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## **TITLE 329 SOLID WASTE MANAGEMENT BOARD**

### **FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO IC 13-14-9-8 AND DRAFT RULE #01-289(SWMB)**

#### **DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING THE HAZARDOUS WASTE MANAGEMENT PERMIT PROGRAM AND RELATED HAZARDOUS WASTE MANAGEMENT**

##### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to rules concerning the hazardous waste management permit program and related hazardous waste management and has scheduled a public hearing/ meeting before the solid waste management board (board) for consideration of preliminary adoption of these rules.

The amendments adopted by these rules are amendments to the federal hazardous waste regulations that are incorporated by reference in the Indiana hazardous waste management rules at 329 IAC 3.1. These amendments are required to be adopted by the Resource Conservation and Recovery Act, as amended (42 U.S.C. §6901 et seq.), and by Indiana statutes. This rule would also adopt changes required by P.L.143-2000 that were not adopted in previous rulemaking.

**CITATIONS AFFECTED:** 329 IAC 3.1-1-7; 329 IAC 3.1-4-9.1; 329 IAC 3.1-4-17.1; 329 IAC 3.1-7-2; 329 IAC 3.1-9-2; 329 IAC 3.1-10-2.

**AUTHORITY:** IC 13-14-8-4; IC 13-14-8-7; IC 13-19-3-1; IC 13-22-2; IC 13-22-4-1; P.L.143-2000, SECTIONS 3 and 8.

##### **STATUTORY REQUIREMENTS**

IC 13-14-9-8 recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that there is no anticipated benefit from the first and second public comment periods, IDEM may forego these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for preliminary adoption. Two (2) opportunities for public comment (at the public hearings prior to preliminary and final adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by IC 13-14-9-8, the commissioner shall prepare written findings and publish those findings in the Indiana Register prior to the board meeting at which the draft rule is to be considered for preliminary adoption, and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-8.

The statute provides for this shortened rulemaking process if the commissioner determines that:

(1) the rule constitutes:

(A) an adoption or incorporation by reference of a federal law, regulation, or rule that:

(i) is or will be applicable to Indiana; and

(ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;

(B) a technical amendment with no substantive effect on an existing Indiana rule; or

(C) a substantive amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and

(2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in IC 13-14-9-7(a)(2) from:

(A) exposing the rule to diverse public comment under section IC 13-14-9-3 or IC 13-14-9-4;

(B) affording interested or affected parties the opportunity to be heard under IC 13-14-9-3 or IC 13-14-9-4; and

(C) affording interested or affected parties the opportunity to develop evidence in the record collected under IC 13-14-9-3 and IC 13-14-9-4.

##### **BACKGROUND**

The abbreviated rulemaking process described in IC 13-14-9-8 is being used for this rulemaking because:

- (1) This rulemaking incorporates by reference federal regulations that are required by federal law and makes other changes required by Indiana law.
- (2) This rulemaking is required to retain U.S. Environmental Protection Agency (U.S. EPA) authorization to manage the hazardous waste program in Indiana.
- (3) No substantive modifications of the federal requirements being incorporated are included.
- (4) Because there are no alternatives to incorporation by reference of these rules or adoption of equivalent state rules, there is no benefit to the people of Indiana or the environment from following the full notice and comment procedures of IC 13-14-9.
- (5) IC 13-14-8-7(b) requires the board to adopt new rules or amend existing rules to implement an amendment to the federal Resource Conservation and Recovery Act (40 U.S.C. 6901 et seq.) within nine (9) months of its effective date.

This rulemaking incorporates the following amendments to the federal hazardous waste management regulations at 40 CFR 260 through 40 CFR 270, published in the Federal Register from July 10, 2000, through May 16, 2001:

Federal Register	Publication Date	Subject
65 FR 42292	July 10, 2000	NESHAPS: Final Standards for Hazardous Air Pollutants For Hazardous Waste Combustors; Final Rule, Technical Correction
65 FR 67068	November 8, 2000	Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Chlorinated Aliphatics Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA Hazardous Substance Designation and Reportable Quantities, (K174/K175) Final Rule
65 FR 81373	December 26, 2000	Deferral of Phase IV Standards for PCB's as a Constituent Subject to Treatment in Soil; Final Rule
66 FR 24270	May 14, 2001	NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule; Implementation of Court Order
66 FR 27218	May 16, 2001	Storage, Treatment, Transportation, and Disposal of Mixed Waste; Final Rule
66 FR 27266	May 16, 2001	Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-From Rules; Final Rule

Public Law 143-2000, SECTION 3, repealed provisions of IC 13-22-4 relating to the Indiana Hazardous Waste Manifest and required hazardous waste generators to use the Uniform Hazardous Waste Manifest Form adopted by the United States Environmental Protection Agency (USEPA) rather than the version of those forms currently provided by IDEM to generators for

a fee. The 2000 Hazardous Waste Annual Update (LSA Document #00-180(F)) repealed those sections of 329 IAC 3.1-7 relating to the Indiana Hazardous Waste Manifest. However, 329 IAC 3.1-9-2(6) and 329 IAC 3.1-10-2(8), that required permitted treatment, storage and disposal facilities to sent copies of the manifest to IDEM were not repealed. This rulemaking would repeal those provisions.

329 IAC 3.1-7-2 would be amended to remove a provision that requires generators to enter waste handling codes on the Uniform Hazardous Waste Manifest, because this requirement conflicts with IC 13-22-4-3.1. This amendment simplifies the manifest provisions.

Finally, the 2000 Hazardous Waste Annual Update (LSA Document #00-180(F)) repealed the Indiana requirements for universal waste lamps at 329 IAC 3.1-16 and incorporated by reference the federal universal waste lamp regulations in 40 CFR 273. The 2000 Update did not repeal the definitions of “electric lamp” and “mercury-containing lamp” in 329 IAC 3.1-4. Because those terms are defined in 40 CFR 273, the definitions in 329 IAC 3.1-4 are not needed and would be repealed in this rulemaking.

## **FINDINGS**

The commissioner of IDEM has prepared written findings regarding rulemaking for amendments to rules concerning the hazardous waste management permit program and related hazardous waste management. These findings are prepared under IC 13-14-9-8 and are as follows:

- (1) This rulemaking is the direct adoption of federal requirements that are required to be adopted by federal law and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.
- (2) Indiana is required by federal law to adopt amendments to the federal hazardous waste management system regulations promulgated by the U.S. EPA under Subtitle C of the Resource Conservation and Recovery Act, as amended, and the Hazardous and Solid Waste Amendments of 1984 thereto (40 U.S.C. 6921 et seq.). This rulemaking:
  - (A) incorporates six (6) amendments to those rules published in the Federal Register from July 10, 2000, through May 16, 2001; and
  - (B) corrects provisions in Indiana’s hazardous waste rules that are inconsistent with the federal hazardous waste program or Indiana law.
- (3) The public will benefit from prompt adoption of this rule, because it will allow Indiana to retain U.S. EPA authorization to manage the hazardous waste program in Indiana. To retain U.S. EPA authorization, IDEM must adopt these federal regulations as state regulations, or adopt substantially equivalent and consistent regulations. Without this authorization, the U.S. EPA would be responsible for management of hazardous waste in Indiana, rather than IDEM. Because businesses, generators, and the public benefit from state management of hazardous wastes, IDEM intends to take the necessary steps to maintain U.S. EPA authorization to manage the hazardous waste program in Indiana.
- (4) The regulated entities will benefit from prompt adoption of this rule, because it will make the hazardous waste management program in Indiana consistent with the federal hazardous waste management program.
- (5) I have determined that under the specific circumstances pertaining to this rule there would be no benefit to the environment or to persons to be regulated or otherwise affected by this rule from the first and second public comment periods.
- (6) The draft rule is hereby incorporated into these findings.

Lori F. Kaplan  
Commissioner  
Indiana Department of Environmental Management

## **ADDITIONAL INFORMATION**

Additional information regarding this action may be obtained from Steve Mojonier, Rules, Planning and Outreach Section, Office of Land Quality, (317) 233-1655 or dial (800) 451-6027 in Indiana, press 0, and ask for extension 3-1655.

## **DRAFT RULE**

SECTION 1. 329 IAC 3.1-1-7, AS AMENDED AT 24 IR 2431, SECTION 1, 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

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 the version of that publication revised as of ~~July 1, 1999~~ **July 1, 2001**. 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. The following publications are also incorporated by reference:

- (1) 40 CFR 146 (1995).
- (2) 40 CFR 60, Appendix A (1995).
- (3) Amendments to 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270; and 40 CFR 273 published in the Federal Register on July 6, 1999; at 64 FR 36487 through 64 FR 36490.
- (4) Amendments to 40 CFR 260; 40 CFR 261; 40 CFR 264; 40 CFR 265; 40 CFR 266; 40 CFR 270; and 40 CFR 271 published in the Federal Register on September 30, 1999; at 64 FR 53070 through 64 FR 53077.
- (5) Amendments to 40 CFR 261; 40 CFR 262; and 40 CFR 268 published in the Federal Register on October 20, 1999; at 64 FR 56470 through 64 FR 56472.
- (6) Amendments to 40 CFR 261 and 40 CFR 266 published in the Federal Register on November 19, 2000; at 64 FR 63212 through 64 FR 63213.
- (7) Amendments to 40 CFR 262 published in the Federal Register on March 8, 2000; at 65 FR 12397 through 12398.
- (8) Amendments to 40 CFR 261 and 40 CFR 268 published in the Federal Register on March 17, 2000; at 65 FR 14474 through 14475.
- (9) Amendments to 40 CFR 270 published in the Federal Register on May 15, 2000; at 65 FR 30913.
- (10) Amendments to 40 CFR 261 and 40 CFR 268 published in the Federal Register on June 8, 2000; at 65 FR 36366 through 36367.

(b) Federal regulations that have been incorporated by reference do not include any later amendments than those specified in the incorporation citation in subsection (a). Sales of the Code of Federal Regulations are handled by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The telephone number for the Government Printing Office is (202) 512-1800. The incorporated materials are available for public review at the offices of the department of environmental management.

(c) 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.

(d) 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.

(e) The incorporation of federal regulations as state rules does not negate the requirement to comply with federal provisions which may be effective in Indiana which are not incorporated in this article or are retained as federal authority. (*Solid Waste Management Board; 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*)

SECTION 2. 329 IAC 3.1-7-2, AS AMENDED AT 24 IR 2432, SECTION 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; 40 CFR 262

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

(1) Delete 40 CFR 262.12(a) 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, Subpart B and the appendix to 40 CFR 262, the generator shall enter the EPA hazardous waste number ~~and handling code~~ for each waste on the Uniform Hazardous Waste Manifest (**EPA Form 8700-22**) as follows:

(A) ~~The EPA hazardous waste number for each waste must be entered on the manifest as follows:~~

(i) ~~For characteristic hazardous waste,~~ Enter the four (4) digit EPA hazardous waste number from 40 CFR 261 ~~Subpart C~~; that identifies the waste in item "I" of the manifest form ~~or item "R" of the continuation sheet (EPA Form 8700-22A).~~

(ii) ~~For listed hazardous waste,~~ enter the four (4) digit EPA hazardous waste number from 40 CFR 261; ~~Subpart D~~; that

identifies the waste in item "I" of the manifest form:

(iii) Where a hazardous waste contains more than one (1) listed waste, or where more than one (1) hazardous waste characteristic applies to the waste, enter each of the applicable EPA waste numbers that identify the waste. When entering multiple EPA hazardous waste numbers, enter the EPA hazardous waste number that identifies the most distinctive or most hazardous property of the waste in item "I". Enter the remaining EPA hazardous waste numbers, up to four (4) for each waste, in item "J".

(iv) (B) If a waste has more than four (4) additional multiple EPA hazardous waste numbers associated with it, enter the words "multiple coded" or "multi-coded" instead of the additional codes for that waste **apply, enter the hazardous waste numbers as follows:**

(i) Enter the one (1) EPA hazardous waste number that identifies the most distinctive or most hazardous property of the waste in item "I" of the manifest form or item "R" of the continuation sheet.

(ii) The remaining EPA hazardous waste numbers may be entered in item "J" of the manifest form or item "S" of the continuation sheet.

(v) (C) For nonhazardous or unregulated waste that may be included in the shipment, enter "NONE" in item "I".

(B) The handling code for each waste must be entered in item "K" of the manifest form as follows:

(i) Enter the three (3) character handling code from 40 CFR 264, Appendix I, Table 2 that most closely represents the method used at the facility designated in accordance with 40 CFR 262.20(b) to treat, store, dispose, or recover each hazardous waste identified on the manifest.

(ii) If multiple methods are used, the code that most closely reflects the ultimate disposition of the waste at the facility must be entered.

(iii) If clarification is necessary, enter this information in item 15 or item 32 on the continuation sheet, EPA Form 8700-22A.

(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.

(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.

*(Solid Waste Management Board; 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)*

SECTION 3. 329 IAC 3.1-9-2, AS AMENDED AT 24 IR 2433, SECTION 4, 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 40 CFR 264.4 dealing with imminent hazard action, delete "7003 of RCRA" and insert "IC 13-30-3 and IC 13-14-10".

(3) Reports to the state required at 40 CFR 264.56(d) shall be communicated immediately to the Office of Land Quality, Department of Environmental Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 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.

(4) 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.

(5) 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

within five (5) working days after receiving the manifest.

~~(6)~~ (5) In 40 CFR 264.75 dealing with the biennial report, delete “EPA form 8700-13B” and insert “forms provided by the commissioner”.

~~(7)~~ (6) In 40 CFR 264.76 dealing with unmanifested waste reports, delete “The unmanifested waste report must be submitted on EPA form 8700-13B”.

~~(8)~~ (7) 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.~~ **commissioner.**

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

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

~~(9)~~ (8) Delete 40 CFR 264, Subpart H dealing with financial requirements and substitute 329 IAC 3.1-15.

~~(10)~~ (9) Exceptions and additions to the standards for tank systems in 40 CFR 264, Subpart J are under section 3 of this rule.

~~(11)~~ (10) In 40 CFR 264.221(e)(2)(i)(C), delete “permits under RCRA Section 3005(c)” and insert “with final state permits”.

~~(12)~~ (11) Delete 40 CFR 264.301(l).

~~(13)~~ (12) Delete 40 CFR 264, Appendix VI.

~~(14)~~ (13) In 40 CFR 264.316(b), delete “(49 CFR Parts 178 and 179)” and substitute “(49 CFR Part 178)”.

~~(15)~~ (14) In 40 CFR 264.316(f), delete “fiber drums” and substitute “nonmetal 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; errata filed Mar 19, 2001, 10:31 a.m.: 24 IR 2470; filed Apr 5, 2001, 1:29 p.m.: 24 IR 2433)*

SECTION 4. 329 IAC 3.1-10-2, AS AMENDED AT 24 IR 2434, SECTION 5, 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 40 CFR 265.4 dealing with imminent hazard action, delete “7003 of RCRA” and insert “IC 13-30-3 and IC 13-14-10”.

(5) Reports to the state required at 40 CFR 265.56(d) shall be communicated immediately to the Office of Land Quality, Department of Environmental Management, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana 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.

(6) 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.

~~(7) 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 within five (5) working days after receiving the manifest.~~

~~(8)~~ (7) In 40 CFR 265.75 dealing with the biennial report, delete “EPA form 8700-13B” and insert “form provided by the commissioner”.

~~(9)~~ (8) In 40 CFR 265.76 dealing with unmanifested waste reports, delete “The unmanifested waste report must be submitted on EPA form 8700-13B”.

~~(10)~~ (9) 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.”.

~~(11)~~ (10) 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 through CC of this part be submitted in an electronic format as prescribed by the commissioner.”.

~~(12)~~ **(11)** In 40 CFR 265.90 dealing with ground water monitoring requirements, delete all references to effective date.

~~(13)~~ **(12)** 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) Delete 40 CFR 265.118(e)(2) and substitute the language in subdivision (11).

(14) Delete 40 CFR 265, Subpart H dealing with financial requirements and substitute 329 IAC 3.1-14.

(15) 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) In 40 CFR 265.191(c), delete “July 14, 1986” and insert “June 20, 1988”.

(17) 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) 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) In 40 CFR 265.301(d)(2)(i)(C), delete “RCRA Section 3005(c)” and insert “329 IAC 3.1-13”.

(20) 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) In 40 CFR 265.316(b), delete “(49 CFR Parts 178 and 179)” and substitute “(49 CFR Part 178)”.

~~(21)~~ **(22)** In 40 CFR 265.316(f), delete “fiber drums” and substitute “nonmetal containers”.

~~(22)~~ **(23)** 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; errata filed Mar 19, 2001, 10:31 a.m.: 24 IR 2470; filed Apr 5, 2001, 1:29 p.m.: 24 IR 2434)*

SECTION 5. THE FOLLOWING ARE REPEALED: 329 IAC 3.1-4-9.1; 329 IAC 3.1-4-17.1.

### **Notice of First Meeting/Hearing**

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on October 16, 2001 at 1:30 p.m., at the Elkhart Public Library, Conference Room 5, 300 South Second Street, Elkhart, Indiana, the solid waste management board will hold a public hearing on amendments to the rules for the hazardous waste management program at 329 IAC 3.1.*

*The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but for the accuracy of the record, all comments should be submitted in writing. Procedures to be followed at this hearing may be found in the April 1, 1996, Indiana Register, page 1710 (19 IR 1710).*

*Additional information regarding this action may be obtained from Steve Mojonier, Rules, Planning and Outreach Section, Office of Land Quality, (317) 233-1655 or dial (800) 451-6027 in Indiana, press “0” and ask for extension 3-1655.*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator*

*Indiana Department of Environmental Management*

*100 North Senate Avenue*

*P.O. Box 6015*

*Indianapolis, Indiana 46206-6015*

*or call (317) 234-1208 (V) or (317) 233-6565 (TT). Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file and open for public inspection at the Indiana Department of Environmental Management Central File Room, Indiana Government Center-North, 100 North Senate Avenue, Room 1201 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana.*