

7049.0950 REVIEW, APPROVAL, AND DECISION.**Subpart 1. Time for review.**

A. The agency shall have 90 days from the date of the public notice required in part 7049.0940, subpart 2, to review the submission. The agency shall review the submission to determine compliance with parts 7049.0810 to 7049.0870 and, if removal credit authorization is sought, with parts 7049.0360 to 7049.0470. The agency may have up to an additional 90 days to complete the evaluation of the submission if the public comment period provided for in part 7049.0940, subpart 2, is extended beyond 30 days or if a public hearing is held as provided for in part 7049.0940, subpart 3. In no event, however, shall the time for evaluation of the submission exceed a total of 180 days from the date of public notice of the submission.

B. At the end of the 30-day or extended comment period and within the 90-day or extended period provided for in this subpart, the agency shall approve or deny the submission based on the evaluation in part 7049.0930 and take into consideration comments submitted during the comment period and the record of the public hearing, if held. If the agency makes a determination to deny the request, the agency shall notify the POTW and each person who has requested individual notice. The notification shall include suggested modifications and the agency may allow the requester additional time to bring the submission into compliance with applicable requirements.

Subp. 2. Environmental Protection Agency objections. A POTW pretreatment program or authorization to grant removal credits must not be approved by the agency if, following the 30-day or extended public notice period provided for in part 7049.0940 and any hearing held pursuant to that notice, the Environmental Protection Agency regional administrator sets forth in writing objections to the approval of the submission and the reasons for the objections. A copy of the Environmental Protection Agency regional administrator's objections shall be provided to the applicant and each person who has requested individual notice. The Environmental Protection Agency regional administrator shall provide an opportunity for written comments and may convene a public hearing on the objections. Unless retracted, the Environmental Protection Agency regional administrator's objections shall constitute a final ruling to deny approval of a POTW pretreatment program or authorization to grant removal credits 90 days after the date the objections are issued.

Subp. 3. Notification of result. The agency shall notify persons who submitted comments and participated in the public hearing, if held, of the approval or disapproval of the submission. In addition, the agency shall publish a notice of approval or disapproval in the same newspapers as the original notice of request for approval of the submission was published. The agency shall identify in any notice of POTW pretreatment program approval any authorization to modify categorical pretreatment standards that the POTW

authority may make according to parts 7049.0360 to 7049.0470 for removal of pollutants subject to categorical pretreatment standards.

Subp. 4. **Reissuance or modification of POTW permit.** After the POTW's pretreatment program is approved, the POTW's national pollutant discharge elimination system permit shall be reissued or modified by the agency to incorporate the approved program as enforceable conditions of the permit. The modification of a POTW's national pollutant discharge elimination system permit for the purposes of incorporating a POTW pretreatment program approved according to parts 7049.0800 to 7049.0960 is a minor permit modification subject to the procedures in part 7001.1150.

Statutory Authority: *MS s 115.03*

History: *33 SR 696*

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