

(ii) The provisions of §§ 71.7(g)(5)(i) and (ii) prohibiting the source from making the change do not apply.

(iii) Notwithstanding the provisions of § 71.7(g)(7), the source must comply with all applicable requirements from the date the change was made.

§ 71.7 Permit review, issuance, renewal, reopenings, and revisions.

(a) Action on application.

(1) A permit, permit revision, or renewal may be issued only if all of the following conditions have been met:

(i) The permitting authority has received a complete application for a permit, permit revision, or permit renewal, except that a complete application need not be received before issuance of a general permit under § 71.6(l);

(ii) The permitting authority has complied with the applicable requirements for public participation under this section or § 71.11, if applicable;

(iii) The permitting authority has complied with the requirements for notifying and responding to affected States under § 71.8(a);

(iv) Except as provided in paragraph (a)(6) of this section, the conditions of the permit provide for compliance with all applicable requirements and the requirements of this part; and

(v) In the case of a program delegated pursuant to § 71.10, except for revisions qualifying for de minimis permit revision procedures under paragraph (f) of this section or for administrative amendment procedures under paragraphs (e)(1)(i) through (iv) of this section, the Administrator has received a copy of the proposed permit and any notice required under § 71.10(d) and has not objected to the issuance of the permit under § 71.10(g) within the time period specified therein.

(2) Except as provided under the initial transition plan provided under § 71.4(i) or under 40 CFR part 72 or title V of the Act for the permitting of affected sources under the acid rain program, the permitting authority shall take final action on each permit application (including a request for permit revision or renewal) within 18 months after receiving a complete application. Notwithstanding the preceding sentence, the permitting authority shall take final action within 12 months after receipt of a complete application containing an early reduction demonstration under section 112(i)(5) of the Act and regulations promulgated thereunder, and within the time period specified under paragraph (g)(5)(v) of this section for a minor permit revision. Final action may be

delayed where an applicant fails to provide additional information in a timely manner as requested by the permitting authority under § 71.5(c).

(3) The permitting authority shall promptly provide notice to the applicant of whether the application is complete. Unless the permitting authority requests additional information or otherwise notifies the applicant of incompleteness within 60 days of receipt of an application, the application shall be deemed complete. Notwithstanding the above, for revisions that qualify for and are processed through the procedures of paragraph (e), (f), or (g) of this section, the permitting authority need not undertake a completeness determination before commencing revision procedures.

(4) The permitting authority shall provide a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions). The permitting authority shall send this statement to any person who requests it, and to EPA, in the case of a program delegated pursuant to § 71.10.

(5) The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under title I of the Act.

(6) Any new applicable requirement approved or promulgated by EPA that becomes applicable to a source prior to issuance of a draft permit (whether during issuance or renewal) shall be included in the draft permit. If any new applicable requirement becomes applicable after issuance of a draft permit, and the requirement is not reflected in the draft permit, the permit may be issued without incorporating the new applicable requirement, provided that the permitting authority institutes proceedings no later than the date of permit issuance to reopen the permit consistent with paragraph (i) of this section to incorporate the new applicable requirement and that the permit contains a statement that it is being reopened for this purpose.

(b) Requirement to apply for a permit. Except as provided in this paragraph and paragraphs (e), (f), and (g) of this section, no part 70 or part 71 source may operate after the time that it is required to submit a timely and complete application under an approved permit program or this part, except in compliance with a permit issued under a part 70 program or this part. If a part 70 or part 71 source submits a timely and complete application for permit issuance (including for renewal), the source's

failure to have a part 71 permit is not a violation of this part until the permitting authority takes final action on the permit application, except as noted in this section. This protection shall cease to apply if, subsequent to the completeness determination made pursuant to paragraph (a)(3) of this section, and as required by § 71.5(c), the applicant fails to submit by the deadline specified in writing by the permitting authority any additional information identified as being needed to process the application.

(c) Permit renewal and expiration.

(1) Permits being renewed are subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State review, and EPA review, in the case of a program delegated pursuant to § 71.10.

(2) Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with paragraph (b) of this section and §§ 71.5(b) and 71.5(c).

(3) If a timely and complete application for a permit renewal is submitted by the permittee consistent with §§ 71.5(b) and 71.5(c), but the permitting authority has failed to issue or deny the renewal permit before the end of the term of the previous part 70 or part 71 permit, then all the terms and conditions of the permit, including any permit shield, shall remain in effect until the permitting authority issues or denies the renewal permit. In the case of a program delegated pursuant to § 71.10, EPA may invoke its authority under section 505(e) of the Act to terminate or revoke and reissue the permit.

(d) Permit revisions. Changes requiring revision of a part 70 or part 71 permit are those that could not be operated without violating an existing permit term or rendering the source subject to an applicable requirement to which the source has not been previously subject. A permit revision for purposes of the acid rain portion of the permit shall be governed by 40 CFR part 72.

(e) Administrative permit amendments.

(1) An "administrative permit amendment" is a permit revision that:

- (i) Corrects typographical errors;
- (ii) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change;
- (iii) Requires more frequent testing, monitoring, recordkeeping, or reporting;
- (iv) Allows for a change in ownership or operational control of a source where