

(10) *Permit shield*. The permit shield under § 71.6(n) may extend to minor permit revisions, provided that the permitting authority has taken final action to issue the minor permit revision as a permit revision.

(h) *Significant permit revision procedures*.

(1) *Criteria*. Significant permit revision procedures shall be used for applications requesting permit revisions that do not qualify as administrative amendments, de minimis permit revisions, or minor permit revisions. At a minimum, every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall be considered a significant change. [OPTION: DELETE PRECEDING SENTENCE] Nothing herein shall be construed to preclude the permittee from making changes consistent with this part that would render existing permit compliance terms and conditions irrelevant.

(2) Significant permit revisions shall meet all requirements, including those for applications, public participation, review by affected States, and in the case of a program delegated pursuant to § 71.10, review by EPA, as they apply to permit issuance and permit renewal. The permitting authority shall implement this review process to complete review on the majority of significant permit revisions within 9 months after receipt of a complete application.

[OPTION: ADD NEW PARAGRAPH (h)(3):

(3) Changes involving new or alternative monitoring methods that have not been approved pursuant to major or minor NSR under criteria equivalent to those contained in this paragraph (h)(3) shall be processed as significant permit revisions. Permitting authorities may approve such changes only where the new or alternative monitoring or recordkeeping method is demonstrated to have a known relationship and ability to determine compliance with the applicable standard. Such demonstration shall include an analysis conducted in accordance with 40 CFR 64.4(b)(5) and 64.4(e) utilizing appendices A, B, C, and D of 40 CFR part 64. The permitting authority shall include the demonstration and written evidence of the permitting authority's evaluation of the demonstration in the proposed permit it sends to EPA (in the case of a program delegated pursuant to § 71.10) for review as required by § 71.10.]

(i) *Reopening for cause*.

(1) Each issued permit shall include provisions specifying the conditions

under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:

(i) Additional applicable requirements under the Act become applicable to a major part 70 or part 71 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to § 71.6 or paragraph (c)(3) of this section.

(ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

(iii) The permitting authority or EPA (in the case of a program delegated pursuant to § 71.10) determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(iv) The permitting authority or EPA (in the case of a program delegated pursuant to § 71.10) determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(2) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists, and shall be made as expeditiously as practicable. Notwithstanding the preceding sentence, proceedings to reopen for standards under section 112 of the Act may use the following procedures:

(i) Where the standard under section 112 of the Act is published after permit issuance, administrative amendment procedures under paragraph (e)(5) of this section may be used.

(ii) Where the standard under section 112 of the Act is published before permit issuance and a compliance statement required under the standard under section 112 of the Act is due after permit issuance, the source shall apply for a minor permit revision by the compliance statement deadline to incorporate requirements necessary to assure compliance with the standard, unless the source is exempted from this requirement under paragraph (i)(2)(iii)

of this section or under the rulemaking promulgating the standard under section 112 of the Act. If the source is utilizing alternatives requiring case-by-case approval, such as emissions averaging, or if required under the rulemaking promulgating the standard under section 112 of the Act, the source shall apply for a significant permit revision by the compliance statement deadline, in lieu of the requirement in the preceding sentence to apply for a minor permit revision.

(iii) Sources subject to the following standards under section 112 of the Act published as of [DATE OF PUBLICATION OF FINAL RULE] are exempt from the requirements in paragraph (i)(2)(ii) of this section to apply for a minor permit revision: NESHAP for Industrial Process Cooling Towers, at 40 CFR part 63, subpart Q.

(3) Reopenings under paragraph (i)(1) of this section shall not be initiated before a notice of such intent is provided to the part 70 or part 71 source by the permitting authority at least 30 days in advance of the date that the permit is to be reopened, except that the permitting authority may provide a shorter time period in the case of an emergency. Where reopening for standards under section 112 of the Act requiring initial notification by the source, and where the source has provided such notification to the permitting authority by the applicable date, the permitting authority need not provide the notice required by the preceding sentence.

(j) *Reopenings for cause by EPA for delegated programs*.

(1) In the case of a program delegated pursuant to § 71.10, if the Administrator finds that cause exists to terminate, revise, or revoke and reissue a permit pursuant to paragraph (i) of this section, the Administrator will notify the permitting authority and the permittee of such finding in writing.

(2) The permitting authority shall, within 90 days after receipt of such notification, forward to EPA a proposed determination of termination, revision, or revocation and reissuance, as appropriate. The Administrator may extend this 90-day period for an additional 90 days if he or she finds that a new or revised permit application is necessary or that the permitting authority must require the permittee to submit additional information.

(3) The Administrator will review the proposed determination from the permitting authority within 90 days of receipt.

(4) The permitting authority shall have 90 days from receipt of an EPA objection to resolve any objection that