

7007.1350 CHANGES THAT CONTRAVENE CERTAIN PERMIT TERMS.

Subpart 1. **Applicability.** A permittee may make changes allowed under parts 7007.0100 to 7007.1850 at a permitted facility without obtaining a permit amendment, even though the change contravenes a permit term, if the change:

A. does not violate a permit term related to monitoring (including test methods), record keeping, reporting, or compliance certification requirements;

B. does not result in emissions in excess of those explicitly allowed under the permit for any emissions unit or for the stationary source as a whole (whether expressed as a rate of emissions or in terms of total emissions);

C. does not violate any permit term limiting hours of operation, work practices, fuel usage, raw material usage, production levels, or throughput if the term has been established to limit emissions or ensure compliance with emissions limitations;

D. does not violate any other permit term where the agency has specifically stated in the permit that the term is not subject to change under this part;

E. is not a title I modification;

F. is not required to be authorized by a permit amendment under title IV of the act (Acid Deposition Control) or Code of Federal Regulations, title 40, part 72, as amended; and

G. is not an administrative amendment described in part 7007.1400.

Subp. 2. **Procedure.** Changes authorized under this part may not be made until seven working days after the agency receives written notice of the change. The permittee must submit the notice in a format specified by the commissioner. The notice shall include a certification, consistent with part 7007.0500, subpart 3, by a responsible official describing the change to be made, identifying the term of the permit which is being contravened, stating that the change is authorized under this part, and briefly describing how it qualifies under this part. The permittee and the agency shall attach the notice to the stationary source's permit. If the agency finds that the proposed change is not authorized under this part, the agency shall notify the permittee of that finding and, if the proposed change could be made using other procedures, direct the permittee to those procedures.

Subp. 3. **Enforcement action.** If the permittee implements a change that the permittee believes qualifies under this part and the agency subsequently determines that the change does not qualify under this part, the agency may take an enforcement action against the permittee.

Statutory Authority: *MS s 115.03; 116.07*

History: *18 SR 1059; 41 SR 763*

Published Electronically: *January 27, 2017*