

7007.1100 GENERAL PERMITS.

Subpart 1. **Criteria.** If the agency determines that numerous similar stationary sources are subject to the same or substantially similar regulatory requirements, the agency may issue a permit required under parts 7007.0200 and 7007.0250 in the form of a general permit applying to multiple sources following the procedures in subparts 2 to 7. The agency may also issue general permits under this part which apply only to specific portions of stationary sources, including air pollution control equipment, if the specific portions are subject to the same or substantially similar regulatory requirements. The agency shall specify in the notice in subpart 2 whether the general permit applies to an entire stationary source or to specific portions of a stationary source for the purpose of determining applicability under subpart 11. The agency shall not issue general permits for affected sources under the acid rain program unless general permits are authorized by regulations promulgated under Title IV of the act (Acid Deposition Control).

Subp. 2. **Public participation.** The agency shall follow the same public participation procedures in part 7007.0850, subparts 2 and 3, for individual permits except as stated otherwise in this subpart. The notice of the agency's intent to publish a general permit need not be published in newspapers of general circulation but shall be published in the State Register. The notice need not include any facility specific information. The notice issued by the agency shall identify criteria for stationary sources that qualify for the general permit and identify the geographic area in which it applies. If the general permit is sector-based, the notice shall state whether the owners and operators of a stationary source holding a registration permit issued under parts 7007.1110 to 7007.1130 or a capped permit issued under parts 7007.1140 to 7007.1148 must apply for the sector-based general permit. The agency need not comply with part 7007.0850, subpart 2, item A, subitem (4), unless the stationary source category includes stationary sources subject to the requirement to obtain part 70 permits.

Subp. 3. **EPA and affected state review.** If the stationary source category to which the general permit applies includes stationary sources that would otherwise require individual part 70 permits, the agency shall comply with all provisions for EPA and affected state review and objection in parts 7007.0900 and 7007.0950. The agency shall comply with provisions for EPA review and objection under part 7007.0950 in the case of all other general permits.

Subp. 4. **Issuance in general.** Following the close of the comment period and any public meeting or contested case hearing ordered, the agency may issue the general permit. If the general permit applies to any stationary sources that would otherwise be required to have a part 70 permit, the general permit shall include all requirements of parts 7007.0100 to 7007.1850 applicable to part 70 permits. All general permits shall include the requirements applicable to state permits. However, nothing in this subpart shall be construed to require the agency to include in the general permit stationary source specific information incompatible with the concept of a general permit.

Subp. 5. **Application.** Owners and operators of stationary sources that would qualify for a general permit must apply to the agency for coverage under the terms of the general permit or must apply for an individual permit consistent with part 7007.0500. If the owners and operators of a stationary source elect to apply for coverage under the general permit, they must submit an application meeting the requirements of parts 7007.0100 to 7007.1850, unless the agency states in

the public notice of the general permit that certain conditions do not apply. The application must include all information necessary to determine qualification for, and to assure compliance with, the general permit.

Subp. 6. **Issuing general permit to stationary source.** The agency may issue a general permit to the owners and operators of a stationary source without repeating the notice and comment procedures required under part 7007.0850, subpart 2. However, the agency shall make available to the public upon request a list of facilities for which a general permit application has been received.

Subp. 7. **Permit shield.** Notwithstanding the permit shield provisions of part 7007.1800, the owners and operators of a stationary source that obtain a general permit shall be subject to enforcement action for operation without a permit if the stationary source is later determined not to qualify for the conditions and terms of the general permit.

Subp. 8. **Changing name, ownership, or control of stationary source issued general permit.**

A. Prior to a change of the name of the stationary source or any mailing address listed in the permit, the owners and operators must submit a request for change of the name or address on a form provided by the commissioner. The commissioner shall reissue the general permit to the owners and operators with the changed name or mailing address. Issuance of a general permit with a new name or mailing address voids and supersedes the previously issued general permit.

B. Prior to a change in the ownership or control of a stationary source issued a general permit under this part, the new owner or operator must submit a change of ownership request form provided by the commissioner. If the commissioner determines that the new owners and operators meet the eligibility requirements of the general permit for general permit issuance, then the commissioner shall issue the general permit to the new owners and operators. Issuance of a general permit to the new owners and operators of an eligible stationary source voids and supersedes the general permit of the previous owner or operator. If the commissioner determines the new owners and operators do not meet the eligibility requirements, the new owners and operators shall submit a permit application for a registration, state, or part 70 permit within 120 days of the commissioner's written request for the application.

Subp. 9. **Changes or modifications rendering stationary source ineligible for general permit.** The owner and operator of a stationary source that operates under an agency-issued general permit must submit a part 70, state, capped, or registration permit application before making a change or modification that results in the stationary source no longer qualifying for the general permit under this part. The owner or operator may not begin actual construction on the modification until the required part 70, state, capped, or registration permit for the stationary source is obtained or an installation and operation permit for the modification is obtained under part 7007.0750, subpart 5.

Subp. 10. **Regulatory change rendering stationary source ineligible for general permit.**

A. If a stationary source covered by a general permit becomes subject to a new regulatory requirement that results in the stationary source no longer being able to qualify for or meet the requirements of the general permit, then the owners and operators must:

(1) submit written notification to the commissioner within 30 days of the effective date of a new regulation that results in the stationary source no longer being able to qualify for or meet the requirements of the general permit. The notification must include a description of the regulatory change and a statement of what type of permit application the owners and operators will submit under subitem (2); and

(2) submit either a part 70, state, capped, or registration permit application within 180 days of the effective date of the regulatory change.

B. The owners and operators must submit the required permit application for the appropriate air emission permit within the time limits in item A. If the owners and operators fail to submit the required permit application in the time required, the owners and operators do not hold a valid permit and are in violation of part 7007.0150, subpart 1.

Subp. 11. **Parts that do not apply to certain general permits.** For general permits that cover an entire stationary source, parts 7007.1150 to 7007.1250 and 7007.1350 to 7007.1500 do not apply.

Statutory Authority: *MS s 115.03; 116.07*

History: *18 SR 1059; 23 SR 2224; 29 SR 626; 32 SR 904; 37 SR 991; 41 SR 763*

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