

**7007.1140 CAPPED PERMIT ELIGIBILITY REQUIREMENTS.**

Subpart 1. **Eligible sources.** Owners and operators of a stationary source that qualifies for capped permit option 1 under part 7007.1141, subpart 1, or capped permit option 2 under part 7007.1141, subpart 2, may elect to apply to the commissioner for a capped permit instead of a part 70, state, registration, or general permit, except as provided in item B. The owners and operators of a stationary source may apply for a capped permit under this part if the stationary source meets the following criteria:

A. The owners and operators apply for capped permit option 1 or capped permit option 2 and meet the requirements of subitems (1) or (2).

(1) For option 1, all emissions units at the stationary source are either included in calculations in part 7007.1146; are insignificant activities under part 7007.1300, subpart 2; or are insignificant activities under part 7007.1300, subpart 3, for which emission factors or other calculation methods do not exist.

(2) For option 2, all emissions units at the stationary source are either included in calculations in part 7007.1146, or are insignificant activities under part 7007.1300, subpart 2 or 3, or are conditionally insignificant activities described in chapter 7008.

B. The 12-month rolling sum of actual emissions at the stationary source for each pollutant is less than or equal to the thresholds in option 1 or option 2. If the source has not been operated or has operated for less than 12 months, the 12-month sum of estimated actual emissions is less than or equal to the thresholds in part 7007.1141.

C. The owner or operator does not anticipate making changes in the next year which will cause the stationary source's 12-month rolling sum of actual emissions to exceed any threshold in tons per year listed in part 7007.1141.

D. The owner or operator complies with part 7007.1148, ambient air quality assessment.

**Subp. 2. Ineligible sources.**

A. Owners and operators of a stationary source may not obtain a capped 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 and 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. A stationary source may not obtain a capped permit if air quality specific conditions or limits not contained in parts 7007.1140 to 7007.1148 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 standards.

C. A stationary source may not obtain a capped permit if it produces fuel grade ethanol or if a sector-based state general permit is available except as allowed under part 7007.1100, subpart 2.

D. A stationary source may not obtain a capped permit if the commissioner determines site-specific permit requirements are needed to ensure compliance with applicable requirements or to protect human health or the environment.

E. No stationary source may obtain a capped permit if it is subject to a new source performance standard other than 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 I, Standards of Performance for Hot Mix Asphalt Facilities, incorporated by reference in part 7011.0909;

(3) 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;

(4) 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;

(5) 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;

(6) 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;

(7) 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;

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

(9) 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;

(10) Code of Federal Regulations, title 40, part 60, subpart XX, Standards of Performance for New Bulk Gasoline Terminals, incorporated by reference in part 7011.1550;

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

(12) 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;

(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 or is an emergency engine with a displacement greater 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.

**Statutory Authority:** *MS s 116.07*

**History:** *29 SR 626; 32 SR 904; 37 SR 991*

**Published Electronically:** *April 3, 2019*