

Document: IC 13-14-9 Notice

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TITLE 329 SOLID WASTE MANAGEMENT BOARD

FIRST NOTICE OF COMMENT PERIOD

#01-161(SWMB)

DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING UNDERGROUND STORAGE TANKS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at 329 IAC 9 concerning underground storage tanks. This rule will clarify language in the existing rule without adding new requirements. Several new definitions may be added such as “underground storage tank”, “piping run”, and “temporary closure”. This rule will also consider appropriate changes to make the rule consistent with IC 13-12-3-2 that allows cleanup programs and remediation programs to use either standard default options or a risk assessment (risk-based) approach for determining cleanup levels and methods for cleanups. IDEM seeks comments on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

CITATIONS AFFECTED: 329 IAC 9.

AUTHORITY: IC 13-14-8-1; IC 13-14-8-2; IC 13-23-1-1; IC 13-23-1-2.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

The revised underground storage tank rules have been effective since August 18, 1999. During the implementation of the new rule it became apparent that several sections in the rule could be clarified for the user. Several new definitions need to be added, such as: “underground storage tank”; “piping run”; and “temporary closure”. Any inconsistency with Indiana statute must be corrected as the intent is to provide consistency with the options allowed by IC 13-12-3-2. This rulemaking will not add additional requirements to the rule.

IDEM is considering and requesting comment on the following issues and on any other relevant issues regarding this rulemaking:

- Definitions.
- References to the Indiana Code.
- Rewording of the rule for clarity.
- Alternatives and options for any other issues regarding this rule.

IDEM will consider other options and additions to the above procedures as necessary to implement the statute.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#01-161(SWMB) [UST Change Rule]

Marjorie Samuel

Rules, Planning and Outreach Section
Office of Land Quality
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the eleventh floor east reception desk, Office of Land Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile to (317) 232-3403. To ensure timely receipt of the document, it is recommended that the sender contact the Rule, Planning and Outreach Section at (317) 232-7995 when faxing a document.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed or hand delivered by July 1, 2001.

Additional information regarding this action may be obtained from Lynn West, Rules, Planning, and Outreach Section, Office of Land Quality, (317) 232-3593 or (800) 451-6027 (in Indiana).

Bruce Palin
Deputy Assistant Commissioner
Office of Land Quality