

7001.0190 PROCEDURE FOR MODIFICATION, REVOCATION AND REISSUANCE, AND REVOCATION WITHOUT REISSUANCE OF PERMITS.

Subpart 1. **In general.** If the permittee requests the modification or the revocation and reissuance of a permit, the commissioner shall require and review a permit application as provided in parts 7001.0040 to 7001.0090. Except as provided in subparts 2 and 3, in modifying permits and in revoking and reissuing permits the agency shall follow the procedures set forth in parts 7001.0100 to 7001.0130 to the same extent required for the issuance of the permit. In permit modification proceedings, only those portions of the permit that are proposed to be modified are open for comment and a contested case hearing. In proceedings to revoke and reissue a permit, the entire permit is open for comment and a contested case hearing.

Subp. 2. **Modification solely as to ownership or control.** Upon obtaining the consent of the permittee, the commissioner shall consider a request to modify a permit as to the ownership or control of a permitted facility or activity without following the procedures in parts 7001.0100 to 7001.0130 if the commissioner finds that no other change in the permit is necessary. If the permit is a permit described in part 7001.0020, item A or B, the commissioner shall also find that the agency has received a binding written agreement between the permittee and the proposed transferee containing a specific date for transfer of permit responsibilities and allocation of liabilities between the permittee and the proposed transferee. If the permit is a permit described in part 7001.0020, item A, the commissioner shall comply with the requirements of Minnesota Statutes, section 116.074, before approving the permit modification. The commissioner shall not unreasonably withhold or unreasonably delay approval of the proposed permit modification. If the permit is a permit described in part 7001.0020, item B, the following additional requirements apply:

A. The new owner or operator shall submit a revised permit application to the commissioner no later than 90 days before the scheduled change in ownership or control.

B. The previous owner or operator shall comply with the financial requirements of parts 7045.0498 to 7045.0524 until the new owner or operator has demonstrated compliance with the requirements to the commissioner. The new owner or operator must demonstrate compliance within 180 days after the date of the change in ownership or control of the facility. Upon demonstration of compliance to the commissioner, the commissioner shall notify the previous owner or operator in writing that the owner or operator is no longer required to comply with parts 7045.0498 to 7045.0524.

Subp. 3. **Minor modification.** Upon obtaining the consent of the permittee, the commissioner may modify a permit to make the following corrections or allowances without following the procedures in parts 7001.0100 to 7001.0130:

A. to correct typographical errors;

B. to change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the permit and does not interfere with the attainment of the final compliance date;

C. to change a provision in the permit that will not result in allowing an actual or potential increase in the emission or discharge of a pollutant into the environment, or that will not result in a reduction of the agency's ability to monitor the permittee's compliance with applicable statutes and rules; and

D. if applicable, to make a change as provided in part 7001.0730, subpart 3; 7001.1150, subpart 2; or 7001.3550, subpart 3.

Subp. 4. **Revocation without reissuance.** The commissioner shall give notice to the permittee of a proposal to revoke a permit without reissuance. This notice must state that within 30 days of the receipt of the notice the permittee may request a contested case hearing be held on the proposed action. If the permittee requests a contested case hearing, the agency shall hold the hearing in accordance with the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8402.

Statutory Authority: *MS s 115.03; 116.07*

History: *8 SR 2278; 11 SR 2415; L 1987 c 186 s 15; 12 SR 1564; 12 SR 2513; 13 SR 1150; 13 SR 2453; 30 SR 529; 33 SR 696*

Published Electronically: *July 13, 2009*