

1 Pollution Control Agency

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3 Adopted Permanent Rules Relating to Permit Rules

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5 Rules as Adopted

6 7001.0020 SCOPE.

7 Except as otherwise specifically provided, parts 7001.0010
8 to 7001.0210 apply to the following:

9 A. to I. [Unchanged.]

10 J. An agency permit required for the construction of
11 a facility, building, structure, or installation that attracts
12 or may attract mobile source activity that results in emissions
13 of an air pollutant for which there is a state standard. Parts
14 7001.0100, subparts 4 and 5, and 7001.0110 do not apply to
15 permits for parking facilities described in part 7001.1270,
16 subpart 2, with a new or increased parking capacity of 5,000
17 vehicles or less. Part 7001.0150, subparts 1 and 2, does not
18 apply to these permits.

19 K. [Unchanged.]

20 7001.0040 APPLICATION DEADLINES.

21 Subpart 1. Application for new permit. Except as
22 otherwise required by parts 7001.0530 and 7001.1040, a permit
23 application for a new facility or activity may be submitted at
24 any time. However, it is recommended that the permit
25 application be submitted at least 180 days before the planned
26 date of the commencement of facility construction or of the
27 activity.

28 Subp. 2. and 3. [Unchanged.]

29 7001.0130 CONTESTED CASE HEARING.

30 Subpart 1. and 2. [Unchanged.]

31 Subp. 3. Hearing notice and order. If the agency decides
32 to hold a contested case hearing, the commissioner shall prepare
33 a notice of and order for hearing. The notice of and order for
34 hearing must contain:

1 A. and B. [Unchanged.]

2 C. identification of the existing parties and a
3 concise description of the issues on which the agency has
4 ordered a hearing; and

5 D. [Unchanged.]

6 Subp. 4. [Unchanged.]

7 7001.0140 FINAL DETERMINATION.

8 Subpart 1. [Unchanged.]

9 Subp. 2. **Agency findings.** The following findings by the
10 agency constitute justification for the agency to refuse to
11 issue a new or modified permit, to refuse permit reissuance, or
12 to revoke a permit without reissuance:

13 A. to C. [Unchanged.]

14 D. that the permitted facility or activity endangers
15 human health or the environment and that the danger cannot be
16 removed by a modification of the conditions of the permit;

17 E. that all applicable requirements of Minnesota
18 Statutes, chapter 116D and the rules adopted under Minnesota
19 Statutes, chapter 116D have not been fulfilled;

20 F. that with respect to the facility or activity to
21 be permitted, the proposed permittee has not complied with any
22 requirement under chapter 7002 or 7046 to pay permit fees; or

23 G. that with respect to the facility or activity to
24 be permitted, the proposed permittee has failed to pay a penalty
25 owed under Minnesota Statutes, section 116.072.

26 Subp. 3. [Unchanged.]

27 7001.0160 CONTINUATION OF EXPIRED PERMIT.

28 A person who holds an expired permit, other than a permit
29 described in part 7001.0020, item B, and who has submitted a
30 timely application for reissuance of the permit may continue to
31 conduct the permitted activity in accordance with the terms and
32 conditions of the expired permit until the agency takes final
33 action on the application unless the commissioner determines
34 that any of the following are true:

35 A. the permittee is not in substantial compliance

1 with the terms and conditions of the expired permit or with a
2 stipulation agreement or compliance schedule designed to bring
3 the permittee in compliance with the permit;

4 B. the agency, as a result of an action or failure to
5 act of the permittee, has been unable to take final action on
6 the application on or before the expiration date of the permit;
7 or

8 C. the permittee has submitted an application with
9 major deficiencies or has failed to properly supplement the
10 application in a timely manner after being informed of
11 deficiencies.

12 7001.0180 JUSTIFICATION TO COMMENCE REVOCATION WITHOUT
13 REISSUANCE OF PERMIT.

14 The following constitute justification for the commissioner
15 to commence proceedings to revoke a permit without reissuance:

16 A. and B. [Unchanged.]

17 C. the commissioner finds that the permitted facility
18 or activity endangers human health or the environment and that
19 the danger cannot be removed by a modification of the conditions
20 of the permit;

21 D. the permittee has failed to comply with any
22 requirement under chapter 7002 or 7046 to pay permit fees; or

23 E. the permittee has failed to pay a penalty owed
24 under Minnesota Statutes, section 116.072.

25 7001.0190 PROCEDURE FOR MODIFICATION; REVOCATION AND REISSUANCE;
26 AND REVOCATION WITHOUT REISSUANCE OF PERMITS.

27 Subpart 1. [Unchanged.]

28 Subp. 2. **Modification solely as to ownership or control.**

29 Upon obtaining the consent of the permittee, the commissioner
30 shall consider a request to modify a permit as to the ownership
31 or control of a permitted facility or activity without following
32 the procedures in parts 7001.0100 to 7001.0130 if the
33 commissioner finds that no other change in the permit is
34 necessary. If the permit is a permit described in part
35 7001.0020, item A or B, the commissioner shall also find that

1 the agency has received a binding written agreement between the
2 permittee and the proposed transferee containing a specific date
3 for transfer of permit responsibilities and allocation of
4 liabilities between the permittee and the proposed transferee.
5 If the permit is a permit described in part 7001.0020, item A,
6 the commissioner shall comply with the requirements of Minnesota
7 Statutes, section 116.074, before approving the permit
8 modification. The commissioner shall not unreasonably withhold
9 or unreasonably delay approval of the proposed permit
10 modification. If the permit is a permit described in part
11 7001.0020, item B, the following additional requirements apply:

12 A. and B. [Unchanged.]

13 Subp. 3. and 4. [Unchanged.]

14 HAZARDOUS WASTE FACILITY PERMITS

15 7001.0725 CONTINUATION OF EXPIRED PERMIT.

16 A person who holds an expired permit and who has submitted
17 a timely and complete application for reissuance of the permit
18 may continue to conduct the permitted activity until the agency
19 takes final action on the application if the commissioner
20 determines that both of the following are true:

21 A. the permittee is in compliance with the terms and
22 conditions of the expired permit; and

23 B. the agency, through no fault of the permittee, has
24 not taken final action on the application on or before the
25 expiration date of the permit.

26 NPDES PERMITS

27 7001.1020 DEFINITIONS.

28 Subpart 1. Scope. The definitions in Minnesota Statutes,
29 section 115.01, subdivisions 2 to 9 and 11 to 17, and in part
30 7001.0010 apply to the terms used in parts 7001.1000 to
31 7001.1100 unless the terms are defined in this part.

32 As used in parts 7001.1000 to 7001.1100, the terms in
33 subparts 2 to 31 have the meanings given them.

34 Subp. 2. to 31. [Unchanged.]

1 7001.1030 PERMIT REQUIREMENT AND EXEMPTIONS.

2 Subpart 1. [Unchanged.]

3 Subp. 2. Exemptions. The following persons are not
4 required to obtain a National Pollutant Discharge Elimination
5 System permit:

6 A. to G. [Unchanged.]

7 H. persons injecting water, gas, or other material
8 into a well to facilitate the production of oil or gas;

9 I. persons disposing of water in a well if this water
10 is associated with oil and gas production; and

11 J. persons disposing of water in a conveyance or
12 system of conveyances used solely for the collection and
13 conveyance of stormwater runoff, unless the commissioner
14 determines that:

15 (1) the discharge is subject to effluent
16 limitations or other requirements for stormwater adopted by the
17 United States Environmental Protection Agency for stormwater
18 point source discharges;

19 (2) a water quality management plan adopted
20 pursuant to section 208 of the Clean Water Act, United States
21 Code, title 33, section 1288, recommends that pollution control
22 requirements be applied to the discharge; or

23 (3) the discharge to the receiving water is
24 significant due to volume, pollutant loading, or the character
25 of the receiving water.

26 7001.1080 ESTABLISHMENT OF SPECIAL CONDITIONS FOR NATIONAL
27 POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS.

28 Subpart 1. to 8. [Unchanged.]

29 Subp. 9. Conditions in reissued permits. In a reissued
30 permit the commissioner shall establish effluent limitations,
31 standards, or prohibitions that are at least as stringent as the
32 effluent limitations, standards, or prohibitions or conditions
33 in the previous permit unless the commissioner establishes less
34 stringent effluent limitations, standards, or prohibitions in
35 accordance with part 7050.0212.