

CHAPTER 7007
MINNESOTA POLLUTION CONTROL AGENCY
AIR QUALITY DIVISION
PERMITS AND OFFSETS

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7007.0100 DEFINITIONS.

[For text of subps 1 to 6, see M.R.]

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

A. any standard, or other requirement provided for in Minnesota's implementation plan approved or promulgated by the EPA under title I of the act (Program and Activities), including any revisions to that plan promulgated in Code of Federal Regulations, title 40, part 52, as amended (Approval and Promulgation of Implementation Plans);

[For text of items B to O, see M.R.]

P. any standard or other requirement pursuant to the Standards of Performance for Stationary Sources under chapter 7011;

[For text of items Q to U, see M.R.]

[For text of subp 8, see M.R.]

Subp. 8a. Deviation. "Deviation" means any noncompliance with a rule, regulation, or permit condition.

[For text of subps 9 to 24, see M.R.]

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

[For text of item A, see M.R.]

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

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

D. any condition which is part of a plan approved by the EPA or submitted to the EPA and pending approval under section 111(d) of the act.

[For text of subps 26 to 28, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 2316; 21 SR 693*

7007.0150 PERMIT REQUIRED.*[For text of subps 1 to 3, see M.R.]***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, the control equipment efficiency determined by part 7011.0070 for listed control equipment at a stationary source may be used in calculating 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.

Subp. 5. Variances from federal requirements. The agency shall not issue variances from any federal requirement to obtain an air quality permit, unless explicitly authorized to do so in writing by the administrator. Nothing in parts 7007.0100 to 7007.1850 shall allow a variance from federal applicable requirements as defined in part 7007.0100, subpart 7, items A to K.

Statutory Authority: *MS s 116.07*

History: *20 SR 2316, 21 SR 165*

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. If the owner or operator of a stationary source is required to obtain a part 70 permit by subpart 2, item B or C, the owner or operator shall also separately determine under subpart 2, item A, if the stationary source is a major source subject to major source requirements under section 112 of the act.

[For text of subps 2 to 6, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 2316*

7007.0250 SOURCES REQUIRED TO OBTAIN A STATE PERMIT.*[For text of subps 1 to 4, see M.R.]*

Subp. 5. Part 70 permits. Part 7007.0250 does not apply to a stationary source that is required to or chooses to obtain a part 70 permit under part 7007.0200. However, a stationary source that would otherwise be required to obtain a part 70 permit under part 7007.0200 may avoid that requirement by obtaining a state permit under this part which contains federally enforceable conditions to limit its emissions to levels below those that would trigger the requirement to obtain a part 70 permit.

Subp. 6. Waste combustors. A waste combustor, as defined in part 7011.1201, must obtain a permit under this part unless it is.

A. a Class IV waste combustor located at a hospital; or

B. a waste combustor subject to the exemptions in part 7011.1215, subpart 3.

Notwithstanding the exemptions in items A and B, a Class IV waste combustor that does not comply with the stack height requirements of part 7011.1235, subpart 1, but uses alternative techniques to achieve equivalent ambient pollution concentrations, must obtain a permit under this part. The permit obtained shall not be a registration permit under parts 7007.1110 to 7007.1130.

[For text of subp 7, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 2316*

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:

[For text of item A, see M.R.]

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:

[For text of subitems (1) to (3), see M.R.]

(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 or propane;

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);

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) for emissions units described in part 7007.1300, subparts 2 and 3, except part 7007.1300, subpart 3, item H, subitem (1), records are maintained that demonstrate that a permit is not required. These records shall contain a list of all emissions units and the Minnesota Rules citation that defines those emissions units as an insignificant activity. The records shall be permanently kept at the stationary source and made available for examination and copying by the commissioner or a representative of the commissioner; and

(2) for emissions units described in part 7007.1300, subpart 3, item H, subitem (1), the owner or operator shall

(a) record each month the number of gallons of VOC-containing materials purchased or used and the maximum VOC content;

(b) maintain a record of the material data safety sheet (MSDS), or a signed statement from the supplier stating the maximum VOC content, for each VOC-containing material used;

(c) recalculate and record each month the 12-month rolling sum of actual number of gallons of VOCs purchased or used, and the calculation itself and a list of the associated emissions units in which it was used;

(d) maintain at the stationary source the records as long as the emissions unit is located at the stationary source; and

(e) make the records available for examination and copying by the commissioner or a representative of the commissioner; and

E. 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 new source performance standards under Code of Federal Regulations, title 40, part 60, that has the potential to emit zero tons per year from the affected facility of each pollutant regulated by the standard.

Subp. 2. [Repealed, 21 SR 165]

Statutory Authority: *MS s 116.07*

History: 20 SR 2316, 21 SR 165

7007.0350 EXISTING SOURCE APPLICATION DEADLINES AND SOURCE 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.

[For text of items A to C, see M.R.]

D. An application date for a stationary source or group of stationary sources may be deferred by the commissioner under the following circumstances. A source or sources will soon be subject to a new federal requirement that will affect the source's application or the commissioner finds that it will reduce the agency's administrative burden by deferring the application deadline for sources required to obtain a state permit. The application dates for sources required to submit a part 70 permit application shall be deferred to a date no later than one year after the administrator grants part 70 program approval to Minnesota, and the application dates for sources required to submit a state permit application may not be deferred more than two years after EPA program approval. The source or sources are required to submit the permit application by the new date specified by the commissioner under this item.

E. 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 October 18, 1993), 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 October 18, 1993, 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.

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

[For text of subitems (1) and (2), see M.R.]

[For text of subps 2 and 3, see M.R.]

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

[For text of subp 5, see M.R.]

Statutory Authority: *MS s 116.07*

History: 20 SR 2316

7007.0500 CONTENT OF PERMIT APPLICATION.

[For text of subpart 1, see M.R.]

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

[For text of items A and B, see M.R.]

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 (11). 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.

(2) The application need not include the information required by this part for any activity listed on the insignificant activities list in part 7007.1300, except as provided in this subitem. The application shall include a list identifying any activity at the stationary source described in subpart 3 of the insignificant activities list. If requested by the agency, the permittee shall provide a calculation of emissions from any activity described in subpart 3 of the insignificant activities list. The agency shall request such a calculation if it finds that the emissions from those activities, in addition to other emissions from the stationary source, could make the stationary source subject to different applicable requirements under parts 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 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) The permit application shall specify the potential emissions, as defined in part 7005.0100, subpart 35a, in tons per year from the stationary source as a whole. These potential emissions shall be specified for each regulated air pollutant and each hazardous air pollutant that is not yet a regulated air pollutant, as defined in part 7007.0100, subparts 12a and 19, except that pollutants which are regulated solely under section 112(r) of the act need not be included and pollutants regulated solely under section 602 of the act need not be included. In addition, for each emissions unit subject to an applicable requirement, the permit application shall specify, in tons per year, the potential emissions of the same pollutants referenced in the previous sentence. If the applicable requirement contains a standard reference test method which is to be used to establish compliance, the permit application shall specify the potential emissions in the same units as are used in the test method.

(5) The permit application shall also include the emission limits that will be imposed on the stationary source by applicable requirements.

(6) A permit application shall provide the information on actual emissions for the preceding calendar year required in this subitem. Notwithstanding the previous sentence, if actual emission data are not available for the preceding calendar year, the application shall provide an estimate of actual annual emissions required in this subitem.

[For text of units (a) and (b), see M.R.]

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

(8) A permit application shall identify and describe all air pollution control equipment and compliance monitoring devices or activities. A permit application shall also contain the design operating efficiency of the air pollution control equipment. The permit application shall identify all air pollution control equipment located at the stationary source which the stationary source elects not to operate.

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

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

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

[For text of items D to J, see M.R.]

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

(1) A description of the compliance status of the stationary source at the time of application submittal with respect to all applicable requirements and the requirements of parts 7007.0100 to 7007.1850, and a description of the methods used to determine compliance, including a description of monitoring, recordkeeping, and test methods. The applicant shall identify in the description of compliance status any past modifications at the stationary source for which preconstruction review was required under parts C and D of the act but was not done.

[For text of subitems (2) to (4), see M.R.]

[For text of items L to N, see M.R.]

[For text of subs 3 to 5, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 2316; 21 SR 165*

7007.0800 PERMIT CONTENT.

[For text of subs 1 to 4, see M.R.]

Subp. 5. Recordkeeping. The permit shall incorporate all applicable requirements related to recordkeeping and require the permittee to maintain adequate records, including at least the following:

[For text of items A to C, see M.R.]

D. A requirement that the permittee retain copies of deviation reports required by subpart 6 for a period of five years, or longer if requested by the commissioner, from the date of submittal of the report to the agency.

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

A. The permit shall require the permittee, in the event of any deviation from permit conditions which could endanger human health or the environment, to orally notify the commissioner within 24 hours of discovering the deviation. Within two working days of the discovery of such a deviation, the permittee shall submit to the commissioner a written description of the deviation; the cause of the deviation; the exact dates of the period of the deviation; if the deviation has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the deviation. The permit shall require the permittee, in the event of any other type of deviation from permit conditions, to report the deviation semiannually in a midyear report and an end-of-year report. The midyear report, covering deviations which occurred during the period from January 1 to June 30, is due by July 30 of each year. The end-of-year report, covering deviations which occurred during the period from July 1 to December 31, is due by January 30 of each year.

B. All part 70 permits shall require the permittee to submit progress reports at least every six months for any stationary source required to have a compliance schedule under part 7007.0500, subpart 2, item K, subitem (4). Such progress reports shall contain the deadlines for achieving the activities, milestones, or compliance required in the compliance schedule and dates when such activities, milestones, or compliance were actually achieved. If any deadlines in the schedule of compliance were not or will not be met, the report shall note that, explain why, and include any preventive or corrective measures that have been or will be adopted as a result.

[For text of items C and D, see M.R.]

E. For deviations caused by emergencies, as defined in part 7007.1850, the permittee may assert an affirmative defense only if it meets all the requirements of part 7007.1850,

which includes notifying the agency within two working days of when the emission limitations were exceeded due to the emergency.

[For text of subs 7 to 9, see M.R.]

Subp. 10. Emissions trading.

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

[For text of subitems (1) to (3), see M.R.]

[For text of item B, see M.R.]

[For text of subp 11, see M.R.]

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

[For text of items A and B, see M.R.]

C. requirements that the owner or operator notify the agency at least ten days in advance of each change in location, providing the exact location where the source will operate for all part 70 permits and at least 48 hours in advance of each change in location for all other state permits; and

[For text of item D, see M.R.]

[For text of subp 13, see M.R.]

Subp. 14. Operation of control equipment. If the commissioner determines that such provisions would substantially improve the likelihood of future permit compliance, the permit may specify operating and maintenance requirements for each piece of control equipment located at the stationary source or require the permittee to maintain an operation and maintenance plan on site.

[For text of subs 15 and 16, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 2316*

7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.

[For text of subpart 1, see M.R.]

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

[For text of item A, see M.R.]

B A stationary source may not obtain a registration permit if air quality specific conditions or limits not contained in parts 7007.1110 to 7007.1130 were assumed:

- (1) as a mitigation measure in an environmental impact statement; or
- (2) in obtaining a negative declaration in an environmental assessment worksheet.

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

[For text of subitems (1) to (8), see M.R.]

(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);

(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); and

(11) Code of Federal Regulations, title 40, part 60, subpart I, Standards of Performance for Hot Mix Asphalt Facilities (incorporated by reference in part 7011.0909).

[For text of subs 3 to 6, see M.R.]

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

A. comply with this part, including the general conditions in subpart 21;

B. comply with part 7007.1115 (Option A), 7007.1120 (Option B), 7007.1125 (Option C), or 7007.1130 (Option D), whichever applies;

C. comply with all applicable requirements; and

D. if a stationary source qualifies for a registration permit, but has less than 12 months of emissions data, determine compliance during normal operation for the first 12 months under registration permit option B, C, or D on a form provided by the commissioner which uses the following formula:

$$N = .95 (\text{annual limit in option B, C, or D}) + .0045 (\text{annual limit in option B, C, or D})(n-1)$$

Where: n = number of months in operation.

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 7019.3100

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, or at the main office for an unattended 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. A stationary source with a registration permit may maintain records at an office of the owner or operator of the stationary source for all years prior to the current calendar year of operation.

[For text of item B, see M.R.]

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 C, 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:

[For text of items A to C, see M.R.]

[For text of subps 11 to 19, see M.R.]

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 48 hours in advance of each change in location, providing the exact location where the source will operate.

[For text of subps 21 and 22, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 2316, 20 SR 2253(NO 42), 21 SR 165*

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 C, 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, subparts 2 and 3, 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:

[For text of items A and B, see M.R.]

C. a copy of the applicable new source performance standards (NSPS) listed in part 7007.1110, subpart 2, item C, 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, subparts 2 and 3, are not required to be included in the application.

[For text of subp 3, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 2316; 21 SR 165*

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 on a 12-month rolling sum basis;

B. the only emissions from the stationary source are from VOC-containing materials, or are from insignificant activities under part 7007.1300, subparts 2 and 3; 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 on a 12-month rolling sum basis.

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

[For text of items A and B, see M.R.]

C. a copy of the applicable new source performance standards (NSPS) listed in part 7007.1110, subpart 2, item C, 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;

[For text of item D, see M.R.]

E. for stationary sources in operation on August 12, 1996, the gallons of VOC-containing materials purchased or used on a 12-month 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 on a 12-month rolling sum basis during normal operation using a worksheet provided by the commissioner. If the stationary source has been operated less than 12 months on the 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, subparts 2 and 3, 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:

[For text of items A and B, see M.R.]

C. purchase or use (whichever was stated in the permit application) a 12-month rolling sum of less than 2,000 gallons of VOC-containing materials;

D. have emissions from the stationary source only from VOC-containing materials or from insignificant activities under part 7007.1300, subparts 2 and 3;

E. comply with part 7007.1100, and

F. comply with all applicable requirements, including new source performance standards.

Statutory Authority: *MS s 116.07*

History: *20 SR 2316; 21 SR 165*

7007.1125 REGISTRATION PERMIT OPTION C.

Subpart 1. **Eligibility.** The owner or operator of a stationary source may apply for a registration permit under this part if the stationary source consists of only indirect heating units (boilers), reciprocating internal combustion engines, and/or emissions from use of VOC-containing materials, and meets the following criteria:

A. all emissions units at the stationary source are included under calculations 1, 2A, 2B, and 3 in subpart 4, or are insignificant activities under part 7007.1300, subparts 2 and 3;

[For text of items B to E, see M.R.]

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

[For text of items A and B, see M.R.]

C. a copy of the applicable new source performance standards (NSPS) listed in part 7007.1110, subpart 2, item C, 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;

[For text of item D, see M.R.]

E. the calculations required by subpart 4. If the stationary source has not been operated, the owner or operator shall estimate the gallons of VOC-containing materials, amount of fuels burned, and hours of operation on a 12-month rolling sum basis during normal operation in performing the calculations required in subpart 4. If the stationary source has been operated less than 12 months on the date of application under this part, the owner or operator shall perform the calculation in subpart 4 by calculating gallons of VOC-containing materials purchased or used, amount of fuels purchased or used, or hours of operation by multiplying by 12 the larger of the following:

(1) the average monthly gallons of VOC-containing materials purchased or used, amount of fuel purchased or used, or hours of operation; or

(2) calculating an estimated monthly average for normal operations.

Insignificant activities at the stationary source listed in part 7007.1300, subparts 2 and 3, 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 comply with all of the requirements in items A to J.

A. If the stationary source qualified in the permit application, in whole or in part, by calculating VOC actual emissions from VOC-containing materials purchased or used (whichever was stated in the permit application) in calculation 3 in subpart 4, the owner or operator must:

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

[For text of subitems (2) and (3), see M.R.]

[For text of items B to F, see M.R.]

G. The owner or operator must have emissions from the stationary source only from indirect heating units (boilers), from reciprocating internal combustion engines, from insignificant activities under part 7007.1300, subparts 2 and 3, and/or from use of VOC-containing materials.

H. The owner or operator must comply with part 7007.1110.

[For text of item I, see M.R.]

J. The owner or operator shall keep the following information on site for emission points venting emission units included in subpart 4, calculation 1, which burn coal, coke, wood, bark, number 5 or 6 residual oil, or number 4 distillate oil.

[For text of subitems (1) to (3), see M.R.]

[For text of subp 4, see M.R.]

Statutory Authority: *MS s 116 07*

History: *20 SR 2316; 21 SR 165*

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, subparts 2 and 3;

[For text of items B and C, see M.R.]

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

[For text of items A and B, see M.R.]

C. a copy of the applicable new source performance standards (NSPS) listed in part 7007.1110, subpart 2, item C, 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;

[For text of item D, see M.R.]

E. the calculations required by subpart 4, and the total actual emissions per pollutant that result from those calculations. A stationary source in which the only hazardous air pollutant (HAP) emissions are VOC emissions and that has actual VOC emissions less than five tons per year are not required to calculate emissions of HAPs. 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 date of application under this part, the owner or operator shall estimate actual emissions by multiplying by 12 the larger of the following:

[For text of subitems (1) and (2), see M.R.]

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. The owner or operator of a hot mix asphalt plant shall provide a copy of the portion of the control equipment manufacturer's specifications with the operating parameters required to be monitored under part 7011.0917, subpart 7, or the information to support an alternative operating range required by part 7011.0917, subpart 1.

Insignificant activities at the stationary source listed in part 7007 1300, subparts 2 and 3, 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 J.

[For text of item A, see M.R.]

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:

[For text of subitem (1), see M.R.]

(2) recalculate and record each month the 12-month rolling sum of emissions, 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:

[For text of subitem (1), see M.R.]

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

[For text of item D, see M.R.]

E. The owner or operator must recalculate and record each month, 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, subparts 2 and 3, and the information required by subpart 4, item B, subitem (3), 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, except that the owner or operator of a hot mix asphalt plant shall comply instead with part 7011.0917. 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.

[For text of item G, see M.R.]

H. Comply with part 7007.1110.

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 units venting to these emission points:

[For text of subitems (1) to (3), see M.R.]

Subp. 4. Calculation of actual emissions. The owner or operator of a stationary source 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 dust emissions must be included in the calculations under this subpart, if the stationary source is a category listed in part 7007.0200, subpart 2, item B, subitems (1) to (27).

A. 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:

$E = OP \times EF \times [1 - CE]$, 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) as defined in part 7005.0100, subpart 10a

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) in compliance with the preconditions in subitems (1) and (2), the owner or operator shall use the CEM data to calculate actual emissions, the calculation shall be based on all of the CEM data, and the following requirements shall be met:

(1) the CEM has been certified by the commissioner;

(2) the CEM data have not been rejected by the commissioner due to failure by the owner or operator to comply with all requirements of parts 7017.1000, 7019.1000, and 7019.2000; all applicable permit conditions; and any other applicable state or federal laws pertaining to CEM operation;

(3) 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

(4) 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 periods when the CEM is down and the emission unit is operating, the CEM data shall be substituted with emission data calculated using data obtained from the CEM. The CEM must have recorded data for at least 90 percent of the hours the emission unit was operated for the calendar year. The substitute CEM data must be representative of emission unit operation and, if applicable, of the control equipment operation during the period of CEM downtime. If substitute CEM data meeting these conditions is not available, emissions during periods of CEM downtime shall be calculated using emission factors as specified in item A or performance test data as specified in item C.

[For text of items C to E, see M.R.]

[For text of subp 5, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 2316, 20 SR 2253(NO. 42), 21 SR 165*

7007.1150 WHEN A PERMIT AMENDMENT IS REQUIRED.

[For text of items A and B, see M.R.]

C. A written notice to the agency shall be sent by any person who, at a permitted stationary source, makes a change that (i) 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:

[For text of subitems (1) and (2), see M.R.]

(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 control equipment being replaced

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, recordkeeping, 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.

[For text of items D to F, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 2316*

7007.1200 CALCULATING EMISSION CHANGES FOR PERMIT AMENDMENTS.

[For text of subps 1 and 2, see M.R.]

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

[For text of item A, see M.R.]

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) emission factors as defined in part 7005.0100, subpart 10a; or

[For text of subitem (2), see M.R.]

[For text of item C, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 2316*

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.

[For text of item A, see M.R.]

B. Any modification that will.

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

(2) result in an increase of an air pollutant which is listed in table 1, but in an amount less than the corresponding threshold; or

(3) result in an increase of a hazardous air pollutant, at a major source as defined in Code of Federal Regulations, title 40, section 63.2, in an amount less than 25 percent of the de minimis emission rates established in the rules promulgated by the administrator under section 112(g) of the act. This subitem becomes effective when the rules promulgated by the administrator under 112(g) of the act become effective.

Table 1

Pollutant	Threshold
NO _x	2.28 pounds per hour
SO ₂	2.28 pounds per hour
VOCs	2.28 pounds per hour
PM-10	.855 pounds per hour
CO	5.70 pounds per hour
Lead	.025 pounds per hour

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 3. 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.

[For text of subps 2 to 6, see M R]

Statutory Authority: *MS s 116.07*

History: *20 SR 2316*

7007.1300 INSIGNIFICANT ACTIVITIES LIST.

[For text of subpart 1, see M.R.]

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).

[For text of items A to C, see M.R.]

D. Processing operations.

[For text of subitems (1) and (2), see M.R.]

(3) equipment venting particulate matter (PM) or particulate matter less than ten microns (PM-10) inside a building (for example: buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning equipment) provided that emissions from the equipment are:

[For text of units (a) and (b), see M.R.]

[For text of subitem (4), see M.R.]

[For text of item E, see M.R.]

F. Drain, waste, and vent piping:

(1) stacks or vents to prevent escape of sewer gases through plumbing traps, not including emissions associated with processing at wastewater treatment plants;

(2) sewer maintenance access covers and shafts;

(3) sludge and septage landspreading sites;

(4) sludge loadout pumping operations for publicly owned treatment works with a design flow less than 5,000,000 gallons per day; and

(5) odor control systems on components of publicly owned treatment works collection systems.

G. Residential activities. typical emissions from residential structures, not including.

(1) fuel burning equipment with a total capacity of 500,000 Btu/hour or greater; and

(2) emergency backup generators.

H. Recreational activities: use of the following for recreational purposes:

[For text of subitems (1) to (3), see M.R.]

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

J. Miscellaneous:

[For text of subitems (1) and (2), see M.R.]

(3) operation of mobile sources, except for fugitive dust 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;

[For text of subitems (4) to (6), see M.R.]

K. Demonstration projects conducted by a teaching 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 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.

[For text of item A, see M.R.]

B. Furnaces and boilers:

(1) infrared electric ovens; and

(2) fuel burning equipment of less than 500,000 Btu/hour capacity except where total capacity of equipment exceeds 2,000,000 Btu/hour when operated by one stationary source.

[For text of item C, see M.R.]

D. Processing operations:

[For text of subitem (1), see M.R.]

(2) equipment venting particulate matter (PM) or particulate matter less than ten microns (PM-10) inside a building (for example: buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning equipment) provided that emissions from the equipment are:

[For text of units (a) and (b); see M.R.]

[For text of items E to G, see M.R.]

H. Miscellaneous:

[For text of subitems (1) to (5), see M.R.]

(6) equipment used exclusively for melting or application of wax;

(7) nonasbestos equipment used exclusively for bonding lining to brake shoes; and

(8) cleaning operations: alkaline/phosphate cleaners, associated cleaners, and associated burners.

[For text of item I, see M.R.]

J. Fugitive dust emissions from unpaved entrance roads and parking lots, except from a stationary source applying for an Option D registration permit under part 7007.1130.

K. Plant upkeep:

(1) spray paint equipment used for plant upkeep activities that uses less than 200 gallons of paint in any consecutive 12-month period; or

(2) spray paint equipment used for plant upkeep activities that uses 200 gallons of paint or more in any consecutive 12-month period.

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

[For text of items A and B, see M.R.]

C. for hazardous air pollutants, emissions units with:

(1) potential emissions of 25 percent or less of the hazardous air pollutant thresholds listed in part 7007.1251; or

(2) combined HAP actual emissions of one ton per year unless the emissions unit emits one or more of the following HAPs: carbon tetrachloride; 1,2-dibromo-3-chloropropane; ethylene dibromide; hexachlorobenzene; polycyclic organic matter; antimony compounds; arsenic compounds, including inorganic arsine; cadmium compounds; chromium compounds; lead compounds; manganese compounds; mercury compounds; nickel compounds; selenium compounds; 2,3,7,8-tetrachlorodibenzo-p-dioxin; or dibenzofuran. If the emissions unit emits one or more of the HAPs listed in this subitem, the emissions unit is not an insignificant activity under this subitem.

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.

Statutory Authority: *MS s 116.07*

History: *20 SR 2316; 21 SR 165*

7007.1400 ADMINISTRATIVE PERMIT AMENDMENTS.

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

[For text of items A and B, see M.R.]

C. an amendment requiring the permittee to comply with additional, more frequent, or expanded, testing, monitoring, recordkeeping, or reporting requirements;

[For text of items D to G, see M.R.]

H. an amendment to extend a deadline in a permit by no more than 120 days, provided that the agency may only extend a deadline established by an applicable requirement described in part 7007.0100, subpart 7, items A to K, if the agency has been delegated authority to make such extensions by the administrator. Notwithstanding the previous sentence, the agency may do an administrative amendment to extend a testing deadline in a permit up to 365 days if the agency finds that the extension is needed to allow the permittee to test at worst case conditions as required by part 7017.2025, subpart 2.

[For text of subps 2 to 7, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 2316*

7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.

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

A. amend existing permit terms related to monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements which are major amendments under part 7007.1500, subpart 1, item A;

[For text of items B to E, see M.R.]

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 is described in either item A or B.

A. The modification will not cause an increase in emissions of an air pollutant listed below in an amount greater than the threshold:

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

B. The modification will not cause an increase in emissions of a hazardous air pollutant at a major source, as defined in Code of Federal Regulations, title 40, section 63.2, above the de minimis emission rates established in the rules promulgated by the administrator under section 112(g) of the act. This item becomes effective when the rules promulgated by the administrator under section 112(g) of the act become effective.

For purposes of this part, whether or not the modification will cause an increase in emissions shall be calculated as described in part 7007.1200. Modifications which would otherwise qualify for a minor or moderate amendment 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 requirements of title I of the act.

[For text of subps 3 to 9, see M.R.]

Statutory Authority: *MS s 116.07*

History: 20 SR 2316

7007.1500 MAJOR PERMIT AMENDMENTS.

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

A. any significant amendment to existing monitoring, reporting, or recordkeeping requirements in the permit other than adding new requirements, eliminating the requirements if they are rendered meaningless because the only emissions to which the requirements apply will no longer occur, or changing from one validated reference test method for a pollutant and source category to another;

[For text of items B to E, see M.R.]

[For text of subps 2 to 4, see M.R.]

Statutory Authority: *MS s 116.07*

History: 20 SR 2316