

7007.4020 CONDITIONS FOR PERMIT.

Subpart 1. **In general.** Unless the requirements of Code of Federal Regulations, title 40, chapter I, part 51, appendix S, (1991), as incorporated in subpart 2a, are first satisfied, no person shall commence construction, as defined in appendix S, part (II), section (A), of a major stationary source or major modification in:

A. a nonattainment area; or

B. an attainment area or unclassifiable area if that major stationary source or major modification would cause or contribute to a violation of a national ambient air quality standard in a nonattainment area as determined by the significance levels established in Code of Federal Regulations, title 40, chapter I, part 51, appendix S, part III, (1991).

Subp. 2. [Repealed, 17 SR 350]

Subp. 2a. **Modified federal standard.** Persons subject to subpart 1 must comply with Code of Federal Regulations, title 40, chapter I, part 51, appendix S, (1991), with the following exceptions:

A. Code of Federal Regulations, title 40, chapter I, part 51, appendix S, part IV, section A, condition 1, footnotes 4 and 5, (1991), do not apply.

B. Code of Federal Regulations, title 40, chapter I, part 51, appendix S, part IV, section A, condition 3, is amended to read:

Emission reductions ("offsets") from existing sources in the same area of the proposed source (whether or not under the same ownership) are required such that there will be reasonable progress toward attainment of the applicable NAAQS. Offsets must be based on actual emissions as defined in Code of Federal Regulations, title 40, section 51.165(a)(3), as amended. Only intrapollutant emission offsets will be acceptable (e.g. hydrocarbon increases may not be offset against SO₂ reductions).

C. Code of Federal Regulations, title 40, part 51, appendix S, part IV, section A, condition 3, footnote 7, (1991), does not apply.

D. Code of Federal Regulations, title 40, part 51, appendix S, part IV, section A, footnote 8, (1991), does not apply.

E. Code of Federal Regulations, title 40, part 51, appendix S, part IV, section B, (1991), does not apply.

F. Code of Federal Regulations, title 40, part 51, appendix S, part IV, section C, (1991), applies except that, consistent with Code of Federal Regulations, title 40, section 51.165(3)(i)(A), as amended, the offset baseline shall be the actual emissions of the source from which offset credit is obtained.

G. Code of Federal Regulations, title 40, part 51, appendix S, part IV, section C, (5), (1991), does not apply.

Subp. 3. [Repealed, 17 SR 350]

Subp. 4. [Repealed, 17 SR 350]

Subp. 5. [Repealed, 17 SR 350]

Subp. 6. [Repealed, 13 SR 2153]

Subp. 7. [Repealed, 17 SR 350]

Subp. 8. [Repealed, 17 SR 350]

Statutory Authority: *MS s 116.07*

History: *L 1987 c 186 s 15; 13 SR 2153; 17 SR 350; 17 SR 3380; 18 SR 614; 23 SR 2224*

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