

**TITLE 329 SOLID WASTE MANAGEMENT DIVISION**

**Final Rule**

LSA Document #16-93(F)

**DIGEST**

Adds [329 IAC 3.1-5-7](#) and amends [329 IAC 3.1-1-2](#), [329 IAC 3.1-1-6](#), [329 IAC 3.1-1-7](#), [329 IAC 3.1-1-10](#), [329 IAC 3.1-4-5](#), [329 IAC 3.1-5-1](#), [329 IAC 3.1-6-2](#), [329 IAC 3.1-7-2](#), [329 IAC 3.1-8-3](#), [329 IAC 3.1-13-6](#), and [329 IAC 3.1-13-21](#) concerning updates to hazardous waste rules. Effective 30 days after filing with the Publisher.

**HISTORY**

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#) and Draft Rule: March 16, 2016, Indiana Register (DIN: [20160316-IR-329160093FDA](#)).

Notice of Hearing: March 16, 2016, Indiana Register (DIN: [20160316-IR-329160093PHA](#)).

Change in Notice of Public Hearing: April 6, 2016, Indiana Register (DIN: [20160406-IR-329160093CHA](#)).

Date of Hearing: August 10, 2016.

[329 IAC 3.1-1-2](#); [329 IAC 3.1-1-6](#); [329 IAC 3.1-1-7](#); [329 IAC 3.1-1-10](#); [329 IAC 3.1-4-5](#); [329 IAC 3.1-5-1](#); [329 IAC 3.1-5-7](#); [329 IAC 3.1-6-2](#); [329 IAC 3.1-7-2](#); [329 IAC 3.1-8-3](#); [329 IAC 3.1-13-6](#); [329 IAC 3.1-13-21](#)

SECTION 1. [329 IAC 3.1-1-2](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 3.1-1-2](#) Scope**

**Authority:** [IC 13-14-8](#); [IC 13-19-3](#); [IC 13-22-2](#)

**Affected:** [IC 13-11-2](#)

Sec. 2. This article establishes:

(1) standards for:

(A) identifying hazardous waste; as well as standards for and

(B) hazardous waste management procedures for:

(i) generators;

(ii) transporters; and

(iii) owners and operators of hazardous waste facilities; previously regulated under [329 IAC 3](#). This article also replaces and

(2) the permit program for hazardous waste facilities. which were regulated by [329 IAC 3](#). Any reference in this article to standards, procedures, and requirements of 40 CFR 260 through 40 CFR 270 shall constitute the full adoption by reference of the part, subpart, and paragraph so referenced including any notes and appendices as may be associated, unless otherwise stated.

*(Solid Waste Management Division; [329 IAC 3.1-1-2](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 908; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Oct 6, 2016, 1:20 p.m.: [20161102-IR-329160093FRA](#))*

SECTION 2. [329 IAC 3.1-1-6](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 3.1-1-6](#) Penalties**

**Authority:** [IC 13-14-8](#); [IC 13-19-3](#); [IC 13-22-2](#)

**Affected:** [IC 13-22-14](#); [IC 13-30](#)

Sec. 6. Penalties for violations of this article are as outlined in ~~[IC 13-7](#)~~ [IC 13-30](#).

*(Solid Waste Management Division; [329 IAC 3.1-1-6](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 909; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Oct 6, 2016, 1:20 p.m.: [20161102-IR-329160093FRA](#))*

SECTION 3. [329 IAC 3.1-1-7](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 3.1-1-7](#) References to the Code of Federal Regulations**

**Authority:** [IC 13-19-3-1](#); [IC 13-22-2](#)

Sec. 7. (a) When incorporated by reference in this article, references to 40 CFR 260 through 40 CFR 270 and 40 CFR 273 shall mean **Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) means the version of that publication revised as of July 1, 2008, and 2015, edition, including the amended provisions as published in the Federal Register on January 13, 2015, at 80 FR 1771 through 80 FR 1814, and that became effective on July 13, 2015.**

- (1) December 1, 2008, at 73 FR 72954 through 73 FR 72960;
- (2) January 8, 2010, at 75 FR 1253 through 75 FR 1262;
- (3) June 15, 2010, at 75 FR 33716 through 75 FR 33724;
- (4) September 22, 2010, at 75 FR 57687 through 75 FR 57688;
- (5) December 17, 2010, at 75 FR 78926;
- (6) December 20, 2010, at 75 FR 79308;
- (7) June 13, 2011, at 76 FR 34153 through 76 FR 34157;
- (8) April 13, 2012, at 77 FR 22232;
- (9) July 31, 2013, at 78 FR 46484 through 78 FR 46485; and
- (10) January 3, 2014, at 79 FR 363 through 79 FR 364.

(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) (b) Where exceptions to incorporated federal regulations are necessary, these exceptions will be **are** 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.

*(Solid Waste Management Division; [329 IAC 3.1-1-7](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 909; filed Oct 23, 1992, 12:00 p.m.: 16 IR 848; filed May 6, 1994, 5:00 p.m.: 17 IR 2061; errata filed Nov 8, 1995, 4:00 p.m.: 19 IR 353; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3353; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1111; filed Oct 31, 1997, 8:45 a.m.: 21 IR 947; filed Mar 19, 1998, 10:05 a.m.: 21 IR 2739; errata filed Apr 8, 1998, 2:50 p.m.: 21 IR 2989; filed Mar 6, 2000, 8:02 a.m.: 23 IR 1637; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Apr 5, 2001, 1:29 p.m.: 24 IR 2431; errata filed Oct 15, 2001, 11:24 a.m.: 25 IR 813; filed Jun 3, 2002, 10:40 a.m.: 25 IR 3111; filed Jan 14, 2004, 3:20 p.m.: 27 IR 1874; filed Apr 13, 2005, 11:30 a.m.: 28 IR 2661; filed Jun 9, 2006, 3:40 p.m.: [20060712-IR-329050066FRA](#), eff Sep 5, 2006; filed Dec 26, 2007, 1:44 p.m.: [20080123-IR-329060556FRA](#); filed Sep 11, 2009, 2:39 p.m.: [20091007-IR-329080673FRA](#); filed Aug 27, 2010, 11:54 a.m.:*

[20100922-IR-329090613FRA](#); filed May 29, 2012, 3:20 p.m.: [20120627-IR-329110090FRA](#); filed Mar 15, 2013, 2:44 p.m.: [20130410-IR-329120506FRA](#); filed Jun 3, 2015, 1:21 p.m.: [20150701-IR-329140288FRA](#); errata filed Jul 7, 2015, 10:44 a.m.: [20150729-IR-329150202ACA](#); filed Oct 6, 2016, 1:20 p.m.: [20161102-IR-329160093FRA](#))

SECTION 4. [329 IAC 3.1-1-10](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 3.1-1-10](#) Notification**

**Authority:** [IC 13-14-8](#); [IC 13-22-2-4](#)

**Affected:** [IC 13-22](#)

Sec. 10. Every hazardous waste generator, transporter, or owner or operator of a hazardous waste facility shall notify the commissioner of such activities **subject to this article** on forms provided by the commissioner unless such the activity is exempt from the notification requirements for hazardous waste generated by **conditionally exempt** small quantity generators under [329 IAC 3.1-6](#).

(Solid Waste Management Division; [329 IAC 3.1-1-10](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 910; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Oct 6, 2016, 1:20 p.m.: [20161102-IR-329160093FRA](#))

SECTION 5. [329 IAC 3.1-4-5](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 3.1-4-5](#) "Board" defined**

**Authority:** [IC 13-14-8](#); [IC 13-22-2-4](#)

**Affected:** [IC 13-11-2-17](#); [IC 13-13-8](#)

Sec. 5. "Board", as used in this article, means the SWMB as created by [IC 13-19-2](#). **environmental rules board.**

(Solid Waste Management Division; [329 IAC 3.1-4-5](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 921; errata filed Jan 10, 2000, 3:01 p.m.: 23 IR 1109; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Oct 6, 2016, 1:20 p.m.: [20161102-IR-329160093FRA](#))

SECTION 6. [329 IAC 3.1-5-1](#) IS AMENDED TO READ AS FOLLOWS:

**Rule 5. Rulemaking Petitions, Exemptions, and Additional Federal Procedures**

**[329 IAC 3.1-5-1](#) Purpose; scope; applicability**

**Authority:** [IC 13-14-8](#); [IC 13-22-2](#)

**Affected:** [IC 4-21.5](#)

Sec. 1. (a) This rule establishes standards, criteria, and procedures for the following:

- (1) General rulemaking petitions.
- (2) Petitions for equivalent testing or analytical methods.
- (3) Petitions to exclude a waste produced at a particular facility.
- (4) Exemptions to be classified as solid waste.
- (5) Exemptions to be classified as a boiler.
- (6) Additional regulation of certain hazardous waste recycling activities.
- (7) Exemptions from land disposal restrictions.
- (8) Notification and legitimate recycling of secondary hazardous materials.**

(b) Final decisions of the commissioner made pursuant to this rule are subject to the notice requirements and procedures prescribed under [IC 4-21.5](#).

(Solid Waste Management Division; [329 IAC 3.1-5-1](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 923; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Oct 6, 2016, 1:20 p.m.: [20161102-IR-329160093FRA](#))

SECTION 7. [329 IAC 3.1-5-7](#) IS ADDED TO READ AS FOLLOWS:

**[329 IAC 3.1-5-7](#) Notification and legitimate recycling of hazardous secondary materials; adoption of federal procedures**

Authority: [IC 13-14-8](#); [IC 13-22-2-4](#)

Affected: [IC 4-22-2-21](#); [IC 13-22-2](#)

Sec. 7. (a) The notification and legitimate recycling requirements for hazardous secondary materials contained in 40 CFR 260.42\* and 40 CFR 260.43\* are incorporated by reference, with substitutions noted in subsection (b).

(b) Delete "EPA Form 8700-12" and insert "forms provided by the commissioner" in:

- (1) 40 CFR 260.42(a);
- (2) 40 CFR 260.42(a)(9);
- (3) 40 CFR 260.42(b); and
- (4) 40 CFR 260.43(a)(4)(iii).

\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, 732 North Capitol Street NW, Washington, D.C. 20401, viewed at [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-5-7](#); filed Oct 6, 2016, 1:20 p.m.: [20161102-IR-329160093FRA](#))

SECTION 8. [329 IAC 3.1-6-2](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 3.1-6-2](#) Exceptions and additions; identification and listing of hazardous waste**

Authority: [IC 13-14-8](#); [IC 13-22-2-4](#)

Affected: [IC 13-11-2](#); [IC 13-14-2-2](#); [IC 13-14-10-1](#); [IC 13-22-2-3](#)

Sec. 2. ~~Exceptions and additions to federal standards for identification and listing of hazardous waste are as follows:~~ **The following are exceptions, additions, and substitutions to the identification and listing of hazardous waste under 40 CFR 261:**

- (1) ~~This rule identifies only some of the materials that are solid waste as defined by [IC 13-11-2-205](#)(a) and hazardous waste as defined by [IC 13-11-2-99](#)(a), including [IC 13-22-2-3](#)(b).~~ A material that is not defined as a solid waste in this rule, or is not a hazardous waste identified or listed in this rule, is still a solid waste and a hazardous waste for purposes of this article if: ~~in the case of:~~
  - (A) **in the case of [IC 13-14-2-2](#)**, the commissioner has reason to believe that the material may be a solid waste within the meaning of [IC 13-11-2-205](#)(a) and a hazardous waste within the meaning of [IC 13-11-2-99](#)(a); or
  - (B) **an emergency order is issued under [IC 13-14-10-1](#)**. ~~the statutory elements are established.~~
- (2) Delete 40 CFR 261.2(f) and substitute ~~the following:~~ **with** "Respondents in actions to enforce regulations implementing [IC 13](#) who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation to demonstrate that the material is not a waste or is exempt from regulation. ~~An example of appropriate documentation is a contract showing that a second person uses the material as an ingredient in a production process.~~ In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so."
- (3) References to the "administrator" in 40 CFR 261.10 through 40 CFR 261.11\* means the board.
- (4) In addition to the requirements outlined in 40 CFR 261.6(c)(2)\*, owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to 40 CFR 265.10 through 40 CFR 265.77\*.
- (5) In addition to the listing of federal hazardous waste incorporated by reference in section 1 of this rule, the wastes listed in section 3 of this rule are added to the listing.
- (6) In 40 CFR 261.4(e)(3)(iii)\*, delete the words "in the Region where the sample is collected".

- (7) In 40 CFR 261.21(a)(3), delete "an ignitable compressed gas" as defined in 49 CFR 173.300" and substitute "a flammable gas as defined in 49 CFR 173.115(a)".
- (8) In 40 CFR 261.21(a)(4), delete "an oxidizer" as defined in 49 CFR 173.151" and substitute "an oxidizer as defined in 49 CFR 173.127".
- (9) Delete 40 CFR 261.23(a)(8) and substitute "It is a forbidden explosive as defined in 49 CFR 173.54; or would have been a Class A explosive as defined in 49 CFR 173.54 prior to HM 181, or a Class B explosive as defined in 49 CFR 173.88 prior to HM 181.".
- (10) (7) Delete 40 CFR 261.1(c)(9) through 40 CFR 261.1(c)(12).
- (11) (8) Delete 40 CFR 261.4(a)(13) and substitute section 4 of this rule.
- (12) (9) Delete 40 CFR 261.4(a)(14) and substitute section 4 of this rule.
- (13) (10) Delete 40 CFR 261.6(a)(3)(ii) and substitute section 4 of this rule.
- (14) Delete (11) In addition to the requirements at 40 CFR 261.2(e)(1)(i) dealing with for the use or reuse of secondary materials to make products, and substitute section 5 of this rule also applies.
- (15) In 40 CFR 261.5(j), delete "if it is destined to be burned for energy recovery" in two (2) places.
- (16) In 40 CFR 261.33, remove the entries for the U202 hazardous waste code in the table in paragraph (f).
- (17) (12) In addition to the solid wastes excluded in 40 CFR 261.4(b)\*, electronic waste or e-waste is excluded, which is any of the following or has the following component:
- (A) A circuit board, including a shredded circuit board.
  - (B) A diode.
  - (C) A GRT: cathode ray tube.
  - (D) A computer.
  - (E) An electronic device.
- E-waste does not include vehicles, as defined by [IC 13-11-2-245](#), or white goods, as defined by [IC 13-11-2-266](#). Electronic waste is regulated under [329 IAC 16](#) and must comply with all applicable standards and requirements under [329 IAC 16](#).
- (18) In 40 CFR 261, Appendix VIII, remove the entries for "Saccharine" and "Saccharin salts" from the table "Hazardous Constituents".
- (19) Delete 40 CFR 261.38 as published in the July 1, 2008, edition and substitute the revised text of 40 CFR 261.38 as published at 75 FR 33716 through 75 FR 33724, June 15, 2010.
- (20) (13) At 40 CFR 261.4(a)(26)(i)\* and 40 CFR 261.4(b)(18)(i)\*, delete the phrase "Excluded Solvent-Contaminated Wipes" and substitute the phrase "'Excluded Solvent-Contaminated Wipes' or other words indicating the contents of the container".
- (14) Delete 40 CFR 261.4(b)(4)(ii).

\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, 732 North Capitol Street NW, Washington, D.C. 20401, viewed at [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-6-2](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 924; filed May 6, 1994, 5:00 p.m.: 17 IR 2063; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3355; filed Aug 7, 1996, 5:00 p.m.: 19 IR 3364; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1112; filed Mar 19, 1998, 10:05 a.m.: 21 IR 2741; filed Jan 3, 2000, 10:00 a.m.: 23 IR 1096; filed Mar 6, 2000, 8:02 a.m.: 23 IR 1638; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Apr 5, 2001, 1:29 p.m.: 24 IR 2432; filed Apr 13, 2005, 11:30 a.m.: 28 IR 2662; filed Aug 15, 2007, 10:22 a.m.: [20070912-IR-329050181FRA](#); filed May 29, 2012, 3:20 p.m.: [20120627-IR-329110090FRA](#); filed Jun 3, 2015, 1:21 p.m.: [20150701-IR-329140288FRA](#); filed Oct 6, 2016, 1:20 p.m.: [20161102-IR-329160093FRA](#))

SECTION 9. [329 IAC 3.1-7-2](#) IS AMENDED TO READ AS FOLLOWS:

### [329 IAC 3.1-7-2](#) Exceptions and additions; generator standards

Authority: [IC 13-14-8](#); [IC 13-22-2-4](#)

Affected: [IC 13-22-2](#); [IC 13-22-4-3.1](#)

Sec. 2. Exceptions and additions to federal standards for generators are as follows:

- (1) Delete ~~40 CFR 262.12(a)~~ **40 CFR 262.12(b)** and substitute "A generator who has not received an EPA identification number may obtain one by applying on forms provided by the commissioner. Upon receipt of the completed forms, an EPA identification number will be assigned."
- (2) In addition to the requirements of 40 CFR 262.40\*, a generator shall keep the reports required by [IC 13-22-](#)

[4-3.1](#) on file for at least three (3) years after submission to the department.

(3) Delete 40 CFR 262.41 dealing with biennial reporting and substitute section 14 of this rule.

(4) In 40 CFR 262.42(a)(2)\*, delete "in the Region in which the generator is located".

(5) Delete 40 CFR 262.43 dealing with additional reporting and substitute section 15 of this rule.

(6) In 40 CFR 262.53\* and 40 CFR 262.54\*, references to the "EPA" are retained. A copy of the notification of intent to export, which must be submitted to the EPA, must also be submitted to the ~~Office of Land Quality, Indiana Department of Environmental Management, P.O. Box 7035, Indianapolis, Indiana 46207-7035.~~ **Indiana Department of Environmental Management, Office of Land Quality, 100 North Senate Avenue, Room 1101, Indianapolis, Indiana 46204-2251.**

(7) Exception reports required from primary exporters pursuant to 40 CFR 262.55\* must be filed with the Regional Administrator of the EPA and the commissioner.

(8) Delete 40 CFR 262.56 dealing with annual reports for exports and substitute section 16 of this rule.

(9) In 40 CFR 262.57(b)\*, the reference to the "administrator" is retained. The commissioner may also request extensions of record retention times for hazardous waste export records.

~~(10) The amendments to 40 CFR 262.34 that implement the National Environmental Performance Track Program for hazardous waste generators that are Performance Track members, published in the Federal Register at 69 FR 21753 through 69 FR 21754 on April 22, 2004, are incorporated by reference.~~

**\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, 732 North Capitol Street NW, Washington, D.C. 20401, viewed at [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

*(Solid Waste Management Division; [329 IAC 3.1-7-2](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 925; errata filed Nov 8, 1995, 4:00 p.m.: 19 IR 353; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3355; filed Jan 3, 2000, 10:00 a.m.: 23 IR 1098; errata filed Aug 10, 2000, 1:26 p.m.: 23 IR 3091; filed Apr 5, 2001, 1:29 p.m.: 24 IR 2432; filed Jun 3, 2002, 10:40 a.m.: 25 IR 3112; filed Jan 14, 2004, 3:20 p.m.: 27 IR 1875; filed Jun 9, 2006, 3:40 p.m.: [20060712-IR-329050066FRA](#), eff Sep 5, 2006; filed Oct 6, 2016, 1:20 p.m.: [20161102-IR-329160093FRA](#))*

SECTION 10. [329 IAC 3.1-8-3](#) IS AMENDED TO READ AS FOLLOWS:

### **[329 IAC 3.1-8-3](#) Hazardous waste discharges; additional state requirements**

**Authority:** [IC 13-14-8](#); [IC 13-22-2-4](#)

**Affected:** [IC 13-22-2](#)

Sec. 3. (a) Whenever a spill or release of hazardous waste occurs, **the transporter of hazardous waste shall** immediately communicate a spill report to the ~~Office of Land Quality, Department of Environmental Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 46206-6015,~~ **Indiana Department of Environmental Management, Office of Land Quality, Emergency Response Section, at (317) 233-7745 for out-of-state calls, or (888) 233-7745 for in-state calls (toll-free in Indiana).**

(b) If applicable, ~~immediately,~~ whenever possible, **the transporter of hazardous waste shall immediately** notify the nearest downstream water user.

(c) **The transporter of hazardous waste shall** submit to the office of land quality reports on the spill deemed necessary by the commissioner or the commissioner's authorized agent to carry out the purpose and intent of ~~[327 IAC 2-6](#).~~ **[327 IAC 2-6.1](#).**

*(Solid Waste Management Division; [329 IAC 3.1-8-3](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 935; errata filed Feb 6, 1992, 3:15 p.m.: 15 IR 1027; errata filed Nov 8, 1995, 4:00 p.m.: 19 IR 353; errata filed Nov 24, 1998, 3:03 p.m.: 22 IR 1074; errata filed Aug 10, 2000, 1:26 p.m.: 23 IR 3091; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Oct 6, 2016, 1:20 p.m.: [20161102-IR-329160093FRA](#))*

SECTION 11. [329 IAC 3.1-13-6](#) IS AMENDED TO READ AS FOLLOWS:

### **[329 IAC 3.1-13-6](#) Permit processing**

**Authority:** [IC 13-14-8](#); [IC 13-15-2-1](#); [IC 13-19-4-10](#); [IC 13-22-2-4](#)

**Affected:** [IC 13-15](#); [IC 13-19-4](#); [IC 13-22-3](#)

Sec. 6. The commissioner shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit in this rule and the requirements of [IC 13-7-10.2](#); [IC 13-19-4](#).

(Solid Waste Management Division; [329 IAC 3.1-13-6](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 942; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Oct 6, 2016, 1:20 p.m.: [20161102-IR-329160093FRA](#))

SECTION 12. [329 IAC 3.1-13-21](#) IS AMENDED TO READ AS FOLLOWS:

**[329 IAC 3.1-13-21](#) Procedures for RCRA standardized permit**

**Authority:** [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-22-2-4](#)

**Affected:** [IC 13-22-2](#)

Sec. 21. **The RCRA standardized permits procedures at 40 CFR 124, Subpart G\*, consisting of 40 CFR 124.200 through 40 CFR 124.214, revised as of July 1, 2006, is are** incorporated by reference.

**\*This document is incorporated by reference. Copies may be obtained from the Government Publishing Office, 732 North Capitol Street NW, Washington, D.C. 20401, viewed at [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.**

(Solid Waste Management Division; [329 IAC 3.1-13-21](#); filed Jul 31, 2009, 8:35 a.m.: [20090826-IR-329080212FRA](#); filed Oct 6, 2016, 1:20 p.m.: [20161102-IR-329160093FRA](#))

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Documents Incorporated by Reference: 40 CFR 124, Subpart G, 40 CFR 260.10, 40 CFR 260.22, 40 CFR 260.30 through 40 CFR 260.33, 40 CFR 260.40 through 40 CFR 260.43, 40 CFR 261, 40 CFR 262, 40 CFR 263, 40 CFR 264, 40 CFR 265, 40 CFR 266, 40 CFR 267, 40 CFR 268, 40 CFR 270, 40 CFR 273, all as of July 1, 2015; 80 FR 1771 through 80 FR 1814, January 13, 2015

Small Business Regulatory Coordinator: Angela Taylor, IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison, IGCN 1316, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 233-0572 or (800) 988-7901, [ctap@idem.in.gov](mailto:ctap@idem.in.gov)

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