Amends 329 IAC 3.1-1-7 to incorporate by reference the federal rule amendments entitled "Standards Applicable to Generators of Hazardous Waste: Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated With Colleges and Universities", promulgated by the U.S. Environmental Protection Agency on December 1, 2008 (73 FR 72954-72960). Effective 30 days after filing with the Publisher.

HISTORY
Date of First Public Hearing: November 17, 2009.
Date of Second Public Hearing: March 16, 2010.

329 IAC 3.1-1-7

SECTION 1. 329 IAC 3.1-1-7 IS AMENDED TO READ AS FOLLOWS:

329 IAC 3.1-1-7 Incorporation by reference
Authority: IC 13-19-3-1; IC 13-22-4
Affected: IC 13-14-8; 40 CFR 260.11


(b) When used in 40 CFR 260 through 40 CFR 270 and 40 CFR 273, as incorporated in this article, references to federally incorporated publications shall mean that version of the publication as specified at 40 CFR 260.11.

(c) The following publications are also incorporated by reference:
(1) 40 CFR 146, revised as of July 1, 2005.
(2) 40 CFR 60, Appendix A-1, revised as of July 1, 2005.
(3) 40 CFR 60, Appendix A-2, revised as of July 1, 2005.
(4) 40 CFR 60, Appendix A-3, revised as of July 1, 2005.
(5) 40 CFR 60, Appendix A-4, revised as of July 1, 2005.
(6) 40 CFR 60, Appendix A-5, revised as of July 1, 2005.
(7) 40 CFR 60, Appendix A-6, revised as of July 1, 2005.
(8) 40 CFR 60, Appendix A-7, revised as of July 1, 2005.
(9) 40 CFR 60, Appendix A-8, revised as of July 1, 2005.

(d) Federal regulations that have been incorporated by reference do not include any later amendments than those specified in the incorporation citation in subsections (a) through (c). Sales of the Code of Federal Regulations are handled by the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or online at http://bookstore.gpo.gov/. The telephone number for the Superintendent of Documents is (202) 512-1800 or toll-free (866) 512-1800. The incorporated materials are available for public review at the offices of the department of environmental management.

(e) Where exceptions to incorporated federal regulations are necessary, these exceptions will be noted in the
text of the rule. In addition, all references to administrative stays are deleted.

(f) Cross-references within federal regulations that have been incorporated by reference shall mean the cross-referenced provision as incorporated in this rule with any indicated additions and exceptions.

(g) The incorporation of federal regulations as state rules does not negate the requirement to comply with federal provisions that may be effective in Indiana that are not incorporated in this article or are retained as federal authority.


LSA Document #09-613(F)
Proposed Rule: 20091216-IR-329090613PRA
Hearing Held: March 16, 2010
Approved by Attorney General: August 10, 2010
Approved by Governor: August 23, 2010
Filed with Publisher: August 27, 2010, 11:54 a.m.
Documents Incorporated by Reference: 40 CFR 261.5(c)(7), as added on December 1, 2008 (73 FR 72954); 40 CFR 262.10(l), as added on December 1, 2008 (73 FR 72954); 40 CFR 262, Subpart K (40 CFR 262.200 through 40 CFR 262.216), as added on December 1, 2008 (73 FR 72954 through 73 FR 72960)
Small Business Regulatory Coordinator: Alison Surface, IDEM Compliance and Technical Assistance Program - OPPTA, 100 North Senate Avenue, MC 60-04, Indianapolis, IN 46204-2251, (317) 234-1191 or (800) 988-7901, ctap@idem.in.gov
Small Business Assistance Program Ombudsman: Brad Baughn, IDEM Small Business Assistance Program Ombudsman, MC 50-01 IGCN 1307, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 234-3386, bbaughn@idem.in.gov

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