

7007.1250 INSIGNIFICANT MODIFICATIONS.

Subpart 1. **When insignificant modification can be made.** The permittee may make a modification described in either item A or B at a permitted stationary source without getting a permit amendment, unless the modification is prohibited by subpart 2. However, if the modification triggers new monitoring, record-keeping, or reporting requirements under applicable requirements or parts 7007.0100 to 7007.1850, the permittee shall initiate an administrative amendment under part 7007.1400 to include the new requirements no more than 30 days after making the modification.

A. Construction or operation of any emissions unit, or undertaking any activity, that is:

- (1) listed as an insignificant activity in part 7007.1300, subpart 2 or 3; or
- (2) a conditionally insignificant activity that complies with parts 7008.4000 to 7008.4110.

B. Any modification that will:

- (1) result in an increase of a regulated air pollutant which is not listed in table 1; or
- (2) result in an increase of an air pollutant which is listed in table 1, but in an amount less than the corresponding threshold.

Table 1

Pollutant	Threshold	
NO _x	2.28	pounds per hour
SO ₂	2.28	pounds per hour
VOCs	2.28	pounds per hour
PM-10	0.855	pounds per hour
CO	5.70	pounds per hour
Lead	0.025	pounds per hour

For purposes of this subpart, whether or not the modification will cause an increase in emissions shall be calculated as described in part 7007.1200. An owner or operator may not use control equipment efficiencies for listed control equipment determined by part 7011.0070 to qualify for an insignificant modification, unless the specifications for the control equipment are from a control equipment manufacturer, as defined in part 7011.0060, subpart 3. Modifications which would otherwise be insignificant under this part may be Title I modifications, for which a major amendment is required, using the methods of calculation required under Title I of the act. Permittees are reminded to review the definition of Title I modifications and the requirements of Title I of the act.

Subp. 2. **Insignificant modification exclusions.** A modification may not be made under this part if the modification:

- A. is a Title I modification;
- B. would result in the violation of a permit emissions limit or any other permit term;
- C. is required to be authorized by a permit amendment under Title IV of the act or Code of Federal Regulations, title 40, part 72, as amended;
- D. is part of a single project, as described in subpart 5, which taken as a whole, would not be authorized under this part; or
- E. is described under part 7007.1500, subpart 1 (Major permit amendment required).

Subp. 3. **Record-keeping requirements.** Except as described in subpart 4, modifications authorized under this part may be made without providing notice to the agency. However, the permittee must keep a record of the modification for all changes authorized under subpart 1, items A and B, except for those activities described in part 7007.1300, subpart 2. For changes authorized under subpart 1, item B, and part 7007.1300, subpart 3, item F, the permittee must also keep calculations of the emissions increase as required by part 7007.1200, subpart 4, and a statement of the purpose for making the modification.

Subp. 4. **Agency notification required.** If a modification authorized under subpart 1, item B, together with other modifications made under subpart 1, item B, during the course of the permit term (or within a five-year period for a nonexpiring permit), have resulted in total increases of a pollutant in excess of four times the amount listed in subpart 1, item B, subitem (2), for that pollutant, the permittee shall notify the agency by seven working days after beginning actual construction of the last modification. The notice shall provide the information required to be kept in subpart 3 for each modification made under subpart 1, items A and B, except for those activities described in part 7007.1300, subpart 2, during the period in question. The notice shall also include a certification by a responsible official, consistent with part 7007.0500, subpart 3, that the modifications listed were not part of a single project, as described in subpart 5, which taken as a whole, would not be authorized under subpart 1, item B. After any such notice has been sent, the permittee shall continue to keep track of modifications made under subpart 1, item B, and the permittee shall notify the agency again if emissions increases from these additional modifications total more than four times the amount listed in subpart 1, item B, subitem (2).

Subp. 5. **Determination of single project.** If two or more modifications made at a stationary source are part of a single project, the emissions increases from these modifications shall be considered in the aggregate for purposes of this part. Generally, modifications will be considered part of a single project when the usefulness of one modification depends substantially on the completion of the other modification or modifications. In determining whether modifications are part of a single project, the agency will consider the amount of time that elapses between modifications, whether they were planned at the same time, and whether the modifications share a common purpose.

Subp. 6. **Enforcement action.** If a permittee makes a modification the permittee believes to fall under this part and the agency subsequently determines that the modification does not fall under this part, the agency may take enforcement action against the permittee.

Statutory Authority: *MS s 115.03; 116.07*

History: *18 SR 1059; 19 SR 1345; 20 SR 2316; 22 SR 1237; 23 SR 2224; 32 SR 904; 41 SR 763; 43 SR 797*

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