

**9220.0380 FINAL DETERMINATION.**

Subpart 1. **Agency action.** The agency shall issue, renew, or modify a permit if it determines that the proposed permittees will comply with all permit conditions and applicable state or federal statutes and rules, or will undertake a schedule of compliance that will result in the facility being operated in compliance with state or federal statutes and rules.

Subp. 2. **Denial of permit.** The agency shall refuse to issue a new permit or to modify or renew an existing permit if it finds:

A. that the proposed facility or permittee will not comply with all applicable state and federal statutes and rules or conditions of the permit;

B. that there exists at the facility unresolved noncompliance with applicable state or federal statutes and rules or conditions of the permit and that the permittee will not undertake a schedule of compliance to resolve the noncompliance;

C. that the permittee has failed to disclose fully all facts relevant to the facility to be permitted, or that the permittee has submitted false or misleading information to the agency or to the commissioner;

D. that the permitted facility endangers human health or the environment and that the danger cannot be removed by a modification of the conditions of the permit; or

E. that applicable requirements of Minnesota Statutes, chapter 116D, and the rules adopted under Minnesota Statutes, chapter 116D, have not been fulfilled.

**Statutory Authority:** *MS s 115A.914*

**History:** *12 SR 2513; L 1999 c 73 s 5*

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