Overview
This emergency rule amends compliance dates in 329 IAC 9-1-1 before the anticipated effective date of the regular rulemaking to correct underground storage tank (UST) compliance dates and also is an extension of a previous emergency rule, which was adopted at the November 14, 2018, Environmental Rules Board meeting and expires on February 13, 2019. The Indiana Department of Environmental Management (IDEM) proposed amendments to correct and extend compliance dates in 329 IAC 9 for federal UST requirements that were incorporated by reference in an earlier UST rulemaking. The board adopted the compliance date corrections at the November 14, 2018, board meeting, with an anticipated effective date of March 2019. However, some of the adopted compliance dates occur before the anticipated effective date of that rulemaking and IDEM cannot enforce the compliance dates until that rulemaking becomes effective. To address this situation, IDEM is presenting this emergency rule for adoption so the affected compliance dates can be enforceable before the anticipated effective date of the regular rulemaking and also to extend the temporary rule amendments in the previous emergency rule.

Affected Persons
The persons that are primarily affected by this rulemaking are the owners and operators of USTs. As of August 2018, IDEM currently regulates 1,912 owners and operators of USTs, who operate 4,139 UST sites with a total of 13,111 USTs.

Reasons for the Rule
In the regular rulemaking, some of the proposed amendments to the compliance dates in the federal UST requirements that are incorporated by reference in 329 IAC 9 occur before the anticipated effective date of the rulemaking. IDEM needs these compliance dates to be enforceable before the effective date so IDEM can ensure compliance with related requirements before the expiration of the compliance dates. If the dates pass before the requirements are effective, IDEM cannot retroactively enforce compliance dates that occurred before the effective date of a rulemaking. In order for the compliance dates to be enforceable, IDEM is proposing this emergency rule to adopt the amendments to the affected compliance dates and also to extend the temporary rule amendments in the previous emergency rule.

Economic Impact of the Rule
This emergency rule will not have a fiscal impact because the rule only amends compliance dates that were adopted in the regular rulemaking. The amendments to the compliance dates in this emergency rule are not imposing any requirements that will create additional compliance or administrative costs for regulated entities. In addition, the requirements that are affected by the compliance dates were adopted in a previous UST rulemaking and any economic impact from
these requirements derives from the previous rulemaking.

Scheduled Board Action and Hearings*
Board Action: February 13, 2019, Indiana Government Center 10 North Senate Avenue, Conference Room A, Indianapolis, Indiana 46204.
*In accordance with IC 4-22-2-37.1, no public hearing is required prior to the adoption of an emergency rule. However, it is the practice of the Environmental Rules Board to allow someone to comment on a proposed emergency rule if the person submits an appearance card prior to the board adopting the emergency rule.

IDEM Contact
Additional information regarding this rulemaking action can be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345, (800) 451-6027 (in Indiana), or dwatts1@idem.in.gov.