

7007.1146 CAPPED PERMIT; COMPLIANCE REQUIREMENTS.

Subpart 1. **Compliance requirements.** The owner and operator of the stationary source issued a capped permit must:

A. comply with parts 7007.1140 to 7007.1148;

B. comply with all applicable requirements;

C. for the 12-month rolling sum of actual emissions from the stationary source determined pursuant to part 7007.1146, not exceed the applicable thresholds in part 7007.1141 for any pollutant;

D. for the sum of actual NO_x emissions from the stationary source in a calendar year determined under this part, not exceed the estimated future annual NO_x emissions in units of tons per year used to comply with part 7007.1148; and

E. if a stationary source qualifies for a capped 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 capped permit option 1 or 2 on a form provided by the commissioner which uses one of the following formulas:

$$(1) N = 0.95 (\text{annual limit in option 1 or 2}) + 0.0045 (\text{annual limit in option 1 or 2})(n-1)$$

Where: n = number of months in operation;

N = emission limit through month n; or

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

Where: L = annual limit in option 1 or 2.

P = 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. 2. **Record-keeping requirements.** The owners and operators of a stationary source issued a capped permit must comply with all requirements relevant to the stationary source in items A to G. The owners and operators of a stationary source issued a capped permit must comply with items H and I at all times.

A. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using a material balance that relies on the content of materials in the calculations in part 7007.1147, the owner or operator must:

(1) record, by the last day of each month, the amount of each pollutant-containing material (for example: VOC, greenhouse gases, particulate matter or solids, or HAP) purchased or used, and the relevant pollutant content for the previous calendar month;

(2) maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum solids, VOC, greenhouse gases, or hazardous air pollutant content, for each pollutant-containing material purchased or used;

(3) if the owner or operator assumes a reduction of emissions in using the materials balance method under part 7007.1147, subpart 5, due to recycling or disposal of material off-site, keep records of the amount of disposed material, the amount of material shipped off-site for recycling, and the calculations done to determine the amount to subtract. Acceptable records include the material safety data sheets, invoices, shipping papers, and hazardous waste manifests; and

(4) recalculate and record by the last day of each month the 12-month rolling sum of actual emissions from the pollutant-containing materials purchased or used for the previous 12 months, the date the calculation was made, and the calculation itself.

B. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using the quantity of fuel purchased or used in the calculations in part 7007.1147, the owner or operator must:

(1) record by the last day of each month the amount of each fuel purchased or used, whichever was stated in the permit application, for the previous month; and

(2) recalculate and record by the last day of each month the 12-month rolling sum of emissions for the previous 12 months, the date the calculation was made, and the calculation itself.

C. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using fuel sulfur data in the calculations in part 7007.1147, the owner or operator must:

(1) record by the last day of each month the amount of each fuel burned for each batch of fuel for the previous month;

(2) maintain a record of the fuel sulfur content certified by the supplier or independent laboratory for each batch of fuel received; and

(3) recalculate and record by the last day of each month the 12-month rolling sum of SO₂ emissions for the previous 12 months, the date the calculation was made, and the calculation itself using the calculation method in part 7007.1147, subpart 6.

D. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using hours of operation in the calculations in part 7007.1147, the owner or operator must:

(1) record by the last day of each month the hours operated for each emissions unit, rounded to the nearest hour for the previous month; and

(2) recalculate and record by the last day of each month the 12-month rolling sum of emissions for the previous 12 months, the date the calculation was made, and the calculation itself.

E. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using the quantity of material handled or throughput, or product produced in the calculations in part 7007.1147, the owner or operator must:

(1) record by the last day of each month, the amount of each material handled or throughput and the amount of each product produced for the previous month; and

(2) recalculate and record by the last day of each month for each material handled or throughput and for each product produced, the 12-month rolling sum of emissions for the previous 12 months, the date the calculation was made, and the calculation itself.

F. If the stationary source qualified in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using control equipment efficiencies for listed control equipment determined under part 7011.0070, the owners and operators shall comply with parts 7011.0060 to 7011.0080, except that the owners and operators of a hot mix asphalt plant shall comply instead with part 7011.0917. If the calculations required by part 7007.1147 used control equipment efficiencies based on an alternative control efficiency under part 7011.0070, subpart 2, the owners and operators shall also operate within the monitoring and operating parameters of the performance test that established the alternative control efficiency.

G. If a change made at a stationary source issued a capped permit results in the stationary source being subject to a new source performance standard listed under part 7007.1140, subpart 2, item E, or if the change adds an emissions unit subject to the standards listed in part 7007.0300, the owner or operator must submit to the commissioner:

(1) the information required by the standard in the time specified in the standard;

(2) with the notice in subitem (1), a written notice containing a description of the change if the change triggers a new source performance standard; and

(3) with the notice in subitem (1), a copy of the applicable new source performance standard (NSPS), with the applicable portions of the new source performance standard 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.

H. The owner or operator must recalculate and record by the last day of each month, pursuant to part 7007.1147, the 12-month rolling sum of actual emissions from the stationary source for the previous 12 months, the date the calculation was made, and the calculation itself. This calculation must include all emissions units at the stationary source and the information required by part 7007.1147, subpart 2, item C, if continuous emissions monitor (CEM) data is used in the calculation. For capped option 1, this calculation need not include emissions from insignificant activities under part 7007.1300, subpart 2, or insignificant activities under part 7007.1300, subpart 3, for which emission factors do not exist or alternative emissions calculation methods do not exist. For capped option 2, this calculation need not include emissions from insignificant activities under part 7007.1300, subparts 2 and 3, or conditionally insignificant activities described in chapter 7008.

I. The owner or operator of a stationary source with a capped permit must keep daily operating records that would allow the owner or operator to calculate actual emissions of any pollutant for which a threshold has been established under part 7007.1141 for that period of time not previously accounted for in the 12-month rolling sum calculation required under item H. The owner or operator shall provide these records and calculations if requested to do so by the commissioner. If the capped permit was issued by January 2, 2011, the owner or operator must begin record keeping for greenhouse gases on January 2, 2011.

Subp. 3. **Prechange analysis.** Prior to making a physical or operational change which increases emissions at a stationary source with a capped permit, the owner or operator must:

A. demonstrate that the estimated actual annual emissions at the stationary source using the methods in part 7007.1147 after the change is made are less than the applicable pollutant threshold in part 7007.1141;

B. if the change results in increased SO₂, NO_x, or PM-10 emissions, demonstrate, using a method in part 7007.1148, that ambient air quality standards will continue to be met after the change is made; and

C. keep records of the prechange analyses required under items A and B on site.

The owner or operator may use worksheets provided by the agency for the demonstrations required under items A and B.

Subp. 4. **Compliance plan.**

A. The owner or operator of a stationary source must develop a written plan containing the following:

(1) a list of the state and federal requirements that apply to the stationary source; and

(2) a list of the actions, including monitoring, record-keeping, and reporting requirements, on a daily, monthly, and yearly basis that the stationary source must do to be in compliance with its capped permit option.

B. The owner or operator shall complete the compliance plan within 60 days of receiving a capped permit and keep a copy of the current compliance plan on site at all times. The owner or operator must update the plan within 15 working days after any change that would alter the elements of the plan as described under items A and B. If requested by the commissioner, the owner or operator shall provide a copy of the current compliance plan to the commissioner.

Subp. 5. **Reporting.** An owner or operator of a source with a capped permit must submit to the commissioner the reports described under items A to E. All reports required under a capped permit must be certified by a responsible official consistent with part 7007.1143, subpart 1.

A. Deviation reporting time frames as described in subitems (1) and (2).

(1) For deviations that endanger human health or the environment, the permittee shall notify the commissioner as required in part 7019.1000, subpart 1. The permittee may assert the

affirmative defense of emergency only if it meets all the requirements of part 7007.1850, which includes notifying the agency within two working days of when the emission limitations were exceeded due to the emergency.

(2) For all other deviations, the permittee shall submit a deviation report, on a form approved by the commissioner, at least semiannually except the deviation report is due only if a deviation occurred in the reporting period. The midyear deviations report, covering deviations which occurred during the period from January 1 to June 30, is due by July 30 of each year and the end-of-year deviations report, covering deviations which occurred during the period from July 1 to December 31, is due by January 30 of each year.

B. An annual compliance certification submitted by January 31 of each year to the agency. The certification shall be on a form approved by the commissioner and shall contain the following:

- (1) the facility name and permit number;
- (2) identification of the calendar year that the report covers;
- (3) identification of deviation reports submitted covering the calendar year including the name of the report, such as DRF-1 or DRF-2; the period covered by the report; and the date of the cover letter accompanying the report;
- (4) identification of any noncompliance with applicable requirements or a permit condition that has not been identified in deviation reports submitted to the agency covering the calendar year; and
- (5) the signature and title of a responsible official as defined in part 7007.0100, subpart 21.

C. An annual emission inventory to the commissioner under parts 7019.3000 to 7019.3100. For the emissions inventory, the owner or operator shall use the same calculation methods it uses to demonstrate compliance with the thresholds in part 7007.1141.

D. A list of the equipment existing at the facility in a format specified by the commissioner. This list shall be submitted at the end of the previous calendar year with the emissions inventory required under item C.

E. If an owner or operator is allowed to operate in more than one location under part 7007.1143, subpart 6, notification to the commissioner at least 48 hours in advance of each change in location, providing the exact location where the source will operate and a statement that the source complies with part 7007.1148, ambient air quality assessment.

Statutory Authority: *MS s 116.062; 116.07*

History: *29 SR 626; 37 SR 991; 46 SR 1209; 50 SR 365; 50 SR 369*

NOTE: The proposed amendment to subpart 5, item A, subitem (1), at 49 SR 563 was vetoed by the governor at 50 SR 369.

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