

PROPOSED AMENDMENTS

The proposed amendments to Regulation 2, Rule 1, Section 407 are as follows:

- 2-1-407** **Permit Expiration of Authority to Construct:** An authority to construct shall expire two years after the date of issuance, unless ~~substantial use of the authority has begun~~ the authority to construct has been renewed. Upon receipt of a written request and any required fees prior to the expiration of the authority to construct, the APCO shall renew the authority to construct in writing if the APCO determines that the renewal complies with this section and that the holder of the authority to construct is not violating any provision or condition of the authority. If the APCO does not act on such a request prior to expiration of the authority to construct, the authority shall remain in effect until the APCO has acted to approve or deny the renewal request.
~~However~~
- 407.1 The following requirements shall apply to renewals:
- 1.1 Except as provided in Sections 2-1-407.2 and 407.3, an authority to construct may be renewed one time for an additional two years;
 - 1.2 Except for renewals pursuant to Section 2-1-407.3, renewal is contingent upon ~~subject to~~ meeting the current BACT and offset requirements of Regulation 2-2-301, 302 and 303, ~~upon receipt of a written request from the applicant and written approval thereof by the APCO prior to the expiration of the initial authority to construct;~~ and
 - 1.3 Except as provided in Sections 2-1-407.2 and 407.3, ~~an~~ an authority to construct that has ~~not expired after two years, due to substantial use or renewal,~~ been renewed shall expire ~~after~~ four years after the date of original issuance.
- 407.2 If the authority to construct was issued pursuant to an environmental impact report (EIR) that explicitly covered a construction period longer than four years, the authority to construct shall, upon request by the applicant, be renewed for additional two-year terms throughout the construction period covered by the EIR.
- 407.3 If substantial use of the authority to construct has begun, either during the initial term or during a renewal term, the authority to construct shall, upon request by the applicant, be renewed for additional two-year terms until the permit to operate is issued, or, if a term of less than two years is requested, for such term as is requested.