

SENATE BILL No. 192

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-43.3; IC 13-15-6-1; IC 13-15-6-7; IC 13-17-3-4.

Synopsis: Air pollution control and environmental permits. Specifies which properties are considered contiguous and adjacent properties to determine when multiple sources of air pollution may be treated as a single source for purposes of the law concerning the federal Clean Air Act permit compliance program. Provides that not later than 15 days after being served a notice provided by the commissioner of the department of environmental management that a permit will be issued or denied, the permit applicant or any other person aggrieved by the commissioner's action may appeal the commissioner's action to the office of environmental adjudication and request that an environmental law judge hold an adjudicatory hearing concerning the action. (Current (Continued next page)

Effective: July 1, 1998.

Gard

January 6, 1998, read first time and referred to Committee on Health and Environmental Affairs.



Digest Continued

law computes the 15 day time period beginning with the day the notice is received by the permit applicant or any other person aggrieved by the commissioner's action.) Specifies procedures for computing periods of time under the law concerning appeals of department of environmental management determinations to issue or deny permits. Allows the air pollution control board to adopt rules that allow permits, interim permits, and modifications and revisions to permits to become effective immediately upon being issued.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 192

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-43.3 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1998]: **Sec. 43.3. "Contiguous or adjacent**
4 **properties", for purposes of IC 13-11-2-213, means properties**
5 **owned and controlled by a person that are:**

6 (1) **contiguous or adjacent to each other;**
7 (2) **separated by properties owned or controlled by another**
8 **person but located not more than five hundred (500) feet from**
9 **each other; or**
10 (3) **located more than five hundred (500) feet from each other**
11 **but are separated only by properties that are also owned or**
12 **controlled by the person.**

13 SECTION 2. IC 13-15-6-1, AS AMENDED BY P.L.25-1997,
14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 1998]: Sec. 1. Not later than fifteen (15) days after ~~receiving~~

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1 **being served** the notice provided by the commissioner under
 2 IC 13-15-5-3:

3 (1) the permit applicant; or

4 (2) any other person aggrieved by the commissioner's action;

5 may appeal the commissioner's action to the office of environmental
 6 adjudication and request that an environmental law judge hold an
 7 adjudicatory hearing concerning the action under IC 4-21.5-3 and
 8 IC 4-21.5-7.

9 SECTION 3. IC 13-15-6-7 IS ADDED TO THE INDIANA CODE
 10 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 11 1, 1998]: **Sec. 7. (a) In computing a period of time under this**
 12 **chapter, the day of the act, event, or default from which the**
 13 **designated period of time begins to run is not included. The last**
 14 **day of the computed period is to be included unless it is a:**

15 (1) **Saturday;**

16 (2) **Sunday;**

17 (3) **legal holiday under a state statute; or**

18 (4) **day that the office in which the act is to be done is closed**
 19 **during regular business hours.**

20 (b) **A period runs until the end of the next day after a day**
 21 **described in subdivisions (1) through (4).**

22 (c) **A period of time under this chapter that commences when a**
 23 **person is served with a paper commences with respect to a**
 24 **particular person on the earlier of the date that:**

25 (1) **the person is personally served with the notice; or**

26 (2) **a notice for the person is deposited in the United States**
 27 **mail.**

28 (d) **If a notice is served through the United States mail, three (3)**
 29 **days must be added to a period that commences upon service of**
 30 **that notice.**

31 SECTION 4. IC 13-17-3-4, AS ADDED BY P.L.1-1996, SECTION
 32 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 33 1998]: **Sec. 4. (a) The board shall adopt rules under IC 4-22-2 that are:**

34 (1) **consistent with the general intent and purposes declared in**
 35 **IC 13-17-1 and section 1 of this chapter; and**

36 (2) **necessary to the implementation of the federal Clean Air Act**
 37 **(42 U.S.C. 7401 et seq.), as amended by the Clean Air Act**
 38 **Amendments of 1990 (P.L.101-549).**

39 (b) **The board may adopt rules under IC 4-22-2 that allow:**

40 (1) **permits;**

41 (2) **interim permits; and**

42 (3) **modifications and revisions to permits;**



1 **to become effective immediately upon being issued.**

