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

### **FIRST NOTICE OF COMMENT PERIOD**

#02-160(SWMB)

## **DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING GROUND WATER QUALITY STANDARDS IN THE HAZARDOUS WASTE MANAGEMENT PERMIT PROGRAM AT 329 IAC 3.1**

### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules in 329 IAC 3.1 to be consistent with the new ground water quality standards at 327 IAC 2-11. IDEM seeks comment on the affected citations listed and any other provisions of Title 329 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** 329 IAC 3.1-9-2.

**AUTHORITY:** IC 13-14-8; IC 13-18-17; IC 13-19-3; 327 IAC 2-11.

### **SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

IC 13-18-17-5 required the water pollution control board to adopt rules establishing ground water quality standards to:

- establish minimum compliance levels for ground water quality monitoring at regulated facilities;
- ban the discharge of effluents into potable ground water;
- establish health protection goals for untreated water in water supply wells; and
- establish concentration limits for contaminants in ambient ground water.

The new ground water quality standards at 327 IAC 2-11 were published on March 1, 2002, at 25 IR 1875. These new standards were effective on March 6, 2002, and apply to all IDEM programs.

The Office of Land Quality (OLQ) completed a survey of all OLQ rules in August 2001 and found that the rules limiting concentrations of hazardous constituents in ground water for permitted hazardous waste facilities were not fully consistent with the new ground water quality standards. This rule would amend Indiana's hazardous waste management program at 329 IAC 3.1 to be consistent with the new ground water quality standards.

Indiana is authorized under 42 U.S.C. 6926 and 40 CFR 271 to administer the hazardous waste management program in lieu of the U.S. Environmental Protection Agency. As required by 42 U.S.C. 6926, Indiana's hazardous waste management program must be at least as stringent as the federal hazardous waste management program. Amendments adopted in this rule cannot be less stringent than the federal hazardous waste management program in 40 CFR 260 through 40 CFR 273.

### **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:

#02-160(SWMB) [Hazardous Waste Ground Water Quality Standards]

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 receptionist on duty at the eleventh floor reception desk, Office of Land Quality, 100 North Senate Avenue, Eleventh Floor East, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 232-3403, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rules, Planning and Outreach Section at (317) 232-1655 or (317) 232-7995.

#### **COMMENT PERIOD DEADLINE**

Comments must be postmarked, hand delivered or faxed by July 31, 2002.

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

Mary Beth Tuohy  
Assistant Commissioner  
Office of Land Quality