

HOUSE BILL No. 1817

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-15-3; IC 13-15-4-1.

Synopsis: Local approval of hazardous waste permits. Allows the department of environmental management to issue an original or a renewal permit relating to a hazardous waste facility only if the issuance is approved by the municipality or county in which the facility is located. Allows 45 days for local review and adds 45 days to the department's permit review period.

Effective: July 1, 2005.

Smith V, Brown C

January 19, 2005, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1817



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 13-15-3-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Whenever the
- 3 department receives a permit application, the department shall send
- 4 notice that the permit application has been received by the department
- 5 to the following:
- 6 (1) The ~~county~~ executive of a county that is affected by the permit
- 7 application.
- 8 (2) The executive of a ~~city~~ **municipality** that is affected by the
- 9 permit application.
- 10 (3) ~~The executive of a town council of a town that is affected by~~
- 11 ~~the permit application.~~
- 12 **(b) Whenever the department receives a permit application**
- 13 **subject to section 4.5 of this chapter, the department shall send**
- 14 **notice that the permit application has been received by the**
- 15 **department and a copy of the application to the following:**
- 16 **(1) The fiscal body of a county that is affected by the permit**
- 17 **application.**



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(2) The fiscal body of a municipality that is affected by the permit application.

~~(b)~~ **(c) The department may require a person who submits a permit application to the department to provide information on the application necessary for the department to implement ~~subsection (a)~~: subsections (a) and (b).**

SECTION 2. IC 13-15-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. (a) The department may issue an original or a renewal permit for a hazardous waste facility under IC 13-22-3 only if the issuance of the permit is approved by:**

- (1) the fiscal body of the municipality in which the facility is located; or**
- (2) the fiscal body of the county in which the facility is located, if subdivision (1) does not apply.**

(b) If the department does not receive from the fiscal body from which approval of the issuance of an original or a renewal permit is required under subsection (a), notice of:

- (1) approval; or**
- (2) denial;**

of the permit issuance not less than forty-five (45) days after the department sends notice of the permit application to the fiscal body under section 1 of this chapter, the fiscal body is considered to have approved the issuance of the permit.

SECTION 3. IC 13-15-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1. (a) Except as provided in sections 2, 3, and 6 of this chapter, the commissioner shall approve or deny an application filed with the department after July 1, 1995, within the following number of days:**

(1) Four hundred ten (410) days for an application concerning the following:

- (A) A new hazardous waste landfill.**
- (B) A new hazardous waste incinerator.**
- (C) A new hazardous waste treatment or storage facility.**
- (D) A new Part B permit issued under 40 CFR 270 et seq. for an existing hazardous waste treatment or storage facility.**
- (E) A Class 3 modification under 40 CFR 270.42 to a hazardous waste landfill.**

~~(1)~~ **(2) Three hundred sixty-five (365) days for an application concerning the following:**

- (A) A new ~~hazardous waste~~ or solid waste landfill.**

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- 1 (B) A new ~~hazardous waste~~ or solid waste incinerator.
 2 (C) A major modification of a solid waste landfill.
 3 (D) A major modification of a solid waste incinerator.
 4 ~~(E) A new hazardous waste treatment or storage facility.~~
 5 ~~(F) A new Part B permit issued under 40 CFR 270 et seq. for~~
 6 ~~an existing hazardous waste treatment or storage facility.~~
 7 ~~(G) A Class 3 modification under 40 CFR 270.42 to a~~
 8 ~~hazardous waste landfill.~~
 9 **(3) Three hundred fifteen (315) days for an application**
 10 **concerning a Class 3 modification under 40 CFR 270.42 of a**
 11 **hazardous waste treatment or storage facility.**
 12 ~~(2)~~ **(4) Two hundred seventy (270) days for an application**
 13 **concerning the following:**
 14 ~~(A) A Class 3 modification under 40 CFR 270.42 of a~~
 15 ~~hazardous waste treatment or storage facility.~~
 16 ~~(B) a major new National Pollutant Discharge Elimination~~
 17 ~~System permit.~~
 18 ~~(3)~~ **(5) One hundred eighty (180) days for an application**
 19 **concerning the following:**
 20 (A) A new solid waste processing or recycling facility.
 21 (B) A minor new National Pollutant Discharge Elimination
 22 System individual permit.
 23 (C) A permit concerning the land application of wastewater.
 24 **(6) One hundred sixty-five (165) days for an application**
 25 **concerning a Class 2 modification under 40 CFR 270.42 to a**
 26 **hazardous waste facility.**
 27 ~~(4)~~ **(7) One hundred fifty (150) days for an application concerning**
 28 **a minor new National Pollutant Discharge Elimination System**
 29 **general permit.**
 30 ~~(5) One hundred twenty (120) days for an application concerning~~
 31 ~~a Class 2 modification under 40 CFR 270.42 to a hazardous waste~~
 32 ~~facility.~~
 33 **(8) One hundred five (105) days for an application concerning**
 34 **a Class 1 modification under 40 CFR 270.42 requiring prior**
 35 **written approval to a hazardous waste:**
 36 **(A) landfill;**
 37 **(B) incinerator;**
 38 **(C) treatment facility; or**
 39 **(D) storage facility.**
 40 ~~(6)~~ **(9) Ninety (90) days for an application concerning the**
 41 **following:**
 42 (A) A minor modification to a solid waste landfill or

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- 1 incinerator permit.
- 2 (B) A wastewater facility or water facility construction permit.
- 3 ~~(7)~~ **(10)** The amount of time provided for in rules adopted by the
- 4 air pollution control board for an application concerning the
- 5 following:
- 6 (A) An air pollution construction permit that is subject to
- 7 326 IAC 2-2 and 326 IAC 2-3.
- 8 (B) An air pollution facility construction permit (other than as
- 9 defined in 326 IAC 2-2).
- 10 (C) Registration of an air pollution facility.
- 11 ~~(8)~~ **(11)** Sixty (60) days for an application concerning the
- 12 following:
- 13 ~~(A) A Class 1 modification under 40 CFR 270.42 requiring~~
- 14 ~~prior written approval, to a hazardous waste:~~
- 15 ~~(i) landfill;~~
- 16 ~~(ii) incinerator;~~
- 17 ~~(iii) treatment facility; or~~
- 18 ~~(iv) storage facility.~~
- 19 ~~(B)~~ any other permit not specifically described in this section
- 20 for which the application fee exceeds forty-nine dollars (\$49)
- 21 and for which a time frame has not been established under
- 22 section 3 of this chapter.
- 23 (b) When a person holding a valid permit concerning an activity of
- 24 a continuing nature has made a timely and sufficient application for a
- 25 renewal permit under the rules of one (1) of the boards, the
- 26 commissioner shall approve or deny the application on or before the
- 27 expiration date stated in the permit for which renewal is sought.
- 28 **SECTION 4. [EFFECTIVE JULY 1, 2005] IC 13-15-3-1 and**
- 29 **IC 13-15-4-1, both as amended by this act, and IC 13-15-3-4.5, as**
- 30 **added by this act, apply only to permit applications filed with the**
- 31 **department of environmental management after June 30, 2005.**

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