

provided that the permit contains a term or condition that authorizes the source to make use of the de minimis permit revision procedures for qualifying changes, the application meets the requirements of § 71.5(f), and the permit application includes the following:

(A) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(B) An addendum containing the terms and conditions of the source's suggested draft permit revision;

(C) A demonstration that the proposed change meets the criteria for a de minimis permit revision; and

(D) Certification by a responsible official consistent with § 71.5(i) that:

(1) The source is in compliance with any permit terms or conditions it seeks to revise;

(2) The proposed revision meets the criteria for use of de minimis permit revision procedures; and

(3) The source accepts all liability of making the requested change prior to final permitting authority action to revise the source's permit.

[OPTION: ADD NEW PARAGRAPH:

(E) A summary of any required demonstration performed in accordance with paragraphs (f)(2)(i)(E) and (F) of this section, and verification of such demonstration's affirmative approval by the permitting authority.]

(ii) The permitting authority may allow the source to implement the requested change 7 days after the permitting authority's receipt of the source's de minimis permit revision application. At its discretion, the permitting authority may grant a request by the source to implement the change after less than 7 days.

(iii) *Public notification.* Public notice shall be provided by the source of de minimis permit revision applications received by the permitting authority on a monthly, batched basis. At a minimum, the notice shall include: the name and address of the source where the proposed change would occur, a description of the change, the effective date of the permit revision, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs; reference to the pertinent administrative record/public docket; and the name, address and phone number of a person from whom interested persons may obtain additional information, including the permit application and supporting documentation as described in paragraph (f)(3)(i) of this section.

[OPTION: ADD TO END OF PARAGRAPH: In addition, for permit revisions involving changes to

monitoring or recordkeeping requirements, the permitting authority shall also submit to the publicly available docket the complete demonstration required by paragraphs (f)(2)(i) (E) and (F) of this section, a summary of the demonstration, and an affirmative statement of the demonstration's adequacy.]

(iv) *Permit amendment.* The permit is revised by attaching the proposed addendum to the permit with the addendum specifying when the permit revision takes effect consistent with the following provisions.

(A) Where the preconstruction permitting agency affirmatively approved the change pursuant to a preconstruction review process that included at least a 21-day public comment period and the preconstruction permitting agency authorized the change to be made under the de minimis permit revision process, the addendum shall take effect upon submission to the part 71 permitting authority of a complete de minimis permit revision application.

(B) Where the preconstruction permitting agency did not affirmatively approve the change pursuant to a preconstruction review that provided for at least a 21-day public comment period, the addendum shall take effect [30–90] days after the date public notice is given under paragraph (f)(3)(iii) of this section if the part 71 permitting authority does not disapprove the request within that time period. The part 71 permitting authority shall retain the authority to disapprove such a change made through the de minimis permit revision process for a period of [30–90] days following the date public notice is given under paragraph (f)(3)(iii) of this section.

(v) *EPA and affected State notification.*

(A) In the case of a program delegated pursuant to § 71.10, the permitting authority shall send a copy of the addendum to the permit to EPA within 7 days of the date the addendum takes effect.

(B) In all cases, the permitting authority shall send a copy of the addendum to any affected State within 7 days of the date the addendum takes effect.

(vi) *Public request for disapproval.*

(A) Within [15–45] days of the date public notification is given, any person may request that the permitting authority disapprove the change if the permitting authority retained authority to disapprove the de minimis permit revision as described under paragraph (f)(3)(iv)(B) of this section.

(B) Where the permitting authority was not required to retain authority to disapprove the de minimis permit revision, the public may petition the permitting authority to revoke the permit revision allowing the change.

(4) *Source liability.* If, after a source makes the requested change, the permitting authority disapproves the change or EPA objects to the change (in the case of a program delegated pursuant to § 71.10), the source shall be liable for having operated in violation of its existing permit from the time at which the source made the change. Notwithstanding the preceding sentence, the permitting authority may issue a permit revision that varies from the source's proposed addendum without rendering the source liable for violating its existing permit if the proposed addendum includes enforcement terms sufficient to support an enforcement action and the permitting authority's revisions are not necessary to make the change eligible for de minimis permit revision procedures and do not change the applicant's determination of which requirements of the Act apply to the source as a result of the requested change. 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.

(5) The permit shield under § 71.6(n) may not extend to de minimis permit revisions.

(g) *Minor permit revision procedures.*

(1) *Criteria.*

(i) Minor permit revision procedures may be used only for those permit revisions that:

(A) Do not affect permit terms or conditions that the source is violating;

(B) Do not involve changes to existing monitoring, reporting, or recordkeeping requirements in the permit, unless such changes are necessary to implement other changes that qualify for minor permit revision procedures [OPTION: REPLACE PARAGRAPH (g)(1)(i)(B) WITH THE FOLLOWING:

(B) Involve changes to monitoring or recordkeeping requirements that are:

(1) Changes in the enforceable operating level of the method that, prior to the source's submission of a minor permit revision application, the permitting authority has affirmatively determined the source has demonstrated to be correlated to the source's existing or proposed compliance emissions rate, but such changes may not involve a switch to a new or alternative monitoring or recordkeeping operating parameter;