

**7007.1800 PERMIT SHIELD.**

A. The agency shall include in a permit a provision, known as a permit shield provision, stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance. However, the shield shall only have legal effect if:

(1) the specific provision of the applicable requirement is identified in the permit as the basis of permit conditions; or

(2) the agency in acting on the application for the permit or major amendment, determines in writing that other requirements specifically identified are not applicable to the stationary source, and the permit includes the determination or a concise summary of it.

B. If the permit does not expressly state that a permit shield is provided, it shall be presumed not to provide such a shield.

C. Nothing in this part or in any permit shall alter or affect the following:

(1) the emergency order provisions of section 303 of the act, including the authority of the administrator under that section, and the agency's authority under the emergency powers provision of Minnesota Statutes, section 116.11;

(2) the liability of an owner or operator of a stationary source for any violation of applicable requirements prior to or at the time of permit issuance;

(3) the applicable requirements of the acid rain program, consistent with section 408(a) of the act; or

(4) the ability of the agency or EPA to obtain information through inspections, monitoring, and entry of a stationary source pursuant to Minnesota Statutes, section 116.091, and section 114 of the act.

D. The permit shield shall not be provided for permit conditions established through a minor or moderate permit amendment, or through an administrative amendment except as stated in part 7007.1400, subpart 1, item F.

E. The permit shield shall not be provided for a permit condition if the permittee knowingly submitted false or misleading information to the agency and the permit condition was based on that information.

**Statutory Authority:** *MS s 116.07*

**History:** *18 SR 1059*

**Published Electronically:** *November 29, 2007*