



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

OFFICE OF WATER QUALITY NOTICE OF DECISION (IC 4-21.5-3-5)

REGARDING DENIAL OF AN ISOLATED WETLAND INDIVIDUAL PERMIT

AND

GENERAL INFORMATION CONCERNING APPEAL PROCEDURES

Date of Notice: May 28, 2024

In accordance with Indiana Code (IC) 13-18-22-8, the Indiana Department of Environmental Management has denied an Isolated Wetland Individual Permit application (ID Number IWIP 2023-1011-49-GCW-A-2) applied for by Ryan Gershman of Gershman Partners for the discharge of gravel, stone, and clean earthen fill into a class III isolated forested wetland totaling 1.24 acres to facilitate the development of speculative warehouse(s). The applicant proposed the purchase of 0.610 acre of wetland credits from the Upper White service area of the Indiana Stream and Wetland Mitigation Program (INSWMP) as mitigation for proposed impacts. The project is located in the northeast corner of the intersection of East County Line Road and South Arlington Avenue in Marion County. Latitude: 39.63871 Longitude: -86.061186.

Filing requirements:

Any person affected by the denial of this permit may appeal the agency decision by filing a Petition for Administrative Review with the Office of Environmental Adjudication (OEA) on or before the Appeal Due Date (which is eighteen (18) days after the Date of Notice of the Public Notice). Any appeal must be filed in accordance with IC 4-21.5-3-7 and IC 13-15-6 and must include facts demonstrating that the party requesting appeal is either the applicant, a person aggrieved or adversely affected by the decision to deny the permit, or is otherwise entitled to review by law.

The Petition for Administrative Review must either be: (1) **received** by the Office of Environmental Adjudication (OEA) no later than the Appeal Due Date; (2) **postmarked** by the Appeal Due Date; or (3) **deposited** with a private carrier on or before the Appeal Due Date, as shown by a receipt issued by the carrier, if the appeal is sent to OEA by private carrier.



A Petition for Administrative Review must:

- (1) state the name and address of the person making the request;
- (2) identify the interest of the person making the request;
- (3) identify any persons represented by the person making the request;
- (4) state specifically the reasons for the request;
- (5) state specifically the issues proposed for consideration at the hearing; and
- (6) identify the permit denial terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this type of agency decision.

If the person filing the Petition for Administrative Review desires any part of the agency decision to be stayed pending the outcome of the appeal, a Petition for Stay of Effectiveness must be included with the Petition for Administrative Review and must identify the terms of the permit denial that the person is requesting be stayed. Both petitions shall be mailed or delivered to the following address:

Office of Environmental Adjudication

100 North Senate Avenue
IGCN Room N103
Indianapolis, IN 46204

Effect of Stay:

If a Petition for Administrative Review and a Petition for Stay are filed on or before the Appeal Due Date, then any part of the permit denial that is within the scope of the Petition for Stay will be automatically stayed for fifteen (15) days. Any part of the permit denial that is not within the scope of the Petition for Stay is not stayed. The portions of the permit denial within the scope of the stay will take effect at the expiration of the fifteen (15) day period, unless or until an Environmental Law Judge determines after a stay hearing to stay the permit action in whole or in part.

Hearing Notifications:

The OEA will provide the petitioner or any person requesting notification with notices of prehearing conferences, preliminary hearings, stay hearing, or final orders if a written request for such notices is submitted to the OEA.

Additional Information:

If you have procedural or scheduling questions regarding your Petition for Administrative Review, additional information on the review process is available at the website of the Office of Environmental Adjudication at <http://www.in.gov/oea>.