

7007.0850 PERMIT APPLICATION NOTICE AND COMMENT.

Subpart 1. **Technical support document.** For part 70 permits, the commissioner must develop a statement that sets forth the legal and factual basis for the draft permit conditions, including references to the applicable statutory or regulatory provisions.

Subp. 2. **Public notice and comment.**

A. The commissioner must comply with the following procedures before issuing, reissuing, or making a major amendment to any part 70 permit.

(1) The commissioner must give notice:

(a) by posting the notice for the duration of the comment period on the agency website for public notices;

(b) in a list provided to the public by the commissioner upon request;

(c) to persons on a mailing list developed by the commissioner, including those who request in writing to be on the list; and

(d) by other means if necessary to ensure adequate notice to the affected public.

(2) The notice must include, at a minimum:

(a) the name and location of the facility to be permitted;

(b) the name and address of the permittee;

(c) the name and address of the agency;

(d) the activity or activities involved in the permit action;

(e) the emissions change involved in any permit amendment;

(f) a copy of the draft permit and the technical support document required under subpart 1;

(g) a statement of whether the facility has filed a pollution prevention progress report to the commissioner as required by Minnesota Statutes, section 115D.08;

(h) the name, address, and telephone number of a person; email address of a person; or website address from which interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, and all other materials available to the commissioner that are relevant to the permit decision;

(i) a brief description of the comment procedures required by this part; and

(j) the time and place of any meeting or hearing that may be held, including a statement of procedures to request a meeting or hearing under subpart 3, unless a meeting or hearing has already been scheduled.

(3) The commissioner must provide at least 30 days for public comment and must give notice of any public informational meeting or contested case hearing at least 30 days in advance of the meeting or hearing. Part 7001.0110 applies to public comments received under this part.

(4) The commissioner must respond in writing to all comments that raise issues and must develop a record of the public participation process, including any public meeting, that contains:

- (a) a record of the commenters;
- (b) issues raised by the commenters;
- (c) a record of written comments received; and
- (d) the commissioner's written responses to the comments.

B. Before issuing or reissuing a state permit, the commissioner must comply with the procedures in item A, subitems (1) to (3). This item also applies to any major amendment to a state permit described in part 7007.1500, subpart 1, items C and D, if authorized or required by the administrator.

C. If the commissioner determines that a proposed major amendment to a state permit not described in item B involves issues that generate or are likely to generate significant material adverse comment from the public, based on previous adverse public comment on the proposed amendment or related issues, the commissioner must comply with the procedures of item A, subitems (1) to (3), before issuing the amendment.

D. (1) If the commissioner determines that a proposed minor or moderate amendment to a permit involves issues that generate or are likely to generate significant material adverse comment from the public, based on previous adverse public comment on the proposed amendment or related issues, the commissioner must comply with the procedures of item A, subitems (1) to (3), before issuing the amendment.

(2) A proposed minor permit amendment may be made subject to the public notice and comment procedures only if the commissioner notifies the permittee of the commissioner's determination within 15 working days of receiving the minor amendment application. If the permittee properly proceeded with a modification under part 7007.1450, subpart 7, before receiving the commissioner's determination, the permittee is not subject to enforcement action for proceeding but must cease construction and operation of the modification within a reasonable period. The commissioner must consult with the permittee on when it is reasonable to cease construction and operation. A proposed moderate permit amendment may be made subject to the public notice and comment procedures any time before the commissioner issues a letter of approval authorizing construction under part 7007.1450, subpart 7.

E. The commissioner must upon request provide a list that summarizes current activities involving permit applications, minor, moderate, and major amendment applications, and requests for administrative amendments. The commissioner may use the agency website in lieu of a written list.

Subp. 3. Petitions for meetings and hearings.

A. During the public comment period, a person may, in regard to any draft permit or amendment subject to public notice under subpart 2, items A to D, petition for:

(1) a public informational meeting pursuant to parts 7000.0650, subpart 4, and 7001.0110, subpart 3; or

(2) a contested case hearing pursuant to part 7000.1800.

B. The decision to grant or deny the petition for a public informational meeting must be based on the criteria in part 7001.0120, and any meeting held must be in accordance with subpart 2 and part 7001.0120. The commissioner must also give notice of the public informational meeting by posting the notice on the agency website for public notices. The decision to grant or deny the petition for a contested case hearing must be based on the criteria in part 7000.1900, and any hearing held must be in accordance with parts 7000.1750 to 7000.2200 and 7001.0130.

Subp. 4. Additional procedures for permits containing Title I conditions. The commissioner must also comply with all other federal requirements for public participation applicable to permits and permit amendments that include Title I conditions, including requirements in Code of Federal Regulations, title 40, sections 51.102, 51.161, and 51.166(Q), as amended, to the extent applicable.

Statutory Authority: *MS s 14.06; 116.07*

History: *18 SR 1059; 19 SR 1310; 43 SR 797; 46 SR 1209*

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