

7007.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to the terms used in parts 7007.0050 to 7007.1850. The definitions in parts 7000.0100 and 7005.0100 apply to the terms used in parts 7007.0050 to 7007.1800 unless the terms are otherwise defined in this part.

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

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

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

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

- A. whose air quality may be affected and that is contiguous to Minnesota; or
- B. that is within 50 miles of the permitted source.

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

Subp. 6a. **Alternative operating scenario.** "Alternative operating scenario" means a scenario authorized in a part 70 permit that involves a change at the part 70 source for a particular emissions unit and that either results in the unit being subject to one or more applicable requirements that differ from those applicable to the emissions unit prior to implementation of the change or renders inapplicable one or more requirements previously applicable to the emissions unit prior to implementation of the change.

Subp. 6b. **Approved replicable methodology.** "Approved replicable methodology" means part 70 permit terms that:

- A. specify a protocol that is consistent with and implements an applicable requirement, or requirement of this chapter, such that the protocol is based on sound scientific or mathematical principles and provides reproducible results using the same inputs; and
- B. require the results of the protocol to be recorded and used for assuring compliance with the applicable requirement, any other applicable requirement implicated by implementation of the approved replicable methodology, or requirement of this chapter, including when an approved replicable methodology is used for determining applicability of a specific requirement to a particular change.

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 commissioner 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);

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;

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

D. any standard or other requirement for hazardous air pollutants, or other requirement under section 112 of the act (Hazardous Air Pollutants), including any requirement concerning accident prevention under section 112(r)(7) of the act;

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

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

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

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

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

J. any standard or other requirement of the regulations promulgated to protect stratospheric ozone under title VI of the act (Stratospheric Ozone Protection), unless the

administrator has determined that such requirements need not be contained in a part 70 permit;

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

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

M. any state ambient air quality standard under chapter 7009;

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

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

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

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

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

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

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

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

V. any standard or other requirement established under section 169A (Visibility Protection for Federal Class I Areas) or 169B (Visibility) of the act including emission limits established in the determination of best available retrofit technology; and

W. any standard or other requirement established under section 110(a)(2)(D)(i)(I) of the Clean Air Act that regulates interstate transport of pollutants.

Subp. 7a. **Block average.** As used in air emission permits issued under this chapter, a "block average" is an average determined after the end of a specific time block, such as three hours, eight hours, or 24 hours, for that time block. The average is determined by summing all data points for the time period, and dividing the sum by the number of data points. For example, a daily-calculated, 24-hour block average is calculated by summing

all one-hour data points from the previous 24-hour period, from midnight to midnight, and dividing the total by the number of data points. A new block average is recalculated for each discrete, nonoverlapping time block, unless specified otherwise in an applicable requirement or compliance document.

Subp. 7b. **Capped emission permit or capped permit.** "Capped emission permit" or "capped permit" means a state permit issued under parts 7007.1140 to 7007.1148. All capped permit requirements are contained in rule. There are no site-specific permit requirements. The capped permit allows owners and operators of a stationary source to make changes provided emissions remain below thresholds and all other conditions in parts 7007.1140 to 7007.1148 are met. The permit is designed for certain noncomplex facilities for which site-specific conditions are not necessary.

Subp. 7c. **CO₂ equivalent emissions or CO₂e.** "CO₂ equivalent emissions" or "CO₂e" has the meaning given under subpart 24a.

Subp. 7d. **Customary permit conditions.** "Customary permit conditions" means the permit conditions related to amendments, deviation reporting, and calculation frequency that are included in a state permit with environmental management systems (EMS) provisions and are applicable if the owners and operators of a stationary source are establishing or have lost eligibility for the EMS provisions.

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

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

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

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

Subp. 9b. **Environmental management system or EMS.** "Environmental management system" or "EMS" means an ongoing program of planning, implementing, reviewing, and improving the actions at a stationary source that the owner or operator takes to meet its environmental obligations and legal requirements, and to improve environmental performance, as measured by pollutants emitted or discharged, waste

generated, or other objective measures. An EMS for a stationary source conforms to the requirements of the ISO 14001 standard, "Environmental management systems - Specification with guidance for use" published by the International Organization for Standardization (ISO), 2004. An EMS for a stationary source is either registered to the ISO 14001 EMS standard by a certification body accredited by the ANSI-ASQ National Accreditation Board (ANAB), or is an EMS that conforms to the requirements of the ISO 14001 EMS standard as determined by an EMS auditor.

Subp. 9c. **EMS audit.** "EMS audit" means a systematic, independent, and documented verification process, conducted by an EMS auditor, objectively obtaining and evaluating evidence to determine whether a stationary source's EMS conforms to the requirements of the ISO 14001 EMS standard. EMS audits meet the requirements of:

A. ISO 19011: Guidelines for quality and/or environmental management systems auditing, ISO, 2002;

B. ISO/International Electrotechnical Commission (IEC) Guide 66: General requirements for bodies operating assessment and certification/registration of environmental management systems, ISO, 1999;

C. IAF Guidance on the Application of ISO/IEC Guide 66, International Accreditation Forum (IAF), 2003; and

D. Advisories, ANSI-ASQ National Accreditation Board (ANAB).

The full scope of the stationary source's EMS is audited in a two-year period.

Subp. 9d. **EMS auditor.** "EMS auditor" means a person certified as an EMS lead auditor by RABQSA International (RABQSA) to conduct ISO 14001 EMS audits who is not an owner, operator, or employee of the stationary source or a subsidiary, division, or subdivision of an owner, operator, or employee of the stationary source. Other than previous EMS audits, an EMS auditor shall not have provided EMS or other environmental consulting services to the audited stationary source within the two years prior to the EMS audit.

Subp. 9e. **EMS auditor's documentation of findings.** "EMS auditor's documentation of findings" means any of an EMS auditor's records of evidence of conformance or nonconformance with the requirements of the ISO 14001 EMS standard collected and verified in the course of an EMS audit. Sources of information leading to verified evidence may include, but are not limited to, interviews, observations, and reviews of electronic databases, documents, records, reports from external sources, and the owner or operator's performance analysis or internal audits.

Subp. 9f. **EMS provisions.** "EMS provisions" means the requirements in part 7007.1107, subparts 2 and 3, which are alternatives to customary permit conditions. An

owner or operator with an environmental management system may apply to have the EMS provisions included in its state permit.

Subp. 10. **Environmental Protection Agency or EPA.** "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.

Subp. 11. **Final permit.** "Final permit" means the version of permit issued by the agency pursuant to the procedures in parts 7007.0100 to 7007.1850.

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

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

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

Subp. 12c. **Major nonconformance.** "Major nonconformance" means a failure to establish, implement, or maintain a numbered element of the ISO 14001 EMS standard that has the potential to cause a violation of regulatory, legal, or other environmental requirements. This definition applies to owners and operators of a stationary source applying for or holding a state permit that includes EMS provisions. A major nonconformance is identified by an EMS auditor.

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

Subp. 14. **Modification.** "Modification" means:

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

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

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

(2) routine maintenance, repair, and replacement;

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

(4) an increase in the hours of operation that does not increase the rate of emissions and is not in violation of a permit condition, applicable requirement, court order, consent decree, stipulation agreement, schedule of compliance, or order issued by the agency; and

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

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

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

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

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

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

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

- A. nitrogen oxides (NO_x) or any volatile organic compound;
- B. any pollutant for which a state or national ambient air quality standard has been promulgated;
- C. any pollutant that is subject to any new source performance standard promulgated under section 111 of the act;
- D. any class I or II substance listed pursuant to section 602 of the act (Stratospheric Ozone Protection; Listing of class I and class II Substances);
- 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:

(1) any pollutant subject to requirements under section 112(j) of the act. If the administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the act (Schedule for Standards and Review), any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the act; and

(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; or

F. greenhouse gases as defined in part 7005.0100, subpart 11d.

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

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

A. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, 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 either:

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

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

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).

D. For affected sources:

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

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

Subp. 21a. **Rolling average.** As used in air emission permits issued under this chapter, a "rolling average" is an average determined once each specified time frequency, such as daily or monthly, for a specific time period, such as 30 days, 12 months, or 365 days. The average is calculated by summing all data points for the time period and dividing the total by the number of data points. For example, a daily-calculated, 365-day rolling average is calculated once each day by summing all daily data points from the previous 365 days, and dividing by the number of data points. A new rolling average is recalculated for each time frequency, unless specified otherwise in an applicable requirement or compliance document.

Subp. 21b. **Rolling sum.** As used in this chapter and in air emission permits issued under this chapter, a "rolling sum" is a sum determined once each specified time frequency, such as daily or monthly, for a specific time period, such as 30 days, 12 months, or 365 days. The sum is determined by adding all time-frequency data points determined at the specified frequency for the time period. For example, a 12-month rolling sum is calculated once each month by summing the monthly emission data from the previous 12 months. A new rolling sum is recalculated for each time frequency, unless specified differently in an applicable requirement or compliance document.

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

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

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

Subp. 24a. **Subject to regulation.** "Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act or a nationally applicable regulation codified by the administrator in Code of Federal Regulations, title 40, chapter I, subchapter C (Air Programs), that requires actual control of the quantity of emissions of that pollutant and the control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from the regulated activity, except that greenhouse gases (GHGs) as defined under part 7005.0100, subpart 11d, are not subject to regulation unless, as of July 1, 2011, the GHGs emissions are at a stationary source emitting or having the potential to emit 100,000

tons per year (tpy) CO₂ equivalent emissions. "CO₂ equivalent emissions" or "CO₂e" represent an amount of GHGs emitted and that are computed by multiplying the mass amount of emissions for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential under Table A-1 to subpart A of Code of Federal Regulations, title 40, part 98, Global Warming Potentials, as amended, and summing the resultant value for each to compute emissions as CO₂e.

Subp. 24b. **Summary of EMS audit results.** "Summary of EMS audit results" is a document signed by an EMS auditor, describing the date and scope of the audit, and conformance, minor nonconformance, or any major nonconformance found in the course of an EMS audit. For major nonconformance, the summary of EMS audit results summarizes the objective evidence found by the EMS auditor, describes corrective actions planned or completed by the owners and operators of the stationary source, and details follow-up audit activity planned or completed by the EMS auditor.

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;

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 owners and operators of the stationary source have 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

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) (Standards of Performance for New Stationary Sources) or section 129 (Solid Waste Combustion) of the act.

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 review major stationary source: a modification at a stationary source that is not an existing major stationary source where the modification by itself would exceed major stationary source thresholds as defined in Code of Federal Regulations, title 40, section 52.21(b)(1)(i).

D. 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.

E. 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.

F. Plantwide applicability limit (PAL) establishment, renewal, or increase: establishment, renewal, or increase in emissions of an actual PAL as defined in Code of Federal Regulations, title 40, section 51.165, paragraph (f), or 52.21, paragraph (aa), as amended, or in any other rules adopted by the administrator under part C or D of the act.

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

Subp. 27. **Transition period or transition.** "Transition period" or "transition" means the time period from October 18, 1993, until three years after EPA grants full program approval as determined in Code of Federal Regulations, title 40, section 70.4(e).

Subp. 28. [Repealed, 23 SR 2224]

Statutory Authority: *MS s 115.03; 116.07*

History: *18 SR 1059; 19 SR 1345; 20 SR 2316; 21 SR 693; 22 SR 1237; 22 SR 2300; 23 SR 2224; 29 SR 626; 32 SR 904; 37 SR 991; 41 SR 763*

Published Electronically: *January 27, 2017*