

**7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.**

Subpart 1. **Minor and moderate amendment exclusions.** The agency may amend a permit using the minor and moderate permit amendment processes described in this part if the amendments are described in subparts 2 and 3, and if the amendments are not described in part 7007.1500, subpart 1 (Major permit amendment required).

Subp. 2. **Minor amendment applicability.** Except as provided in subpart 1, the agency may amend a permit to change permit conditions, unless the change to permit conditions otherwise requires a major amendment or can be made through an administrative amendment. The agency may allow a modification under the minor permit amendment process of this part if the modification will not cause an increase in emissions of an air pollutant listed below in an amount greater than the threshold. If a regulatory change results in existing insignificant activities no longer qualifying as such, the owners and operators must submit an application within 120 days of the regulation's effective date to incorporate those emission units or activities into the facility's permit:

Pollutant	Threshold
NO <sub>x</sub>	9.13 pounds per hour
SO <sub>2</sub>	9.13 pounds per hour
VOCs	9.13 pounds per hour
PM-10	3.42 pounds per hour
CO	22.80 pounds per hour
Lead	.11 pounds per hour

For purposes of this part, whether or not the proposed change will cause an increase in emissions shall be calculated as described in part 7007.1200. Modifications or changes to permit conditions which would otherwise qualify for a minor or moderate amendment 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 requirements of title I of the act.

Subp. 3. **Moderate amendment applicability.** Any amendment which meets the criteria of subpart 1, but which does not qualify as a minor permit amendment under subpart 2 and which is not a major permit amendment under part 7007.1500, may be made following the procedures applicable to moderate permit amendments under this part.

Subp. 4. **Minor or moderate application requirements.** An application requesting the use of minor or moderate permit amendment procedures shall meet the requirements of part 7007.0600, subpart 1, and shall also include the following:

A. a description of:

- (1) the modification, change to permit conditions, or regulatory change;

(2) the emissions associated with the modification, change to permit conditions, or regulatory change;

(3) the emission units or activities affected by the modification, change to permit conditions, or regulatory change; and

(4) any new applicable requirements that will apply if the modification or change occurs;

B. if the amendment is to a part 70 permit, the owners' and operators' suggested draft permit or draft amendment;

C. certification by a responsible official that the proposed amendment meets the criteria for use of minor or moderate permit amendment procedures, including, in the case of minor permit amendments, a certification that any increase in emissions will be below the thresholds listed in subpart 2, and a request that such procedures be used;

D. certification by a responsible official that the change which the proposed amendment would allow is not part of a larger project which, taken as a whole, would not qualify for treatment as a minor or moderate permit amendment; and

E. in the case of amendments to part 70 permits, completed forms for the permitting authority to use to notify the administrator and affected states as required under subpart 5.

Subp. 5. **EPA notification.** In the case of applications for minor or moderate permit amendments to part 70 permits, the agency shall notify the administrator and affected states of the requested permit amendment within five working days of receipt of a complete permit amendment application to a part 70 permit. The agency promptly shall send any notice regarding agency refusal to accept affected states recommendations required under part 7007.0900, to the administrator and the affected states.

Subp. 6. **EPA review.** The agency will not issue a minor or moderate amendment to a part 70 permit until after the EPA has had 45 days to review the amendment or until the EPA has notified the agency that the EPA will not object to issuance of the permit amendment, whichever is first. The agency may process the application during this time period. The agency shall take final action on an application for a minor or moderate permit amendment within the deadlines set forth in part 7007.0750, subpart 2.

Subp. 7. **When permittee may make proposed modification or change.**

A. The permittee may make the modification or change proposed in a minor permit amendment application seven working days after the application is received by the air quality division of the agency.

B. The permittee may begin actual construction on a modification proposed in a moderate permit amendment application upon receipt of a letter of approval from the agency authorizing such construction. However, the permittee may not conduct start-up of the modification until the amended permit has been issued.

Subp. 8. **Permittees' risk in beginning construction.** If the owners or operators of the stationary source make the modification or change allowed by subpart 7, item A, or begin actual construction upon receipt of a letter of approval as allowed by subpart 7, item B, and until the agency acts on the minor or moderate permit amendment application, the stationary source must comply with both the applicable requirements governing the modification and the proposed permit terms and conditions. During this time period, the stationary source need not comply with the existing permit terms and conditions it seeks to change. However, if the permittees fail to comply with the proposed permit terms and conditions during this time period, the existing permit terms and conditions may be enforced against the permittees. The permittees assume the risk of losing any investment the permittees made toward implementing a modification or change prior to receiving a permit amendment authorizing the modification or change. The agency will not consider the possibility of the permittees suffering financial loss due to such investment when deciding whether to approve, deny, or approve in modified form a minor or moderate permit amendment.

Subp. 9. **Permit shield applicability.** The permit shield under part 7007.1800 shall not apply to minor or moderate permit amendments.

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

**History:** *18 SR 1059; 19 SR 1345; 20 SR 2316; 22 SR 1237; 23 SR 2224; 37 SR 991*

**Published Electronically:** *April 3, 2019*