

**7007.0400 APPLICATIONS TO REISSUE PERMIT AFTER TRANSITION; NEW SOURCE AND PERMIT AMENDMENT APPLICATIONS; TOTAL FACILITY APPLICATIONS FOR SOURCES NEWLY SUBJECT TO PART 70 OR STATE PERMIT TOTAL FACILITY REQUIREMENT.**

Subpart 1. **Requirement for application.** Applications for reissued permits after the transition period shall be considered timely if they meet the requirements of subpart 2. Applications for permits for new stationary sources or amendments shall be considered timely if they meet the requirements of subpart 3. An application for a total facility permit from owners and operators of a stationary source that, because of a modification or change at the stationary source, become subject to the requirement to obtain a part 70 or state permit for the first time after the application deadline in part 7007.0350, subpart 1, and that were issued a permit for the installation and operation of the change or modification under part 7007.0750, subpart 5, shall be considered timely if it meets the requirements of subpart 4.

Subp. 2. **Reissuing permit after transition period.** Stationary sources operating under permits issued by the agency under parts 7007.0100 to 7007.1850 must apply for permit reissuance at least 180 days before the expiration of the existing permit, unless the permit specifies that the application must be submitted sooner. The agency must require in a permit that a reissuance application be submitted sooner if the agency determines that an earlier application is needed to minimize the possibility of expiration before reissuance. The agency may make this determination if it anticipates a relatively lengthy permit review process due to the complexity of the stationary source or anticipated involvement of the public. In no event shall the permit require application for reissuance sooner than 18 months before the permit expires.

Subp. 3. **New permits and amendments to existing permits.** Owners and operators seeking to obtain a new permit for a new stationary source or a permit amendment to an existing permit may submit the application at any time. It is recommended that the permit application for a new stationary source or an amendment be submitted at least 180 days before the planned date for beginning actual construction of the new stationary source or beginning actual construction of the modification of the existing stationary source, although the agency may take up to 18 months to take final action on the permit or major amendment under part 7007.0750, subpart 2. If the reason for the application for an amendment is the adoption of a new or amended federal applicable requirement, and the remaining life of the permit is three years or longer, the permittee shall file an application for an amendment within nine months of promulgation of the applicable requirement. The preceding sentence does not apply if the effective date of the requirement is later than the date on which the permit is due to expire.

Subp. 4. **Applications; newly subject to requirement to obtain part 70 or state total facility permit due to modification.** If a modification at an existing, unpermitted stationary source would make the source subject for the first time to the requirement to obtain either a part 70 or state total facility permit after the application deadline in part 7007.0350, subpart 1, and the agency issues a permit authorizing installation or operation of the modification under part 7007.0750, subpart 5, the owners and operators shall submit an application for a total facility permit:

A. within 180 days after commencing operation of the modification that triggered the permit requirement, if the owners and operators are applying for a state, registration, or general permit; or

B. within 365 days after commencing operation of the modification that triggered the permit requirement, if the owners and operators are applying for a part 70 permit.

Subp. 5. **Applications; newly subject to requirement to obtain part 70 or state total facility permit due to new regulations.** If a new regulation affecting a stationary source would make the source subject for the first time to the requirement to obtain a part 70 or state permit, the owners and operators shall submit an application for a total facility permit within 365 days of the effective date of the regulation.

**Statutory Authority:** *MS s 116.07*

**History:** *18 SR 1059; 19 SR 1345; 23 SR 2224; 37 SR 991; 43 SR 797*

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