

## 2. Permit Revisions

Proposed §§ 71.7(d)–(h) would govern how permits are revised under part 71 programs. These procedures would generally follow the 4-track system contained in the recently proposed revisions to part 70. However, certain aspects of the 4-track system would not be available unless EPA had delegated administration of a part 71 program to a State or eligible Tribal agency. Moreover, where the proposed revisions to part 70 would leave it to State discretion to decide certain issues on a program-by-program basis, part 71 would contain specific provisions. Where the permit revision procedures under part 71 would differ from those under proposed part 70, the rationale for those differences is provided in detail. Where the procedures under part 71 would be the same as those under the proposed part 70 4-track system, this notice incorporates by reference the rationale for those provisions contained in the notice for the proposed revisions to part 70. See 59 FR 44460 (Aug. 29, 1994). The part 71 permit revision procedures are discussed in greater detail in section 3–F–2 of the Supplementary Information Document.

The EPA wishes to stress that in first describing this permit revision structure in the proposed revisions to part 70, the Agency solicited comments on ways to simplify what is admittedly a complex system. In light of the extensive comments received concerning the complexity of the proposal, EPA will publish a supplemental proposal covering part 70 permit revision procedures that differs from the August 29, 1994 proposal. The supplemental proposal is expected to be published within a few months of the publication of today's part 71 proposal and has not been developed in time to be incorporated into today's proposal. After the new part 70 procedures are proposed, EPA will most likely need to publish a supplemental proposal for part 71 pertaining to permit revision procedures. If so, EPA would finalize other portions of the rule first in order to be able to administer part 71 programs by November 15, 1995. The EPA expects to promulgate the part 70 permit revisions procedure in time to adjust corresponding sections of proposed part 71, as appropriate, before EPA would receive any applications for permit revisions under a part 71 program.

a. *Administrative Amendments.* The provisions governing administrative amendments to part 71 permits would be located at proposed § 71.7(e). Today's proposal would follow existing part 70

in allowing changes that are generally clerical in nature to be made pursuant to administrative amendment procedures. Also, like the proposed revisions to part 70, part 71 would allow increases in the frequency of required testing, monitoring, recordkeeping and reporting to be incorporated through the administrative amendment process. While part 70 provides a subsequent opportunity for identifying other changes similar to those just described for processing as administrative amendments in the program approval stage, part 71 would not, simply because after promulgation of this rule there would be no further stage of part 71 program development.

Where EPA has delegated administration of a part 71 program to a State or eligible Tribe, part 71 would follow the recent proposed revisions to part 70 by allowing changes that undergo "merged" part 71/NSR or part 71/section 112(g) process to be incorporated into the part 71 permit as administrative amendments. For purposes of part 71, this opportunity to follow proposed part 70 would exist only where States or eligible Tribes take delegation of the part 71 program. When administering a part 71 program for a State, EPA would not also be implementing the State's preconstruction program, so EPA would not be able to upgrade the State's preconstruction program to part 71 process. While this eliminates a significant opportunity for streamlined permit revision where EPA is acting as the permitting authority, EPA believes that it is infeasible for EPA to merge preconstruction review and part 71 review unless the same permitting authority processes both actions. Moreover, to the extent States take delegation of part 71 programs, this opportunity for flexibility will be present. The EPA solicits comment on the proposed limited availability of merged processing under part 71 and suggestions for ways in which this merged processing could be more feasibly provided.

In delegation agreements, EPA and delegate agencies could agree that delegate agencies could conduct merged processing on a case-by-case basis. That is, delegate agencies could be authorized to provide merged process for all or some of their preconstruction determinations or to allow sources to elect merged process for only individual changes. Delegate agencies that provided merged process on only a case-specific basis would have to state when they are doing so in the initial notification of the permit action sent to EPA. A delegate agency that wished to

provide for merged NSR changes would have to set out the eligibility criteria and process for merged NSR changes in its application for delegation to EPA. Depending on existing State statutory or regulatory provisions, no changes would be required to existing NSR programs.

While under the proposed revisions to part 70 EPA would require States to submit eligibility criteria for merged processing in their part 70 programs that EPA would review in the context of program approval, EPA believes that the process in part 71 for applying for delegation and entering into delegation agreements provides an adequate forum for evaluating a delegate agency's ability to provide merged processing. Similarly, EPA believes that delegation agreements are adequate vehicles for establishing a delegate agency's authority to merge preconstruction and part 71 actions on a case-by-case basis. The delegation process requires the State to submit evidence of adequate statutory and regulatory authority to carry out part 71 responsibilities, and EPA would publish delegation agreements in the **Federal Register**, giving notice of the delegate agency's authorization to provide for merged processing.

Consistent with the proposed revisions to part 70, part 71 would allow administrative amendment procedures to be used to incorporate standards promulgated after permit issuance pursuant to section 112 of the Act.

For all changes that qualify as administrative amendments, the part 71 permitting authority would use specific procedures to incorporate those changes into the permit. Generally, these procedures would follow those contained in the August 29, 1994, proposed revisions to part 70, but would differ in certain respects. For example, the part 71 permitting authority would be required to provide EPA with a copy of the effective permit addendum reflecting the change only where EPA has delegated a part 71 program to a State or eligible Tribe.

b. *De Minimis Permit Revisions.* Following the proposed revisions to part 70, EPA is proposing at § 71.7(f) a de minimis permit revision track in part 71 for changes that do not undergo merged program administrative amendment procedures but that have only a small emissions impact. Under this track, a source would be able to operate the change as early as the day it submits its permit revision application. Public and affected State review of the change would then follow. See the more detailed discussion in section 3–F–2–b of the Supplementary Information Document, as well as the Agency's preamble for the proposed revisions to