

**7007.0350 EXISTING SOURCE APPLICATION DEADLINES AND SOURCE OPERATION DURING TRANSITION.**

Subpart 1. **Transition applications under this part; deadline based on SIC code.** Initial permit applications under parts 7007.0100 to 7007.1850 for an emission unit, emission facility, or stationary source in operation on October 18, 1993, shall be considered timely if they meet the requirements of this part.

A. Owners and operators of an existing stationary source with a Standard Industrial Classification (SIC) Code number in the left column of the following table shall submit a permit application by the corresponding date in the right column:

<b>Category</b>	<b>SIC Code Range</b>	<b>Application Deadline</b>
A	0000 to 2399, excluding 1422, 1423, 1429, 1442, 1446, 2041, and 2048	January 15, 1995
B	2400 to 2999 and 4953, excluding 2951 and 2952	April 15, 1995
C	3000 to 4499	June 15, 1995
D	4500 to 5099, excluding 4953	September 15, 1995
E	5100 to 8199	December 15, 1995
F	8200 to 9999, including 1422, 1423, 1429, 1442, 1446, 2041, 2048, 2951, and 2952	February 15, 1996

B. If more than one SIC code describes activities at the stationary source, the SIC code that represents the primary type of activity of the stationary source shall be used. If no single SIC code represents the primary type of activity of the stationary source, the lowest SIC code that describes activities at the stationary source shall be used.

C. The owners and operators of a stationary source must comply with the applicable deadline in this part, even though the stationary source may be operating under a permit issued by the agency under parts 7001.1200 to 7001.1220 (the permit rules in effect before October 18, 1993), and the permit is not due to expire until after the applicable deadline in this part. If a stationary source is operating under a permit issued by the agency under parts 7001.1200 to 7001.1220, and the permit expires after October 18, 1993, but before the applicable deadline, the owners and operators need not reapply before expiration of the permit, but shall comply with the applicable deadline in this part.

**Subp. 2. Compliance with permit or applicable requirements during transition.**

A. If a stationary source is operating under an air emission permit issued by the agency under parts 7001.1200 to 7001.1220 which has not expired as of October 18, 1993, and if the permittee submits a timely and complete application for reissuance under subpart 1, that permit shall be considered not to expire until a new permit is issued under parts 7007.0100 to 7007.1850. The preceding sentence also applies to stationary sources which have been operating under an air emission permit which was continued under part 7001.0160. The permittee shall continue to operate the stationary source in compliance with the terms of the existing permit and all applicable requirements.

B. If an owner or operator of a stationary source has filed an application for a permit but not yet received it, the stationary source shall be operated in compliance with all applicable requirements until the permit is issued.

**Subp. 3. Application shield.**

A. If an owner or operator of an emissions unit, emission facility, or stationary source in operation on October 18, 1993, submits an application that is timely under this part and complete under part 7007.0600, the continued operation of the stationary source pending agency review of the permit application is not a violation of part 7007.0150, subpart 1.

B. If after the completeness determination made pursuant to part 7007.0700, the applicant fails to submit, by the deadline specified in writing by the agency, any additional information identified as being needed to process the application, the protection provided in item A does not apply.

**Subp. 4. Preservation of enforcement authority.** The agency reserves its authority to take enforcement action against any source that violated the permitting requirements of parts 7001.1200 to 7001.1220 prior to their repeal or that violates any permit issued under those parts, except as provided under subpart 1, item E. Nothing in parts 7007.0100 to 7007.1850 shall be read to limit the administrator's authority to enforce parts 7001.1200 to 7001.1220 prior to their repeal or permits issued under those parts.

**Subp. 5. Acid rain sources.** Stationary sources subject to the requirement to obtain Phase II acid rain permits under title IV of the act shall submit permit applications or amendments to permit applications to the agency by January 1, 1996, for sulfur dioxide, and January 1, 1998, for nitrogen dioxide.

**Statutory Authority:** *MS s 115.03; 116.07*

**History:** *18 SR 1059; 19 SR 1345; 19 SR 1666; 20 SR 2316; 37 SR 991; 41 SR 763*

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