

9220.0510 PETITION PROCEDURES.

Subpart 1. **Scope.** This part sets out the procedures for submitting a petition for an exemption from the 75 percent annual processing requirement in part 9220.0470, subpart 2.

Subp. 2. **Submission of the petition.** The permittee of a waste tire processing facility may petition the commissioner for an exemption from the 75 percent annual processing requirement by submitting a petition containing the information described in subpart 3, as soon as the permittee becomes aware that compliance with the 75 percent annual processing requirement cannot be achieved.

Subp. 3. **Information required.** The petition for an exemption from the 75 percent annual processing requirement must contain information sufficient to allow the commissioner to find:

A. that the 75 percent annual processing requirement will be met in the year following the year for which the exemption is obtained;

B. that an exemption from the 75 percent annual processing requirement will not cause the facility to be out of compliance with any other standard applicable to the facility; and

C. that an exemption from the 75 percent annual processing requirement will not cause the facility to become a hazard to human health, natural resources, or the environment.

Subp. 4. **Determination by the commissioner.** If the commissioner, upon evaluation of the information submitted as part of the petition, makes the findings listed under subpart 3, the commissioner shall grant the petition. The commissioner shall determine whether the petition shall be granted within 60 days of receiving a petition containing information sufficient for the commissioner to make the required findings. An exemption granted under this part is valid for one year. The commissioner shall not grant the permittee of a waste tire processing facility an exemption from the 75 percent annual processing requirement for any two consecutive years.

Statutory Authority: *MS s 115A.914*

History: *12 SR 2513; L 1999 c 73 s 5*

Published Electronically: *October 2, 2007*