



February 16, 1999

SENATE BILL No. 65

DIGEST OF SB 65 (Updated February 15, 1999 11:05) - DI grg)

Citations Affected: IC 13-11; IC 13-15.

Synopsis: Air permits on styrene. Provides new deadlines for a person to file an appeal of the decision of the commissioner of the department of environmental management in issuing an initial permit under the operating permit program. Prohibits the commissioner of the department of environmental management or a designated staff member from applying construction permit requirements, control technology requirements, or new source review requirements solely because of a change in an emission factor.

Effective: July 1, 1999.

Riegsecker

January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
February 15, 1999, amended; reassigned to Committee on Environmental Affairs.

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SB 65—LS 6148/DI 13+



February 16, 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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SENATE BILL No. 65

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 13-11-2-213 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 13-15-6-1 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) Not later than
11 fifteen (15) days after being served the notice provided by the
12 commissioner under IC 13-15-5-3:

13 (1) the permit applicant; or

14 (2) any other person aggrieved by the commissioner's action;
15 may appeal the commissioner's action to the office of environmental
16 adjudication and request that an environmental law judge hold an
17 adjudicatory hearing concerning the action under IC 4-21.5-3 and

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1 IC 4-21.5-7.

2 **(b) Notwithstanding subsection (a), a person may file an appeal**
 3 **of the commissioner's action in issuing an initial permit under the**
 4 **operating permit program under 42 U.S.C. 7661 through 7661f not**
 5 **later than:**

- 6 **(1) July 30, 1999, for a permit issued before July 1, 1999; or**
 7 **(2) thirty (30) days after the date the person received the**
 8 **notice provided under IC 13-15-5-3, for a permit issued after**
 9 **June 30, 1999.**

10 SECTION 3. IC 13-15-7-1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Except as provided
 12 in sections 2, ~~and~~ 4, **and 5** of this chapter, the commissioner or a
 13 designated staff member may revoke or modify a permit granted by the
 14 department under environmental management laws or IC 13-7 (before
 15 its repeal) for any of the following causes:

- 16 (1) Violation of any condition of the permit.
 17 (2) Failure to disclose all of the relevant facts.
 18 (3) Any misrepresentation made in obtaining the permit.
 19 (4) Changes in circumstances relating to the permit that require
 20 either a temporary or permanent reduction in the discharge of
 21 contaminants.
 22 (5) Any other change, situation, or activity relating to the use of
 23 a permit that, in the judgment of the department, is not consistent
 24 with the following:

- 25 (A) The purposes of this title.
 26 (B) Rules adopted by one (1) of the boards.

27 SECTION 4. IC 13-15-7-5 IS ADDED TO THE INDIANA CODE
 28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 1999]: **Sec. 5. (a) This section applies to the following:**

- 30 **(1) An existing source that has been issued an operating**
 31 **permit by the air pollution control board.**
 32 **(2) An emission unit at an existing source described in**
 33 **subdivision (1).**

34 **(b) The commissioner or a designated staff member may not**
 35 **apply:**

- 36 **(1) construction permit requirements;**
 37 **(2) control technology requirements; or**
 38 **(3) other new source review requirements;**

39 **to the source or emission unit solely because of an increase in**
 40 **emissions resulting from a revision or refinement of an emission**
 41 **factor contained in the United States Environmental Protection**
 42 **Agency publication AP-42 or in any other generally accepted**



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1 **compilation of emission factors.**

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SENATE MOTION

Mr. President: I move that Senator Garton be removed as author of Senate Bill 65 and that Senator Riegsecker be substituted therefor.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 65, 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:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Environmental Affairs.

(Reference is to SB 65 as introduced.)

GARTON, Chairperson

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