

SUBCHAPTER C : CONSOLIDATED PERMIT PROCESSING
§§33.41, 33.43, 33.45, 33.47, 33.49, and 33.51
Effective December 10, 1998

§33.41. Pre-submittal Conference.

An applicant considering the submission of applications for coordinated reviews and one hearing, or for a consolidated permit, may request a pre-submittal conference to determine, at a minimum, the types of permits to be consolidated, timelines for the submission of applications, and notice and hearing requirements. A request for a pre-submittal conference may be made to the executive director.

Adopted October 23, 1998

Effective December 10, 1998

§33.43. Intent to File Applications for Consolidated Permit Processing and a Consolidated Permit.

(a) An applicant shall notify the commission of the intent to request consolidated permit processing or a consolidated permit by submitting a letter of intent to the executive director. The letter of intent must contain at least the following:

- (1) the applicant's name;
- (2) the applicant's address;
- (3) the location of the facility;
- (4) the number and types of authorizations to be consolidated;
- (5) the types of notices the applicant wishes to combine; and

(6) the beginning and ending date of the time period, not to exceed 30 days, during which the applicant will submit all applications intended for consolidation.

(b) All applications received by the executive director will be held and not processed until the ending date identified by the applicant under subsection (a)(6) of this section. This does not exempt the applicant from the timely submittal of permit renewal applications as required in Chapter 305, Subchapter D of this title (relating to Amendments, Renewals, Transfers, Corrections, Revocation, and Suspension of Permits), or Chapter 336 of this title (relating to Radiation Rules). All applications received by that date are deemed as officially received on that date by the executive director for the purpose of processing the applications.

(c) If an applicant has not submitted all of the applications by the deadline specified in

subsection (a)(6) of this section, the executive director shall return all of the applications to the applicant unless the applicant has amended its letter of intent. The letter of intent may be amended by submitting a revised letter of intent to the executive director. Renewal applications will not be returned, but shall be processed separately.

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§33.45. Separation by Executive Director.

(a) The executive director may require separate processing of consolidated applications, or may return one or more applications, if the executive director determines:

- (1) that the applicant has submitted an incomplete application; or
- (2) if the applicant does not respond as requested to notices of deficiency.

(b) The executive director shall notify the applicant of any decision concerning applications under this section. This notice shall include the reasons for the executive director's decision on the applications.

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Effective December 10, 1998

§33.47. Request for Separate Processing Before Public Notice of Opportunity to Request a Hearing.

(a) An applicant may request that consolidated applications be processed separately at any time before mailing or publishing any public notice of the opportunity to request a hearing.

(b) Requests shall be filed with the executive director in a timely fashion and include at least the applicant's name and a list of the applications to be separated.

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Effective December 10, 1998

§33.49. Separate Processing After Notice of Opportunity to Request a Hearing and Before Referral to SOAH.

(a) The executive director may separate the applications for processing at any time after the issuance of any notice of opportunity to request a hearing, but before referral of the matter to SOAH, upon demonstration of good cause by the applicant. For purposes of this section, good cause includes, but is not limited to:

- (1) a change in the statutory or regulatory requirements governing a permit; or

(2) a substantial change in the factual circumstances surrounding the applications for permits.

(b) An applicant shall file the request for separate processing with the executive director and provide copies to affected program offices. The request shall include the following:

- (1) the applicant's name;
- (2) a list of the applications to be separated; and
- (3) the demonstration of good cause.

(c) Upon determination by the executive director that there is good cause for the separate processing of permit applications, the chief clerk shall notify anyone who submitted comment or a hearing request on any combined notice of the executive director's decision. The applicant shall re-notice the separate applications in accordance with applicable commission notice requirements.

(d) Any hearing requests received on the consolidated applications before the applicant requested separate processing shall be held by the chief clerk. The chief clerk shall process those requests along with all additional comments and hearing requests received for each of the separate applications after those applications are renoticed under subsection (c) of this section.

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Effective December 10, 1998

§33.51. Separate Processing After Referral to SOAH.

An applicant may have applications processed separately after an application has been referred to SOAH. An applicant shall show compliance with §80.25 of this title (relating to Withdrawing the Application) in order to have the applications processed separately.

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