

LAC 33:V. 321.C.1

§321. Modification of Permits

A. Any proposed major modification of a facility or a site, any change in wastes handled in either volume or composition, and any other change in the site, facility, or operations that materially deviates from a permit or materially increases danger to the public health or the environment must be reported in writing to the Office of Environmental Services, Water and Waste Permits Division, prior to such an occurrence and a permit modification must be obtained in accordance with the application, public notice, and permit requirements of this Chapter. Any operator or ownership change shall be made in accordance with LAC 33:I.Chapter 19.

B. Transfer of Permits

1. A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued under LAC 33:V.321.B.2 or 323.B.2 to identify the new permittee and incorporate such other requirements as may be necessary.

2. Changes in the ownership or operational control of a facility shall be made in accordance with LAC 33:I.Chapter 19.

C. Permit Modification at the Request of the Permittee

1. Class 1 Modifications

a. Except as provided in LAC 33:V.321.C.1.b, the permittee may put into effect Class 1 modifications listed in LAC 33:V.322 under the following conditions.

i. The permittee must notify the Office of Environmental Services, Water and Waste Permits Division, concerning the modification by certified mail or other means that establish proof of delivery within seven calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by LAC 33:V.515-533, 2707, and 3115.

ii. The permittee must send a notice of the modification to all persons on the facility mailing list, maintained by the administrative authority in accordance with LAC 33:V.717.A.1.e, and the appropriate units of state and local government, as specified in LAC 33:V.717.A.1.b and d. This notification must be made within 90 calendar days after the change is put into effect. For the Class 1 modifications that require prior administrative authority approval, the notification must be made within 90 calendar days after the administrative authority approves the request.

iii. Any person may request that the administrative authority review, and the administrative authority may for cause reject, any Class 1 modification. The administrative authority must inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, the permittee must comply with the original permit conditions.

b. Class 1 permit modifications identified in LAC 33:V.322 by a superscript "1" may be made only with the prior written approval of the administrative authority.

c. For a Class 1 permit modification, the permittee may elect to follow the procedures in LAC 33:V.321.C.2 for Class 2 modifications instead of the Class 1 procedures. The permittee must inform the administrative authority of this decision in the notice required in LAC 33:V.321.C.2.a.