§ 17-0817. SPDES permits; duration and reissuance.

1. SPDES permits issued in lieu of national pollutant discharge elimination system permits shall be valid for a fixed term not to exceed five years. All other SPDES permits issued pursuant to this chapter shall be valid for a term not to exceed ten years.

2. All SPDES permits may be administratively renewed in accordance with article seventy of this chapter.

3. The department shall review at least once every five years all existing permits for conformance with new federal treatment technology, new state water quality classifications and water quality standards.

4. The department shall develop a priority ranking system of SPDES permits. The ranking system shall prioritize permits for full technical review and, when necessary, modification. For purposes of this subdivision, full technical review shall mean the complete evaluation of all elements of the permit associated with the ranking system's priority ranking factors, together with substantive issues identified in comments submitted during the public comment period, and the verification of the accuracy and appropriateness of all other information contained in the permit. Any permits reviewed pursuant to this subdivision shall require compliance with current effluent standards and limitations and water quality standards.

5. Any interested party may request at any time that a permit be modified, suspended or revoked on the grounds that newly discovered, material information has been discovered; that a material change in environmental conditions has occurred; that relevant technology or applicable law or regulations have changed since the issuance of the existing permit; or on other grounds established by the department by regulation. All such requests shall be in writing and contain facts or reasons supporting the request. If the department determines that the request is not justified, it shall send the party a brief written response giving the reasons for the decision. A copy of such request and the department's response shall be sent to the permittee. If the

department determines that the request is justified, it shall take action pursuant to article seventy of this chapter.

6. Within eight months after the effective date of this section the department shall hold at least three public hearings to solicit public comments on the SPDES permit priority ranking system, including the permit priority ranking factors and the weighing and scoring system. All comments submitted during the hearing process and associated comment period shall be considered by the department in the review, and modification if appropriate, of the SPDES permit priority ranking system. Thereafter, whenever the department reviews the SPDES permit priority ranking system for possible modification, the department shall formally solicit and provide for the involvement of the public in such review. The department shall annually publish in the environmental notice bulletin any changes in the priority ranking list, and solicit and provide for the involvement of the public in a review of the priority ranking list.