

NOTICE OF DECISION

The Indiana Department of Environmental Management (IDEM) issued a decision regarding a minor modification for the Divert, Inc. Solid Waste Processing Facility (SW Program ID 50-006) at 2857 Jim Neu Dr. in Plymouth, Marshall County. This solid waste processing facility permit allows the permittee, Divert, Inc. to modify their existing facility. The final decision is available online via IDEM's Virtual File Cabinet (VFC). Please go to: <http://vfc.idem.in.gov/>. You can search there for approval documents using a variety of criteria. A copy of the permit decision has also been mailed to the following library:

Plymouth Public Library, 201 N. Center Street, Plymouth, 46563

If you need assistance accessing the permit, please contact the Solid Waste Permits Section at (317) 232-4473 or toll free within Indiana at (800) 451-6027, or send an e-mail to OLQ@idem.IN.gov with the permit information in the subject line.

APPEAL PROCEDURES

If you wish to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 require that you file a Petition for Administrative Review. If you seek to have the effectiveness of the permit stayed during the Administrative Review, you must also file a Petition for Stay. The Petition(s) must be submitted to the Indiana Office of Administrative Law Proceedings (OALP) at the address below within 15 days of this Notice (18 days if you are receiving this notice by U.S. Mail):

Office of Environmental Adjudication
Indiana Government Center North, Room N802
100 North Senate Avenue
Indianapolis, IN 46204

The Petition(s) must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision, or otherwise entitled to review by law. Identifying the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice will expedite review of the petition. Additionally, IC 13-15-6-2 and 315 IAC 1-3-2 require that your Petition include:

1. the name, address, and telephone number of the person making the request;
2. the interest of the person making the request;
3. identification of any persons represented by the person making the request;
4. the reasons, with particularity, for the request;
5. the issues, with particularity, for the request;
6. identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type granted or denied by the Commissioner's action; and
7. a copy of the pertinent portions of the permit, decision, or other order for which you seek review, at a minimum, the portion of the Commissioner's action that identifies the person to whom the action is directed and the identification number of the action.

Pursuant to IC 4-21.5-3-1(f), any document serving as a petition for review or review and stay must be filed with the OALP within the deadline above. Filing of such a document is complete on the date that the petition is:

1. delivered in-person to the OALP;
2. postmarked on the envelope containing the petition, if the petition is mailed to the OALP by United States mail; or
3. deposited with a private carrier, as shown by a receipt issued by the carrier, if the petition is sent to the OALP by private carrier.
4. submitted using OALP's online petition form, available at IN.gov/oalp.

In order to assist permit staff in tracking any appeals of the decision, please provide a copy of your petition to Adam Weinzapfel, IDEM, Solid Waste Permits, IGCN 1154, 100 North Senate Ave., Indianapolis, IN 46204-2251.

The OALP will provide you with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders regarding this decision if you submit a written request to the OALP. If you do not provide a written request to the OALP, you will no longer be notified of any proceedings pertaining to this decision.

For additional information on filing a petition with OALP, visit their website at IN.gov/oalp.