

FILED

JUN 28 2021

Belinda Munson
MUNCIE CITY CLERK

ORDINANCE NO. 31-21

AN ORDINANCE OF THE CITY OF MUNCIE REQUIRING NOTICE OF ENVIRONMENTAL IMPACT

WHEREAS, the Indiana Department of Environmental Management ("IDEM"), through its Air, Land and Water Divisions, seeks to enforce the requirements of state and federal laws that are designed to protect the environment; and

WHEREAS, as part of its enforcement duties, IDEM requires the issuance of certain permits for construction activities and/or business operations that create a risk of harmful environmental impact; and

WHEREAS, depending on the level of risk to the environment, each IDEM Division requires certain information to be submitted as part of a permit application that describes the potential environmental impact and the management of that potential impact; and

WHEREAS, the Common Council of the City of Muncie established an Environmental Impact Committee for the purpose of considering concerns that citizens of the City of Muncie may have with respect to certain operations within the City of Muncie that have the potential to negatively impact the environment; and

WHEREAS, the Common Council of Muncie believes it would be beneficial for the Environmental Impact Committee to be specifically notified of certain new facilities and/or operations within the City of Muncie that may have an impact on the environment in order to promote increased notification to the citizens and, in some circumstances, provide a venue for public input.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE AS FOLLOWS:

Section 1: Section 161.30 shall be added to Chapter 161 of the City of Muncie Code of Ordinances to read as follows:

DIVISION 3 – ENVIRONMENTAL CONSIDERATIONS

Sec. 161.30 – Environmental Impact

In addition to the foregoing requirements of this Chapter, if the applicant is seeking a real property tax abatement and/or tangible personal property tax abatement for a facility, operation and/or use that requires any of the following to be obtained from, or be filed with the Indiana Department of Environmental Management or its designee, the applicant shall provide the Environmental Impact Committee with the materials that the applicant, or its representative, was or will be required to file with IDEM or its designee describing the potential environmental impact of the facility, operation and/or use:

- (1) Minor Source Operating Permit (MSOP) (Air Permit)
- (2) Federally Enforceable State Operating Air Permit (FESOP) (Air Permit)
- (3) Title V Operating Permit (TVOP) (Air Permit)
- (4) Initial National Pollution Discharge Elimination System Permit (NPDES) (Water Permit)
- (5) Underground Storage Tank Initial Registration

Section 2: Section 152.36 is hereby added to Chapter 152 of the City of Muncie Code of Ordinances to read as follows:

Sec. 152.36 – Environmental Impact

- (A) If an application for a permit required under Section 152.30 herein is sought for a facility, operation, or use that requires any of the following to be obtained from, or be filed with the Indiana Department of Environmental Management or its designee, the applicant shall provide the Building Commissioner with the materials that the applicant, or its representative, was or will be required to file with IDEM or its designee describing the potential environmental impact of the facility, operation and/or use:
 - (1) Minor Source Operating Permit (MSOP) (Air Permit)
 - (2) Federally Enforceable State Operating Air Permit (FESOP) (Air Permit)
 - (3) Title V Operating Permit (TVOP) (Air Permit)
 - (4) Initial National Pollution Discharge Elimination System Permit (NPDES) (Water Permit)
 - (5) Underground Storage Tank Initial Registration
- (B) The Building Commissioner shall provide the Environmental Impact Committee with the materials required by Subsection (A) within three (3) days of its receipt.
- (C) The Environmental Impact Committee and/or Common Council will not have the authority to grant or deny a permit required by Section 152.30. The notice to the Environmental Impact Committee is intended to facilitate public notice of certain proposed facilities, operations or uses in the City of Muncie.
- (D) The requirement of Subsection (A) shall not apply if an applicant previously provided the required information to the Environmental Impact Committee as part of a request for a tax abatement or other financial assistance from the City of Muncie.

Section 3: Section 32.43 is hereby added to Chapter 32 of the City of Muncie Code of Ordinances to read as follows:

Sec. 32.43 – Environmental Impact, Financial Incentives

Any person or entity seeking approval and/or issuance of a municipal bond or any other financial incentive from the Common Council of the City of Muncie for a facility, operation and/or use that requires any of the following to be obtained from, or be filed with the Indiana Department of Environmental Management or its designee, shall provide the Environmental Impact Committee with the materials that were or will be required to be filed with IDEM or its designee describing the potential environmental impact of the facility, operation and/or use:

- (1) Minor Source Operating Permit (MSOP) (Air Permit)
- (2) Federally Enforceable State Operating Air Permit (FESOP) (Air Permit)
- (3) Title V Operating Permit (TVOP) (Air Permit)
- (4) Initial National Pollution Discharge Elimination System Permit (NPDES) (Water Permit)
- (5) Underground Storage Tank Initial Registration

Section 4. That this Ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana, and such publication as may be required by law.

Passed by the Common Council of the City of Muncie, Indiana, this 2 day of August, 2021.

	Yeas	Nays	Abstained	Absent
Ralph Smith	_____	_____	_____	_____
Jeff Robinson	<u>✓</u>	_____	_____	_____
Brandon Garrett	<u>✓</u>	_____	_____	_____
Bradley Polk	<u>✓</u>	_____	_____	_____
Jerry D. Dishman	<u>✓</u>	_____	_____	_____
Anitra Davis	<u>✓</u>	_____	_____	_____
Aaron Clark	<u>✓</u>	_____	_____	_____
Troy A. Ingram	<u>✓</u>	_____	_____	_____
Ro Selvey	<u>✓</u>	_____	_____	_____



 President, Common Council

ATTEST:



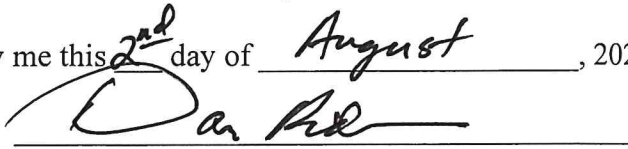
 Belinda Munson, City Clerk

Presented by me to the Mayor for his approval this 2 day of August, 2021.



 Belinda Munson, City Clerk

The above Ordinance is approved/vetoed by me this 2nd day of August, 2021.



 Dan Ridenour, Mayor

This Ordinance is proposed by Council Member 

This Ordinance is approved in form by the City Controller 

This Ordinance is approved in form by Legal Counsel 