

7007.0950 EPA REVIEW AND OBJECTION.**Subpart 1. Review by EPA.**

A. The commissioner must provide to the administrator a copy of the following documents, unless the administrator agrees to accept a summary of the documents:

(1) for part 70 permits, each application for a permit or permit amendment, each proposed permit or permit amendment, and each final permit or permit amendment; the technical support document required under part 7007.0850, subpart 1; and the record of public participation developed as required under part 7007.0850, subpart 2, item A, subitem (4); and

(2) for state permits, each application for a permit, each draft permit, each final permit, each application for a major permit amendment described in part 7007.1500, subpart 1, item C or D, and the draft and final versions of each such major permit amendment.

B. In the case of a part 70 permit, the commissioner must provide to the administrator the proposed permit or permit amendment after the draft permit or permit amendment has been subject to public comment.

C. In the case of a state permit, the draft permit or permit amendment may be provided to the administrator at the same time the draft permit or permit amendment is offered for public comment.

Subp. 2. EPA objection.

A. In the case of a part 70 permit, the commissioner must not issue a permit or permit amendment if the administrator objects to its issuance in writing within 45 days of receiving the proposed permit or permit amendment and any required supporting information.

B. In the case of a state permit, the commissioner must not issue a permit, or an amendment for which EPA review is provided under subpart 1, if the administrator objects to its issuance in writing within 30 days of receiving the draft permit or amendment and any required supporting information.

Subp. 3. Public petitions to administrator regarding part 70 permits.

A. If the administrator does not object in writing to a part 70 permit or a major amendment to a part 70 permit under subpart 2, any person may petition the administrator within 60 days after the expiration of the administrator's 45-day review period to make such objection, if:

- (1) the petitioner provides a copy of the petition to the commissioner and applicant;
- (2) the petitioner includes the elements required in Code of Federal Regulations, title 40, section 70.12(a);
- (3) the petitioner submits the petition to the administrator according to the procedures required in Code of Federal Regulations, title 40, section 70.14; and

(4) the petition is based only on objections to the part 70 permit or the amendment that were raised with reasonable specificity during the public comment period provided in part 7007.0850, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless grounds for such objection arose after such period.

B. If the administrator objects to the part 70 permit or the amendment as a result of a petition filed under this subpart before the commissioner issues the permit or amendment, the commissioner must not issue the permit or the amendment until the administrator's objection has been resolved. If the permit or the amendment was issued before the administrator's objection but after the end of the EPA's 45-day review period, the commissioner must reopen or revoke the permit or the amendment under part 7007.1600 or 7007.1700 to satisfy the EPA's objection.

C. Until amended or revoked, the permit remains in effect. In any case, the owners and operators of the stationary source are not in violation of the requirement to have submitted a timely and complete application. The administrator may also amend, terminate, or revoke a part 70 permit under the administrator's authority under Code of Federal Regulations, title 40, section 70.8(d), as amended.

Subp. 4. **Additional procedures for permits containing Title I conditions.** The commissioner must also comply with all other federal requirements for EPA review applicable to permits and permit amendments that include Title I conditions.

Statutory Authority: *MS s 115.03; 116.07*

History: *18 SR 1059; 28 SR 1482; 37 SR 991; 41 SR 763; 46 SR 1209*

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