

WAC 173-401-705 Requirement for a permit. (1) Requirement for a permit. Except as provided in subsection (2) of this section, WAC 173-401-722 and 173-401-725, no chapter 401 source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under this chapter.

(2) Application shield. If a chapter 401 source submits a complete application for permit issuance (including for renewal) within twelve months of the time the source becomes subject to the permit program, operation of the source without a chapter 401 permit is not a violation of this chapter until the permitting authority takes final action on the permit application, except as noted in this section. Chapter 401 sources in existence on the date of EPA approval of the state permit program shall become subject to the program on the effective date of EPA approval. This protection shall cease to apply if, subsequent to the completeness determination made pursuant to WAC 173-401-700(6), the applicant fails to submit by the deadline specified in writing by the permitting authority any additional information identified as being needed to process the application.

[Statutory Authority: Chapter 70.94 RCW. WSR 93-20-075 (Order 91-68), § 173-401-705, filed 10/4/93, effective 11/4/93.]