

7007.1000 PERMIT ISSUANCE AND DENIAL.

Subpart 1. **Preconditions for issuance.** The following conditions must be satisfied for the agency to issue a permit or permit amendment:

A. the agency has received a complete application for a permit, permit amendment, or permit reissuance, except that a complete application need not be received before issuance of a general permit under part 7007.1100, subpart 4;

B. the agency has complied with the public participation procedures for permit issuance, if required by part 7007.0850;

C. the agency has complied with the procedures for notifying and responding to affected states, if required by part 7007.0900;

D. if the administrator's review is required by part 7007.0950, the administrator has received a copy of the permit and any notices required and has not objected to issuance of the permit within the time period specified, or the administrator has objected but the objection has been resolved to the administrator's satisfaction;

E. the conditions of the permit provide for compliance with all applicable requirements and the requirements of parts 7007.0100 to 7007.1850, or include a schedule to achieve such compliance;

F. the permit does not reflect a variance from any federally enforceable applicable requirement or requirement of parts 7007.0100 to 7007.1850;

G. the agency anticipates that the applicant will, with respect to the stationary source and activity to be permitted, comply with all conditions of the permit; and

H. all applicable provisions of Minnesota Statutes, chapter 116D, and the rules adopted under Minnesota Statutes, chapter 116D, have been fulfilled.

Subp. 2. **Grounds for denial.** The following constitute grounds for the agency to refuse to issue a new or modified permit, or to refuse permit reissuance:

A. The agency is unable to make any of the determinations required under subpart 1.

B. There exists at the stationary source to be permitted unresolved noncompliance with applicable state or federal pollution control statutes or rules administered by the agency, or conditions of a previous or existing air emission permit, and the applicant will not undertake a schedule of compliance to resolve the noncompliance.

C. An applicant has failed to disclose fully all facts relevant to the stationary source or activity to be permitted, or the applicant has knowingly submitted false or misleading information to the agency.

D. The permitted facility or activity would endanger human health or the environment and the danger cannot be removed by an amendment to the permit.

E. With respect to the stationary source or activity to be permitted, the applicant has not complied with the requirement to pay fees under chapter 7002.

F. With respect to the stationary source or activity to be permitted, the applicant has failed to pay a penalty owed pursuant to court order, consent decree, stipulation agreement, schedule of compliance, or an order issued under Minnesota Statutes, section 116.072.

G. The applicant has failed to prepare a pollution prevention plan or submit a pollution prevention progress report to the commissioner as required by Minnesota Statutes, sections 115D.07 and 115D.08.

Subp. 3. **No default issuance.** Failure of the agency to act on a permit application shall not be deemed issuance by default.

Statutory Authority: *MS s 115.03; 116.07*

History: *18 SR 1059; 41 SR 763*

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