

## § 72.81

## 40 CFR Ch. I (7-1-03 Edition)

(g) Any designated representative who fails to submit any relevant information or who has submitted incorrect information in a permit revision shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or corrected information to the permitting authority.

(h) For permit revisions not described in §§ 72.81 and 72.82 of this part, the permitting authority may, in its discretion, determine which of these sections is applicable.

[58 FR 3650, Jan. 11, 1993, as amended at 62 FR 55484, Oct. 24, 1997]

### § 72.81 Permit modifications.

(a) Permit revisions that shall follow the permit modification procedures are:

(1) Relaxation of an excess emission offset requirement after approval of the offset plan by the Administrator;

(2) Incorporation of a final nitrogen oxides alternative emission limitation following a demonstration period;

(3) Determinations concerning failed repowering projects under § 72.44(g)(1)(i) and (2) of this part.

(b) The following permit revisions shall follow, at the option of the designated representative submitting the permit revision, either the permit modification procedures or the fast-track modification procedures under § 72.82 of this part:

(1) Consistent with paragraph (a) of this section, incorporation of a compliance option that the designated representative did not submit for approval and comment during the permit issuance process; except that incorporation of a reduced utilization plan that was not submitted during the permit issuance process, that does not designate a compensating unit, and that meets the requirements of § 72.43 of this part, may use the administrative permit amendment procedures under § 72.83 of this part;

(2) Changes in a substitution plan or reduced utilization plan that result in the addition of a new substitution unit or a new compensating unit under the plan;

(3) Addition of a nitrogen oxides averaging plan to a permit;

(4) Changes in a Phase I extension plan, repowering plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension; and

(5) Changes in a thermal energy plan that result in any addition or subtraction of a replacement unit or any change affecting the number of allowances transferred for the replacement of thermal energy.

(c)(1) Permit modifications shall follow the permit issuance requirements of:

(i) Subparts E, F, and G of this part, where the Administrator is the permitting authority; or

(ii) Subpart G of this part, where the State is the permitting authority.

(2) For purposes of applying paragraph (c)(1) of this section, a requested permit modification shall be treated as a permit application, to the extent consistent with § 72.80 (c) and (d).

[58 FR 3650, Jan. 11, 1993, as amended at 60 FR 17114, Apr. 4, 1995; 62 FR 55485, Oct. 24, 1997]

### § 72.82 Fast-track modifications.

The following procedures shall apply to all fast-track modifications.

(a) If the Administrator is the permitting authority, the designated representative shall serve a copy of the fast-track modification on the Administrator and any person entitled to a written notice under § 72.65(b)(1)(ii) and (iii). If a State is the permitting authority, the designated representative shall serve such a copy on the Administrator, the permitting authority, and any person entitled to receive a written notice of a draft permit under the approved State operating permit program. Within 5 business days of serving such copies, the designated representative shall also give public notice by publication in a newspaper of general circulation in the area where the sources are located or in a State publication designed to give general public notice.

(b) The public shall have a period of 30 days, commencing on the date of publication of the notice, to comment on the fast-track modification. Comments shall be submitted in writing to the permitting authority and to the designated representative.

(c) The designated representative shall submit the fast-track modification to the permitting authority on or before commencement of the public comment period.

(d) Within 30 days of the close of the public comment period if the Administrator is the permitting authority or within 90 days of the close of the public comment period if a State is the permitting authority, the permitting authority shall consider the fast-track modification and the comments received and approve, in whole or in part or with changes or conditions as appropriate, or disapprove the modification. A fast-track modification shall be subject to the same provisions for review by the Administrator and affected States as are applicable to a permit modification under § 72.81.

[58 FR 3650, Jan. 11, 1993, as amended at 62 FR 55485, Oct. 24, 1997]

**§ 72.83 Administrative permit amendment.**

(a) Acid Rain permit revisions that shall follow the administrative permit amendment procedures are:

(1) Activation of a compliance option conditionally approved by the permitting authority; *provided* that all requirements for activation under subpart D of this part are met;

(2) Changes in the designated representative or alternative designated representative; *provided* that a new certificate of representation is submitted;

(3) Correction of typographical errors;

(4) Changes in names, addresses, or telephone or facsimile numbers;

(5) Changes in the owners or operators; *provided* that a new certificate of representation is submitted within 30 days;

(6)(i) Termination of a compliance option in the permit; *provided* that all requirements for termination under subpart D of this part are met and this procedure shall not be used to terminate a repowering plan after December 31, 1999 or a Phase I extension plan;

(ii) For opt-in sources, termination of a compliance option in the permit; *provided* that all requirements for termination under § 74.47 of this chapter are met.

(7) Changes in a substitution or reduced utilization plan that do not result in the addition of a new substitution unit or a new compensating unit under the plan;

(8) Changes in the date, specified in a unit's Acid Rain permit, of commencement of operation of qualifying Phase I technology, *provided* that they are in accordance with § 72.42 of this part;

(9) Changes in the date, specified in a new unit's Acid Rain permit, of commencement of operation or the deadline for monitor certification, *provided* that they are in accordance with § 72.9 of this part;

(10) The addition of or change in a nitrogen oxides alternative emissions limitation demonstration period, *provided* that the requirements of part 76 of this chapter are met; and

(11) Changes in a thermal energy plan that do not result in the addition or subtraction of a replacement unit or any change affecting the number of allowances transferred for the replacement of thermal energy.

(12) The addition of a NO<sub>x</sub> early election plan that was approved by the Administrator under § 76.8 of this chapter;

(13) The addition of an exemption for which the requirements have been met under § 72.7 or § 72.8 and

(14) Incorporation of changes that the Administrator has determined to be similar to those in paragraphs (a)(1) through (13) of this section.

(b)(1) The permitting authority will take final action on an administrative permit amendment within 60 days, or, for the addition of an alternative emissions limitation demonstration period, within 90 days, of receipt of the requested amendment and may take such action without providing prior public notice. The source may implement any changes in the administrative permit amendment immediately upon submission of the requested amendment, *provided* that the requirements of paragraph (a) of this section are met.

(2) The permitting authority may, on its own motion, make an administrative permit amendment under paragraph (a)(3), (a)(4), (a)(12), or (a)(13) of this section at least 30 days after providing notice to the designated representative of the amendment and