
TITLE 329 SOLID WASTE MANAGEMENT BOARD

Proposed Rule
LSA Document #08-673

DIGEST

Amends [329 IAC 3.1-1-7](#) to incorporate by reference the version of 40 CFR 260 through 40 CFR 273 revised as of July 1, 2008. Repeals [329 IAC 3.1-6-7](#). Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-7](#) and Second Notice of Comment Period: August 27, 2008, Indiana Register (DIN: [20080827-IR-329080673FDA](#)).

Notice of First Hearing: August 27, 2008, Indiana Register (DIN: [20080827-IR-329080673PHA](#)).

Date of First Hearing: November 18, 2008.

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 21 days long. Because this proposed rule is not substantively different from the draft rule published on August 27, 2008 (DIN: [20080827-IR-329080673FDA](#)), 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 August 27, 2008, through September 26, 2008, on IDEM's draft rule language. No comments were received during the comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On November 18, 2008, the Solid Waste Management Board (board) conducted the first public hearing/board meeting concerning the development of amendments to rules at [329 IAC 3.1](#). Comments were made by the following parties:

Thomas Vallone, General Motors Corporation (GMC)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: The commentor supported adoption of the F019 listing amendments. (GMC)

Response: IDEM concurs with this comment.

[329 IAC 3.1-1-7](#); [329 IAC 3.1-6-7](#)

SECTION 1. [329 IAC 3.1-1-7](#) 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, ~~2006~~, **2008**, and amended as published in the Federal Register on

(1) July 14, 2006, at 71 FR 40258 through 71 FR 40280; and

(2) July 28, 2006, at 71 FR 42947 through 71 FR 42949. **June 4, 2008, at 73 FR 31768.**

(b) 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.

(c) The following publications are also incorporated by reference:

(1) 40 CFR 146, revised as of July 1, 2005.

(2) 40 CFR 60, Appendix A-1, revised as of July 1, 2005.

(3) 40 CFR 60, Appendix A-2, revised as of July 1, 2005.

(4) 40 CFR 60, Appendix A-3, revised as of July 1, 2005.

- (5) 40 CFR 60, Appendix A-4, revised as of July 1, 2005.
- (6) 40 CFR 60, Appendix A-5, revised as of July 1, 2005.
- (7) 40 CFR 60, Appendix A-6, revised as of July 1, 2005.
- (8) 40 CFR 60, Appendix A-7, revised as of July 1, 2005.
- (9) 40 CFR 60, Appendix A-8, revised as of July 1, 2005.

(d) Federal regulations that have been incorporated by reference do not include any later amendments than those specified in the incorporation citation in subsections (a) through (c). Sales of the Code of Federal Regulations are handled by the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or online at <http://bookstore.gpo.gov/>. The telephone number for the Superintendent of Documents is (202) 512-1800 or toll-free (866) 512-1800. The incorporated materials are available for public review at the offices of the department of environmental management.

(e) 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.

(f) 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.

(g) The incorporation of federal regulations as state rules does not negate the requirement to comply with federal provisions that may be effective in Indiana that 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; errata filed Oct 15, 2001, 11:24 a.m.: 25 IR 813; filed Jun 3, 2002, 10:40 a.m.: 25 IR 3111; filed Jan 14, 2004, 3:20 p.m.: 27 IR 1874; filed Apr 13, 2005, 11:30 a.m.: 28 IR 2661; filed Jun 9, 2006, 3:40 p.m.: [20060712-IR-329050066FRA](#), eff Sep 5, 2006; filed Dec 26, 2007, 1:44 p.m.: [20080123-IR-329060556FRA](#))

SECTION 2. [329 IAC 3.1-6-7](#) IS REPEALED.

[Notice of Public Hearing](#)

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