



March 2, 1999

HOUSE BILL No. 1919

DIGEST OF HB1919 (Updated February 25, 1999 5:21 pm - DI 69)

Citations Affected: IC 13-15; noncode.

Synopsis: Permit accountability time frames. 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 commissioner to determine that a permit application is incomplete not later than 35 working days after receiving the application and to determine that a response to a deficiency notice is incomplete not later than 20
(Continued next page)

Effective: July 1, 1999.

Sturtz

January 26, 1999, read first time and referred to Committee on Environmental Affairs.
March 1, 1999, reported — Do Pass.

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days after receiving the response. Requires the environmental quality service council to review permit accountability time frames.

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HB 1919—LS 7803/DI 78+



March 2, 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 a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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HOUSE BILL No. 1919

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 13-15-4-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Except as provided
3 in sections 2, 3, and 6 of this chapter, the commissioner shall approve
4 or deny an application filed with the department after July 1, 1995,
5 within the following number of days:
6 (1) Three hundred sixty-five (365) days for an application
7 concerning the following:
8 (A) A new hazardous waste or solid waste landfill.
9 (B) A new hazardous waste or solid waste incinerator.
10 (C) A major modification of a solid waste landfill.
11 (D) A major modification of a solid waste incinerator.
12 (E) A new hazardous waste treatment or storage facility.
13 (F) A new Part B permit issued under 40 CFR 270 et seq. for
14 an existing hazardous waste treatment or storage facility.
15 (G) A Class 3 modification under 40 CFR 270.42 to a

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- 1 hazardous waste landfill.
- 2 (2) Two hundred seventy (270) days for an application concerning
- 3 the following:
- 4 (A) A Class 3 modification under 40 CFR 270.42 of a
- 5 hazardous waste treatment or storage facility.
- 6 (B) A major new National Pollutant Discharge Elimination
- 7 System permit.
- 8 (3) One hundred eighty (180) days for an application concerning
- 9 the following:
- 10 (A) A new solid waste processing or recycling facility.
- 11 (B) A minor new National Pollutant Discharge Elimination
- 12 System **individual** permit.
- 13 (C) A permit concerning the land application of wastewater.
- 14 **(4) One hundred fifty (150) days for an application concerning**
- 15 **a minor new National Pollutant Discharge Elimination System**
- 16 **general permit.**
- 17 ~~(4)~~ (5) One hundred twenty (120) days for an application
- 18 concerning ~~the following~~:
- 19 ~~(A)~~ a Class 2 modification under 40 CFR 270.42 to a
- 20 hazardous waste facility.
- 21 ~~(B)~~ A wastewater facility or water facility construction permit.
- 22 ~~(5)~~ (6) Ninety (90) days for an application concerning **the**
- 23 **following**:
- 24 (A) A minor modification to a solid waste landfill or
- 25 incinerator permit.
- 26 (B) **A wastewater facility or water facility construction**
- 27 **permit.**
- 28 ~~(6)~~ (7) The amount of time provided for in rules adopted by the
- 29 air pollution control board for an application concerning the
- 30 following:
- 31 (A) An air pollution construction permit that is subject to 326
- 32 IAC 2-2 and 326 IAC 2-3.
- 33 (B) An air pollution facility construction permit (other than as
- 34 defined in 326 IAC 2-2).
- 35 (C) Registration of an air pollution facility.
- 36 ~~(7)~~ (8) Sixty (60) days for an application concerning the
- 37 following:
- 38 (A) A Class 1 modification under 40 CFR 270.42 requiring
- 39 prior written approval, to a hazardous waste:
- 40 (i) landfill;
- 41 (ii) incinerator;
- 42 (iii) treatment facility; or

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1 (iv) storage facility.

2 (B) ~~Certification of a special waste:~~

3 ~~(C)~~ Any other permit not specifically described in this section
4 for which the application fee exceeds one hundred dollars
5 (\$100) and for which a time frame has not been established
6 under section 3 of this chapter.

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

9 SECTION 2. IC 13-15-4-10 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The commissioner
11 may suspend the processing of an application, and the period described
12 under sections 1 through 6 of this chapter is suspended, if one (1) of the
13 following occurs:

14 (1) The department determines **not later than thirty-five (35)**
15 **working days after receiving the application** that the
16 application is incomplete and has mailed a notice of deficiency to
17 the applicant that specifies the parts of the application that:

18 (A) do not contain adequate information for the department to
19 process the application; or

20 (B) are not consistent with applicable law.

21 The period described under sections 1 through 6 of this chapter
22 shall be suspended during the first two (2) notices of deficiency
23 sent to an applicant under this subdivision. If more than two (2)
24 notices of deficiency are issued on an application, the period may
25 not be suspended unless the applicant agrees in writing to defer
26 processing of the application pending the applicant's response to
27 the notice of deficiency. A notice of deficiency may include a
28 request for the applicant to conduct tests or sampling to provide
29 information necessary for the department to process the
30 application. If an applicant's response does not contain complete
31 information to satisfy all deficiencies described in a notice of
32 deficiency, the department shall notify the applicant not later than
33 ~~thirty (30)~~ **twenty (20)** working days after receiving the response.

34 The commissioner shall resume processing the application, and
35 the period described under sections 1 through 6 of this chapter
36 resumes on the earlier of the date the department receives and
37 stamps as received the applicant's complete information or the
38 date marked by the department on a certified mail return receipt
39 accompanying the applicant's complete information.

40 (2) The commissioner receives a written request from an
41 applicant to:

42 (A) withdraw; or

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(B) defer processing of;
the application for the purposes of resolving an issue related to a permit or to provide additional information concerning the application.

(3) The department is required by federal law or by an agreement with the United States Environmental Protection Agency for a federal permit program to transmit a copy of the proposed permit to the administrator of the United States Environmental Protection Agency for review and possible objections before the permit may be issued. The period described under sections 1 through 6 of this chapter shall be suspended from the time the department submits the proposed permit to the administrator for review until:

(A) the department receives the administrator's concurrence or objection to the issuance of the proposed permit; or

(B) the period established in federal law by which the administrator is required to make objections expires without the administrator having filed an objection.

(4) A board initiates emergency rulemaking under IC 4-22-2-37.1(a)(14) to revise the period described under sections 1 through 6 of this chapter.

SECTION 3. [EFFECTIVE JULY 1, 1999] (a) The environmental quality service council shall:

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

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

(b) This section expires October 1, 1999.

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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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