

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Emission Facility Offsets

4

5 Rules as Adopted

6 7005.3020 SCOPE.

7 Parts 7005.3020 to 7005.3060 apply to persons who propose
8 to construct a major stationary source or major modification in
9 a nonattainment area and to persons who propose to construct a
10 major stationary source or major modification in a designated
11 attainment or unclassifiable area with emissions that would
12 cause or contribute to a violation of a national ambient air
13 quality standard in a nonattainment area.

14 7005.3030 DEFINITIONS.

15 Subpart 1. **Scope.** The definitions in Code of Federal
16 Regulations, title 40, chapter I, part 51, appendix S, apply to
17 the terms used in parts 7005.3020 to 7005.3060 unless the terms
18 are defined in this part. For the purposes of parts 7005.3020
19 to 7005.3060, the following words have the meanings defined
20 below.

21 Subp. 1a. [See repealer.]

22 Subp. 1b. [See repealer.]

23 Subp. 2. [See repealer.]

24 Subp. 2a. [See repealer.]

25 Subp. 2b. [See repealer.]

26 Subp. 3a. **Attainment area.** "Attainment area" means any
27 geographic area that has been designated by the United States
28 Environmental Protection Agency as "better than national
29 standards" for any national ambient air quality standard in Code
30 of Federal Regulations, title 40, chapter I, section 81.324, as
31 amended.

32 Subp. 5. [See repealer.]

33 Subp. 6. [See repealer.]

34 Subp. 7. [See repealer.]

35 Subp. 7a. **Major stationary source.** "Major stationary

1 source" means:

2 A. a major stationary source as defined in Code of
3 Federal Regulations, chapter I, title 40, ~~section part~~ 51,
4 appendix S, ~~as-amended~~ (1990); or

5 B. a stationary source that emits or has the
6 potential to emit 70 tons or more per year of PM10 and that is
7 located or that will locate in an area classified as "serious"
8 under United States Code, title 42, section 7513, as amended.

9 Subp. 7b. **National ambient air quality standards.**

10 "National ambient air quality standards" means any air quality
11 standard promulgated in Code of Federal Regulations, title 40,
12 part 50, as amended.

13 Subp. 8. [See repealer.]

14 Subp. 9. [See repealer.]

15 Subp. 10. **Nonattainment area.** "Nonattainment area" means
16 any geographic region that has been designated by the United
17 States Environmental Protection Agency as violating a national
18 ambient air quality standard in Code of Federal Regulations,
19 title 40, section 81.324, as amended.

20 Subp. 11. [See repealer.]

21 Subp. 11a. **PM10.** "PM10" means particulate matter with an
22 aerodynamic diameter less than or equal to a nominal ten
23 micrometers.

24 Subp. 12. [See repealer.]

25 Subp. 13. [See repealer.]

26 Subp. 14a. [See repealer.]

27 [For text of subp 19a, see M.R.]

28 Subp. 19b. **Unclassifiable area.** "Unclassifiable area"
29 means any geographic area that has been designated by the United
30 States Environmental Protection Agency as "cannot be classified"
31 for any national ambient air quality standard in Code of Federal
32 Regulations, title 40, chapter I, section 81.324, as amended.

33 [For text of subp 20, see M.R.]

34 7005.3040 CONDITIONS FOR PERMIT.

35 Subpart 1. **In general.** No person shall commence

1 construction of a major stationary source or major modification
2 in:

3 A. a nonattainment area; or

4 B. in an attainment area or unclassifiable area if
5 that major stationary source or major modification would cause
6 or contribute to a violation of a national ambient air quality
7 standard in a nonattainment area as determined by the
8 significance levels established in Code of Federal Regulations,
9 title 40, chapter I, part 51, appendix S, part III, ~~as-amended~~
10 (1991), unless the requirements of Code of Federal Regulations,
11 title 40, chapter I, part 51, appendix S, as incorporated in
12 subpart 2a, are first satisfied.

13 Subp. 2. [See repealer.]

14 Subp. 2a. **Modified federal standard.** Persons subject to
15 subpart 1 must comply with Code of Federal Regulations, title
16 40, chapter I, part 51, appendix S, ~~as-amended~~ (1991), with the
17 following exceptions:

18 A. Code of Federal Regulations, title 40, chapter I,
19 part 51, appendix S, part IV, section A, condition 1, footnotes
20 4 and 5, ~~as-amended~~ (1991), do not apply;

21 B. Code of Federal Regulations, title 40, chapter I,
22 part 51, appendix S, part IV, section A, condition 3, is amended
23 to read:

24 Emission reductions ("offsets") from existing sources
25 in the same area of the proposed source (whether or
26 not under the same ownership) are required such that
27 there will be reasonable progress toward attainment of
28 the applicable NAAQS. Offsets must be based on actual
29 emissions as defined in Code of Federal Regulations,
30 title 40, section 51.165(a)(3), as amended. Only
31 intrapollutant emission offsets will be acceptable
32 (e.g. hydrocarbon increases may not be offset against
33 SO₂ reductions).

34 C. Code of Federal Regulations, title 40, part 51,
35 appendix S, part IV, section A, condition 3, footnote 7, ~~as~~
36 ~~amended~~ (1991), does not apply.

1 D. Code of Federal Regulations, title 40, part 51,
2 appendix S, part IV, section A, footnote 8, ~~as-amended (1991)~~,
3 does not apply.

4 E. Code of Federal Regulations, title 40, part 51,
5 appendix S, part IV, section B, ~~as-amended (1991)~~, does not
6 apply.

7 F. Code of Federal Regulations, title 40, part 51,
8 appendix S, part IV, section C, ~~as-amended (1991)~~, applies
9 except that, consistent with Code of Federal Regulations, title
10 40, section 51.165(3)(i)(A), as amended, the offset baseline
11 shall be the actual emissions of the source from which offset
12 credit is obtained.

13 Subp. 3. [See repealer.]

14 Subp. 4. [See repealer.]

15 Subp. 5. [See repealer.]

16 Subp. 7. [See repealer.]

17 Subp. 8. [See repealer.]

18 ~~7005.3050-BANKING:~~

19 ~~A-major-stationary-source-that-has-reduced-actual-emissions~~
20 ~~shall-be-permitted-to-bank-that-reduction-for-future-use-as-an~~
21 ~~offset-as-allowed-by-Code-of-Federal-Regulations, title 40, part~~
22 ~~51, appendix S, part IV, section C(5), as amended.~~

23

24 RENUMBERING INSTRUCTION. References to Minnesota Rules, part
25 7005.3010, shall be changed to part 7005.3020 in Minnesota Rules.

26 REPEALER. Minnesota Rules, parts 7005.3010; 7005.3030, subparts
27 1a, 1b, 2, 2a, 2b, 5, 6, 7, 8, 9, 11, 12, 13, and 14a; and
28 7005.3040, subparts 2, 3, 4, 5, 7, and 8; and 7005.3050, are
29 repealed.