

SECTION 12.12: TRANSFER OF PERMIT

12.12.1 Applicability

This section applies to any source or emission unit for which a permit has been issued pursuant to Section 12.1, 12.2, 12.3, 12.4, 12.5 or 12.11.

12.12.2 Requirements

- (a) Except as provided for in this section, an Authority to Construct or any permit issued pursuant to the sections listed in 12.12.1 shall not be transferable, whether by operation of law or otherwise, from one owner or operator to another.
- (b) Any application to transfer a permit from the permit holder to another person or owner shall be accompanied by the applicable fee(s) as specified in Section 18.
- (c) An application for the transfer of ownership shall constitute a temporary Authority to Construct, Part 70 Operating Permit or Permit to Operate, as applicable, under the conditions of the existing permit.
- (d) The owner or operator who holds the permit shall file an application for a transfer of ownership at least 30 days prior to the date of the transfer of ownership.
- (e) The Control Officer shall approve an application for the transfer of a permit if all of the following requirements are met:
 - (1) The emission unit subject to the permit is in compliance with all applicable orders, AQRs and applicable federal requirements.
 - (2) Submittal of a written agreement or other written proof of transfer of ownership that is deemed sufficient by the Control Officer and which specifies the date of ownership transfer;
 - (3) The permit has been reviewed by the department to determine that the permit conditions are adequate to ensure compliance with, and enforceability of, applicable requirements to the emission unit for which the permit was issued;
 - (4) Where (e) (3) has not been met, the Control Officer shall require that the permit be revised to specify the permit conditions necessary in accordance with all applicable requirements;

- (5) All fees and assessed penalties associated with the permit have been paid.

History: Adopted March 16, 2010