

7017.2025 OPERATIONAL REQUIREMENTS AND LIMITATIONS.

Subpart 1. **Scope.** This part specifies criteria that the commissioner will use to determine which operating parameters, if any, will be subject to limitations based upon the mode of operation during a performance test. Operations during periods of start-up, shutdown, and malfunction shall not constitute representative conditions of performance tests unless otherwise specified in an applicable requirement or compliance document.

Subp. 2. **Operating conditions for performance testing.** The performance test shall be conducted at worst case conditions for each air pollutant that is required to be tested unless:

A. the applicable requirement or compliance document specifies alternative operating conditions for performance testing;

B. the worst case condition is not known or calculable. In this case, worst case conditions shall be assumed to be the maximum achievable process or operating rate of the emissions unit; or

C. the owner or operator of the emission facility elects to conduct the performance test at conditions that are not worst case conditions.

Subp. 3. **Compliance demonstrated at tested conditions.** Upon the commissioner's written notice that the emission facility has demonstrated compliance under the conditions of the performance test, the owner or operator of the emission facility shall operate the affected emissions unit as specified in item A, B, C, or D, unless another performance test is conducted at alternative conditions and the commissioner gives written notification that the performance test demonstrated compliance at those conditions. This subpart does not apply to performance test runs for pollutants for which the owner or operator maintains a continuous emission monitor or continuous opacity monitor that meets the requirements of part 7017.1002 to 7017.1220.

A. If the owner or operator did not conduct the performance test at worst case conditions as required, or elected to conduct the performance test under alternative conditions under subpart 2, item C, the affected emissions unit shall not be operated at a process rate, operating rate, or regulated operating condition that is closer to the worst case conditions than the actual conditions of the performance test. The owner or operator of the emission facility shall maintain at the emission facility adequate records to demonstrate continuous compliance with these operating condition limitations.

B. If the owner or operator conducted the performance test under the conditions specified in subpart 2, item A, the owner or operator shall comply with any operational limitations imposed by the applicable requirement or compliance document.

C. If the owner or operator conducted the performance test at the maximum achievable process or operating rate under subpart 2, item B, the emissions unit may not

be operated at a higher process or operating rate than was recorded during the performance test.

D. If the owner or operator conducted the performance test at worst case conditions, no new operating limits are imposed by this part but the owner or operator shall comply with any applicable requirement or compliance document. When the worst case testing condition is defined in terms of an operating rate for the affected emissions units, no new operating rate limit may be imposed by this part if the performance test was conducted at 90 percent or greater of the defined worst case condition.

Subp. 3a. **Compliance with new operating limits.** If a new operating limit is imposed pursuant to subpart 3, it shall be implemented according to items A to C, unless otherwise defined in an applicable requirement or compliance document.

A. For operating rate limits, the new limit shall be expressed as an eight-hour block average calculated by totaling total throughput, input, or output as applicable during the eight-hour period and dividing by the total operating time during the eight-hour period. Periods of downtime of 15 or more minutes shall not be counted as operating time. The commissioner may shorten the averaging time or modify the calculation method in cases where the operating mode of the affected emissions unit is not continuous or consistent and in cases where the results of the performance test were greater than 80 percent of the applicable limits.

B. For operating rate limits imposed following a performance test where the results were less than or equal to 80 percent of the value of the applicable emission limits for all of the air pollutants that were required to be tested, the new limit shall be set at 110 percent of the tested rate except as otherwise provided in this item. The tested rate is the average of the operating rates recorded during the required number of test runs. The commissioner may set the new operating limit at 100 percent of the tested rate if the new limit would otherwise conflict with an existing operating limit or the description of the emission unit in the applicable air emission permit or if engineering judgment indicates that increasing the allowable operating rate would cause a likely violation of an emission limit.

C. For new operating limits and pollution control equipment limits not specified in item A or B, the averaging time and any extension of the range of values must be defined in the test plan approved under part 7017.2030, subpart 2.

Subp. 3b. **Relaxation of operating limits by retesting.** The owner or operator of the emission facility may conduct a retest at alternate operating conditions in order to relax an operating limit set pursuant to subpart 3. The retest shall be subject to parts 7017.2001 to 7017.2060. The owner or operator must submit the test results to the commissioner and identify what the new operating conditions will be and how compliance with those

new conditions will be monitored. The owner or operator shall comply with any relaxed conditions established under this subpart.

Subp. 4. Failure to demonstrate compliance.

A. Upon the commissioner's written notice that the emission facility has failed to demonstrate compliance with an applicable emission limit, the owner or operator of the emission facility, unless an alternative schedule is given in an applicable requirement or compliance document, shall:

(1) conduct a retest within 30 days of receipt of the commissioner's written notice;

(2) submit to the commissioner written notice of testing, submit a test plan for the retest, and schedule a pretest meeting at least 21 days in advance of the date of the retest. The pretest meeting shall be held at least seven days prior to the date of the retest, except that a shorter period shall be allowed if the commissioner has approved a test notification of less than 30 days; and

(3) submit a complete report of the results of the retest and a microfiche version of the report to the commissioner according to the requirements of part 7017.2035.

B. The owner or operator may receive an extension to the schedule in item A if the owner or operator demonstrates in writing to the commissioner that one of the following special circumstances applies:

(1) seasonal or temporary shutdown of the affected emissions units;

(2) malfunction or breakdown of the affected emissions units, unless the commissioner determines that a retest under such conditions is warranted in order to determine the effect of the malfunction or breakdown on emissions or where such conditions are representative of past operation of the emissions units;

(3) weather conditions that prevent using the applicable test methods or prevent operation of the affected emission units at the required operating conditions;

(4) any other conditions beyond the control of the owner or operator that prevent using the applicable test methods or prevent operation of the affected emissions units at the required operating conditions;

(5) any other condition beyond the control of the owner or operator that prevents completion of a retest within the required schedule; or

(6) the owner or operator needs additional time to complete corrective actions or procedural changes to the affected emission unit or units before retesting.

C. Any request for an extension of the time schedule shall be submitted to the commissioner in writing by the owner or operator prior to the date by which retesting is

required. The request shall specify the reason why the extension is needed, include an alternative retest schedule, and include a detailed summary of the measures the owner or operator will take to bring the affected emission unit into compliance. The commissioner shall grant the request for extension if the commissioner finds that one or more of the special conditions in item B apply. If the commissioner grants an extension, the owner or operator shall implement the alternative retest schedule and compliance measures. A requested extension shall not be effective unless the commissioner has given written approval of the extension. The commissioner shall not extend a retest date more than 30 days after the start-up, completion of maintenance, seasonal weather change, or other improvement in conditions occurs under item B, subitems (1) to (4). The commissioner shall not extend a retest date under item B, subitem (5), for more than 30 days.

Subp. 5. **Failure of retest.** If the owner or operator has conducted a retest under subpart 4 and the commissioner provides written notice to the owner or operator of the emission facility that the retest provides a second demonstration of noncompliance with an applicable emission limit, the owner or operator must comply with this subpart.

A. Unless item B applies, the owner or operator must demonstrate to the commissioner that corrective actions or procedural changes have been made that will be applied consistently and that will, when properly executed, ensure that the emission units will demonstrate compliance at all times with all applicable emission limits and capture, removal, or destruction efficiency requirements.

(1) If the owner or operator identifies such corrective actions or procedural changes and receives the commissioner's written approval of the required demonstration, the owner or operator may continue to operate the affected emissions units, provided the owner or operator continues to implement the approved actions or changes. If required by parts 7007.1150 to 7007.1500, the owner or operator must apply for a permit amendment to incorporate the approved actions or changes into the facility permit.

(2) If the owner or operator cannot identify such corrective actions or procedural changes, the owner or operator must comply with item B.

B. If the owner or operator cannot first make the demonstration specified in item A and does not receive written approval to operate according to item A, the owner or operator must propose terms and conditions to the commissioner, in writing, that will ensure compliance with all conditions or requirements underlying each limit that the owner or operator failed.

(1) If the commissioner determines that the terms and conditions will ensure compliance at all times with the conditions or requirements underlying each limit that the owner or operator failed, the owner or operator must apply for the appropriate permit amendment to incorporate the terms and conditions into the facility permit.

(2) If the commissioner determines that the terms and conditions will not ensure compliance with the conditions or requirements underlying each limit that the owner or operator failed, the owner or operator must shut down the affected emission unit or units and must not restart the unit or units until the owner or operator corrects all deficiencies in the proposal and the commissioner approves the proposal.

Subp. 6. **Agency tests.** Upon request of the agency or the commissioner, the owner or operator of an emission facility shall allow the agency or EPA, or any authorized employee or agent of the agency or EPA, to enter upon the premises of the owner or operator for the purposes of conducting performance tests. The owner or operator shall provide performance testing facilities that enable the agency or its employees or agents to conduct performance tests, including:

- A. sampling ports adequate for the applicable test methods;
- B. safe sampling platforms;
- C. safe access to sampling platforms; and
- D. utilities for sampling and testing equipment.

The owner or operator shall operate the emission facility at worst case conditions or other conditions as requested by the commissioner or EPA, and shall provide assistance in process monitoring and process material sampling as requested.

Statutory Authority: *MS s 115.03; 116.07*

History: *18 SR 1412; 23 SR 145; 23 SR 1764; 41 SR 763*

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