

7007.0500 CONTENT OF PERMIT APPLICATION.**Subpart 1. Application requirements.**

A. The applicant shall submit an application on a standard application form provided by the agency. The agency may create different forms for different types of stationary sources. Regardless of whether the particular information is required by a form, an applicant must include all information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the emission fee amount required by chapter 7002.

B. For complicated stationary sources, the agency recommends but does not require that the applicant arrange for a preapplication meeting with the agency's air quality division. Small business stationary sources, as defined in Minnesota Statutes, section 116.96, subdivision 6, may seek assistance in preparing permit applications under the small business air quality compliance assistance act in Minnesota Statutes, sections 116.95 to 116.99.

C. In addition to the requirements of this part, applicants for permits 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) of the act shall also comply with the application requirements of part 7007.3000 or parts 7007.4000 to 7007.4030, respectively.

D. Applicants for permits subject to preconstruction requirements under section 112(g)(2)(B) (construction or reconstruction of major source of hazardous air pollutants) of the act shall also comply with the application requirements of part 7007.3010, incorporating by reference the provisions of Code of Federal Regulations, title 40, sections 63.40 to 63.44.

E. An applicant is not required to show that its emissions do not cause a violation of ambient air quality standards, unless the agency notifies the applicant that such information is required, or unless the source is required to make such a showing under the preconstruction review requirements of part 7007.3000 or parts 7007.4000 to 7007.4030.

F. This part describes the standard information that will be required in a permit application. It does not limit the agency's statutory authority for requiring information in addition to that which is specifically listed.

Subp. 2. Required information. Applicants shall submit the following information as required by the standard application form:

A. Information identifying the stationary source and its owners and operators:

- (1) facility name and address;
- (2) name, address, telephone number, and ownership interest of all owners of the stationary source;
- (3) name, address, telephone number, and ownership interest of all owners of the real property on which the facility is located;
- (4) name, address, and telephone number of all stationary source operators;

(5) name and contact telephone number of the facility site manager or primary facility contact; and

(6) name, address, and telephone number of the person preparing the application if different from the facility site manager or primary facility contact.

B. A description of the stationary source's processes and products (by Standard Industrial Classification Code or SIC Code) including any associated with each alternative operating scenario identified by the stationary source.

C. The following emissions-related information:

(1) A permit application shall provide the information required by this part for every emissions unit within the stationary source, except as provided otherwise in subitems (2) to (12). Notwithstanding the first sentence, if a stationary source is not a major source and the sole reason it is required to have a permit is because it is subject to federal standards described under part 7007.0250, subpart 2, then the application need only provide information for the emissions units regulated by those federal standards. All permit applications shall include information about fugitive emissions in the same manner as stack emissions, regardless of whether the stationary source category in question is included in the list of stationary sources contained in the definition of major source in part 7007.0200, subpart 2.

(2) The application need not include the information required by this part for any activity listed on the insignificant activities list in part 7007.1300 or for conditionally insignificant activities, except as provided in this subitem. The application shall include a list identifying any activity at the stationary source described in subparts 3 and 4 of the insignificant activities list and conditionally insignificant activities. If requested by the agency, the permittee shall provide a calculation of emissions from any activity described in subparts 2, 3, and 4 of the insignificant activities list and conditionally insignificant activities. The agency shall request such a calculation if it finds that the emissions from those activities, in addition to other emissions from the stationary source, could make the stationary source subject to different applicable requirements under parts 7007.0100 to 7007.1850.

(3) A permit application shall identify and describe each emission point in sufficient detail to verify the applicability of all applicable requirements. This shall include the location of all emission points, and the location of all emissions units and processes venting through each emission point. In addition, if the exhaust gas flow rate and temperature, and the stack height and diameter of an emission point are needed to determine applicability of or show compliance with any applicable requirement, this information shall be provided. For stationary sources that are major sources of sulfur dioxide, particulate matter less than ten microns, or nitrogen oxides according to part 7007.0200, subpart 2, items B and C, the exhaust gas flow rate and temperature, and stack height and diameter shall be provided for all emission points of the pollutant or pollutants for which the source is major.

(4) The permit application shall specify the potential emissions, as defined in part 7005.0100, subpart 35a, in tons per year from the stationary source as a whole. These potential emissions shall be specified for each regulated air pollutant and each hazardous air pollutant that

is not yet a regulated air pollutant, as defined in part 7007.0100, subparts 12a and 19, except that pollutants which are regulated solely under section 112(r) of the act need not be included and pollutants regulated solely under section 602 of the act need not be included. In addition, for each emissions unit subject to an applicable requirement, the permit application shall specify, in tons per year, the potential emissions of the same pollutants referenced in the previous sentence. If the applicable requirement contains a standard reference test method which is to be used to establish compliance, the permit application shall specify the potential emissions in the same units as are used in the test method.

(5) The permit application shall also include the emission limits that will be imposed on the stationary source by applicable requirements.

(6) A permit application shall provide the information on actual emissions for the preceding calendar year required in this subitem. Notwithstanding the previous sentence, if actual emission data are not available for the preceding calendar year, the application shall provide an estimate of actual annual emissions required in this subitem.

(a) The permittee shall provide actual emission rates, in tons per year, of criteria pollutants and of greenhouse gases as CO₂e unless the permittee has submitted an emissions inventory as required by parts 7019.3000 and 7019.3010.

(b) For stationary sources that are major sources under part 7007.0200, subpart 2, the permittee shall provide actual emission rates, in total tons per year, or if emissions of a hazardous air pollutant are less than one ton per year, in pounds per year, of each hazardous air pollutant for the stationary source as a whole.

(7) A permit application shall include the following information to the extent it is emissions-related: fuels, fuel use, raw materials, production rates, and operating schedules.

(8) A permit application shall identify and describe all air pollution control equipment and compliance monitoring devices or activities. A permit application shall also contain the design operating efficiency of the air pollution control equipment. The permit application shall identify all air pollution control equipment located at the stationary source which the stationary source elects not to operate.

(9) A permit application shall describe any work practice or physical limitation on stationary source operation that affects emissions of regulated air pollutants.

(10) A permit application shall include additional information if required by any applicable requirements (such as information related to stack height limitations developed pursuant to section 123 of the act).

(11) A permit application for an amendment must include all calculations of emissions changes required under part 7007.1200.

(12) A permit application must explain the means by which the emissions information in subitems (1) to (11) is gathered, and provide the calculations on which they are based.

D. The following information regarding applicable requirements and test methods:

(1) A permit application must include a complete listing of the citations and titles of all applicable requirements to which the permittee is subject. Citations must be to the latest codification of the regulatory requirements at the time of application.

(2) If the owners and operators of a stationary source are required to test the stationary source's emissions to determine compliance, a permit application must include either: a citation to a rule or regulation establishing the test method for measuring emissions or, if such a rule or regulation does not exist, a description of the method that the applicant believes is the appropriate method to measure emissions.

E. Other specific information that may be necessary to implement and enforce other applicable requirements or requirements of parts 7007.0100 to 7007.1850, or to determine the applicability of such requirements. The agency may request the applicant to provide such information in a supplemental submittal.

F. For part 70 permit applications only, an explanation of any proposed exemptions from otherwise applicable requirements.

G. The applicant may propose permit terms and conditions which would allow the permittee to trade emissions increases and decreases within the permitted facility. This trading option is available solely for purposes of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements, under conditions in part 7007.0800, subpart 10. The application shall include proposed replicable procedures and permit terms that ensure the emissions are quantifiable and enforceable.

H. The applicant may request the agency to allow in the permit alternative operating scenarios. If such a request is made, the application shall provide all the information required by this part for each proposed scenario. This option is only available under the conditions in part 7007.0800, subpart 11.

I. The applicant may request the agency to allow in the permit for the stationary source to operate at more than one location during the term of the permit. This option is available only under the conditions in part 7007.0800, subpart 12.

J. For state permit applications only, a description of the compliance status of the stationary source with respect to all applicable requirements and the requirements of parts 7007.0100 to 7007.1850, and a description of the methods used to determine compliance, including a description of monitoring, record-keeping, and test methods.

K. For part 70 permit applications only, a compliance plan that contains the following:

(1) A description of the compliance status of the stationary source at the time of application submittal with respect to all applicable requirements and the requirements of parts 7007.0100 to 7007.1850, and a description of the methods used to determine compliance, including a description of monitoring, record-keeping, and test methods. The applicant shall identify in the description of compliance status any past modifications at the stationary source for which

preconstruction review was required under section 112(g)(2)(B) (construction or reconstruction of major source of hazardous air pollutants) of the act and parts C and D of the act but was not done.

(2) For applicable requirements with which the stationary source is in compliance, a statement that the stationary source will continue to comply with such requirements.

(3) For applicable requirements that are known to become effective during the permit term, a statement that the stationary source will meet such requirements on a timely basis.

(4) For applicable requirements associated with a proposed alternative operating scenario, a statement that the source will meet the requirements upon implementation of the alternative operating scenario. If a proposed alternative operating scenario would implicate an applicable requirement that will become effective during the permit term, a statement that the source will meet the requirement on a timely basis.

(5) For applicable requirements for which the stationary source is not in compliance at the time of application submittal, including applicable requirements associated with a proposed alternative operating scenario, a proposed schedule of compliance. The schedule must include a date specific schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance in the shortest reasonable period of time. The proposed schedule of compliance must begin at the time of permit application, but the applicant may project its compliance status at the time the permit is expected to be issued. This compliance schedule must resemble and be at least as stringent as that contained in any judicial consent decree, stipulation agreement, or administrative order to which the stationary source is subject. The compliance schedule must be supplemental to, and must not sanction noncompliance with, the applicable requirements on which it is based.

L. For part 70 permit applications only, a proposed schedule for submitting progress reports under part 7007.0800, subpart 6, item C. The proposed schedule shall provide for reporting at least every six months for any stationary source required to have a compliance schedule under this subpart, or any stationary source required by an applicable requirement to monitor every six months or more often.

M. For part 70 permit applications only, a proposed schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually. The schedule shall provide for more frequent compliance certifications if required by an applicable requirement.

N. If subject to the following laws, a statement of whether the stationary source has:

(1) prepared a pollution prevention plan and submitted a pollution prevention progress report to the commissioner as required by the Minnesota Toxic Pollution Prevention Act, Minnesota Statutes, sections 115D.07 and 115D.08; and

(2) submitted a toxic chemical release form as required by United States Code, title 42, section 11023.

Subp. 3. **Application certification.** A responsible official, as defined in part 7007.0100, subpart 21, must sign and certify any application, report, or compliance certification submitted pursuant to

parts 7007.0100 to 7007.1850 or notice submitted pursuant to part 7007.0800, subpart 10, item B; 7007.1110, subpart 10, 11, or 15a; 7007.1150, item C; 7007.1250, subpart 4; or 7007.1350, subpart 2, with regard to truth, accuracy, and completeness. This certification and any other certification required by parts 7007.0100 to 7007.1850 must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. This subpart must be complied with by both the owner and the operator of the stationary source if they are not the same.

Subp. 4. Title IV source application. Affected sources shall use nationally standardized forms for acid rain portions of permit applications and compliance plans, as required by Code of Federal Regulations, title 40, part 72, as amended. The compliance plan content requirements of subpart 2 shall apply to the acid rain portion of the affected source's permit application, except as specifically superseded by Code of Federal Regulations, title 40, part 72, as amended.

Subp. 5. Environmental review. The applicant shall state in the application whether an environmental assessment worksheet or an environmental impact statement is required for the activity for which the permit is sought under Minnesota Statutes, chapter 116D, or implementing regulations, or under United States Code, title 42, sections 4331 et seq., as amended.

Statutory Authority: *MS s 115.03; 116.07*

History: *18 SR 1059; 19 SR 1345; 20 SR 2316; 21 SR 165; 22 SR 1237; 22 SR 2300; 27 SR 1579; 37 SR 991; 41 SR 763*

Published Electronically: *August 31, 2020*