

7007.1500 MAJOR PERMIT AMENDMENTS.

Subpart 1. **Major permit amendment required.** A "major permit amendment" is required for any change to permit conditions or any modification at a permitted stationary source that is not allowed under parts 7007.1250 and 7007.1350 and for which an amendment cannot be obtained under the administrative permit amendment provisions of part 7007.1400, or the minor or moderate permit amendment provisions of part 7007.1450. The following always require major permit amendments:

A. any significant amendment to existing monitoring, reporting, or record keeping requirements in the permit other than:

- (1) adding new requirements;
- (2) eliminating the requirements if they are rendered meaningless because the only emissions to which the requirements apply will no longer occur;
- (3) eliminating the requirements that are technically incorrect where the elimination does not affect the accuracy of the data generated or of the monitoring information recorded or reported; or
- (4) eliminating the requirements for an emission unit that no longer exists or has been permanently disabled from use at the stationary source;

B. any amendment to establish or amend a permit condition that is based on a case-by-case determination of an emission limitation or other standard, on a source-specific determination of ambient impacts, or on a visibility or increment analysis;

C. any amendment to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement described in part 7007.0100, subpart 7, items A to K, and that the stationary source has assumed to avoid an applicable requirement to which the stationary source would otherwise be subject. Such terms and conditions include:

- (1) a federally enforceable emissions cap assumed to avoid classification as a title I modification; and
- (2) an alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the act (Hazardous Air Pollutant; Schedule for Compliance; Early Reduction);

D. any amendment authorizing a title I modification, which includes construction or reconstruction of a major source of hazardous air pollutants under section 112(g)(2)(B) of the act; and

E. any amendment required by agency rule to be made under the major permit amendment procedures.

Subp. 2. **Major amendment application requirements.** To apply for a major permit amendment, the permittee shall follow the application procedures in parts 7007.0100 to 7007.1850 which are applicable to a new or renewed permit of the type being amended.

Subp. 3. **Agency processing procedures.** The agency shall process an application for a major permit amendment to a part 70 permit following the same procedures applicable to an application for a new or reissued part 70 permit, including procedures for public participation, administrator review, and affected states review. The agency shall process an application for a major amendment to a state permit following the same procedures applicable to an application for a new or reissued state permit, except that:

A. the agency shall not provide for public notice and comment under part 7007.0850 unless the major amendment is described in subpart 1, item C or D, and the administrator requires such notice, or the agency makes a determination to provide for public notice and comment under part 7007.0850, subpart 2, item C; and

B. the agency shall not submit the major amendment to EPA for review under part 7007.0950 unless the major amendment is described in subpart 1, item C or D, and the administrator requires such notice.

Subp. 3a. **Making existing facilities into affected facilities subject to new source performance standards.**

A. The owner or operator of a stationary source may construct an affected facility, as that term is defined in Code of Federal Regulations, title 40, section 60.2, as amended (Standards of Performance for New Stationary Sources; Definitions), upon receiving from the agency written approval to construct the affected facility. For purposes of this subpart, construction of an affected facility includes only modification or reconstruction, as described in Code of Federal Regulations, title 40, sections 60.14 and 60.15, as amended, making an existing facility into an affected facility. No person may begin to operate the affected facility until receipt of a major amendment issued by the agency under this part.

B. The agency shall issue written approval to construct, or explain in writing why the approval will not be granted, within 60 days of receiving a complete permit application seeking authorization to construct and operate the affected facility. The application must be accompanied by a written request for approval to construct under this subpart, and a statement certified by a responsible official certifying that requirements of part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan Requirements for Nonattainment Areas) of the act do not apply to the proposed construction. The approval to construct shall only apply to the affected facility.

C. This subpart does not apply if the construction, reconstruction, or modification would be subject to the new source review requirements of part C (Prevention of Significant

Deterioration of Air Quality) or part D (Plan Requirements for Nonattainment Areas) of the act.

D. This subpart does not relieve the applicant of the obligation to comply with the requirements of Minnesota Statutes, chapter 116D, prior to construction, if applicable.

Subp. 4. **Permit shield.** The permit shield described in part 7007.1800 shall apply to amendments made through the major permit amendment process, except that the permit shield does not apply to construction carried out under subpart 3a prior to issuance of a major permit amendment.

Statutory Authority: *MS s 115.03; 116.07*

History: *18 SR 1059; 20 SR 2316; 22 SR 1237; 22 SR 2300; 23 SR 2224; 37 SR 991; 41 SR 763*

Published Electronically: *January 27, 2017*