

7007.0200 SOURCES REQUIRED OR ALLOWED TO OBTAIN A PART 70 PERMIT.

Subpart 1. **Part 70 permit required.** The owners and operators of any emission facilities, emission units, and stationary sources described in subparts 2 to 5 must obtain a part 70 permit from the agency. All provisions of parts 7007.0100 to 7007.1850 apply to part 70 permits unless the provision states that it applies only to state permits, registration permits, capped permits, or general permits. If the owners and operators of a stationary source are required to obtain a part 70 permit by subpart 2, item B or C, the owners and operators shall also separately determine under subpart 2, item A, if the stationary source is a major source subject to major source requirements under section 112 of the act.

Subp. 2. **Major sources.** Any "major source," which means any stationary source that is described in item A, B, or C, must obtain a permit under this part.

A. A major source under section 112 of the act (Hazardous Air Pollutants), which is defined as:

(1) For pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, ten tons per year or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the act, 25 tons per year or more of any combination of such hazardous air pollutants, or such lesser quantity as the administrator may establish by rule.

(2) Notwithstanding subitem (1), emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources.

(3) For radionuclides, major source shall have the meaning specified by the administrator by rule.

B. A major stationary source of air pollutants, as defined in section 302 of the act (General Provisions; Definitions), that directly emits or has the potential to emit, 100 tons per year or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the administrator) and, effective July 1, 2011, 100,000 tons per year CO₂e of greenhouse gases. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the act, unless the stationary source belongs to one of the following categories of stationary sources:

- (1) coal cleaning plants (with thermal dryers);
- (2) kraft pulp mills;

- (3) Portland cement plants;
- (4) primary zinc smelters;
- (5) iron and steel mills;
- (6) primary aluminum ore reduction plants;
- (7) primary copper smelters;
- (8) municipal incinerators capable of charging more than 250 tons of refuse per day;
- (9) hydrofluoric, sulfuric, or nitric acid plants;
- (10) petroleum refineries;
- (11) lime plants;
- (12) phosphate rock processing plants;
- (13) coke oven batteries;
- (14) sulfur recovery plants;
- (15) carbon black plants (furnace process);
- (16) primary lead smelters;
- (17) fuel conversion plants;
- (18) sintering plants;
- (19) secondary metal production plants;
- (20) chemical process plants;
- (21) fossil-fuel boilers (or combination thereof) totaling more than 250,000,000 British thermal units per hour heat input;
- (22) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (23) taconite ore processing plants;
- (24) glass fiber processing plants;
- (25) charcoal production plants;
- (26) fossil-fuel-fired steam electric plants of more than 250,000,000 British thermal units per hour heat input; or
- (27) all other stationary source categories regulated by a standard promulgated under section 111 or 112 of the act.

C. A major stationary source as defined in part D of title I of the act (Plan Requirements for Nonattainment Areas) including:

(1) for ozone nonattainment areas, stationary sources with the potential to emit 100 tons or more per year of volatile organic compounds or oxides of nitrogen in areas classified as marginal or moderate, 50 tons or more per year in areas classified as serious, 25 tons or more per year in areas classified as severe, and ten tons or more per year in areas classified as extreme; except that the references in this unit to 100, 50, 25, and ten tons per year of nitrogen oxides shall not apply with respect to any stationary source for which the administrator has made a finding, under section 182(f)(1) or (2) of the act, that requirements under section 182(f) of the act do not apply;

(2) for ozone transport regions established pursuant to section 184 of the act, stationary sources with the potential to emit 50 tons or more per year of volatile organic compounds (VOC's);

(3) for carbon monoxide nonattainment areas that are classified as serious and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the administrator, stationary sources with the potential to emit 50 tons or more per year of carbon monoxide; and

(4) for particulate matter (PM-10) nonattainment areas classified as serious, stationary sources with the potential to emit 70 tons or more per year of PM-10.

Subp. 3. **Affected sources.** An affected source, as defined in part 7007.0100, subpart 4, must obtain a permit under this part.

Subp. 4. **Solid waste incinerators, waste combustors.** A solid waste incineration unit, or waste combustor as defined in part 7011.1201, subpart 46, must obtain a permit under this part if it is:

A. a major source under subpart 2;

B. required to obtain a permit under section 129(e) of the act (Solid Waste Combustion, Permits); or

C. a new or existing waste combustor for which a performance standard has been promulgated under section 129(a)(1) of the act.

Subp. 5. **Other part 70 sources.** Another stationary source which the administrator requires by rule to obtain a permit in compliance with Code of Federal Regulations, title 40, part 70, as amended (Operating Permit Program) must obtain a permit under this part. Stationary sources which the EPA administrator may require by rule to obtain a part 70 permit include those described in Code of Federal Regulations, title 40, section 70.3(b)(1), as amended.

Subp. 6. **Sources allowed to obtain a part 70 permit.** A stationary source not already required to obtain a part 70 permit under subparts 1 to 5 which is subject to a standard, limitation, or other requirement under section 111 or 112 of the act, including area sources, may choose to obtain a part 70 permit under subpart 2.

Statutory Authority: *MS s 116.07*

History: *18 SR 1059; 18 SR 2584; 19 SR 1345; 20 SR 2316; 28 SR 1482; 29 SR 626; 37 SR 991*

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