

IC 13-15-3

Chapter 3. Procedure for Issuance of Permits

IC 13-15-3-1

Notice of permit applications received

Sec. 1. (a) Whenever the department receives a permit application, the department shall send notice that the permit application has been received by the department to the following:

- (1) The county executive of a county that is affected by the permit application.
- (2) The executive of a city that is affected by the permit application.
- (3) The executive of a town council of a town that is affected by the permit application.

(b) 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).

As added by P.L.1-1996, SEC.5.

IC 13-15-3-1.3

Military base permits

Sec. 1.3. The department shall give priority to permit applications that concern:

- (1) military bases; and
- (2) the destruction, reclamation, recycling, reprocessing, or demilitarization of ordnance and other explosive materials.

As added by P.L.5-2005, SEC.3.

IC 13-15-3-2

Length of time permit may be issued; renewal

Sec. 2. (a) A permit issued under:

- (1) this article (except IC 13-15-9);
- (2) IC 13-17-11;
- (3) IC 13-18-18; or
- (4) IC 13-20-1;

may be issued for any period determined by the department to be appropriate but not to exceed five (5) years.

(b) Except as provided in federal law, a valid permit that has been issued under this chapter that concerns an activity of a continuing nature may be renewed for a period of not more than ten (10) years as determined by the department. The board shall adopt rules implementing this subsection.

(c) The commissioner may delegate authority to issue or deny permits to a designated staff member.

As added by P.L.1-1996, SEC.5. Amended by P.L.123-1996, SEC.12; P.L.128-1996, SEC.1.

IC 13-15-3-3

Hearings

Sec. 3. (a) A public hearing shall be held on the question of:

(1) the issuance of an original or renewal permit for a hazardous waste disposal facility under IC 13-22-3; or
(2) the issuance of an original permit for a solid waste disposal facility or a solid waste incinerator regulated under IC 13-20-8; as provided in subsection (b).

(b) A public hearing shall be held under subsection (a) upon:

- (1) the request of the applicant;
- (2) the filing of a petition requesting a public hearing that is signed by one hundred (100) adult individuals who:
 - (A) reside in the county where the proposed or existing facility is or is to be located; or
 - (B) own real property within one (1) mile of the site of the proposed or existing facility; or
- (3) the motion of the commissioner.

(c) The public hearing authorized by this section does not constitute an agency action under IC 4-21.5.

As added by P.L.1-1996, SEC.5.

IC 13-15-3-4

Location of hearings

Sec. 4. If the petition under section 3(b)(2) of this chapter requests that the public hearing be conducted at a location within a county affected by a proposed permit, the department shall conduct the public hearing at that location.

As added by P.L.1-1996, SEC.5.

IC 13-15-3-5

Department may issue certain permits only after staff action; local approval

Sec. 5. (a) Whenever a permit is required by any rule of the board under IC 13-15-1 for the construction, installation, operation, or modification of any facility, equipment, or device, the permit may be issued only after the department staff has:

- (1) approved the plans and specifications; and
- (2) determined that the facility, equipment, or device meets the requirement of the rule.

(b) Notwithstanding subsection (a) and subject to subsection (c), a person to whom a permit has been issued may not start the construction, installation, operation, or modification of a facility, equipment, or a device until the person has obtained any approval required by any:

- (1) county;
- (2) city; or
- (3) town;

in which the facility, equipment, or device is located.

(c) Subsection (b) applies only to an approval required in an applicable ordinance, rule, or regulation in effect at the time the person submits the permit application to the issuing state agency.

As added by P.L.1-1996, SEC.5. Amended by P.L.78-2009, SEC.12; P.L.133-2012, SEC.100.

IC 13-15-3-6**Activity of continuing nature; expiration of existing permit; renewal of hazardous waste disposal facility permit**

Sec. 6. (a) When a person holding a valid permit concerning an activity of a continuing nature has made a timely and sufficient application for a renewal or a new permit in accordance with rules of the board, the existing permit does not expire until a final determination on the application has been made by the department. However, the commissioner may seek injunctive relief with regard to the continuing activity of the permit applicant while the permit application is pending if the continuing activity of the permit applicant constitutes a threat to the public health, safety, or welfare.

(b) An application for renewal of a hazardous waste disposal facility operating permit under IC 13-22-3 must be submitted at least one hundred eighty (180) days before the expiration of the facility's current permit to be considered timely under this section.

As added by P.L.1-1996, SEC.5. Amended by P.L.133-2012, SEC.101.