

R 336.1219 Amendments for change of ownership or operational control. (7/26/95)

Rule 219. (1) A person may request an amendment to a permit to install or permit to operate, voluntary agreement, consent order, or judgment for a change in ownership or operational control of a stationary source, process, or process equipment. The person shall make a written request to the department for the change in ownership or operational control. The request shall include all of the following information:

(a) A description of the stationary source, process, or process equipment and a listing of the permits, voluntary agreements, consent orders, or judgments involved in the request.

(b) An identification of the new owner or operator and a copy of the appropriate portions of the written agreement between the current and new persons owning or operating the stationary source that contains a specific date for the transfer of responsibility, coverage, and liability.

(c) A written statement by the new person owning or operating the stationary source that the terms and conditions of the permit to install or permit to operate and any associated voluntary agreements, consent orders, or judgments are understood and accepted. Acceptance of the terms and conditions of a permit does not affect the person's ability to subsequently request a modification to the permit to install or permit to operate pursuant to R 336.1201. The new person owning or operating the stationary source shall also notify the department of any change in the contact person regarding the permit.

(2) A written request for an amendment for a change in ownership or operational control of a permit to install or a permit to operate for a stationary source, process, or process equipment shall be reviewed and final action taken by the department according to the following procedure:

(a) The department shall take final action to approve or deny the request within 60 days after the department received the request, unless the department requests additional information to clarify the request. If the department requests additional information, the department shall take final action within 60 days of the receipt of the additional information. Upon approval of the request, the change shall be incorporated into the permit to install or permit to operate and any associated voluntary agreements, consent orders, or judgments. A written notification of the approval of a change in ownership or operational control shall be sent to both the new and previous persons involved with the change.

(b) The department shall grant the request for change in ownership or control if both of the following provisions are met:

(i) The department determines that no other change in the permit to install or permit to operate is necessary to achieve compliance with the applicable requirements.

(ii) The new owner or operator agrees to assume responsibility for complying with the terms and conditions of a voluntary agreement, consent order, or judgment, if any, that has previously been entered with the current owner or operator.

(c) If the department denies the request, the department shall notify both the current owner or operator and the proposed new owner or operator requesting the amendment, in writing, that the request has been denied and the reasons for the denial. Any appeal of a denial by the department of an amendment for a change in ownership or operational control of a stationary source, process, or process equipment shall be pursuant to section 631 of Act No. 236 of the Public Acts of 1961, as amended, being §600.631 of the Michigan Compiled Laws, and known as the revised judicature act. The denial of an amendment for a change in ownership or operational control shall not constitute a revocation of the permit to install or permit to operate.

(3) A change in ownership or operational control of a stationary source covered by a renewable operating permit shall be made pursuant to R 336.1216(1).

