

**CHAPTER 7007**  
**MINNESOTA POLLUTION CONTROL AGENCY**  
**PERMITS AND OFFSETS**

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**7007.0050 SCOPE.**

Parts 7007 0100 to 7007 1850 apply to the issuance of permits to construct, modify, reconstruct, or operate emissions units, emission facilities, or stationary sources that emit any air pollutant, and to the revocation, reissuance, or amendment of those permits. Parts 7007 0100 to 7007 1850 apply to permits issued to stationary sources requiring permits under federal law at Code of Federal Regulations, title 40, part 70, as amended (Operating Permit Program), or under part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan Requirements in Nonattainment Areas) of the act, or under section 112(g)(2)(B) of the act (hazardous air pollutants), and to stationary sources requiring permits solely under state law. Sources proposing construction or modifications subject to parts C and D of the act are subject to the permitting requirements of part 7007 3000, incorporating by reference the provisions of Code of Federal Regulations, title 40, section 52.21, or parts 7007 4000 to 7007.4040 in addition to parts 7007 0100 to 7007 1850. Sources proposing construction or reconstruction subject to section 112(g)(2)(B) of the act are subject to the requirements of part 7007 3010, incorporating by reference the provisions of Code of Federal Regulations, title 40, sections 63.40 to 63.44, in addition to parts 7007 0100 to 7007 1850.

**Statutory Authority:** *MS s 116 07*

**History:** *22 SR 2300*

**7007.0100 DEFINITIONS.**

*[For text of subs 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):

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

B any preconstruction review requirement of regulations promulgated under title I of the act, including part C (Prevention of Significant Deterioration of Air Quality), part D (Plan Requirements for Nonattainment Areas), or section 112(g)(2)(B) (construction or reconstruction of major source of hazardous air pollutants) and the emission facility offset rule in parts 7007 4000 to 7007 4030, and any term or condition of any preconstruction permit issued pursuant to those regulations or parts 7007 4000 to 7007.4030;

*[For text of items C to U, see M R ]*

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

**Subp 8a Deviation.** "Deviation" means any noncompliance with an applicable requirement or permit condition.

*[For text of subs 9 to 18a, see M R ]*

**Subp 19 Regulated air pollutant.** "Regulated air pollutant" means the following

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

E any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the act (Hazardous Air Pollutants), including sections 112(g)(2)(B) (construction or reconstruction of major source of hazardous air pollutants), 112(j) (Equivalent Emission Limitation by Permit), and 112(r) (Prevention of Accidental Releases), including the following

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

(2) any pollutant for which the requirements of section 112(g)(2)(B) (construction or reconstruction of a major source of hazardous air pollutants) of the act have been met, but only with respect to the individual source subject to the section 112(g)(2)(B) requirement.

*[For text of subp 20, see M.R.]*

**Subp 21 Responsible official.** "Responsible official" means one of the following

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

B For a partnership or sole proprietorship a general partner or the proprietor, respectively, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and the delegation of authority to a representative is approved in advance by the agency

C For a municipality, state, federal, or other public agency either a principal executive officer or ranking elected official or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more facilities applying for or subject to a permit and the delegation of authority to a representative is approved in advance by the agency For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (for example, a regional administrator of EPA)

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

*[For text of subps 22 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

A any condition based on a requirement of a new source review program under part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan Requirements for Nonattainment Areas) or a preconstruction review program under section 112(g)(2)(B) (construction or reconstruction of a major source of hazardous air pollutants) of the act and implementing state rules or federal regulations,

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

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) or a preconstruction review program under section 112(g)(2)(B) of the act or implementing state rules or federal regulations, and

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

**Subp 26 Title I modification.** "Title I modification" means any change that constitutes any of the following.

A Construction or reconstruction of a major hazardous air pollutant source as defined in Code of Federal Regulations, title 40, section 63.41, as amended, or any other rules adopted by the administrator under section 112(g)(2)(B) of the act

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

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

D A hazardous air pollutant modification any modification as defined in Code of Federal Regulations, title 40, section 61.15, as amended, or any other rules adopted by the administrator under section 112 of the act

E Any other change that constitutes a modification under any provision of title I of the act.

*[For text of subps 27 and 28, see M R ]*

**Statutory Authority:** *MS s 116 07*

**History:** *22 SR 1237, 22 SR 2300*

#### **7007.0150 PERMIT REQUIRED.**

Subpart 1 **Prohibition.** No person may construct, modify, reconstruct, or operate an emissions unit, emission facility, or stationary source except in compliance with an air emission permit from the agency. Exceptions to the requirement to obtain a permit are located in part 7007 0300. Exceptions to the requirement to obtain a permit amendment are located in parts 7007 1250 and 7007.1350. A person violates this subpart when the person begins actual construction on a new source, reconstruction, or modification prior to obtaining the permit or amendment, except as allowed in parts 7007 0750, subpart 7, 7007.1450, subpart 7, and 7007 1500, subpart 3a.

*[For text of subps 2 to 5, see M R ]*

**Statutory Authority:** *MS s 116 07*

**History:** *22 SR 1237*

#### **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 items A and B, see M R.]*

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, or 61 154, Standard for Active Waste Disposal Sites (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, not including the activity described in part 7007 1300, subpart 3, item H, subitem (1). The owner or operator must maintain records 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 or a central office and be readily available for examination and copying by the commissioner or a representative of the commissioner,

E any stationary source that would be required to obtain a permit solely because its VOC potential to emit is equal to or greater than 100 0 tons per year, that uses less than 200 gallons of VOC (including hazardous air pollutant-containing VOC) combined in any consecutive 12-month period, and whose only other emissions are from insignificant activities under part 7007 1300, subparts 2 and 3. The owner or operator shall

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

(2) 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,

(3) 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,

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

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

Under this item, gallons of VOC equals volume percentage of VOC multiplied by the gallons of VOC-containing material, except that if the owner or operator ships VOC off-site

for recycling, the amount recycled may be subtracted from the amount of VOC used "Recycling" means the reclamation or reuse, as defined in part 7045 0020, of a VOC. If the owner or operator ships VOC off-site for recycling, the owner or operator shall keep records of the amount of material shipped off-site for recycling and the calculations done to determine the amount to subtract. Records may be MSDS, invoices, shipping papers, or hazardous waste manifests, and

F 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

**Statutory Authority:** *MS s 116 07*

**History:** *22 SR 1237*

### 7007.0500 CONTENT OF PERMIT APPLICATION.

#### Subpart 1 Standard application form and required information.

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

D Applicants for permits subject to preconstruction requirements under section 112(g)(2)(B) (construction or reconstruction of major source of hazardous air pollutants) of the act shall also comply with the application requirements of part 7007 3010, incorporating by reference the provisions of Code of Federal Regulations, title 40, sections 63 40 to 63 44

E An applicant is not required to show that its emissions do not cause a violation of ambient air quality standards, unless the agency notifies the applicant that such information is required, or unless the source is required to make such a showing under the preconstruction review requirements of part 7007 3000 or parts 7007 4000 to 7007 4030

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

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:

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

(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 subparts 3 and 4 of the insignificant activities list. If requested by the agency, the permittee shall provide a calculation of emissions from any activity described in subparts 3 and 4 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

*[For text of subitems (3) to (11), see M.R.]*

*[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 section 112(g)(2)(B) (construction or reconstruction of major source of hazardous air pollutants) of the act and 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 subps 3 to 5, see M R.]*

**Statutory Authority:** *MS s 116.07*

**History:** 22 SR 1237; 22 SR 2300

**7007.0501 ADDITIONAL CONTENTS REQUIRED IN A PERMIT APPLICATION FOR A WASTE COMBUSTOR.**

Subpart 1 **Additional requirements.** In addition to the information required by part 7007 0500, a person who requests an air emission permit for a waste combustor subject to parts 7011 1201 to 7011 1290 shall submit to the commissioner the information required by subparts 2 to 7

*[For text of subps 2 to 8, see M R ]*

**Statutory Authority:** *MS s 116.07*

**History:** 22 SR 1975

**7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.**

*[For text of subps 1 to 4, see M R ]*

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

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

Subp 6 [Repealed, 22 SR 1237]

Subp 7 **Two-stage issuance of part 70 permits and part 70 permit amendments authorizing construction or modification.**

A If a part 70 permit or part 70 permit amendment authorizing construction or modification.

(1) is subject to the requirements of 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

(2) would include an enforceable limitation assumed to avoid being subject to a new source review program under part C or D of the act, the agency shall send the permit to the permittee after all requirements of the new source review program have been satisfied or after all requirements to avoid applicability of new source review have been completed including any required notice and comment period. The agency shall at the same time notify the permittee in writing that those permit conditions required by the new source review program or developed to avoid applicability of new source review and designated as such by the agency in the permit or amendment, and only those conditions, shall be considered issued.

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

Subp 8. **Two-stage issuance of permits subject to section 112(g)(2)(B) requirements.**

A If a permit or permit amendment is subject to the requirements of section 112(g)(2)(B) of the act, the agency shall send the permit to the permittee after all requirements of the section 112(g)(2)(B) program have been satisfied. The agency shall at the same time notify the permittee in writing that those permit conditions required by the section 112(g)(2)(B) program and designated as such by the agency in the permit or amendment, and only those conditions, shall be considered issued.

B The agency shall issue the remaining permit conditions (those not issued under item A) after the Environmental Protection Agency's 45-day review period described in part 7007 0950, and in compliance with all other applicable provisions of parts 7007 0100 to 7007 1850. If there is no change to the remaining permit conditions, the agency shall issue the remaining permit conditions by means of notifying the permittee in writing that the remaining permit conditions of the permit previously sent under item A shall be considered issued.

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

**Statutory Authority:** *MS s 116.07*

**History:** *22 SR 1237, 22 SR 2300*

#### **7007.0800 PERMIT CONTENT.**

*[For text of subs 1 to 3, see M.R.]*

Subp 4 **Monitoring.** The agency shall include the following monitoring requirements in all permits

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

C For state permits, where periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring) is not required by item A, the permit shall include monitoring requirements sufficient to determine whether a stationary source is in compliance with applicable requirements, if the agency finds that such monitoring is warranted by

- (1) the likelihood of noncompliance,
- (2) the environmental impact of noncompliance, or
- (3) the likelihood that noncompliance could not be detected using means other than monitoring

*[For text of item D, 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 and B, see M R ]*

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

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

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 Deviation reporting time frames are described in subitems (1) and (2)

(1) For deviations that endanger human health or the environment, the permit shall require the permittee to notify the commissioner as required in part 7019 1000, subpart 1.

(2) For all other deviations, the permit shall require the permittee to submit a deviation report, on a form approved by the commissioner, at least semiannually. The report is due whether or not a deviation occurred during the reporting period. The midyear deviations report, covering deviations which occurred during the period from January 1 to June 30, is due by July 30 of each year and the end-of-year deviations report, covering deviations which occurred during the period from July 1 to December 31, is due by January 30 of each year.

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

C The permit shall require submittal of an annual compliance certification by January 31 of each year to the agency. In the case of part 70 permits, compliance certifications shall be submitted to the administrator as well as the agency, unless the administrator agrees that the submittals are not necessary. The certification shall be on a form approved by the commissioner and shall contain the following

- (1) the facility name and permit number;
- (2) identification of the calendar year that the report covers,

(3) identification of deviation reports submitted covering the calendar year including the name of report (i.e. DRF-1 or DRF-2), the period covered by the report, and the date of the cover letter accompanying the report,

(4) identification of any noncompliance with applicable requirements or a permit condition that has not been identified in deviation reports submitted to the agency covering the calendar year,

(5) a certification that meets the requirements of part 7007.0500, subpart 3,

(6) the signature and title of a responsible official as defined in part 7007.0100, subpart 21, and

(7) additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the act

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

(a) a monitoring protocol approved for the source pursuant to Code of Federal Regulations, title 40, part 64, as amended, and

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

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

*[For text of subps 7 to 16, see M.R.]*

**Statutory Authority:** *MS s 116.07*

**History:** *22 SR 1237*

#### **7007.0801 CONDITIONS FOR AIR EMISSION PERMITS FOR WASTE COMBUSTORS.**

**Subpart 1 Additional permit conditions.** In addition to the conditions in part 7007.0800, an air emission permit for a waste combustor shall contain conditions as specified in subpart 2 or 3. In amending, modifying, or reissuing a waste combustor's air emissions permit which contains a provision that restricts mercury emissions from the facility, the commission shall, at a minimum, continue that permit restriction at the same level unless the applicant demonstrates that no good cause exists to do so

**Subp. 2 Mixed municipal solid waste or refuse-derived fuel waste combustors.** An air emissions permit for a waste combustor combusting mixed municipal solid waste or refuse-derived fuel shall

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

E. require the implementation of an industrial waste management plan as described in part 7011.1250,

F. for Class C, D, III, and IV waste combustors, require the implementation of a plan as described in part 7011.1255 to identify, separate, and collect solid wastes which contaminate mercury before the mercury is combusted, and

G. include operating conditions that ensure that the facility will continue to emit mercury emissions less than 50 percent of the applicable standard if the waste combustor elects to conduct mercury emissions testing as allowed in part 7011.1270 and Minnesota Statutes, section 116.85. If the permit must be amended in order to include these conditions, the procedures of part 7007.1400 shall be used

**Subp. 3 Waste combustors of nonmixed municipal solid waste.** An air emissions permit for a waste combustor which does not combust mixed municipal solid waste or refuse-derived fuel shall.

A. prohibit initiation of operation of the waste combustor unless the permittee has an ash management plan approved by the commissioner,

B. provide a schedule for testing of waste combustor ash,

C. require the implementation of an industrial waste management plan as described in part 7011.1250,

D. require the implementation of a plan as described in part 7011.1255 to identify, separate, and collect solid wastes which contaminate mercury before the mercury is combusted;

E for Class IV waste combustors, require the installation and operation of equipment necessary to achieve ambient pollutant concentrations that would have been achieved with the use of the minimum stack height required in part 7011 1235, subpart 1, and

F include operating conditions that ensure that the facility will continue to emit mercury emissions less than 50 percent of the applicable standard if the waste combustor elects to conduct annual mercury emissions testing as allowed in part 7011 1270 and Minnesota Statutes, section 116 85 If the permit must be amended in order to include these conditions, the procedures of part 7007 1400 shall be used

**Statutory Authority:** *MS s 116 07*

**History:** *22 SR 1975*

#### 7007.1120 REGISTRATION PERMIT OPTION B.

*[For text of subps 1 to 3, see M R.]*

Subp 4 **Calculation method.** For purposes of this part, "VOC-containing materials" include hazardous air pollutant-containing VOC. Under this part, gallons of VOC equals volume percentage of VOC multiplied by the gallons of VOC-containing material, except that if the owner or operator ships VOC off-site for recycling, the amount recycled may be subtracted from the amount of VOC used "Recycling" means the reclamation or reuse, as defined in part 7045 0020, of a VOC If the owner or operator ships VOC off-site for recycling, the owner or operator shall keep records of the amount of material shipped off-site for recycling and the calculations done to determine the amount to subtract Records may be MSDS, invoices, shipping papers, or hazardous waste manifests

**Statutory Authority:** *MS s 116 07*

**History:** *22 SR 1237*

#### 7007.1130 REGISTRATION PERMIT OPTION D.

*[For text of subpart 1, 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 to 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

(1) the average monthly actual emissions, or

(2) the estimated average monthly actual emissions during normal operation,

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, and

G if the calculations required by subpart 4 used emission factors established by a performance test approved by the commissioner under parts 7017 2001 to 7017.2060 and reflected use of control equipment that is not listed in part 7011 0070, a copy of the portion of the control equipment manufacturer's specifications which includes the operating parameters If the emissions are discharged to the control equipment through a hood, then the owner or operator must evaluate, on a form provided by the commissioner, whether the hood con-



forms to the design and operating practices recommended in "Industrial Ventilation – A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists," and must include with the permit application the certification required in part 7011 0070, subpart 3

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 items A to E, see M R ]*

F If the stationary source qualified in the permit application, in whole or in part, by using control equipment efficiencies for

(1) 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, or

(2) control equipment that is not listed in part 7011 0070, the owner or operator shall comply with subpart 6 and with the operating parameters of the performance test that established the emission factor The owner or operator may operate this control equipment before conducting a performance test and establishing an emission factor, but the owner or operator must calculate actual emissions assuming an uncontrolled emission factor for the period of operation prior to the date the performance test is conducted

*[For text of items G to J, 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

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

E = Actual Emissions in tons per year

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

UEF = Uncontrolled Emission Factor (pounds of pollutant per hour of operation or units produced) as defined in part 7005 0100, subpart 10a, for uncontrolled emissions

CE = Control Efficiency (percent expressed as a decimal fraction of 1.00) determined according to part 7011 0070 for listed control equipment

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

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 The owner or operator of a stationary source that uses an emission factor developed from a performance test shall use the calculation method under item A ex-

cept that if an owner or operator uses an emission factor developed from a performance test which reflects the use of control equipment not listed in part 7007 0070, the following equation shall be used to determine actual emissions of the tested pollutant

$E = OP \times CEF/HCE$ , where

E = Actual emissions in tons per year

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

CEF = Controlled Emission Factor (pounds of pollutant per hour of operation or units produced), as determined through a performance test meeting all the requirements of parts 7017 2001 to 7017 2060 that reflects the use of control equipment

HCE = Hood Capture Efficiency, which shall be 0.60 for VOCs, and 0.80 for all other pollutants. (HCE is 1.0 when 100 percent of the emissions exiting the process equipment are captured by the control device)

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

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

**Subp 6 Control equipment general requirements for control equipment that is not listed in part 7011.0070.** If the stationary source qualified in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using an emission factor determined through a performance test that reflects the use of control equipment that is not listed in part 7011.0070, the owner or operator shall

A. operate the control equipment whenever operating the emission units controlled by the control equipment in compliance with this item. The control equipment shall at all times be operated in the range established by the control equipment manufacturer's specifications for each control equipment parameter that is required to be monitored by the approved test plan during the performance test, or within the operating parameters set by the commissioner as the result of the most recent performance test conducted under parts 7017.2001 to 7017 2060, if those are more restrictive. The control equipment must have been manufactured by a control equipment manufacturer as defined in part 7011 0060, subpart 3. The monitoring parameters shall indicate that the control equipment is operating under the same conditions as during the performance test. If the commissioner determines such monitoring parameters do not exist, then an emission factor may not be established through a performance test under this part,

B. maintain the control equipment according to the requirements of part 7011 0075, subpart 2,

C. operate the monitoring equipment for each parameter required to be monitored as part of the approved test at all times the control equipment is required to operate,

D. record each parameter required to be monitored at least every 24 hours when in operation or more frequently, if the commissioner determines that more frequent monitoring is required to determine the control equipment is operating under the same conditions as during the performance test,

E. report to the commissioner any recorded reading outside the specification or range of specification of any monitored parameter required by the approved test plan in accordance with the deadlines in part 7007 0800, subpart 6, item A, subitem (2), except that owners or operators shall make this report only if a deviation occurred in the reporting period,

F. conduct additional performance tests, upon request of the commissioner or the administrator, to verify the accuracy of the emission factor or for any of the reasons specified in part 7017 2020, subpart 1,

G. in the event of a shutdown or breakdown of control or process equipment or deviations which would endanger human health or the environment, comply with part 7019 1000,

H. recalculate the actual emissions if the owner or operator becomes aware of information indicating that the emission factor determined through the performance test is no longer representative; and

I. if the emissions are discharged to the control equipment through a hood, maintain at the stationary source the evaluation of each hood, and record each month the fan rota-

tion speed, fan power draw, or face velocity of each hood, or other comparable air flow indication method

**Statutory Authority:** *MS s 116 07*

**History:** *22 SR 1237*

**7007.1200 CALCULATING EMISSION CHANGES FOR PERMIT AMENDMENTS.**

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

**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), part D (plan requirements in nonattainment areas), and section 112(g)(2)(B) (construction or reconstruction of a major source of hazardous air pollutants) of the act

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

**Statutory Authority:** *MS s 116 07*

**History:** *22 SR 2300*

**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 a regulated air pollutant which is not listed in table 1 and is not a hazardous air pollutant, or
- (2) result in an increase of an air pollutant which is listed in table 1, but in an amount less than the corresponding threshold.

Table 1

Pollutant	Threshold
NO <sub>x</sub>	2.28 pounds per hour
SO <sub>2</sub>	2.28 pounds per hour
VOCs	2.28 pounds per hour
PM-10	855 pounds per hour
CO	5.70 pounds per hour
Lead	0.25 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 subs 2 to 6, see M R.]*

**Statutory Authority:** *MS s 116 07*

**History:** *22 SR 1237*

**7007.1251** [Repealed, 22 SR 1237]

**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)

**A Fuel use**

(1) production of hot water for on-site personal use not related to any industrial process,

(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, but only if the combined total capacity of all fuel burning equipment at the stationary source with a capacity less than 30,000 Btu per hour is less than or equal to 500,000 Btu per hour For example Facility A has ten fuel burning emission units, each with a capacity of 25,000 Btu per hour The ten units are all an insignificant activity under this subitem, because their combined capacity is less than 500,000 Btu per hour (i e ,  $10 \times 25,000 \text{ Btu/hr} = 250,000 \text{ Btu/hr} \leq 500,000 \text{ Btu/hr}$ ) Facility B has 21 fuel burning emission units, each with a capacity of 25,000 Btu/hr None of the 21 units are an insignificant activity under this subitem, because their total combined capacity is greater than 500,000 Btu per hour (i e ,  $21 \times 25,000 \text{ Btu/hr} = 525,000 \text{ Btu/hr} > 500,000 \text{ Btu/hr}$ )

**B Plant upkeep**

(1) routine housekeeping or plant upkeep activities not associated with primary production processes at the stationary source, such as painting buildings, retarring roofs, or paving parking lots, but excluding use of spray paint equipment (refer to subpart 3, item K, for use of spray paint equipment that may be considered a listed insignificant activity),

*[For text of subitems (2) to (6), see M R ]*

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

**J 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) vehicle exhaust emissions from the operation of mobile sources at a stationary source,

(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,

(6) funeral home embalming processes and associated ventilation systems, and

(7) use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act, where the product is used at academic and health care institutions in the same manner as normal consumer use

*[For text of item K, see M R ]*

**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 (Monitoring Requirements) 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 A space heater is a heating unit that is not connected to piping or ducting to distribute the heat.

B Furnaces and boilers

(1) infrared electric ovens, and

(2) fuel burning equipment with a capacity less than 500,000 Btu per hour, but only if the total combined capacity of all fuel burning equipment at the stationary source with a capacity less than 500,000 Btu per hour is less than or equal to 2,000,000 Btu per hour For example Facility A has three fuel burning emission units, each with a capacity of 400,000 Btu per hour The three units are all an insignificant activity to be listed under this subitem, because their combined capacity is less than 2,000,000 Btu per hour Facility B has six fuel burning emission units, each with a capacity of 400,000 Btu per hour None of the six units is an insignificant activity under this subitem, because their total combined capacity is greater than 2,000,000 Btu per hour

*[For text of items C to G, see M R ]*

H Miscellaneous

(1) total usage of less than 200 gallons of VOC (including hazardous air pollutant-containing VOC) combined in any consecutive 12-month period at a stationary source Under this subitem, gallons of VOC equals volume percentage of VOC multiplied by the gallons of VOC-containing material, except that if the owner or operator ships VOC off-site for recycling, the amount recycled may be subtracted from the amount of VOC used "Recycling" means the reclamation or reuse, as defined in part 7045 0020, of a VOC If the owner or operator ships VOC off-site for recycling, the owner or operator shall keep records of the amount of material shipped off-site for recycling and the calculations done to determine the amount to subtract Records may be MSDS, invoices, shipping papers, or hazardous waste manifests,

*[For text of subitems (2) to (8), see M R ]*

I Individual emission units at a stationary source, each of which have a potential to emit the following pollutants in amounts less than

(1) 4,000 pounds per year of carbon monoxide, and

(2) 2,000 pounds per year each of nitrogen oxide, sulfur dioxide, particulate matter, particulate matter less than ten microns, VOCs (including hazardous air pollutant-containing VOCs), and ozone.

*[For text of item J, see M R ]*

K Infrequent use of spray paint equipment for routine housekeeping or plant upkeep activities not associated with primary production processes at the stationary source, such as spray painting of buildings, machinery, vehicles, and other supporting equipment

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 subpart 5, 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 emis-

sions units listed under this subpart are subject to additional requirements under section 114(a)(3) of the act (Monitoring Requirements) 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.

**Subp 5 Hazardous air pollutant threshold table.**

CAS#	Chemical Name	De Minimis Level (tons/year)
57147	1,1-Dimethyl hydrazine	0 008
79005	1,1,2-Trichloroethan	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-Propylemmine (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-Dimtrophenol	1
121142	2,4-Dimitrotoluene	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	0.2
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-Dmitro-o-cresol, and salts	0 1
75070	Acetaldehyde	9
60355	Acetamide	1
75058	Acetonitrile	4
98862	Acetophenone	1
107028	Acrolein	0 04
79061	Acrylamude	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
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'-Dichlorodiphenyldichloroethylene)	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

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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-disocyanate	0 02
680319	Hexamethylphosphoramide	0 01
110543	Hexane	10
302012	Hydrazine	0 004
7647010	Hydrochloric acid	10
7664393	Hydrogen fluoride	0 1
123319	Hydroquione	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



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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

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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 from 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. 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 are contained in Code of Federal Regulations, title 40, part 61.

**Statutory Authority:** *MS s 116.07*

**History:** *22 SR 1237*

#### 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 to C, see M R.]*

D an amendment to eliminate monitoring, recordkeeping, or reporting requirements if

(1) the requirements are rendered meaningless because the only emissions to which the requirements apply will no longer occur,

(2) the change is to eliminate one validated reference test method for a pollutant and source category in order to add another;

(3) the requirements are redundant to or less strict than other existing requirements,

(4) the requirements are technically incorrect and their elimination does not affect the accuracy of the data generated or of the monitoring information recorded or reported, or

(5) the piece of equipment to which the monitoring, recordkeeping, or reporting requirement applies no longer exists or has been permanently disabled from use at the stationary source.

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

F an amendment to incorporate into a permit the requirements from preconstruction review permits issued by the agency, incorporate into a permit the requirements from standards adopted under Code of Federal Regulations, title 40, part 63, as amended (National Emission Standards for Hazardous Air Pollutants for Source Categories), or to lower the plantwide emission limits in permits with Plantwide Applicability Limits to reflect the impact of standards adopted under Code of Federal Regulations, title 40, part 63, as amended,

G an amendment to clarify the meaning of a permit term,

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,

I an amendment to remove any condition from a permit which was based on an applicable requirement that has been repealed, but only if the permit condition

(1) is neither required nor replaced by another applicable requirement, and

(2) was not established for a specific facility to protect human health and the environment, to prevent pollution, as a mitigation measure in an environmental impact statement, or to obtain a negative declaration in an environmental assessment worksheet,

J an amendment to correct or update a citation to an applicable requirement where the corresponding permit condition is not changed, and

K. an amendment to include operating conditions that ensure that waste combustors emit mercury at less than 50 percent of the applicable standard

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

**Statutory Authority:** *MS s 116 07*

**History:** *22 SR 1237, 22 SR 1975*

NOTE Item K was originally adopted as item I at 22 SR 1975. It was relettered editorially.

**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

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

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

*[For text of items C 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 will not cause an increase in emissions of an air pollutant listed below in an amount greater than the threshold:

Pollutant	Threshold
NO <sub>x</sub>	9.13 pounds per hour
SO <sub>2</sub>	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

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 subsps 3 to 9, see M.R.]*

**Statutory Authority:** *MS s 116 07*

**History:** *22 SR 1237*

**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

- (1) adding new requirements,
- (2) eliminating the requirements if they are rendered meaningless because the only emissions to which the requirements apply will no longer occur,
- (3) eliminating one validated reference test method for a pollutant and source category in order to add another,
- (4) eliminating the requirements that are redundant to or less strict than other existing requirements;

(5) eliminating the requirements that are technically incorrect where the elimination does not affect the accuracy of the data generated or of the monitoring information recorded or reported; or

(6) eliminating the requirements for a piece of equipment that no longer exists or has been permanently disabled from use at the stationary source,

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

D any amendment authorizing a title I modification, which includes construction or reconstruction of a major source of hazardous air pollutants under section 112(g)(2)(B) of the act, and

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

*[For text of subs 2 and 3, see M R ]*

**Subp 3a. Making existing facilities into affected facilities subject to new source performance standards.**

A The owner or operator of a stationary source may construct an affected facility, as that term is defined in Code of Federal Regulations, title 40, section 60.2, as amended (Standards of Performance for New Stationary Sources, Definitions), upon receiving from the agency written approval to construct the affected facility. For purposes of this subpart, construction of an affected facility includes only modification or reconstruction, as described in Code of Federal Regulations, title 40, sections 60.14 and 60.15, as amended, making an existing facility into an affected facility. No person may begin to operate the affected facility until receipt of a major amendment issued by the agency under this part.

B The agency shall issue written approval to construct, or explain in writing why the approval will not be granted, within 60 days of receiving a complete permit application seeking authorization to construct and operate the affected facility. The application must be accompanied by a written request for approval to construct under this subpart, and a statement certified by a responsible official certifying that requirements of part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan Requirements for Nonattainment Areas) of the act do not apply to the proposed construction. The approval to construct shall only apply to the affected facility.

C This subpart does not apply if the construction, reconstruction, or modification would be subject to the new source review requirements of part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan Requirements for Nonattainment Areas) of the act.

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

Subp 4 **Permit shield.** The permit shield described in part 7007.1800 shall apply to amendments made through the major permit amendment process, except that the permit shield does not apply to construction carried out under subpart 3a prior to issuance of a major permit amendment.

**Statutory Authority:** *MS s 116.07*

**History:** *22 SR 1237, 22 SR 2300*

**7007.3010 CONSTRUCTION OR RECONSTRUCTION OF A MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS UNDER SECTION 112(g)(2)(B) OF THE ACT.**

Any person who constructs or reconstructs a major hazardous air pollutant source as defined in Code of Regulations, title 40, section 63.41, except electric utility steam generating units, stationary sources in deleted source categories under section 112(C)(9) of the act, and research and development activities, must meet the requirements of Code of Federal Regulations, title 40, part 63, subpart B, sections 63.40 to 63.44, as amended, entitled "Requirements for Control Technology," which is adopted and incorporated by reference, except sections 63.42(a) and 63.42(b) are not included.

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## 7007.3010 PERMITS AND OFFSETS

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All applications and other information required pursuant to Code of Federal Regulations, title 40, part 63, subpart B, sections 63.40 to 63.44, from emissions units, emission facilities, and stationary sources located in Minnesota shall be submitted to the commissioner

**Statutory Authority:** *MS s 116.07*

**History:** *22 SR 2300*