

**OBJECTION TO THE ISSUANCE OF  
PERMIT APPROVAL NO. 13725  
TOWN OF NEW WHITELAND  
JOHNSON COUNTY, INDIANA  
2001 OEA 092 (00-W-J-2539)**

<b>Official Short Cite Name:</b>	Town of New Whiteland, 2001 OEA 092
<b>OEA Cause No.:</b>	00-W-J-2539
<b>Topics/Keywords:</b>	IC 13-15-6-2 327 IAC 3-2-2 Sanitary Sewer construction permit Ind. Tr. R. 12(B)(1) and (6)
<b>Presiding ELJ:</b>	Wayne E. Penrod, CALJ
<b>Party Representatives:</b>	Janice E. S. Lengel, Esq. for IDEM Cynthia E. Music, Esq. for Permittee J. Lee Robbins, Esq. for Permittee Dennis and Bonnie Jo Shelton, <i>pro se</i> Petitioners
<b>Order Issued:</b>	May 4, 2001
<b>Index Category:</b>	Water
<b>Further Case Activity:</b>	



5. On June 30, 2000, the OEA issued an order scheduling a pre-hearing conference for July 17, 2000 and ordering Petitioners to amend Petitioners' Request to comply with Ind. Code §13-15-6-2.
6. Following the pre-hearing conference held on July 17, 2000, the OEA issued an order on August 3, 2000, requiring Petitioners to amend Petitioners' Request by August 11, 2000 to comply with Ind. Code §13-15-6-2.
7. On August 10, 2000, Petitioners filed an amended request for administrative review with the OEA ("Petitioners' Amended Request"). Petitioners' Amended Request raised additional concerns of the Petitioners, but still did not comply with Ind. Code §13-15-6-2.
8. Petitioners in Petitioners' Request and Petitioners' Amended Request again failed to comply with Ind. Code 13-15-6-2. Additionally, Petitioners' in Petitioners' Request and Petitioners' Amended Request failed to identify any technical deficiencies in Respondent's permit application or with IDEM's review of Respondent's permit application.
9. Petitioners' in Petitioners' Request and Petitioners' Amended Request have failed to state facts demonstrating that they are or will imminently be aggrieved or adversely affected by IDEM's issuance of the Permit, thereby failing to comply with Ind. Code §4-21.5-3-7.
10. Respondent and IDEM's Motion to Dismiss is hereby GRANTED. The issuance of Permit Approval No. 13725 is upheld.
11. You are further notified that pursuant to provisions of S.E.A. 156 (P.L.41-1995 amending IC 4-21.5-7) which became effective July 1, 1995, the Office of Environmental Adjudication serves as the Ultimate Authority in administrative review of decisions of the Commissioner of the Indiana Department of Environmental Management. This Final Order is subject to Judicial Review consistent with applicable provisions of IC 4-21.5. Pursuant to IC 4-21.5-5-5, a Petition for Judicial Review of this Final Order is timely only if it is filed with a civil court of competent jurisdiction within thirty (30) days after the date this notice is served.

So ORDERED this 4<sup>th</sup> day of May, 2001.

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Wayne E. Penrod, Chief  
Administrative Law Judge