
TITLE 329 SOLID WASTE MANAGEMENT DIVISION

**FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO
[IC 13-14-9-7](#) AND SECOND NOTICE OF COMMENT PERIOD**

LSA Document #20-204

**MANAGEMENT STANDARDS FOR HAZARDOUS WASTE PHARMACEUTICALS AND ADDITIONAL
HAZARDOUS WASTE UPDATES****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to [329 IAC 3.1](#) concerning management standards for hazardous waste pharmaceuticals and additional recent hazardous waste updates. The purpose of this notice is to seek public comment on the draft rule, including suggestions for specific language to be included in the rule. 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 3.1-1-9](#); [329 IAC 3.1-3-1](#); [329 IAC 3.1-4-1](#); [329 IAC 3.1-6-1](#); [329 IAC 3.1-7-1](#); [329 IAC 3.1-9-1](#); [329 IAC 3.1-10-1](#); [329 IAC 3.1-11-1](#); [329 IAC 3.1-12-1](#); [329 IAC 3.1-13-1](#); [329 IAC 3.1-16-1](#).

AUTHORITY: [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-15-1-3](#); [IC 13-15-2](#); [IC 13-19-3-1](#); [IC 13-22-2](#).

STATUTORY REQUIREMENTS

[IC 13-14-9-7](#) 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 the rulemaking policy alternatives available to IDEM are so limited that the first notice of public comment period would provide no substantial benefit to the environment or persons to be regulated or otherwise affected by the proposed rule, IDEM may forgo this comment period and proceed directly to the notice of second public comment period.

If the commissioner makes the determination of limited rulemaking policy alternatives required by [IC 13-14-9-7](#), the commissioner shall prepare written findings and include them in the second notice of public comment period published in the Indiana Register. This document constitutes the commissioner's written findings pursuant to [IC 13-14-9-7](#).

The statute provides for this shortened rulemaking process if the commissioner determines that "the rulemaking policy alternatives available to the department are so limited that the public notice and comment period under [\[IC 13-14-9-3\]](#) . . . would provide no substantial benefit to:

- (1) the environment; or
- (2) persons to be regulated or otherwise affected by the proposed rule."

BACKGROUND

IDEM is proposing amendments to Indiana's hazardous waste rules at [329 IAC 3.1](#) that include recent updates to federal hazardous waste rules and related amendments. These updates include management standards for hazardous waste pharmaceuticals and the amendment to the P075 listing for nicotine, safe management of recalled airbags, the addition of aerosol cans to the universal waste regulations, and the incorporation by reference of 40 CFR 260.2. Other amendments are related to the incorporation by reference of the federal hazardous waste rules in the included sections.

In accordance with 42 U.S.C. 6926, the United States Environmental Protection Agency (U.S. EPA) granted IDEM the authority to administer and enforce a hazardous waste program in Indiana. To maintain authorization for this program, IDEM must comply with the requirements for state authorization in 40 CFR 271. Indiana is required to revise its hazardous waste program by adopting recent amendments to federal hazardous waste rules that are more stringent than current requirements. Indiana's hazardous waste rules must be at least as stringent as and consistent with the rules promulgated by U.S. EPA, with the option of adopting state-specific requirements if they are appropriate for a particular situation. When U.S. EPA promulgates a final rule that is less stringent than the previous requirements, Indiana may maintain more stringent requirements or adopt the less stringent requirements to maintain consistency with U.S. EPA hazardous waste rules and to offer potential regulatory flexibility and cost savings for regulated entities.

The federal hazardous waste rules proposed for adoption through incorporation by reference in this rulemaking include the following:

- Management standards for hazardous waste pharmaceuticals and the amendment to the P075 listing for nicotine published in the Federal Register on February 22, 2019, at 84 FR 5816. This final rule adds regulations for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors, which will manage their hazardous waste pharmaceuticals under the new set of sector-specific standards at 40 CFR 266, Subpart P, in lieu of the existing hazardous waste generator regulations. As a

whole, this new subpart is considered more stringent than current requirements and mandatory for authorized states to adopt. The rule also finalizes an amendment to the P075 acute hazardous waste listing of nicotine products to exclude certain U.S. Food and Drug Administration approved over-the-counter nicotine replacement therapies from regulation as hazardous waste. This amendment is considered less stringent than current requirements and optional for authorized states to adopt.

- Safe management of recalled airbags published in the Federal Register on November 30, 2018, at 83 FR 61552. This interim final rule facilitates an expedited removal of defective Takata airbag inflators from vehicles by dealerships, salvage yards, and other locations for safe and environmentally sound disposal by exempting the collection of airbag waste from hazardous waste requirements so long as certain conditions are met. U.S. EPA promulgated these changes in an interim final rule because of the public health issue posed by recalled Takata airbag inflators still installed in vehicles. Because the interim final rule conditionally exempts airbag waste handlers from most hazardous waste management requirements, these requirements are considered less stringent and optional for authorized states to adopt.
- The addition of aerosol cans to the universal waste regulations published in the Federal Register on December 9, 2019, at 84 FR 67202. This final rule adds hazardous waste aerosol cans to the universal waste program in 40 CFR 273. This change will benefit the wide variety of establishments generating and managing hazardous waste aerosol cans by providing a clear, protective system for managing discarded aerosol cans. The streamlined universal waste regulations are expected to ease regulatory burdens on retail stores and others that discard hazardous waste aerosol cans, promote the collection and recycling of these cans, and encourage the development of municipal and commercial programs to reduce the quantity of these wastes going to disposal. Because the final rule adds aerosol cans to the universal waste regulations, the rule is considered less stringent than current requirements and optional for authorized states to adopt.
- The adoption of 40 CFR 260.2(c) and 40 CFR 260.2(d), which are provisions that U.S. EPA has recommended for authorized states to expeditiously adopt. 40 CFR 260.2(c) was added in the hazardous waste electronic manifest rule, published in the Federal Register on February 7, 2014, and 40 CFR 260.2(d) was added in the confidentiality determinations for hazardous waste export and import documents rule, published on December 26, 2017. Because the provisions of 40 CFR 260.2 are administered by the federal government rather than authorized states, U.S. EPA did not originally advise states to adopt these provisions. IDEM omitted these provisions during the adoption of the federal rules that were incorporated by reference in the most recent hazardous waste updates rulemaking at LSA Document #18-481. However, U.S. EPA updated the incorporation by reference guidance for the federal rules that amended 40 CFR 260.2 to require authorized states to adopt 40 CFR 260.2(c) and 40 CFR 260.2(d) to maintain consistency with federal requirements while retaining federal references in the rule language.

For this rulemaking, IDEM is using the abbreviated rulemaking process authorized in [IC 13-14-9-7](#) because the rulemaking proposes the incorporation by reference of recent U.S. EPA final rules that amend hazardous waste requirements and does not include any amendments that will have a substantive effect on the scope or application of the federal rules. IDEM also is proposing to adopt the federal rules to maintain equivalent and consistent requirements for Indiana's authorized hazardous waste program. For these reasons, IDEM has determined that the available policy alternatives are limited and the first comment period required under [IC 13-14-9-3](#) will not provide substantial benefit to the environment or the persons to be regulated or otherwise affected by the rulemaking.

[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. This draft rule is a direct adoption of federal requirements that are applicable to Indiana and contains no amendments that have a substantive effect on the scope or application of the federal rule.

Potential Fiscal Impact

This rulemaking will not have a fiscal impact beyond compliance with the federal requirements that are proposed for incorporation by reference. Because IDEM is not proposing any additional rule requirements beyond the U.S. EPA requirements, this rulemaking will not have an additional fiscal impact deriving from state-specific rule amendments.

U.S. EPA has prepared fiscal impact information for the federal rule requirements proposed for incorporation by reference in this rulemaking. This information is for all potentially impacted entities across the nation rather than specifically for Indiana, but the information is still helpful to understand the potential fiscal impact of the rules.

For the management standards for hazardous waste pharmaceuticals rule, U.S. EPA estimates an annualized net cost savings between \$12.98 million and \$14.96 million for all impacted entities, depending upon the discount rates. For the safe management of recalled airbags rule, the total cost savings is estimated to be between \$7.6 million and \$56.9 million for all impacted entities over the duration of the recall period, or an annual cost savings of \$1.7 million to \$13.0 million. The large variability is based on the continuance of a preservation order between Takata and the United States Department of Transportation that allows dealerships to disregard the volume of recalled airbag inflators when determining their hazardous waste generator status. For the aerosol

cans universal waste rule, the net annual cost savings is expected to range between \$5.3 million to \$47.8 million, mostly resulting from existing facilities dropping to a lower generator category. In addition, future cost savings may range from \$44 million to \$104 million based on reduced costs for new facilities entering the hazardous waste universe that manage aerosol cans. Overall, the U.S. EPA rules that are proposed for incorporation by reference are estimated to result in net cost savings for current and future regulated entities.

Public Participation and Work Group Information

No work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Dan Watts, Rules Development Branch, Office of Legal Counsel at (317) 234-5345 or (800) 451-6027 (in Indiana).

Small Business Assistance Information

IDEM established a compliance and technical assistance program (CTAP) under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on CTAP and other resources available can be found at:

www.in.gov/idem/ctap

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Angela Taylor
IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison
IGCN 1316
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 233-0572 or (800) 988-7901
ctap@idem.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Katelyn Colclazier
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 431-1560
kcolclazier@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Erin Moorhous
IDEM Small Business Assistance Program Ombudsman/Business, Agricultural, and Legislative Liaison
IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8921 or (800) 451-6027
emoorhou@idem.in.gov

FINDINGS

The commissioner of IDEM has prepared written findings on amendments to [329 IAC 3.1](#) concerning management standards for hazardous waste pharmaceuticals and additional hazardous waste updates. These findings are prepared under [IC 13-14-9-7](#) and are as follows:

- (1) This rule is the direct adoption of federal requirements that are applicable to Indiana 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 hazardous waste rules, as established in 42 U.S.C. 6926 and 40 CFR 271, if the amendments are more stringent than previous federal hazardous waste requirements.
- (3) Indiana adopts federal requirements that are less stringent than previous requirements to maintain consistency, offer potential cost savings and compliance flexibility, and reduce potential confusion between state and federal requirements.
- (4) The environment and persons regulated or otherwise affected by the draft rule will benefit from prompt adoption of this rule, because IDEM's hazardous waste rules will be no less stringent than and consistent with recent amendments to U.S. EPA's hazardous waste rules designed to protect public health and the

environment.

(5) I have determined that under the specific circumstances pertaining to this rule, the rulemaking policy alternatives are so limited that the public notice and comment period provided in the notice of first public comment period would provide no substantial benefit to the environment or to persons to be regulated or otherwise affected by the rule.

(6) The draft rule is hereby incorporated into these findings.

Bruno L. Pigott
Commissioner
Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #20-204 Management Standards for Hazardous Waste Pharmaceuticals and Additional
Hazardous Waste Updates

Dan Watts

Rules Development Branch

Office of Legal Counsel

Indiana Department of Environmental Management

Indiana Government Center North

100 North Senate Avenue

Indianapolis, IN 46204-2251

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of your faxed comments by calling the Rules Development Branch at (317) 232-8922.

(3) By electronic mail to dwatts1@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than May 22, 2020. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [329 IAC 3.1-1-9](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 3.1-1-9](#) Conversion of federal terms

Authority: [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-19-3-1](#)

Affected: [IC 13-22](#)

Sec. 9. (a) When used in 40 CFR, as adopted in this article, substitute the following unless otherwise indicated:

- (1) "Act" means the Environmental Management Act.
- (2) "Administrator" means the commissioner of the Indiana department of environmental management.
- (3) "Agency" means the Indiana department of environmental management.
- (4) "Director" means the commissioner of the Indiana department of environmental management.
- (5) "Environmental protection agency" or "EPA" means the Indiana department of environmental management.
- (6) "He" means he, she, or it, without regard to gender.
- (7) "Notification requirements of section 3010" means the notification requirements of this article.

- (8) "RCRA permit" means state hazardous waste permit.
- (9) "Regional administrator" means the commissioner of the Indiana department of environmental management.
- (10) "She" means he, she, or it, without regard to gender.
- (11) "State", "authorized state", "approved state", and "approved program" means Indiana, except at:
 - (A) 40 CFR 260.10* in the definitions of "person", "state", and "United States";
 - (B) 40 CFR 262*; or
 - (C) 40 CFR 270.2* in the definitions of "approved program" or "approved state", "director", "final authorization", "person", and "state".
- (12) "United States" means the state of Indiana.
- (13) "Variance" means exemption.

(b) The following definitions found in 40 CFR 260.10* are excluded from the substitution of "commissioner of the Indiana department of environmental management" for "administrator" or "regional administrator" in subsection (a):

- (1) Administrator.
- (2) Hazardous waste constituent.
- (3) Regional administrator.

(c) The following definitions found in 40 CFR 260.10* are excluded from the substitution of "Indiana department of environmental management" for "environmental protection agency" in subsection (a):

- (1) Administrator.
- (2) Automated export system (AES) filing compliance date.
- (3) Electronic import-export reporting compliance date.
- (4) Electronic manifest.
- (5) Electronic manifest system.
- (6) EPA region.
- (7) Regional administrator.
- (8) User of the electronic manifest system.

(d) The substitution of terms in subsection (a) does not apply in the following portions of 40 CFR 260 through 40 CFR 270, as adopted in this article:

- (1) 40 CFR 260.2(c)*.**
- (2) 40 CFR 260.2(d)*.**
- ~~(1)~~ **(3) 40 CFR 260.4(a)(4)*.**
- ~~(2)~~ **(4) 40 CFR 260.5(b)(2)*.**
- ~~(3)~~ **(5) 40 CFR 261.6(a)(3)(i)(A)*.**
- ~~(4)~~ **(6) 40 CFR 261.6(a)(3)(i)(B)*.**
- ~~(5)~~ **(7) 40 CFR 261.39(a)(5)*.**
- ~~(6)~~ **(8) 40 CFR 261.41*.**
- ~~(7)~~ **(9) 40 CFR 262.11*, except for 40 CFR 262.11(f).**
- ~~(8)~~ **(10) 40 CFR 262.20(a)(3)(ii)*.**
- ~~(9)~~ **(11) 40 CFR 262.21*.**
- ~~(10)~~ **(12) 40 CFR 262.24(a)(3)*.**
- ~~(11)~~ **(13) 40 CFR 262.25*.**
- ~~(12)~~ **(14) 40 CFR 262, Subpart H*.**
- ~~(13)~~ **(15) 40 CFR 264.12(a)*.**
- ~~(14)~~ **(16) 40 CFR 264.71(a)(2)(v)*.**
- ~~(15)~~ **(17) 40 CFR 264.71(d)*.**
- ~~(16)~~ **(18) 40 CFR 264.71(f)(4)*.**
- ~~(17)~~ **(19) 40 CFR 264.71(j)*.**
- ~~(18)~~ **(20) 40 CFR 264, Subpart FF*.**
- ~~(19)~~ **(21) 40 CFR 265.12(a)*.**
- ~~(20)~~ **(22) 40 CFR 265.71(a)(2)(v)*.**
- ~~(21)~~ **(23) 40 CFR 265.71(d)*.**
- ~~(22)~~ **(24) 40 CFR 265.71(f)(4)*.**
- ~~(23)~~ **(25) 40 CFR 265.71(j)*.**
- ~~(24)~~ **(26) 40 CFR 265, Subpart FF*.**
- ~~(25)~~ **(27) 40 CFR 267.71(a)(6)*.**
- ~~(26)~~ **(28) 40 CFR 267.71(d)*.**

- ~~(27)~~ **(29)** 40 CFR 270.2*.
- ~~(28)~~ **(30)** 40 CFR 270.5*.
- ~~(29)~~ **(31)** 40 CFR 270.11(a)(3)*.
- ~~(30)~~ **(32)** 40 CFR 270.32(b)(2)*.
- ~~(31)~~ **(33)** 40 CFR 270.32(c)*.
- ~~(32)~~ **(34)** 40 CFR 270.72(a)(5)*.
- ~~(33)~~ **(35)** 40 CFR 270.72(b)(5)*.

(e) In 40 CFR 263*, all references to "EPA", "United States", and "administrator" are retained.

*Copies of these documents may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-1-9](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 909; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3353; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jun 9, 2006, 3:40 p.m.: [20060712-IR-329050066FRA](#), eff Sep 5, 2006; filed Nov 26, 2019, 11:36 a.m.: [20191225-IR-329180481FRA](#))

SECTION 2. [329 IAC 3.1-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 3.1-3-1](#) Applicability of confidentiality of business information

Authority: [IC 13-14-8](#); [IC 13-19-3](#)

Affected: [IC 13-14-11](#)

Sec. 1. This rule is replaced with **(a)** The provisions **for confidentiality of hazardous waste information in [329 IAC 6.1](#)** for the purpose of confidential hazardous waste information **apply to this article.**

(b) Hazardous waste information must be handled in accordance with the following applicable provisions:

- (1)** 40 CFR 260.2(c)*, as added by 79 FR 7557 through 79 FR 7558.
- (2)** 40 CFR 260.2(d)*, as added by 82 FR 60900.

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-3-1](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 915; filed Nov 4, 1999, 10:19 a.m.: 23 IR 557; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535)

SECTION 3. [329 IAC 3.1-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 3.1-4-1](#) Applicability of federal definitions

Authority: [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-19-3-1](#)

Affected: [IC 13-11-2](#)

Sec. 1. **(a) Except as provided in addition to subsection (b), the definitions contained in the following documents are applicable throughout this article:**

- (1)** [IC 13-11-2](#), and in
- (2)** This rule, the definitions contained in
- (3)** 40 CFR 260 through 40 CFR 270* **and 40 CFR 273***, as amended by:
 - ~~(1)~~ **(A)** 81 FR 85713 through 81 FR 85728*;
 - ~~(2)~~ **(B)** 81 FR 85805 through 81 FR 85828*; and
 - ~~(3)~~ **(C)** 83 FR 451 through 83 FR 462*;
 - (D)** 83 FR 61562 through 83 FR 61563*;
 - (E)** 84 FR 5938 through 84 FR 5950*; and
 - (F)** 84 FR 67217 through 84 FR 67220*.

~~are applicable to this article, except as provided otherwise in subsection (b).~~

(b) The following are exceptions to federal definitions:

(1) Delete the definitions of "existing tank system" or "existing component" in 40 CFR 260.10 and substitute the definition under section 11 of this rule.

(2) Delete the definitions of "new tank system" or "new tank component" in 40 CFR 260.10 and substitute the definition under section 18 of this rule.

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-4-1](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 920; errata filed Feb 6, 1992, 3:15 p.m.: 15 IR 1024; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3354; filed Aug 7, 1996, 5:00 p.m.: 19 IR 3364; errata filed Jan 10, 2000, 3:01 p.m.: 23 IR 1109; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Jan 14, 2004, 3:20 p.m.: 27 IR 1874; filed Nov 26, 2019, 11:36 a.m.: [20191225-IR-329180481FRA](#))

SECTION 4. [329 IAC 3.1-6-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 3.1-6-1](#) Adoption of federal identification and listing of hazardous waste

Authority: [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-22-2-4](#)

Affected: [IC 13-22-2-3](#)

Sec. 1. (a) This rule identifies ~~these~~ solid wastes that are subject to:

(1) regulation as hazardous waste under this article; and ~~that are subject to~~

(2) the notification requirements of [329 IAC 3.1-1](#).

(b) Except as provided ~~otherwise~~ in section 2 of this rule, the requirements of 40 CFR 261*, as amended by:

(1) 81 FR 85713 through 81 FR 85715*;

(2) 81 FR 85806*; and

(3) 82 FR 60900*;

(4) 83 FR 61562 through 83 FR 61563*;

(5) 84 FR 5938 through 84 FR 5939*; and

(6) 84 FR 67217*;

apply to the identification and listing of hazardous waste.

(c) For purposes of this article, a reference to any part of 40 CFR 261 means the version referenced in subsection (b).

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-6-1](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 924; filed May 6, 1994, 5:00 p.m.: 17 IR 2062; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Nov 26, 2019, 11:36 a.m.: [20191225-IR-329180481FRA](#))

SECTION 5. [329 IAC 3.1-7-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 3.1-7-1](#) Adoption of federal standards applicable to generators of hazardous waste

Authority: [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-22-2-4](#)

Affected: [IC 13-22-2](#)

Sec. 1. (a) Except as provided ~~otherwise~~ in section 2 of this rule, generators of hazardous waste must comply

with 40 CFR 262*, as amended by:

- (1) 81 FR 85715 through 81 FR 85724*;
- (2) 81 FR 85806 through 81 FR 85825*;
- (3) 82 FR 60900 through 82 FR 60901*; and
- (4) 83 FR 451 through 83 FR 452*;
- (5) 83 FR 61563*; and**
- (6) 84 FR 5939 through 84 FR 5940*.**

(b) For purposes of this article, a reference to any part of 40 CFR 262 means the version referenced in subsection (a).

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-7-1](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 925; filed May 6, 1994, 5:00 p.m.: 17 IR 2063; filed Nov 26, 2019, 11:36 a.m.: [20191225-IR-329180481FRA](#))

SECTION 6. [329 IAC 3.1-9-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 3.1-9-1](#) Adoption of federal standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities

Authority: [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-22-2-4](#)

Affected: [IC 13-22](#)

Sec. 1. (a) Except as provided otherwise in section 2 of this rule, owners and operators of hazardous waste treatment, storage, and disposal facilities must comply with 40 CFR 264*, as amended by:

- (1) 81 FR 85725 through 81 FR 85726*;
- (2) 81 FR 85826 through 81 FR 85827*; and
- (3) 83 FR 453 through 83 FR 457*;
- (4) 84 FR 5940*; and**
- (5) 84 FR 67217*.**

(b) For purposes of this article, a reference to any part of 40 CFR 264 means the version referenced in subsection (a).

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-9-1](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 935; filed Oct 23, 1992, 12:00 p.m.: 16 IR 848; filed May 6, 1994, 5:00 p.m.: 17 IR 2064; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Nov 26, 2019, 11:36 a.m.: [20191225-IR-329180481FRA](#))

SECTION 7. [329 IAC 3.1-10-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 3.1-10-1](#) Adoption of federal interim status standards for owners and operators of hazardous waste treatment, storage, and disposal facilities

Authority: [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-22-2-4](#)

Affected: [IC 13-22](#)

Sec. 1. (a) Except as provided otherwise in section 2 of this rule, owners and operators of hazardous waste treatment, storage, and disposal facilities must comply with the interim status standards in 40 CFR 265*, as amended by:

- (1) 81 FR 85726 through 81 FR 85727*;

- (2) 81 FR 85827*; and
- (3) 83 FR 457 through 83 FR 462*;
- (4) 84 FR 5940*; and**
- (5) 84 FR 67217*.**

(b) For purposes of this article, a reference to any part of 40 CFR 265 means the version referenced in subsection (a).

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-10-1](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 937; filed Oct 23, 1992, 12:00 p.m.: 16 IR 849; filed May 6, 1994, 5:00 p.m.: 17 IR 2064; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Nov 26, 2019, 11:36 a.m.: [20191225-IR-329180481FRA](#))

SECTION 8. [329 IAC 3.1-11-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 3.1-11-1](#) Adoption of federal standards for the management of specific hazardous wastes and specific types of hazardous waste management facilities

Authority: [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-22-2-4](#)

Affected: [IC 13-22-2](#)

Sec. 1. (a) Except as provided otherwise in section 2 of this rule, the requirements of 40 CFR 266*, as amended by:

- (1) 81 FR 85727 through 81 FR 85728*; and
- (2) 81 FR 85827*; and
- (3) 84 FR 5940 through 84 FR 5949*;**

apply to the management of specific hazardous wastes and specific types of hazardous waste management facilities.

(b) For purposes of this article, a reference to any part of 40 CFR 266 means the version referenced in subsection (a).

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-11-1](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 939; filed Oct 23, 1992, 12:00 p.m.: 16 IR 849; filed Jul 18, 1996, 3:05 p.m.: 19 IR 3358; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Nov 26, 2019, 11:36 a.m.: [20191225-IR-329180481FRA](#))

SECTION 9. [329 IAC 3.1-12-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 3.1-12-1](#) Adoption of federal land disposal restrictions

Authority: [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-22-2-4](#)

Affected: [IC 13-22-2](#)

Sec. 1. (a) Except as provided otherwise in section 2 of this rule, the requirements of 40 CFR 268*, as amended by:

- (1) 81 FR 85827 through 81 FR 85828*;
- (2) 84 FR 5949 through 84 FR 5950*; and**
- (3) 84 FR 67217*;**

apply to the identification of hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

(b) For purposes of this article, a reference to any part of 40 CFR 268 means the version referenced in subsection (a).

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-12-1](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 939; filed May 6, 1994, 5:00 p.m.: 17 IR 2065; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Nov 26, 2019, 11:36 a.m.: [20191225-IR-329180481FRA](#))

SECTION 10. [329 IAC 3.1-13-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 3.1-13-1](#) Adoption of federal procedures for state administered permit program

Authority: [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-15-1-3](#); [IC 13-15-2](#); [IC 13-22-2-4](#)

Affected: [IC 13-15](#); [IC 13-22-2](#); [IC 13-22-3](#)

Sec. 1. (a) Except as provided otherwise in section 2 of this rule, the requirements of 40 CFR 270*, as amended by:

- (1) 81 FR 85828*;
- (2) 84 FR 5950*; **and**
- (3) 84 FR 67217*;

apply to federal procedures for a state administered permit program for hazardous waste facilities.

(b) For purposes of this article, a reference to any part of 40 CFR 270 means the version referenced in subsection (a).

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-13-1](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 940; filed May 6, 1994, 5:00 p.m.: 17 IR 2065; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Nov 26, 2019, 11:36 a.m.: [20191225-IR-329180481FRA](#))

SECTION 11. [329 IAC 3.1-16-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 3.1-16-1](#) Adoption of standards for universal waste management

Authority: [IC 13-14-8](#); [IC 13-22-2-4](#)

Affected: [IC 13-22-2](#)

Sec. 1. (a) Except as provided otherwise in section 2 of this rule, persons that manage universal waste must comply with the requirements of 40 CFR 273*, as amended by:

- (1) 81 FR 85729*; **and**
- (2) 81 FR 85828*;
- (3) 84 FR 5950*; **and**
- (4) 84 FR 67217 through 84 FR 67220*.

(b) For purposes of this article, a reference to any part of 40 CFR 273 means the version referenced in subsection (a).

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office

of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-16-1](#); filed Aug 7, 1996, 5:00 p.m.: 19 IR 3367; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Nov 26, 2019, 11:36 a.m.: [20191225-IR-329180481FRA](#))

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Posted: 04/22/2020 by Legislative Services Agency
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