

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Air Quality and Air Quality

4 Permitting

5

6 Rules as Adopted

7 7001.0020 SCOPE.

8 Except as otherwise specifically provided, parts 7001.0010

9 to 7001.0210 apply to the following:

10 A. to H. [Unchanged.]

11 I. An agency permit required for the construction,
 12 modification, reconstruction, or operation of an air emission
 13 facility or stationary source except those activities permitted
 14 under parts 7005.0700 to 7005.0820. Parts 7001.0100, subparts 4
 15 and 5 and 7001.0110 do not apply to permits for construction,
 16 modification, or reconstruction of a stationary source with a
 17 potential controlled net increase of a single criteria pollutant
 18 of less than 100 tons per year or to permits for operation of a
 19 facility or stationary source with an actual emission rate of a
 20 single criteria pollutant of less than 500 tons per year. Part
 21 7001.0100, subpart 5, item C, does not apply to permits for
 22 construction, modification, or reconstruction of a stationary
 23 source with a potential controlled net increase of a single
 24 criteria pollutant of 100 tons per year to 250 tons per year or
 25 to permits for operation of a facility or stationary source with
 26 an actual emission rate of a single criteria pollutant of 500
 27 tons per year to 5,000 tons per year. Part 7001.0040, subpart
 28 1, applies to permits for air emission facilities or stationary
 29 sources, except that for a permit not subject to a Minnesota or
 30 federal public notice requirement, the time period referenced in
 31 that subpart shall be 90 days.

32 J. and K. [Unchanged.]

33 7001.1200 SCOPE.

34 Parts 7001.1200 to 7001.1220 apply to the issuance of
 35 permits for emissions units, air emission facilities or

1 stationary sources, and supplement the agency permit rules in
2 parts 7001.0010 to 7001.0210.

3 7001.1210 PERMIT REQUIREMENT.

4 Subpart 1. Permit required. Except as provided in subpart
5 2, no person may construct, modify, reconstruct, or operate an
6 emissions unit, emission facility, stationary source, or control
7 equipment without obtaining an air emission permit from the
8 agency.

9 Subp. 2. Exemptions. A person who constructs, modifies,
10 reconstructs, or operates an emissions unit, emission facility,
11 or stationary source that meets one or more of the following
12 exclusions need not obtain an air emission permit from the
13 agency:

14 A. a stationary source with potential emissions of a
15 single criteria pollutant of less than 25 tons per year, except:

16 (1) an emissions unit, emission facility, or
17 stationary source subject to parts 7005.0900 to 7005.0960,
18 Control of Odors in the Ambient Air;

19 (2) a stationary source or emission facility
20 subject to new source performance standards; and

21 (3) a stationary source with potential lead
22 emissions of at least 1,000 pounds per year;

23 B. to D. [Unchanged.]

24 E. a storage tank for petroleum liquid with a
25 capacity of less than 40,000 gallons;

26 F. a dry bulk agricultural commodity facility with an
27 annual commodity throughput of less than 45,000 tons;

28 G. an incinerator with a maximum refuse burning
29 capacity of less than 1,000 pounds per hour, unless thermally
30 treating hazardous waste; and

31 H. a concrete batching facility that produces less
32 than 200,000 cubic yards of concrete per year.

33 7001.1215 PERMIT APPLICATION.

34 In addition to the information required by part 7001.0050,
35 a person who requests an air emission permit shall submit the

1 following information to the commissioner:

2 A. to D. [Unchanged.]

3 7001.1220 SPECIAL CONDITIONS FOR AIR EMISSION FACILITY PERMITS.

4 In addition to the special conditions in part 7001.0150,
5 subpart 2, and if applicable to the circumstances, an air
6 emission permit may contain special conditions including but not
7 limited to the following:

8 A. standards of performance for air pollutants from
9 an emissions unit, emission facility, or stationary source;

10 B. to D. [Unchanged.]

11 7002.0020 DEFINITIONS.

12 Subpart 1. to 3. [Unchanged]

13 Subp. 4. **Commissioner.** "Commissioner" means the
14 commissioner of the Minnesota Pollution Control Agency.

15 Subp. 5. [Unchanged.]

16 Subp. 6. **Major emission facility.** "Major emission
17 facility" means a stationary source having potential emissions
18 of 100 tons per year or more of sulfur dioxide or particulate
19 matter.

20 Subp. 7. [Unchanged.]

21 Subp. 8. [See Repealer.]

22 7002.0100 AIR QUALITY PERMIT FEE SCHEDULE.

23 Subpart 1. **Scope.** The fees established in this part are
24 applicable to facilities and indirect sources which require an
25 air emission permit under part 7001.1210 (permit rules, air
26 emission permits) or an indirect source permit under part
27 7001.1270 (permit rules, indirect source permits). For the
28 purpose of this part, the terms used have the meanings given
29 them in part 7005.0100 (air pollution control rules,
30 definitions).

31 Subp. 2. **Application fee.** A person making application for
32 an air emission permit or an indirect source permit shall submit
33 with the application an application fee of \$80.

34 Subp. 3. and 4. [Unchanged.]

1 Subp. 5. **Annual fees.** All persons required to obtain an
2 air emission permit shall pay the following applicable annual
3 fee:

4 A. \$1,040 for a major emission facility; or

5 B. \$240 for a stationary source other than a major
6 emission facility.

7 The agency shall not charge an annual fee for a stationary
8 source with potential emissions of a single pollutant of more
9 than 25 tons per year but less than 50 tons per year unless the
10 stationary source also discharges lead to the ambient air.

11 Subp. 6. [Unchanged.]

12 7005.0100 DEFINITIONS.

13 Subpart 1. to 24. [Unchanged.]

14 Subp. 24a. **Modification.** "Modification" means a physical
15 change or a change in the operation of an emissions unit,
16 emission facility, or stationary source that is not allowed
17 under a permit, stipulation agreement, or an applicable air
18 pollution control rule, and that results in an increase in the
19 emission of an air pollutant.

20 Subp. 25. to 29. [Unchanged.]

21 Subp. 30. **Owner or operator.** "Owner or operator" means a
22 person who owns, leases, operates, controls, or supervises an
23 emissions unit, emission facility, or stationary source.

24 Subp. 31. to 35a. [Unchanged.]

25 Subp. 35b. **Reconstruction.** "Reconstruction" means
26 replacement of depreciable components of an existing emissions
27 unit to which a New Source Performance Standard or state air
28 pollution control rule is applicable, to the extent that the
29 fixed capital cost of the depreciable components exceeds 50
30 percent of the fixed capital cost of depreciable components that
31 would be required to construct a comparable entirely new
32 emissions unit.

33 Subp. 35c. and 35d. [Unchanged.]

34 Subp. 37. **Shutdown.** "Shutdown" means the cessation of
35 operation of an emissions unit, emission facility, stationary

1 source, or control equipment for any purpose.

2 Subp. 39. to 42. [Unchanged.]

3 Subp. 42a. Startup. "Startup" means the setting into
4 operation of an emissions unit, emission facility, stationary
5 source, or control equipment for any purpose.

6 Subp. 42b. and 44. [Unchanged.]

7 7005.0116 OPACITY STANDARD ADJUSTMENT.

8 Subpart 1. Application for permit modification. An owner
9 or operator of an emission facility may file an application for
10 a permit modification under parts 7005.0200 to 7005.0280 for
11 adjustment of the opacity standard applicable to an emissions
12 unit. In addition to the items required under parts 7005.0200
13 to 7005.0280, the application must contain data that
14 demonstrates that:

15 A. based on tests conducted under parts 7005.1850 to
16 7005.1880, the emissions unit is in compliance with the
17 applicable standard of performance for particulate matter and
18 all other standards of performance, except the opacity standard;

19 B. the stationary source is in compliance with all
20 applicable standards of performance except the opacity standard
21 at the emissions unit for which adjustments are being sought or
22 have already been permitted by the agency; and

23 C. the stationary source was operated in a manner to
24 minimize the opacity of emissions at the emissions unit during
25 the performance tests conducted under item A.

26 Subp. 2. Atmospheric dispersion modeling. If the data
27 submitted under subpart 1 indicates that an adjustment of the
28 opacity standard may cause or contribute to a violation of an
29 ambient air quality standard, the agency shall require the owner
30 or operator to conduct atmospheric dispersion modeling and
31 include the results of the modeling in the application for a
32 permit modification. However, a stationary source that has
33 potential emissions of particulate matter of less than 25 tons
34 per year is not required to conduct modeling. Modeling must be
35 performed according to "Guidelines on Air Quality Models,"

1 EPA-450/2-78-027R, as amended by supplemental updates, or
 2 methods that the commissioner finds to be comparably reliable.
 3 The Guidelines are incorporated by reference. The Guidelines
 4 are written and published by the USEPA, Office of Air and
 5 Radiation, Office of Air Quality Planning and Standards,
 6 Research Triangle Park, North Carolina 27711. The guidelines
 7 are subject to frequent change and are available from the
 8 Minnesota State Law Library, Ford Building, 117 University
 9 Avenue, Saint Paul, Minnesota 55155.

10 Subp. 3. Opacity adjustment determination and permit
 11 modification. The agency shall set an adjusted opacity standard
 12 at the most restrictive level which the performance tests
 13 conducted under subpart 1, items A and C demonstrate the
 14 emissions unit is capable of meeting and shall modify the permit
 15 to establish the adjusted opacity standard, if the requirements
 16 of subparts 1 and 2 are met and the stationary source, with the
 17 adjusted opacity standard, would meet any one of the following:

18 A. to C. [Unchanged.]

19 7005.0520 TABLE 2.

20	Source Gas	Concentration
21	Volume, DSCFM ^a	GR/DSCF ^b
22		
23	7,000	0.100
24	or less	
25	8,000	0.096
26	9,000	0.092
27		
28	10,000	0.089
29	20,000	0.071
30	30,000	0.062
31		
32	40,000	0.057
33	50,000	0.053
34	60,000	0.050
35		
36	80,000	0.045
37	100,000	0.042
38	120,000	0.040
39	140,000	0.038
40		
41	160,000	0.036
42	180,000	0.035
43		
44	200,000	0.034
45	300,000	0.030
46	400,000	0.027
47		
48	500,000	0.025
49	600,000	0.024
50	800,000	0.021
51		

1 1,000,000 0.020
2 or more
3

4 ^aDry standard cubic feet per minute

5 ^bGrains per dry standard cubic foot.

6 7005.1310 METHOD OF MEASUREMENT.

7 Subpart 1. [Unchanged.]

8 Subp. 2. Method. Fallout sampling devices shall be placed
9 at one or more locations beyond the premises on which an
10 emissions unit or units are located, upwind and downwind of the
11 premises. The sampling devices shall be exposed to substances
12 settling out of the ambient air for a period of one hour. The
13 presence of red-colored spots on the gelatin indicates that
14 acidic substances have settled out of the air while the presence
15 of blue-colored spots on the gelatin indicates that alkaline
16 substances have settled out of the air. The number of spots
17 visible on samplers exposed upwind of premises to be subtracted
18 from the number of spots visible on samplers exposed downwind of
19 the same premises. The difference in the number of spots, if
20 any, shall be construed to be attributable to emissions
21 occurring on the premises under investigation.

22 Subp. 3. [Unchanged.]

23 7005.1600 SUBSTITUTE DEVICES FOR FABRIC FILTERS.

24 Subpart 1. [Unchanged.]

25 Subp. 2. Other control equipment. Compliance with any
26 applicable provision of parts 7005.1550 to 7005.1610 which
27 refers to a control equipment specification shall be
28 demonstrated in accordance with this part if the referenced
29 control equipment is not used.

30 A. The owner or operator of the emissions unit, or
31 vendor of emission control equipment, shall make available to
32 the commissioner sufficient information as may be required to
33 demonstrate that the substitute equipment will provide the
34 degree of emission control which, in the judgment of the
35 commissioner, is at least as stringent as that which would be
36 achieved by using the equipment specified in the applicable

1 standard. To the maximum extent practicable, the determination
2 of equivalent degree of emission control will be based upon
3 operation at the actual conditions at which the substitute
4 device is, or will be, operated on the emissions unit. Factors
5 which will be considered include, but are not limited to, total
6 mass collection efficiency, collection efficiency versus
7 particle size reliability, and maintenance practices associated
8 with proper operation of the substitute device. The method used
9 to determine the total mass collection efficiency and particle
10 size distribution must be approved by the commissioner.

11 B. The owner or operator of the emissions unit, or
12 vendor of emission control equipment, shall submit to the
13 commissioner performance data including, but not limited to,
14 total mass collection efficiency and collection efficiency
15 versus particle size of the substitute control device under
16 actual operating conditions which are representative of those of
17 the existing or planned operating conditions.

18 C. [Unchanged.]

19 Subp. 3. [Unchanged.]

20 7005.2860 STANDARDS OF PERFORMANCE FOR CERTAIN COAL HANDLING
21 FACILITIES.

22 The owner or operator of a new or existing coal handling
23 facility which is located within the Minneapolis-Saint Paul Air
24 Quality Control Region or within the boundaries of the city of
25 Duluth shall perform the following abatement measures unless
26 otherwise exempt by portions of these parts:

27 A. to F. [Unchanged.]

28 G. Enclosed coal handling facilities or emissions
29 units not specifically covered by any other provision in these
30 parts. If exhaust gases from any enclosed coal handling
31 facility exceed 20 percent opacity, then the owner or operator
32 of such facility shall select and implement one of the following
33 further controls:

34 (1) and (2) [Unchanged.]

35 H. and I. [Unchanged.]

1 7005.2950 AIR POLLUTION EPISODES.

2 Parts 7005.2950 to 7005.3006 apply to any owner or operator
3 of any emission facility or stationary source having allowable
4 emissions of any air pollutant of 250 or more tons per year
5 located within or having air pollutant emissions affecting any
6 area within Minnesota for which an air pollution alert, air
7 pollution warning, air pollution emergency, or air pollution
8 significant harm episode has been declared by the commissioner.

9 7005.2960 DEFINITIONS.

10 Subpart 1. to 3. [Unchanged.]

11 Subp. 4. **Allowable emission.** "Allowable emission" means
12 the emission rate calculated using the maximum rated capacity of
13 the emission facility or stationary source, unless the emission
14 facility or stationary source is subject to enforceable permit
15 conditions which limit the operating rate or hours of operation
16 or both, and the applicable standard of performance in agency
17 rules or the standard in the permit, whichever is more stringent.

18 Subp. 5. to 10. [Unchanged.]

19 7005.2990 CONTROL ACTIONS.

20 Subpart 1. and 2. [Unchanged.]

21 Subp. 3. **Episode emission reduction plan.** The owner or
22 operator of each emission facility or stationary source located
23 within the state having allowable air pollutant emissions of at
24 least 250 tons per year shall within 90 days of the effective
25 date these parts submit to the commissioner an episode emission
26 reduction plan to be implemented at the facility or stationary
27 source in the event of a declaration by the commissioner of an
28 air pollution episode. The plan shall be consistent with the
29 emission reduction objectives in subpart 4 and shall designate
30 at least two individuals to be notified in the event of the
31 declaration of an air pollution episode. The plan shall be
32 subject to the approval of the commissioner. If the
33 commissioner finds that the plan is inconsistent with such
34 emission reduction objectives the plan shall be returned to the

1 owner or operator along with a written statement of the
2 reason(s) for disapproval. The owner or operator shall correct
3 the deficiency within 30 days of notification of disapproval and
4 shall resubmit the plan to the commissioner.

5 Subp. 4. and 5. [Unchanged.]

6

7 REVISOR INSTRUCTION. In Minnesota Rules, part 7005.0390,
8 amend the headnote to read: "Table I: Existing Indirect
9 Heating Equipment."; part 7005.0400, amend the headnote to
10 read: "Table II: New Indirect Heating Equipment;" and part
11 7005.1850, subpart 8, amend the headnote to read: "Combined or
12 separated emissions."

13 In Minnesota Rules, chapter 7002, change "director" to
14 "commissioner" where it refers to the chief executive officer of
15 the Pollution Control Agency.

16

17 REPEALER. Minnesota Rules, part 7002.0020, subpart 8, is
18 repealed.