

7007.1110 REGISTRATION PERMIT; GENERAL REQUIREMENTS.

Subpart 1. **Stationary sources; eligibility for registration permit.** Owners and operators of a stationary source that qualifies for a registration permit under this part and part 7007.1115 (Option A), 7007.1120 (Option B), 7007.1125 (Option C), or 7007.1130 (Option D) may elect to apply to the commissioner for a registration permit instead of a part 70, state, capped, or general permit, except as provided in subpart 2.

Subp. 2. **Stationary sources; ineligibility for registration permit.**

A. Owners and operators of a stationary source may not obtain a registration permit if they are required to obtain a permit under parts 7007.0200, subpart 3 (acid rain affected sources), 7007.0200, subpart 4 (solid waste incinerators, waste combustors), 7007.0200, subpart 5 (other part 70 sources), 7007.0250, subpart 3 (state implementation plan required state permit), or 7007.0250, subpart 6 (waste combustors).

B. Owners and operators of a stationary source may not obtain a registration permit if air quality specific conditions or limits not contained in parts 7007.1110 to 7007.1130 were assumed:

- (1) as a mitigation measure in an environmental impact statement;
- (2) in obtaining a negative declaration in an environmental assessment worksheet; or
- (3) in demonstrating compliance with any state or national ambient air quality standard.

C. Owners and operators of a stationary source may not obtain a registration permit if the stationary source is subject to a new source performance standard except when the stationary source is subject only to the notification and record-keeping requirements of that standard, or when the standard is one of the following:

(1) Code of Federal Regulations, title 40, part 60, subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (incorporated by reference in part 7011.0570);

(2) Code of Federal Regulations, title 40, part 60, subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After June 11, 1973 and Prior to May 19, 1978 (incorporated by reference in part 7011.1520, item A);

(3) Code of Federal Regulations, title 40, part 60, subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After May 18, 1978 and Prior to July 23, 1984 (incorporated by reference in part 7011.1520, item B);

(4) Code of Federal Regulations, title 40, part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Storage Vessels) for Which Construction, Reconstruction or Modification Commenced After July 23, 1984 (incorporated by reference in part 7011.1520, item C);

(5) Code of Federal Regulations, title 40, part 60, subpart DD, Standards of Performance for Grain Elevators (incorporated by reference in part 7011.1005, subpart 2);

(6) Code of Federal Regulations, title 40, part 60, subpart EE, Standards of Performance for Surface Coating of Metal Furniture (incorporated by reference in part 7011.2550);

(7) Code of Federal Regulations, title 40, part 60, subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances (incorporated by reference in part 7011.2565);

(8) Code of Federal Regulations, title 40, part 60, subpart JJJ, Standards of Performance for Petroleum Dry Cleaners (incorporated by reference in part 7011.3250);

(9) Code of Federal Regulations, title 40, part 60, subpart OOO, Standards of Performance for Nonmetallic Mineral Processors (incorporated by reference in part 7011.3350), except that a stationary source subject to this performance standard may not obtain a registration permit if subpart 2b applies;

(10) Code of Federal Regulations, title 40, part 60, subpart TTT, Standards of Performance for Industrial Surface Cleaning of Plastic Parts for Business Machines (incorporated by reference in part 7011.2580);

(11) Code of Federal Regulations, title 40, part 60, subpart I, Standards of Performance for Hot Mix Asphalt Facilities (incorporated by reference in part 7011.0909);

(12) Code of Federal Regulations, title 40, part 60, subpart GG, Standards of Performance for Stationary Gas Turbines (incorporated by reference in part 7011.2350);

(13) Code of Federal Regulations, title 40, part 60, subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (incorporated by reference in part 7011.2305), but only if the compression ignition internal combustion engine has a displacement less than 30 liters per cylinder; and

(14) Code of Federal Regulations, title 40, part 60, subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (incorporated by reference in part 7011.2310).

Subp. 2b. **Additional limitations on stationary source eligibility for registration permit.** A stationary source may not obtain an option B, C, or D registration permit if:

A. the source qualifies for a sector-based state general permit available under part 7007.1100, unless specifically allowed under the general permit; or

B. the commissioner determines that site-specific permit requirements are needed to ensure compliance with applicable requirements or to protect human health or the environment.

Subp. 3. **Application.** Items A to D apply to registration permit applications submitted under parts 7007.1110 to 7007.1130.

A. The owners and operators of a stationary source must apply for a registration permit prior to the applicable deadline in parts 7007.0350 and 7007.0400. If the owners and operators have

submitted a complete application for a state, part 70, or general permit prior to the application deadline in part 7007.0350 or 7007.0400 and are eligible for a registration permit, then the owners and operators may apply for a registration permit and shall request to have the original application voided.

B. The owners and operators of a stationary source must submit the registration permit application on a standard application form provided by the commissioner. The commissioner may create different application forms for the different registration permit options available under parts 7007.1115 to 7007.1130.

C. Any owner or operator of a stationary source who fails to submit any relevant facts or who has submitted incorrect information in an application for a registration permit shall, upon becoming aware of such failure or incorrect information, promptly submit to the commissioner such supplementary facts or corrected information. This requirement applies both while the permit application is pending before the commissioner and after a registration permit is issued.

D. If the commissioner determines during review of the application that additional information is needed to evaluate the registration permit application or to verify that the stationary source qualifies for a registration permit under parts 7007.1110 to 7007.1130, the commissioner may request the information from the applicant, and the applicant shall submit the information to the commissioner by the date specified in the request.

Subp. 4. **Certifications.** All registration permit applications, reports, and record-keeping, testing, or monitoring submittals to the commissioner under parts 7007.1110 to 7007.1130 shall include a certification made by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. The certification that is submitted with a registration permit application must additionally state that the stationary source will be operated in compliance with all applicable requirements, and shall be signed by a responsible official of both the owner and the operator of the stationary source if they are not the same.

Subp. 5. **Issuing, denying, and revoking.** The commissioner shall issue a registration permit to the owners and operators of a stationary source if the owners and operators have submitted a complete application for a registration permit and the commissioner determines that the stationary source qualifies for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted, and the commissioner anticipates that the stationary source will comply with the registration permit. The commissioner shall deny an application for a registration permit if the commissioner determines that the stationary source does not qualify for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted or that the stationary source will not be able to comply with the registration permit. The grounds for permit denial in part 7007.1000, subparts 1, item H, and 2, items B to G, also constitute grounds for the commissioner to deny a registration permit application. The commissioner may revoke a registration permit, if the commissioner finds that any of the grounds under subpart 16 or under part 7007.1700, subpart 1, exist, by following the procedure in part 7007.1700, subpart 2.

Subp. 6. **Content.** A registration permit shall identify the stationary source, the owner and operator of the stationary source, where the stationary source is allowed to operate, and shall state as follows: "The permittee shall comply with Minnesota Rules, part 7007.1110, part [insert 7007.1115, 7007.1120, 7007.1125, or 7007.1130, whichever one applies], and all applicable requirements."

Subp. 7. **Compliance requirements.** The owner and operator of the stationary source issued a registration permit, shall:

- A. comply with this part, including the general conditions in subpart 21;
- B. comply with part 7007.1115 (Option A), 7007.1120 (Option B), 7007.1125 (Option C), or 7007.1130 (Option D), whichever applies;
- C. comply with all applicable requirements; and
- D. if a stationary source qualifies for a registration permit, but has less than 12 months of emissions data, calculate the emission limit each month during normal operation for the first 12 months under registration permit option C or D on a form provided by the commissioner which uses one of the following formulas:

$$(1) N = 0.95 (\text{annual limit in option C or D}) + 0.0045 (\text{annual limit in option C or D})(n-1)$$

Where: n = number of months in operation;

N = emission limit for month n; or

$$(2) P = L/12$$

Where L = annual limit in option C or D.

P = the emission limit for each month.

The actual emissions for each month must be below the calculated emission limit, N or P, for each pollutant.

Subp. 8. **Emission inventory required.** The owner or operator of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130 must submit an annual emission inventory to the commissioner under parts 7019.3000 to 7019.3100.

Subp. 9. **Record retention, access to records, and inspections.**

A. The owner or operator of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130 must maintain at the stationary source, or at the main office for an unattended stationary source, for a period of five years from the date the record was made all information required to be recorded under applicable state and federal rules, and part 7007.1115, 7007.1120, 7007.1125, or 7007.1130, whichever part applies to the stationary source. The owner or operator must make these records available for examination and copying upon request of the commissioner, and must upon request submit these records to the commissioner by the time specified

by the commissioner in the request. A stationary source with a registration permit may maintain records at an office of the owner or operator of the stationary source for all years prior to the current calendar year of operation.

B. The owner or operator of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130 must provide the commissioner, or an authorized representative or agent of the commissioner, access to the stationary source (including allowing the collection of samples), and records to the extent provided under Minnesota Statutes, section 116.091, or other law, upon presentation of credentials and other documents required by law.

Nothing in this subpart shall be read to limit the commissioner's, agency's, or administrator's authority under Minnesota Statutes, section 116.091, section 114 of the act, or other law.

Subp. 10. Changes or modifications triggering new source performance standards. If a change or modification made at a stationary source issued a registration permit results in the stationary source being subject to a new source performance standard listed under subpart 2, item C, or if the change or modification adds an emissions unit subject to the standards listed in part 7007.0300, the owner or operator must submit to the commissioner:

A. the information required by the standard in the time specified in the standard;

B. with the notice in item A, a written notice containing a description of the change if the change triggers a new source performance standard; and

C. with the notice in item A, a copy of the applicable new source performance standard, with the applicable portions of the new source performance standard (NSPS) highlighted (including applicable parts of Code of Federal Regulations, title 40, part 60, subpart A, General Provisions), or an NSPS checklist form provided by the commissioner that identifies applicable portions of the new source performance standard.

Subp. 11. Changes; ineligibility or different registration permit option. If the owner or operator makes a change at a stationary source issued a registration permit which increases emissions, including a change described in subpart 10, and results in the stationary source no longer being able to qualify for or meet the requirements for its registration permit, and the change is not a modification, as defined in part 7007.0100, subpart 14, then the owners and operators must:

A. within 30 days of making the change, submit a written notification to the commissioner that includes a description of the change, and a statement of what type of permit application the owner or operator will submit; and

B. if the change results in the requirement for the submittal of a registration permit application under a different option, then the registration permit application shall be submitted with the 30-day notice required under item A, or within 180 days of making the change, submit the required part 70, state, or general permit application.

If the owners and operators fail to submit the required permit application in the time required by this subpart, the owners and operators lose their right to operate the stationary source and shall be considered to be in violation of part 7007.0150, subpart 1. Once a stationary source has made a

change rendering it ineligible for all registration permit options under parts 7007.1110 to 7007.1130, the stationary source may only become eligible for a registration permit again if it meets the requirements of subpart 14.

Subp. 11a. Regulatory changes; ineligibility or different registration permit option.

A. If a stationary source covered by a registration 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 for the current registration permit, then the owner or operator must:

(1) within 30 days of the effective date of the regulation:

(a) submit a written notification to the commissioner that includes a description of the regulatory change and a statement of what type of permit application the owners and operators will submit; and

(b) if the stationary source is eligible for a different registration permit option, submit an application for another registration permit option category; and

(2) if the stationary source is not eligible for any registration permit option, submit an application for a part 70, state, or general permit application within 180 days of the effective date of the regulatory change.

B. Once a stationary source has made a change rendering it ineligible for all registration permit options under parts 7007.1110 to 7007.1130, the stationary source may become eligible for a registration permit again only if it meets the requirements of subpart 14.

C. If the owner or operator fails to submit the required permit application in the time required by this subpart, the owner or operator is considered to not hold a valid permit and is in violation of part 7007.0150, subpart 1. The owner or operator must submit the required permit application for the appropriate air emission permit within the time limits given in item A.

Subp. 12. Modification; ineligibility for current registration permit option. Items A to C apply to the owner or operator of a stationary source that has been issued a registration permit and that wants to make a modification which results in the stationary source no longer being able to meet the requirements for the registration permit option for which it was issued a registration permit, but which will result in the stationary source being eligible for another registration permit option.

A. The owners and operators must submit the required permit application to the commissioner before beginning actual construction on the modification.

B. The owners and operators may begin actual construction on and start-up of the modification proposed in the permit application seven working days after the permit application is received by the commissioner.

C. Until the commissioner acts on the permit application, the owners and operators must comply with the requirements of the registration permit option for which the owners and operators applied, and all applicable requirements. During this time period, the owners and operators need

not comply with the registration permit requirements specific to the option under which the owners and operators currently hold a registration permit.

Subp. 13. **Modification; ineligibility for registration permit.** The owners and operators of a stationary source that has been issued a registration permit must submit a part 70, state, or general permit application before making a modification which results in the stationary source no longer qualifying for any registration permit option under parts 7007.1110 to 7007.1130. The owner or operator may not begin actual construction on the modification until the required part 70, state, or general permit for the stationary source is obtained, or an installation and operation permit for the modification is obtained under part 7007.0750, subpart 5. Once a stationary source has made a modification rendering it ineligible for all registration permit options under parts 7007.1110 to 7007.1130, the stationary source may only become eligible for a registration permit again if it meets the requirements of subpart 14.

Subp. 14. **Actions resulting in or reinstating eligibility.** If through the addition of listed control equipment, permanent removal of emissions units, or implementation of pollution prevention practices the stationary source qualifies for or reinstates eligibility for a registration permit under parts 7007.1110 to 7007.1130, the owners and operators may apply for a registration permit. If the stationary source qualifies for or reinstates eligibility for a registration permit due to implementation of pollution prevention practices, the owner or operator shall submit a description of the pollution prevention practices with the registration permit application for the commissioner's review and approval. For purposes of this subpart, "pollution prevention practices" means eliminating or reducing the quantity or toxicity of regulated air pollutants, or hazardous air pollutants that are not regulated air pollutants, used by or emitted from the stationary source. Emission reductions are not reductions if the decrease is solely the result of a decrease in production at the stationary source.

Subp. 15. **Changing name, ownership, or control.**

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 registration permit to the owners and operators with the changed name or mailing address. Issuance of a registration permit with a new name or mailing address voids and supersedes the previously issued registration permit.

B. Prior to a change in the ownership or control of a stationary source issued a registration permit under parts 7007.1110 to 7007.1130, the new owner or operator must submit a change of ownership request form provided by the commissioner. If the commissioner determines that the new owner or operator meets the requirements of parts 7007.1110 to 7007.1130 for registration permit issuance, then the commissioner shall issue the registration permit to the new owner or operator. Issuance of a registration permit to the new owner or operator of an eligible stationary source voids and supersedes the registration permit of the previous owner or operator.

Subp. 15a. **Relocating.**

A. This subpart does not apply if the registration permit already authorizes operation in more than one location under subpart 20 and the proposed relocation is within the scope of that authorization.

B. Before changing the location of the stationary source, the owners and operators must submit a request for change of location on a form provided by the commissioner. The commissioner must reissue the registration permit to the owners and operators with the changed location if:

(1) the stationary source is being relocated within or to an area that is classified as attainment with respect to the national ambient air quality standards;

(2) relocating the stationary source does not trigger the need for air dispersion modeling for the relocated source;

(3) the stationary source will qualify for the same type of registration permit at the new location; and

(4) the owners or operators will not operate a stationary source in both the existing and new locations at the same time for any period.

C. Issuing a registration permit with a new location voids and supersedes the previously issued registration permit.

Subp. 16. **Agency request for different type of permit application.** The owners and operators shall submit an application for a part 70, state, capped, or general permit, or a different registration permit option, within 120 days of the commissioner's written request for the application if the commissioner determines that:

A. the stationary source has a history of noncompliance with applicable requirements or with its registration permit;

B. the stationary source does not qualify for a registration permit;

C. the stationary source qualifies for a different registration permit option under parts 7007.1110 to 7007.1130;

D. the applicable requirements to which the stationary source is subject are about to or have changed substantially;

E. the permit application contains material mistakes or inaccurate statements related to establishing eligibility for the emissions standards, limitations, or other terms or conditions of the permit and correction of such mistakes or statements would result in ineligibility for the permit applied for;

F. alterations or modifications to the permitted facility will result in or have the potential to result in alteration in the nature or quantity of regulated air pollutants to be emitted by the permittee such that the permittee is no longer eligible for the permit it holds; or

G. the commissioner receives information previously unavailable to the commissioner that shows that the terms and conditions of the permit do not accurately represent the actual circumstances of the permitted facility.

Subp. 17. **Voiding existing permit.** The commissioner shall void a part 70, capped, or state permit for a stationary source which is issued a registration permit. A stationary source which is covered under the terms of a general permit is no longer covered by the general permit when it is issued a registration permit. The commissioner shall void a registration permit issued under one registration permit option for a stationary source that is issued a registration permit for a different registration permit option. The commissioner shall void a registration permit for a stationary source that is issued a part 70, state, capped, or general permit.

Subp. 18. **No circumvention; permit shield.**

A. The owner or operator of a stationary source that obtains a registration permit shall be subject to enforcement action for operation without a permit if the commissioner later determines that the stationary source does not qualify for the registration permit.

B. The permit shield under part 7007.1800 shall not apply to registration permits.

Subp. 19. **List of facilities with registration permit.** The commissioner shall make available to the public upon request a list of facilities that have been issued registration permits under parts 7007.1110 to 7007.1130.

Subp. 20. **Operation in more than one location.** If requested by the applicant, the registration permit may allow a stationary source to be operated in more than one location. If more than one location is proposed by the permittee, the permittee shall:

A. include in the application an identification of all geographic areas where the stationary source is authorized to operate during the course of the permit; and

B. notify the commissioner at least 48 hours in advance of each change in location, providing the exact location where the source will operate.

Subp. 21. **Registration permit; general conditions.** Registration permits issued by the commissioner under parts 7007.1110 to 7007.1130 must include the general conditions in items A to O, which are included in the permit by reference to part 7007.1110 as a whole.

A. Unchallenged provisions of the permit remain valid despite any successful challenges to specific portions of the permit.

B. The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of state law and, if the provision is federally enforceable, of the act. Such violation is grounds for enforcement action by the commissioner, the agency, or the EPA; or for permit revocation.

C. It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

D. The permit may be revoked for cause as provided in subpart 5. The filing of a request by the permittee for a different type of permit, a different registration permit option, for revocation or termination of this permit, or for a notification of planned changes or anticipated noncompliance does not stay any permit condition, except as specifically provided in subpart 12.

E. The permit does not convey any property right of any sort, or any exclusive privilege.

F. The permittee shall furnish to the commissioner, within a reasonable time, any information that the commissioner may request in writing to determine whether cause exists for revoking the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the commissioner copies of records to be kept by the permittee.

G. The commissioner's issuance of the permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain a permit.

H. The commissioner's issuance of the permit does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the permittee.

I. The commissioner's issuance of the permit does not obligate the commissioner to enforce local laws, rules, or plans beyond that authorized by Minnesota Statutes.

J. The permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

K. The permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the commissioner by the permit. The permittee shall immediately upon discovery report to the commissioner an error or omission in these records, reports, plans, or other documents. The permittee may not falsify, tamper with, render inaccurate, or fail to install any monitoring device or method required to be maintained or followed by the permit.

L. The permittee shall, when requested by the commissioner, submit within a reasonable time any information and reports that are relevant to pollution or the activities authorized under the permit.

M. If the permittee discovers, through any means, including notification by the commissioner, that noncompliance with a condition of the permit has occurred, the permittee shall immediately take all reasonable steps to minimize the adverse impact on human health or the environment resulting from the noncompliance.

N. The permit is not transferable to any person.

O. The permit authorizes the permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state, the agency, and the commissioner assume no responsibility for damages to persons, property, or the environment caused by the activities of the permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state, the agency, and the commissioner may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.736.

Subp. 22. **Inapplicable parts.** Parts 7007.0500 to 7007.0950; 7007.1000, subpart 1; 7007.1100; 7007.1150 to 7007.1250; 7007.1350 to 7007.1650; and 7007.1800 do not apply to registration permits under parts 7007.1110 to 7007.1130.

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