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TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #99-232(F)

DIGEST

Amends 329 IAC 3.1 to require two paper copies and an electronic report of ground water laboratory analytical data and field parameters. Amends 329 IAC 12-7 to allow some flexibility in when the accredited training course for solid waste facility operators must be taken and adjusting the length of time the recertification is valid. Amends 329 IAC 13 to clarify secondary containment for used oil containers and aboveground tanks. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: December 1, 1999, Indiana Register (23 IR 666).
Second Notice of Comment Period: April 1, 2000, Indiana Register (23 IR 1790).
Notice of First Hearing: April 1, 2000, Indiana Register (23 IR 1790).
Date of First Hearing: June 20, 2000.

329 IAC 3.1-9-2
329 IAC 3.1-10-2
329 IAC 12-7-3
329 IAC 12-7-6
329 IAC 13-6-6
329 IAC 13-7-5
329 IAC 13-8-5

SECTION 1. 329 IAC 3.1-9-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 3.1-9-2 Exceptions and additions; final permit standards
Authority: IC 13-14-8; IC 13-22-2-4
Affected: IC 13-14-10; IC 13-22-2; IC 13-30-3; 40 CFR 264

Sec. 2. Exceptions and additions to federal final permit standards are as follows:
(1) Delete 40 CFR 264.1(a) dealing with scope of the permit program and substitute the following: The purpose of this rule is to establish minimum standards which define the acceptable management of hazardous waste at final state permitted facilities.
(2) In addition to the universal wastes listed in 40 CFR 264.1(g)(11), add the following: Mercury-containing lamps as described in 329 IAC 3.1-16-2(3).
(3) In 40 CFR 264.4 dealing with imminent hazard action, delete "7003 of RCRA" and insert "IC 13-30-3 and IC 13-14-10".
(4) Reports to the state required at 40 CFR 264.56(d) shall be communicated immediately to the Office of ~~Land Quality,~~ **Environmental Response,** Department of Environmental Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, IN 46206-6015, (317) 233-7745, or (888) 233-7745 (toll-free in Indiana). In addition to the requirements of this rule, all requirements for spill reporting under 327 IAC 2-6.1 shall be complied with.
(5) The written spill report required by 40 CFR 264.56(j) must also include information deemed necessary by the commissioner or the commissioner's authorized agent to carry out the purpose and intent of 327 IAC 2-6.1.
(6) In addition to the requirements at 40 CFR 264.71 dealing with use of the manifest system, the owner or operator, or the owner's or operator's agent, must send one (1) copy of each manifest received with a hazardous waste shipment to the office of ~~Land Quality, Department of Environmental Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, IN 46206-6015~~ **solid and hazardous waste of the IDEM** within five (5) working days after receiving the manifest.
(7) In 40 CFR 264.75 dealing with the biennial report, delete "EPA form 8700-13B" and insert "forms provided by the commissioner".
(8) In 40 CFR 264.76 dealing with unmanifested waste reports, delete "The unmanifested waste report must be submitted on EPA form 8700-13B".
(9) In 40 CFR 264.77 regarding additional reports, insert, after the first sentence in (c), "Ground water data for laboratory

analytical results and field parameters must be submitted as follows:

(A) Two (2) paper copies on the most current form prescribed by the department.

(B) In addition to the paper copies required in (A), an electronic report in a format prescribed by the department.

(d) The commissioner may request other information, as required by Subparts F, K through N, AA, BB and CC of this part, be submitted in an electronic format as prescribed by the commissioner.".

~~(9)~~ **(10)** Delete 40 CFR 264, Subpart H dealing with financial requirements and substitute 329 IAC 3.1-15.

~~(10)~~ **(11)** Exceptions and additions to the standards for tank systems in 40 CFR 264, Subpart J are under section 3 of this rule.

~~(11)~~ **(12)** In 40 CFR 264.221(e)(2)(i)(C), delete "permits under RCRA Section 3005(c)" and insert "with final state permits".

~~(12)~~ **(13)** Delete 40 CFR 264.301(l).

~~(13)~~ **(14)** Delete 40 CFR 264, Appendix VI.

~~(14)~~ **(15)** In 40 CFR 264.316(b), delete "(49 CFR Parts 178 and 179)" and substitute "(49 CFR Part 178)".

~~(15)~~ **(16)** In 40 CFR 264.316(f), delete "fiber drums" and substitute "non-metal containers".

(Solid Waste Management Board; 329 IAC 3.1-9-2; filed Jan 24, 1992, 2:00 p.m.: 15 IR 935; errata filed Nov 8, 1995, 4:00 p.m.: 19 IR 353; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3356; filed Aug 7, 1996, 5:00 p.m.: 19 IR 3365; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1112; filed Mar 19, 1998, 10:05 a.m.: 21 IR 2741; errata filed Apr 8, 1998, 2:50 p.m.: 21 IR 2989; 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 Jan 22, 2001, 9:46 a.m.: 24 IR 1617)

SECTION 2. 329 IAC 3.1-10-2 IS AMENDED TO READ AS FOLLOWS:

329 IAC 3.1-10-2 Exceptions and additions; interim status standards

Authority: IC 13-14-8; IC 13-22-2-4

Affected: IC 4-21.5; IC 13-14-10; IC 13-22-2; IC 13-30-3; 40 CFR 265

Sec. 2. Exceptions and additions to federal interim status standards are as follows:

(1) In 40 CFR 265.1(a) dealing with scope of the permit, delete "national" and insert "state".

(2) In 40 CFR 265.1(b), delete "section 3005 of RCRA" and insert "329 IAC 3.1-13" in both places where it occurs.

(3) Delete 40 CFR 265.1(c)(4).

(4) In addition to the universal wastes listed in 40 CFR 265.1(c)(14), add the following: Mercury-containing lamps as described in 329 IAC 3.1-16-2(3).

(5) In 40 CFR 265.4 dealing with imminent hazard action, delete "7003 of RCRA" and insert "IC 13-30-3 and IC 13-14-10".

(6) Reports to the state required at 40 CFR 265.56(d) shall be communicated immediately to the Office of ~~Land Quality~~ **Environmental Response,** Department of Environmental Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, IN 46206-6015, (317) 233-7745, or (888) 233-7745 (toll-free in Indiana). In addition to the requirements of this rule, all requirements for spill reporting under 327 IAC 2-6.1 shall be complied with.

(7) The written spill report required by 40 CFR 265.56(j) must also include information deemed necessary by the commissioner or the commissioner's authorized agent to carry out the purpose and intent of 327 IAC 2-6.1.

(8) In addition to the requirements at 40 CFR 265.71 dealing with use of the manifest system, the owner or operator, or the owner's or operator's agent, must send one (1) copy of each manifest received with a hazardous waste shipment to the office of ~~Land Quality, Department of Environmental Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, IN 46206-6015~~ **solid and hazardous waste of the IDEM** within five (5) working days after receiving the manifest.

(9) In 40 CFR 265.75 dealing with the biennial report, delete "EPA form 8700-13B" and insert "form provided by the commissioner".

(10) In 40 CFR 265.76 dealing with unmanifested waste reports, delete "The unmanifested waste report must be submitted on EPA form 8700-13B".

(11) In 40 CFR 265.77 regarding additional reports, insert, after the first sentence in (c), "Ground water data for laboratory analytical results and field parameters must be submitted as follows:

(A) Two (2) paper copies on the most current form prescribed by the department.

(B) In addition to the paper copies required in (A), an electronic report in a format prescribed by the department.".

(12) In 40 CFR 265.77 regarding additional reports, insert, after the first sentence in (d), "The commissioner may request other information as required by Subparts AA, BB and CC of this part be submitted in an electronic format as prescribed by the commissioner.".

~~(11)~~ **(13)** In 40 CFR 265.90 dealing with ground water monitoring requirements, delete all references to effective date.

~~(12)~~ **(14)** Delete 40 CFR 265.112(d)(3)(ii) and substitute: "Issuance of a judicial decree or final order under section 3008 of RCRA, judiciary decree under IC 13-30-3, or final administrative order under IC 4-21.5 to cease receiving hazardous waste or close".

~~(13)~~ **(15)** Delete 40 CFR 265.118(e)(2) and substitute the language in subdivision (11).

~~(14)~~ **(16)** Delete 40 CFR 265, Subpart H dealing with financial requirements and substitute 329 IAC 3.1-14.
~~(15)~~ **(17)** In 40 CFR 265.191(a), the January 12, 1988, deadline date for integrity assessments shall only apply to existing interim status or permitted tank systems that are underground and cannot be entered for inspection. Integrity assessments shall be completed on all remaining tank systems by December 20, 1989.
~~(16)~~ **(18)** In 40 CFR 265.191(c), delete "July 14, 1986" and insert "June 20, 1988".
~~(17)~~ **(19)** In 40 CFR 265.193(a), delete all references to deadline dates for secondary containment for existing systems and substitute the dates specified in 329 IAC 3.1-9-3(c)(1) through 329 IAC 3.1-9-3(c)(8).
~~(18)~~ **(20)** In 40 CFR 265.301(d)(2)(i)(B) dealing with the definition of the term "underground source of drinking water", delete "144.3 of this chapter" and insert "40 CFR 270.2".
~~(19)~~ **(21)** In 40 CFR 265.301(d)(2)(i)(C), delete "RCRA Section 3005(c)" and insert "329 IAC 3.1-13".
~~(20)~~ **(22)** In 40 CFR 265.314(g)(2) dealing with the definition of the term "underground source of drinking water", delete "144.3 of this chapter" and insert "40 CFR 270.2".
~~(21)~~ **(23)** In 40 CFR 265.316(b), delete "(49 CFR Parts 178 and 179)" and substitute "(49 CFR Part 178)".
~~(22)~~ **(24)** In 40 CFR 265.316(f), delete "fiber drums" and substitute "non-metal containers".
~~(23)~~ **(25)** Delete 40 CFR 265.430(b) and substitute the following: The requirements of this subpart apply to owners and operators of wells used to dispose of hazardous waste which are classified as Class I and Class IV in section 3 of this rule.

(Solid Waste Management Board; 329 IAC 3.1-10-2; filed Jan 24, 1992, 2:00 p.m.: 15 IR 937; errata filed Nov 8, 1995, 4:00 p.m.: 19 IR 353; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3357; filed Aug 7, 1996, 5:00 p.m.: 19 IR 3365; filed Jan 9, 1997, 4:00 p.m.: 20 IR 1113; filed Mar 19, 1998, 10:05 a.m.: 21 IR 2742; errata filed Apr 8, 1998, 2:50 p.m.: 21 IR 2989; 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 Jan 22, 2001, 9:46 a.m.: 24 IR 1617)

SECTION 3. 329 IAC 12-7-3 IS AMENDED TO READ AS FOLLOWS:

329 IAC 12-7-3 Operator certification: certification; classification and application
Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2
Affected: IC 13-15-10; IC 36-9-30

Sec. 3. (a) A ~~certificate~~ **certification** shall be issued by the commissioner to an individual who demonstrates the skill and knowledge necessary to operate the appropriate type of solid waste management facility through:
(1) testing for the initial certification; or
(2) attendance in an accredited training course for recertification.

(b) Certificates shall be classified as follows:
(1) Category I certification for operators of solid waste incinerators and waste to energy facilities.
(2) Category II certification for operators of municipal and nonmunicipal solid waste land disposal facilities.
(3) Category III certification for operators of restricted waste sites and construction/demolition sites.
(4) Category IV certification for a specific facility.

(c) An individual certified to operate a Category II facility shall also be considered certified to ~~operate~~ **operator** *[sic., operate]* a Category III facility.

(d) An individual seeking certification or recertification must complete an application provided by the approved examination provider or the accredited training course provider that contains the following:
(1) The name of the individual seeking certification or recertification.
(2) The name, full address, and telephone number of the facility at which the individual is currently employed if applicable.
(3) The type of facility at which the individual is currently employed if applicable.
(4) The type of certification sought by the applicant.
(5) A statement to be signed by the individual seeking certification or recertification. The statement must read, " I certify under penalty of law that this document and all attachments are to the best of my knowledge true, accurate, and complete.".

(e) ~~A~~ **An initial** certificate **granted under subsection (a)(1) or section 5 of this rule** shall be valid for one (1) year from the ~~day:~~ **date of issuance.**
~~(1) the approved examination was taken and passed by the individual seeking certification; or~~
~~(2) the accredited training course was taken.~~

(f) ~~Individuals~~ **Individual** *[sic., Individuals]* certified or recertified in accordance with 40 CFR 60.56a(d) may request to receive Category IV certification or recertification by submitting the following to the commissioner:

(1) An application containing the information specified in subsection (d)(1) through (d)(5).

(2) A copy of the current certification obtained under 40 CFR 60.56a(d).

(3) Documentation of receipt of any annual training or update required under 40 CFR 60.56a(d). *(Solid Waste Management Board; 329 IAC 12-7-3; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1481; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1618)*

SECTION 4. 329 IAC 12-7-6 IS AMENDED TO READ AS FOLLOWS:

329 IAC 12-7-6 Operator certification: recertification

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-14-8-7; IC 13-15-10-4; IC 13-19-3-1; IC 13-19-3-2

Affected: IC 13-15-10; IC 36-9-30

Sec. 6. (a) To renew, an operator must take an accredited training course approved by the commissioner under 329 IAC 12-9. A certified operator must complete an accredited training course ~~before~~ **prior to** expiration of the ~~previous~~ **operators's** *[sic., operator's]* valid certificate.

(b) **A certified operator completing one (1) or more accredited training courses in the twelve (12) months prior to the expiration of that operator's valid certificate shall be recertified.** Recertification ~~shall be~~ **renews that operator's** valid **certificate** for one (1) year from the ~~day the accredited training course was taken by the operator.~~ **expiration date of the certificate that was valid at the time of the training.** *(Solid Waste Management Board; 329 IAC 12-7-6; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1482; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1619)*

SECTION 5. 329 IAC 13-6-6 IS AMENDED TO READ AS FOLLOWS:

329 IAC 13-6-6 Used oil storage at transfer facilities

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30; 40 CFR 112; 40 CFR 264; 40 CFR 265; 40 CFR 280

Sec. 6. (a) In addition to the requirements of this rule, used oil transporters are also subject to the following:

(1) All applicable spill prevention, control, and countermeasures found at 40 CFR 112.

(2) The underground storage tank standards found at 40 CFR 280 for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste.

(3) All applicable regulations of the Indiana fire prevention and building safety commission.

(b) This section applies to used oil transfer facilities. Used oil transfer facilities are transportation related facilities, including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than twenty-four (24) hours during the normal course of transportation and not longer than thirty-five (35) days. Transfer facilities that store used oil for more than thirty-five (35) days are subject to regulation under 329 IAC 13-7.

(c) Owners or operators of used oil transfer facilities may not store used oil in units other than tanks, containers, or units subject to regulation under 40 CFR 264 or 40 CFR 265.

(d) Containers and aboveground tanks used to store used oil at transfer facilities must:

(1) be in good condition with no severe rusting, apparent structural defects, or deterioration; and

(2) not be leaking (no visible leaks).

(e) Containers used to store used oil at transfer facilities must be equipped with a secondary containment system and meet the following requirements:

(1) The secondary containment system must consist of, at a minimum:

(A) dikes, berms, or retaining walls, and a floor that must cover the entire area within the dikes, berms, or retaining walls; or

(B) an equivalent secondary containment system.

(2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.

(3) The secondary containment system must be able to contain either at least ten *[sic., percent]* **(10%) of the total volume of the containers used to store used oil or the volume of the largest container used to store used oil at the transfer facility, whichever is greater.**

(f) Existing aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system and meet the following requirements:

(1) The secondary containment system must consist of, at a minimum:

(A) dikes, berms, or retaining walls, and a floor that must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

(B) an equivalent secondary containment system.

(2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.

(3) The secondary containment system must be designed or operated to contain one hundred percent (100%) of the capacity of the largest tank within the secondary containment boundary.

(g) New aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system and meet the following requirements:

(1) The secondary containment system must consist of, at a minimum:

(A) dikes, berms, or retaining walls, and a floor that must cover the entire area within the dike, berm, or retaining wall; or

(B) an equivalent secondary containment system.

(2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.

(3) The secondary containment system must be designed or operated to contain one hundred percent (100%) of the capacity of the largest tank within the secondary containment boundary.

(h) Requirements for labels shall be as follows:

(1) Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil".

(2) Fill pipes used to transfer used oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "Used Oil".

(i) Upon detection of a release of used oil to the environment not subject to the requirements of 40 CFR 280 Subpart F, which has occurred after the effective date of this article, the owner or operator of a transfer facility must perform the following clean-up steps:

(1) Stop the release.

(2) Contain the released used oil.

(3) Clean up and manage properly the released used oil and other materials.

(4) Communicate a spill report in accordance with 327 IAC 2-6.1.

(5) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Solid Waste Management Board; 329 IAC 13-6-6; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1501; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1619)

SECTION 6. 329 IAC 13-7-5 IS AMENDED TO READ AS FOLLOWS:

329 IAC 13-7-5 Used oil management

Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3

Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30; 40 CFR 112; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 280

Sec. 5. (a) In addition to the requirements of this rule, used oil processors or re-refiners are also subject to the following:

(1) All applicable spill prevention, control, and countermeasures found at 40 CFR 112.

(2) The underground storage tank standards found at 40 CFR 280 for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste.

(3) All applicable regulations of the Indiana fire prevention and building safety commission.

(b) Used oil processors or re-refiners may not store used oil in units other than tanks, containers, or units subject to regulation under 40 CFR 264 or 40 CFR 265.

(c) Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must:
(1) be in good condition with no severe rusting, apparent structural defects, or deterioration; and
(2) not be leaking (no visible leaks).

(d) Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system and meet the following requirements:
(1) The secondary containment system must consist of, at a minimum:
(A) dikes, berms, or retaining walls, and a floor that must cover the entire area within the dike, berm, or retaining wall; or
(B) an equivalent secondary containment system.
(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.
(3) The secondary containment system must be able to contain either at least ten *[sic., percent]* **(10%) of the total volume of the containers used to store used oil or the volume of the largest container used to store used oil at processing or re-refining facilities, whichever is greater.**

(e) Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system and meet the following requirements:
(1) The secondary containment system must consist of, at a minimum:
(A) dikes, berms, or retaining walls, and a floor that must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
(B) an equivalent secondary containment system.
(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.
(3) The secondary containment system must be designed or operated to contain one hundred percent (100%) of the capacity of the largest tank within the secondary containment boundary.

(f) New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system and meet the following requirements:
(1) The secondary containment system must consist of, at a minimum:
(A) dikes, berms, or retaining walls, and the floor must cover the entire area within the dike, berm, or retaining wall; or
(B) an equivalent secondary containment system.
(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.
(3) The secondary containment system must be designed or operated to contain one hundred percent (100%) of the capacity of the largest tank within the secondary containment boundary.

(g) Requirements for labels shall be as follows:
(1) Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must be labeled or marked clearly with the words “Used Oil”.
(2) Fill pipes used to transfer used oil into underground storage tanks at processing and re-refining facilities must be labeled or marked clearly with the words “Used Oil”.

(h) Upon detection of a release of used oil to the environment not subject to the requirements of 40 CFR 280, Subpart F, which has occurred after the effective date of this article, an owner or operator must perform the following clean-up steps:
(1) Stop the release.
(2) Contain the released used oil.
(3) Clean up and manage properly the released used oil and other materials.
(4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(i) Requirements for closure shall be as follows:
(1) Owners and operators who store or process used oil in aboveground tanks must comply with the following requirements:
(A) At closure of a tank system, the owner or operator must remove or decontaminate:

(i) used oil residues in tanks;
(ii) contaminated containment system components;
(iii) contaminated soils; and
(iv) structures and equipment contaminated with used oil;
and manage them as hazardous waste unless the materials are not hazardous waste under 40 CFR 261.
(B) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in clause (A), then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements of 40 CFR 265.310 that apply to hazardous waste landfills.
(2) Owners and operators who store used oil in containers must comply with the following requirements:
(A) At closure, containers holding used oils or residues of used oil must be removed from the site.
(B) The owner or operator must remove or decontaminate:
(i) used oil residues;
(ii) contaminated containment system components;
(iii) contaminated soils; and
(iv) structures and equipment contaminated with used oil;
and manage them as hazardous waste unless the materials are not hazardous waste under 40 CFR 261.
(Solid Waste Management Board; 329 IAC 13-7-5; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1506; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1620)

SECTION 7. 329 IAC 13-8-5 IS AMENDED TO READ AS FOLLOWS:

329 IAC 13-8-5 Used oil storage
Authority: IC 13-14-8-1; IC 13-14-8-2; IC 13-19-3
Affected: IC 13-11-2; IC 13-14; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-30; 40 CFR 112; 40 CFR 264; 40 CFR 265; 40 CFR 280

Sec. 5. (a) In addition to the requirements of this rule, used oil burners are also subject to the following:
(1) All applicable spill prevention, control, and countermeasures found at 40 CFR 112.
(2) The underground storage tank standards found at 40 CFR 280 for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste.
(3) All applicable regulations of the Indiana fire prevention and building safety commission.

(b) Used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under 40 CFR 264 or 40 CFR 265.

(c) Containers and aboveground tanks used to store oil at burner facilities must:
(1) be in good condition with no severe rusting, apparent structural defects, or deterioration; and
(2) not be leaking (no visible leaks).

(d) Containers used to store used oil at burner facilities must be equipped with a secondary containment system. The secondary containment system must:
(1) consist of, at a minimum:
(A) dikes, berms, or retaining walls; and
(B) the floor must cover the entire area within the dike, berm, or retaining wall; and
(2) the entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.
(3) The secondary containment system must be able to contain either at least ten *[sic., percent]* **(10%) of the total volume of the containers used to store used oil or the volume of the largest container used to store used oil at a burner facility, whichever is greater.**

(e) Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system and meet the following requirements:
(1) The secondary containment system must consist of, at a minimum:
(A) dikes, berms, or retaining walls, and a floor that must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

(B) an equivalent secondary containment system.

(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.

(3) The secondary containment system must be designed or operated to contain one hundred percent (100%) of the capacity of the largest tank within the secondary containment boundary.

(f) New aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system and meet the following requirements:

(1) The secondary containment system must consist of, at a minimum:

(A) dikes, berms, or retaining walls, and a floor that must cover the entire area within the dike, berm, or retaining wall; or

(B) an equivalent secondary containment system.

(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, ground water, or surface water.

(3) The secondary containment system must be designed or operated to contain one hundred percent (100%) of the capacity of the largest tank within the secondary containment boundary.

(g) Requirements for labels shall be as follows:

(1) Containers and aboveground tanks used to store used oil at burner facilities must be labeled or marked clearly with the words "Used Oil".

(2) Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil".

(h) Upon detection of a release of used oil to the environment not subject to the requirements of 40 CFR 280 Subpart F, which has occurred after the effective date of this article, a burner must perform the following clean-up steps:

(1) Stop the release.

(2) Contain the released used oil.

(3) Clean up and manage properly the released used oil and other materials.

(4) Communicate a spill report in accordance with 327 IAC 2-6.1.

(5) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Solid Waste Management Board; 329 IAC 13-8-5; filed Feb 3, 1997, 9:15 a.m.: 20 IR 1510; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 22, 2001, 9:46 a.m.: 24 IR 1622)

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