

7007.1107 EMS PROVISIONS IN STATE PERMITS; APPLICATION AND PERMIT CONTENT.

Subpart 1. **Application content.** Owners and operators of a stationary source applying for inclusion of the EMS provisions in subparts 2 and 3 in a state permit must:

A. Submit an application meeting the requirements of parts 7007.0100 to 7007.1850. If the owners and operators have submitted a complete application for a state, part 70, capped, or general permit prior to the application deadline in part 7007.0350 or 7007.0400 and are eligible for a state permit with EMS provisions, then owners and operators applying for inclusion of EMS provisions may supplement information in a previous application to meet the application content requirements listed in this subpart.

B. For SO₂, PM-10, and NO_x emitted by the source:

(1) comply with part 7007.1148, subpart 1 or 2, ambient air quality assessment; or

(2) demonstrate to the satisfaction of the commissioner that the one-hour, three-hour, and 24-hour SO₂; the 24-hour PM-10; and annual NO₂ concentrations predicted at and beyond the property line of the stationary source through site-specific modeling are lower than the corresponding standards in part 7009.0080.

The application must specify which method was used for each pollutant emitted and include a summary of the results of the assessment. In performing the assessment, the owner or operator may assume specific limits or conditions it is proposing to be included in the permit.

C. Provide information in the application on a form approved by the commissioner to demonstrate that the stationary source meets the eligibility requirements in part 7007.1105 for a state permit that includes the EMS provisions. This application form must be accompanied by a summary of EMS audit results for the stationary source's most recent EMS audit.

Subp. 2. **Flexibility in amending, reporting, and calculating.** If a stationary source meets the eligibility requirements in part 7007.1105, the agency shall include the conditions specified in this subpart in the stationary source's state permit.

A. When calculating emission changes to determine if an amendment is necessary, an owner or operator need only follow the methods described under part 7007.1200, subpart 2, for any pollutant with a facility-wide emission limit. Part 7007.1200, subpart 3, does not apply.

B. A semiannual deviation report is required in the reporting period under part 7007.0800, subpart 6, item A, subitem (2), except that the deviation report is due only if a deviation occurred in the reporting period.

C. An owner or operator shall comply with the requirements related to calculation frequency in subitems (1) to (3).

(1) If the actual emissions of any pollutant listed in this subitem are less than the "Eligibility Limit for Reduced Calculation" for that pollutant for the previous calendar year, then the owner or operator may calculate and record actual emissions for that pollutant on a calendar

year basis. The owner or operator shall by January 30 of each year calculate and record the sum of actual emissions for the previous calendar year. This calculation must be made pursuant to the requirements of the permit. Unless otherwise specified in the permit, this calculation must include all emissions units at the stationary source, except for insignificant activities under part 7007.1300, subparts 2 and 3, and conditionally insignificant activities under chapter 7008. The following pollutants have the listed "Eligibility Limit for Reduced Calculation":

- (a) any single HAP, 2.5 tons/year;
- (b) total HAP, 6.25 tons/year;
- (c) NO_x, 25 tons/year;
- (d) SO₂, 25 tons/year;
- (e) PM, 25 tons/year;
- (f) PM-10, 25 tons/year;
- (g) VOC, 25 tons/year;
- (h) CO, 25 tons/year;
- (i) Pb, 0.050 tons/year; and
- (j) CO₂e, 25,000 tons/year.

(2) If actual emissions for the previous calendar year exceed the "Eligibility Limit for Reduced Calculation" for a pollutant listed in subitem (1), then the stationary source is no longer eligible for annual calculations for that pollutant under subitem (1). The permit shall specify the customary permit conditions for calculation frequency if the stationary source becomes ineligible for the reduced calculation frequency under subitem (1). To reinstate eligibility for reduced calculation frequency under subitem (1) for a pollutant, the owner or operator shall demonstrate that actual emissions for that pollutant are below the "Eligibility Limit for Reduced Calculation" in subitem (1) for 12 consecutive months using the customary permit conditions for calculation frequency.

(3) The commissioner may require the owner or operator to monitor operating parameters and may establish conditions in the permit such that if an operating parameter is exceeded, more frequent calculation than that specified under subitem (1) is required. The commissioner shall establish these permit conditions if the commissioner determines that an annual calculation is not sufficient to ensure that the stationary source will remain below the facility-wide emission limits established in the permit.

Subp. 3. Additional permit conditions. If a stationary source meets the eligibility requirements in part 7007.1105 and requests the inclusion of the EMS provisions in subpart 2, the agency shall include in the stationary source's state permit the conditions specified in items A to C.

A. The permit shall include the customary permit conditions related to amendments, deviations reporting, and calculation frequency.

B. An EMS audit of the stationary source by an EMS auditor must be conducted at least every two years.

C. A summary of EMS audit results shall be sent directly from the EMS auditor to the commissioner within 45 days of the date of any EMS audit, if requested by the commissioner or as required under part 7007.1105, subparts 1 to 6.

Statutory Authority: *MS s 116.07*

History: *29 SR 626; 37 SR 991*

Published Electronically: *April 3, 2019*