

7019.1000 NOTIFICATIONS OF DEVIATIONS ENDANGERING HUMAN HEALTH OR THE ENVIRONMENT; SHUTDOWNS AND BREAKDOWNS.

Subpart 1. **Notification of deviations which endanger human health or the environment.** The owner or operator of an emission facility, in the event of any deviation, as defined in part 7007.0100, subpart 8a, which could endanger human health or the environment, shall notify, orally or by facsimile, the commissioner or the state duty officer immediately after discovery of the deviation or immediately after when the deviation reasonably should have been discovered by the owner or operator. Within two working days of the discovery, the owner or operator shall submit to the commissioner a written description of the deviation stating:

- A. the cause of the deviation;
- B. the exact dates of the period of the deviation, if the deviation has been corrected;
- C. whether or not the deviation has been corrected;
- D. the anticipated time by which the deviation is expected to be corrected, if not yet corrected; and
- E. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the deviation.

Subp. 2. **Breakdown notification.** The owner or operator of an emission facility, emissions unit, or stationary source shall notify the commissioner within 24 hours of a breakdown of more than one hour duration of any control equipment or process equipment if the breakdown causes any increase in the emissions of any regulated air pollutant. The 24-hour time period starts when the breakdown was discovered or reasonably should have been discovered by the owner or operator. However, notification is not required if:

- A. an applicable requirement or compliance document does not require operation of the control equipment;
- B. an applicable requirement or compliance document specifies alternative minimum operating conditions for the process or control equipment that are still complied with despite the breakdown; or
- C. if the facility directly and continuously monitors the emissions with a continuous emissions monitor or similar direct monitoring device that demonstrates emissions do not exceed the applicable limit of any regulated pollutant during the breakdown.

At the time of notification or as soon as possible thereafter, the owner or operator shall inform the commissioner of the cause of the breakdown and the estimated duration. The owner or operator shall notify the commissioner when the breakdown is over.

Subp. 3. **Shutdown notification.** The owner or operator of an emission facility, emissions unit, or stationary source shall notify the commissioner at least 24 hours in advance of a planned shutdown of any control equipment or process equipment if the shutdown would cause any increase in the emissions of any regulated air pollutant. If the owner or operator does not have advance

knowledge of the shutdown, notification shall be made to the commissioner as soon as possible after the shutdown. However, notification is not required if:

A. an applicable requirement or compliance document allows the shutdown of, or does not require operation of, the control equipment;

B. an applicable requirement or compliance document specifies alternative minimum operating conditions for the process or control equipment that are still complied with despite the shutdown; or

C. the facility directly and continuously monitors the emissions with a continuous emissions monitor or similar direct monitoring device that demonstrates emissions do not exceed the applicable limit of any regulated pollutant during the shutdown.

At the time of notification, the owner or operator shall inform the commissioner of the cause of the shutdown and the estimated duration. The owner or operator shall notify the commissioner when the shutdown is over.

Subp. 4. **Operation changes.** In any shutdown, breakdown, or deviation covered by subpart 1, 2, or 3, the owner or operator shall immediately take all practical steps to modify operations to reduce the emission of any regulated air pollutant. The commissioner may require feasible and practical modifications in the operation to reduce emissions of air pollutants. No emissions units that have an unreasonable shutdown or breakdown frequency of process or control equipment shall be permitted to operate.

Subp. 5. **Effect of rule.** Nothing in this part:

A. allows the operation of an emission facility, emissions unit, or stationary source which may endanger human health or the environment;

B. allows the owner or operator of an emission facility to violate an applicable requirement or compliance document;

C. excuses compliance with Minnesota Statutes, section 116.061;

D. prevents the agency from exercising its emergency powers under Minnesota Statutes, section 116.11, in the event that conditions warranting such action shall arise; or

E. prevents the owner or operator of an emission facility from establishing the emergency defense described in part 7007.1850 if the owner or operator meets the requirements of that part.

Subp. 6. **Definitions.** "Applicable requirement" has the meaning given in part 7007.0100, subpart 7. "Compliance document" has the meaning given in part 7017.2005, subpart 2. "Immediately" means as soon as possible considering plant and personnel safety.

Subp. 7. **Transition to amended rule.** The amendments to this part that take effect on January 20, 1998, supersede the requirements of permit conditions based on this part in air emission permits issued by the agency prior to January 1, 1998.

Statutory Authority: *MS s 116.07*

History: *L 1987 c 186 s 15; 18 SR 614; 21 SR 165; 22 SR 1237; 23 SR 2224*
Published Electronically: *April 3, 2019*