

RULE 2050 CANCELLATION OF APPLICATION (Adopted May 21, 1992; Amended December 17, 1992; Amended December 16, 1993)

1.0 Purpose

The purpose of this rule is to explain the cancellation and renewal procedures for an Authority to Construct and a Permit to Operate and the applications for each.

2.0 Applicability

This rule shall apply to any Authority to Construct or to any application for an Authority to Construct or Permit to Operate.

3.0 Definitions

3.1 Commence: as applied to construction, the owner or operator has all necessary preconstruction approvals or permits and either has:

3.1.1 Begun, or caused to begin, a continuous program of actual onsite construction of the source to be completed within a reasonable time; or

3.1.2 Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

4.0 Authority to Construct Applications

4.1 An Authority to Construct shall expire and the application shall be canceled two years from the date of issuance unless the applicant has commenced construction.

4.2 Notwithstanding section 4.1, the following Authorities to Construct permits may be renewed indefinitely if the renewal represents no emissions change or an actual emission reduction not currently required by rule, regulation or order:

4.2.1 Permits for control technology or equipment,

4.2.2 Permits representing emission reductions not required by rule, regulation or order or no emission changes,

4.2.3 Permits to convert to an alternate fuel for a piece of equipment which has a Permit to Operate or is operating but is exempt from permit requirements.

4.3 An Authority to Construct shall be renewed for one (1) additional two (2) year period upon receipt of an application for renewal from the applicant provided the APCO finds the applicant cannot commence construction because all necessary

preconstruction approvals or permits have not been obtained. Applications for these approvals or permits shall have been filed prior to the expiration of the initial issuance of the Authority to Construct.

4.4 An Authority to Construct shall be renewed for one (1) additional two (2) year period upon receipt of an application provided the APCO finds the facility has experienced an economic downturn, or the Authority to Construct is a part of a larger project which has commenced construction.

4.4.1 For an economic downturn, the applicant for a specific project must demonstrate to the satisfaction of the APCO that it is not economically feasible to proceed due to the current value of its product and that there is reasonable probability the project will be economically feasible within the foreseeable future, i.e. within two (2) years.

4.4.2 For an Authority to Construct to be considered part of a larger project, at the time the initial application is filed, it must be described as a part of that project.

4.5 Except for the provisions of section 4.2, in no case shall any Authority to Construct be renewed for more than one two-year period.

5.0 Permit to Operate Applications

An application for a Permit to Operate shall be canceled two (2) years from the date of the filing of the application, unless it is renewed.