

**Document:** Proposed Rule

**Source:** October 1, 2000, Indiana Register, Volume 24, Number 1

**Disclaimer:** These documents were created from the files used to produce the official (printed) Indiana Register, however, these documents are unofficial.

**TITLE 326 AIR POLLUTION CONTROL BOARD**

**Proposed Rule**

LSA Document #00-70

**DIGEST**

Adds 326 IAC 20-28-1 concerning national emission standards for hazardous air pollutants for hazardous waste combustors. Effective 30 days after filing with the secretary of state.

**HISTORY**

First Notice of Comment Period: April 1, 2000, Indiana Register (23 IR 1738).

Second Notice of Comment Period and Notice of First Hearing: July 1, 2000, Indiana Register (23 IR 2607).

Notice of Change in Public Hearing: September 1, 2000, Indiana Register (23 IR 3096).

Date of First Hearing: September 6, 2000.

**PUBLIC COMMENTS UNDER IC 13-14-9-4.5**

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least twenty-one (21) days long.

Because this proposed rule is not substantively different from the draft rule published on July 1, 2000, at 23 IR 2607, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

**SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

IDEM requested public comment from July 1, 2000, through July 31, 2000, on IDEM's draft rule language. No comments were received during the second comment period.

**SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On September 6, 2000, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of new rule 326 IAC 20-28-1. No comments were made at the first hearing.

**326 IAC 20-28**

SECTION 1. 326 IAC 20-28 IS ADDED TO READ AS FOLLOWS:

**Rule 28. Hazardous Waste Combustors**

**326 IAC 20-28-1 Hazardous waste combustors; applicability; incorporation by reference of federal standards**

**Authority:** IC 13-14-8; IC 13-17-3-11; IC 13-17-3-4

**Affected:** IC 13-15; IC 13-17

**Sec. 1. (a) This rule applies to all hazardous waste combustors as provided in 40 CFR 63.1200, 64 FR 52828 (September 30, 1999)\*, including the following:**

- (1) Hazardous waste incinerators.**
- (2) Hazardous waste-burning cement kilns.**
- (3) Hazardous waste-burning lightweight aggregate kilns.**

**(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart EEE, 64 FR 52828 (September 30, 1999)\*, 64 FR 63209 (November 19, 1999)\* and 65 FR 42292 (July 10, 2000)\*, National Emission Standards for Hazardous Air Pollutants for Hazardous Waste Combustors.**

**\*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana. (Air Pollution Control Board; 326 IAC 20-28-1)**

***Notice of Public Hearing***

*These rules are not scheduled for hearing at this time. When the public hearing is scheduled, it will be noticed in the Change in Notice section of the Indiana Register.*

*Additional information regarding this action may be obtained from Chrystal Amr, Rule Development section, (317) 234-1203, or (800) 451-6027, press 0, and ask for extension 4-1203 (in Indiana).*

*Copies of these rules are now on file at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Janet G. McCabe  
Assistant Commissioner  
Office of Air Management