

7007.0150 PERMIT REQUIRED.**Subpart 1. Prohibition.**

A. No person may construct, modify, reconstruct, or operate an emissions unit, emission facility, or stationary source until plans for it have been submitted to the agency and a written permit for it has been granted by 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.

B. Requirements related to greenhouse gases for the timing to construct modifications are as follows:

(1) if, on July 1, 2011, owners or operators held a part 70 or state air emission permit or compliance schedule that was issued before July 1, 2011, and that authorizes or allows a pending modification, the owners and operators may not begin actual construction of any modification until the owners and operators assess the emissions of GHGs as CO₂e under Code of Federal Regulations, title 40, section 52.21; and

(2) if the permit or compliance schedule issued before July 1, 2011, does not address the requirements for GHGs under Code of Federal Regulations, title 40, section 52.21, and emissions are above the GHG threshold, the owners and operators must submit a new application and receive a new permit or schedule before construction can begin.

C. Owners or operators must retain records on site of the owners' or operators' determination under item B of CO₂e emissions related to a modification for five years from the date of the calculation or until July 1, 2016, whichever is sooner, if the following conditions apply:

(1) the owners or operators held a permit or compliance schedule issued before July 1, 2011, that included a pending modification;

(2) the owners or operators made calculations of CO₂e related to the pending modification by June 30, 2012; and

(3) the owners and operators did not submit a new permit application to address GHG emissions from the pending modification.

D. Items B and C do not apply to stationary sources that are covered by registration permits under parts 7007.1110 to 7007.1130 or capped permits under parts 7007.1140 to 7007.1147.

E. By July 1, 2011, an owner or operator holding any existing part 70 or state facility permit must calculate whether the facility's potential to emit greenhouse gases meets or exceeds the permit threshold for greenhouse gases in part 7007.0200, subpart 2.

(1) If the potential to emit greenhouse gases as CO₂e does not exceed the permit threshold for greenhouse gases, the owner or operator must retain records of the calculation on site until January 2, 2016.

(2) If the potential to emit greenhouse gases as CO₂e exceeds the permit threshold for greenhouse gases, then the owner or operator must notify the Pollution Control Agency by June 30, 2011, if the facility can retain its current permit or submit an application by July 1, 2012, to revise the permit.

Subp. 2. **Permit required.** Part 7007.0200 describes which emission facilities, emissions units, and stationary sources in Minnesota are required to obtain a part 70 permit. Part 7007.0250 describes which emission facilities, emission units, and stationary sources in Minnesota are required to obtain a state permit. Part 7007.0300 describes emission units and stationary sources in Minnesota that are not required to obtain a permit. Part 70 and state permits required in parts 7007.0200 and 7007.0250 may alternately be obtained in the form of a general permit, if available, under part 7007.1100. Permits may also alternately be obtained in the form of a registration permit under parts 7007.1110 to 7007.1130, if the stationary source qualifies under those parts; or in the form of a capped permit under parts 7007.1140 to 7007.1148, if the stationary source qualifies under those parts.

Subp. 3. **Environmental policy act.** The requirements of parts 7007.0100 to 7007.1850 are in addition to the applicable requirements of Minnesota Statutes, chapter 116D, which may apply before a permit can be issued.

Subp. 4. **Calculation of potential to emit.**

A. For purposes of parts 7007.0200 and 7007.0250, the owners and operators of a stationary source shall calculate the stationary source's potential to emit using the definition in part 7005.0100, subpart 35a, except as provided in subitems (1) to (4).

(1) Emissions caused by activities described in subpart 2 of the insignificant activities list in part 7007.1300 shall not be considered in the calculation of potential emissions.

(2) Emissions caused by activities described in subpart 3 of the insignificant activities list in part 7007.1300 shall be considered in the calculation of potential emissions if required by the agency under part 7007.0500, subpart 2, item C, subitem (2).

(3) Emissions caused by any conditionally insignificant activity must be considered in the calculation of potential emissions if required by the agency under part 7007.0500, subpart 2, item C, subitem (2).

(4) If a stationary source consists in part of emissions units that could have qualified as a conditionally exempt stationary source under chapter 7008 but for the presence of other noneligible emissions units, potential emissions caused by emissions from those units may be based on the limits imposed under chapter 7008 provided that general and technical standards of chapter 7008 are met with regard to those emissions units.

Calculations of emissions under this subpart are only intended to determine if a permit is required.

B. To make the determination of whether a permit is required, the owners and operators of a stationary source shall use the potential to emit calculation method described in item A. To determine what type of permit is required, if a permit is required, the control equipment efficiency determined by part 7011.0070 for listed control equipment at a stationary source may be used in calculating emissions if the owner or operator is in compliance with parts 7011.0060 to 7011.0080.

C. When calculating emissions to determine if a permit amendment is required, the calculation method stated in part 7007.1200 shall be used.

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

Statutory Authority: *MS s 116.07*

History: *18 SR 1059; 19 SR 1345; 20 SR 2316; 21 SR 165; 22 SR 1237; 27 SR 1579; 29 SR 626; 37 SR 991*

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