

RULE 2040 APPLICATIONS (Adopted May 21, 1992, Amended December 17, 1992)

1.0 Purpose

The purpose of this rule is to explain the procedures for filing, denying, and appealing the denial of applications for an Authority to Construct or a Permit to Operate.

2.0 Applicability

The provisions of this rule shall apply to any source operation which requires a permit according to Rule 2010 (Permits Required).

3.0 Filing

Every application for a permit required under Rule 2010 (Permits Required) and Rule 2031 (Transfer) shall be filed in the manner and form prescribed by the APCO and shall give all the information necessary to enable the APCO to make the determination required by Rule 2070 (Standards for Granting Applications).

4.0 Further Information

Before acting on an application for a permit, the APCO may require the applicant to furnish further information or plans or specifications.

5.0 Denial Of Applications

In the event of denial of an Authority to Construct or a Permit to Operate, the APCO shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The APCO shall not accept a further application unless the applicant has complied with the objections specified by the APCO as to his reasons for denial of the Authority to Construct or Permit to Operate.

6.0 Applications Deemed Denied

The applicant may at his option deem the Permit to Operate denied if the APCO fails to act on the Permit to Operate within 60 calendar days after filing or within 60 calendar days after applicant furnishes the further information, plans and specifications requested by the APCO, whichever is later.

7.0 Appeals

Within ten (10) days upon receipt of notice from the APCO of denial of a permit, the applicant may petition the Hearing Board in writing for a public hearing. A public notice

shall be given not less than ten (10) days before the public hearing, and a public hearing shall be held within 30 days after filing the petition. The Hearing Board may sustain or reverse the action of the APCO; such orders may be made subject to specified conditions.