

7007.0950 EPA REVIEW AND OBJECTION.**Subpart 1. Review by EPA.**

A. The agency shall provide to the administrator a copy of the following documents, unless the administrator agrees to accept a summary of the documents:

(1) for part 70 permits, each application for a permit or permit amendment, each proposed permit or permit amendment, and each final permit or permit amendment; and

(2) for state permits, each application for a permit, each draft permit, each final permit, each application for a major permit amendment described in part 7007.1500, subpart 1, item C or D, and the draft and final versions of each such major permit amendment.

B. In the case of a part 70 permit, either:

(1) the draft permit or permit amendment must be provided to the administrator at the beginning of the public comment period, and the proposed permit or permit amendment must be provided to the administrator after the conclusion of public comment; or

(2) a permit or permit amendment that is identified as both a draft and a proposed permit or permit amendment may be provided to the administrator at the beginning of the public comment period, subject to the limitations of subpart 2. This document shall be clearly identified as a draft/proposed permit or permit amendment. The public notice for the draft/proposed permit or permit amendment shall state that the agency is seeking concurrent review of the permit or permit amendment, and that the 30-day public review period and the 45-day EPA review period will begin at the same time.

C. In the case of a state permit, the draft permit or permit amendment may be provided to the administrator at the same time the draft permit or permit amendment is offered for public comment.

Subp. 2. EPA objection.

A. In the case of a part 70 permit, and except as provided in item B, the agency shall not issue a permit or permit amendment if the administrator objects to its issuance in writing within 45 days of receipt of the proposed permit or permit amendment and any necessary supporting information.

B. In the case of a part 70 permit, when the administrator is provided with a draft/proposed permit or permit amendment at the beginning of the public comment period, the agency may issue the permit 45 days after the administrator's receipt of the

draft/proposed permit or permit amendment and any necessary supporting information except as provided in subitem (1), (2), or (3).

(1) If the agency makes changes to the draft/proposed permit or permit amendment other than modifications that would meet the requirements for an administrative amendment under part 7007.1400, subpart 1, the agency shall provide a revised proposed permit or permit amendment to the administrator. The agency shall not issue the permit or permit amendment if the administrator objects to its issuance in writing within 45 days of receipt of the revised proposed permit or permit amendment and any necessary supporting information.

(2) If, within 45 days of receipt of the draft/proposed permit or permit amendment the administrator notifies the agency in writing that the administrator seeks additional time for review, the agency shall not issue the permit or permit amendment if the administrator objects to its issuance in writing within 45 days of the conclusion of the public comment period.

(3) If the agency receives from the public any adverse comments on any applicable requirement of the permit during the 30-day comment period, the agency shall provide the comments to the administrator. The agency shall not issue the permit or permit amendment if the administrator objects to its issuance in writing within 45 days of receipt of the comments and, if applicable, the revised proposed permit or permit amendment and any necessary supporting information.

C. In the case of a state permit, the agency shall not issue a permit, or an amendment for which EPA review is provided under subpart 1, if the administrator objects to its issuance in writing within 30 days of receipt of the draft permit or amendment and any necessary supporting information.

Subp. 3. **Public petitions to administrator regarding part 70 permits.** If the administrator does not object in writing to a part 70 permit or a major amendment to a part 70 permit under subpart 2, any person may petition the administrator within 60 days after the expiration of the administrator's 45-day review period to make such objection. Any such petition shall be based only on objections to the part 70 permit or the amendment that were raised with reasonable specificity during the public comment period provided in part 7007.0850, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless grounds for such objection arose after such period. If the administrator objects to the part 70 permit or the amendment as a result of a petition filed under this subpart prior to agency issuance, the agency shall not issue the permit or the amendment until the administrator's objection has been resolved. If the permit or the amendment was issued prior to the administrator's objection but after the end of the EPA's 45-day review period, the agency shall reopen or revoke the permit or the amendment under part 7007.1600 or 7007.1700 to satisfy the EPA's objection. Until amended or

revoked, the permit shall remain in effect. In any case, the owners and operators of the stationary source will not be in violation of the requirement to have submitted a timely and complete application. The administrator may also amend, terminate, or revoke a part 70 permit under the administrator's authority under Code of Federal Regulations, title 40, section 70.8(d), as amended.

Subp. 4. **Additional procedures for permits containing title I conditions.** In addition to the requirements in subparts 1 to 3, the agency shall also comply with all other federal requirements for EPA review applicable to permits and permit amendments which include title I conditions.

Statutory Authority: *MS s 116.07*

History: *18 SR 1059; 28 SR 1482; 37 SR 991*

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