

IC 13-15-5

Chapter 5. Comments on Permit Issuance or Denial

IC 13-15-5-1

Notice requesting comments; period for comments; hearings

Sec. 1. (a) In response to an application for an original permit or a renewal permit, the commissioner:

(1) shall, if required by IC 13-15-3-3 or other law; or

(2) may, if not required by law;

publish a notice requesting comments concerning the question of issuance or denial of the permit.

(b) If the application is for an operating permit under 42 U.S.C. 7661 through 7661f, the commissioner shall give notice to all states that are:

(1) contiguous to Indiana; or

(2) located not more than fifty (50) miles from a source that is a subject of the permit application.

(c) A comment period of at least thirty (30) days must follow publication of a notice under this section. During the comment period, interested persons may:

(1) submit written comments to the commissioner concerning the issuance or denial of the permit; and

(2) request a public hearing concerning the issuance or denial of the permit.

(d) The commissioner, in response to a written request, may hold a public hearing in the geographical area affected by the proposed permit on the question whether to issue or deny the permit.

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

IC 13-15-5-2

Written objection by the Environmental Protection Agency

Sec. 2. The commissioner may not issue a permit under the operating permit program under 42 U.S.C. 7661 through 7661f if the United States Environmental Protection Agency makes a written objection within the time allowed under applicable federal law.

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

IC 13-15-5-3

Issuance or denial of permit; notice of action

Sec. 3. (a) Except as provided in section 2 of this chapter:

(1) after the comment period; or

(2) if a public hearing is held, after the public hearing;

the commissioner shall issue the permit or deny the permit application.

(b) Unless the commissioner states otherwise in writing, the commissioner's action under this section is effective immediately.

(c) Notice of the commissioner's action shall be served upon the following:

- (1) The permit applicant.
 - (2) Each person who submitted written comments under section 1 of this chapter.
 - (3) Each person who requests notice of the permit determination.
 - (4) The Administrator of the United States Environmental Protection Agency if service is required under the applicable federal law.
- (d) If the commissioner's action is likely to have a significant impact upon persons who are not readily identifiable, the commissioner may publish notice of the action on the permit application in a newspaper of general circulation in the county affected by the proposed permit.
- As added by P.L.1-1996, SEC.5.*