rule if use of alternative cover has not been approved. Therefore, 329 IAC 10-13-4, permit deviation/modification, should not be cited when the above violation occurs.

329 IAC 10-20-14 Daily and Intermediate Cover Requirements

(a) Determine if the working face at the municipal solid waste landfill is limited enough to allow for daily cover application. **Violation occurs when:**

Working face is too large to allow for adequate daily cover application.

(b) For sites which close every evening, determine if the site has applied and compacted at least six (6) inches of cover over all disposed solid waste by the end of each working day (regardless of weather conditions), or more frequently as required. **Violation occurs when:**

Site has not applied any cover over all disposed solid waste at the end of the working day;

Site does not compact daily cover;

Daily cover that the site applies is less than the required six (6) inches in any area;

Daily cover has been applied sporadically, allowing for areas of exposed waste; or

Cover is not adequate to control vectors, fires, odors, blowing litter or savaging; this includes when cover needs to be applied more frequently than at the end of the day.

(c) If the site has approval for alternative cover, determine if the alternative cover has been applied daily as required by the approval. At the least, the permit approval usually requires the site to apply cover as frequently as in subsection (b) or (d), whichever is applicable. The approvals usually also require the site to cover with soil at least once each week if alternative materials are used. **Violation occur when:**

Site has not applied any cover at the end of the working day;

Alternative daily cover that the site applies is not as specified in the approval;

Alternative daily cover has been applied sporadically, allowing for areas of exposed waste; or

Alternative cover is not adequate to control vectors, fires, odors, blowing litter or savaging; this includes when cover needs to be applied more frequently than at the end of the day.

**Note:** 329 IAC 10-13-4, permit deviation/modification, should not be cited as a violation when one of the above violations occurs.

(d) For facilities which are open continuously, determine if the site has applied daily cover as specified in (b) or (c) over all exposed solid waste at least once in every twenty-four (24) hour period, as specified in their permit. **Violation occurs when:**

Site has not applied cover at least once every twenty-four (24) hours, as specified in the permit.

**Note:** As the rule reads, a violation would only occur when sites which are open continuously fail to apply cover with the frequency specified by the permit. The method for applying the cover is still covered under (b) or (c).

(e) Determine if the site has a readily available supply of daily cover. **Violation occurs when:**

Adequate cover material is not readily available for proper cover at the end of the day; or

Site did not receive adequate cover on the previous day because adequate supply of cover material was not readily available.

(f) Determine if the site applies and compacts intermediate cover of at least one (1) foot over any area in the fill that has not received waste for ninety (90) days or more. **Violation occurs when:**

Site has not applied intermediate cover in any area that has not received waste for ninety (90) days;

Intermediate cover that the site applies is less than the required one (1) foot in any area; or  
Site does not compact intermediate cover.

(g) Determine if intermediate cover is graded to allow for proper draining of surface water (into run-off control system) and to prevent ponding. **Violation occurs when:**

Intermediate cover is not properly graded to promote surface drainage; or

Water is ponding on intermediate cover.

(h) Determine if additional erosion and sedimentation control measures have been taken by May 1 or November 1, for areas that have not received additional waste for sixty (60) days after the intermediate cover was applied. This should result in controls being constantly added every six (6) months. Control measures include establishing vegetation, use of approved synthetic materials, or any other control measure listed in 329 IAC 10-20-12(a). **Violation occurs when:**

Facility fails to implement additional erosion control measures on intermediate cover by May 1 or November 1.

**Note:** Requirements for the application of two (2) feet of final cover and the application of topsoil are in 329 IAC 10-22.

#### 329 IAC 10-20-15 Cover storage sites and borrow pit requirements

(a) Informational provision

(b) Check if cover storage sites and/or borrow pits have been graded to promote proper, controlled drainage and to minimize erosion. **Violation occurs when:**

Excessive erosion has occurred;

Significant sedimentation is occurring off-site;

Excessive wind erosion is occurring; or

Grading is resulting in poor surface water drainage, including ponding in areas not specifically designed for water retention.

(c) Check for unnecessary vegetation clearing in soil storage and borrow areas. **Violation occurs when:**

Excessive clearing of vegetation occurs.

(d) Determine if facility has (1) constructed and is maintaining roads at the cover storage site(s) and borrow pit(s) in a manner which minimizes tracking of mud off-site or (2) has equipment available to remove mud/soil tracked onto public roads. Determine if facility is collecting and returning, or removing by street sweeping, any mud or soil tracked onto access roads. **Violation occurs when:**

Off-site roads near the cover storage site(s) and/or borrow pit(s) are muddy without available equipment to remove mud;

Cover storage site roads and/or borrow pit roads are capable of allowing mud to be tracked to off-site roads without any available equipment to remove mud. If excessive mud is present on nearby off-site roads, then a violation exists even if equipment is available and roads on-site are good; or

Facility does not have access to either (1) equipment capable of collecting the mud and soil and returning it to the facility or (2) equipment that is a street sweeping mechanism capable of removing the material.

**Note:** In poor weather, if the facility is working to minimize mud carried off-site, the inspector should use discretion in marking this violation. The rule states "to minimize" not "to eliminate" mud being tracked off-site.

(e) In the cover storage site(s) and borrow pit(s), determine if water that is used to control dust or to clean mud and soil from on-site or access roads results in discharge of sediments to surface waters. **Violation occurs when:**

Use of water to control dust or clear roadways, either on-site or off-site, results in discharge of sediment to surface waters; or

Fugitive dust (dust crossing the facility boundary) is present, resulting from the cover storage site or borrow pit area; or

Dust is present on-site that is obscuring vehicle visibility or contributing or constituting a nuisance, health hazard, or a safety hazard.

(f) Determine if topsoil has been removed before any other disturbance to the area. If not immediately used as cover, determine if the topsoil is properly stockpiled. **Violation occurs when:**

Topsoil was not removed prior to disposal of waste, construction of the liner, or other disturbance activity;

Topsoil is not stockpiled and temporarily vegetated if not promptly redistributed;

Topsoil stockpile has not been vegetated as soon as weather permits; or.

Topsoil is subjected to wind and/or water erosion, unnecessary compaction and/or contamination.

(g) Check if final slopes are less than thirty-three percent (33%) in cover storage or borrow areas after they are no longer in use. **Violation occurs when:**

Slopes in finished areas are greater than thirty-three percent (33%).

#### 329 IAC 10-20-16 Grading and soil stabilization for intermediate cover and final cover

(a) Determine if the cover materials required by 329 IAC 10-20-14(f) and 329 IAC 10-22 are continuously maintained. Determine if additional application and compaction of cover occurs as needed to maintain required depth of intermediate cover, final cover and topsoil. This rule specifically applies to areas outside the active fill area. **Violation occurs when:**

Facility applied the cover correctly initially, but did not maintain the required depth of cover;

Waste is exposed in eroded area; or

Significant erosion is present.

**Note:** If gullies/rills are present in a depth greater than nine (9) inches, then a violation of 329 IAC 10-20-16(h) exists.

**Note:** 329 IAC 10-20-14(b) addresses inadequate or absence of daily cover. A violation occurs of 329 IAC 10-20-16(a) if the inspector can verify that an initial adequate application of cover was made, but not maintained. If an initial application of daily cover is not made then a violation of 329 IAC 10-20-14(b) exists.

(b) Determine if the facility has appropriately graded cover in order to promote surface water drainage and prevent ponding of water on any areas with final cover. **Violation occurs when:**  
There is ponded water on any area that has received final cover; or  
Facility does not grade final cover in a manner to promote surface water drainage.

**Note:** Grading of intermediate cover is addressed under 329 IAC 10-20-14(g).

(c ) Determine if vegetation is cleared only as necessary at the facility. **Violation occurs when:**  
Facility has an excessive or unneeded amount of vegetation cleared for new cell or trench; or  
Facility otherwise clears vegetation when it is not necessary.

(d)(1) Determine if facility has established and maintained continuously a grass or ground cover crop on any portion of the site that has received final cover (except when other land uses have been approved by the department). IDEM recommends facilities plan to apply final cover during a seeding period to ensure this rule requirement is met. **Violation occurs when:**  
Facility fails to seed the site within one (1) month after final cover is applied unless other land use provisions have been approved;  
Facility fails to establish a vegetative cover within six (6) months after applying final cover;  
or  
Facility needs additional seeding to establish crop cover.

(d)(2) Determine if facility is preventing deep rooted vegetation from becoming established on final cover areas, unless such vegetation is specifically approved. **Violation occur when:**  
Trees, shrubs or other deep rooted vegetation are present on areas under final cover unless specifically approved.

(e) Determine if anchored mulch and/or erosion control blankets have been applied to all permanent seedings. **Violation occurs when:**  
Areas receiving permanent seeding have not been protected with anchored mulch and/or erosion control blankets.

(f) In areas where intermediate cover requires vegetation under 329 IAC 10-20-14(h) or where final cover requires vegetation under 329 IAC 10-20-16(d)(1), but where vegetative cover could not be established due to weather conditions, determine if the site has used anchored mulch or a suitable alternative to control erosion. **Violation occurs when:**  
Areas of intermediate or final cover not under vegetation, due to weather conditions, have not had anchored mulch or a suitable alternative erosion control layer applied.

(g) Check if facility is maintaining vegetation or anchored mulch required by other sections of the rule as necessary to control erosion. Inspector should work with site and document in the

inspection reports that site will need to re-seed or add fertilization during next appropriate season. **Violation occurs when:**

Facility establishes crop cover, but does not re-seed or fertilize when required in order to maintain crop that has been established.

**Note:** IDEM inspectors can require specific practices related to re-seeding and fertilization. IDEM requirements may be based on Department of Natural Resources (DNR) recommendations and/or IDEM's determination that reseeded and/or fertilization are necessary. When IDEM determines that specific DNR recommendations need to be instituted, IDEM inspectors must first require (through notation on an IDEM inspection report) that the DNR recommendations be instituted, prior to citing a facility for failure to implement specific practices. If a facility does not comply, then a violation exists.

(h) Check to determine if rills and gullies deeper than nine (9) inches are being stabilized. Stabilization includes refilling, regrading, reseeded and mulching, or other acceptable practices.

**Violation occurs when:**

Rills or gullies over nine (9) inches deep are present.

**Note:** IDEM inspectors can require specific practices related to rills and gullies deeper than nine (9) inches. IDEM requirements may be based on Department of Natural Resources (DNR) recommendations and/or IDEM's determination that specific practices are necessary. When IDEM determines that specific DNR recommendations need to be instituted, IDEM inspectors must first require (through notation on an IDEM inspection report) that the DNR recommendations be instituted, prior to citing a facility for failure to implement specific practices. If a facility does not comply, then a violation exists.

(i) Determine if vegetation on closed portions of the landfill is being mowed as necessary. Site should not be allowed to become so overgrown that access for inspections is not possible. This is also a control mechanism for woody growth. Inspector should work with the site and should note the need for mowing on inspection reports before actually citing the violation. **Violation occurs when:**

Site is not mowed as necessary to control for overgrowth of vegetation and to discourage the growth of trees, woody shrubs, and deep rooted plants.

**Note:** Requirements for the final cover of municipal solid waste landfills are contained in 329 IAC 10-22.

#### 329 IAC 10-20-17 Explosive gases

(a) Informational provision

(b) Determine if facility has an IDEM approved methane monitoring program/plan. If so, then determine if the facility is implementing it and if the implementation is being done correctly. Some facility permits contain the approved monitoring program/plan. Inspector should check for reported amounts to determine compliance with 329 IAC 10-20-17(a). **Violation occurs when:**

Facility does not have an approved monitoring program/plan;

Facility is not implementing their approved monitoring program/plan; or

Facility is not correctly implementing their approved monitoring program/plan.

**Note:** If the facility is not monitoring or the inspector wants to verify the results provided by the facility, the inspector should conduct his/her own methane monitoring at the facility.

**Note:** If the facility has not submitted to IDEM a methane monitoring program/plan, then the IDEM inspector should coordinate with the IDEM permit manager to determine if a letter of warning should be sent to the facility, giving the facility sixty (60) days to submit the appropriate information.

**Note:** Pending final IDEM approval of a facility's methane monitoring program, the facility should implement the program as proposed to IDEM.

(c ) This rule is primarily an informational provision, concerning the details needed to develop the monitoring plan. However, the inspector should determine if the site is monitoring at least quarterly. **Violation occurs when:**

Site does not monitor at least quarterly; or

As directed by their approved plan, facility does not conduct monitoring more frequently than quarterly.

(d) Check the reported levels of methane gas, as provided by the facility's or inspector's monitoring, and determine if the facility is exceeding or has exceeded the levels provided in 329 IAC 10-20-17(a). If the levels have been exceeded, the following should be determined: (1) if and when IDEM has been notified of the exceedence; (2) if the site immediately institutes measures to ensure protection of human health. Measures may include, but are not limited to, ventilating exposed buildings, notifying and/or evacuating nearby homes, and instituting more frequent monitoring; and (3) if the site has implemented a remediation plan, placed the required documents in the operating record in the specified time periods, and notified IDEM that the plan has been implemented. **Violation occurs when:**

Facility does not immediately take steps so ensure the protection of human health;

The steps the facility takes do not ensure protection of human health;

Facility does not notify IDEM within twenty-four (24) hours of the methane gas levels being exceeded;

Facility does not implement a remediation plan within sixty (60) days of the detection;

Facility did not place a record of the levels detected and the steps taken to correct them in the operating record at the facility within seven (7) days of the detection; or

Facility did not place a copy of the remediation plan in the operating record within sixty (60) days of the detection, and/or did not notify IDEM that the plan was implemented.

**Note:** Inspectors should cite violations of 329 IAC 10-20-17(d)(3) and 329 IAC 10-20-17(d)(4), the record-keeping requirements for methane gas, under 329 IAC 10-20-17(d), rather than under 329 IAC 10-20-8(a)(10).

(e) Provision that allows the commissioner to establish alternative schedules to the seven (7) and sixty (60) day timetables set in 329 IAC 10-20-17(d).

#### 329 IAC 10-20-18 Surface leachate control



(a) Determine if there is leachate beyond the permitted fill boundary, except as specified in permit, that is not being immediately managed and controlled. **Violation occurs when:**

There is any leachate present beyond the permitted fill boundary, unless the facility actually has personnel correcting the problem.

(b) Check for leachate within the permitted fill boundary. If leachate is present, determine if the facility is immediately instituting measures to maintain and control the leachate. Immediate attention to leachate means that the facility takes action right away to address it (i.e., waiting until the end of the day to address the leachate does not constitute immediate attention).

**Violation occurs when:**

Inspector observes leachate and the facility is not immediately managing or controlling it; or Facility is not instituting effective measures to maintain or control leachate.

**Note:** If the facility has an approved surface leachate collection system and the leachate is within the boundary of that system, then they are not in violation of this section of the rule (provided that the collection system is in working order).

(c ) Determine if leachate has been allowed to enter any surface water drainage system. A seep on any area within the run-on or run-off control system will result in leachate entering that system after any significant rain event. If a violation of this section exists, then there will also be a violation of (a) and/or (b). **Violation occurs when:**

Leachate enters any surface water drainage system.

329 IAC 10-20-19 Liner leak detection program

(a) Provision requiring a leak detection program based on a plan submitted with the permit application. Facility is required to specify a frequency for sampling, but must sample at least semi-annually. The plan must also specify an action leakage rate.

(b) Determine if the flow rate into the lowermost drainage layer exceeds the action leakage rate for any of the leachate sumps. If the flow rate has been exceeded, determine if the facility has properly notified IDEM, conducted proper sampling and analysis, submitted written assessments to IDEM and determined necessary response measures. **Violation occurs when:**

Facility fails to notify IDEM in writing within seven (7) days of determining the flow rate has been exceeded;

Facility fails to sample and analyze the liquids in accordance with the plan submitted under 329 10-20-19(a)(3);

Facility fails to submit a written assessment addressing items outlined in 329 IAC 10-20-19(b)(3) to IDEM within fourteen (14) days of determining the flow rate has been exceeded;

Facility fails to determine short and long term response measures; or

Facility fails to submit to IDEM, within sixty (60) days of determining the flow rate has been exceeded, results from all samples collected along with a written assessment addressing the potential for additional leakage and release of liquids.

(c ) Determine if the records on liquid quantities and characteristics from the sampling program are being maintained. **Violation occurs when:**

Records are not maintained throughout the facility's life, including the active life, closure and post-closure periods; or

Records are not made available when requested.

329 IAC 10-20-20 Leachate collection and disposal

(a) Provision that requires leachate collection systems to be operated in accordance with design and plan standards.

(b) Determine if facility is monitoring leachate levels in the sumps to assure leachate does not exceed depth of one (1) foot over the liner. If pumps are operating in the leachate collection system, the inspector may assume the system is working. The facility is also required to maintain weekly leachate quantity records. **Violation occurs when:**

Facility does not monitor leachate levels in the sumps; or  
Leachate levels are being maintained at a level above one (1) foot.

**Note:** IDEM suggests the facility keep documentation related to any leachate that has been removed from the site, either with flow meters hooked up to a sanitary sewer connection or from pump-and-haul systems. This type of documentation can help to verify proper monitoring and maintenance of leachate levels.

(c ) Check if the facility has implemented the leachate collection contingency plan required by 329 IAC 10-15 if the leachate depth over the liner exceeds one (1) foot. **Violation occurs when:**

Leachate level exceeds one (1) foot over the liner and facility fails to implement contingency plan.

(d) Determine how facility is discharging or disposing of leachate. The two most common methods of leachate disposal are discharge to a sanitary sewer or pumping the leachate and hauling it to a treatment facility. If the facility is not directly discharging to a sanitary sewer, the inspector should ask for records that show that leachate has been disposed of properly.

**Violation occurs when:**

Facility is not discharging or disposing of collected leachate in accordance with applicable state laws and rules.

329 IAC 10-20-21 Leachate recycling

(a) If the facility is recycling leachate, determine if they have received prior approval to do so. Determine if the facility is following all provisions of their approval. **Violation occur when:**

Facility is recycling leachate without receiving prior IDEM approval; or  
Facility is not complying with operating conditions of their approval.

(b)(4) Check if the leachate recycling method is responsible for odors or the contamination of run-off or of vegetation. **Violation occurs when:**

Odors are present due to leachate recycling;  
Run-off is contaminated by the leachate recycling operation; or  
Vegetation is damaged by the leachate recycling operation.

329 IAC 10-20-22 Ground water monitoring wells

(a) Determine if the facility has ground water monitoring devices. Determine if there is a concrete pad around the wells to keep surface water from ponding around or entering the protective casing. Determine if well access is restricted to authorized personnel. Determine if

the facility has repaired wear, decay, severe corrosion, or other physical damage to any well and notified IDEM of the repairs. Determine if the facility has provided advance notice to IDEM for any changes or additions to the wells, including drilling. The inspector should check each facility permit to determine what ground water monitoring devices are required at each existing facility. The number of devices required at new facilities is determined by 329 IAC 10-15-5. This section of the rule also refers to devices, which may include more than just sampling wells, such as piezometric wells. **Violation occurs when:**

- Facility does not have appropriate number of ground water monitoring devices;
- Facility does not have a concrete pad around the wells to keep surface water from ponding around or entering the protective casing;
- Facility has not restricted well access to authorized personnel;
- Facility has not repaired wear, decay, severe corrosion, or other physical damage to any well and/or has not notified IDEM of the repairs;
- Facility has not provided advance notice to IDEM for any changes or additions to the wells, including drilling; or
- Facility is not complying with permit requirements for ground water monitoring devices.

(b) Determine if the facility has protective casings, locks, and caps on the wells. **Violation occurs when:**

- Facility does not have protective casings on the ground water monitoring devices;
- Facility does not have locks on the ground water monitoring devices; or
- Facility does not have caps on the ground water monitoring devices.

(c) Determine if the facility has numbered and labeled all wells. 329 IAC 10-21-1(d) specifies that permanent identification must be affixed to each well. **Violation occurs when:**

- Identification labels are not present; or
- Identification labels are not properly maintained.

**Note:** IDEM will consider accuracy and legibility of the labels when determining if the well labels are being properly maintained.

**Note:** IDEM inspectors should report violations or concerns with any of the wells to the IDEM site geologist. In addition, IDEM site geologists can be consulted to help determine compliance.

#### 329 IAC 10-20-23 Control program for regulated hazardous waste, PCB waste and unauthorized solid waste

(a) The owner, operator or permittee of a municipal solid waste landfill must implement a waste screening program to detect and prevent disposal of regulated hazardous waste, PCBs and unauthorized solid waste (whole waste tires in violation of IC 13-20-14-1; lead acid batteries; vegetative matter in violation of IC 13-20-9-2; etc.). Determine if the facility is implementing a waste screening program. **Violation occurs when:**

- Facility fails to implement a waste screening program.

(a)(1)(A) Determine if the facility is conducting random inspections of incoming loads, unless option 329 IAC 10-20-23(a)(2) is being utilized. **Violation occurs when:**

The facility is not conducting inspections of incoming loads. (If the facility is using an alternative program, see 329 IAC 10-20-23(a)(2).); or  
Inspections of incoming loads are not random.

(a)(1)(B) Determine if loads are being inspected prior to actual disposal of the waste at the working face. **Violation occurs when:**

Loads to be screened are being deposited into the working face before the inspection occurs.

(a)(1)(C) Determine if the inspections are being conducted in a manner that does not pose a threat to human health, including the personnel conducting the inspections, or to the environment. **Violation occurs when:**

Workers are conducting the inspections without adequate safety equipment to protect their health; or

Inspections are being conducted in a manner that contributes to vectors, windblown litter, other unsanitary conditions or results in contamination of the environment.

(a)(1)(D) Facility must screen at least two percent (2%) of all incoming waste loads. **Violation occurs when:**

Random inspections are not resulting in at least two percent (2%) of loads being screened.

**Note:** Facilities do not have to screen two percent (2%) of loads each day, but if they do not screen close to two percent (2%) of the loads on a weekly basis, IDEM could determine that the inspections are not being conducted randomly. If a facility is uncertain whether its screening method will be considered random, IDEM suggests the facility discuss the proposed method with their inspector.

(a)(1)(E) IDEM may require a facility to conduct additional screening inspections, beyond the required two percent (2%) or take additional steps to ensure regulated hazardous, PCB and unauthorized wastes are not accepted. **Violation occurs when:**

Facility does not conduct additional screening or take additional control steps when required by IDEM.

**Note:** All requirements under 329 IAC 10-20-23(a)(1) relate to random screening inspections only.

(a)(2) If a facility is using an alternative to random screening, the inspector should obtain a copy of the program and review it (in consultation with office staff) to determine equivalency.

Determine if the facility is fully complying with the terms of its alternative program. **Violation occurs when:**

Facility does not comply with all provisions of its alternative program, including any modifications required, upon review, by IDEM; or

Facility is implementing an alternative program and a description of the plan is not maintained on-site and/or provided to IDEM upon request.

**Note:** The disposal of unapproved wastes at the working face may be indicative that the alternative program is not performing at an equivalent level.

(a)(3) Determine if the facility is maintaining records of all inspections. **Violation occur when:**  
Records of all inspections are not being maintained.

(a)(4) Determine if personnel conducting inspections (alternative and random) have been trained to recognize the visual signs of regulated hazardous waste, PCBs and unauthorized solid waste.

**Violation occurs when:**

Training received by facility personnel is not adequate to recognize hazardous, PCB and unauthorized wastes; or

Personnel have not received any training.

**Note:** IDEM recommends that the facility maintain and make available for review documentation of training that inspection personnel receive.

**Note:** If during a random inspection, an IDEM inspector observes that facility personnel fail to detect regulated hazardous waste, PCB waste or unauthorized waste, the training received by the personnel may be determined to be inadequate.

(a)(5) Determine if written notification was sent to IDEM within forty-eight (48) hours or two (2) working days of the discovery of any regulated hazardous waste or PCB waste. **Violation occurs when:**

Facility failed to mail written notification to IDEM within forty-eight (48) hours or two (2) working days of discovering regulated hazardous waste or PCB waste.

**Note:** 329 IAC 10-20-23(a)(5) does not require the facilities to report the discovery of unauthorized wastes (whole tires, lead-acid batteries, yard waste, etc.).

(b) Determine if the facility has properly handled any regulated waste discovered during the screening program. The waste is to be immediately removed and segregated from the screening and/or active disposal areas. **Violation occurs when:**

Regulated hazardous waste, PCB waste or unauthorized solid waste is not immediately removed and segregated from the screening area and the disposal area.

(b)(1) Determine if the waste is being managed in accordance with all applicable Indiana and federal laws. **Violation occurs when:**

Applicable Indiana or federal laws are violated during the handling of the waste.

(b)(2) Determine if the waste is adequately secured and contained to prevent leakage or prevent a threat to human health or the environment. Hazardous and PCB waste must be containerized and stored in a separate, covered and locked enclosure, in accordance with RCRA and/or TSCA . Lead acid batteries should be stored off the ground and covered. Whole waste tires must be stored in accordance with the Waste Tire Regulations, including measures to control mosquito populations. Yard waste should be stored to prevent run-off while awaiting proper disposal or processing. **Violation occurs when:**

Regulated waste is not contained and secured to prevent leakage or other threats;

Visible stains from leaking containers or storage areas are observed;

Mosquito populations are breeding in waste tires;

Uncontrolled run-off from yard waste is present; or

A threat to human health or the environment occurs as a result of the facility's handling of wastes.

(b)(3) Determine if the hazardous or PCB waste is removed as soon as practical, but no later than ninety (90) days after discovery, by a person authorized to transport the waste to a proper destination. **Violation occurs when:**

Regulated waste is stored on-site for more than ninety (90) days after discovery.

Regulated waste is shipped to an inappropriate handling/disposal facility. (Inspectors should check with RCRA/TSCA staff to verify regulated waste is properly disposed.)

Unauthorized solid waste is not disposed of and/or handled according to the applicable requirements.

**Note:** If hazardous waste is discovered, the facility should notify IDEM's Hazardous Waste Compliance Branch to ensure the handling, transport and disposal of the waste complies with all applicable laws.

(b)(4) Records must be kept on-site indicating the date of discovery, identity of the waste, source of the waste (if known), and a description of how the waste was managed on-site and finally disposed. **Violation occurs when:**

The facility does not maintain proper documentation of regulated waste.

#### 329 IAC 10-20-24 Survey Requirements

(a) Determine if the facility is maintaining boundary markers delineating the approved solid waste boundary and the permitted facility boundary as required under 329 IAC 10-19-1(a)(2)(B).

**Violation occurs when:**

There are no facility or solid waste boundary markers;

Markers present do not adequately delineate the specified boundaries;

Markers are in disrepair, and do not allow for easy determination of the specified boundaries;

or

Markers are not maintained in accordance with 329 IAC 10-19-1(a)(2)(B).

(b) Determine if the on-site benchmarks required under 10-19-1(a)(2)(C) are being properly maintained. **Violation occurs when:**

There are no site benchmarks present;

Location of benchmarks are too far apart, so that portions of the proposed solid waste disposal area are further than 1,000 feet from a benchmark, without prior approval from the department; or

Benchmarks are in disrepair, making them unusable for survey requirements.

(c) Determine if the facility has conducted an annual survey between October 1 and December 31 of each year. Determine if a new contour map has been prepared from the survey, indicating the existing contours of the landfill and the existing limits of solid waste disposal.

329 IAC 10-20-8(a)(6) specifies that the new survey must be to the same scale as the final contour map; that the contour map must show the date of the survey; and that the contour map must be completed each year by February 15. **Violation occurs when:**

Annual survey is not completed during the specified time period; or

The new contour map does not show the existing contours of the landfill along with the existing limits of solid waste disposed at the facility.

### 329 IAC 10-20-25 Air criteria

This rule is a general provision requiring landfills to comply with all state or federal air regulations or statutes. The rule also requires that the facility not do anything that creates a threat to human health or the environment, including the creation of a fire hazard or air pollution.

#### **Violation occurs when:**

- Indiana's State Implementation Plan requirements or the federal Clean Air Act are violated;
- Any act is committed which creates a threat to human health or the environment;
- A fire hazard is created; or
- Air pollution is created.

### 329 IAC 10-20-26 Surface water requirements

This rule is a general provision requiring landfills to comply with all state and federal water regulations. **Violation occurs when:**

- Pollutants are discharged into wetland and/or waters of the state, in violation of Title 327 of Indiana Administrative Code or the federal Clean Water Act, including NPDES requirements; or
- Pollution is discharged from a nonpoint source into wetlands and/or waters of the United States in violation of an area or statewide plan under the Clean Water Act.

**Note:** NPDES may be required for sedimentation basins that collect water from an active portion of the facility.

### 329 IAC 10-20-27 Liquid Restrictions

(a) Determine if the facility is placing any bulk or noncontainerized liquid waste in the landfill. This section does not apply to incidental liquid and rainfall, or to leachate recycled into the landfill approved under 329 IAC 10-20-21. Keep in mind the facility is to have a run-on control system in place to prevent rainfall outside of the active disposal area from entering the active cell, and the facility must either pump accumulated rainfall out of the cell or treat it as leachate. Incidental liquids would include that rainfall which may accumulate in a trailer during transport, keeping in mind all trailers on the roads are to be covered under Department of Transportation requirements. **Violation occurs when:**

- Bulk or uncontainerized liquid waste which is not exempt under this provision is disposed in the landfill.

(b) Determine if containers holding liquid waste meet the criteria for disposal in the landfill. Food products that contain free liquids in containers and packages of five (5) gallons or less are allowed in unlimited quantities. Other consumer products containing free liquids in original consumer packaging and in five (5) gallon or smaller containers may be disposed, but no more than one (1) cubic yard of these non-food containers may be disposed in one load. **Violation occurs when:**

- Free liquids in containers larger than five (5) gallons are disposed;
- Non-food consumer products, in five (5) gallon or smaller containers with free liquids, but without consumer packaging are disposed;
- Non-food consumer products, regardless of packaging, are disposed in quantities greater than one (1) cubic yard per disposal;

Any liquid waste other than food products or consumer goods, in any size container, are disposed; or  
Food products containing free liquids are in containers/packaging greater than five (5) gallons.

(c ) Informational provision allowing the commissioner to approve disposal of liquids. This subsection, along with changes in the special waste rules, clarify IDEM's ability to allow landfills to accept liquid waste for solidification prior to disposal.

#### 329 IAC 10-20-28 Self-inspections

(a) Determine if the facility is conducting self-inspections to check for malfunctions, deteriorations, operator errors, discharges and leachate outcroppings which may pose a threat. Self-inspections must be conducted at least two (2) times each month. **Violation occurs when:**  
Facility fails to conduct self inspections twice each month.

(b) Determine if facility has promptly corrected problems discovered during self-inspections in order to comply with the facility permit and protect human health and the environment. If a problem poses an imminent threat or a hazard has already occurred, then the facility must immediately take remedial action to correct or repair the hazard. **Violation occurs when:**  
Facility failed to promptly correct equipment or structure problems noted during a self-inspection(s); or  
Facility failed to immediately respond to an actual or imminent hazard(s) discovered during a self-inspection(s).

(c ) Determine if the facility has recorded the inspections on a proper form, noting the date and time of the inspection, name of the inspector, a description of the inspection (including details on the specific equipment and structures inspected) with observations noted, and the date and nature of any remedial actions or repairs resulting from the inspection. Check if the facility has retained the self-inspection records for at least three (3) years. **Violation occurs when:**  
Self-inspections are not recorded;  
Self-inspections are not recorded on a proper form, or required information is missing; or  
Records of self-inspection are not kept on-site for at least three (3) years.

#### 329 IAC 10-20-29 Additional facility responsibilities for special waste

(a) Determine if the facility checks each load of incoming special waste with the disposal notification, the special waste certification and, where applicable, the site specific approval.

##### **Violation occurs when:**

Facility accepts special waste without an appropriate disposal notification;  
Facility accepts special waste without an appropriate special waste certification; or  
Facility accepts special waste, where applicable, without the site specific approval.

(b) Check if facility is approved to accept special waste under 329 IAC 10-8, or has a site specific approval to accept special waste. Check to see if any special handling conditions are on the back of the certification, and if the facility is complying with them. **Violation occurs when:**  
Facility accepts special waste not in accordance with 329 IAC 10-8; or  
Facility fails to comply with special handling conditions on the certification.



(c ) Determine if facility is maintaining copies of all special waste paperwork until post-closure is deemed acceptable. Records can be maintained on site or at an approved alternative location.

**Violation occurs when:**

Facility is not maintaining all required records.

(d) Determine if facility is submitting quarterly special waste reports to IDEM by the fifteenth of the month following the end of each quarter. Reports must compile all special waste received at the facility, on appropriate forms. **Violation occurs when:**

Facility fails to submit quarterly report to IDEM in a timely manner; or  
Reports do not contain all the required information.

329 IAC 10-20-30 Manifest requirements for waste received from a transfer station

(a) Informational provision

(b) Determine if facility is checking manifests for all loads of municipal waste received from transfer stations. **Violation occurs when:**

Facility is not checking the manifests for the required information.

(c ) Determine if facility is accepting waste without a manifest, or is accepting waste from a transfer station which has had its waste transfer activities suspended. Manifests must include the weight of waste in the load, the destination of the load, the date of shipment and receipt, and the name, address and acknowledgment numbers for the shipping transfer station, transporter and broker, if applicable. **Violation occurs when:**

Facility is not receiving manifests for each load of municipal waste from a transfer station;  
Facility accepts a load of waste without an accompanying manifest;  
Facility accepts a load of waste with an incomplete manifest;  
Manifests do not contain all the required information; or  
Facility has accepted waste from a suspended transfer station.

(d) & (e) Informational provisions explaining how IDEM must notify landfills about suspended transfer stations and how to reinstate a suspended transfer station.

329 IAC 10-20-31 Requirements for receipt of baled waste

(1) Check that bales are removed mechanically from trailers to minimize human contact with bales. **Violation occurs when:**

Bales are not removed mechanically from trailers.

(2) Requires facility to operate in accordance with an approved baled waste management plan. Check that trucks are ventilated prior to removal of baled waste. Check that workers are using appropriate equipment and taking protective measures during bale removal. Check that approved procedures for bale unloading and disposal are being followed. **Violation occurs when:**

Workers are not using approved equipment during bale removal;  
Facility is not taking approved protective measures during bale removal;  
Prior to bale removal, trailers are not ventilated in accordance with the approval;  
Facility is not following approved bale handling and disposal procedures; or  
Facility is not following other components of their approved baled waste management plan.

If you have questions regarding this guidance, please contact the Agricultural & Solid Waste Compliance Section of IDEM at 317/308-3032 or 1-800-451-6027.