



Reprinted  
April 8, 1999

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# ENGROSSED HOUSE BILL No. 1919

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DIGEST OF HB 1919 (Updated April 7, 1999 4:11 pm - DI 78)

**Citations Affected:** IC 13-11; IC 13-15; IC 13-16; IC 13-20; noncode.

**Synopsis:** Various environmental matters. Requires the commissioner of the department of environmental management to approve or deny permits: (1) within 150 days for an application for a minor new National Pollutant Discharge Elimination System general permit (current law requires the commissioner to act within 180 days); (2) within 90 days for a permit concerning a wastewater facility or wastewater facility construction (current law requires the commissioner to act within 120 days); and (3) within 50 days for an application concerning certification of special wastes. Requires the environmental quality service council to review permit accountability time frames. Provides a new deadline for a person to file an appeal of the decision  
(Continued next page)

**Effective:** May 1, 1999 (retroactive); upon passage; July 1, 1999.

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## Sturtz

(SENATE SPONSORS — GARD, SIMPSON)

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January 26, 1999, read first time and referred to Committee on Environmental Affairs.  
March 1, 1999, reported — Do Pass.  
March 4, 1999, read second time, amended, ordered engrossed.  
March 5, 1999, engrossed.  
March 8, 1999, read third time, passed. Yeas 95, nays 1.

#### SENATE ACTION

March 11, 1999, read first time and referred to Committee on Environmental Affairs.  
March 23, 1999, amended, reported favorably — Do Pass.  
April 7, 1999, read second time, amended, ordered engrossed.

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of the commissioner in issuing an initial permit under the operating permit program. Prohibits the commissioner or a designated staff member from applying new source review requirements solely because of a change in an emission factor. Requires the commissioner to proportionally reduce the fees billed to sources with NPDES permits, solid waste permits, and hazardous waste permits, if the funds in the environmental management permit operation fund less obligated expenditures exceed certain amounts. Exempts special waste that is deposited in a solid waste landfill that meets Subtitle D design standards from most special waste statutes and rules. Requires special waste generators to provide a final disposal facility with a signed disposal notification that makes certain statements. Prohibits special waste generators from sending special waste to a transfer station unless the transfer station is permitted to accept special waste.

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Reprinted  
April 8, 1999

First Regular Session 111th General Assembly (1999)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## ENGROSSED HOUSE BILL No. 1919

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

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

- 1 SECTION 1. IC 13-11-2-213 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 213. "Source", for  
3 purposes of **IC 13-15-7-5 and** IC 13-17-7, means an aggregation of one  
4 (1) or more facilities that are:  
5 (1) located on:  
6 (A) one (1) piece of property; or  
7 (B) contiguous or adjacent properties; and  
8 (2) owned, operated, or controlled by the same person.  
9 SECTION 2. IC 13-15-4-1 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Except as provided  
11 in sections 2, 3, and 6 of this chapter, the commissioner shall approve  
12 or deny an application filed with the department after July 1, 1995,  
13 within the following number of days:  
14 (1) Three hundred sixty-five (365) days for an application  
15 concerning the following:

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- 1 (A) A new hazardous waste or solid waste landfill.  
 2 (B) A new hazardous waste or solid waste incinerator.  
 3 (C) A major modification of a solid waste landfill.  
 4 (D) A major modification of a solid waste incinerator.  
 5 (E) A new hazardous waste treatment or storage facility.  
 6 (F) A new Part B permit issued under 40 CFR 270 et seq. for  
 7 an existing hazardous waste treatment or storage facility.  
 8 (G) A Class 3 modification under 40 CFR 270.42 to a  
 9 hazardous waste landfill.
- 10 (2) Two hundred seventy (270) days for an application concerning  
 11 the following:
- 12 (A) A Class 3 modification under 40 CFR 270.42 of a  
 13 hazardous waste treatment or storage facility.  
 14 (B) A major new National Pollutant Discharge Elimination  
 15 System permit.
- 16 (3) One hundred eighty (180) days for an application concerning  
 17 the following:
- 18 (A) A new solid waste processing or recycling facility.  
 19 (B) A minor new National Pollutant Discharge Elimination  
 20 System **individual** permit.  
 21 (C) A permit concerning the land application of wastewater.
- 22 **(4) One hundred fifty (150) days for an application concerning**  
 23 **a minor new National Pollutant Discharge Elimination System**  
 24 **general permit.**
- 25 ~~(4)~~ **(5)** One hundred twenty (120) days for an application  
 26 concerning ~~the following~~:
- 27 ~~(A)~~ a Class 2 modification under 40 CFR 270.42 to a  
 28 hazardous waste facility.  
 29 ~~(B) A wastewater facility or water facility construction permit.~~
- 30 ~~(5)~~ **(6)** Ninety (90) days for an application concerning **the**  
 31 **following**:
- 32 (A) A minor modification to a solid waste landfill or  
 33 incinerator permit.  
 34 **(B) A wastewater facility or water facility construction**  
 35 **permit.**
- 36 ~~(6)~~ **(7)** The amount of time provided for in rules adopted by the  
 37 air pollution control board for an application concerning the  
 38 following:
- 39 (A) An air pollution construction permit that is subject to 326  
 40 IAC 2-2 and 326 IAC 2-3.  
 41 (B) An air pollution facility construction permit (other than as  
 42 defined in 326 IAC 2-2).

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- 1 (C) Registration of an air pollution facility.  
 2 ~~(7)~~ **(8)** Sixty (60) days for an application concerning the  
 3 following:  
 4 (A) A Class 1 modification under 40 CFR 270.42 requiring  
 5 prior written approval, to a hazardous waste:  
 6 (i) landfill;  
 7 (ii) incinerator;  
 8 (iii) treatment facility; or  
 9 (iv) storage facility.  
 10 (B) ~~Certification of a special waste:~~  
 11 ~~(E)~~ Any other permit not specifically described in this section  
 12 for which the application fee exceeds one hundred dollars  
 13 (\$100) and for which a time frame has not been established  
 14 under section 3 of this chapter.

15 **(9) Fifty (50) days for an application concerning certification**  
 16 **of a special waste.**

17 SECTION 3. IC 13-15-6-1 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE MAY 1, 1999 (RETROACTIVE)]: Sec. 1.

19 (a) Not later than fifteen (15) days after being served the notice  
 20 provided by the commissioner under IC 13-15-5-3:

- 21 (1) the permit applicant; or  
 22 (2) any other person aggrieved by the commissioner's action;  
 23 may appeal the commissioner's action to the office of environmental  
 24 adjudication and request that an environmental law judge hold an  
 25 adjudicatory hearing concerning the action under IC 4-21.5-3 and  
 26 IC 4-21.5-7.

27 **(b) Notwithstanding subsection (a) and IC 4-21.5-3-7(a)(3), a**  
 28 **person may file an appeal of the commissioner's action in issuing**  
 29 **an initial permit under the operating permit program under 42**  
 30 **U.S.C. 7661 through 7661f not later than thirty (30) days after the**  
 31 **date the person received the notice provided under IC 13-15-5-3,**  
 32 **for a permit issued after April 30, 1999.**

33 SECTION 4. IC 13-15-7-1 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Except as provided  
 35 in sections 2, ~~and~~ 4, ~~and~~ 5 of this chapter, the commissioner or a  
 36 designated staff member may revoke or modify a permit granted by the  
 37 department under environmental management laws or IC 13-7 (before  
 38 its repeal) for any of the following causes:

- 39 (1) Violation of any condition of the permit.  
 40 (2) Failure to disclose all of the relevant facts.  
 41 (3) Any misrepresentation made in obtaining the permit.  
 42 (4) Changes in circumstances relating to the permit that require



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1 either a temporary or permanent reduction in the discharge of  
2 contaminants.

3 (5) Any other change, situation, or activity relating to the use of  
4 a permit that, in the judgment of the department, is not consistent  
5 with the following:

6 (A) The purposes of this title.

7 (B) Rules adopted by one (1) of the boards.

8 SECTION 5. IC 13-15-7-5 IS ADDED TO THE INDIANA CODE  
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 1999]: **Sec. 5. (a) This section applies to the following:**

11 (1) **An existing source that has been issued an operating**  
12 **permit by the department.**

13 (2) **An emission unit at an existing source described in**  
14 **subdivision (1).**

15 (b) **The commissioner or a designated staff member may not**  
16 **apply new source review requirements to the source or emission**  
17 **unit solely because of an increase in emissions resulting from a**  
18 **revision or refinement of an emission factor contained in the**  
19 **United States Environmental Protection Agency publication AP-42**  
20 **or in any other generally accepted compilation of emission factors.**

21 SECTION 6. IC 13-16-1-6 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 6.** Notwithstanding  
23 sections 1 through 5 of this chapter or any other law, a board or the  
24 department may not do any of the following:

25 (1) **Except as provided in section 7 of this chapter,** change a fee  
26 established by:

27 (A) IC 13-18-20;

28 (B) IC 13-20-21; or

29 (C) IC 13-22-12.

30 (2) Establish an additional fee that was not in effect on January 1,  
31 1994, concerning the following:

32 (A) National Pollutant Discharge Elimination System  
33 programs.

34 (B) Solid waste programs.

35 (C) Hazardous waste programs.

36 (3) Require payment of a fee for material used as alternate daily  
37 cover pursuant to a permit issued by the department under 329  
38 IAC 10-20-13.

39 SECTION 7. IC 13-16-1-7 IS ADDED TO THE INDIANA CODE  
40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
41 1, 1999]: **Sec. 7. Before billing a permitted source under**  
42 **IC 13-18-20, IC 13-20-21, or IC 13-22-12, the commissioner shall**

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1 review the money in the environmental management permit  
 2 operation fund established under IC 13-15-11 and make the  
 3 following adjustments:

4 (1) If the balance of the fund collected under IC 13-18-20,  
 5 once obligated expenditures are subtracted from the balance,  
 6 exceeds two million five hundred thousand dollars  
 7 (\$2,500,000) as of July 1 of the billing year, the commissioner  
 8 shall adjust the annual fee schedule to bill an amount, in the  
 9 aggregate, equivalent to the fee schedule amount, less the  
 10 excess over two million five hundred thousand dollars  
 11 (\$2,500,000). Adjustments to the individual bills must be  
 12 proportional to the applicable fee divided by the total amount  
 13 required by all the applicable fees.

14 (2) If the balance of the fund collected under IC 13-20-21,  
 15 once obligated expenditures are subtracted from the balance,  
 16 exceeds one million eight hundred thousand dollars  
 17 (\$1,800,000) as of July 1 of the billing year, the commissioner  
 18 shall adjust the annual fee schedule to bill an amount, in the  
 19 aggregate, equivalent to the fee schedule amount, less the  
 20 excess over one million eight hundred thousand dollars  
 21 (\$1,800,000). Adjustments to the individual bills must be  
 22 proportional to the applicable fee divided by the total amount  
 23 required by all the applicable fees.

24 (3) If the balance of the fund collected under IC 13-22-12,  
 25 once obligated expenditures are subtracted from the balance,  
 26 exceeds one million eight hundred thousand dollars  
 27 (\$1,800,000) as of July 1 of the billing year, the commissioner  
 28 shall adjust the annual fee schedule to bill an amount, in the  
 29 aggregate, equivalent to the fee schedule amount, less the  
 30 excess over one million eight hundred thousand dollars  
 31 (\$1,800,000). Adjustments to the individual bills must be  
 32 proportional to the applicable fee divided by the total amount  
 33 required by all the applicable fees.

34 SECTION 8. IC 13-20-7-1 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as  
 36 provided in sections 7 and 8 of this chapter, this chapter and rules  
 37 adopted under this chapter apply only to solid waste that is  
 38 disposed of at a solid waste landfill that does not meet Subtitle D  
 39 design standards of the federal Resource Conservation and  
 40 Recovery Act as provided in 40 CFR Part 258.

41 (b) A person may not be required to have solid waste certified as  
 42 special waste:

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1 (1) for a single shipment of solid waste if:

2 (1) (A) the solid waste is generated by one (1) generator from  
3 one (1) process;

4 (2) (B) the quantity of solid waste generated by the process is  
5 less than one hundred (100) kilograms per month; and

6 (3) (C) the quantity of solid waste disposed of is less than one  
7 thousand (1,000) kilograms per shipment; or

8 (2) unless the solid waste is disposed of at a solid waste landfill  
9 that does not meet Subtitle D design standards of the federal  
10 Resource Conservation and Recovery Act as provided in 40  
11 CFR Part 258.

12 SECTION 9. IC 13-20-7-7 IS ADDED TO THE INDIANA CODE  
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
14 UPON PASSAGE]: Sec. 7. (a) This section applies to all persons  
15 that:

16 (1) generate special waste; and

17 (2) dispose of the special waste at a final disposal facility.

18 (b) A person that generates special waste and disposes of the  
19 special waste at a final disposal facility shall provide the final  
20 disposal facility with a signed disposal notification attesting that  
21 the information on the disposal notification is true and accurate  
22 and that:

23 (1) the special waste is not hazardous waste;

24 (2) a waste determination was performed on the special waste  
25 in accordance with 40 CFR 258 and 40 CFR 261; and

26 (3) documentation that supports the waste determination will  
27 be made available, upon request, to the final disposal facility.

28 SECTION 10. IC 13-20-7-8 IS ADDED TO THE INDIANA CODE  
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
30 UPON PASSAGE]: Sec. 8. (a) This section applies to all persons  
31 that generate special waste.

32 (b) A person that generates special waste may not send the  
33 special waste to a transfer station unless the transfer station is  
34 permitted by the department to accept special waste.

35 SECTION 11. [EFFECTIVE JULY 1, 1999] (a) The environmental  
36 quality service council shall:

37 (1) review the permit accountability time frames outlined in  
38 IC 13-15-4-1, as amended by this act, and 326 IAC 2-5-2; and

39 (2) make legislative recommendations based on the review  
40 conducted under subdivision (1), if appropriate.

41 (b) This section expires October 1, 1999.

42 SECTION 12. [EFFECTIVE UPON PASSAGE] (a) The solid

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1 waste management board shall adopt rules under IC 4-22-2 and  
2 IC 13-14-9 to make the board's rules consistent with IC 13-20-7-1,  
3 as amended by this act.  
4 (b) The solid waste management board shall adopt the rules  
5 described in subsection (a) before July 1, 2000.  
6 (c) A rule adopted by the solid waste management board before  
7 the effective date of this SECTION that does not comply with  
8 IC 13-20-7-1, as amended by this act, applies only to solid waste  
9 that is disposed of at a solid waste landfill that does not meet  
10 Subtitle D design standards of the federal Resource Conservation  
11 and Recovery Act as provided in 40 CFR Part 258.  
12 SECTION 13. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1919, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1919 be amended to read as follows:

Page 3, delete lines 9 through 42.

Page 4, delete lines 1 through 20.

Renumber all SECTIONS consecutively.

(Reference is to HB 1919 as printed March 2, 1999.)

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1919, 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 3, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 13-16-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. Notwithstanding sections 1 through 5 of this chapter or any other law, a board or the department may not do any of the following:

(1) **Except as provided in section 7 of this chapter**, change a fee established by:

- (A) IC 13-18-20;
- (B) IC 13-20-21; or
- (C) IC 13-22-12.

(2) Establish an additional fee that was not in effect on January 1, 1994, concerning the following:

- (A) National Pollutant Discharge Elimination System programs.
- (B) Solid waste programs.
- (C) Hazardous waste programs.

(3) Require payment of a fee for material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 3. IC 13-16-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 7. Before billing a permitted source under IC 13-18-20, IC 13-20-21, or IC 13-22-12, the commissioner shall review the money in the environmental management permit operation fund established under IC 13-15-11 and make the following adjustments:**

(1) **If the balance of the fund collected under IC 13-18-20, once obligated expenditures are subtracted from the balance, exceeds two million five hundred thousand dollars (\$2,500,000) as of July 1 of the billing year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over two million five hundred thousand dollars (\$2,500,000). Adjustments to the individual bills must be proportional to the applicable fee divided by the total amount required by all the applicable fees.**

(2) **If the balance of the fund collected under IC 13-20-21,**



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once obligated expenditures are subtracted from the balance, exceeds one million eight hundred thousand dollars (\$1,800,000) as of July 1 of the billing year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over one million eight hundred thousand dollars (\$1,800,000). Adjustments to the individual bills must be proportional to the applicable fee divided by the total amount required by all the applicable fees.

(3) If the balance of the fund collected under IC 13-22-12, once obligated expenditures are subtracted from the balance, exceeds one million eight hundred thousand dollars (\$1,800,000) as of July 1 of the billing year, the commissioner shall adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over one million eight hundred thousand dollars (\$1,800,000). Adjustments to the individual bills must be proportional to the applicable fee divided by the total amount required by all the applicable fees.

SECTION 4. IC 13-20-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **This chapter and rules adopted under this chapter apply only to solid waste that is disposed at a solid waste landfill that does not meet Subtitle D design standards of the federal Resource Conservation and Recovery Act as provided in 40 CFR Part 258.**

(b) A person may not be required to have solid waste certified as special waste:

- (1) for a single shipment of solid waste if:
  - (+) (A) the solid waste is generated by one (1) generator from one (1) process;
  - (-) (B) the quantity of solid waste generated by the process is less than one hundred (100) kilograms per month; and
  - (-) (C) the quantity of solid waste disposed of is less than one thousand (1,000) kilograms per shipment; **or**
- (2) **unless the solid waste is disposed at a solid waste landfill that does not meet Subtitle D design standards of the federal Resource Conservation and Recovery Act as provided in 40 CFR Part 258."**

Page 3, after line 15, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE UPON PASSAGE] (a) **The solid waste management board shall adopt rules under IC 4-22-2 and IC 13-14-9 to make the board's rules consistent with IC 13-20-7-1,**



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as amended by this act.

(b) The solid waste management board shall adopt the rules described in subsection (a) before July 1, 2000.

(c) A rule adopted by the solid waste management board before the effective date of this SECTION that does not comply with IC 13-20-7-1, as amended by this act, applies only to solid waste that is disposed at a solid waste landfill that does not meet Subtitle D design standards of the federal Resource Conservation and Recovery Act as provided for in 40 CFR Part 258. SECTION 7. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1919 as reprinted March 5, 1999.)

GARD, Chairperson

Committee Vote: Yeas 7, Nays 0.

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## SENATE MOTION

Mr. President: I move that Engrossed House Bill 1919 be amended to read as follows:

Page 4, line 23, delete "This" and insert "**Except as provided in sections 7 and 8 of this chapter, this**".

Page 4, line 25, after "disposed" insert "**of**".

Page 4, line 37, after "disposed" insert "**of**".

Page 4, between lines 40 and 41, begin a new paragraph and insert:  
"SECTION 5. IC 13-20-7-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section applies to all persons that:**

- (1) generate special waste; and
- (2) dispose of the special waste at a final disposal facility.

(b) A person that generates special waste and disposes of the special waste at a final disposal facility shall provide the final disposal facility with a signed disposal notification attesting that the information on the disposal notification is true and accurate and that:

- (1) the special waste is not hazardous waste;
- (2) a waste determination was performed on the special waste in accordance with 40 CFR 258 and 40 CFR 261; and
- (3) documentation that supports the waste determination will be made available, upon request, to the final disposal facility.

SECTION 6. IC 13-20-7-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies to all persons that generate special waste.**

(b) A person that generates special waste may not send the special waste to a transfer station unless the transfer station is permitted by the department to accept special waste."

Page 5, line 15, after "disposed" insert "**of**".

Page 5, line 17, delete "for".

Page 5, line 17, before "SECTION" begin a new paragraph.

Re-number all SECTIONS consecutively.

(Reference is to EHB 1919 as printed March 24, 1999.)

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## SENATE MOTION

Mr. President: I move that Engrossed House Bill 1919 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-213 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 213. "Source", for purposes of **IC 13-15-7-5 and IC 13-17-7**, means an aggregation of one (1) or more facilities that are:

- (1) located on:
  - (A) one (1) piece of property; or
  - (B) contiguous or adjacent properties; and
- (2) owned, operated, or controlled by the same person."

Page 3, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 3. IC 13-15-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 1999 (RETROACTIVE)]: Sec. 1. (a) Not later than fifteen (15) days after being served the notice provided by the commissioner under IC 13-15-5-3:

- (1) the permit applicant; or
- (2) 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 under IC 4-21.5-3 and IC 4-21.5-7.

**(b) Notwithstanding subsection (a) and IC 4-21.5-3-7(a)(3), a person may file an appeal of the commissioner's action in issuing an initial permit under the operating permit program under 42 U.S.C. 7661 through 7661f not later than thirty (30) days after the date the person received the notice provided under IC 13-15-5-3, for a permit issued after April 30, 1999.**

SECTION 4. IC 13-15-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Except as provided in sections 2, ~~and 4~~, **and 5** of this chapter, the commissioner or a designated staff member may revoke or modify a permit granted by the department under environmental management laws or IC 13-7 (before its repeal) for any of the following causes:

- (1) Violation of any condition of the permit.
- (2) Failure to disclose all of the relevant facts.
- (3) Any misrepresentation made in obtaining the permit.
- (4) Changes in circumstances relating to the permit that require either a temporary or permanent reduction in the discharge of contaminants.

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(5) Any other change, situation, or activity relating to the use of a permit that, in the judgment of the department, is not consistent with the following:

(A) The purposes of this title.

(B) Rules adopted by one (1) of the boards.

SECTION 5. IC 13-15-7-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 5. (a) This section applies to the following:**

**(1) An existing source that has been issued an operating permit by the department.**

**(2) An emission unit at an existing source described in subdivision (1).**

**(b) The commissioner or a designated staff member may not apply new source review requirements to the source or emission unit solely because of an increase in emissions resulting from a revision or refinement of an emission factor contained in the United States Environmental Protection Agency publication AP-42 or in any other generally accepted compilation of emission factors."**

Page 5, line 17, delete "SECTION 7. An", begin a new paragraph and insert:

"SECTION 11. An".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1919 as printed March 24, 1999.)

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