

# 14TITLE 329 SOLID WASTE MANAGEMENT DIVISION

## Rule Information Sheet

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

### Overview

The Indiana Department of Environmental Management (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 other related amendments. These federal hazardous waste rules include management standards for hazardous waste pharmaceuticals, 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 rule amendments are general clarifications and corrections to the rule language or related to the incorporation by reference of the federal rules.

Specific federal hazardous waste rules proposed for 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 on February 22, 2019, at 84 FR 5816.
- Safe management of recalled airbags published on November 30, 2018, at 83 FR 61552.
- The addition of aerosol cans to the universal waste regulations published on December 9, 2019, at 84 FR 67202.
- Requirements at 40 CFR 260.2(c) and 40 CFR 260.2(d), which are provisions associated with the following previously adopted federal rules but not included in the initial incorporation by reference:
  - Hazardous waste electronic manifests published on February 7, 2014, at 79 FR 7517.
  - Confidentiality determinations for hazardous waste export and import documents published on December 26, 2017, at 82 FR 60894.

### Affected Persons

This rulemaking will affect persons and entities involved in the specific hazardous waste streams and industry sectors that are impacted by the federal hazardous waste rules proposed for incorporation by reference. The specific types of persons and entities include the following:

- The management standards for hazardous waste pharmaceuticals rule will mainly affect pharmaceutical waste generators, healthcare facilities, and reverse distributors.
- The safe management of recalled airbags rule will mainly affect handlers of airbag waste, which includes new automobile dealerships and auto salvage yards, airbag waste transporters, and the storage facilities for airbag waste.
- The aerosol cans universal waste rule will mainly affect generators of aerosol can waste and entities involved in the collection, recycling, and disposal of aerosol cans.
- The adoption of 40 CFR 260.2(c) and 40 CFR 260.2(d) will not affect any additional

entities because the board previously adopted the associated hazardous waste rules and any affected entities already are subject to the related requirements.

### **Reasons for the Rule**

The main reason for this rulemaking is to amend Indiana's hazardous waste rules to include recent updates to the federal hazardous waste rules. Because IDEM administers an authorized state hazardous waste program with the approval of the United States Environmental Protection Agency, Indiana must adopt state hazardous waste rules that are at least as stringent as the federal rules. In some situations, IDEM will adopt federal rules that are less stringent than existing state rules to maintain consistency with the federal rules and offer available compliance alternatives or cost savings related to the rule changes. The proposed rule includes federal hazardous waste rules that are a combination of more stringent than, equivalent to, and less stringent than current state rules, which will maintain equivalency and consistency with the federal rules. After adoption of the proposed rule, Indiana's authorized hazardous waste program will contain up-to-date requirements for the specific hazardous waste streams and industry sectors affected by the rulemaking.

### **Economic Impact of the Rule**

This rulemaking is not anticipated to have an economic impact beyond compliance with the federal hazardous waste rules that are proposed for incorporation by reference. For affected entities, these federal rules are likely to result in cost savings and improved compliance flexibility. Because IDEM is not proposing additional rule requirements beyond the federal rules, this rulemaking will not have an economic impact deriving from state-specific rule amendments.

### **Scheduled Board Action and Hearings**

First Public Hearing: September 9, 2020, at 1:30 p.m., through Zoom

Second Public Hearing: November 18, 2020, at 1:30 p.m., through Zoom\*

\*Join Zoom Meeting

<https://zoom.us/j/93846345845?pwd=eklqWHVKRk1LU1hGMVVzaStldDVxZz09>

By phone:

312-626-6799

929-205-6099

**Meeting ID: 938 4634 5845**

**Password: 963768**

### **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](mailto:dwatts1@idem.in.gov).