

7009.1040 CONTROL ACTIONS.

Subpart 1. **Compliance required.** Notwithstanding the provisions of other rules or of any installation permit, operating permit, stipulation agreement, variances, or order of the agency, all persons shall, upon notification by the commissioner or the commissioner's designee, comply with episode control directives issued by the commissioner.

Subp. 2. **Control directive.** Control directives issued to any owner or operator of an emission facility shall be based on the emission reduction plan submitted to the commissioner pursuant to subpart 3; provided, however, that in the event that no emission reduction plan has been approved for such facility, the episode control directives shall be based upon the emission reduction objectives set forth at subpart 4.

Subp. 3. **Episode emission reduction plan.** The owner or operator of each emission facility or stationary source located in an area of the state designated by the commissioner as having exceeded the alert levels in part 7009.1060, table 1, within the last ten years and having allowable emissions of greater than or equal to 250 tons per year of the pollutant causing the episode, shall submit to the commissioner an episode emission reduction plan to be implemented at the facility or stationary source in the event of a declaration by the commissioner of an air pollution episode. The plan shall be submitted to the commissioner within 90 days of the designation of the area or by September 1, 1995, whichever is later. The plan shall be consistent with the emission reduction objectives in subpart 4 and shall designate at least two individuals to be notified in the event of the declaration of an air pollution episode. The plan shall be subject to the approval of the commissioner. If the commissioner finds that the plan is inconsistent with such emission reduction objectives, the plan shall be returned to the owner or operator along with a written statement of the reason(s) for disapproval. The owner or operator shall correct the deficiency within 30 days of notification of disapproval and shall resubmit the plan to the commissioner.

Subp. 4. **Emission reduction objectives.** For the purpose of these parts, emission reduction objectives shall be as indicated in tables 2 through 6 in parts 7009.1070 to 7009.1110. In the event of episode levels of both particulate matter and sulfur dioxide the commissioner shall direct coal fired electric power generating facilities which pollutant is to be reduced at each facility.

Subp. 5. **Right to enter.** During the time that an air pollution episode declaration is in effect and has not been terminated, the owner or operator of any emission facility who has been directed to implement any portion of the facility's emission reduction plan shall allow the agency, or any authorized employee or agent of the agency, when authorized by law and upon the presentation of proper credentials to enter upon the property of the owner or operator for the purpose of obtaining information or examining records or conducting surveys or investigations pertaining to the operation of the emission facilities and the control equipment. The owner or operator shall make available on the premises to such agency

employee a copy of the episode emission reduction plan for the emission facility and shall, upon request of the agency employee, demonstrate that the control directives issued to the owner or operator are being implemented.

Statutory Authority: *MS s 116.07*

History: *L 1987 c 186 s 15; 13 SR 2154; 18 SR 614; 20 SR 2316; 22 SR 1237*

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