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**TITLE 329 SOLID WASTE MANAGEMENT DIVISION**

**Final Rule**

LSA Document #22-216(F)

**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.

Proposed Rule: October 5, 2022, Indiana Register (DIN: [20221005-IR-329220216PRA](#)).

Notice of Second Hearing: October 5, 2022, Indiana Register (DIN: [20221005-IR-329220216PHA](#)).

Date of Second Hearing: November 9, 2022.

**[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](#); filed Feb 22, 2023, 3:28 p.m.: [20230322-IR-329220216FRA](#))*

LSA Document #22-216(F)

Proposed Rule: [20221005-IR-329220216PRA](#)

Hearing Held: November 9, 2022

Approved by Attorney General: February 16, 2023

*Approved by Governor: February 21, 2023*

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*Documents Incorporated by Reference: 85 FR 40608, July 7, 2020, edition*

*Small Business Regulatory Coordinator: Kari Clevenger, 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](mailto:ctap@idem.in.gov)*

*Small Business Assistance Program Ombudsman: Drake Abramson, 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, [dabramso@idem.in.gov](mailto:dabramso@idem.in.gov)*

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