

the permitting authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the permitting authority;

(v) In the case of a program delegated pursuant to § 71.10, incorporates the requirements of a minor new source review (NSR) or major NSR preconstruction permit or decision or a determination under section 112(g) of the Act, provided that such permit or determination was issued in accordance with the procedural requirements of paragraph (e)(4) of this section and contains compliance requirements substantially equivalent to those required under § 71.6.

(vi) Notwithstanding the provisions of paragraph (e)(1)(v) of this section, incorporates a standard promulgated after permit issuance pursuant to section 112 of the Act.

(2) Administrative permit amendments for purposes of the acid rain portion of the permit shall be governed by 40 CFR part 72.

(3) *Administrative permit amendment procedures for changes meeting the criteria under § 71.7(e)(1)(i) through (iv).* Changes meeting the criteria set forth in paragraphs (e)(1)(i) through (iv) of this section may be made to a permit using the following procedures:

(i) The source shall submit to the permitting authority an application containing a proposed addendum to the source's part 70 or part 71 permit. The application shall demonstrate how the proposed change meets one of the criteria for administrative amendments set forth in paragraphs (e)(1)(i) through (iv) of this section, and include certification by the responsible official consistent with § 71.5(i) that the change is eligible for administrative amendment procedures. The addendum shall:

(A) Identify the terms of the existing part 70 or part 71 permit that it proposes to change;

(B) Propose new permit terms consistent with the provisions of this part applicable to the change;

(C) Designate the addendum as having been processed under the procedures of this paragraph (e)(3); and

(D) Specify that the addendum will be effective 60 days from the date of permitting authority receipt unless the permitting authority disapproves the change within such period.

(ii) The permitting authority may allow the source to implement the requested change immediately upon making all required submittals, including the proposed addendum.

(iii) The proposed addendum will become effective 60 days after the permitting authority receives the submittal, provided the permitting authority has not disapproved the request in writing before the end of the 60-day period. The permitting authority shall record the change by attaching a copy of the addendum to the existing part 70 or part 71 permit and, in the case of a program delegated pursuant to § 71.10, shall provide the Administrator with a copy of the addendum.

(iv) If the permitting authority disapproves the change, it shall notify the source of its reasons for disapproving the change in a timely manner. Upon receiving such notice, the source shall comply with the terms of the permit that it had proposed to change, and thereafter the proposed addendum shall not take effect. The permitting authority may approve a permit addendum for an administrative permit amendment that varies from the source's application without rendering the source liable for violating its existing permit if the permitting authority's revisions are not necessary to make the request eligible for administrative amendment procedures and do not change the applicant's proposed determination of which applicable requirements of the Act apply to the source as a result of the requested change and if the source demonstrates to the satisfaction of the permitting authority its compliance with the applicable requirement to which it is subject as a result of the change. However, the source would remain liable for any violations of the requirements which are applicable as a result of the change and the source's proposed permit revision.

(v) The process in paragraph (e)(3) of this section may also be used for changes initiated by the permitting authority that meet the criteria under paragraphs (e)(1)(i), (ii), and (iv) of this section. For such changes, the permitting authority shall notify the source of the proposed change and its effective date, and shall attach a copy of the change to the existing permit. On the effective date of the proposed change, the source shall comply with the provisions of the proposed change.

(vi) The permit shield under § 71.6(n) may not extend to administrative amendments processed under paragraph (e)(3) of this section.

(4) *Administrative amendment procedures for changes meeting the criteria under § 71.7(e)(1)(v).* In the case of a program delegated pursuant to § 71.10, a change meeting the criteria of paragraph (e)(1)(v) of this section may be made to a permit using the

procedures in the following paragraphs (e)(4) (i) through (iv) of this section.

(i) An applicant shall submit prior to construction (including modification), a permit application to the permitting authority meeting the requirements for applications of minor NSR, major NSR, determinations under section 112(g) of the Act, and paragraph (e)(3)(i) of this section. The application must:

(A) Specify draft permit terms governing construction of any proposed new or modified emissions unit or combination thereof, including all applicable requirements;

(B) Inform the permitting authority that the source is requesting to revise the part 70 or part 71 permit using the process under this paragraph (e)(4);

(C) Include a proposed addendum to the part 70 or part 71 permit that identifies the terms of the existing part 70 or part 71 permit that will change and the draft terms and conditions which will govern operation of the new or modified unit consistent with part 71 (including compliance requirements consistent with § 71.6 ) and any notice requirements contained in paragraph (e)(4)(ii) of this section, and that incorporates relevant terms and conditions from the proposed minor NSR or major NSR or action under section 112(g) of the Act; and

(D) Include an affidavit signed by a responsible official stating that the source accepts all liability of making the requested change prior to final permitting authority action to revise the source's permit.

(ii) For any minor NSR or major NSR or action under section 112(g) of the Act and part 71 permit addendum proposed for approval under paragraph (e)(4) of this section, the permitting authority shall:

(A) Provide a comment period for the public and affected States prior to construction of the change of at least 30 days or, in the case of minor NSR, as many days as required by the applicable implementation plan approved as of November 15, 1993, but not less than 15 days. Where a minor NSR action includes a netting transaction involving either a single emissions increase above applicable title I modification significance levels or a sum of increases above applicable major source thresholds, a public comment period of at least 30 days must be provided for a change to qualify for processing under this paragraph (e)(4);

(B) Provide notice and a copy of the application filed pursuant to paragraph (e)(4)(i) of this section to EPA by the beginning of the public comment period;