

**7011.0010 APPLICABILITY OF STANDARDS OF PERFORMANCE.**

Subpart 1. **Existing facility.** An owner or operator of an existing emission facility shall comply with all applicable state air pollution control rules for existing emission facilities.

Subp. 2. **New facility.** An owner or operator who constructs, modifies, or reconstructs an emission facility shall comply with the new source performance standards, if applicable, and the standards of performance for a new emission facility set forth in the state air pollution control rules. However, if the administrator has determined a state standard of performance to be of equal or superior environmental protection compared to the new source performance standards, then the owner or operator need only comply with the state standard of performance. "Administrator" has the meaning given in part 7007.0100, subpart 3.

Subp. 3. **Exception.** For the purpose of the state air pollution control rules, the use of an alternative type of fuel or raw material is not a modification if the existing facility was designed to accommodate the alternative type of fuel or raw material. An emission facility is considered to be designed to accommodate an alternative type of fuel or raw material if that use could be accomplished under the facility's construction specifications as amended prior to the change.

Subp. 4. **Opacity standards.** The opacity standards in an applicable requirement apply at all times except during periods of start-up, shutdown, and malfunction, and as otherwise provided in an applicable requirement or compliance document as defined in parts 7007.0100 and 7017.2005. The exemption for periods of start-up, shutdown, and malfunction applies only if:

A. at all times, including periods of start-up, shutdown, or malfunction, the owner or operator, to the extent practicable, maintains and operates the affected emission facility and air pollution control equipment in a manner consistent with good operating practice for the installed equipment design. Determination of whether acceptable operating and maintenance procedures are being used shall be based on, among other information, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source;

B. the owner or operator complies with parts 7019.1000 and 7019.2000 in the event of a shutdown, breakdown, or malfunction; and

C. the applicable requirement or compliance document does not state that the opacity standard applies during such conditions.

Subp. 5. **Transition to new opacity averaging method.** All permits issued before July 27, 1998, are amended to reflect the amendments to this chapter adopted on July 27, 1998, that are related to opacity averaging and excursions.

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

**History:** *8 SR 2275; 18 SR 614; 23 SR 145; 23 SR 2224*

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