

---

**TITLE 329 SOLID WASTE MANAGEMENT DIVISION**

**Proposed Rule**  
LSA Document #22-216

DIGEST

Amends [329 IAC 3.1-6-1](#) concerning the adoption of federal requirements for the identification of liquid waste as an ignitable hazardous waste. 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: June 29, 2022, Indiana Register (DIN: [20220629-IR-329220216FDA](#)).

Notice of First Hearing: June 29, 2022, Indiana Register (DIN: [20220629-IR-329220216PHA](#)).

Date of First Hearing: September 14, 2022.

**SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

IDEM requested public comment from June 29, 2022, through July 29, 2022, on IDEM's draft rule language. No comments were received during the second comment period.

**SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On September 14, 2022, the Environmental Rules Board (board) conducted the first public hearing/board meeting concerning the development of amendments to [329 IAC 3.1-6-1](#). No comments were made at the first hearing.

**[329 IAC 3.1-6-1](#)**

SECTION 1. [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 solid wastes that are subject to:

- (1) regulation as hazardous waste under this article; and
- (2) the notification requirements of [329 IAC 3.1-1](#).

(b) Except as provided 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\*;
- (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\*; and

**(7) 85 FR 40608;**

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](http://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](#); filed Jan 15, 2021, 1:37 p.m.: [20210210-IR-329200204FRA](#))*

[Notice of Public Hearing](#)

*Posted: 10/05/2022 by Legislative Services Agency*  
An [html](#) version of this document.