

6 AIR EMISSION PERMITS

7 7007.0050 SCOPE.

8 Parts 7007.0100 to 7007.1850 apply to the issuance of
9 permits to construct, modify, reconstruct, or operate emissions
10 units, emission facilities, or stationary sources that emit any
11 air pollutant, and to the revocation, reissuance, or amendment
12 of those permits. Parts 7007.0100 to 7007.1850 apply to permits
13 issued to stationary sources requiring permits under federal law
14 at Code of Federal Regulations, title 40, part 70, as amended
15 (Operating Permit Program), or under part C (Prevention of
16 Significant Deterioration of Air Quality) or part D (Plan
17 Requirements in nonattainment Areas) of the act, and to
18 stationary sources requiring permits solely under state law.
19 Sources proposing construction or modifications subject to parts
20 C and D of the act are subject to the permitting requirements of
21 part 7007.3000 (incorporating by reference the provisions of
22 Code of Federal Regulations, title 40, section 52.21) or parts
23 7007.4000 to 7007.4040 in addition to parts 7007.0100 to
24 7007.1850.

25 7007.0100 DEFINITIONS.

26 Subpart 1. Scope. The definitions in parts 7000.0100 and
27 7005.0100 apply to the terms used in parts 7007.0050 to
28 7007.1800 unless the terms are defined in this part.

29 Subp. 2. Act. "Act" means the Clean Air Act, as amended,
30 United States Code, title 42, section 7401, et seq., as amended.

31 Subp. 3. Administrator. "Administrator" means the
32 administrator of the United States Environmental Protection
33 Agency (EPA) or the administrator's designee.

34 Subp. 4. Affected source. "Affected source" means a
35 source that includes one or more affected units.

1 Subp. 5. Affected state. "Affected state" means any state:

2 A. whose air quality may be affected and that is
3 contiguous to Minnesota; or

4 B. that is within 50 miles of the permitted source.

5 Subp. 6. Affected unit. "Affected unit" means an
6 emissions unit that is subject to any acid rain emissions
7 reduction requirement or acid rain emissions limitation under
8 title IV of the act (Acid Deposition Control) and rules
9 promulgated thereunder.

10 Subp. 7. Applicable requirement. "Applicable requirement"
11 means all the following as they apply to emissions units in a
12 stationary source (including requirements that have been
13 promulgated or approved by the EPA or the agency through
14 rulemaking at the time of issuance but have future effective
15 compliance dates):

16 A. any standard, or other requirement provided for in
17 Minnesota's implementation plan approved or promulgated by the
18 EPA under title I of the act (Program and Activities), including
19 any revisions to that plan promulgated in Code of Federal
20 Regulations, title 40, part 52, as amended (Approval and
21 Promulgation of Implementation Plans), except rules related to
22 odor in parts 7011.0300 to 7011.0330;

23 B. any preconstruction review requirement of
24 regulations promulgated under title I of the act, including part
25 C (Prevention of Significant Deterioration of Air Quality) or
26 part D (Plan Requirements for Nonattainment Areas), and the
27 emission facility offset rule in parts 7007.4000 to 7007.4030,
28 and any term or condition of any preconstruction permit issued
29 pursuant to those regulations or parts 7007.4000 to 7007.4030;

30 C. any standard or other requirement under section
31 111 (Standard of Performance for New Stationary Sources of the
32 Act, including section 111(d)) (Standards of Performance for
33 Existing Sources; Remaining Useful Life of a Source);

34 D. any standard or other requirement for hazardous
35 air pollutants, or other requirement under section 112 of the
36 act (Hazardous Air Pollutants), including any requirement

1 concerning accident prevention under section 112(r)(7) of the
2 act;

3 E. any standard or other requirement of the acid rain
4 program under title IV of the act, or the regulations
5 promulgated under it;

6 F. any requirements established pursuant to section
7 504(b) (Permit Requirements and Conditions; Monitoring and
8 Analysis) or section 114(a)(3) (Record keeping, Inspections,
9 Monitoring, and Entry; Authority of Administrator or Authorized
10 Representative) of the act;

11 G. any standard or other requirement governing solid
12 waste incineration, under section 129 (Solid Waste Combustion)
13 of the act;

14 H. any standard or other requirement for consumer and
15 commercial products, under section 183(e) (Federal Ozone
16 Measures; Control of Emissions from Certain Sources) of the act;

17 I. any standard or other requirement for tank vessels
18 under section 183(f) (Federal Ozone Measures; Tank Vessel
19 Standards) of the act;

20 J. any standard or other requirement of the
21 regulations promulgated to protect stratospheric ozone under
22 title VI of the act (Stratospheric Ozone Protection), unless the
23 administrator has determined that such requirements need not be
24 contained in a part 70 permit;

25 K. any national ambient air quality standard adopted
26 under section 109 of the act (National Primary and Secondary Air
27 Quality Standards) or increment or visibility requirement under
28 part C of title I of the act (Prevention of Significant
29 Deterioration of Air Quality), but only as it would apply to
30 temporary sources permitted pursuant to section 504(e) of the
31 act (Permit Requirements and Conditions; Temporary Sources);

32 L. any national ambient air quality standard adopted
33 under section 109 of the act or increment or visibility
34 requirement under part C of title I of the act not addressed in
35 item K;

36 M. any state ambient air quality standard under

1 chapter 7009;

2 N. any requirement to pay an emissions fee under part
3 7002.0025;

4 O. any standard or other requirement of the air
5 pollution episodes rule in parts 7009.1000 to 7009.1110;

6 P. any standard or other requirement pursuant to the
7 Standards of Performance for Stationary Sources under chapter
8 7011, except rules related to odor in parts 7011.0300 to
9 7011.0330;

10 Q. any standard or other requirement regulating a
11 specific hazardous pollutant under chapter 7011;

12 R. any reporting, monitoring, and testing requirement
13 for stationary sources under chapter 7017;

14 S. any requirement under the emissions inventory
15 provisions of chapter 7019;

16 T. any standard or other requirement of the acid
17 deposition control rule under chapter 7021; and

18 U. any standard or other requirement related to noise
19 pollution under chapter 7030.

20 Subp. 8. Designated representative. "Designated
21 representative" means a responsible natural person authorized by
22 the owners and operators of an affected source and of all
23 affected units at the source, as evidenced by a certificate of
24 representation submitted in accordance with Code of Federal
25 Regulations, part 72, subpart B, as amended (Acid Rain Program
26 Permits Regulation), to represent and legally bind each owner
27 and operator, as a matter of federal law, in matters pertaining
28 to the acid rain program under title IV of the act.

29 Subp. 9. Draft permit. "Draft permit" means the version
30 of the permit which the agency offers for public participation
31 under part 7007.0850 and, in the case of a state permit, to the
32 administrator for review in compliance with part 7007.0950.

- Subp. 9a. Emission point. "Emission point" means the stack, chimney, vent, or other functionally equivalent opening whereby emissions are exhausted to the atmosphere.

33 Subp. 10. Environmental Protection Agency or EPA.

34 "Environmental Protection Agency" or "EPA" means the United
35 States Environmental Protection Agency.

36 Subp. 11. Final permit. "Final permit" means the version

1 of permit issued by the agency pursuant to the procedures in
2 parts 7007.0100 to 7007.1850.

3 Subp. 12. General permit. "General permit" means a permit
4 issued pursuant to the requirements of part 7007.1100.

Subp. 12a. Hazardous air pollutant. "Hazardous air pollutant" means any air pollutant listed in section 112(b) of the act.

Subp. 12b. Listed control equipment. "Listed control equipment" has the meaning given in part 7011.0060, subpart 3 4.

5 Subp. 13. Major source. "Major source" means a stationary
6 source as defined in part 7007.0200, subpart 2.

7 Subp. 14. Modification. "Modification" means:

8 A. any change that constitutes a title I
9 modification, as defined in subpart 26; or

10 B. any physical change or change in the method of
11 operation of an emissions unit, emission facility, or stationary
12 source that results in an increase in the emission of a
13 regulated air pollutant. Emissions are considered to increase
14 if there is an increase in the rate of emissions of any
15 regulated air pollutant, or new emissions of a regulated air
16 pollutant not previously emitted, from any unit at the source.
17 To determine if there is an increase in the rate of emissions,
18 the agency shall compare the pounds per hour of emissions at
19 maximum capacity before and after the physical or operational
20 change, using the method of calculation described in part
21 7007.1200. Subitems (1) to (5) are not, by themselves,
22 considered modifications under this definition:

23 (1) a physical change or a change in the method
24 of operation that is explicitly allowed under a permit, or
25 allowed under a court order, consent decree, stipulation
26 agreement, schedule of compliance, or order issued by the agency
27 if the document states that no permit amendment is required;

28 (2) routine maintenance, repair, and replacement;

29 (3) an increase in production rate of an existing
30 emissions unit if that increase is not in violation of a permit
31 condition, applicable requirement, court order, consent decree,
32 stipulation agreement, schedule of compliance, or order issued
33 by the agency;

34 (4) an increase in the hours of operation that
35 does not increase the rate of emissions and is not in violation
36 of a permit condition, applicable requirement, court order,

1 consent decree, stipulation agreement, schedule of compliance,
2 or order issued by the agency; and

3 (5) use of an alternative fuel if the source is
4 ordered to switch fuels by the state or federal government.

5 Subp. 15. Part 70 permit. "Part 70 permit" means a permit
6 issued under part 7007.0200 and Code of Federal Regulations,
7 title 40, part 70, as amended (Operating Permit Program).

8 Subp. 16. Part 70 permit program. "Part 70 permit
9 program" means a program for issuance, amendment, and reissuance
10 of part 70 permits in Minnesota approved by the administrator.

Subp. 17. Permit. "Permit" means any permit issued under parts 7007.0100 to 7007.1850, including part 70 permits, state permits, registration permits, and general permits.

14 Subp. 18. Proposed permit. "Proposed permit" means the
15 version of the a part 70 permit that the agency proposes to
16 issue and forwards to the administrator for review in compliance
17 with part 7007.0950.

Subp. 18a. Registration permit. "Registration permit" means a permit issued under parts 7007.1110 to 7007.1130.

18 Subp. 19. Regulated air pollutant. "Regulated air
19 pollutant" means the following:

20 A. nitrogen oxides (NO_x) or any volatile organic
21 compound;

22 B. any pollutant for which a state or national
23 ambient air quality standard has been promulgated;

24 C. any pollutant that is subject to any new source
25 performance standard promulgated under section 111 of the act;

26 D. any class I or II substance listed pursuant to
27 section 602 of the act (Stratospheric Ozone Protection; Listing
28 of class I and class II Substances); or

29 E. any pollutant subject to a standard promulgated
30 under section 112 or other requirements established under
31 section 112 of the act (Hazardous Air Pollutants), including
32 sections 112(g) (Modifications), (j) (Equivalent Emission
33 Limitation by Permit), and (r) (Prevention of Accidental
34 Releases), including the following:

35 (1) any pollutant subject to requirements under
36 section 112(j) of the act. If the administrator fails to

1 promulgate a standard by the date established pursuant to
2 section 112(e) of the act (Schedule for Standards and Review),
3 any pollutant for which a subject source would be major shall be
4 considered to be regulated on the date 18 months after the
5 applicable date established pursuant to section 112(e) of the
6 act; and

7 (2) any pollutant for which the requirements of
8 section 112(g)(2) of the act have been met, but only with
9 respect to the individual source subject to the section 112(g)(2)
10 requirement.

11 Subp. 20. Reissuance. "Reissuance" means the process by
12 which a permit is reissued at the end of its term.

13 Subp. 21. Responsible official. "Responsible official"
14 means one of the following:

15 A. For a corporation: a president, secretary,
16 treasurer, or vice-president of the corporation in charge of a
17 principal business function, or any other person who performs
18 similar policy or decision-making functions for the corporation,
19 or a duly authorized representative of such person if the
20 representative is responsible for the overall operation of one
21 or more manufacturing, production, or operating facilities
22 applying for or subject to a permit and either:

23 (1) the facilities employ more than 250 persons
24 or have gross annual sales or expenditures exceeding \$25,000,000
25 (in second quarter 1980 dollars); or

26 (2) the delegation of authority to such
27 representatives is approved in advance by the agency.

28 B. For a partnership or sole proprietorship: a
29 general partner or the proprietor, respectively.

30 C. For a municipality, state, federal, or other
31 public agency: either a principal executive officer or ranking
32 elected official. For the purposes of this part, a principal
33 executive officer of a federal agency includes the chief
34 executive officer having responsibility for the overall
35 operations of a principal geographic unit of the agency (for
36 example, a regional administrator of EPA).

1 D. For affected sources:

2 (1) The designated representative is the
3 responsible official insofar as actions, standards,
4 requirements, or prohibitions under title IV of the act or the
5 regulations promulgated under it are concerned.

6 (2) The designated representative may also be the
7 responsible official for any other purposes under parts
8 7007.0100 to 7007.1850.

9 Subp. 22. State. "State" means the state of Minnesota.

10 Subp. 23. State permit. "State permit" means a permit
11 issued under part 7007.0250.

12 Subp. 24. Stationary source. "Stationary source" has the
13 meaning given it in part 7005.0100, subpart 42c.

14 Subp. 25. Title I condition. "Title I condition" means
15 one of the following types of permit conditions based on
16 requirements of title I of the act:

17 A. any condition based on a requirement of a new
18 source review program under part C (Prevention of Significant
19 Deterioration of Air Quality) or part D (Plan Requirements for
20 Nonattainment Areas) of the act and implementing state rules or
21 federal regulations;

22 B. any condition based on a source-specific
23 determination of ambient impacts imposed for the purpose of
24 achieving or maintaining attainment with a national ambient air
25 quality standard and which was part of a state implementation
26 plan approved by the EPA or submitted to the EPA and pending
27 approval under section 110 of the act; and

28 C. any condition for which there is no corresponding
29 underlying applicable requirement and that the stationary source
30 has assumed to avoid being subject to a new source review
31 program under part C (Prevention of Significant Deterioration of
32 Air Quality) or part D (Plan Requirements for Nonattainment
33 Areas) of the act or implementing state rules or federal
34 regulations.

35 Subp. 26. Title I modification. "Title I modification"
36 means any change that constitutes a modification under any

1 provision of title I of the act, including:

2 A. A new source review modification: major
3 modification as defined in Code of Federal Regulations, title
4 40, section 52.21(b)(2) or 51.165(a)(1)(v), as amended, or any
5 other rules adopted by the administrator under part C or D of
6 the act.

7 B. A new source performance standards modification:
8 any modification as defined in Code of Federal Regulations,
9 title 40, section 60.14, as amended, or any other rules adopted
10 by the administrator under section 111 of the act.

11 C. A hazardous air pollutant modification: any
12 modification as defined in Code of Federal Regulations, title
13 40, section 61.15, as amended, or any other rules adopted by the
14 administrator under section 112 of the act.

15 Subp. 27. Transition period or transition. "Transition
16 period" or "transition" means the time period from the effective
17 date of parts 7007.0100 to 7007.1850 until three years after EPA
18 grants full program approval as determined in Code of Federal
19 Regulations, title 40, section 70.4(e).

Subp. 28. 12-month rolling sum. "12-month rolling sum" means a monthly calculation where the owner or operator of a stationary source calculates a one month total and adds it to the sum of each month's total for the previous 11 consecutive months.

20 7007.0150 PERMIT REQUIRED.

21 Subpart 1. Prohibition. No person may construct, modify,
22 reconstruct, or operate an emissions unit, emission facility, or
23 stationary source except in compliance with an air emission
24 permit from the agency. Exceptions to the requirement to obtain
25 a permit are located in part 7007.0300. Exceptions to the
26 requirement to obtain a permit amendment are located in parts
27 7007.1250 and 7007.1350. ~~No-person-required-to-obtain-a-permit~~
28 ~~under-this-subpart-may-begin~~ A person violates this subpart when
29 the person begins actual construction on a new source,
30 reconstruction, or modification prior to obtaining the permit or
31 amendment, except as allowed in parts 7007.0750, subparts 6 and
32 7, and 7007.1450, subpart 7.

Subp. 2. Permit required. Part 7007.0200 describes which emission facilities, emissions units, and stationary sources in Minnesota are required to obtain a part 70 permit. Part 7007.0250 describes which emission facilities, emission units, and stationary sources in Minnesota are required to obtain a state permit. Part 7007.0300 describes emission units and stationary sources in Minnesota that are not required to obtain a permit. Part 70 and state permits required in parts 7007.0200 and 7007.0250 may alternately be obtained in the form of a general permit, if available, under part 7007.1100. Permits may also alternately be obtained in the form of a registration permit under parts 7007.1110 to 7007.1130, if the stationary source qualifies under those parts.

8 **Subp. 3. Environmental policy act.** The requirements of
9 parts 7007.0100 to 7007.1850 are in addition to the applicable
10 requirements of Minnesota Statutes, chapter 116D, which may
11 apply before a permit can be issued.

Subp. 4. Calculation of potential to emit.

A. For purposes of parts 7007.0200 and 7007.0250, the owner or operator of a stationary source shall calculate the stationary source's potential to emit using the definition in part 7005.0100, subpart 35a, except as provided in subitems (1) and (2).

(1) Emissions caused by activities described in subpart 2 of the insignificant activities list in part 7007.1300 shall not be considered in the calculation of potential emissions.

(2) Emissions caused by activities described in subpart 3 of the insignificant activities list in part 7007.1300 shall be considered in the calculation of potential emissions if required by the agency under part 7007.0500, subpart 2, item C, subitem (2). Calculations of emissions under this subpart are only intended to determine if a permit is required.

B. ~~To make the determination of whether a permit is required, the owner or operator of a stationary source shall use the potential to emit calculation method described in item A.~~ To determine what type of permit is required, if a permit is required under item A, the control equipment efficiency determined by part 7011.0070 for listed control equipment at a stationary source may be used in calculating potential to emit controlled emissions if the owner or operator is in compliance with parts 7011.0060 to 7011.0080.

C. When calculating emissions to determine if a permit amendment is required, the calculation method stated in part 7007.1200 shall be used.

28 **Subp. 5. Variances from federal requirements.** The agency
29 shall not issue variances from any federal requirement to obtain
30 an air quality permit, unless explicitly authorized to do so in
31 writing by the administrator.

32 7007.0200 SOURCES REQUIRED OR ALLOWED TO OBTAIN A PART 70 PERMIT.

Subpart 1. Part 70 permit required. The emission facilities, emission units, and stationary sources described in subparts 2 to 5 must obtain a part 70 permit from the agency. All provisions of parts 7007.0100 to 7007.1850 apply to part 70 permits unless the provision states that it applies only to ~~state~~ permits, registration permits, or general permits.

4 Subp. 2. Major sources. Any "major source," which means
5 any stationary source that is described in item A, B, or C, must
6 obtain a permit under this part.

7 A. A major source under section 112 of the act
8 (Hazardous Air Pollutants), which is defined as:

9 (1) For pollutants other than radionuclides, any
10 stationary source that emits or has the potential to emit, in
11 the aggregate, ten tons per year or more of any hazardous air
12 pollutant which has been listed pursuant to section 112(b) of
13 the act, 25 tons per year or more of any combination of such
14 hazardous air pollutants, or such lesser quantity as the
15 administrator may establish by rule.

16 (2) Notwithstanding subitem (1), emissions from
17 any oil or gas exploration or production well (with its
18 associated equipment) and emissions from any pipeline compressor
19 or pump station shall not be aggregated with emissions from
20 other similar units, whether or not such units are in a
21 contiguous area or under common control, to determine whether
22 such units or stations are major sources.

23 (3) For radionuclides, major source shall have
24 the meaning specified by the administrator by rule.

25 B. A major stationary source of air pollutants, as
26 defined in section 302 of the act (General Provisions;
27 Definitions), that directly emits or has the potential to emit,
28 100 tons per year or more of any air pollutant (including any
29 major source of fugitive emissions of any such pollutant, as
30 determined by rule by the administrator). The fugitive
31 emissions of a stationary source shall not be considered in
32 determining whether it is a major stationary source for the
33 purposes of section 302(j) of the act, unless the stationary
34 source belongs to one of the following categories of stationary
35 sources:

36 (1) coal cleaning plants (with thermal dryers);

- 1 (2) kraft pulp mills;
- 2 (3) Portland cement plants;
- 3 (4) primary zinc smelters;
- 4 (5) iron and steel mills;
- 5 (6) primary aluminum ore reduction plants;
- 6 (7) primary copper smelters;
- 7 (8) municipal incinerators capable of charging
- 8 more than 250 tons of refuse per day;
- 9 (9) hydrofluoric, sulfuric, or nitric acid
- 10 plants;
- 11 (10) petroleum refineries;
- 12 (11) lime plants;
- 13 (12) phosphate rock processing plants;
- 14 (13) coke oven batteries;
- 15 (14) sulfur recovery plants;
- 16 (15) carbon black plants (furnace process);
- 17 (16) primary lead smelters;
- 18 (17) fuel conversion plants;
- 19 (18) sintering plants;
- 20 (19) secondary metal production plants;
- 21 (20) chemical process plants;
- 22 (21) fossil-fuel boilers (or combination thereof)
- 23 totaling more than 250,000,000 British thermal units per hour
- 24 heat input;
- 25 (22) petroleum storage and transfer units with a
- 26 total storage capacity exceeding 300,000 barrels;
- 27 (23) taconite ore processing plants;
- 28 (24) glass fiber processing plants;
- 29 (25) charcoal production plants;
- 30 (26) fossil-fuel-fired steam electric plants of
- 31 more than 250,000,000 British thermal units per hour heat input;
- 32 or
- 33 (27) all other stationary source categories
- 34 regulated by a standard promulgated under section 111 or 112 of
- 35 the act, but only with respect to those air pollutants that have
- 36 been regulated for that category.

1 (C) A major stationary source as defined in part D of
2 title I of the act (Plan Requirements for Nonattainment Areas)
3 including:

4 (1) for ozone nonattainment areas, stationary
5 sources with the potential to emit 100 tons or more per year of
6 volatile organic compounds or oxides of nitrogen in areas
7 classified as marginal or moderate, 50 tons or more per year in
8 areas classified as serious, 25 tons or more per year in areas
9 classified as severe, and ten tons or more per year in areas
10 classified as extreme; except that the references in this unit
11 to 100, 50, 25, and ten tons per year of nitrogen oxides shall
12 not apply with respect to any stationary source for which the
13 administrator has made a finding, under section 182(f)(1) or (2)
14 of the act, that requirements under section 182(f) of the act do
15 not apply;

16 (2) for ozone transport regions established
17 pursuant to section 184 of the act, stationary sources with the
18 potential to emit 50 tons or more per year of volatile organic
19 compounds (VOCs);

20 (3) for carbon monoxide nonattainment areas that
21 are classified as serious and in which stationary sources
22 contribute significantly to carbon monoxide levels as determined
23 under rules issued by the administrator, stationary sources with
24 the potential to emit 50 tons or more per year of carbon
25 monoxide; and

26 (4) for particulate matter (PM-10) nonattainment
27 areas classified as serious, stationary sources with the
28 potential to emit 70 tons or more per year of PM-10.

29 Subp. 3. Affected sources. An affected source, as defined
30 in part 7007.0100, subpart 4, must obtain a permit under this
31 part.

32 Subp. 4. Solid waste incinerators. A solid waste
33 incineration unit required to obtain a permit under section
34 129(e) of the act (Solid Waste Combustion, Permits) must obtain
35 a permit under this part.

36 Subp. 5. Other part 70 sources. Another stationary source

1 which the administrator requires by rule to obtain a permit in
2 compliance with Code of Federal Regulations, title 40, part 70,
3 as amended (Operating Permit Program) must obtain a permit under
4 this part. Stationary sources which the EPA administrator may
5 require by rule to obtain a part 70 permit include those
6 described in Code of Federal Regulations, title 40, section
7 70.3(b)(1), as amended.

8 Subp. 6. Sources allowed to obtain a part 70 permit. A
9 stationary source not already required to obtain a part 70
10 permit under subparts 1 to 5 which is subject to a standard,
11 limitation, or other requirement under section 111 or 112 of the
12 act, including area sources, may choose to obtain a part 70
13 permit under subpart 2.

14 7007.0250 SOURCES REQUIRED TO OBTAIN A STATE PERMIT.

Subpart 1. State permit required. The stationary sources described in this part must obtain a state permit from the agency under this part. All provisions of parts 7007.0100 to 7007.1850 apply to state permits unless the provision states that it applies only to part 70 permits, general permits, or registration permits.

20 Subp. 2. NSPS/NESHAP state permits. A stationary source
21 must obtain a permit under this part if:

22 A. the stationary source contains an affected
23 facility, as that term is defined in Code of Federal
24 Regulations, title 40, section 60.2, as amended, that is subject
25 to a standard under Code of Federal Regulations, title 40, part
26 60, as amended (Standards of Performance for New Stationary
27 Sources); or

28 B. the stationary source is subject to a standard
29 under Code of Federal Regulations, title 40, part 61, as amended
30 (National Emission Standards for Hazardous Air Pollutants).

31 Subp. 3. SIP required state permit. A stationary source
32 must obtain a permit under this subpart part if the agency
33 notifies the source that such a permit is needed as part of a
34 state implementation plan to be submitted to the EPA to
35 demonstrate attainment with a national ambient air quality

1 standard.

2 Subp. 4. PTE threshold required state permit. A
3 stationary source must obtain a permit under this part if it has
4 the potential to emit any pollutant listed below at a rate equal
5 to or greater than the following amounts, in tons per year:

6	Pollutant	Threshold
7		
8	Lead	0.5 tons per year
9	SO ²	50.0 tons per year
10	PM-10	25.0 tons per year
11	VOCs	100.0 tons per year

12 Subp. 5. Part 70 permits. Part 7007.0250 does not apply
13 to a stationary source that is required to or chooses to obtain
14 a part 70 permit under part 7007.0200. However, a stationary
15 source that would otherwise be required to obtain a part 70
16 permit under part 7007.0200 may avoid that requirement by
17 obtaining a state permit under this part which limits its
18 emissions to levels below those that would trigger the
19 requirement to obtain a part 70 permit.

Subp. 7. Registration permits. A stationary source required to obtain a state permit from the agency under this part, or which chooses to obtain a state permit to limit its emissions to levels below those that would trigger the requirement to obtain a part 70 permit, may elect to instead obtain a registration permit under parts 7007.1110 to 7007.1130, if the stationary source qualifies under those parts.

7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.

Subpart 1. No permit required. The following stationary sources are not required to obtain a permit under parts 7007.0100 to 7007.1850:

A. any stationary source that is not described in part 7007.0200, subparts 2 to 5, or 7007.0250;

B. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be required to obtain a permit solely because it is subject to one or more of the following new source performance standards:

(1) Code of Federal Regulations, title 40, part 60, subpart AAA, Standards of Performance for New Residential Wood Heaters (incorporated by reference at part 7011.2950);

(2) Code of Federal Regulations, title 40, part 60, subpart JJJ, Standards of Performance for Petroleum Dry Cleaners (incorporated by reference at part 7011.3250);

(3) Code of Federal Regulations, title 40, part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction or Modification Commenced after July 23, 1984 (incorporated by reference at part 7011.1520, item C), if all storage vessels subject to this standard at the stationary source each have a capacity greater than or equal to 40 cubic meters and less than 75 cubic meters; and

(4) Code of Federal Regulations, title 40, part 60, subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (incorporated by reference at part 7011.0570), if all steam generating units subject to this standard at the stationary source are only capable of combusting natural gas; and

C. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be required to obtain a permit solely because it is subject to Code of Federal Regulations, title 40, part 61, subpart M, National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation (incorporated by reference at part 7011.9920); and

D. any stationary source with only emissions units listed as insignificant activities in part 7007.1300, subparts 2 and 3, if the following requirements are met by the owner or operator:

(1) the records are maintained that demonstrate that a permit is not required; and

(2) the records are kept at the stationary source and are made available for examination and copying by the commissioner or a representative of the commissioner.

- 1
- 2 Subp. 2. Emission inventory requirement. Exemption from
- 3 the requirement to obtain a permit under parts 7007.0100 to
- 4 7007.1850 does not constitute an exemption from the requirement
- 5 to submit an emissions inventory under part 7019.0105.
- 6 7007.0350 EXISTING SOURCE APPLICATION DEADLINES AND SOURCE
- 7 OPERATION DURING TRANSITION.

Subpart 1. Transition applications under this part; deadline based on SIC code. Initial permit applications under parts 7007.0100 to 7007.1850 for an emission unit, emission facility, or stationary source in operation on October 18, 1993, shall be considered timely if they meet the requirements of this part.

A. An owner or operator of an existing stationary source with a Standard Industrial Classification (SIC) Code number in the left column of the following table shall submit a permit application by the corresponding date in the right column:

Category	SIC Code Range	Application Deadline
A	0000 to 2399, excluding 1422, 1423, 1429, 1442, 1446, 2041, and 2048	October 15, 1994
B	2400 to 2999 and 4953, excluding 2951 and 2952	January 15, 1995
C	3000 to 4499	March 15, 1995
D	4500 to 5099, excluding 4953	June 15, 1995
E	5100 to 8199	September 15, 1995
F	8200 to 9999, including 1422, 1423, 1429, 1442, 1446, 2041, 2048, 2951, and 2952	November 15, 1995

- 41 B. An owner or operator of an existing stationary
- 42 source with a Standard Industrial Classification (SIC) Code
- 43 number from 3000 to 5099, excluding SIC code 4953, that is
- 44 required to obtain a permit by part 7007.0200 or 7007.0250 shall
- 45 submit a permit application by February 15, 1995.

~~C. An owner or operator of an existing stationary source with a Standard Industrial Classification (SIC) Code number with the SIC codes 2041, 2048, 2951, and 2952, or from 5100 to 9999, and that is required to obtain a permit by part 7007.0200 or 7007.0250 shall submit a permit application by September 15, 1995.~~

~~B.~~ If more than one SIC code describes activities at the stationary source, the SIC code that represents the primary type of activity of the stationary source shall be used. If no single SIC code represents the primary type of activity of the stationary source, the lowest SIC code that describes activities at the stationary source shall be used.

~~B. C.~~ If a single owner or operator is responsible for filing applications for three or more stationary sources under this subpart, the owner or operator may request the agency to allow it to submit one or more of its applications according to a subsequent deadline of this subpart. Such a request shall be made by the owner or operator in writing no later than 60 days before the application deadline which the applicant is seeking to postpone. The agency shall approve in writing such requests if they more evenly distribute the owner's or operator's stationary sources among the application deadlines in item A, B, or C.

~~F. D.~~ The owner or operator of a stationary source must comply with the applicable deadline in this part, even though the stationary source may be operating under a permit issued by the agency under parts 7001.1200 to 7001.1220 (the permit rules in effect before the effective date of parts 7007.0100 to 7007.1850), and the permit is not due to expire until after the applicable deadline in this part. If a stationary source is operating under a permit issued by the agency under parts 7001.1200 to 7001.1220, and the permit expires after the effective date of parts 7007.0100 to 7007.1850 but before the applicable deadline, the owner or operator need not reapply before expiration of the permit, but shall comply with the applicable deadline in this part.

1 6. E. Except as provided in subitems (1) and (2), the
2 agency waives its authority to take enforcement action against
3 the owner or operator of a stationary source for failure to
4 obtain a permit authorizing operation under parts 7001.1200 to
5 7001.1220, if the owner or operator files a timely and complete
6 permit application under this part. This waiver does not apply
7 to:

8 (1) an owner's or operator's failure to obtain a
9 permit required under the federal preconstruction review
10 programs of part C (Prevention of Significant Deterioration of
11 Air Quality) or part D (Plan Requirements for Nonattainment
12 Areas) of the act, or regulations promulgated under them; or

13 (2) an owner's or operator's failure to obtain an
14 amendment under parts 7001.1200 to 7001.1220 for modifications
15 to a stationary source for which a permit had been obtained
16 under those parts.

17 Subp. 2. Compliance with permit or applicable requirements
18 during transition.

19 A. If a stationary source is operating under an air
20 emission permit issued by the agency under parts 7001.1200 to
21 7001.1220 which has not expired as of the effective date of
22 parts 7007.0100 to 7007.1850, and if the permittee has-submitted
23 submits a timely and complete application for reissuance under
24 subpart 1, that permit shall be considered not to expire until a
25 new permit is issued under parts 7007.0100 to 7007.1850. The
26 preceding sentence also applies to stationary sources which have
27 been operating under an air emission permit which was continued
28 under part 7001.0160. The permittee shall continue to operate
29 the stationary source in compliance with the terms of the
30 existing permit and all applicable requirements.

31 B. If an owner or operator of a stationary source has
32 filed an application for a permit but not yet received it, the
33 stationary source shall be operated in compliance with all
34 applicable requirements until the permit is issued.

35 Subp. 3. Application shield.

36 A. If an owner or operator of an emissions unit,

1 emission facility, or stationary source in operation on the
2 effective date of parts 7007.0100 to 7007.1850 submits an
3 application that is timely under this part and complete under
4 part 7007.0600, the continued operation of the stationary source
5 pending agency review of the permit application is not a
6 violation of part 7007.0150, subpart 1.

7 B. If after the completeness determination made
8 pursuant to part 7007.0700, the applicant fails to submit, by
9 the deadline specified in writing by the agency, any additional
10 information identified as being needed to process the
11 application, the protection provided in item A does not apply.

12 Subp. 4. Preservation of enforcement authority. The
13 agency reserves its authority to take enforcement action against
14 any source that violated the permitting requirements of parts
15 7001.1200 to 7001.1220 prior to their repeal or that violates
16 any permit issued under those parts, except as provided under
17 subpart 1, item G. Nothing in parts 7007.0100 to 7007.1850
18 shall be read to limit the administrator's authority to enforce
19 parts 7001.1200 to 7001.1220 prior to their repeal or permits
20 issued under those parts.

21 Subp. 5. Acid rain sources. Stationary sources subject to
22 the requirement to obtain Phase II acid rain permits under title
23 IV of the act shall submit permit applications or amendments to
24 permit applications to the agency by January 1, 1996, for sulfur
25 dioxide, and January 1, 1998, for nitrogen dioxide.

**7007.0400 PERMIT REISSUANCE APPLICATIONS AFTER TRANSITION; NEW SOURCE AND PERMIT
AMENDMENT APPLICATIONS; APPLICATIONS FOR SOURCES NEWLY SUBJECT TO A PART 70 OR
STATE PERMIT REQUIREMENT.**

Subpart 1. Requirement for application. Applications for reissued permits after the transition period shall be considered timely if they meet the requirements of subpart 2. Applications for permits for new stationary sources or amendments shall be considered timely if they meet the requirements of subpart 3. An application for a total facility permit from a stationary source that, because of a modification or change at the stationary source, becomes subject to the requirement to obtain a part 70 or state permit for the first time after the application deadline in part 7007.0350, subpart 1, and which was issued a permit for the installation and operation of the change or modification under part 7007.0750, subpart 5, shall be considered timely if it meets the requirements of subpart 4.

32 Subp. 2. Permit reissuance after transition period.
33 Stationary sources operating under permits issued by the agency
34 under parts 7007.0100 to 7007.1850 shall apply for permit
35 reissuance at least 180 days before the expiration of the

1 existing permit, unless the permit specifies that the
2 application must be submitted sooner. The agency shall require
3 in a permit that a reissuance application be submitted sooner if
4 the agency determines that an earlier application is needed to
5 minimize the possibility of expiration prior to reissuance. The
6 agency may make this determination if it anticipates a
7 relatively lengthy permit review process due to the complexity
8 of the stationary source or anticipated involvement of the
9 public. In no event shall the permit require application for
10 reissuance sooner than nine months prior to the expiration of
11 the permit.

12 Subp. 3. New permits and amendments to existing permits.
13 Owners or operators seeking to obtain a new permit for a new
14 stationary source or a permit amendment to an existing permit
15 may submit the application at any time. It is recommended that
16 the permit application for a new stationary source or an
17 amendment be submitted at least 180 days before the planned date
18 of commencement of construction of the new stationary source or
19 commencement of the modification of the existing stationary
20 source, although the agency may take up to 18 months to take
21 final action on the permit or major amendment under part
22 7007.0750, subpart 2. If the reason for the application for an
23 amendment is the adoption of a new or amended federal applicable
24 requirement, and the remaining life of the permit is three years
25 or longer, the permittee shall file an application for an
26 amendment within nine months of promulgation of the applicable
27 requirement. The preceding sentence does not apply if the
28 effective date of the requirement is later than the date on
29 which the permit is due to expire.

Subp. 4. Applications for permits for stationary sources newly subject to the requirement to obtain a part 70 or state permit. If a modification or change at a stationary source would make the source subject for the first time to the requirement to obtain a part 70 or state permit after the application deadline in part 7007.0350, subpart 1, and the agency issues a permit authorizing installation or operation of the change or modification under part 7007.0750, subpart 5, the owner or operator shall submit an application for a total facility permit:

A. within 180 days after commencing operation of the change or modification that triggered the permit requirement, if the owner or operator is applying for a state, registration, or general permit; or

B. within 365 days after commencing operation of the change or modification that triggered the permit requirement, if the owner or operator is applying for a part 70 permit.

30 7007.0450 PERMIT REISSUANCE APPLICATIONS AND CONTINUATION OF
31 EXPIRING PERMITS.

32 Subpart 1. Reissuance applications. Permits being
33 reissued are subject to the same procedural requirements that
34 apply to initial permit application and issuance.

35 Subp. 2. ~~Inclusion-of-certain-terms-in-a-reissued~~

1 ~~permit Title I conditions. The agency shall include in a~~
2 ~~reissued permit Any title I condition of a previous shall remain~~
3 ~~in effect without regard to permit expiration or reissuance, and~~
4 ~~shall be restated in the reissued permit.~~

5 Subp. 3. Continuation of an expiring permit. If the owner
6 or operator of a stationary source has submitted a timely and
7 complete application for reissuance of a permit, the permit
8 shall not expire until the permit has been reissued or the
9 reissuance has been denied, unless the agency determines that
10 any of the following are true:

11 A. the permittee is not in substantial compliance
12 with the terms and conditions of the expired permit or with a
13 stipulation agreement or compliance schedule designed to bring
14 the permittee in compliance with the permit;

15 B. the agency, as a result of an action or failure to
16 act of the permittee, has been unable to take final action on
17 the application on or before the expiration date of the permit;
18 or

19 C. the permittee has submitted an application with
20 major deficiencies or has failed to properly supplement the
21 application in a timely manner after being informed of
22 deficiencies.

23 7007.0500 CONTENT OF PERMIT APPLICATION.

24 Subpart 1. Standard application form and required
25 information.

26 A. The applicant shall submit an application on a
27 standard application form provided by the agency. The agency
28 may create different forms for different types of stationary
29 sources. Regardless of whether the particular information is
30 required by a form, an applicant must include all information
31 needed to determine the applicability of, or to impose, any
32 applicable requirement, or to evaluate the emission fee amount
33 required by chapter 7002.

34 B. For complicated stationary sources, the agency
35 recommends but does not require that the applicant arrange for a

1 preapplication meeting with the agency's air quality division.
2 Small business stationary sources, as defined in Minnesota
3 Statutes, section 116.96, subdivision 6, may seek assistance in
4 preparing permit applications under the small business air
5 quality compliance assistance act in Minnesota Statutes,
6 sections 116.95 to 116.99.

7 C. In addition to the requirements of this part,
8 applicants for permits subject to a new source review program
9 under part C (Prevention of Significant Deterioration of Air
10 Quality) or part D (Plan Requirements for Nonattainment Areas)
11 of the act shall also comply with the application requirements
12 of part 7007.3000 or parts 7007.4000 to 7007.4030, respectively.

13 D. An applicant is not required to show that its
14 emissions do not cause a violation of ambient air quality
15 standards, unless the agency notifies the applicant that such
16 information is required, or unless the source is required to
17 make such a showing under the preconstruction review
18 requirements of part 7007.3000 or parts 7007.4000 to 7007.4030.

19 E. This part describes the standard information that
20 will be required in a permit application. It does not limit the
21 agency's statutory authority for requiring information in
22 addition to that which is specifically listed.

23 Subp. 2. Information included. Applicants shall submit
24 the following information as required by the standard
25 application form:

26 A. Information identifying the stationary source and
27 its owners and operators, including company name and address
28 (and plant name and address if different from the company name),
29 owner's name and agent, and contact telephone numbers including
30 names of plant site manager or contact, and the person preparing
31 the application if different.

32 B. A description of the stationary source's processes
33 and products (by Standard Industrial Classification Code or SIC
34 Code) including any associated with each alternate scenario
35 identified by the stationary source.

36 C. The following emissions-related information:

(1) A permit application shall provide the information required by this part for every emissions unit within the stationary source, except as provided otherwise in subitems (2) to (10). Notwithstanding the first sentence, if a stationary source is not a major source and the sole reason it is required to have a permit is because it is subject to federal standards described under part 7007.0250, subpart 2, then the application need only provide information for the emissions units regulated by those federal standards. All permit applications shall include information about fugitive emissions in the same manner as stack emissions, regardless of whether the stationary source category in question is included in the list of stationary sources contained in the definition of major source in part 7007.0200, subpart 2.

15 (2) The application need not include the
16 information required by this part for any activity listed on the
17 insignificant activities list in part 7007.1300, except as
18 provided in this subitem. The application shall include a list
19 identifying any activity at the stationary source described in
20 subpart 3 of the insignificant activities list. If requested by
21 the agency, the permittee shall provide a calculation of
22 emissions from any activity described in subpart 3 of the
23 insignificant activities list. The agency shall request such a
24 calculation if it finds that the emissions from those
25 activities, in addition to other emissions from the stationary
26 source, could make the stationary source subject to different
27 applicable requirements or different requirements under parts
28 7007.0100 to 7007.1850.

(3) A permit application shall identify and describe each emission point in sufficient detail to verify the applicability of all applicable requirements. This shall include the location of all emission points, and the location of all emissions units and processes venting through each emission point. In addition, if the exhaust gas flow rate and temperature, and the stack height and diameter of an emission point are needed to determine applicability of or show compliance with any applicable requirement, this information shall be provided. For stationary sources that are major sources according to part 7007.0200, subpart 2, item A, the exhaust gas flow rate and temperature and stack height and diameter shall be provided for all emission points. For stationary sources that are major sources of sulfur dioxide, particulate matter less than ten microns, or nitrogen oxides according to part 7007.0200, subpart 2, items B and C, the exhaust gas flow rate and temperature, and stack height and diameter shall be provided for all emission points of the pollutant or pollutants for which the source is major.

(4) A permit application shall identify rates of ~~each regulated air pollutants pollutant~~ and ~~each hazardous air pollutants pollutant~~ that ~~are is not yet a regulated air pollutants pollutant, as defined in part 7007.0100, subpart 19,~~ emitted in tons per year from the stationary source as a whole; ~~and also, A permit application shall identify rates,~~ in tons per year, ~~and in~~ such terms as are necessary to establish compliance consistent with the applicable standard reference test method for each emissions unit subject to an applicable requirement. The application shall provide this information for potential emissions, as defined in part 7005.0100, subpart 35a. The application shall also include the emissions limits that will be imposed on the stationary source by applicable requirements.

(5) A permit application shall provide the information on actual emissions for the preceding calendar year required in this subitem.

(a) The permittee shall provide actual emission rates, in tons per year, of criteria pollutants unless, ~~in the preceding year,~~ the permittee has submitted an emissions inventory as required by parts 7019.3000 and 7019.3010.

(b) For stationary sources that are major sources under part 7007.0200, subpart 2, ~~item B or C,~~ the permittee shall provide actual emission rates, in total tons per year, or if emissions of a hazardous air pollutant are less than one ton per year, in pounds per year, of each hazardous air pollutant for the stationary source as a whole.

14 (6) A permit application shall include the
15 following information to the extent it is emissions-related:
16 fuels, fuel use, raw materials, production rates, and operating
17 schedules.

18 (7) A permit application shall identify and
19 describe all air pollution control equipment and compliance
20 monitoring devices or activities. A permit application shall
21 also contain the design operating efficiency of the air
22 pollution control equipment. The permit application shall
23 identify all air pollution control equipment located at the
24 stationary source which the stationary source elects not to
25 operate.

26 (8) A permit application shall describe any work
27 practice or physical limitation on stationary source operation
28 that affects emissions of regulated air pollutants.

29 (9) A permit application shall include additional
30 information if required by any applicable requirements (such as
31 information related to stack height limitations developed
32 pursuant to section 123 of the act).

33 (10) A permit application must explain the means
34 by which the emissions information in subitems (1) to (9) is
35 gathered, and provide the calculations on which they are based.

36 D. The following information regarding applicable

1 requirements and test methods:

2 (1) A permit application must include a complete
3 listing of the citations and titles of all applicable
4 requirements to which the permittee is subject. Citations must
5 be to the latest codification of the regulatory requirements at
6 the time of application.

7 (2) If the stationary source is required to test
8 its emissions to determine compliance, a permit application must
9 include either: a citation to a rule or regulation establishing
10 the test method for measuring emissions or, if such a rule or
11 regulation does not exist, a permit application must describe
12 the method that the applicant believes is the appropriate method
13 to measure emissions.

14 E. Other specific information that may be necessary
15 to implement and enforce other applicable requirements or
16 requirements of parts 7007.0100 to 7007.1850, or to determine
17 the applicability of such requirements. The agency may request
18 the applicant to provide such information in a supplemental
19 submittal.

20 F. For part 70 permit applications only, an
21 explanation of any proposed exemptions from otherwise applicable
22 requirements.

23 G. The applicant may propose permit terms and
24 conditions which would allow the permittee to trade emissions
25 increases and decreases within the permitted facility. This
26 trading option is available solely for purposes of complying
27 with a federally enforceable emissions cap that is established
28 in the permit independent of otherwise applicable requirements,
29 under conditions in part 7007.0800, subpart 10. The application
30 shall include proposed replicable procedures and permit terms
31 that ensure the emissions are quantifiable and enforceable.

32 H. The applicant may request the agency to allow in
33 the permit alternative operating scenarios. If such a request
34 is made, the application shall provide all the information
35 required by this part for each proposed scenario. This option
36 is only available under the conditions in part 7007.0800,

1 subpart 11.

2 I. The applicant may request the agency to allow in
3 the permit for the stationary source to operate at more than one
4 location during the term of the permit. This option is
5 available only under the conditions in part 7007.0800, subpart
6 12.

7 J. For state permit applications only, a description
8 of the compliance status of the stationary source with respect
9 to all applicable requirements and the requirements of parts
10 7007.0100 to 7007.1850, and a description of the methods used to
11 determine compliance, including a description of monitoring,
12 record keeping, and test methods.

13 K. For part 70 permit applications only, a compliance
14 plan that contains the following:

15 (1) A description of the compliance status of the
16 stationary source at the time of application submittal with
17 respect to all applicable requirements and the requirements of
18 parts 7007.0100 to 7007.1850, and a description of the methods
19 used to determine compliance, including a description of
20 monitoring, record keeping, test methods, and operation and
21 maintenance procedures for air pollution control equipment. The
22 applicant shall identify in the description of compliance status
23 any past modifications at the stationary source for which
24 preconstruction review was required under parts C and D of the
25 act but was not done.

26 (2) For applicable requirements with which the
27 stationary source is in compliance, a statement that the
28 stationary source will continue to comply with such requirements.

29 (3) For applicable requirements that are known to
30 become effective during the permit term, a statement that the
31 stationary source will meet such requirements on a timely basis.

32 (4) For applicable requirements for which the
33 stationary source is not in compliance at the time of
34 application submittal, a proposed schedule of compliance. Such
35 a schedule shall include a date specific schedule of remedial
36 measures, including an enforceable sequence of actions with

1 milestones, leading to compliance in the shortest reasonable
2 period of time. The proposed schedule of compliance shall begin
3 at the time of permit application, but the applicant may project
4 its compliance status at the time the permit is expected to be
5 issued. This compliance schedule shall resemble and be at least
6 as stringent as that contained in any judicial consent decree,
7 stipulation agreement, or administrative order to which the
8 stationary source is subject. The compliance schedule shall be
9 supplemental to, and shall not sanction noncompliance with, the
10 applicable requirements on which it is based.

11 L. For part 70 permit applications only, a proposed
12 schedule for submitting progress reports under part 7007.0800,
13 subpart 6, item B. The proposed schedule shall provide for
14 reporting at least every six months for any stationary source
15 required to have a compliance schedule under this subpart, or
16 any stationary source required by an applicable requirement to
17 monitor every six months or more often.

18 M. For part 70 permit applications only, a proposed
19 schedule for submission of compliance certifications during the
20 permit term, to be submitted no less frequently than annually.
21 The schedule shall provide for more frequent compliance
22 certifications if required by an applicable requirement.

23 N. If subject to the following laws, a statement of
24 whether the stationary source has:

25 (1) prepared a pollution prevention plan and
26 submitted a pollution prevention progress report to the
27 commissioner as required by the Minnesota Toxic Pollution
28 Prevention Act, Minnesota Statutes, sections 115D.07 and
29 115D.08; and

30 (2) submitted a toxic chemical release form as
31 required by United States Code, title 42, section 11023.

32 Subp. 3. Application certification. A responsible
33 official, as defined in part 7007.0100, subpart 21, shall sign
34 and certify any application, report, or compliance certification
35 submitted pursuant to parts 7007.0100 to 7007.1850 with regard
36 to truth, accuracy, and completeness. This certification and

1 any other certification required by parts 7007.0100 to 7007.1850
2 shall state that, based on information and belief formed after
3 reasonable inquiry, the statements and information in the
4 document are true, accurate, and complete. This subpart shall
5 be complied with by both the owner and the operator of the
6 stationary source if they are not the same.

7 Subp. 4. Title IV source application. Affected sources
8 shall use nationally standardized forms for acid rain portions
9 of permit applications and compliance plans, as required by Code
10 of Federal Regulations, title 40, part 72, as amended. The
11 compliance plan content requirements of subpart 2 shall apply to
12 the acid rain portion of the affected source's permit
13 application, except as specifically superseded by Code of
14 Federal Regulations, title 40, part 72, as amended.

15 Subp. 5. Environmental review. ~~If a stationary source is~~
16 ~~required to complete an environmental impact statement or~~ The
17 applicant shall state in the application whether an
18 environmental assessment worksheet or an environmental impact
19 statement is required for the activity for which the permit is
20 sought under Minnesota Statutes, chapter 116D, or implementing
21 regulations, or under United States Code, title 42, sections
22 4331 et seq., as amended, ~~the statement or worksheet shall be~~
23 ~~included in the permit application. A stationary source may~~
24 ~~request the agency to begin processing a permit application~~
25 ~~prior to receiving these documents, but the application will not~~
26 ~~be considered complete for purposes of part 7007.0700 until the~~
27 ~~statement or worksheet is submitted.~~

28 7007.0550 CONFIDENTIAL INFORMATION.

29 A person may request the agency to treat information
30 submitted under parts 7007.0100 to 7007.1850 as confidential by
31 following the procedures established by part 7000.1000. Where
32 the agency is required to submit information to the EPA, the
33 confidentiality of that information will be governed by Code of
34 Federal Regulations, title 40, part 2, as amended.

35 7007.0600 COMPLETE APPLICATION AND SUPPLEMENTAL INFORMATION

1 REQUIREMENTS.

2 Subpart 1. Complete application. To be deemed complete,
3 an application must provide all information required by part
4 7007.0500, except that an application for a permit amendment
5 under parts 7007.1450 and 7007.1500 need supply information only
6 if it is related to the proposed amendment. Information
7 required under part 7007.0500 must be sufficient to evaluate the
8 subject stationary source and its application and to determine
9 all applicable requirements. The application shall also contain
10 a certification from a responsible official consistent with part
11 7007.0500, subpart 3.

12 Subp. 2. Duty to supplement or correct application. Any
13 applicant who fails to submit any relevant facts or who has
14 submitted incorrect information in an application for a permit
15 or permit amendment shall, upon becoming aware of such failure
16 or incorrect submittal, promptly submit such supplementary facts
17 or corrected information. In addition, an applicant must
18 provide additional information as necessary to address any
19 requirements that become applicable to the stationary source
20 after the date it filed a complete application but prior to
21 release of a draft permit.

22 7007.0650 WHO RECEIVES AN APPLICATION.

23 Subpart 1. Applications submittal. Permit applicants
24 shall submit two printed copies of the complete application and
25 all supplemental information requested by the agency to the
26 information coordinator, Air Quality Division, Minnesota
27 Pollution Control Agency. Upon request of the agency, the
28 applicant shall submit additional copies of the application
29 directly to the administrator, affected states, and other
30 governmental entities with the legal right to review the
31 application, or submit additional copies to the agency to be
32 forwarded to these parties.

33 Subp. 2. Computerized application submittal. Applicants
34 may in addition submit applications in computer-readable format
35 specified by the agency, which may be through submission of a

1 floppy disk or through electronic data submittal. If the
2 information is submitted in computer-readable format, the agency
3 may allow the applicant to submit fewer printed copies than
4 required in subpart 1, however at least one copy of the
5 application certification required by part 7007.0500, subpart 3,
6 shall always be required to be provided on paper.

7 7007.0700 COMPLETENESS REVIEW.

8 A. Within one week of receipt of an application other
9 than a minor amendment application, the agency shall notify the
10 applicant in writing that it has received the application.

11 B. Within 60 days of receipt of an application other
12 than a minor amendment application, the agency shall notify the
13 applicant in writing of whether the application is complete. If
14 the agency fails to make the completeness determination required
15 above within the 60-day period, the application shall be deemed
16 complete. A completeness determination under this subpart
17 triggers timelines for permit issuance under part
18 7007.0750, retroactive to the date the complete application was
19 received by the agency, but does not limit the agency's ability
20 to request additional information.

21 C. If an application or a written request for an
22 administrative amendment is incomplete, the agency shall
23 identify the incomplete portions of the application or request
24 and outline the actions needed to complete the application or
25 request.

26 D. If, during processing of a permit application that
27 has been deemed complete, a minor permit amendment application,
28 or of a written request for an administrative amendment, the
29 agency determines that additional information is necessary to
30 evaluate or take final action on that application or request, it
31 may request such information in writing, and, after consultation
32 with the applicant, set a deadline for a response. In the
33 request for additional information, the agency shall briefly
34 explain why the additional information is needed. If an
35 applicant fails to respond to requests for additional

1 information within the time period requested, the application or
2 request shall be deemed incomplete. Applicants who have already
3 made a change or commenced a modification at a permitted
4 facility under part 7007.1450, shall provide the additional
5 information within the time period specified by the agency.

6 E. Items A and B do not apply to written requests for
7 administrative amendments.

8 7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.

9 Subpart 1. Prioritization of applications. In deciding
10 which permit applications to act on, the agency shall give
11 priority to applications for construction or modification of a
12 stationary source.

13 Subp. 2. Application processing and issuance deadlines.

14 A. Within 12 months of receiving a complete
15 application for a permit to construct a new stationary source or
16 for a major permit amendment to construct a modification, the
17 agency shall have completed the public notice process and
18 comment period required by part 7007.0850, unless the agency has
19 denied the application. The agency shall take final action on
20 the application within 60 days of the end of the public comment
21 period if:

22 (1) no meetings or hearings are requested under
23 part 7007.0850, subpart 3, during the public comment period;

24 (2) there is no substantial adverse public
25 comment on the application; and

26 (3) there is no substantial adverse EPA comment
27 on the application.

28 If any of the circumstances in subitems (1) to (3) occur,
29 the agency shall take final action on the application within 18
30 months of receiving the complete application.

31 B. Within six months of receiving a complete
32 application for a moderate amendment to construct a modification
33 for which the agency has decided to provide public notice under
34 part 7007.0850, subpart 2, the agency shall have completed the
35 public notice process and comment period, unless the agency has

1 denied the application. The agency shall take final action on
2 the permit within 60 days of the end of the public comment
3 period if:

4 (1) no meetings or hearings are requested under
5 part 7007.0850, subpart 3, during the public comment period;

6 (2) there is no substantial adverse public
7 comment on the application; and

8 (3) there is no substantial adverse EPA comment
9 on the application.

10 If any of the circumstances in subitems (1) to (3) occur,
11 the agency shall take final action within nine months of
12 receiving the complete application.

13 C. The agency shall take final action on applications
14 for permits or permit amendments not governed by items A and B
15 within the period specified in this item. The agency shall take
16 final action on such an application for a permit, permit
17 reissuance, or major permit amendment within 18 months of
18 receiving a complete application. The agency shall take final
19 action on such an application for a minor or moderate permit
20 amendment within six months of receiving a complete application,
21 but not before the end of the administrator's 45-day review
22 period in the case of part 70 permits. The agency shall take
23 final action on a written request for an administrative
24 amendment within 60 days of receiving the complete request.

25 D. If the applicant is required to submit additional
26 information under part 7007.0700, ~~subpart-2,~~ item D, and if the
27 applicant takes more than 30 days to provide the information,
28 the agency may extend a deadline under item A, B, or C by the
29 amount of time it takes to provide the information. The agency
30 may also extend the deadlines under items A, B, and C upon
31 written request of the applicant.

32 E. Deadlines for agency action under this part may be
33 extended as described in this item for permitting actions
34 subject to environmental review under Minnesota Statutes,
35 chapter 116D, and implementing regulations. If the prohibition
36 on final governmental decisions under part 4410.3100 is in

1 effect at any time 90 days prior to the deadline or later, the
 2 agency shall extend the deadline until 90 days after the
 3 prohibition ends.

4 F. The deadlines in this subpart do not apply to the
 5 extent they deviate from the requirements of federal regulations
 6 at Code of Federal Regulations, title 40, section 72.73, as
 7 amended (Acid Rain Permits Regulation).

8 Subp. 3. Final action. For purposes of this part and
 9 triggering judicial review, final agency action on a request or
 10 an application includes issuing the permit or amendment, denying
 11 the request or application, or issuing a revised permit or
 12 amendment, or failing to take any of these actions by the
 13 deadline applicable under this part. However, the previous
 14 sentence shall not prevent the agency from issuing a permit or
 15 amendment or denying a request or application after a deadline
 16 has passed. If the agency denies the request or application it
 17 shall explain why. If the agency revises a proposed permit or
 18 amendment which has been subject to EPA review, it shall
 19 resubmit the amendment to the administrator. ~~Failure-to-issue-a~~
 20 ~~permit-or-amendment-in-any-form-by-the-deadlines-applicable~~
 21 ~~under-this-part-shall-be-considered-a-denial-of-the-request-or~~
 22 ~~application.~~

23 Subp. 4. Transition period. The timelines in subpart 2,
 24 item C, do not apply to applications received prior to the date
 25 three years after EPA grants full program approval.

Subp. 5. Modification installation and operation permits. The agency may issue permits authorizing a modification or change to a stationary source (an installation and operation permit) prior to issuance of an operating permit covering the entire stationary source (a total facility permit) if the agency finds:

A. the stationary source has filed a complete application for the proposed modification or change and:

(1) has filed a timely application for a total facility permit under part 7007.0350, subpart 1; or

(2) was not subject to the requirement to file a permit application under the deadlines in part 7007.0350, subpart 1, because the change or modification will subject the stationary source for the first time to the requirement to obtain a part 70 or state permit;

B. the delay resulting from issuing the installation and operation permit and the total facility permit at the same time would cause undue economic hardship on the stationary source; and

C. the agency has sufficient information about the entire stationary source to be able to comply with the requirements of part 7007.1000. The requirements of parts 7007.0100 to 7007.1850 that apply to modifications to a stationary source with a total facility permit shall also apply to modifications authorized under this part. The owner or operator of a stationary source that obtains an installation and operation permit under item A, subitem (2), shall lose its right to operate the stationary source if the owner or operator fails to submit an application for a total facility permit in the time required by part 7007.0400, subpart 4, and shall be considered to be in violation of part 7007.0150, subpart 1.

9 Subp. 6. Construction of units subject to new source
10 performance standards.

11 A. It is not a violation of parts 7007.0100 to
12 7007.1850 to construct an affected facility, as that term is
13 defined in Code of Federal Regulations, title 40, section 60.2,
14 as amended (Standards of Performance for New Stationary Sources;
15 Definitions), upon receiving from the agency written approval to
16 construct the affected facility. For purposes of this subpart,
17 construction of an affected facility includes modification or
18 reconstruction, as described in Code of Federal Regulations,
19 title 40, sections 60.14 and 60.15, as amended, making existing
20 emissions units into affected facilities. No person may begin
21 to operate the affected facility until receipt of a permit
22 issued by the agency under parts 7007.0100 to 7007.1850.

23 B. The agency shall issue written approval to
24 construct, or explain in writing why the approval will not be
25 granted, within 60 days of receiving a complete permit
26 application seeking authorization to construct and operate the
27 affected facility. The application must be accompanied by a
28 written request for approval to construct under this subpart,
29 and a statement certified by a responsible official certifying
30 that requirements of part C (Prevention of Significant
31 Deterioration of Air Quality) or part D (Plan Requirements for
32 Nonattainment Areas) of the act do not apply to the proposed
33 construction. The agency's failure to respond within the 60-day
34 period shall not be deemed approval to construct. The approval
35 to construct shall only apply to the affected facility.

36 C. This subpart does not apply if the construction,

1 reconstruction, or modification would be subject to the new
2 source review requirements of part C (Prevention of Significant
3 Deterioration of Air Quality) or part D (Plan Requirements for
4 Nonattainment Areas) of the act.

5 D. This subpart does not relieve the applicant of the
6 obligation to comply with the requirements of Minnesota
7 Statutes, chapter 116D, prior to construction, if applicable.

8 Subp. 7. Two-stage issuance of permits subject to federal
9 new source review.

10 A. If a permit or permit amendment is subject to the
11 requirements of a new source review program under part C
12 (Prevention of Significant Deterioration of Air Quality) or part
13 D (Plan Requirements for Nonattainment Areas) of the act, the
14 agency shall send the permit to the permittee after all
15 requirements of the new source review program have been
16 satisfied. The agency shall at the same time notify the
17 permittee in writing that those permit conditions required by
18 the new source review program and designated as such by the
19 agency in the permit or amendment, and only those conditions,
20 shall be considered issued.

21 B. The agency shall issue the remaining permit
22 conditions (those not issued under item A) after the EPA's
23 45-day review period described in part 7007.0950, and in
24 compliance with all other applicable provisions of parts
25 7007.0100 to 7007.1850. If there is no change to the remaining
26 permit conditions, the agency shall issue the remaining permit
27 conditions by means of notifying the permittee in writing that
28 the remaining permit conditions of the permit previously sent
29 under item A shall be considered issued.

30 C. The permittee may begin actual construction and
31 operation of a stationary source or modification upon issuance
32 of the conditions under item A to the extent authorized by those
33 conditions.

34 7007.0800 PERMIT CONTENT.

35 Subpart 1. Scope. The agency shall include the permit

1 conditions specified in this part in all permits, except where
2 the requirement states that it applies only to part 70 permits
3 or only to state permits. The permit shall specify and
4 reference the origin of and the authority for each term or
5 condition, and shall identify any difference in form from the
6 requirement giving rise to the condition. Nothing in this part
7 shall be read to limit the agency's authority to put additional
8 or more stringent terms in a permit, to conduct inspections, or
9 to request information.

10 Subp. 2. Emission limitations and standards. The permit
11 shall include emissions limitations, operational requirements,
12 and other provisions needed to ensure compliance with all
13 applicable requirements at the time of permit issuance. The
14 permit shall also include any condition the agency determines to
15 be necessary to protect human health and the environment. The
16 permit shall state that, where another applicable requirement of
17 the act is more stringent than any applicable requirement of
18 regulations promulgated under title IV of the act (Acid
19 Deposition Control), both provisions shall be incorporated into
20 the permit and shall be enforceable by the administrator.

21 Subp. 3. Emissions units covered by permit. The permit
22 shall cover any emissions unit within the stationary source for
23 which there is an applicable requirement, and any unit which the
24 agency believes should be covered in order to protect human
25 health and the environment. However, if a stationary source is
26 not a major source and the sole reason it is required to have a
27 permit is because it is subject to federal standards described
28 under part 7007.0250, subpart 2, then the permit shall only
29 cover emissions units regulated by those federal standards. The
30 permit shall include applicable requirements for fugitive
31 emissions in the same manner as stack emissions, regardless of
32 whether the source category in question is included in the list
33 of sources contained in the definition of major source in part
34 7007.0200, subpart 2.

35 Subp. 4. Monitoring. The agency shall include the
36 following monitoring requirements in all permits:

1 A. The permit shall require the permittee to comply
2 with all emissions monitoring and analysis procedures or test
3 methods required under the applicable requirements, including
4 any procedures and methods promulgated pursuant to section
5 114(a)(3) or 504(b) of the act.

6 B. For part 70 permits, where the applicable
7 requirements do not require periodic testing or instrumental or
8 noninstrumental monitoring (which may consist of record keeping
9 designed to serve as monitoring), the permit shall require the
10 permittee to conduct periodic monitoring sufficient to determine
11 whether the stationary source is in compliance with applicable
12 requirements. The monitoring requirements shall be designed to
13 yield reliable data from the relevant time period that are
14 representative of the stationary source's operation, and shall
15 require the permittee to use terms, test methods, units,
16 averaging periods, and other statistical conventions that are
17 consistent with the emissions limitations and standards
18 contained in the permit, and with other applicable
19 requirements. Record keeping provisions may be sufficient to
20 meet the requirements of this item.

21 C. For state permits, where the applicable
22 requirements do not require periodic testing or instrumental or
23 noninstrumental monitoring, which may consist of record keeping
24 designed to serve as monitoring, the permit shall include
25 monitoring requirements sufficient to determine whether a
26 stationary source is in compliance with applicable requirements
27 if the agency finds that such monitoring is warranted based on
28 the likelihood of noncompliance, the environmental impact of
29 noncompliance, or the likelihood that noncompliance could be
30 detected using means other than monitoring.

31 D. As necessary, the permit shall require the
32 permittee to install, use, and maintain monitoring equipment or
33 use monitoring methods.

34 Subp. 5. Record keeping. The permit shall incorporate all
35 applicable requirements related to record keeping and require
36 the permittee to maintain adequate records, including at least

1 the following:

2 A. A requirement that the permittee maintain records
3 adequate to document compliance at the stationary source,
4 including at a minimum:

5 (1) the date, place, as defined in the permit,
6 and time of sampling or measurements;

7 (2) the date or dates analyses were performed;

8 (3) the company or entity that performed the
9 analyses;

10 (4) the analytical techniques or methods used;

11 (5) the results of such analyses; and

12 (6) the operating conditions existing at the time
13 of sampling or measurement.

14 B. A requirement that the permittee maintain records
15 describing any modification made at the stationary source under
16 parts 7007.1250 and 7007.1350, as required by those provisions,
17 but not otherwise regulated under the permit, and the emissions
18 resulting from those changes.

19 C. A requirement that the permittee retain records of
20 all monitoring data and support information for a period of five
21 years, or longer as specified by the commissioner, from the date
22 of the monitoring sample, measurement, or report. Support
23 information includes all calibration and maintenance records and
24 all original strip-chart recordings for continuous monitoring
25 instrumentation, and copies of all reports required by the
26 permit. Records shall be kept at the stationary source unless
27 the permit allows otherwise.

28 Subp. 6. Reporting. The permit shall require the
29 permittee to submit to the agency the reports described in this
30 subpart. The permit shall require that all reports be certified
31 by a responsible official consistent with part 7007.0500,
32 subpart 3.

33 A. The permit shall require the permittee, in the
34 event of any deviation from permit conditions which could
35 endanger human health or the environment, to orally notify the
36 commissioner within 24 hours of discovering the deviation.

1 Within five days of the discovery of such a deviation, the
2 permittee shall submit to the commissioner a written description
3 of the deviation; the cause of the deviation; the exact dates of
4 the period of the deviation; if the deviation has not been
5 corrected, the anticipated time it is expected to continue; and
6 steps taken or planned to reduce, eliminate, and prevent
7 reoccurrence of the deviation. The permit shall require the
8 permittee, in the event of any other type of deviation from
9 permit conditions, including those attributable to upset
10 conditions as defined in the permit, to report the deviation
11 with two working days and provide the information required in
12 this item. Unless stated otherwise in the permit, a report
13 filed under this provision does not satisfy the requirement to
14 notify the agency of shutdowns and breakdowns under part
15 7005.1880.

16 B. All part 70 permits shall require the permittee to
17 submit progress reports at least every six months for any
18 stationary source required to have a compliance schedule under
19 part 7007.0500, subpart 2, item K, or any stationary source that
20 is required to monitor under subpart 4 more frequently than
21 every six months. The reports shall be more frequent than every
22 six months if required by an applicable requirement. Other
23 permits will require progress reports if the agency determines
24 that they are necessary to ensure compliance with applicable
25 requirements. All instances of deviations from permit
26 conditions must be clearly identified in such reports. Such
27 progress reports shall contain the following:

28 (1) Reports of any monitoring required under
29 subpart 4. All instances of deviations from permit conditions
30 must be clearly identified in such reports.

31 (2) In the case of stationary sources required to
32 submit compliance schedules under part 7007.0500, subpart 2,
33 item K, the deadlines for achieving the activities, milestones,
34 or compliance required in the compliance schedule and dates when
35 such activities, milestones, or compliance were actually
36 achieved. If any deadlines in the schedule of compliance were

1 not or will not be met, the report shall note that, explain why,
2 and include any preventive or corrective measures that have been
3 or will be adopted as a result.

4 C. The permit shall require periodic compliance
5 certification in which the permittee certifies whether or not it
6 is in compliance with applicable requirements and permit terms,
7 including emission limitations, standards, or work practices.
8 The permits shall:

9 (1) specify how often the permittee must submit
10 the compliance certification; for part 70 permits, the frequency
11 shall be at least annually or more often as specified in the
12 applicable requirements;

13 (2) require that the compliance certification
14 include the following:

15 (a) the identification of each applicable
16 requirement and permit term that is the basis of the
17 certification;

18 (b) the compliance status throughout the
19 reporting period, noting whether compliance was continuous or
20 intermittent;

21 (c) the method or methods used for
22 determining the compliance status of the stationary source,
23 noting whether the method conforms with permit conditions; and

24 (d) such other facts as the agency may
25 require;

26 (3) in the case of part 70 permits, require that
27 all compliance certifications be submitted to the administrator
28 as well as to the agency, unless the administrator agrees that
29 such submittals are not necessary;

30 (4) require that all compliance certifications be
31 made by a responsible official consistent with part 7007.0500,
32 subpart 3; and

20 (5) require such additional requirements as may
21 be specified pursuant to sections 114(a)(3) and 504(b) of the
22 act.

23 Notwithstanding any other provision in an applicable
24 requirement, for the purpose of submission of compliance
25 certifications under this item, the owner or operator is not
26 prohibited from using the following in addition to any specified
27 methods:

28 (a) an enhanced monitoring protocol approved
29 for the source pursuant to Code of Federal Regulations, title
30 40, part 64, as amended; and

31 (b) any other monitoring method incorporated
32 into a permit issued under this chapter.

D. All progress reports and compliance documents

1 described in this subpart are available for public inspection
2 and copying at the agency upon request, subject to the
3 provisions of part 7000.1200 and Minnesota Statutes, chapter 13,
4 and section 116.075.

5 Subp. 7. Prohibition on exceedance of allowances. For
6 affected sources, the agency shall include a permit condition
7 prohibiting emissions exceeding any allowances that the
8 stationary source lawfully holds under title IV of the act or
9 the regulations promulgated thereunder, except as follows:

10 A. No permit amendment shall be required for
11 increases in emissions that are authorized by allowances
12 acquired pursuant to the acid rain program, provided that such
13 increases do not require a permit amendment under any other
14 applicable requirement.

15 B. No limit shall be placed on the number of
16 allowances held by the stationary source. The stationary source
17 may not, however, use allowances as a defense to noncompliance
18 with any other applicable requirement.

19 C. Any such allowance shall be accounted for
20 according to the procedures established in Code of Federal
21 Regulations, title 40, part 73, as amended.

22 Subp. 8. Fee requirement. The permit shall require
23 payment of annual fees by owners or operators of a stationary
24 source required to pay annual fees due under part 7002.0025.

25 Subp. 9. Additional compliance requirements. All permits
26 shall contain the following elements with respect to compliance:

27 A. inspection and entry requirements that require
28 that, upon presentation of credentials and other documents as
29 may be required by law, the permittee shall allow the agency, or
30 an authorized representative or agent of the agency, to perform
31 the following:

32 (1) enter upon the permittee's premises where the
33 stationary source is located or activity is conducted, or where
34 records must be kept under the conditions of the permit;

35 (2) have access to and copy, at reasonable times,
36 any records that must be kept under the conditions of the

1 permit;

2 (3) inspect at reasonable times any facilities,
3 equipment (including monitoring and air pollution control
4 equipment), practices, or operations regulated or required under
5 the permit. For purposes of this subpart, reasonable times
6 include any time that the stationary source is operating; and

7 (4) sample or monitor any substances or
8 parameters at any location:

9 (a) at reasonable times, for the purposes of
10 assuring compliance with the permit or applicable requirements;
11 or

12 (b) as otherwise authorized by the act or
13 state law;

14 B. a schedule of compliance if one is required under
15 part 7007.0500, subpart 2, item K, meeting the description of
16 that part; and

17 C. provisions establishing the permit shield
18 described in part 7007.1800.

19 Nothing in this subpart shall be read to limit the agency's
20 authority under Minnesota Statutes, section 116.091, and section
21 114 of the act (Record keeping, Inspections, Monitoring, and
22 Entry) or other law.

23 Subp. 10. Emissions trading.

24 A. If requested by a permit applicant, the agency
25 shall include provisions allowing the permittee to trade
26 emissions increases and decreases that occur within the
27 permitted facility. No title I modification may be made using
28 this provision, and the trade may not result in the exceedance
29 of any emission limit in the permit. The agency shall make such
30 trading available to the permittee only if it determines that
31 all of the following are true:

32 (1) the unit-specific limits above which the
33 permittee wishes to increase emissions were established solely
34 to keep the stationary source as a whole from being subject to
35 an applicable requirement described in part 7007.0100, subpart
36 7, items A to K, and are independent of otherwise applicable

1 requirements;

2 (2) the stationary source's total emissions can
3 be limited equally well, and compliance with applicable
4 requirements may still be assured, by allowing the proposed
5 trading scenario; and

6 (3) the permit establishes replicable procedures
7 to ensure the emission trades are quantifiable and enforceable.

8 B. The permit shall require the permittee to provide
9 the agency in writing at least seven working days before making
10 the emissions trade the written notification described in this
11 item. The notice shall state when the trade will be made and
12 describe the change in emissions that will result. The notice
13 shall also describe how these increases and decreases in
14 emissions will comply with the terms and conditions of the
15 permit. The permittee and the agency shall each append the
16 notice to its copy of the stationary source's permit.

17 Subp. 11. Alternative scenarios. Terms and conditions
18 allowing for reasonably anticipated alternative operating
19 scenarios identified by the stationary source in its
20 application. Such terms and conditions shall:

21 A. require the stationary source, contemporaneously
22 with making a change from one operating scenario to another, to
23 record in a log at the permitted facility a record of the
24 scenario under which it is operating; and

25 B. ensure that the operation under each such
26 alternative scenario complies with all applicable requirements
27 and the requirements of parts 7007.0100 to 7007.1850.

28 Subp. 12. Operation in more than one location. If
29 requested by the applicant, the permit may allow a stationary
30 source to be operated in more than one location during the
31 course of the permit. No affected source shall be allowed this
32 option. If more than one location is authorized, the permit
33 shall include the following:

34 A. identification of all geographic areas where the
35 stationary source is authorized to operate during the course of
36 the permit;

1 B. conditions that will assure compliance with all
2 applicable requirements at all authorized locations;

3 C. requirements that the owner or operator notify the
4 agency at least 20 days in advance of each change in location,
5 providing the exact location where the source will operate; and

6 D. conditions that assure compliance with all other
7 provisions of parts 7007.0100 to 7007.1850.

8 Subp. 13. Permit duration. Each permit shall specify the
9 duration of the permit, or state that the permit is nonexpiring.

10 Subp. 14. Operation of control equipment. Each permit
11 shall specify operating and maintenance requirements for each
12 piece of control equipment located at the stationary source.

13 Subp. 15. Terms to include in reissuance. The permit
14 shall indicate the terms that must be included in any reissuance
15 of the permit under part 7007.0450, subpart 3.

16 Subp. 16. General conditions. Permits issued by the
17 agency under parts 7007.0100 to 7007.1850 shall include the
18 following general conditions, either expressly or by reference
19 to this subpart.

20 A. Unchallenged provisions of this permit remain
21 valid despite any successful challenges to specific portions of
22 the permit.

23 B. The permittee must comply with all conditions of
24 the permit. Any permit noncompliance constitutes a violation of
25 the state law and, if the provision is federally enforceable, of
26 the act. Such violation is grounds for enforcement action by
27 the agency or the EPA; or for permit termination, revocation and
28 reissuance, or amendment; or for denial of a permit reissuance
29 application.

30 C. It is not a defense for a permittee in an
31 enforcement action that it would have been necessary to halt or
32 reduce the permitted activity in order to maintain compliance
33 with the conditions of this permit.

34 D. This permit may be reopened and amended or revoked
35 for cause as provided in parts 7007.1600 to 7007.1700. The
36 filing of a request by the permittee for a permit amendment,

1 revocation and reissuance, or termination, or of a notification
2 of planned changes or anticipated noncompliance does not stay
3 any permit condition, except as specifically provided in part
4 7007.1450, subpart 7.

5 E. This permit does not convey any property rights of
6 any sort, or any exclusive privilege.

7 F. The permittee shall furnish to the agency, within
8 a reasonable time, any information that the agency may request
9 in writing to determine whether cause exists for reopening and
10 amending or revoking the permit or to determine compliance with
11 the permit. Upon request, the permittee shall also furnish to
12 the agency copies of records required to be kept by the
13 permittee.

14 G. The agency's issuance of a permit does not release
15 the permittee from any liability, penalty, or duty imposed by
16 Minnesota or federal statutes or rules or local ordinances,
17 except the obligation to obtain the permit or as specifically
18 provided in the permit shield provision and part 7007.1800.

19 H. The agency's issuance of a permit does not prevent
20 the future adoption by the agency of pollution control rules,
21 standards, or orders more stringent than those now in existence
22 and does not prevent the enforcement of these rules, standards,
23 or orders against the permittee.

24 I. The agency's issuance of a permit does not
25 obligate the agency to enforce local laws, rules, or plans
26 beyond that authorized by Minnesota statutes.

27 J. The permittee shall at all times properly operate
28 and maintain the facilities and systems of treatment and control
29 and the appurtenances related to them which are installed or
30 used by the permittee to achieve compliance with the conditions
31 of the permit. Proper operation and maintenance includes
32 effective performance, adequate funding, adequate operator
33 staffing and training, and adequate laboratory and process
34 controls, including appropriate quality assurance procedures.

35 K. The permittee may not knowingly make a false or
36 misleading statement, representation, or certification in a

1 record, report, plan, or other document required to be submitted
2 to the agency or to the commissioner by the permit. The
3 permittee shall immediately upon discovery report to the
4 commissioner an error or omission in these records, reports,
5 plans, or other documents. The permittee may not falsify,
6 tamper with, render inaccurate, or fail to install any
7 monitoring device or method required to be maintained or
8 followed by the permit.

9 L. The permittee shall, when requested by the
10 commissioner, submit within a reasonable time any information
11 and reports that are relevant to pollution or the activities
12 authorized under this permit.

13 M. If the permittee discovers, through any means,
14 including notification by the agency, that noncompliance with a
15 condition of the permit has occurred, the permittee shall
16 immediately take all reasonable steps to minimize the adverse
17 impact on human health or the environment resulting from the
18 noncompliance.

19 N. The permit is not transferable to any person
20 except as provided in part 7007.1400, subpart 1, item E.

21 O. The permit authorizes the permittee to perform the
22 activities described in the permit under the conditions of the
23 permit. In issuing the permit, the state and agency assume no
24 responsibility for damages to persons, property, or the
25 environment caused by the activities of the permittee in the
26 conduct of its actions, including those activities authorized,
27 directed, or undertaken under the permit. To the extent the
28 state and agency may be liable for the activities of its
29 employees, that liability is explicitly limited to that provided
30 in the Tort Claims Act, Minnesota Statutes, section 3.736.

31 7007.0850 PERMIT APPLICATION NOTICE AND COMMENT.

32 Subpart 1. Technical support document. For part 70
33 permits, the agency shall develop a statement that sets forth
34 the legal and factual basis for the draft permit conditions,
35 including references to the applicable statutory or regulatory

1 provisions. The agency shall send this statement to the EPA and
2 to any other person who requests it.

3 Subp. 2. Public notice and comment.

4 A. The agency shall comply with the following
5 procedures before issuing, reissuing, or making a major
6 amendment to any part 70 permit.

7 (1) The agency shall give notice:

8 (a) by publication in a newspaper of general
9 circulation in the area where the stationary source is located;

10 (b) in a list provided to the public upon
11 request by the agency upon request;

12 (c) to persons on a mailing list developed
13 by the agency, including those who request in writing to be on
14 the list; and

15 (d) by other means if necessary to assure
16 adequate notice to the affected public.

17 (2) The notice shall identify the name and
18 location of the facility to be permitted; the name and address
19 of the permittee; the name and address of the agency; the
20 activity or activities involved in the permit action; the
21 emissions change involved in any permit amendment; the name,
22 address, and telephone number of a person from whom interested
23 persons may obtain additional information, including copies of
24 the permit draft, the application, all relevant supporting
25 materials, and all other materials available to the agency that
26 are relevant to the permit decision; a brief description of the
27 comment procedures required by this part; and the time and place
28 of any meeting or hearing that may be held, including a
29 statement of procedures to request a meeting or hearing under
30 subpart 3, unless a meeting or hearing has already been
31 scheduled.

32 (3) The agency shall provide at least 30 days for
33 public comment and shall give notice of any public informational
34 meeting or contested case hearing at least 30 days in advance of
35 the meeting or hearing. The provisions of part 7001.0110
36 applies to public comments received under this part.

1 (4) The agency shall keep a record of the
2 commenters and also of the issues raised during the public
3 participation process, so that the administrator can determine
4 whether a citizen petition may be granted. The records shall be
5 available to the public.

6 B. Before issuing or reissuing a state permit, the
7 agency shall comply with the procedures in item A, subitems (1)
8 to (3). However, instead of providing notice in a newspaper of
9 general circulation as required by item A, subitem (1), unit
10 (a), the agency may provide the notice in the State Register or
11 other EPA approved general circulation notice procedure. The
12 requirements of this item also apply to any major amendment to a
13 state permit described in part 7007.1500, subpart 1, items C and
14 D, if authorized or required by the administrator.

15 C. If the agency determines that a proposed major
16 amendment to a state permit not described in item B involves
17 issues that generate or are likely to generate significant
18 material adverse comment from the public, based on previous
19 adverse public comment on the proposed amendment or related
20 issues, the agency shall comply with the procedures of item A,
21 subitems (1) to (3), before issuing the amendment. However, the
22 agency may provide the notice required by this item in either a
23 newspaper of general circulation or the State Register.

24 D. (1) If the agency determines that a proposed minor
25 or moderate amendment to a permit involves issues that generate
26 or are likely to generate significant material adverse comment
27 from the public, based on previous adverse public comment on the
28 proposed amendment or related issues, the agency shall comply
29 with the procedures of item A, subitems (1) to (3), before
30 issuing the amendment. However, the agency may provide the
31 notice required by this item in either a newspaper of general
32 circulation or the State Register.

33 (2) A proposed minor permit amendment may be made
34 subject to the public notice and comment procedures only if the
35 agency notifies the permittee of its determination within 15
36 working days of receiving the minor amendment application. If

1 the permittee has properly proceeded with a modification under
2 part 7007.1450, subpart 7, before receiving the agency's
3 determination, the permittee will not be subject to enforcement
4 action for proceeding, but will be required to cease
5 construction and operation of the modification within a
6 reasonable period. The agency will consult with the permittee
7 on when it is reasonable to cease construction and operation. A
8 proposed moderate permit amendment may be made subject to the
9 public notice and comment procedures any time prior to the
10 agency's issuance of a letter of approval authorizing
11 construction under part 7007.1450, subpart 7.

12 E. The agency shall upon request provide a list which
13 summarizes current activities involving permit applications,
14 minor, moderate, and major amendment applications, and requests
15 for administrative amendments. The agency may use an electronic
16 bulletin board in lieu of a written list.

17 Subp. 3. Requests for meetings and hearings. During the
18 public comment period, a person may request, in regard to any
19 draft permit or amendment subject to public notice under subpart
20 2, items A to D: a public informational meeting pursuant to
21 part 7001.0120, a contested case hearing pursuant to part
22 7001.0130, subpart 2, or placement of the permit on the agenda
23 of an agency board meeting pursuant to part 7000.0500, subpart
24 6. The agency's decision to grant or deny the request for a
25 public informational meeting or a contested case hearing shall
26 be based on the standards in parts 7001.0120 and 7001.0130, and
27 any meeting or hearing held shall be in accordance with those
28 parts.

29 Subp. 4. Additional procedures for permits containing
30 title I conditions. In addition to the requirements of this
31 part, the agency shall also comply with all other federal
32 requirements for public participation applicable to permits and
33 permit amendments which include title I conditions, including
34 requirements in Code of Federal Regulations, title 40, sections
35 51.102, 51.161, and 51.166(Q), as amended, to the extent
36 applicable.

1 7007.0900 REVIEW OF PART 70 PERMITS BY AFFECTED STATES.

2 The agency shall give notice of each draft part 70 permit,
3 or major amendment to a part 70 permit, to any affected state on
4 or before the time that the agency provides this notice to the
5 public as required by part 7007.0850. The agency shall notify
6 the administrator and any affected state in writing of any
7 refusal by the agency to accept all recommendations for the
8 proposed permit that the affected state submitted during the
9 public comment period. The notice shall include the agency's
10 reasons for not accepting any such recommendation.

11 7007.0950 EPA REVIEW AND OBJECTION.

12 Subpart 1. Review by EPA. The agency shall provide to the
13 administrator a copy of ~~each-proposed-permit-and-each-final~~
14 permit the following documents, unless the administrator agrees
15 to accept a summary of the ~~permit-issuance~~
16 ~~information- documents:~~

17 A. for part 70 permits, each application for a permit
18 or permit amendment, each proposed permit or permit amendment,
19 and each final permit or permit amendment; and

20 B. for state permits, each application for a permit,
21 each draft permit, each final permit, each application for a
22 major permit amendment described in part 7007.1500, subpart 1,
23 item C or D, and the draft and final versions of each such major
24 permit amendment.

25 In the case of a part 70 permit, the proposed permit or
26 permit amendment shall be provided to the administrator after
27 the draft permit or permit amendment has been subject to public
28 comment. In the case of a state permit, the draft permit or
29 permit amendment may be provided to the administrator at the
30 same time the draft permit or permit amendment is offered for
31 public comment.

32 Subp. 2. EPA objection. In the case of a part 70 permit,
33 the agency shall not issue a permit or an amendment if the
34 administrator objects to its issuance in writing within 45 days
35 of receipt of the proposed permit or amendment and any necessary

1 supporting information. In the case of a state permit, the
2 agency shall not issue a permit, or an amendment for which EPA
3 review is provided under subpart 1, if the administrator objects
4 to its issuance in writing within 30 days of receipt of the
5 draft permit or amendment and any necessary supporting
6 information.

7 Subp. 3. Public petitions to administrator regarding part
8 70 permits. If the administrator does not object in writing to
9 a part 70 permit or a major amendment to a part 70 permit under
10 subpart 2, any person may petition the administrator within 60
11 days after the expiration of the administrator's 45-day review
12 period to make such objection. Any such petition shall be based
13 only on objections to the part 70 permit or the amendment that
14 were raised with reasonable specificity during the public
15 comment period provided in part 7007.0850, unless the petitioner
16 demonstrates that it was impracticable to raise such objections
17 within such period, or unless grounds for such objection arose
18 after such period. If the administrator objects to the part 70
19 permit or the amendment as a result of a petition filed under
20 this subpart prior to agency issuance, the agency shall not
21 issue the permit or the amendment until the administrator's
22 objection has been resolved. If the permit or the amendment was
23 issued prior to the administrator's objection but after the end
24 of the EPA's 45-day review period, the agency shall reopen or
25 revoke the permit or the amendment under part 7007.1600 or
26 7007.1700 to satisfy the EPA's objection. Until amended or
27 revoked, the permit shall remain in effect. In any case, the
28 stationary source will not be in violation of the requirement to
29 have submitted a timely and complete application. The
30 administrator may also amend, terminate, or revoke a part 70
31 permit under the administrator's authority under Code of Federal
32 Regulations, title 40, section 70.8(d), as amended.

33 Subp. 4. Additional procedures for permits containing
34 title I conditions. In addition to the requirements in subparts
35 1 to 3, the agency shall also comply with all other federal
36 requirements for EPA review applicable to permits and permit

1 amendments which include title I conditions.

2 7007.1000 PERMIT ISSUANCE AND DENIAL.

3 Subpart 1. Preconditions for issuance. The agency shall
4 issue a permit or permit amendment, or reissue a permit only if
5 it determines that all of the following conditions have been met:

6 A. The agency has received a complete application for
7 a permit, permit amendment, or permit reissuance, except that a
8 complete application need not be received before issuance of a
9 general permit under part 7007.1100, subpart 4.

10 B. The agency has complied with the public
11 participation procedures for permit issuance, if required by
12 part 7007.0850.

13 C. The agency has complied with the procedures for
14 notifying and responding to affected states, if required by part
15 7007.0900.

16 D. If the administrator's review is required by part
17 7007.0950, the administrator has received a copy of the permit
18 and any notices required and has not objected to issuance of the
19 permit within the time period specified, or the administrator
20 has objected but the objection has been resolved to the
21 administrator's satisfaction.

22 E. The conditions of the permit provide for
23 compliance with all applicable requirements and the requirements
24 of parts 7007.0100 to 7007.1850, or include a schedule to
25 achieve such compliance.

26 F. The permit does not reflect a variance from any
27 federally enforceable applicable requirement or requirement of
28 parts 7007.0100 to 7007.1850.

29 G. The agency anticipates that the applicant will,
30 with respect to the stationary source and activity to be
31 permitted, comply with all conditions of the permit.

32 H. All applicable provisions of Minnesota Statutes,
33 chapter 116D, and the rules adopted under Minnesota Statutes,
34 chapter 116D, have been fulfilled.

35 Subp. 2. Grounds for denial. The following constitute

1 grounds for the agency to refuse to issue a new or modified
2 permit, or to refuse permit reissuance:

3 A. The agency is unable to make any of the
4 determinations required under subpart 1.

5 B. There exists at the stationary source to be
6 permitted unresolved noncompliance with applicable state or
7 federal pollution control statutes or rules administered by the
8 agency, or conditions of a previous or existing air emission
9 permit, and the applicant will not undertake a schedule of
10 compliance to resolve the noncompliance.

11 C. An applicant has failed to disclose fully all
12 facts relevant to the stationary source or activity to be
13 permitted, or the applicant has knowingly submitted false or
14 misleading information to the agency.

15 D. The permitted facility or activity would endanger
16 human health or the environment and the danger cannot be removed
17 by an amendment to the permit.

18 E. With respect to the stationary source or activity
19 to be permitted, the applicant has not complied with the
20 requirement to pay fees under chapter 7002.

21 F. With respect to the stationary source or activity
22 to be permitted, the applicant has failed to pay a penalty owed
23 pursuant to court order, consent decree, stipulation agreement,
24 schedule of compliance, or an order issued under Minnesota
25 Statutes, section 116.072.

26 G. The applicant has failed to prepare a pollution
27 prevention plan or submit a pollution prevention progress report
28 to the commissioner as required by Minnesota Statutes, sections
29 115D.07 and 115D.08.

30 Subp. 3. No default issuance. Failure of the agency to
31 act on a permit application shall not be deemed issuance by
32 default.

33 7007.1050 DURATION OF PERMITS.

34 Subpart 1. Part 70 permits. A part 70 permit shall expire
35 five years after issuance, except for title I conditions as

1 provided in subpart 4. The agency may issue part 70 permits for
2 stationary sources, other than affected sources, that expire in
3 less than five years but not less than three years if necessary
4 to evenly distribute the rate of reissuance applications in
5 subsequent years and if the permittee consents.

6 Subp. 2. State permits. A state permit shall not
7 automatically expire unless the agency makes the permit an
8 expiring one under subpart 5.

9 Subp. 3. General permits. A general permit that applies
10 to any stationary sources that would otherwise be required to
11 have a part 70 permit shall expire five years after the date it
12 is issued under part 7007.1100, subpart 4. A general permit
13 that only applies to stationary sources that would otherwise be
14 required to have a state permit shall not automatically expire
15 unless the agency makes the permit an expiring one under subpart

16 5. Subp. 3a. Registration permits. A registration permit shall not expire.

17 Subp. 4. Title I conditions. Title I conditions, and the
18 permittee's obligation to comply with them, shall not expire,
19 regardless of the expiration of the other conditions of the
20 permit.

21 Subp. 5. Expiring state and general permits. The agency
22 may elect to make state permits and general permits (except
23 general permits that apply to stationary sources otherwise
24 required to have a part 70 permit) expire five years after
25 issuance if the agency determines that an expiring permit would
26 significantly improve the likelihood of continuing compliance
27 with applicable requirements and the terms of the permit.
28 Grounds for such a determination include, but are not limited
29 to, the following:

30 A. the stationary source has a history of
31 noncompliance with applicable requirements or with an air
32 emissions permit;

33 B. the applicable requirements to which the
34 stationary source is currently subject are expected to change
35 substantially within the next five years; or

36 C. the stationary source is likely to make

1 substantial changes within the next five years making it subject
2 to additional applicable requirements.

3 This subpart does not apply to any title I condition.

4 Subp. 6. Effect of permit expiration. Except as provided
5 in part 7007.0450, subpart 3, permits issued under parts
6 7007.0100 to 7007.1850 shall expire at the expiration date
7 stated in the permit. Permit expiration terminates the
8 stationary source's right to operate, even if the permit
9 contains title I conditions which do not expire.

10 Subp. 7. Voiding an existing permit. The agency shall
11 void a permit issued under parts 7001.1200 to 7001.1220 or
12 7007.0050 to 7007.1850, if it determines that the stationary
13 source no longer requires the permit under existing law. A
14 permittee may request the agency to void a permit. An agency
15 determination to void a permit under this subpart must be in
16 writing and shall explicitly identify the permit in question and
17 state why the permit is no longer required. The agency shall
18 send any such determination to the permittee.

19 7007.1100 GENERAL PERMITS.

20 Subpart 1. Criteria. If the agency determines that
21 numerous similar stationary sources are subject to the same or
22 substantially similar regulatory requirements, the agency may
23 issue a permit required under parts 7007.0200 and 7007.0250 in
24 the form of a general permit applying to multiple sources
25 following the procedures in subparts 2 to 7. The agency may
26 also issue general permits under this part which apply only to
27 specific portions of stationary sources, including air pollution
28 control equipment, if the specific portions are subject to the
29 same or substantially similar regulatory requirements. The
30 agency shall not issue general permits for affected sources
31 under the acid rain program unless general permits are
32 authorized by regulations promulgated under title IV of the act
33 (Acid Deposition Control).

34 Subp. 2. Public participation. The agency shall follow
35 the same public participation procedures in part 7007.0850,

1 subparts 2 and 3, for individual permits except as stated
2 otherwise in this subpart. The notice of the agency's intent to
3 publish a general permit need not be published in newspapers of
4 general circulation but shall be published in the State
5 Register. The notice need not include any facility specific
6 information. The notice issued by the agency shall identify
7 criteria for stationary sources that qualify for the general
8 permit and identify the geographic area in which it applies.
9 The agency need not comply with part 7007.0850, subpart 2, item
10 A, subitem (4), unless the stationary source category includes
11 stationary sources subject to the requirement to obtain part 70
12 permits.

13 Subp. 3. EPA and affected state review. If the stationary
14 source category to which the general permit applies includes
15 stationary sources that would otherwise require individual part
16 70 permits, the agency shall comply with all provisions for EPA
17 and affected state review and objection in parts 7007.0900 and
18 7007.0950. The agency shall comply with provisions for EPA
19 review and objection under part 7007.0950 in the case of all
20 other general permits.

21 Subp. 4. Issuance in general. Following the close of the
22 comment period and any public meeting or contested case hearing
23 ordered, the agency may issue the general permit. If the
24 general permit applies to any stationary sources that would
25 otherwise be required to have a part 70 permit, the general
26 permit shall include all requirements of parts 7007.0100 to
27 7007.1850 applicable to part 70 permits. All general permits
28 shall include the requirements applicable to state permits.
29 However, nothing in this subpart shall be construed to require
30 the agency to include in the general permit stationary source
31 specific information incompatible with the concept of a general
32 permit.

33 Subp. 5. Application. Stationary sources that would
34 qualify for a general permit must apply to the agency for
35 coverage under the terms of the general permit or must apply for
36 an individual permit consistent with part 7007.0500. If a

1 stationary source elects to apply for coverage under the general
2 permit, the stationary source must submit an application meeting
3 the requirements of parts 7007.0100 to 7007.1850, unless the
4 agency states in the public notice of the general permit that
5 certain conditions do not apply. The application must include
6 all information necessary to determine qualification for, and to
7 assure compliance with, the general permit.

8 Subp. 6. Issuance of general permit to a stationary source.

9 The agency may issue a general permit to a stationary source
10 without repeating the notice and comment procedures required
11 under part 7007.0850, subpart 2. However, the agency shall make
12 available to the public upon request a list of facilities for
13 which a general permit application has been received.

14 Subp. 7. Permit shield. Notwithstanding the permit shield
15 provisions of part 7007.1750, a stationary source that obtains a
16 general permit shall be subject to enforcement action for
17 operation without a permit if the stationary source is later
18 determined not to qualify for the conditions and terms of the
19 general permit.

7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.

Subpart 1. Stationary sources that may obtain a registration permit. A stationary source that qualifies for a registration permit under this part and part 7007.1115 (Option A), 7007.1120 (Option B), 7007.1125 (Option C), or 7007.1130 (Option D) may elect to apply to the commissioner for a registration permit instead of a part 70, state, or general permit, except as provided in subpart 2.

Subp. 2. Stationary sources that may not obtain a registration permit.

A. A stationary source may not obtain a registration permit if it is required to obtain a permit under parts 7007.0200, subpart 3 (acid rain affected sources), 7007.0200, subpart 4 (solid waste incinerators, waste combustors), 7007.0200, subpart 5 (other part 70 sources), 7007.0250, subpart 3 (state implementation plan required state permit), or 7007.0250, subpart 6 (waste combustors).

B. A stationary source may not obtain a registration permit if it is subject to a new source performance standard other than the following:

(1) Code of Federal Regulations, title 40, part 60, subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (incorporated by reference in part 7011.0570);

(2) Code of Federal Regulations, title 40, part 60, subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After June 11, 1973 and Prior to May 19, 1978 (incorporated by reference in part 7011.1520, item A);

(3) Code of Federal Regulations, title 40, part 60, subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After May 18, 1978 and Prior to July 23, 1984 (incorporated by reference in part 7011.1520, item B);

(4) Code of Federal Regulations, title 40, part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Storage Vessels) for Which Construction, Reconstruction or Modification Commenced After July 23, 1984 (incorporated by reference in part 7011.1520, item C);

(5) Code of Federal Regulations, title 40, part 60, subpart DD, Standards of Performance for Grain Elevators (incorporated by reference in part 7011.1005, subpart 2);

(6) Code of Federal Regulations, title 40, part 60, subpart EE, Standards of Performance for Surface Coating of Metal Furniture (incorporated by reference in part 7011.2550);

(7) Code of Federal Regulations, title 40, part 60, subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances (incorporated by reference in part 7011.2565);

(8) Code of Federal Regulations, title 40, part 60, subpart JJJ, Standards of Performance for Petroleum Dry Cleaners (incorporated by reference in part 7011.3250);

(9) Code of Federal Regulations, title 40, part 60, subpart OOO, Standards of Performance for Nonmetallic Mineral Processors (incorporated by reference in part 7011.3350); and

(10) Code of Federal Regulations, title 40, part 60, subpart TTT, Standards of Performance for Industrial Surface Cleaning of Plastic Parts for Business Machines (incorporated by reference in part 7011.2580).

Subp. 3. Registration permit application. Items A to D apply to registration permit applications submitted under parts 7007.1110 to 7007.1130.

A. The owner or operator of a stationary source must apply for a registration permit prior to the applicable deadline in parts 7007.0350 and 7007.0400. If the owner or operator has submitted a complete application for a state, part 70, or general permit prior to the application deadline in part 7007.0350 or 7007.0400 and is eligible for a registration permit, then the owner or operator may apply for a registration permit and shall request to have the original application voided.

B. The owner or operator of a stationary source must submit the registration permit application on a standard application form provided by the commissioner. The commissioner may create different application forms for the different registration permit options available under parts 7007.1115 to 7007.1130.

C. Any owner or operator of a stationary source who fails to submit any relevant facts or who has submitted incorrect information in an application for a registration permit shall, upon becoming aware of such failure or incorrect information, promptly submit to the commissioner such supplementary facts or corrected information. This requirement applies both while the permit application is pending before the commissioner and after a registration permit is issued.

D. If the commissioner determines during review of the application that additional information is needed to evaluate the registration permit application or to verify that the stationary source qualifies for a registration permit under parts 7007.1110 to 7007.1130, the commissioner may request the information from the applicant, and the applicant shall submit the information to the commissioner by the date specified in the request.

Subp. 4. Registration permit certifications. All registration permit applications, reports, and record keeping, testing, or monitoring submittals to the commissioner under parts 7007.1110 to 7007.1130 shall include a certification made by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. The certification that is submitted by the owner or operator with a registration permit application must additionally state that the stationary source will be operated in compliance with all applicable requirements, and shall be signed by a responsible official of both the owner and the operator of the stationary source if they are not the same.

Subp. 5. Registration permit issuance, denial, and revocation. The commissioner shall issue a registration permit to the owner or operator of a stationary source if the owner or operator has submitted a complete application for a registration permit and the commissioner determines that the stationary source qualifies for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted, and the commissioner anticipates that the stationary source will comply with the registration permit. The commissioner shall deny an application for a registration permit if the commissioner determines that the stationary source does not qualify for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted or that the stationary source will not be able to comply with the registration permit. The grounds for permit denial in part 7007.1000, subpart 2, items B to G, also constitute grounds for the commissioner to deny a registration permit application. The commissioner may revoke a registration permit, if the commissioner finds that any of the grounds under subpart 16 or under part 7007.1700, subpart 1, exist, by following the procedure in part 7007.1700, subpart 2.

Subp. 6. Registration permit content. A registration permit shall identify the stationary source, the owner and operator of the stationary source, where the stationary source is allowed to operate, and shall state as follows: "The permittee shall comply with *Minnesota Rules*, part 7007.1110, part [insert 7007.1115, 7007.1120, 7007.1125, or 7007.1130, whichever one applies], and all applicable requirements."

Subp. 7. Registration permit compliance requirements. The owner and operator of the stationary source issued a registration permit, shall comply with:

- A. this part including the general conditions in subpart ~~20~~ 21;
- B. part 7007.1115 (Option A), 7007.1120 (Option B), 7007.1125 (Option C), or 7007.1130 (Option D), whichever applies; and
- C. all applicable requirements.

Subp. 8. Emission inventory required for stationary sources issued registration permits. The owner or operator of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130 must submit an annual emission inventory to the commissioner under parts 7019.3000 to 7019.3010.

Subp. 9. Record retention, access to records, and inspections for stationary sources issued registration permits.

A. The owner or operator of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130 must maintain at the stationary source for a period of five years from the date the record was made all information required to be recorded under applicable state and federal rules, and part 7007.1115, 7007.1120, 7007.1125, or 7007.1130, whichever part applies to the stationary source. The owner or operator must make these records available for examination and copying upon request of the commissioner, and must upon request submit these records to the commissioner by the time specified by the commissioner in the request.

B. The owner or operator of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130 must provide the commissioner, or an authorized representative or agent of the commissioner, access to the stationary source (including allowing the collection of samples), and records to the extent provided under Minnesota Statutes, section 116.091, or other law, upon presentation of credentials and other documents required by law. Nothing in this subpart shall be read to limit the commissioner's, agency's, or administrator's authority under Minnesota Statutes, section 116.091, section 114 of the act, or other law.

Subp. 10. Changes or modifications at stationary sources issued registration permits that trigger certain new source performance standards. If a change or modification made at a stationary source issued a registration permit results in the stationary source being subject to a new source performance standard listed under subpart 2, item B, or if the change or modification adds an emissions unit subject to the standards listed in part 7007.0300, the owner or operator must submit to the commissioner:

- A. the information required by the standard in the time specified in the standard;
- B. with the notice in item A, a written notice containing a description of the change if the change triggers a new source performance standard; and

C. with the notice in item A, a copy of the applicable new source performance standard, with the applicable portions of the new source performance standard (NSPS) highlighted (including applicable parts of *Code of Federal Regulations*, title 40, part 60, subpart A, General Provisions), or an NSPS checklist form provided by the commissioner that identifies applicable portions of the new source performance standard.

Subp. 11. Change rendering stationary source ineligible for a registration permit or that changes the applicable registration permit option. If the owner or operator makes a change at a stationary source issued a registration permit which increases emissions, including a change described in subpart 10, and results in the stationary

source no longer being able to qualify for or meet the requirements for its registration permit, and the change is not a modification, as defined in part 7007.0100, subpart 14, then the owner or operator must:

A. within 30 days of making the change, submit a written notification to the commissioner that includes a description of the change, and a statement of what type of permit application the owner or operator will submit; and

B. if the change results in the requirement for the submittal of a registration permit application under a different option, then the registration permit application shall be submitted with the 30-day notice required under item A, or within 90 180 days of making the change, submit the required part 70, state, or general permit application.

If the owner or operator fails to submit the required permit application in the time required by this subpart, the owner or operator shall lose its right to operate the stationary source and shall be considered to be in violation of part 7007.0150, subpart 1. Once a stationary source has made a change rendering it ineligible for all registration permit options under parts 7007.1110 to 7007.1130, the stationary source may only become eligible for a registration permit again if it meets the requirements of subpart 14.

Subp. 12. Modification rendering stationary source ineligible for its current registration permit option.

Items A to C apply to the owner or operator of a stationary source that has been issued a registration permit and that wants to make a modification which results in the stationary source no longer being able to meet the requirements for the registration permit option for which it was issued a registration permit, but which will result in the stationary source being eligible for another registration permit option.

A. The owner or operator must submit the required permit application to the commissioner before beginning actual construction on the modification.

B. The owner or operator may begin actual construction on and commence operation of the modification proposed in the permit application seven working days after the permit application is received by the commissioner.

C. Until the commissioner acts on the permit application, the owner or operator must comply with the requirements of the registration permit option for which the owner or operator applied, and all applicable requirements. During this time period, the owner or operator need not comply with the registration permit requirements specific to the option under which the owner or operator currently holds a registration permit.

Subp. 13. Modification rendering stationary source ineligible for a registration permit. The owner or operator of a stationary source that has been issued a registration permit must submit a part 70, state, or general permit application before making a modification which results in the stationary source no longer qualifying for any registration permit option under parts 7007.1110 to 7007.1130. The owner or operator may not begin actual construction on the modification until the required part 70, state, or general permit for the stationary source is obtained, or an installation and operation permit for the modification is obtained under part 7007.0750, subpart 5. Once a stationary source has made a modification rendering it ineligible for all registration permit options under parts 7007.1110 to 7007.1130, the stationary source may only become eligible for a registration permit again if it meets the requirements of subpart 14.

Subp. 14. Addition of control equipment, removal of emission units, or pollution prevention practices which result in or reinstate registration permit eligibility. If through the addition of listed control equipment, permanent removal of emissions units, or implementation of pollution prevention practices the stationary source qualifies for or reinstates eligibility for a registration permit under parts 7007.1110 to 7007.1130, the owner or operator may apply for a registration permit. If the stationary source qualifies for or reinstates eligibility for a registration permit due to implementation of pollution prevention practices, the owner or operator shall submit a description of the pollution prevention practices with the registration permit application for the commissioner's review and approval. For purposes of this subpart, "pollution prevention practices" means eliminating or reducing the quantity or toxicity of

regulated air pollutants, or hazardous air pollutants that are not regulated air pollutants, used by or emitted from the stationary source. Emission reductions are not reductions if the decrease is solely the result of a decrease in production at the stationary source.

Subp. 15. **Change of ownership or control of stationary source issued a registration permit.** Prior to a change in the ownership or control of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130, the new owner or operator must apply for and obtain a registration permit for the stationary source submit a change of ownership form provided by the commissioner. If the commissioner determines that the owner or operator meets the requirements of parts 7007.1110 to 7007.1130 for registration permit issuance, then the commissioner shall issue the registration permit to the new owner or operator.

Subp. 16. **Application for a different type of permit.** The owner or operator shall submit an application for a part 70, state, or general permit, or a different registration permit option, within 120 days of the commissioner's written request for the application if the commissioner determines that:

- A. the stationary source has a history of noncompliance with applicable requirements or with its registration permit;
- B. the stationary source does not qualify for a registration permit;
- C. the stationary source qualifies for a different registration permit option under parts 7007.1110 to 7007.1130; or
- D. the applicable requirements to which the stationary source is subject are about to or have changed substantially.

Subp. 17. **Voiding an existing permit.** The commissioner shall void a part 70 or state permit for a stationary source which is issued a registration permit. A stationary source which is covered under the terms of a general permit is no longer covered by the general permit when it is issued a registration permit. The commissioner shall void a registration permit issued under one registration permit option for a stationary source that is issued a registration permit for a different registration permit option. The commissioner shall void a registration permit for a stationary source that is issued a part 70, state or general permit.

Subp. 18. **No circumvention; permit shield.**

A. The owner or operator of a stationary source that obtains a registration permit shall be subject to enforcement action for operation without a permit if the commissioner later determines that the stationary source does not qualify for the registration permit.

B. The permit shield under part 7007.1800 shall not apply to registration permits.

Subp. 19. **List of registration permit facilities.** The commissioner shall make available to the public upon request a list of facilities that have been issued registration permits under parts 7007.1110 to 7007.1130.

Subp. 20. **Operation in more than one location.** If requested by the applicant, the registration permit may allow a stationary source to be operated in more than one location. If more than one location is proposed by the permittee, the permittee shall:

A. include in the application an identification of all geographic areas where the stationary source is authorized to operate during the course of the permit; and

B. notify the commissioner at least ten days in advance of each change in location, providing the exact location where the source will operate.

Subp. 21. Registration permit; general conditions. Registration permits issued by the commissioner under parts 7007.1110 to 7007.1130 shall include the general conditions in items A to O, which are included in the permit by reference to part 7007.1110 as a whole.

A. Unchallenged provisions of the permit remain valid despite any successful challenges to specific portions of the permit.

B. The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of state law and, if the provision is federally enforceable, of the act. Such violation is grounds for enforcement action by the commissioner, the agency, or the EPA; or for permit revocation.

C. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

D. The permit may be revoked for cause as provided in subpart 5. The filing of a request by the permittee for a different type of permit, a different registration permit option, for revocation or termination of this permit, or for a notification of planned changes or anticipated noncompliance does not stay any permit condition, except as specifically provided in subpart 12.

E. The permit does not convey any property right of any sort, or any exclusive privilege.

F. The permittee shall furnish to the commissioner, within a reasonable time, any information that the commissioner may request in writing to determine whether cause exists for revoking the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the commissioner copies of records to be kept by the permittee.

G. The commissioner's issuance of the permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain a permit.

H. The commissioner's issuance of the permit does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the permittee.

I. The commissioner's issuance of the permit does not obligate the commissioner to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes.

J. The permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

K. The permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the commissioner by the permit. The permittee shall immediately upon discovery report to the commissioner an error or omission in these records, reports, plans, or other documents. The permittee may not falsify, tamper with, render inaccurate, or fail to install any monitoring device or method required to be maintained or followed by the permit.

L. The permittee shall, when requested by the commissioner, submit within a reasonable time any information and reports that are relevant to pollution or the activities authorized under the permit.

M. If the permittee discovers, through any means, including notification by the commissioner, that noncompliance with a condition of the permit has occurred, the permittee shall immediately take all reasonable steps to minimize the adverse impact on human health or the environment resulting from the noncompliance.

N. The permit is not transferable to any person.

O. The permit authorizes the permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state, the agency, and the commissioner assume no responsibility for damages to persons, property, or the environment caused by the activities of the permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state, the agency, and the commissioner may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.376.

Subp. ~~21~~ 22. Parts that do not apply to registration permits. Parts 7007.0500 to 7007.0950; 7007.1000, subpart 1; 7007.1100; 7007.1150 to 7007.1250; 7007.1350 to 7007.1650; and 7007.1800 do not apply to registration permits under parts 7007.1110 to 7007.1130.

7007.1115 REGISTRATION PERMIT OPTION A.

Subpart 1. Eligibility. The owner or operator of a stationary source may apply for a registration permit under this part if the stationary source is required to obtain a permit solely because it is subject to a new source performance standard listed in part 7007.1110, subpart 2, item B, and the owner or operator does not anticipate making changes in the next year which will cause the stationary source to require a permit for other reasons. Insignificant activities at the stationary source listed in part 7007.1300 are not considered in the eligibility determination under this subpart.

Subp. 2. Application content. An application for a registration permit under this part must contain the following:

A. information identifying the stationary source and its owner or operators, including company name and address (plant name and address if different from the company name), owner's name and agent, and contact telephone numbers, including names of plant site manager or contact, and the person preparing the application if different;

B. a description of the stationary source's processes and products, by Standard Industrial Classification (SIC) code; and

C. a copy of the applicable new source performance standards (NSPS) listed in part 7007.1110, subpart 2, item B, with the applicable portions of the standards highlighted, including applicable parts of *Code of Federal Regulations*, title 40, part 60, subpart A, General Provisions, or an NSPS checklist form provided by the commissioner, for each affected facility as defined in *Code of Federal Regulations*, title 40, section 60.2.

Insignificant activities at the stationary source listed in part 7007.1300 are not required to be included in the application.

Subp. 3. Compliance requirements. The owner or operator of a stationary source issued a registration permit under this part must:

- A. meet the eligibility requirements of subpart 1 at all times;
- B. comply with part 7007.1110; and
- C. comply with all applicable requirements, including new source performance standards.

7007.1120 REGISTRATION PERMIT OPTION B.

Subpart 1. Eligibility. The owner or operator of a stationary source may apply for a registration permit under this part if:

- A. the stationary source purchases or uses less than 2,000 gallons of VOC-containing materials ~~in any on a 12-month period~~ rolling sum basis;
- B. the only emissions from the stationary source are from VOC-containing materials, fugitive emissions from roads or parking lots, or are from insignificant activities under part 7007.1300; and
- C. the owner or operator does not anticipate making changes in the next 12 months which will cause the stationary source to purchase or use 2,000 gallons or more of VOC-containing materials ~~in any on a 12-month period~~ rolling sum basis.

Subp. 2. Application content. An application for a registration permit under this part must contain the following:

- A. information identifying the stationary source and its owners or operators, including company name and address (plant name and address if different from the company name), owner's name and agent, and contact telephone numbers, including names of plant site manager or contact, and the person preparing the application if different;
- B. a description of the stationary source's processes and products by Standard Industrial Classification (SIC) code;
- C. a copy of the applicable new source performance standards (NSPS) listed in part 7007.1110, subpart 2, item B, with the applicable portions of the standards highlighted, including applicable parts of *Code of Federal Regulations*, title 40, part 60, subpart A, General Provisions, or an NSPS checklist form provided by the commissioner, for each affected facility as defined in *Code of Federal Regulations*, title 40, section 60.2;
- D. a statement of whether the owner or operator will base records required under subpart 3 on the purchase or use of VOC-containing materials; and
- E. for stationary sources in operation on the effective date of this part, the gallons of VOC-containing materials purchased or used ~~in the on a 12-month period preceding the application~~ rolling sum basis. If the stationary source has not been operated, the owner or operator shall estimate the gallons of VOC-containing materials that will be purchased or used ~~over on a 12-month period~~ rolling sum basis during normal operation using a worksheet provided by the agency commissioner. If the stationary source has been operated less than 12 months on the effective date of application under this part, the owner or operator shall calculate gallons of

VOC-containing materials purchased or used by multiplying 12 months by the larger of the two following monthly averages:

- (1) the average monthly gallons purchased or used; or
- (2) the estimated average monthly gallons purchased or used for normal operation.

Insignificant activities at the stationary source listed in part 7007.1300 are not required to be included in the application.

Subp. 3. Compliance requirements. The owner or operator of a stationary source issued a registration permit under this part shall:

- A. record each month the amount of VOC-containing materials purchased or used (whichever was stated in the permit application) during that calendar month;
- B. recalculate and record each month ~~for the previous 12 months the total amount~~ 12-month rolling sum of VOC-containing materials purchased or used (whichever was stated in the permit application), the date the calculation was made, and the calculation itself;
- C. record qualification monthly by comparing the 12-month rolling sum for the purchase or use (whichever was stated in the permit application) less than 2,000 gallons of VOC-containing materials in any 12-month period to the 2,000 gallon limit;
- D. have emissions from the stationary source only from VOC-containing materials, from fugitive emissions from roads or parking lots, or from insignificant activities under part 7007.1300;
- E. comply with part 7011.1110; and
- F. comply with all applicable requirements, including new source performance standards.

7007.1130 REGISTRATION PERMIT OPTION D.

Subpart 1. Eligibility. The owner or operator of a stationary source may apply for a registration permit under this part if the stationary source meets the following criteria:

- A. all emissions units at the stationary source are either included in calculations in subpart 4, or are insignificant activities under part 7007.1300;
- B. the 12-month rolling sum of actual emissions in any ~~12-month~~ period at the stationary source for each pollutant are less than the thresholds in subpart 5; and
- C. the owner or operator does not anticipate making changes in the next year which will cause the stationary source's 12-month rolling sum of actual emissions to exceed any threshold in tons per year listed in subpart 5.

Subp. 2. Application content. An application for a registration permit under this part must contain all of the following requirements:

- A. information identifying the stationary source and its owners or operators, including company name and address (plant name and address if different from the company name), owner's name and agent, and contact telephone numbers, including names of plant site manager or contact, and the person preparing the application if different;
- B. a description of the stationary source's processes and products, by Standard Industrial Classification (SIC) code;
- C. a copy of the applicable new source performance standards (NSPS) listed in part 7007.1110, subpart 2, item B, with the applicable portions of the standards highlighted, including applicable parts of *Code of Federal Regulations*, title 40, part 60, subpart A, General Provisions, or an NSPS checklist form provided by the commissioner, for each affected facility as defined in *Code of Federal Regulations*, title 40, section 60.2;
- D. a statement of whether the owner or operator will base records required under subpart 3 on the purchase or the use of VOC-containing or hazardous air pollutant-containing materials and on the purchase or use of fuels;
- E. the calculations required by subpart 4, and the total actual emissions per pollutant that result from those calculations. If the stationary source has not been operated, the owner or operator shall estimate actual emissions during normal operation in performing the calculations required by subpart 4. If the stationary source has been operated less than 12 months on the effective date of application under this part, the owner or operator shall estimate actual emissions by multiplying by 12 the larger of the following:
 - (1) the average monthly actual emissions; or
 - (2) the estimated average monthly actual emissions during normal operation; and
- F. if the calculations required by subpart 4 used control equipment efficiencies for listed control equipment determined by part 7011.0070, a copy of the portion of the control equipment manufacturer's specifications with the operating parameters required to be monitored under part 7011.0080 highlighted, and if the efficiency is based on an alternative control efficiency under part 7011.0070, subpart 2, a copy of the performance test plan with the operating parameters highlighted.

Insignificant activities at the stationary source listed in part 7007.1300 are not required to be included in the application.

Subp. 3. Compliance requirements. The owner or operator of a stationary source issued a permit under this part shall comply with all of the requirements in items A to I.

A. If the stationary source qualified in the permit application, in whole or in part, by calculating VOC and hazardous air pollutant actual emissions from VOC-containing or hazardous air pollutant-containing materials, purchased or used (whichever was stated in the permit application), the owner or operator must:

(1) record each month, the amount of each VOC-containing or hazardous air pollutant-containing material purchased or used (whichever was stated in the permit application), and the VOC and hazardous air pollutant content;

(2) maintain a record of the material data safety sheet (MSDS), or a signed statement from the supplier stating the maximum VOC or hazardous air pollutant content, for each VOC-containing or hazardous air pollutant-containing material purchased or used (whichever was stated in the permit application); and

(3) recalculate and record each month for the previous ~~12~~ months, the 12-month rolling sum of actual VOC and hazardous air pollutant emissions from VOC-containing and hazardous air pollutant-containing materials purchased or used (whichever was stated in the permit application), the date the calculation was made, and the calculation itself.

B. If the stationary source qualified in the permit application, in whole or in part, by using fuel burned in the calculations in subpart 4, the owner or operator must:

(1) record each month the amount of each fuel purchased or used (whichever was stated in the permit application); and

(2) recalculate and record each month the 12-month rolling sum emissions for the preceding ~~12~~ months, the date the calculation was made, and the calculation itself.

C. If the stationary source qualified in the permit application, in whole or in part, by using hours of operation in the calculations in subpart 4, the owner or operator must:

(1) record each month the hours operated for each emissions unit, rounded to the nearest hour; and

(2) recalculate and record each month the 12-month rolling sum emissions for the preceding ~~12~~ months, the date the calculation was made, and the calculations itself.

D. If the stationary source qualified in the permit application, in whole or in part, by calculating actual emissions under subpart 4 based on the quantity of material handled or throughput, or product produced, the owner or operator must:

(1) record each month for each material handled or throughput and for each product produced, the amount of the material handled or throughput and the amount of product produced; and

(2) recalculate and record each month for the previous ~~12-month period~~ for each material handled or throughput and for each product produced, the 12-month rolling sum of emissions, the date the calculation was made, and the calculation itself.

E. The owner or operator must recalculate and record each month for the previous ~~12~~ months, pursuant to subpart 4, the 12-month rolling sum of actual emissions from the stationary source, the date the calculation was made, and the calculation itself. This calculation must include all emissions units at the stationary source, except for insignificant activities under part 7007.1300, and the information required by subpart 4, item B, subitem (2), if continuous emissions monitor (CEM) data is used in the calculation.

F. If the stationary source qualified in the permit application, in whole or in part, by using control equipment efficiencies for listed control equipment determined under part 7011.0070, the owner or operator shall comply with parts 7011.0060 to 7011.0080. If the calculations required by subpart 4 used control equipment efficiencies based on an alternative control efficiency under part 7011.0070, subpart 2, the owner or operator shall also comply with the operating parameters of the performance test that established the alternative control efficiency.

G. The 12-month rolling sum of actual emissions from the stationary source determined pursuant to subpart 4 must not exceed the thresholds in subpart 5 for any pollutant in any 12-month period.

H. Comply with part 7011.1110.

I. Comply with all applicable requirements including new source performance standards.

J. If the calculation of actual emissions required by subpart 2, item E, for the application or by subpart 3, item E, for compliance verification exceeds five tons per year of sulfur dioxide or particulate matter less than ten microns, the owner or operator shall keep the following at the stationary source for all emission points venting to these emission units:

(1) the location of the emission points;

(2) the potential emissions, as defined in part 7007.0150, subpart 4, in pounds per hour of sulfur dioxide and PM-10; and

(3) the gas flow rate and temperature, stack height, and diameter.

Subp. 4. Calculation of actual emissions. ~~To calculate actual emissions under this part, The owner or operator of a stationary source shall may use a calculation worksheet provided by the commissioner for calculating actual emissions under this part, or may use the calculation methods under items A to E. The owner or operator must calculate actual emissions for each emissions unit, except that similar emissions units may be aggregated for emission calculation purposes.~~ The owner or operator of a stationary source shall use the calculation method in item B instead of the calculation method in item A if the data described in item B are available for the stationary source. The alternative methods described in items C, D, and E may be used by the owner or operator without advance notification to the commissioner. The commissioner shall reject data submitted using the methods described in items B to E if the conditions set forth for the method are not fully met. To prevent double counting of emissions, the owner or operator must select one calculation method under this subpart for each emissions unit at the stationary source. Fugitive emissions must be included in the calculations under this subpart, ~~except for fugitive emissions from roads and parking lots at the stationary source.~~ For purposes of this subpart, "emission factor" has the meaning given in part 7007.1200, subpart 3, item B.

A. Under this subpart, owners and operators of stationary sources must calculate actual emissions for each emissions unit for each pollutant. All calculations of actual emissions required under this part shall be based on the stationary source's operating parameters, and must use the following equation:

$$E = OP \times EF \times [1 - CE], \text{ where}$$

E = Actual Emissions in tons per year

OP = Operating Parameter as required by the Emission Factor (hours of operation or units produced)

EF = Emission Factor (pounds of pollutant per hour of operation or units produced). ~~The emission factor used in this calculation shall be an EPA emission factor.~~

CE = Control Efficiency (percent expressed as a decimal fraction of 1.00) determined according to part 7011.0070.

B. If the owner or operator of the stationary source has collected emissions data through use of a continuous emission monitor (CEM), the owner or operator shall use the CEM data to calculate actual emissions, if the following requirements are met:

(1) the owner or operator must have operated the CEMs at the stationary source in compliance with all of the requirements of parts 7017.1000; 7019.1000 and 7019.2000; any other applicable state rules or federal regulations pertaining to CEM operation; and all applicable air emission permit conditions;

(2) the total operating time of the applicable emissions unit and the total operating time of the CEM for the previous 12 consecutive months must be included in the permit application and in the monthly records required in subpart 3; and

(3) an explanation of how the emissions were calculated based on the CEM data must be included in the permit application and in the monthly records required in subpart 3. In calculating actual emissions, the owner or operator must use the rated capacity of the flow unless the CEM provides actual data on the flow rate. For CEM downtime, this calculation must apply EPA emission factors, performance test data as specified in item C, or the method of reporting CEM downtime specified in Code of Federal Regulations, title 40, part 75 (Acid Rain Program, Continuous Emission Monitoring). This method may be used by any stationary source with a CEM, regardless of whether federal regulations require use of the CEM.

C. Emission factors from performance tests may be used for the calculation of actual emissions, provided that the performance tests met all the requirements of parts 7017.2001 to 7017.2060, and all other applicable state rules and federal regulations governing performance tests.

D. A material balance method may be used to calculate VOC actual emissions. The owner or operator of a stationary source that uses material balance to calculate VOC actual emissions shall determine total VOC actual emissions (E) using the following equation:

$E = (a - b - c) \times (1 - d)$, where:

a = the amount of VOC entering the process. A signed statement from the supplier or the material safety data sheet must be submitted stating the maximum amount of VOC in any material that was used in the process.

b = the amount of VOC incorporated permanently into the product. This includes VOCs chemically transformed in production. It does not include latent VOC remaining in the product that will at some time be released to the atmosphere. An explanation of this calculation must also be submitted.

c = the amount of VOC, if any, leaving the process as waste, or otherwise not incorporated into the product and not emitted to the air.

d = the control efficiency (percent expressed as a decimal fraction of 1.00) determined according to part 7011.0070.

E. The owner or operator of a stationary source may determine sulfur dioxide actual emissions by measuring the sulfur content of the fuel and assuming that all of the sulfur in the fuel is oxidized to sulfur dioxide. The sulfur content of each batch of fuel received must be measured by an independent laboratory using ASTM methods or verified by vendor certification. The sulfur dioxide actual emissions shall be determined for each batch of fuel received by using the following equation:

$SO_2 = \%S/100 \times F/2,000 \times 2$, where:

SO_2 = Sulfur dioxide emissions from a batch of fuel.

$\%S$ = Weight percent sulfur in the fuel being burned.

F = Amount of fuel burned by weight in pounds.

2,000 = Pounds per ton.

2 or 64/32 = Pounds of sulfur dioxide per pound of sulfur in one pound-mole.

The total sulfur dioxide emissions for the year shall be the sum total of the individual batch totals.

Subp. 5. Emissions thresholds. The owner or operator must calculate actual emissions for the stationary source using the calculations under subpart 4 and the calculated 12-month rolling sum of actual emissions must be below the thresholds listed in Table 3.

TABLE 3
OPTION D EMISSIONS THRESHOLDS

POLLUTANT	THRESHOLD (ton/year)
HAP	5 tons/year for a single HAP 12.5 tons/year total for all HAPs
PM	50 tons/year
PM-10	50 tons/year for an Attainment Area 25 tons/year for a Nonattainment Area
VOC	50 tons/year
SO ₂	50 tons/year
NO _x	50 tons/year
CO	50 tons/year
Pb	0.5 tons/year

20 7007.1150 WHEN A PERMIT AMENDMENT IS REQUIRED.

21 ~~Subpart 17--Scope; requirement to get a permit amendment.~~

22 A. Parts 7007.1150 to 7007.1500 describe changes at a
23 permitted stationary source that require a permit amendment or
24 notice to the agency. Item C requires notice to the agency
25 before pollution control equipment or replacement units with
26 lower emissions are installed at a permitted stationary source.
27 Parts 7007.1250 and 7007.1350 describe the two categories of
28 modifications that may be made without obtaining a permit
29 amendment, and the procedures that apply. Part 7007.1400
30 establishes the process for getting an administrative amendment
31 to a permit. Part 7007.1450 establishes the process for getting
32 a minor permit amendment, needed to make certain modifications
33 resulting in emission increases below listed thresholds, and for
34 getting moderate permit amendments, needed to make certain
35 modifications resulting in emissions increases above the minor

1 threshold levels. Part 7007.1500 establishes the process for
 2 getting major permit amendments, needed to make modifications
 3 that are not allowed under the other parts. Any modification
 4 that constitutes a title I modification, as defined in part
 5 7007.0100, subpart 26, may only be made under part 7007.1500.
 6 Part 7007.1200 describes how emission changes should be
 7 calculated under parts 7007.1250 to 7007.1500.

8 B. No modification, as defined in part 7007.0100,
 9 subpart 14, may be made to a stationary source that is required
 10 to have a permit under parts 7007.0100 to 7007.1850 unless the
 11 modification is allowed under part 7007.1250 or 7007.1350, or an
 12 amendment is obtained under part 7007.1450 or 7007.1500.
 13 Administrative changes to a permit issued under parts 7007.0100
 14 to 7007.1850 shall be made under part 7007.1400. If a change at
 15 a facility does not constitute a modification, no permit
 16 amendment is required.

C. A written notice to the agency shall be sent by any person who, at a permitted stationary source, makes a change that: (i) installs does not increase emissions of any regulated air pollutant; (ii) does not constitute a title I modification; and (iii) does not constitute any other type of modification, if the change is one of the following:

(1) installing air pollution control equipment that does not constitute a title I modification or a modification; or (ii) replaces;

(2) replacing a unit identified in the permit with one that does not increase emissions of any regulated air pollutant and does not constitute a title I modification or a modification; shall provide written notice to the agency; and

(3) replacing air pollution control equipment with listed control equipment, as defined in part 7011.0060, subpart 4, which has an equivalent or better removal efficiency of regulated pollutants previously controlled with the replacement control equipment.

The written notice must be received by the agency seven working days prior to the installation or replacement. The permittee and the agency shall attach the notice to the stationary source's permit. If the agency finds that the installation or replacement triggers new monitoring, record keeping, or reporting requirements under applicable requirements or parts 7007.0100 to 7007.1850, the agency shall initiate an amendment under part 7007.1400 or 7007.1500 to include the new requirements. If the installation or replacement constitutes a title I modification or other type of modification, this item does not apply, and the permittee shall follow the applicable procedures of part 7007.1250, 7007.1350, 7007.1450, or 7007.1500. If notice is provided as required by this item, the installation and operation of the additional equipment shall not be considered a violation of the permit.

35 D. Nothing in part-7007-1250 parts 7007.1150 to
 36 7007.1500 shall be read to allow a modification to a stationary

1 source that would violate an applicable requirement or, except
2 as provided in part 7007.1350 or 7007.1450, subpart 8, to allow
3 any activity that would violate any permit condition. The
4 agency shall not issue any permit amendments which would result
5 in the violation of an applicable requirement.

6 E. If a modification or other change at a stationary
7 source would make the source subject for the first time to the
8 requirement to obtain a state permit or a part 70 permit, the
9 owner or operator shall obtain the appropriate permit before
10 beginning actual construction of the modification or other
11 change, notwithstanding parts 7007.1250 to 7007.1500. Nothing
12 in this item shall be read to limit the agency's ability to
13 issue permits authorizing installation and operation of a
14 modification under part 7007.0750, subpart 5, or to limit a
15 permittee's ability to obtain a major permit amendment
16 restricting emissions to levels that would prevent the source
17 from becoming subject to the requirement to obtain a part 70
18 permit.

19 F. The owner or operator of a stationary source that
20 is required to have a permit under parts 7007.0050 to 7007.1850,
21 but which does not yet have a permit, may make changes and
22 modifications at the stationary source in compliance with parts
23 7007.1150 to 7007.1500, notwithstanding any reference to a
24 permit in those parts. Any requirement for a permittee to
25 obtain an amendment under parts 7007.1150 to 7007.1500 shall be
26 read as a requirement for an owner or operator to obtain a
27 permit from the agency under part 7007.0750, subpart 5.

7007.1200 CALCULATING EMISSION CHANGES FOR PERMIT AMENDMENTS.

Subpart 1. How to calculate emission changes. When this part is required to be used, the method of calculation in subpart 2 must be used to determine first whether a modification is a title I modification. To calculate emission changes for a modification that is not a title I modification, the method in subpart 3 shall then be used. To verify whether the modification or other change at a stationary source might make the stationary source subject for the first time to the requirement to obtain a state or part 70 permit, the calculation method in part 7007.0150, subpart 4, must be used.

Subp. 2. Calculation methods to determine if the proposed change is a title I modification. To determine if a modification is a title I modification, the applicable federal calculation method must be used. To determine the applicable methods to calculate emission changes for a title I modification, the permittee must refer to the federal regulations listed in part 7007.0100, subpart 26. Parts 7011.0060 to 7011.0080 may be used in this calculation if the stationary source is in compliance with parts 7011.0060 to 7011.0080, except that control efficiencies for control equipment with hoods under part 7011.0070 cannot be used. A change that would not be considered to increase emissions using the calculation method in subpart 3 may nonetheless be considered a title I modification, particularly under the calculation method required by part C (prevention of significant deterioration of air quality) and part D (plan requirements in nonattainment areas) of the act.

Subp. 3. Calculation method for modifications that are not title I modifications. Emissions changes for a modification must be calculated by comparing the hourly emission rate of the stationary source, at maximum physical capacity, before and after the proposed physical or operational change. The emission rate shall be expressed as pounds per hour of any regulated air pollutant. Items A to C shall be used to determine emission changes for modifications that are not title I modifications.

A. When calculating emissions before and after the physical and operational change, physical and operational limitations and emission decreases will be considered only if they:

- (1) are or will be automatically required by an applicable requirement including parts 7011.0060 to 7011.0080, except that control efficiencies for control equipment with hoods under part 7011.0070 cannot be used to calculate emissions under this part;
- (2) are or will be automatically required by an existing permit;
- (3) are integral to the process;
- (4) are proposed as a permit term and condition in the application for a minor, moderate, or major modification under part 7007.1450 or 7007.1500; or
- (5) are calculated in records kept at the stationary source where reductions rendered the modification insignificant under part 7007.1250.

B. In cases where use of emission factors or related calculation methods clearly demonstrates whether or not the change will increase the emission level, the following emission factors or methods shall be used:

- (1) EPA emission factors as defined in part 7005.0100, subpart 10d, or other emission factors determined by the agency to be superior to EPA emission factors; or
- (2) if no EPA emission factors are specified, factors or related emissions calculation methods published by EPA or provided by the agency upon request of the permittee which relate to the specific source type. The permittee shall identify the source of the emission factor or calculation method in the application.

C. Material balances, continuous monitor data, or manual emissions tests may be used in cases where use of emission factors or related calculation methods under item B does not clearly demonstrate, to the agency's satisfaction, whether or not the change will increase the emission level, or where a permittee demonstrates to the agency's satisfaction that there are reasonable grounds to dispute the result obtained under item B. These methods may be used only to establish premodification emission rates from which postmodification emission rates may be calculated. Tests shall be conducted under such conditions as the agency shall specify. At least three valid test runs must be conducted. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.

7007.1250 INSIGNIFICANT MODIFICATIONS.

Subpart 1. When an insignificant modification can be made. The permittee may make a modification described in either item A or B at a permitted stationary source without getting a permit amendment, unless the modification is prohibited by subpart 2.

A. Construction or operation of any emissions unit, or undertaking any activity, on the insignificant activities list in part 7007.1300, subparts 2 and 3.

B. Any modification that will:

(1) result in an increase of an air pollutant which is not listed in table 1; or

(2) result in an increase of an air pollutant which is listed below, but in an amount less than the corresponding threshold:

TABLE 1.

POLLUTANT	THRESHOLD
NO_x	2.28 pounds per hour
SO₂	2.28 pounds per hour
VOCs	2.28 pounds per hour
PM₁₀	.855 pounds per hour
CO	5.70 pounds per hour
Lead	.025 pounds per hour
HAPs	25% of the hazardous air pollutant thresholds listed in Code of Federal Regulations, title 40, section 63.44, as proposed in Federal Register, volume 59, pages 15504-15571 (April 1, 1994) part 7007.1251.

For purposes of this subpart, whether or not the modification will cause an increase in emissions shall be calculated as described in part 7007.1200. An owner or operator may not use control equipment efficiencies for listed control equipment determined by part 7011.0070 to qualify for an insignificant modification, unless the specifications for the control equipment are from a control equipment manufacturer, as defined in part 7011.0060, subpart 4. Modifications which would otherwise be insignificant under this part may be title I modifications, for which a major amendment is required, using the methods of calculation required under title I of the act. Permittees are reminded to review the definition of title I modifications and the requirements of title I of the act.

3 Subp. 2. Insignificant modification exclusions. A
4 modification may not be made under this part if the modification:

5 A. is a title I modification;

6 B. would result in the violation of a permit
7 emissions limit or any other permit term;

8 C. is required to be authorized by a permit amendment
9 under title IV of the act or Code of Federal Regulations, title
10 40, part 72, as amended; or

11 D. is part of a larger single project, as described
12 in subpart 5, which taken as a whole, would not be authorized
13 under this part.

14 Subp. 3. Record keeping requirements. Except as described
15 in subpart 4, modifications authorized under this part may be
16 made without providing notice to the agency. However, the
17 permittee shall keep a contemporaneous record of the
18 modification. For changes authorized under subpart 1, item B,
19 the permittee shall also keep calculations of the emissions
20 increase as required by part 7007.1200, and a statement of the
21 purpose for making the modification.

22 Subp. 4. Agency notification required. If a modification
23 authorized under subpart 1, item B, together with other
24 modifications made under subpart 1, item B, during the course of
25 the permit term (or within a five-year period for a nonexpiring
26 permit), have resulted in total increases of a pollutant in
27 excess of four times the amount listed in subpart 1, item B,
28 subitem (2), for that pollutant, the permittee shall notify the
29 agency by seven working days after beginning actual construction
30 of the last modification. The notice shall provide the
31 information required to be kept in subpart 3 for each
32 modification made under subpart 1, item B, during the period in
33 question. The notice shall also include a certification by a
34 responsible official, consistent with part 7007.0500, subpart 3,
35 that the modifications listed were not part of a larger single
36 project, as described in subpart 5, which taken as a whole,

1 would not be authorized under subpart 1, item B. After any such
 2 notice has been sent, the permittee shall continue to keep track
 3 of modifications made under subpart 1, item B, and the permittee
 4 shall notify the agency again if emissions increases from these
 5 additional modifications total more than four times the amount
 6 listed in subpart 1, item B, subitem (2).

7 Subp. 5. Determination of a single project. If two or
 8 more modifications made at a stationary source are part of a
 9 single project, the emissions increases from these modifications
 10 shall be considered in the aggregate for purposes of this part.
 11 Generally, modifications will be considered part of a single
 12 project when the usefulness of one modification depends
 13 substantially on the completion of the other modification or
 14 modifications. In determining whether modifications are part of
 15 a single project, the agency will consider the amount of time
 16 that elapses between modifications, whether they were planned at
 17 the same time, and whether the modifications share a common
 18 purpose.

19 Subp. 6. Enforcement action. If a permittee makes a
 20 modification the permittee believes to fall under this part and
 21 the agency subsequently determines that the modification does
 22 not fall under this part, the agency may take enforcement action
 23 against the permittee.

7007.1251 HAZARDOUS AIR POLLUTANT THRESHOLDS.

CAS#	Chemical Name	De minimis Level (tons/year)
57147	1,1-Dimethyl hydrazine	0.008
79005	1,1,2-Trichloroethane	1
79345	1,1,2,2-Tetrachloroethane	0.3
96128	1,2-Dibromo-3-chloropropane	0.01
122667	1,2-Diphenylhydrazine	0.09
106887	1,2-Epoxybutane	1
75558	1,2-Propylenimine (2-Methyl aziridine)	0.003
120821	1,2,4-Trichlorobenzene	10

106990	1,3-Butadiene	0.07
542756	1,3-Dichloropropene	1
1120714	1,3-Propane sultone	0.03
106467	1,4-Dichlorobenzene(p)	3
123911	1,4-Dioxane (1,4-Diethyleneoxide)	6
53963	2-Acetylaminofluorine	0.005
532274	2-Chloroacetophenone	0.06
79469	2-Nitropropane	1
540841	2,2,4 - Trimethylpentane	5
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin	6E-07
584849	2,4 - Toluene diisocyanate	0.1
51285	2,4-Dinitrophenol	1
121142	2,4-Dinitrotoluene	0.02
94757	2,4-D, salts, esters(2,4-Dichlorophenoxy acetic acid)	10
95807	2,4-Toluene diamine	0.02
95954	2,4,5-Trichlorophenol	1
88062	2,4,6-Trichlorophenol	6
91941	3,3-Dichlorobenzidine	.2
119904	3,3'-Dimethoxybenzidine	0.1
119937	3,3'-Dimethyl benzidine	0.008
92671	4-Aminobiphenyl	1
92933	4 - Nitrobiphenyl	1
100027	4 - Nitrophenol	5
101144	4,4-Methylene bis(2-chloroaniline)	0.2
101779	4,4'-Methylenedianiline	1
534521	4,6-Dinitro-o-cresol, and salts	0.1
75070	Acetaldehyde	9
60355	Acetamide	1
75058	Acetonitrile	4
98862	Acetophenone	1
107028	Acrolein	0.04
79061	Acrylamide	0.02
79107	Acrylic acid	0.6
107131	Acrylonitrile	0.3
107051	Allyl chloride	1
62533	Aniline	1
71432	Benzene	2
92875	Benzidine	0.0003
98077	Benzotrichloride	0.006
100447	Benzyl chloride	0.1
57578	beta-Propiolactone	0.1
92524	Biphenyl	10
117817	Bis(2-ethylhexyl)phthalate (DEHP)	5
542881	Bis(chloromethyl)ether	0.0003
75252	Bromoform	10
156627	Calcium cyanamide	10
105602	Caprolactam	10

133062	Captan	10
63252	Carbaryl	10
75150	Carbon disulfide	1
56235	Carbon tetrachloride	1
463581	Carbonyl sulfide	5
120809	Catechol	5
133904	Chloramben	1
57749	Chlordane	0.01
7782505	Chlorine	0.1
79118	Chloroacetic acid	0.1
108907	Chlorobenzene	10
510156	Chlorobenzilate	0.4
67663	Chloroform	0.9
107302	Chloromethyl methyl ether	0.1
126998	Chloroprene	1
1319773	Cresols/Cresylic acid (isomers and mixture)	1
95487	o-Cresol	1
108394	m-Cresol	1
106445	p-Cresol	1
98828	Cumene	10
334883	Diazomethane	1
132649	Dibenzofuran	5
72559	DDE (p,p'-Dichlorodiphenyldi-chloroethylene)	0.01
84742	Dibutylphthalate	10
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)	0.06
62737	Dichlorvos	0.2
11422	Diethanolamine	5
64675	Diethyl sulfate	1
60117	Dimethyl aminoazobenzene	1
79447	Dimethyl carbamoyl chloride	0.02
68122	Dimethyl formamide	1
131113	Dimethyl phthalate	10
77781	Dimethyl sulfate	0.1
106898	Epichlorohydrin	2
140885	Ethyl acrylate	1
100414	Ethyl benzene	10
51796	Ethyl carbamate (Urethane)	0.8
75003	Ethyl chloride	10
106934	Ethylene dibromide (Dibromoethane)	0.1
107062	Ethylene dichloride (1,2-Dichloroethane)	0.8
107211	Ethylene glycol	10
151564	Ethylene imine (Aziridine)	0.003
75218	Ethylene oxide	0.1
96457	Ethylene thiourea	0.6

75343	Ethylidene dichloride (1,1-Dichloroethane)	1
50000	Formaldehyde	2
76448	Heptachlor	0.02
118741	Hexachlorobenzene	0.01
87683	Hexachlorobutadiene	0.9
77474	Hexachlorocyclopentadiene	0.1
67721	Hexachloroethane	5
822060	Hexamethylene, -1, 6 -diisocyanate	0.02
680319	Hexamethylphosphoramide	0.01
110543	Hexane	10
302012	Hydrazine	0.004
7647010	Hydrochloric acid	10
7664393	Hydrogen fluoride	0.1
123319	Hydroquinone	1
78591	Isophorone	10
58899	Lindane (hexachlorcyclohexane, gamma)	0.01
108316	Maleic anhydride	1
67561	Methanol	10
72435	Methoxychlor	10
74839	Methyl bromide (Bromomethane)	10
74873	Methyl chloride (Chloromethane)	10
71556	Methyl chloroform (1,1,1-Trichloroethane)	10
78933	Methyl ethyl ketone (2-Butanone)	10
60344	Methyl hydrazine	0.06
74884	Methyl iodide (Iodomethane)	1
108101	Methyl isobutyl ketone	10
624839	Methyl isocyanate	0.1
80626	Methyl methacrylate	10
1634044	Methyl tert-butyl ether	10
12108133	Methylcyclopentadienyl manganese	0.1
75092	Methylene chloride (Dichloromethane)	10
101688	Methylene diphenyl diisocyanate	0.1
91203	Naphthalene	10
98953	Nitrobenzene	1
62759	N-Nitrosodimethylamine	0.001
69892	N-Nitrosomorpholine	1
684935	N-Nitroso-N-methylurea	0.0002
121697	N,N-Dimethylaniline	1
90040	o-Anisidine	1
95534	o-Toluidine	4
56382	Parathion	0.1
82688	Pentachloronitrobenzene (Quintobenzene)	0.3
87865	Pentachlorophenol	0.7
108952	Phenol	0.1
75445	Phosgene	0.1
7803512	Phosphine	5

7723140	Phosphorous	0.1
85449	Phthalic anhydride	5
1336363	Polychlorinated biphenyls (Aroclors)	0.009
106503	p-Phenylenediamine	10
123386	Propionaldehyde	5
114261	Propoxur (Baygone)	10
78875	Propylene dichloride (1,2-Dichloropropane)	1
75569	Propylene oxide	5
91225	Quinoline	0.006
106514	Quinone	5
100425	Styrene	1
96093	Styrene oxide	1
127184	Tetrachloroethylene (Perchloroethylene)	10
7550450	Titanium tetrachloride	0.1
108883	Toluene	10
8001352	Toxaphene (chlorinated camphene)	0.01
79016	Trichloroethylene	10
121448	Triethylamine	10
1582098	Trifluralin	9
108054	Vinyl acetate	1
593602	Vinyl bromide (bromoethene)	0.6
75014	Vinyl chloride	0.2
75354	Vinylidene chloride (1,1-Dichloroethylene)	0.4
1330207	Xylenes (isomers and mixture)	10
108383	m-Xylenes	10
95476	o-Xylenes	10
106423	p-Xylenes	10
-	Arsenic and inorganic arsenic compounds	0.005
7784421	Arsine	0.1
-	Antimony compounds (except those specifically listed)*	5
1309644	Antimony trioxide	1
1345046	Antimony trisulfide	0.1
7783702	Antimony pentafluoride	0.1
28300745	Antimony potassium tartrate	1
-	Beryllium compounds (except Beryllium salts)	0.008
-	Beryllium salts	0.00002
-	Cadmium compounds	0.01
= 130618	Cadmium oxide	0.01
-	Chromium compounds (except Hexavalent and Trivalent)	5
-	Hexavalent Chromium compounds	0.002
-	Trivalent Chromium compounds	5
10025737	Chromic chloride	0.1
744084	Cobalt metal (and compounds, except those specifically listed)*	0.1
10210681	Cobalt carbonyl	0.1
62207765	Fluomine	0.1
-	Coke oven emissions	0.03

-	Cyanide compounds (except those specifically listed)*	5
143339	Sodium cyanide	0.1
151508	Potassium cyanide	0.1
-	Glycol ethers (except those specifically listed)*	5
110805	2-Ethoxy ethanol	10
111762	Ethylene glycol monobutyl ether	10
108864	2-Methoxy ethanol	10
-	Lead and compounds (except those specifically listed)*	0.01
75741	Tetramethyl lead	0.01
78002	Tetraethyl lead	0.01
7439965	Manganese and compounds (except those specifically listed)*	0.8
12108133	Methylcyclopentadienyl manganese	0.1
-	Mercury compounds (except those specifically listed)*	0.01
10045940	Mercuric nitrate	0.01
748794	Mercuric chloride	0.01
62384	Phenyl mercuric acetate	0.01
-	Elemental Mercury	0.01
-	Mineral fiber compounds (except those specifically listed)*	a
1332214	Asbestos	a
-	Erionite	a
-	Silica (crystalline)	a
-	Talc (containing asbestos form fibers)	a
-	Glass wool	a
-	Rock wool	a
-	Slag wool	a
-	Ceramic fibers	a
-	Nickel compounds (except those specifically listed)*	1
13463393	Nickel Carbonyl	0.1
12035722	Nickel refinery dust	0.08
-	Nickel subsulfide	0.04
-	Polycyclic organic matter-POM (except those specifically listed)*	0.01
56553	Benz(a)anthracene	0.01
50328	Benzo(a)pyrene	0.01
205992	Benzo(b)fluoranthene	0.01
57976	7,12-Dimethylbenz(a)anthracene	0.01
225514	Benz(c)acridine	0.01
218019	Chrysene	0.01
53703	Dibenz(ah)anthracene	0.01
189559	1,2:7,8-Dibenzopyrene	0.01
193395	Indeno(1,2,3-cd)pyrene	0.01
-	Dioxins & Furans (TCDD equivalent) **	-
7782492	Selenium and compounds (except those specifically listed)*	0.1
7488564	Selenium sulfide (mono and di)	0.1
7783075	Hydrogen selenide	0.1
10102188	Sodium selenite	0.1

13410010	Sodium selenate	0.1
99999918	Radionuclides (including radon)	b

* - For this chemical group, specific compounds or subgroups are named specifically in this table. For the remainder of the chemicals of the chemical group, a single de minimis value is listed, which applies to compounds which are not named specifically.

** - The "toxic equivalent factor" method in EPA/625/3-89-016 (U.S. EPA (1989) Interim procedures for estimating risk associated with exposure to mixtures) should be used for PCDD/PCDF mixtures. A different de minimis level will be determined for each mixture depending on the equivalency factors used which are compound specific. For purposes of this part, the document EPA/625/3-89-016, Interim Procedures for Estimating Risk Associated with Exposure to Mixtures, U.S. EPA (1989), is incorporated by reference. The Environmental Protection Agency is the author and publisher. This document is available at the University of Minnesota through the Minitex interlibrary loan system. This document is subject to frequent change.

a - De minimis values are zero pending public comment on the rule. Currently available data do not support assignment of a "trivial" emission rate; therefore, the value assigned will be policy based. b - The EPA relies on Code of Federal Regulations, title 40, part 61, subparts B and I, and Appendix E, and assigns a de minimis level based on an effective dose equivalent of 0.3 millirem per year for a seven-year exposure period that would result in a cancer risk of one per million. The individual radionuclides subject to de minimis levels used for section 112(g) of the act are also contained in Code of Federal Regulations, title 40, part 61.

24 7007.1300 INSIGNIFICANT ACTIVITIES LIST.

25 Subpart 1. Insignificant activities. The actions listed
26 in this part, and operation of the emissions units listed in
27 this part, are insignificant activities for purposes of parts
28 7007.0100 to 7007.1850. Listing in this part has no effect on
29 any other law, including laws enforced by the agency other than
30 parts 7007.0100 to 7007.1850, to which the activity may be
31 subject.

Subp. 2. Insignificant activities not required to be listed. The activities described in this subpart are not required to be listed in a permit application under part 7007.0500, subpart 2, item C, subitem (2).

A. Fuel use at a stationary source:

- (1) production of hot water for on-site personal use not related to any industrial process; and
- (2) fuel use related to food preparation by a restaurant or cafeteria; and
- (3) fuel burning equipment with a capacity less than 30,000 Btu per hour, except where the total capacity of the fuel burning equipment exceeds 500,000 Btu per hour.

B. Plant upkeep:

- (1) routine housekeeping or plant upkeep activities such as painting buildings, retarring roofs, or paving parking lots, but excluding spray paint booths equipment used for plant upkeep activities;
- (2) routine maintenance of buildings, grounds, and equipment;
- (3) use of vacuum cleaning systems and equipment for portable steam cleaning;
- (4) clerical activities such as operating copy machines and document printers, except operation of such units on a commercial basis;
- (5) janitorial activities; and
- (6) sampling connections used exclusively to withdraw materials for laboratory analysis and testing.

13 C. Fabrication operations:

14 (1) equipment used for the inspection of metal
15 products;16 (2) equipment used exclusively for forging,
17 pressing, drawing, spinning, or extruding cold metals;18 (3) equipment used exclusively to mill or grind
19 coatings and molding compounds where all materials charged are
20 in paste form; and21 (4) mixers, blenders, roll mills, or calendars
22 for rubber or plastics for which no materials in powder are
23 added and in which no organic solvents, diluents, or thinners
24 are used.

D. Finishing operations:

(1) closed tumblers used for cleaning or deburring metal products without abrasive blasting;

(2) equipment for washing or drying fabricated glass or metal products, if no VOCs are used in the process, and no gas, oil, or solid fuel is burned;

(3) equipment ~~operated~~ vented inside a building used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning of ceramic, precision parts, leather, metals, plastics, masonry, carbon, wood, or glass, provided the equipment:(a) is vented inside of the building 100 percent of the time; and(b) does not use air filtering systems used to control indoor air emissions; and

(4) blast cleaning operations using suspension of abrasive in water.

E. Storage tanks:

(1) pressurized storage tanks for anhydrous ammonia, liquid petroleum gas (LPG), liquid natural gas (LNG), or natural gas;

(2) storage tanks holding lubricating oils;(3) ~~underground storage of above and below ground fuel in oil storage tanks~~ with a combined total tankage capacity less than 100,000 gallons; and

(4) gasoline storage tanks with a combined total tankage capacity of less than 2,000 gallons.

F. Wastewater treatment: stacks or vents to prevent escape of sewer gases through plumbing traps, not including ~~these stacks and vents associated with processing~~ at wastewater treatment plants.

1 G. Cleaning operations: alkaline/phosphate cleaners
2 and associated cleaners and associated burners.

H. Residential activities: typical emissions from residential structures, not including:

- (1) fuel burning equipment with a total capacity of 500,000 Btu/hour or greater;
- (2) emergency backup generators; and
- (3) incinerators.

9 I. Recreational activities: use of the following for
10 recreational purposes:

- 11 (1) fireplaces;
- 12 (2) barbecue pits and cookers; and
- 13 (3) kerosene fuel use.

14 J. Health care activities: activities and equipment
15 directly associated with the diagnosis, care, and treatment of
16 patients in medical or veterinary facilities or offices, not
17 including support activities such as power plants, heating
18 plants, emergency generators, incinerators, or other units
19 affected by applicable requirements as defined in part
20 7007.0100, subpart 7.

K. Miscellaneous:

- (1) safety devices, such as fire extinguishers, if associated with a permitted emission source, but not including sources of continuous emissions;
- (2) flares to indicate danger to the public;
- (3) operation of mobile sources, except for fugitive emissions from mobile sources at a stationary source required to be included under title I, and except for stationary sources where the agency determines the fugitive emissions from associated mobile source activity may impact attainment of national ambient air quality standards;
- (4) purging of natural gas lines;
- (5) natural draft hoods, natural draft ventilation, comfort air conditioning, or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from specific units of equipment; and
- (6) funeral home embalming processes and associated ventilation systems.

L. Demonstration projects conducted by a teaching and research institution, where the sole purpose of a demonstration project is to provide an actual functional example of a process unit operation to the students or other interested parties, where actual operating hours of each emission unit shall not exceed a total of ~~50~~ 350 hours in a calendar year and where the emissions unit is not used to dispose of waste materials.

Subp. 3. Insignificant activities required to be listed. The activities described in this subpart must be listed in a permit application, and calculation of emissions from these activities shall be provided if required by the agency, under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed in this subpart are subject to additional requirements under section 114(a)(3) of the act (Enhanced Monitoring) or section 112 of the act (Hazardous Air Pollutants), or if part of a title I modification, or if accounted for, make a stationary source subject to a part 70 permit, emissions from the emissions units must be calculated in the permit application.

A. Fuel use: space heaters fueled by kerosene, natural gas, or propane.

1 B. Furnaces, boilers, and incinerators:

2 (1) infrared electric ovens; and

3 (2) fuel burning equipment of less than 500,000

4 Btu/hour capacity except where total capacity of equipment

5 exceeds 2,000,000 Btu/hour when operated by one stationary

6 source.

7 C. Fabrication operations: equipment used

8 exclusively for forging, pressing, drawing, spinning, or

9 extruding hot metals.

D. Finishing operations:

- (1) closed tumblers used for cleaning or deburring metal products without abrasive blasting;
- (2) equipment for washing or drying fabricated glass or metal products, if no VOCs are used in the process, and no gas, oil, or solid fuel is burned;
- (3) equipment ~~operated~~ vented inside a building used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning of ceramic, precision parts, leather, metals, plastics, masonry, carbon, wood, or glass, provided the equipment:
 - (a) is vented inside of the building 100 percent of the time; and
 - (b) does not use air filtering systems used to control indoor air emissions; and
- (4) blast cleaning operations using suspension of abrasive in water.

E. Storage tanks:

- (1) pressurized storage tanks for anhydrous ammonia, liquid petroleum gas (LPG), liquid natural gas (LNG), or natural gas;
- (2) storage tanks holding lubricating oils;
- (3) underground storage of above and below ground fuel in oil storage tanks with a combined total tankage capacity less than 100,000 gallons; and
- (4) gasoline storage tanks with a combined total tankage capacity of less than 2,000 gallons.

F. Wastewater treatment: stacks or vents to prevent escape of sewer gases through plumbing traps, not including ~~these stacks and vents associated with processing~~ at wastewater treatment plants.

16 G. Emissions from a laboratory; as defined in this
17 item. "Laboratory" means a place or activity devoted to
18 experimental study or teaching in any science, or to the testing
19 and analysis of drugs, chemicals, chemical compounds or other
20 substances, or similar activities, provided that the activities
21 described in this sentence are conducted on a laboratory scale.
22 Activities are conducted on a laboratory scale if the containers
23 used for reactions, transfers, and other handling of substances
24 are designed to be easily and safely manipulated by one person.
25 If a facility manufactures or produces products for profit in
26 any quantity, it may not be considered to be a laboratory under
27 this item. Support activities necessary to the operation of the
28 laboratory are considered to be part of the laboratory. Support
29 activities do not include the provision of power to the
30 laboratory from sources that provide power to multiple projects
31 or from sources which would otherwise require permitting, such
32 as boilers that provide power to an entire facility.

H. Miscellaneous:

- ~~(1) use of not more a stationary source that uses less than 200 gallons of VOC containing materials per 12 months for any consecutive 12-month period (gallons of VOC equals volume percentage of VOC multiplied by the gallons of VOC-containing material);~~
- (2) equipment used exclusively for packaging lubricants or greases;
- (3) equipment used for hydraulic or hydrostatic testing;
- (4) brazing, soldering, or welding equipment;
- (5) blueprint copiers and photographic processes;
- (6) equipment used exclusively for melting or application of wax; and
- (7) nonasbestos equipment used exclusively for bonding lining to brake shoes.

I. Individual emission units at a stationary source which each have a potential to emit for each of the following pollutants less than:

- (1) 4,000 pounds per year of carbon monoxide; or
- (2) 2,000 pounds per year each of nitrogen oxide, sulfur dioxide, particulate matter, particulate matter less than ten microns, VOCs, and ozone.

I. Fugitive emissions from roads and parking lots, except from a stationary source applying for an Option D registration permit under part 7007.1130. A stationary source applying for an Option D registration permit must account for fugitive emissions from roads and parking lots in determining eligibility under part 7007.1130.

Subp. 4. ~~Part 70 source~~ Insignificant activities required to be listed in a part 70 application. If a facility is applying for a part 70 permit, emissions units with potential emissions less than the following limits but not included in subpart 2 must be listed in a part 70 permit application:

- A. 5.7 pounds per hour of carbon monoxide;

B. potential emissions of 2.28 pounds per hour or actual emissions of one ton per year for particulate matter, particulate matter less than ten microns, nitrogen oxide, sulfur dioxide, and VOCs; and

C. .025 pounds per hour of lead; and

D. 25 percent of the hazardous air pollutant thresholds listed in Code of Federal Regulations, title 40, section 63.44, as proposed in Federal Register, volume 59, pages 15504-15571 (April 1, 1994) part 7007.1251.

Calculation of emissions from the emissions units listed in this subpart shall be provided if required by the agency under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed under this subpart are subject to additional requirements under section 114(a)(3) of the act (Enhanced Monitoring) or section 112 of the act (Hazardous Air Pollutants), or are part of a title I modification, or if accounted for, make a stationary source subject to a part 70 permit emissions from the emissions units must be calculated in the permit application. If the applicant is applying for a state permit or an amendment to a state permit, this subpart does not apply.

10 7007.1350 CHANGES WHICH CONTRAVENE CERTAIN PERMIT TERMS.

11 Subpart 1. Applicability. A permittee may make changes
12 allowed under parts 7007.0100 to 7007.1850 at a permitted
13 facility without obtaining a permit amendment, even though the
14 change contravenes a permit term, if the change:

15 A. does not violate a permit term related to
16 monitoring (including test methods), record keeping, reporting,
17 or compliance certification requirements;

18 B. does not result in emissions in excess of those
19 explicitly allowed under the permit for any emissions unit or
20 for the stationary source as a whole (whether expressed as a
21 rate of emissions or in terms of total emissions);

22 C. does not violate any permit term limiting hours of
23 operation, work practices, fuel usage, raw material usage,
24 production levels, or throughput if the term has been
25 established to limit emissions or ensure compliance with
26 emissions limitations;

27 D. does not violate any other permit term where the
28 agency has specifically stated in the permit that the term is
29 not subject to change under this part;

30 E. is not a title I modification; and

31 F. is not required to be authorized by a permit
32 amendment under title IV of the act (Acid Deposition Control) or
33 Code of Federal Regulations, title 40, part 72, as amended; and

34 G. is not an administrative amendment described in
35 part 7007.1400.

1 Subp. 2. **Modification Procedure. Modifications Changes**
2 authorized under this part may not be made until seven working
3 days after the air quality division of the agency receives
4 written notice of the modification change. The notice shall
5 include a certification by a responsible official describing the
6 modification change to be made, identifying the term of the
7 permit which is being contravened, stating that the modification
8 change is authorized under this part, and briefly describing how
9 it qualifies under this part. The permittee and the agency
10 shall attach the notice to the stationary source's permit. If
11 the agency finds that the proposed modification change is not
12 authorized under this part, the agency shall notify the
13 permittee of that finding and, if the proposed change could be
14 made using other modification procedures, direct the permittee
15 to those procedures.

16 Subp. 3. **Enforcement action.** If the permittee implements
17 a modification change that the permittee believes qualifies
18 under this part and the agency subsequently determines that the
19 modification change does not qualify under this part, the agency
20 may take an enforcement action against the permittee.

21 **7007.1400 ADMINISTRATIVE PERMIT AMENDMENTS.**

22 Subpart 1. **Administrative amendments allowed.** The agency
23 may make the permit amendments described in this subpart through
24 the administrative permit amendment process described in this
25 part. An owner or operator of a stationary source shall request
26 an administrative amendment if changes are to be made under item
27 B or E:

- 28 A. an amendment to correct a typographical error;
29 B. an amendment to change the name, mailing address,
30 or telephone number of any person identified in the permit, or
31 that reflects a similar minor administrative change at the
32 permitted facility. A change in the stationary source's
33 location of operation is not covered by this item;
34 C. an amendment requiring the permittee to comply
35 with additional, more frequent, or expanded monitoring, record

1 keeping, or reporting requirements;

2 D. an amendment to eliminate monitoring, record
3 keeping, or reporting requirements if they are rendered
4 meaningless because the only emissions to which the requirements
5 apply will no longer occur.

6 E. an amendment reflecting a change in ownership or
7 operational control of a stationary source where the agency
8 determines that no other change in the permit is necessary,
9 provided that a written agreement containing a specific date for
10 transfer of permit responsibility, coverage, and liability
11 between the current and new permittee has been submitted to the
12 agency;

13 F. an amendment to incorporate into a permit the
14 requirements from preconstruction review permits issued by the
15 agency;

16 G. an amendment to clarify a permit term; and

17 H. an amendment to extend a deadline in a permit by
18 no more than 120 days, provided that the agency may only extend
19 a deadline established by an applicable requirement described in
20 part 7007.0100, subpart 7, items A to K, if the agency has been
21 delegated authority to make such extensions by the administrator.

22 Subp. 2. Initiating an administrative amendment. A
23 permittee shall request in writing that the agency make an
24 administrative permit amendment. A formal application complying
25 with the terms of parts 7007.0100 to 7007.1850 is not required.
26 The permittee shall specify the section of the permit that is to
27 be amended, and the reason for the amendment. The agency may
28 also make an administrative amendment upon its own initiative.
29 If an administrative amendment initiated by the agency would
30 impose additional or different requirements on the permittee,
31 the permittee shall be notified of the proposed amendment 30
32 days prior to its taking effect, unless the permittee consents
33 to less notice. If the permittee objects to the amendment, the
34 amendment shall not be made under this part, but the agency may
35 reopen the permit under parts 7007.1500 and 7007.1600.

36 Subp. 3. Timeline for final action. The agency shall take

1 no more than 60 days from receipt of a request for an
2 administrative permit amendment to take final action on such
3 request. Amendments made by the agency under this part shall be
4 made without public notice or an opportunity for public and
5 affected states comment and hearing.

6 Subp. 4. Part 70 administrative amendment submitted to
7 EPA. If the administrative permit amendment is to a part 70
8 permit, the agency shall submit a copy of the amended permit or
9 permit amendment to the administrator, as required by the
10 administrator.

11 Subp. 5. Provisions to which permit shield applies. The
12 only administrative amendments to which the permit shield
13 established by part 7007.1800 shall apply are those described in
14 subpart 1, item F.

15 Subp. 6. Acid rain provision. Amendments to the acid rain
16 portion of a permit to an affected source shall be governed by
17 Code of Federal Regulations, title 40, part 72, as amended.

18 Subp. 7. When permittee may make change. Notwithstanding
19 part 7007.0150, subpart 1, the permittee may make the change
20 proposed in the administrative amendment request immediately
21 after the request is received by the air quality division of the
22 agency, if the change is described in subpart 1. However, if
23 the change is of ownership or operational control, the new
24 owner's or operator's right to operate the permitted stationary
25 source under the previous sentence is contingent upon the new
26 owner's or operator's compliance with the terms of the
27 stationary source's permit.

28 7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.

29 Subpart 1. Minor and moderate amendment exclusions. The
30 agency may amend a permit using the minor and moderate permit
31 amendment processes described in this part if the amendments are
32 described in subparts 2 and 3, and if the amendments do not:

33 A. amend existing permit terms related to monitoring
34 (including test methods), record keeping, reporting, or
35 compliance certification requirements other than adding new

1 requirements, eliminating the requirements if they are rendered
 2 meaningless because the only emissions to which the requirements
 3 apply will no longer occur, or changing from one validated
 4 reference test method for a pollutant and source category to
 5 another;

6 B. seek to establish or amend a permit condition that
 7 is required to be based on a case-by-case determination of an
 8 emission limitation or other standard, or a source-specific
 9 determination of ambient impacts, or on a visibility or
 10 increment analysis;

11 C. seek to establish or amend a permit condition for
 12 which there is no corresponding underlying applicable
 13 requirement and that the stationary source has assumed to avoid
 14 an applicable requirement described in part 7007.0100, subpart
 15 7, items A to K, to which the stationary source would otherwise
 16 be subject. Such terms and conditions include:

17 (1) a federally enforceable emissions cap assumed
 18 to avoid classification as a title I modification; and

19 (2) an alternative emissions limit approved
 20 pursuant to regulations promulgated under section 112(i)(5) of
 21 the act (Hazardous Air Pollutants; Schedule for Compliance;
 22 Early Reduction);

23 D. seek to allow a title I modification; and

24 E. violate a requirement of any agency rule that such
 25 change be made under the major permit amendment procedures.

Subp. 2. Minor amendment applicability. Except as provided in subpart 1, the agency may amend a permit to allow a modification under the minor permit amendment process of this part, if the modification will not cause an increase in emissions of an air pollutant listed below in an amount greater than the threshold:

TABLE 2

POLLUTANT	THRESHOLD
NO _x	9.13 pounds per hour
SO ₂	9.13 pounds per hour
VOCs	9.13 pounds per hour
PM ₁₀	3.42 pounds per hour
CO	22.80 pounds per hour
Lead	.11 pounds per hour
HAPs	hazardous air pollutant thresholds listed in 40 CFR Part 63.44, as proposed in 59 Fed. Reg. 15504-15571 (April 1, 1994) part 7007.1251.

4 For purposes of the previous sentence, whether or not the
5 modification will cause an increase in emissions shall be
6 calculated as described in part 7007.1200. Modifications which
7 would otherwise qualify for a minor or moderate amendment under
8 this part may be title I modifications, for which a major
9 amendment is required, using the methods of calculation required
10 under title I of the act. Permittees are reminded to review the
11 definition of title I modifications and requirements of title I
12 of the act.

13 Subp. 3. Moderate amendment applicability. Any amendment
14 which meets the criteria of subpart 1, but which does not
15 qualify as a minor permit amendment under subpart 2 and which is
16 not a major permit amendment under part 7007.1500, may be made
17 following the procedures applicable to moderate permit
18 amendments under this part.

19 Subp. 4. Minor or moderate application requirements. An
20 application requesting the use of minor or moderate permit
21 amendment procedures shall meet the requirements of part
22 7007.0600, subpart 1, and shall also include the following:

23 A. a description of the modification, the emissions
24 resulting from the modification, and any new applicable
25 requirements that will apply if the modification occurs;

26 B. if the amendment is to a part 70 permit, the
27 stationary source's suggested draft permit or draft amendment;

28 C. certification by a responsible official that the
29 proposed amendment meets the criteria for use of minor or
30 moderate permit modification procedures, including, in the case
31 of minor permit amendments, a certification that any increase in
32 emissions will be below the thresholds listed in subpart 2, and
33 a request that such procedures be used;

34 D. certification by a responsible official that the
35 change which the proposed amendment would allow is not part of a

1 larger project which, taken as a whole, would not qualify for
2 treatment as a minor or moderate permit amendment; and

3 E. in the case of amendments to part 70 permits,
4 completed forms for the permitting authority to use to notify
5 the administrator and affected states as required under subpart
6 5.

7 Subp. 5. EPA notification. In the case of applications
8 for minor or moderate permit amendments to part 70 permits, the
9 agency shall notify the administrator and affected states of the
10 requested permit amendment within five working days of receipt
11 of a complete permit amendment application to a part 70 permit.
12 The agency promptly shall send any notice regarding agency
13 refusal to accept affected states recommendations required under
14 part 7007.0900, to the administrator and the affected states.

15 Subp. 6. EPA review. The agency will not issue a minor or
16 moderate amendment to a part 70 permit until after the EPA has
17 had 45 days to review the amendment or until the EPA has
18 notified the agency that the EPA will not object to issuance of
19 the permit amendment, whichever is first. The agency may
20 process the application during this time period. The agency
21 shall take final action on an application for a minor or
22 moderate permit amendment within the deadlines set forth in part
23 7007.0750, subpart 2.

24 Subp. 7. When permittee may make the proposed modification.

25 A. The permittee may make the modification proposed
26 in a minor permit amendment application seven working days after
27 the application is received by the air quality division of the
28 agency.

29 B. The permittee may begin actual construction on a
30 modification proposed in a moderate permit amendment application
31 upon receipt of a letter of approval from the agency authorizing
32 such construction. However, the permittee may not commence
33 operation of the modification until the amended permit has been
34 issued.

35 Subp. 8. Permittee's risk in commencing construction. If
36 the stationary source makes the modification allowed by subpart

1 7, item A, or commences construction upon receipt of a letter of
2 approval as allowed by subpart 7, item B, and until the agency
3 acts on the minor or moderate permit amendment application, the
4 stationary source must comply with both the applicable
5 requirements governing the modification and the proposed permit
6 terms and conditions. During this time period, the stationary
7 source need not comply with the existing permit terms and
8 conditions it seeks to modify. However, if the stationary
9 source fails to comply with its proposed permit terms and
10 conditions during this time period, the existing permit terms
11 and conditions it seeks to modify may be enforced against it.
12 The permittee assumes the risk of losing any investment it makes
13 toward implementing a modification prior to receiving a permit
14 amendment authorizing the modification. The agency will not
15 consider the possibility of the permittee suffering financial
16 loss due to such investment when deciding whether to approve,
17 deny, or approve in modified form a minor or moderate permit
18 amendment.

19 Subp. 9. Permit shield does not apply. The permit shield
20 under part 7007.1800 shall not apply to minor or moderate permit
21 amendments.

22 7007.1500 MAJOR PERMIT AMENDMENTS.

23 Subpart 1. Major permit amendment required. A "major
24 permit amendment" is required for any modification at a
25 permitted stationary source that is not allowed under parts
26 7007.1250 and 7007.1350 and for which an amendment cannot be
27 obtained under the administrative permit amendment provisions of
28 part 7007.1400, or the minor or moderate permit amendment
29 provisions of part 7007.1450. The following always require
30 major permit amendments:

31 A. any amendment to existing monitoring, reporting,
32 or record keeping requirements in the permit other than adding
33 new requirements, eliminating the requirements if they are
34 rendered meaningless because the only emissions to which the
35 requirements apply will no longer occur, or changing from one

1 validated reference test method for a pollutant and source
2 category to another;

3 B. any amendment to establish or amend a permit
4 condition that is required to be based on a case-by-case
5 determination of an emission limitation or other standard, on a
6 source-specific determination of ambient impacts, or on a
7 visibility or increment analysis;

8 C. any amendment to establish or change a permit term
9 or condition for which there is no corresponding underlying
10 applicable requirement described in part 7007.0100, subpart 7,
11 items A to K, and that the stationary source has assumed to
12 avoid an applicable requirement to which the stationary source
13 would otherwise be subject. Such terms and conditions include:

14 (1) a federally enforceable emissions cap assumed
15 to avoid classification as a title I modification; and

16 (2) an alternative emissions limit approved
17 pursuant to regulations promulgated under section 112(i)(5) of
18 the act (Hazardous Air Pollutant; Schedule for Compliance; Early
19 Reduction);

20 D. any amendment authorizing a title I modification;
21 and

22 E. any amendment required by agency rule to be made
23 under the major permit amendment procedures.

24 Subp. 2. Major amendment application requirements. To
25 apply for a major permit amendment, the permittee shall follow
26 the application procedures in parts 7007.0100 to 7007.1850 which
27 are applicable to a new or renewed permit of the type being
28 amended.

29 Subp. 3. Agency processing procedures. The agency shall
30 process an application for a major permit amendment to a part 70
31 permit following the same procedures applicable to an
32 application for a new or reissued part 70 permit, including
33 procedures for public participation, administrator review, and
34 affected states review. The agency shall process an application
35 for a major amendment to a state permit following the same
36 procedures applicable to an application for a new or reissued

1 state permit, except that:

2 A. the agency shall not provide for public notice and
3 comment under part 7007.0850 unless the major amendment is
4 described in subpart 1, item C or D, and the administrator
5 requires such notice, or the agency makes a determination to
6 provide for public notice and comment under part 7007.0850,
7 subpart 2, item C; and

8 B. the agency shall not submit the major amendment to
9 EPA for review under part 7007.0950 unless the major amendment
10 is described in subpart 1, item C or D, and the administrator
11 requires such notice.

12 Subp. 4. Permit shield applies. The permit shield
13 described in part 7007.1800 shall apply to amendments made
14 through the major permit amendment process.

15 7007.1600 PERMIT REOPENING AND AMENDMENT BY AGENCY.

16 Subpart 1. Mandatory reopening. The agency shall reopen
17 and amend a permit when:

18 A. Additional federal applicable requirements become
19 applicable to a stationary source with a remaining permit term
20 of three or more years or with a permit which is nonexpiring.
21 Such a reopening and amendment shall be completed not later than
22 18 months after promulgation of the federal applicable
23 requirement. No such reopening is required if the effective
24 date of the requirement is later than the date on which the
25 permit is due to expire.

26 B. Additional requirements, including excess
27 emissions requirements, become applicable to an affected source
28 under the acid rain program. Upon approval by the
29 administrator, excess emissions offset plans shall be deemed to
30 be incorporated into the permit.

31 C. The agency or the administrator determines that
32 the permit contains a material mistake or that inaccurate
33 statements were made in establishing the emissions standards,
34 limitations, or other terms or conditions of the permit.

35 D. The administrator or the agency determines that

1 the permit must be revised or revoked to assure compliance with
2 the applicable requirements.

3 Subp. 2. Nonmandatory reopening. The agency may reopen
4 and amend a permit when:

5 A. additional state applicable requirements become
6 applicable to a permitted stationary source, and the effective
7 date of the requirement is prior to the date on which the permit
8 is due to expire;

9 B. alterations or modifications to the permitted
10 facility will result in or have the potential to result in
11 significant alteration of the nature or quantity of regulated
12 air pollutants to be emitted by the permittee;

13 C. the commissioner of the agency receives
14 information previously unavailable to the agency that shows that
15 the terms and conditions of the permit do not accurately
16 represent the actual circumstances relating to the permitted
17 facility;

18 D. a court of competent jurisdiction invalidates or
19 modifies a Minnesota or federal statute or rule or federal
20 guideline upon which a condition of the permit is based;

21 E. an event occurs that is beyond the control of the
22 permittee that necessitates modification of a compliance
23 schedule in the permit; and

24 F. the commissioner finds that the permitted facility
25 or activity endangers human health or the environment and that a
26 change in the operation of the permitted facility or in the
27 conduct of the permitted activity would remove the danger to
28 human health or the environment.

29 Subp. 3. Reopening procedure. To reopen and amend a
30 permit, the agency shall follow the procedures that apply to
31 major permit amendments under parts 7007.0100 to 7007.1850,
32 unless the amendment can be made as an administrative amendment
33 under part 7007.1400. During the reopening, the agency may only
34 make those amendments to the permit which are related to the
35 grounds for the reopening under subparts 1 and 2. Mandatory
36 reopenings under subpart 1 shall be made as expeditiously as

1 practicable. In lieu of an application, the major permit
2 amendment process will commence when the agency gives the
3 permittee written notice of its intent to amend the permit. The
4 agency shall not issue the amendment, or make public notice of
5 the amendment where public notice is required, until at least 30
6 days after the agency has given the permittee notice of its
7 intent to amend the permit, unless the permittee consents to
8 less notice, or in the case of an emergency. In cases where
9 public participation is required, only those portions of the
10 permit which the agency proposes to amend shall be open for
11 public comment or consideration at a meeting or hearing.

12 7007.1650 REOPENINGS FOR CAUSE BY EPA.

13 The administrator may reopen part 70 permits as provided in
14 Code of Federal Regulations, title 40, section 70.7(g), as
15 amended.

16 7007.1700 PERMIT REVOCATION BY AGENCY.

17 Subpart 1. Permit revocation without reissuance. The
18 agency may revoke permits and not reissue them when:

19 A. there exists at the permitted facility unresolved
20 noncompliance with applicable requirements or a condition of the
21 permit, and the permittee refuses to undertake an enforceable
22 schedule of compliance to resolve the noncompliance;

23 B. the permittee fails to disclose fully the facts
24 relevant to issuance of the permit or submits false or
25 misleading information to the agency or the administrator;

26 C. the agency finds that the permitted facility or
27 activity endangers human health or the environment and that the
28 danger cannot be removed by an amendment to the permit;

29 D. the permittee has failed to comply with any
30 requirement under chapter 7002 to pay fees; or

31 E. the permittee has failed to pay a penalty owed
32 pursuant to court order, consent decree, stipulation agreement,
33 schedule of compliance, or order issued under Minnesota
34 Statutes, section 116.07.

35 Subp. 2. Revocation procedures. The agency shall give

1 notice to the permittee of its intention to revoke a permit
2 without reissuance. This notice must state that within 30 days
3 of the receipt of the notice the permittee may request a
4 contested case hearing be held on the proposed action, except
5 that the agency may provide less notice in case of an
6 emergency. If the permittee requests a contested case hearing,
7 the agency shall hold the hearing in accordance with the rules
8 of the Office of Administrative Hearings, parts 1400.5100 to
9 1400.8401.

10 7007.1750 FEDERAL ENFORCEABILITY.

11 ~~Subpart 17.00--Federal enforceable requirements.~~

12 A. All conditions of a permit issued under parts
13 7007.0100 to 7007.1850 are enforceable by the administrator and
14 citizens under the act, unless designated otherwise in the
15 permit under item B.

16 B. The agency shall designate a condition of a permit
17 to be not enforceable by the administrator and citizens under
18 the act if the condition is not required by:

19 (1) an applicable requirement listed in part
20 7007.0100, subpart 7, items A to K, including requirements
21 provided in Minnesota's implementation plan approved by the
22 administrator under title I of the act; or

23 (2) parts 7007.0100 to 7007.1850, after approval
24 of Minnesota's part 70 program by the administrator under title
25 V of the act.

26 7007.1800 PERMIT SHIELD.

27 ~~Subpart 17.00--Description of permit shield.~~

28 A. The agency shall include in a permit a provision,
29 known as a permit shield provision, stating that compliance with
30 the conditions of the permit shall be deemed compliance with any
31 applicable requirements as of the date of permit issuance.
32 However, the shield shall only have legal effect if:

33 (1) the specific provision of the applicable
34 requirement is identified in the permit as the basis of permit
35 conditions; or

1 (2) the agency in acting on the application for
2 the permit or major amendment, determines in writing that other
3 requirements specifically identified are not applicable to the
4 stationary source, and the permit includes the determination or
5 a concise summary of it.

6 B. If the permit does not expressly state that a
7 permit shield is provided, it shall be presumed not to provide
8 such a shield.

9 C. Nothing in this part or in any permit shall alter
10 or affect the following:

11 (1) the emergency order provisions of section 303
12 of the act, including the authority of the administrator under
13 that section, and the agency's authority under the emergency
14 powers provision of Minnesota Statutes, section 116.11;

15 (2) the liability of an owner or operator of a
16 stationary source for any violation of applicable requirements
17 prior to or at the time of permit issuance;

18 (3) the applicable requirements of the acid rain
19 program, consistent with section 408(a) of the act; or

20 (4) the ability of the agency or EPA to obtain
21 information through inspections, monitoring, and entry of a
22 stationary source pursuant to Minnesota Statutes, section
23 116.091, and section 114 of the act.

24 D. The permit shield shall not be provided for permit
25 conditions established through a minor or moderate permit
26 amendment, or through an administrative amendment except as
27 stated in part 7007.1400, subpart 1, item F.

28 E. The permit shield shall not be provided for a
29 permit condition if the permittee knowingly submitted false or
30 misleading information to the agency and the permit condition
31 was based on that information.

32 7007.1850 EMERGENCY PROVISION.

33 ~~Subpart 1.---Actions-required-in-emergencies.~~

34 A. An "emergency" means any situation arising from
35 sudden and reasonably unforeseeable events beyond the control of

1 the stationary source, including an act of God, that requires
2 immediate corrective action to restore normal operation, and
3 that causes the stationary source to exceed a technology-based
4 emission limitation under the permit, due to unavoidable
5 increases in emissions attributable to the emergency. An
6 emergency shall not include noncompliance to the extent caused
7 by improperly designed equipment, lack of preventative
8 maintenance, careless or improper operation, or operator error.
9 Consistent with this definition of emergency, the agency may
10 state in the permit what types of situations will not be
11 considered emergencies if they occur.

12 B. An emergency constitutes an affirmative defense to
13 an action brought for noncompliance with such technology-based
14 emission limitations if the conditions of item C are met.

15 C. The affirmative defense of emergency shall be
16 demonstrated through properly signed, contemporaneous operating
17 logs, or other relevant evidence that:

18 (1) an emergency occurred and that the permittee
19 can identify the cause or causes of the emergency;

20 (2) the permitted facility was at the time being
21 properly operated;

22 (3) the permittee submitted notice of the
23 emergency to the agency within two working days of when the
24 emission limitations were exceeded due to the emergency. This
25 notice must contain a detailed description of the emergency, any
26 steps taken to mitigate emissions, and corrective actions taken;
27 and

28 (4) during the period of the emergency, the
29 permittee took all reasonable steps to minimize levels of
30 emissions that exceeded the emission limitations, standards, or
31 regulations in the permit.

32 D. In any enforcement proceeding, the permittee
33 seeking to establish the occurrence of an emergency has the
34 burden of proof.

35 E. This provision is in addition to any emergency or
36 upset provision contained in any applicable requirement.

1 F. This provision does not limit the emergency power
2 of the agency under Minnesota Statutes, section 116.11.

3 REPEALER. Minnesota Rules, parts 7001.1200; 7001.1205;
4 7001.1210; 7001.1215; and 7001.1220, are repealed.

EMISSION FACILITY OFFSETS

7007.4000 SCOPE.

Parts 7007.4000 to 7007.4030 apply to persons who propose to construct a major stationary source or major modification in a nonattainment area and to persons who propose to construct a major stationary source or major modification in a designated attainment or unclassifiable area with emissions that would cause or contribute to a violation of a national ambient air quality standard in a nonattainment area.

SA: MS s 116.07

HIST: 13 SR 2153; 17 SR 350; 18 SR 614

7007.4010 DEFINITIONS.

Subpart 1. **Scope.** The definitions in Code of Federal Regulations, title 40, chapter I, part 51, appendix S, apply to the terms used in parts 7007.4000 to 7007.4030 unless the terms are defined in this part. For the purposes of parts 7007.4000 to 7007.4030, the following words have the meanings defined below.

Subp. 1a. [Repealed, 17 SR 350]

Subp. 1b. [Repealed, 17 SR 350]

Subp. 2. [Repealed, 17 SR 350]

Subp. 2a. [Repealed, 17 SR 350]

Subp. 2b. [Repealed, 17 SR 350]

Subp. 3. [Repealed, 13 SR 2153]

Subp. 3a. **Attainment area.** "Attainment area" means any geographic area that has been designated by the United States Environmental Protection Agency as "better than national standards" for any national ambient air quality standard in Code of Federal Regulations, title 40, chapter I, section 81.324, as amended.

Subp. 4. [Repealed, 13 SR 2153]

Subp. 5. [Repealed, 17 SR 350]

Subp. 6. [Repealed, 17 SR 350]

Subp. 7. [Repealed, 17 SR 350]

Subp. 7a. **Major stationary source.** "Major stationary source" means:

A. a major stationary source as defined in Code of Federal Regulations, chapter I, title 40, part 51, appendix S, (1990); or

B. a stationary source that emits or has the potential to emit 70 tons or more per year of PM₁₀ and that is located or that will locate in an area classified as "serious" under United States Code, title 42, section 7513, as amended.

Subp. 7b. **National ambient air quality standards.** "National ambient air quality standards" means any air quality standard promulgated in Code of Federal Regulations, title 40, part 50, as amended.

Subp. 8. [Repealed, 17 SR 350]

Subp. 9. [Repealed, 17 SR 350]

Subp. 10. **Nonattainment area.** "Nonattainment area" means any geographic region that has been designated by the United States Environmental Protection Agency as violating a national ambient air quality standard in Code of Federal Regulations, title 40, section 81.324, as amended.

Subp. 11. [Repealed, 17 SR 350]

Subp. 11a. **PM₁₀.** "PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers.

- Subp. 12. [Repealed, 17 SR 350]
- Subp. 13. [Repealed, 17 SR 350]
- Subp. 14. [Repealed, 13 SR 2153]
- Subp. 14a. [Repealed, 17 SR 350]
- Subp. 15. [Repealed, 13 SR 2153]
- Subp. 16. [Repealed, 13 SR 2153]
- Subp. 17. [Repealed, 13 SR 2153]
- Subp. 18. [Repealed, 13 SR 2153]
- Subp. 19. [Repealed, 13 SR 2153]

Subp. 19a. **Significant emissions increase.** "Significant emissions increase" means a net increase in emissions or the potential of a stationary source to emit any of the listed pollutants that would equal or exceed any of the rates of emissions in Code of Federal Regulations, title 40, part 51, Appendix S, Part II.A.10(i), as amended. Any net emissions increase that is considered significant for volatile organic compounds must be considered significant for ozone.

Subp. 19b. **Unclassifiable area.** "Unclassifiable area" means any geographic area that has been designated by the United States Environmental Protection Agency as "cannot be classified" for any national ambient air quality standard in Code of Federal Regulations, title 40, chapter I, section 81.324, as amended.

Subp. 20. **Volatile organic compounds.** "Volatile organic compounds" means any organic compound that participates in atmospheric photochemical reaction; that is, any organic compound other than those which the United States Environmental Protection Agency has designated as having negligible photochemical reactivity. Volatile organic compounds must be measured by a reference method, an equivalent method, an alternative method, or by procedures specified under Code of Federal Regulations, title 40, part 60. In cases where a reference method, equivalent method, or alternative method also measures nonreactive organic compounds, an owner or operator may exclude the nonreactive organic compounds when determining compliance with a standard. As used in parts 7007.4000 to 7007.4030, the term "volatile organic compounds" does not include:

- A. Methane;
- B. Ethane;
- C. 1,1,1-Trichloroethane (Methyl Chloroform);
- D. Trichlorotrifluoroethane (Freon 113);
- E. Methyl chloroform;
- F. Methylene Chloride;
- G. Trichlorofluoromethane (CFC-11);
- H. Dichlorodifluoromethane (CFC-12);
- I. Chlorodifluoromethane (CFC-22);
- J. Trifluoromethane (FC-23);
- K. Trichlorotrifluoroethane (CFC-113);
- L. Dichlorotetrafluoroethane (CFC-114);
- M. Chloropentafluoroethane (CFC-115);

N. any other compound listed in table 1, as amended, of the United States Environmental Protection Agency's Recommended Policy on Control of Volatile Organic Compounds, Federal Register, volume 42, page 35314, July 8, 1977; or

O. any other compound determined by the United States Environmental Protection Agency to be negligibly photochemically reactive. These determinations are published in the Federal Register.

SA: MS s 116.07

HIST: L 1987 c 186 s 15; 13 SR 2153; 17 SR 350; 18 SR 614

[REDACTED]

7007.4020 CONDITIONS FOR PERMIT.

Subpart 1. **In general.** Unless the requirements of Code of Federal Regulations, title 40, chapter I, part 51, appendix S, (1991), as incorporated in subpart 2a, are first satisfied, no person shall commence construction of a major stationary source or major modification in:

- A. a nonattainment area; or
- B. in an attainment area or unclassifiable area if that major stationary source or major modification would cause or contribute to a violation of a national ambient air quality standard in a nonattainment area as determined by the significance levels established in Code of Federal Regulations, title 40, chapter I, part 51, appendix S, part III, (1991).

Subp. 2. **Repealed, 17 SR 350**

Subp. 2a. **Modified federal standard.** Persons subject to subpart 1 must comply with Code of Federal Regulations, title 40, chapter I, part 51, appendix S, (1991), with the following exceptions:

- A. Code of Federal Regulations, title 40, chapter I, part 51, appendix S, part IV, section A, condition 1, footnotes 4 and 5, (1991), do not apply;
- B. Code of Federal Regulations, title 40, chapter I, part 51, appendix S, part IV, section A, condition 3, is amended to read:

Emission reductions ("offsets") from existing sources in the same area of the proposed source (whether or not under the same ownership) are required such that there will be reasonable progress toward attainment of the applicable NAAQS. Offsets must be based on actual emissions as defined in Code of Federal Regulations, title 40, section 51.165(a)(3), as amended. Only intrapollutant emission offsets will be acceptable (e.g. hydrocarbon increases may not be offset against SO2 reductions).

C. Code of Federal Regulations, title 40, part 51, appendix S, part IV, section A, condition 3, footnote 7, (1991), does not apply.

D. Code of Federal Regulations, title 40, part 51,

appendix S, part IV, section A, footnote 8, (1991), does not apply.

E. Code of Federal Regulations, title 40, part 51, appendix S, part IV, section B, (1991), does not apply.

F. Code of Federal Regulations, title 40, part 51, appendix S, part IV, section C, (1991), applies except that, consistent with Code of Federal Regulations, title 40, section 51.165(3)(i)(A), as amended, the offset baseline shall be the actual emissions of the source from which offset credit is obtained.

G. Code of Federal Regulations, title 40, part 51, appendix S, part IV, section C, (5), (1991), does not apply.

Subp. 3. **Repealed, 17 SR 350**

Subp. 4. **Repealed, 17 SR 350**

Subp. 5. **Repealed, 17 SR 350**

Subp. 6. **Repealed, 13 SR 2153**

Subp. 7. **Repealed, 17 SR 350**

Subp. 8. **Repealed, 17 SR 350**

STAT AUTH: MS s 116.07

HIST: L 1987 c 186 s 15; 13 SR 2153; 17 SR 350; 17 SR 3380; 18 SR 614
7007.4030 LIMITATION ON USE OF OFFSETS.

To the extent that these parts create a program for the use of offsets or allow persons to purchase or obtain offsets, parts 7007.4000 to 7007.4030 shall not be construed to create a property right that requires compensation from the state should offsets later become unusable due to a change in an applicable emission limitation or standard of the agency.

STAT AUTH: MS s 116.07

HIST: 13 SR 2153; 17 SR 350; 18 SR 614