

7007.1400 ADMINISTRATIVE PERMIT AMENDMENTS.

Subpart 1. **Administrative amendments allowed.** The agency may make the permit amendments described in this subpart through the administrative permit amendment process described in this part. An owner or operator of a stationary source must apply for an administrative amendment if changes are to be made under item B or E:

- A. an amendment to correct a typographical error;
- B. an amendment to change the name, mailing address, or telephone number of any person identified in the permit, or that reflects a similar minor administrative change at the permitted facility. A change in the stationary source's location of operation is not covered by this item;
- C. an amendment requiring the permittee to comply with additional, more frequent, or expanded, testing, monitoring, record keeping, or reporting requirements;
- D. an amendment to eliminate monitoring, record keeping, or reporting requirements if:
 - (1) the requirements are rendered meaningless because the only emissions to which the requirements apply will no longer occur;
 - (2) the requirements are technically incorrect and their elimination does not affect the accuracy of the data generated or of the monitoring information recorded or reported; or
 - (3) the emission unit to which the monitoring, record keeping, or reporting requirement applies no longer exists or has been permanently disabled from use at the stationary source;
- E. an amendment reflecting a change in ownership or operational control of a stationary source where 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 permittee has been submitted to the agency;
- F. an amendment to incorporate into a permit the requirements from preconstruction review permits issued by the agency;
- G. an amendment to clarify the meaning of a permit term;
- H. an amendment to extend a deadline in a permit by no more than 120 days, provided that the agency may only extend a deadline established by an applicable requirement described in part 7007.0100, subpart 7, items A to K, if the agency has been delegated authority to make such extensions by the administrator. Notwithstanding the previous sentence, the agency may do an administrative amendment to extend a testing

deadline in a permit up to 365 days if the agency finds that the extension is needed to allow the permittee to test at worst case conditions as required by part 7017.2025, subpart 2;

I. an amendment to remove any condition from a permit which was based on an applicable requirement that has been repealed, but only if the permit condition:

(1) is neither required nor replaced by another applicable requirement; and

(2) was not established for a specific facility to protect human health and the environment, to prevent pollution, as a mitigation measure in an environmental impact statement, or to obtain a negative declaration in an environmental assessment worksheet;

J. an amendment to correct or update a citation to an applicable requirement where the corresponding permit condition is not changed; and

K. an amendment to incorporate the extension of a deadline in a permit for construction authorization established under a new source review program under part C (Prevention of Significant Deterioration of Air Quality) of the act, provided the extension of the deadline for construction authorization has been approved by the commissioner prior to the submittal of the administrative amendment application.

Subp. 2. Initiating an administrative amendment. A permittee must submit an application for an administrative amendment in a format specified by the commissioner. The application must be certified by a responsible official in the manner provided in part 7007.0500, subpart 3. The permittee shall specify the section of the permit that is to be amended, and the reason for the amendment. The agency may also make an administrative amendment upon its own initiative. If an administrative amendment initiated by the agency would impose additional or different requirements on the permittee, the permittee shall be notified of the proposed amendment 30 days prior to its taking effect, unless the permittee consents to less notice. If the permittee objects to the amendment, the amendment shall not be made under this part, but the agency may reopen the permit under parts 7007.1500 and 7007.1600.

Subp. 3. Timeline for final action. The agency shall take no more than 60 days from receipt of an application for an administrative permit amendment to take final action on the application. Amendments made by the agency under this part shall be made without public notice or an opportunity for public and affected states comment and hearing.

Subp. 4. Part 70 administrative amendment submitted to EPA. If the administrative permit amendment is to a part 70 permit, the agency shall submit a copy of the amended permit or permit amendment to the administrator, as required by the administrator.

Subp. 5. Provisions to which permit shield applies. The only administrative amendments to which the permit shield established by part 7007.1800 shall apply are those described in subpart 1, item F.

Subp. 6. Acid rain provision. Amendments to the acid rain portion of a permit to an affected source shall be governed by Code of Federal Regulations, title 40, part 72, as amended.

Subp. 7. When permittee may make change. Notwithstanding part 7007.0150, subpart 1, the permittee may make the change proposed in the administrative amendment application immediately after the application is received by the agency, if the change is described in subpart 1. However, if the change is of ownership or operational control, the new owner's or operator's right to operate the permitted stationary source under the previous sentence is contingent upon the new owner's or operator's compliance with the terms of the stationary source's permit.

Statutory Authority: *MS s 115.03; 116.07*

History: *18 SR 1059; 20 SR 2316; 22 SR 1237; 22 SR 1975; 37 SR 991; 41 SR 763*

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