

RULE 1422. DENIAL OR CANCELLATION OF APPLICATIONS
(Adopted 1/18/94: Revised 3/7/95)

Denial or cancellation of an application for a modification to a permit issued pursuant to this regulation shall leave existing permits to operate issued pursuant to Rule 1410 for the source intact, and the source must continue operations consistent with those permits. This provision shall not allow a source to operate out of compliance with permit terms and conditions except as provided for minor permit modifications pursuant to Rule 1410 (j).

In the event of cancellation or denial of a permit to operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or declaration under oath of the person making the service.

Denial of an initial or renewal permit to operate, to a source required to have such a permit, shall also constitute suspension of the permits to operate for that source as of the date of service of denial or cancellation notice, or the date on which a permit to operate was required, whichever is later. Except as provided in the preceding paragraph, denial of a required permit to operate and the accompanying suspension of permits to operate is a final permit action.

Unless the applicant submits a responsive supplemental application within 90 days after notice of cancellation, a cancellation of an application for a required permit to operate shall become effective 90 days after notice to the applicant of the proposed cancellation. If a responsive supplemental application is submitted within this 90-day period, the application shall be restored to pending status until the Air Pollution Control Officer takes further action. As of the effective date of a cancellation, permits to operate for the affected emission units shall be suspended, and any permit application shield otherwise provided by Rule 1410(a) shall no longer be in effect. Any operation of equipment required to have permits after the effective date of a cancellation is prohibited, and subject to fines and penalties as provided in these Rules and Regulations, and state and federal law. Notwithstanding the denial and cancellation procedures prescribed in this rule, the Air Pollution Control Officer shall take final permit action on an application for initial permit or permit renewal no later than 18 months after the receipt of a completed application.

If the deficiencies in a permit application affect only certain emission units at a source, any cancellation of the application shall be limited in its effect to those emission units. If the circumstances requiring denial of a permit to operate apply only to certain emission units at a source, any denial of that permit shall be limited to those emission units.

Any denial by the Air Pollution Control Officer that is noticed to the applicant prior to submission of the permit action to the federal EPA may also be appealed to the Hearing Board if the stated grounds for the denial are within the jurisdiction of the Hearing Board.

A source whose permit to operate is canceled or denied in whole or in part may submit a supplemental permit application, addressing the permit issues or application deficiencies identified by the Air Pollution Control Officer in the notice of cancellation or denial. If a supplemental application is submitted within 90 days after notice to the applicant of the cancellation or denial, the Air Pollution Control Officer shall expedite processing of the permit application, provided the applicant has addressed the problems specified by the Air Pollution Control Officer as reasons for cancellation or denial of the permit to operate.