

1 Pollution Control Agency

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3 Adopted Amendment of Rule APC 2, Definitions, Abbreviations,
4 Applicability of Standards, Access to Premises, Variances,
5 Circumvention, Severability, to be Retitled Definitions,
6 Abbreviations, Applicability of Standards, Opacity Standard
7 Adjustment, and Circumvention

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9 Rule as Adopted

10 6 MCAR S 4.0002 Definitions, abbreviations, applicability of
11 standards, opacity standard adjustment, and circumvention.

12 A. Definitions. As used in the state air pollution control
13 rules, the following terms have the meanings given them except
14 as expressly provided in a specific rule:

15 1. "Agency" means the Minnesota Pollution Control Agency
16 as constituted under Minnesota Statutes, section 116.02,
17 subdivision 1.

18 2. "Alternative method" means a method of sampling and
19 analyzing for an air pollutant which is not a Reference or
20 Equivalent method but which has been demonstrated to the
21 director's satisfaction to, in specific cases, produce results
22 adequate for its determination of compliance.

23 3. "Breakdown" means a sudden and unavoidable failure of
24 air pollution control equipment or process equipment to operate
25 as designed.

26 4. "Commenced" means that an owner or operator has
27 undertaken a continuous program of construction, modification,
28 or reconstruction, or has entered into a contractual obligation
29 to undertake and complete, within a reasonable time, this
30 program.

31 5. "Construction" means fabrication, erection, or
32 installation of an emission facility.

33 6. "Continuous monitoring system" means the total
34 equipment used to continuously sample and condition (if
35 applicable), to analyze, and to provide a permanent record of
36 emissions or process parameters.

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1 7. "Control equipment" means an "air contaminant
2 treatment facility" or a "treatment facility" as those terms are
3 defined in Minnesota Statutes, section 116.06, subdivision 6.

4 8. "Director" means the chief executive officer of the
5 agency as described in Minnesota Statutes, section 116.04.

6 9. "Emission facility" means any structure, work,
7 equipment, machinery, device, apparatus, or other means whereby
8 an emission is caused to occur.

9 10. "Emission source" means a single source whereby an
10 emission is caused to occur.

11 11. "Equivalent method" means a method of sampling and
12 analyzing for an air pollutant which has been demonstrated to
13 the director's satisfaction to have under specified conditions a
14 consistent and quantitatively known relationship to the
15 Reference methods set forth in Code of Federal Regulations,
16 title 40, part 60, appendix A.

17 12. "Existing facility" means an emission facility at
18 which construction, modification, or reconstruction was
19 commenced before the effective date of the applicable New Source
20 Performance Standard or the applicable state air pollution
21 control rule.

22 13. "Fugitive emissions" means pollutant discharges to
23 the atmosphere that do not pass through a stack, chimney, or
24 other functionally equivalent opening, at which a measurement of
25 the emissions can be made using a Reference method other than
26 Method 9.

27 14. "Minneapolis-St. Paul Air Quality Control Region"
28 means the area encompassed by the boundaries of the following
29 counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and
30 Washington. See Code of Federal Regulations, title 40, part
31 81.27 (1982).

32 15. "Modification" means a physical change or a change in
33 the operation of an emission facility that is not allowed under
34 a permit, stipulation agreement, or an applicable air pollution
35 control rule, and that results in an increase in the emission of
36 an air pollutant.

1 16. "Monitoring device" means the total equipment used to
2 measure and record (if applicable) process or control equipment
3 parameters.

4 17. "New facility" means an emission facility on which
5 construction, modification, or reconstruction was commenced
6 after the effective date of the applicable New Source
7 Performance Standard or the applicable state air pollution
8 control rule.

9 18. "New Source Performance Standard" means a standard of
10 performance promulgated by the administrator of the United
11 States Environmental Protection Agency under the Clean Air Act,
12 United States Code, title 42, section 7411, as amended.

13 19. "Nitrogen oxides" means all oxides of nitrogen except
14 nitrous oxide.

15 20. "One-hour period" means any 60-minute period
16 commencing on the hour.

17 21. "Opacity" means the degree to which emissions reduce
18 the transmission of light and obscure the view of an object in
19 the background.

20 22. "Owner or operator" means a person who owns, leases,
21 operates, controls, or supervises an emission facility.

22 23. "Particulate matter" means material, except water,
23 which exists at standard conditions in a finely divided form as
24 a liquid or solid.

25 24. "Performance specification" means the specifications
26 for continuous monitoring systems in Code of Federal
27 Regulations, title 40, part 60, appendix B (1982).

28 25. "Person" means person as defined in Minnesota
29 Statutes, section 116.06, subdivision 8.

30 26. "Potential emissions" means the emissions from an
31 emission facility, after control equipment has been applied,
32 when the facility is operating at maximum design capacity and
33 maximum hours of operation or as limited by enforceable permit
34 conditions, whichever results in fewer emissions.

35 27. "Reconstruction" means replacement of depreciable
36 components of an existing emission source to which a New Source

1 Performance Standard or state air pollution control rule is
2 applicable, to the extent that the fixed capital cost of the
3 depreciable components exceeds 50 percent of the fixed capital
4 cost of depreciable components that would be required to
5 construct a comparable entirely new emission source.

6 28. "Reference method" or "Method" means the procedures
7 for performance tests in Code of Federal Regulations, title 40,
8 part 60, appendix A, (1982).

9 29. "Run" means the net period of time during which an
10 emission sample is collected.

11 30. "Shutdown" means the cessation of operation of an
12 emission facility or control equipment for any purpose.

13 31. "Smoke" means small gas-borne particles resulting
14 from incomplete combustion, consisting predominantly, but not
15 exclusively of carbon and other combustible material, or ash,
16 that form a visible plume in the air.

17 32. "Standard conditions" means a temperature of 20
18 degrees Celsius (68 degrees Fahrenheit) and a pressure of 760 mm
19 of Hg (29.92 in. of Hg).

20 33. "Standard of performance" means a restriction on the
21 amount of air pollutants which may be emitted by an emission
22 facility.

23 34. "Startup" means the setting into operation of an
24 emission facility or control equipment for any purpose.

25 35. "State air pollution control rules" means 6 MCAR SS
26 4.0001-4.0041 (Minnesota Rules APC 1-41).

27 36. "Total emission facility" means an assemblage of all
28 emission sources on adjacent property that are under common
29 ownership or control and that exist for a common function.

30 B. Abbreviations. As used in the state air pollution
31 control rules, the following abbreviations have the meanings
32 given them:

- 33 1. A.S.T.M., American Society for Testing and Materials;
- 34 2. Btu, British thermal unit;
- 35 3. °C, degree Celsius (centigrade);
- 36 4. cal, calorie;

- 1 5. cfm, cubic feet per minute;
- 2 6. CO, carbon monoxide;
- 3 7. CO₂, carbon dioxide;
- 4 8. dscm, dry cubic meter at standard conditions;
- 5 9. dscf, dry cubic feet at standard conditions;
- 6 10. °F, degree Fahrenheit;
- 7 11. g, gram;
- 8 12. gr, grain;
- 9 13. Hg, mercury;
- 10 14. H₂S, hydrogen sulfide;
- 11 15. H₂SO₄, sulfuric acid;
- 12 16. J, joule;
- 13 17. kg, kilogram;
- 14 18. l, liter;
- 15 19. m, meter;
- 16 20. mg, milligram;
- 17 21. ml, milliliter;
- 18 22. mm, millimeter;
- 19 23. N₂, nitrogen;
- 20 24. NO₂, nitrogen dioxide;
- 21 25. NO_x, nitrogen oxides;
- 22 26. O₂, oxygen;
- 23 27. ppb, parts per billion;
- 24 28. ppm, parts per million;
- 25 29. psia, pounds per square inch absolute;
- 26 30. scf, cubic feet at standard conditions;
- 27 31. SO₂, sulfur dioxide;
- 28 32. µg, microgram (10⁻⁶ gram).

29 C. Applicability of standards of performance.

30 1. Existing facility. An owner or operator of an
31 existing emission facility shall comply with all applicable
32 state air pollution control rules for existing emission
33 facilities.

34 2. New facility. An owner or operator who constructs,
35 modifies, or reconstructs an emission facility shall comply with
36 the New Source Performance Standards, if applicable, or the

1 standards of performance for a new emission facility set forth
2 in the state air pollution control rules.

3 3. Exception. For the purpose of the state air pollution
4 control rules, the use of an alternative type of fuel or raw
5 material is not a modification if the existing facility was
6 designed to accommodate the alternative type of fuel or raw
7 material. An emission facility is considered to be designed to
8 accommodate an alternative type of fuel or raw material if that
9 use could be accomplished under the facility's construction
10 specifications as amended prior to the change.

11 D. Opacity standard adjustment.

12 1. Application for permit modification. An owner or
13 operator of an emission facility may file an application for a
14 permit modification under Minnesota rule APC 3 for adjustment of
15 the opacity standard applicable to an emission source. In
16 addition to the items required under Minnesota rule APC 3, the
17 application must contain data that demonstrates that:

18 a. based on tests conducted under 6 MCAR S 4.0021, the
19 emission source is in compliance with the applicable standard of
20 performance for particulate matter and all other standards of
21 performance, except the opacity standard;

22 b. the total emission facility is in compliance with
23 all applicable standards of performance except the opacity
24 standard at the emission ~~source-for-which-adjustment-is-being~~
25 sought sources for which adjustments are being sought or have
26 already been permitted by the agency; and

27 c. the total emission facility was operated in a
28 manner to minimize the opacity of emissions at the emission
29 source during the performance tests conducted under a.

30 2. Atmospheric dispersion modeling. If the data
31 submitted under 1. indicates that an adjustment of the opacity
32 standard may cause or contribute to a violation of an ambient
33 air quality standard, the agency shall require the owner or
34 operator to conduct atmospheric dispersion modeling and include
35 the results of the modeling in the application for a permit
36 modification. However, a total emission facility that has

1 potential emissions of particulate matter of less than 25 tons
 2 per year is not required to conduct modeling. Modeling must be
 3 performed according to Guidelines on Air Quality Models (OAQPS
 4 No. 1.2-080, United States Environmental Protection Agency,
 5 Office of Air Quality Planning and Standards, 1978) or methods
 6 that the director finds to be comparably reliable.

7 3. Opacity adjustment determination and permit
 8 modification. The agency shall set an adjusted opacity standard
 9 at the most restrictive level which the performance tests
 10 conducted under 1.a. and c. demonstrate the emission source is
 11 capable of meeting and shall modify the permit to establish the
 12 adjusted opacity standard, if the requirements of 1. and 2. are
 13 met and the total emission facility, with the adjusted opacity
 14 standard, would meet any one of the following:

- 15 a. not cause or contribute to a violation of an
 16 ambient air quality standard;
- 17 b. have potential emissions of particulate matter of
 18 less than 25 tons per year and less than one ton per day; or
- 19 c. contribute less than one $\mu\text{g}/\text{m}^3$ to an annual ambient
 20 particulate matter standard violation ~~or~~ and less than five $\mu\text{g}/\text{m}^3$
 21 ³ to a 24-hour ambient particulate matter standard violation.

22 E. Circumvention.

23 ~~1.--Concealment-or-dilution.~~ No owner or operator may
 24 install or use a device or means that conceals or dilutes
 25 emissions, which would otherwise violate a federal or state air
 26 pollution control rule, without reducing the total amount of
 27 pollutant emitted.

28 ~~2.--Dispersion-techniques.--An-owner-or-operator-may-only~~
 29 ~~use-dispersion-techniques-allowed-under-the-Clean-Air-Act,~~
 30 ~~United-States-Code,-title-42,-section-7423,-as-amended,-and~~
 31 ~~implemented-in-Code-of-Federal-Regulations,-title-40,-parts-51.1~~
 32 ~~(ii)-and-51.12-(j)-(1)-(1982)-to-calculate-compliance-with-the~~
 33 ~~ambient-air-quality-standards-set-out-in-6-MCAR-S-4.0001-or-with~~
 34 ~~the-regulations-regarding-prevention-of-significant~~
 35 ~~deterioration-(PSD)-set-out-in-Code-of-Federal-Regulations,~~
 36 ~~title-40,-part-52.21-(1982).~~