§ 147.2926 Permit transfers.

(a) Permits may be transferred to another permittee:

(1) If the current permittee notifies the Regional Administrator at least 10 days before the proposed transfer date; and

(2) If the notice includes a written agreement between the existing and new permittees containing:

(i) A specific date for transfer of permit responsibility, coverage and liability; and

(ii) Assurance that the new permittee has a surety bond on file with BIA; and

(3) If the Regional Administrator does not respond with a notice to the existing permittee that the permit will be modified.

(b) If the conditions in paragraph (a) of this section are met, the transfer is effective on the date specified in paragraph (a)(2)(i) of this section.

§ 147.2927 Permit modification.

(a) Permits may be modified for the following causes only (with the exceptions listed in paragraph (b) of this section regarding minor modifications):

(1) There are substantial changes to the facility or activity which occurred after permit issuance that justify revised or additional permit conditions.

(2) The Regional Administrator has received information (e.g., from monitoring reports, inspections) which warrants a modified permit.

(3) The regulations or standards on which the permit was based have changed.

(4) The Regional Administrator has received notice of a proposed permit transfer.

(5) An interested person requests in writing that a permit be modified, and

(6) The information collection requirements contained in paragraphs (g) and (i) were approved by the Office of Management and Budget under control number 2040–0042)
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the Regional Administrator determines that cause for modification exists.

(6) Cause exists for termination under §147.2928, but the Regional Administrator determines that permit modification is appropriate.

(b) Minor modifications. (1) Minor modifications do not require that the procedures listed in paragraph (c) of this section be followed.

(2) Minor modifications consist of:
(i) Correcting typographical errors;
(ii) Requiring more frequent monitoring or reporting;
(iii) Changing ownership or operational control (see §147.2926, Permit Transfers); or
(iv) Changing quantities or types of injected fluids, provided:
(A) The facility can operate within conditions of permit;
(B) The facility classification would not change.

(c) Modification procedures. (1) A draft permit shall be prepared with proposed modifications.

(2) The draft permit shall follow the general permitting procedures (i.e., public comment period, etc.) before a final decision is made.

(3) Only the changed conditions shall be addressed in the draft permit or public review.

§ 147.2928 Permit termination.

(a) Permits may be terminated for the following causes only:

(1) Noncompliance with any permit condition.
(2) Misrepresentation or failure to fully disclose any relevant facts.
(3) Determination that the permitted activity endangers human health or the environment.
(4) Interested person requests in writing that a permit be terminated and the Regional Administrator determines that request is valid.

(b) Termination procedures. (1) The Regional Administrator shall issue notice of intent to terminate (which is a type of draft permit).

(2) Notice of intent to terminate shall follow the general permitting procedures (i.e., public comment period, etc.) before a final decision is made.

§ 147.2929 Administrative permitting procedures.

(a) Completeness review. (1) The Regional Administrator shall review each permit application for completeness with the application requirements in §147.2918. The review will be completed in 10 days, and the Regional Administrator shall notify the applicant whether or not the application is complete.

(2) If the application is incomplete, the Regional Administrator shall:
(i) List the additional information needed;
(ii) Specify a date by which the information must be submitted; and
(iii) Notify the applicant when the application is complete.

(3) After an application is determined complete, the Regional Administrator may request additional information to clarify previously submitted information. The application will still be considered complete.

(4) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and appropriate enforcement actions taken.

(b) Draft permits. (1) After an application is deemed complete, the Regional Administrator shall either prepare a draft permit or notice of intent to deny the permit (which is a type of draft permit). If the Regional Administrator later decides the tentative decision to deny was wrong, he shall withdraw the notice of intent to deny and prepare a draft permit.

(2) A draft permit shall contain at least the following information:
(i) The standard permit conditions in §147.2925;
(ii) Any monitoring and reporting requirements;
(iii) The construction and operation requirements; and
(iv) Plugging and abandonment requirements.

(c) Statement of basis. (1) The Regional Administrator shall prepare a statement of basis for every draft permit.

(2) The statement of basis shall briefly describe the draft permit conditions and the reasons for them. In the case of a notice of intent to deny or terminate, the statement of basis shall give reasons to support the tentative decision.