

7011.0120 ADJUSTING OPACITY STANDARD.

Subpart 1. **Application for permit modification.** An owner or operator of an emission facility may file an application for a permit modification under chapter 7007 for adjustment of the opacity standard applicable to an emissions unit. In addition to the items required under chapter 7007, the application must contain data that demonstrates that:

A. based on tests conducted under parts 7017.1002 to 7017.2060, the emissions unit is in compliance with the applicable standard of performance for particulate matter and all other standards of performance, except the opacity standard;

B. the stationary source is in compliance with all applicable standards of performance except the opacity standard at the emissions unit for which adjustments are being sought or have already been permitted by the agency; and

C. the stationary source was operated in a manner to minimize the opacity of emissions at the emissions unit during the performance tests conducted under item A.

Subp. 2. **Atmospheric dispersion modeling.** If the data submitted under subpart 1 indicates that an adjustment of the opacity standard may cause or contribute to a violation of an ambient air quality standard, the agency shall require the owner or operator to conduct atmospheric dispersion modeling and include the results of the modeling in the application for a permit modification. However, a stationary source that has potential emissions of particulate matter of less than 25 tons per year is not required to conduct modeling. Modeling must be performed according to "Guidelines on Air Quality Models," EPA-450/2-78-027R, as amended by supplemental updates, or methods that the commissioner finds to be comparably reliable. The Guidelines are incorporated by reference. The Guidelines are written and published by the USEPA, Office of Air and Radiation, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711. The guidelines are subject to frequent change and are available from the Minnesota State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

Subp. 3. **Opacity adjustment determination and permit modification.** The agency shall set an adjusted opacity standard at the most restrictive level which the performance tests conducted under subpart 1, items A and C demonstrate the emissions unit is capable of meeting and shall modify the permit to establish the adjusted opacity standard, if the requirements of subparts 1 and 2 are met and the stationary source, with the adjusted opacity standard, would meet any one of the following:

A. not cause or contribute to a violation of an ambient air quality standard;

B. have potential emissions of particulate matter of less than 25 tons per year and less than one ton per day; or

C. contribute less than one $\mu\text{g}/\text{m}^3$ to an annual ambient particulate matter standard violation and less than five $\mu\text{g}/\text{m}^3$ to a 24-hour ambient particulate matter standard violation.

Statutory Authority: *MS s 116.07*

History: 8 SR 2275; L 1987 c 186 s 15; 13 SR 2154; 18 SR 614; 18 SR 1412; 23 SR 1764; 23 SR 2224

Published Electronically: *April 3, 2019*