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## **TITLE 326 AIR POLLUTION CONTROL BOARD**

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

#03-283(APCB)

## **DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING ASBESTOS LICENSING FOR SOLID WASTE FACILITY OPERATORS (WASTE DISPOSAL MANAGERS)**

### **PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules 326 IAC 18-1 and 326 IAC 18-2 concerning the deletion of training and licensing requirements that apply to solid waste facility operators. The Office of Air Quality is working with the Office of Land Quality to consolidate all training course provider curriculum and landfill management operator licensing requirements to 329 IAC 12. The Office of Land Quality will establish an external work group for interested parties. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** 326 IAC 18-1; 326 IAC 18-2.

**AUTHORITY:** IC 13-14-8; IC 13-17-3-12.

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

#### **Basic Purpose and Background**

Solid waste facility operators must attend training at an Indiana-approved training course and apply for a license for the handling of asbestos containing waste as required by IC 13-17-6-1 under the Office of Air Quality rules at 326 IAC 18-1 and 326 IAC 18-2. In addition, the Office of Land Quality requires training and certification for the overall operation of a solid waste facility under the Solid Waste Management Board rules at 329 IAC 12. The Office of Air Quality and the Office of Land Quality are coordinating two (2) concurrent rulemaking actions to streamline requirements by deleting all training and licensing requirements for waste disposal managers from 326 IAC 18-1 and 326 IAC 18-2 and adding these requirements to 329 IAC 12. The extensive training required to receive an asbestos handling license covers skills and knowledge not used or needed by a solid waste facility operator. The landfill operator certification training would be designed to meet the specific needs of a solid waste facility operator.

#### **Alternatives To Be Considered Within the Rulemaking**

##### Alternative 1. Deleting the licensing requirements in 326 IAC 18-1 and 326 IAC 18-2 and adding them to 329 IAC 12.

- Is this alternative an incorporation of federal standards, either by reference or full incorporation? No, the licensing for asbestos management at a waste disposal facility is not a federal requirement.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law. It is a "state-only" requirement.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

##### Alternative 2. Maintaining programs as currently operated with duplicate training and licensing.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No, the licensing for asbestos management at a waste disposal facility is not a federal requirement.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law. It is a "state-only" requirement.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

#### **Applicable Federal Law**

There is no applicable federal law regulating asbestos licensing. Licensing at 326 IAC 18-1 and 326 IAC 18-2 is a state-only requirement.

#### **Potential Fiscal Impact**

Potential Fiscal Impact of Alternative 1. This alternative will result in a cost savings to asbestos licensees of two hundred fifteen dollars (\$215) to seven hundred twenty-five dollars (\$725) per person. The cost of the initial training course for a worker is five hundred seventy dollars (\$570) and for a supervisor is six hundred seventy-five dollars (\$675), plus the fifty dollar (\$50) license fee. Thereafter, the annual refresher course is one hundred sixty-five dollars (\$165) and the license is fifty dollars (\$50). The Office of Land Quality does not charge a fee for the certification of landfill operators, so licensees will no longer have to pay the fifty dollars (\$50) license fee. The training course providers will no longer include this separate training course in their curriculum. Similar requirements and more test questions will be added to the courses for landfill operator certification at 329 IAC 12. There may be increased training course fees associated with the revised landfill operator certification course.

Potential Fiscal Impact of Alternative 2. This alternative would have no fiscal impact since there would be no change to the rules.

### **Public Participation and Workgroup Information**

An external workgroup will be established to discuss issues involved in this rulemaking. The workgroup will include IDEM staff and a cross-section of stakeholders. If you wish to provide comments to the workgroup on the rulemaking, attend meetings, or have suggestions related to the workgroup process, please contact Lou McFadden, Rules Section, Office of Land Quality at (317) 232-8922 or (800) 451-6027 (in Indiana). Please provide your name, phone number, and e-mail address, if applicable, where you can be contacted. The public is also encouraged to submit comments and questions to members of the workgroup who represent their particular interests in the rulemaking.

### **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:

#03-283(APCB) Asbestos landfill operator licensing

Suzanne Whitmer

c/o Rules Section Administrative Assistant

Rules Section

Office of Air Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the 10<sup>th</sup> floor reception desk, Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-2342, 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 Section at (317) 233-0426.

### **COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by December 4, 2003.

Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Section, Office of Air

Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).

Janet G. McCabe  
Assistant Commissioner  
Office of Air Quality