**Section 845.280**  **Transfer, Modification and Renewal**

a) No permit is transferable from one person to another except as approved by the Agency. Approval must be granted only if a new owner or operator seeking transfer of a permit can demonstrate the ability to comply with all applicable financial requirements of Subpart I.

b) Agency Initiated Modification. The Agency may modify a permit under the following conditions:

1) Discovery of a typographical or calculation error;

2) Discovery that a determination or condition was based upon false or misleading information;

3) An order of the Board issued in an action brought under Title VII, VIII, IX or X of the Act; or

4) Promulgation of new statutes or regulations affecting the permit.

c) The owner or operator of a CCR surface impoundment may initiate modification to its permit by application submittal to the Agency at any time after the permit is approved and before the permit expires.

d) The Agency may make minor modifications to a permit without following the public notice procedures of Section 845.260. Minor modifications may only:

1) Correct typographical errors;

2) Require more frequent monitoring or reporting by the permittee, including the installation of additional groundwater monitoring wells;

3) Allow for a change in ownership or operational control of a facility when the Agency determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the Agency;

4) Change the construction schedule, which does not impact the scheduled date of completion; or

5) Require electronic reporting requirements.

e) An application for renewal of a permit must be filed with the Agency at least 180 days before the expiration date of the existing permit unless the Agency grants a waiver of this requirement. The Agency may grant a waiver of the 180-day requirement only if:

1) The permittee submits a written request to the Agency at least 60 days before the expiration of the permit;

2) The permittee's written request includes the reasonably justifiable causes for not meeting the 180-day requirement; and

3) The permittee's written request includes a date by which the permittee will submit the renewal application.

f) Any Agency decision to deny a waiver request must be made within 21 days after receipt of the waiver request (see subsection (e)(1)).

g) The terms and conditions of an expiring permit remain effective and enforceable against the permittee until the Agency takes final action on the pending permit renewal application, only if the permittee has submitted a timely application under subsection (e) and the Agency, through no fault of the permittee, does not issue a new permit by the expiration date of the previous permit.