

**7001.0140 FINAL DETERMINATION.**

Subpart 1. **Agency action.** Except as provided in subpart 2, the agency shall issue, reissue, revoke and reissue, or modify a permit if the agency determines that the proposed permittee or permittees will, with respect to the facility or activity to be permitted, comply or will undertake a schedule of compliance to achieve compliance with all applicable state and federal pollution control statutes and rules administered by the agency, and conditions of the permit and that all applicable requirements of Minnesota Statutes, chapter 116D, and the rules adopted under Minnesota Statutes, chapter 116D, have been fulfilled. For solid waste facilities, the requirements of Minnesota Statutes, section 473.823, subdivisions 3 and 6, must also be fulfilled.

Subp. 2. **Agency findings.** The following findings by the agency constitute justification for the agency to refuse to issue a new or modified permit, to refuse permit reissuance, or to revoke a permit without reissuance:

A. that with respect to the facility or activity to be permitted, the proposed permittee or permittees will not comply with all applicable state and federal pollution control statutes and rules administered by the agency, or conditions of the permit;

B. that there exists at the facility to be permitted unresolved noncompliance with applicable state and federal pollution control statutes and rules administered by the agency, 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 or activity 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 or activity endangers human health or the environment and that the danger cannot be removed by a modification of the conditions of the permit;

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

F. that with respect to the facility or activity to be permitted, the proposed permittee has not complied with any requirement under parts 7002.0210 to 7002.0310 or chapter 7046 to pay fees;

G. that with respect to the facility or activity to be permitted, the proposed permittee has failed to pay a penalty owed under Minnesota Statutes, section 116.072; or

H. for a solid waste transfer facility, that the permittee has received an agency permit but has failed to build and operate the permitted facility within the term of the permit.

Subp. 3. **Contested case hearing.** If a contested case hearing has been held, the agency shall comply with the procedures set forth in part 7000.2000 of the agency procedural rules prior to making a final determination.

Subp. 4. **Agency decision when an environmental impact statement must be prepared.** When an environmental impact statement is required to be prepared before the agency makes a final decision on a proposed permit, the agency shall not make its final decision until 25 days or more after the adequacy decision is made under part 4410.2800.

**Statutory Authority:** *MS s 14.06; 115.03; 116.07*

**History:** *8 SR 2278; L 1987 c 186 s 15; 13 SR 1150; 13 SR 2453; 17 SR 440; 18 SR 1059; 19 SR 1310; L 1995 c 233 art 4 s 2; L 1995 c 248 art 4 s 2; 30 SR 529*

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