

## MEMORANDUM

**TO:** Air Quality Chapter 6, Section 3 Operating Permit Permittees

**FROM:** Michael Stoll, Operating Permit Program Manager  
David T. Hill, Operating Permit Program Principal

**SUBJECT:** Guidance for Minor Permit Modifications

**DATE:** October 26, 1998 (*Revised March 17, 2006 for new WAQSR Numbering*)

Chapter 6, Section 3(d)(vi)(A) of the Wyoming Air Quality Standards and Regulations allows for minor modifications to Chapter 6, Section 3 operating permits. Minor modifications must meet the following criteria from Chapter 6, Section 3(d)(vi)(A)(I):

- (1.) Minor permit modification procedures shall be used only for those permit modifications that:
  - a. do not violate any applicable requirement;
  - b. do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
  - c. do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
  - d. do not seek to change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed in order to avoid an otherwise applicable requirement. Such terms and conditions include:
    1. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I of the Act;
    2. An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Act concerning early reductions of hazardous air pollutants; and
    3. A federally enforceable emissions cap assumed to avoid being subject to provisions of this Section pursuant to Chapter 6, Section 3(m) regarding synthetic minors.
  - e. are not modifications under any provision of title I of the Act; and
  - f. are not required to be processed as a significant modification.

To apply for a minor permit modification, Chapter 6, Section 3 operating permit permittees must submit the following information listed under Chapter 6, Section 3(d)(vi)(A)(II) to the Division:

- (1.) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
- (2.) The source's suggested draft permit (contact the Division for an electronic copy of your operating permit);
- (3.) Certification by a responsible official, consistent with Chapter 6, Section 3(c)(iv), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
- (4.) Completed forms for the Division to use to notify the EPA and affected States as required under Chapter 6, Section 3(e). (These forms are available on the Division's web page. Complete one letter for EPA and one letter for each affected State. The Division will fill in the current State contact and mailing address.)

Within five working days of receipt of the information listed above, the Division will submit the information to EPA and any affected States. If the Division agrees with the minor modification as proposed, the Division may issue the modified permit after EPA has notified the Division it will not object or after EPA's 45-day review period has elapsed. If the Division modifies the proposed permit, the Division must submit the new proposed permit to EPA for a 45-day review period. However, within 90 days of the Division's receipt of the minor permit modification request or 15 days after the end of EPA's 45-day review period, whichever is later, the Division must do one of the following listed under Chapter

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6, Section 3(d)(vi)(A)(IV):

- (1.) Issue the permit modification as proposed;
- (2.) Deny the permit modification application;
- (3.) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or
- (4.) Revise the draft permit modification and transmit to the EPA the new proposed permit modification as required by Chapter 6, Section 3(e)(i).

Under Chapter 6, Section 3(d)(vi)(A)(V)(1.), the Division will allow the source to make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the Division takes any of the actions specified in Chapter 6, Section 3(d)(vi)(A)(IV)(1.) through (3.), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it. Any permit shield granted under Chapter 6, Section 3(k) will not extend to the minor permit modification.