

(C) Issue a minor NSR or major NSR permit or determination or issue a determination under section 112(g) of the Act and an addendum to the part 70 or part 71 permit for the operation of the change if it determines the requirements of the applicable minor NSR, major NSR, or review program under section 112(g) of the Act and part 71 have been met; and

(D) Provide an opportunity for EPA objection consistent with the provisions of § 71.10(g), starting either upon receipt of the notice described under paragraph (e)(4)(ii)(D)(1) or (2) of this section as applicable or from the date the permitting authority made its final minor NSR, major NSR, or determination under section 112(g) of the Act, whichever is later.

(1) For changes approved by the permitting authority under major NSR or review under section 112(g) of the Act, the source shall provide a notice to EPA and the permitting authority which must be postmarked at least 21 days before the anticipated date of initial startup of the new or modified source. For such changes, the source may commence operation at the end of the 21-day period unless EPA objects in writing to the proposed change within the 21-day period. Upon notification of such objection, the source may not operate such a change and must comply with the terms and conditions of the permit that it sought to change.

(2) For changes approved by the permitting authority under minor NSR, the source shall notify EPA and the permitting authority of the anticipated date for startup of the change. The source may commence operation of such a change upon postmark of such notice.

(iii) The proposed part 71 permit addendum may become effective 45 days after EPA receives notice under paragraph (e)(4)(ii)(D) of this section or 45 days from the date the permitting authority makes its final preconstruction determination, whichever is later, provided that by the end of such period EPA has not objected to the change.

(iv) If EPA objects to the change, EPA shall notify the permitting authority and the source of its reasons for objecting to the change. 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. If, subsequent to source implementation of the requested change, EPA objects to the change, the source shall be liable for having operated in violation of its existing permit from the time it implemented the change.

Notwithstanding the preceding sentence, the permitting authority may revise a proposed addendum making an administrative permit amendment in response to an EPA objection without rendering the source liable for violating its existing permit if the permitting authority's revisions are not necessary to make the change eligible for administrative amendment procedures and do not change the applicant's proposed determination of which applicable requirements 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 and the source's proposed permit revision. 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 permitting authority may provide a permit shield consistent with the provisions of § 71.6(n).

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

(i) After receipt of the initial notification required under the standard under section 112 of the Act, the permitting authority shall prepare a proposed addendum to the source's part 70 or part 71 permit. The addendum shall contain the following:

(A) A statement that the standard under section 112 of the Act is an applicable requirement for the permitted source;

(B) A schedule of compliance, consistent with § 71.5;

(C) A requirement to submit any implementation plan or report required under the standard;

(D) A requirement to apply for a minor permit revision by the deadline for the compliance statement, unless the source is exempted from this requirement by the rulemaking promulgating the applicable standard under section 112 of the Act. If the source is utilizing an alternative requiring case-by-case approval, such as emissions averaging, the source shall apply for a significant permit revision in lieu of the minor permit revision required in the preceding sentence. If the compliance statement deadline is within 6 months of the end of the permit term, the source may incorporate its application for the revisions into its application for permit renewal, in lieu

of applying for revisions by the compliance statement deadline;

(E) Any other provisions required to be incorporated into the permit by the applicable standard under section 112 of the Act.

(ii) The permitting authority shall make available for public review and comment for at least 30 days a list of sources whose permits are reopened under this paragraph (e)(5). Notice of the availability of the list shall be given by such time as to assure that any additional administrative amendments for sources subject to the standard and not on the list take effect within 18 months after publication of the standard under section 112 of the Act. If after considering public comment, the permitting authority determines that permits for other sources must be reopened to incorporate standards under section 112(g) of the Act, it shall notify such sources of its intent to do so at least 30 days before reopening the permit, and may use the provisions of this paragraph (e)(5).

(iii) The proposed addendum shall become effective not later than 18 months after publication of the standard under section 112 of the Act. The permitting authority shall attach a copy of the addendum to the existing part 70 or part 71 permit and shall, in the case of a program delegated pursuant to § 71.10, provide the Administrator with a copy.

(iv) The permitting authority shall, as soon as practicable, place all information required to be submitted by the permit with respect to the standard under section 112 of the Act in a docket accessible to the public.

(v) The permit shield under § 71.6(n) may not extend to administrative amendments processed under paragraph (e)(5) of this section.

(f) *De minimis permit revisions*.

(1) A de minimis permit revision may be made by the permitting authority to a part 70 or part 71 permit provided that the permit contains a term or condition authorizing the source to make use of de minimis permit revision procedures for qualifying changes at the applicable unit and such term or condition was established during permit issuance or renewal, or under permit revision procedures contained in § 71.11, and provided the action taken meets the criteria and procedures specified in paragraph (f) of this section.

(2) *Criteria*. For the change to be considered de minimis and eligible for de minimis permit revision procedures, the conditions in paragraph (f)(2)(i) of this section and the applicable conditions and limits in paragraphs (f)(2)(ii) and (iii) of this section must be