

SENATE BILL No. 192

DIGEST OF SB 192 (Updated January 29, 1998 3:16 pm - DI 69)

Citations Affected: IC 13-15; IC 13-17.

Synopsis: Air pollution control and environmental permits. 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 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
(Continued next page)

Effective: July 1, 1998.

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January 6, 1998, read first time and referred to Committee on Health and Environmental Affairs.
January 26, 1998, amended, reported favorably — Do Pass.
January 29, 1998, read second time, amended, ordered engrossed.

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revisions to permits to become effective immediately upon being issued. Requires the air pollution control board to adopt a rule defining "contiguous or adjacent properties" for the purpose of the rules implementing the operating permit program required to implement certain portions of the federal Clean Air Act.

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Reprinted
January 30, 1998

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.

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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 13-15-6-1, AS AMENDED BY P.L.25-1997,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 1. Not later than fifteen (15) days after ~~receiving~~
4 **being served** the notice provided by the commissioner under
5 IC 13-15-5-3:
6 (1) the permit applicant; or
7 (2) any other person aggrieved by the commissioner's action;
8 may appeal the commissioner's action to the office of environmental
9 adjudication and request that an environmental law judge hold an
10 adjudicatory hearing concerning the action under IC 4-21.5-3 and
11 IC 4-21.5-7.
12 SECTION 2. IC 13-15-6-7 IS ADDED TO THE INDIANA CODE
13 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 1998]: Sec. 7. (a) **In computing a period of time under this**
15 **chapter, the day of the act, event, or default from which the**

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1 designated period of time begins to run is not included. The last
2 day of the computed period is to be included unless it is a:

- 3 (1) Saturday;
4 (2) Sunday;
5 (3) legal holiday under a state statute; or
6 (4) day that the office in which the act is to be done is closed
7 during regular business hours.

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

10 (c) A period of time under this chapter that commences when a
11 person is served with a paper commences with respect to a
12 particular person on the earlier of the date that:

- 13 (1) the person is personally served with the notice; or
14 (2) a notice for the person is deposited in the United States
15 mail.

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

19 SECTION 3. IC 13-17-3-4, AS ADDED BY P.L.1-1996, SECTION
20 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
21 1998]: Sec. 4. (a) The board shall adopt rules under IC 4-22-2 that are:

- 22 (1) consistent with the general intent and purposes declared in
23 IC 13-17-1 and section 1 of this chapter; and
24 (2) necessary to the implementation of the federal Clean Air Act
25 (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act
26 Amendments of 1990 (P.L.101-549).

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

- 28 (1) permits;
29 (2) interim permits; and
30 (3) modifications and revisions to permits;

31 to become effective immediately upon being issued.

32 SECTION 4. IC 13-17-3-14, AS ADDED BY P.L.1-1996,
33 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 1998]: Sec. 14. The board shall adopt rules under IC 4-22-2
35 that do the following:

- 36 (1) Classify regions into attainment areas and nonattainment areas
37 for regulated air pollutants based upon scientific study of
38 geographical, topographical, and meteorological data.
39 (2) Set standards for ambient air quality for each region to
40 effectuate the purposes of air pollution control laws.
41 (3) Define the phrase "contiguous or adjacent properties" for
42 the purpose of the rules implementing the operating permit



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1 **program required to implement 42 U.S.C. 7661 through 7661f**
2 **of the Federal Clean Air Act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Environmental Affairs, to which was referred Senate Bill 192, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 12.

Page 3, after line 1, begin a new paragraph and insert:

"SECTION 4. IC 13-17-3-14, AS ADDED BY P.L.1-1996, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 14. The board shall adopt rules under IC 4-22-2 that do the following:

- (1) Classify regions into attainment areas and nonattainment areas for regulated air pollutants based upon scientific study of geographical, topographical, and meteorological data.
- (2) Set standards for ambient air quality for each region to effectuate the purposes of air pollution control laws.
- (3) Define the phrase "contiguous or adjacent property" for the purpose of air pollution control regulations."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 192 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 192 be amended to read as follows:

Page 2, line 41, delete "**property**" and insert "**properties**".

Page 2, line 42, after "**of**" insert "**the rules implementing the operating permit program required to implement 42 U.S.C. 7661 through 7661f of the Federal Clean Air Act.**".

Page 2, line 42, delete "**air pollution control regulations.**".

(Reference is to Senate Bill 192 as printed January 27, 1998.)

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