

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Air Emission Permits

4

5 Rules as Adopted

6 7001.0020 SCOPE.

7 Except as otherwise specifically provided, parts 7001.0010
8 to 7001.0210 apply to the following:

9 [For text of items A to H, see M.R.]

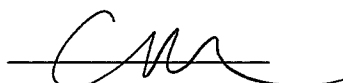
10 I. An agency permit required for the construction of
11 a facility, building, structure, or installation that attracts
12 or may attract mobile source activity that results in emissions
13 of an air pollutant for which there is a state standard. Parts
14 7001.0100, subparts 4 and 5, and 7001.0110 do not apply to
15 permits for parking facilities described in part 7001.1270,
16 subpart 2, with a new or increased parking capacity of 5,000
17 vehicles or less. Part 7001.0150, subparts 1 and 2, does not
18 apply to these permits.

19 J. The processing of certifications under section 401
20 of the Clean Water Act, United States Code, title 33, section
21 1341, to the extent provided by parts 7001.1400 to 7001.1470.

22 7001.0050 WRITTEN APPLICATION.

23 A person who requests the issuance, modification,
24 revocation and reissuance, or reissuance of a permit shall
25 complete, sign, and submit to the commissioner a written
26 application. The person shall submit the written application in
27 a form prescribed by the commissioner. The application shall
28 contain the items listed in items A to I unless the commissioner
29 has issued a written exemption from one or more of the data
30 requirements. After receiving a written request for an
31 exemption from a data requirement, the commissioner shall issue
32 the exemption if the commissioner finds that the data is
33 unnecessary to determine whether the permit should be issued or
34 denied. The application must contain:

35 [For text of items A to H, see M.R.]



1 I. other information relevant to the application as
2 required by parts 7001.0550 to 7001.0640, 7001.1050, 7001.1290,
3 7001.3175 to 7001.3475, or 7040.0500 and 7040.0600.

4 7001.0140 FINAL DETERMINATION.

5 [For text of subpart 1, see M.R.]

6 Subp. 2. **Agency findings.** The following findings by the
7 agency constitute justification for the agency to refuse to
8 issue a new or modified permit, to refuse permit reissuance, or
9 to revoke a permit without reissuance:

10 [For text of items A to E, see M.R.]

11 F. that with respect to the facility or activity to
12 be permitted, the proposed permittee has not complied with any
13 requirement under parts 7002.0210 to 7002.0310, 7002.0410 to
14 7002.0490, or chapter 7046 to pay fees; or

15 [For text of item G, see M.R.]

16 [For text of subp 3, see M.R.]

17 7001.0180 JUSTIFICATION TO COMMENCE REVOCATION WITHOUT
18 REISSUANCE OF PERMIT.

19 The following constitute justification for the commissioner
20 to commence proceedings to revoke a permit without reissuance:

21 [For text of items A to C, see M.R.]

22 D. the permittee has failed to comply with any
23 requirement under parts 7002.0210 to 7002.0310, 7002.0410 to
24 7002.0490, or chapter 7046 to pay fees; or

25 [For text of item E, see M.R.]

26 7001.0550 CONTENTS OF PART A OF APPLICATION.

27 Part A of the application must contain the following
28 information:

29 [For text of items A to D, see M.R.]

30 E. a list of the waste designated under parts
31 7045.0102 to 7045.0143 as hazardous to be treated, stored, or
32 disposed of by the applicant and an estimate of the quantity of
33 each hazardous waste to be treated, stored, or disposed of
34 annually by the applicant;

1 [For text of items F to I, see M.R.]

2 J. a statement as to which, if any, of the following
3 permits the applicant has applied for or received that pertains
4 to the facility or a portion of the facility that is the subject
5 of the application:

6 [For text of subitems (1) and (2), see M.R.]

7 (3) an air emission permit required by chapter
8 7007; or

9 [For text of subitem (4), see M.R.]

10 7001.3050 PERMIT REQUIREMENTS.

11 [For text of subs 1 and 2, see M.R.]

12 Subp. 3. **Permits-by-rule.** The owner or operator of the
13 following facilities is deemed to have obtained a solid waste
14 management facility permit without making application for it,
15 unless the commissioner finds that the facility is not in
16 compliance with the listed part:

17 [For text of items A to D, see M.R.]

18 E. energy recovery facilities governed by chapters
19 7007, 7009, and 7011, except that facilities processing
20 refuse-derived fuel on-site prior to incineration and energy
21 recovery at the site, must be permitted in accordance with parts
22 7001.0010 to 7001.0210 and 7001.3000 to 7001.3550;

23 [For text of items F to H, see M.R.]

24 [For text of subp 4, see M.R.]

25 7002.0005 SCOPE.

26 Parts 7002.0005 to 7002.0085 apply to all persons required
27 to obtain an air emission permit or an indirect source permit
28 from the Minnesota Pollution Control Agency under chapter 7007
29 and parts 7023.9000 to 7023.9050.

30 7002.0015 DEFINITIONS.

31 Subpart 1. **Scope.** For the purposes of parts 7002.0005 to
32 7002.0085, the terms defined in this part have the meanings
33 given them. The definitions in the state air pollution control
34 rules as defined in part 7005.0100 apply unless the terms are

1 defined in this part.

2 Subp. 2. **Affected facility.** "Affected facility" means any
3 facility for which the owner or operator of the facility must
4 obtain an air emission permit under chapter 7007.

5 [For text of subps 3 and 4, see M.R.]

6 7005.0100 DEFINITIONS.

7 [For text of subps 1 to 3, see M.R.]

8 Subp. 3a. **Begin actual construction.** "Begin actual
9 construction" means, in general, initiation of physical on-site
10 construction activities on an emissions unit which are of a
11 permanent nature. Such activities include, but are not limited
12 to, installation of building supports and foundations, laying of
13 underground pipework, and construction of permanent storage
14 structures. With respect to a change in method of operating,
15 this term refers to those on-site activities, other than
16 preparatory activities, which mark the initiation of the change.

17 [For text of subps 4 to 4b, see M.R.]

18 Subp. 5. **Construction.** "Construction" means fabrication,
19 erection, or installation of an emission facility, emissions
20 unit, or stationary source.

21 [For text of subp 6, see M.R.]

22 Subp. 8. **Control equipment.** "Control equipment" means an
23 "air contaminant treatment facility" or a "treatment facility"
24 as those terms are defined in Minnesota Statutes, section
25 116.06, subdivision 3.

26 [For text of subps 8a to 24, see M.R.]

27 Subp. 24a. **Modification.** "Modification" has the meaning
28 given it in part 7007.0100, subpart 14.

29 [For text of subps 25 to 31a, see M.R.]

30 Subp. 35. **Person.** "Person" means person as defined in
31 Minnesota Statutes, section 116.06, subdivision 17.

32 Subp. 35a. **Potential emissions, potential to emit.**
33 "Potential emissions" or "potential to emit" means the maximum
34 capacity while operating at the maximum hours of operation of an
35 emissions unit, emission facility, or stationary source to emit

1 a pollutant under its physical and operational design. Any
2 physical or operational limitation on the capacity of the
3 stationary source to emit a pollutant, including air pollution
4 control equipment and restriction on hours of operation or on
5 the type or amount of material combusted, stored, or processed,
6 must be treated as part of its design if the limitation or the
7 effect it would have on emissions is federally enforceable.

8 Secondary emissions must not be counted in determining the
9 potential to emit of an emissions unit, emission facility, or
10 stationary source. Fugitive emissions shall be counted when
11 determining potential to emit unless an applicable state rule or
12 federal regulation states otherwise.

13 [For text of subps 35b to 42a, see M.R.]

14 Subp. 42b. **State air pollution control rules.** "State air
15 pollution control rules" means chapters 7002, 7005, 7007, 7009,
16 7011, 7017, 7019, 7021, 7023, 7025, 7028, and 7030.

17 [For text of subps 42c to 45, see M.R.]

18 7019.3000 EMISSION INVENTORY.

19 Subpart 1. **Owners or operators.** All owners or operators
20 of affected facilities, as defined in part 7002.0015, subpart 2,
21 and all owners and operators of stationary sources with
22 potential emissions of more than 25 tons per year of a regulated
23 pollutant, as defined in part 7002.0015, subpart 4, shall submit
24 an annual emission inventory report to the agency, in a format
25 specified by the commissioner, relating to carbon monoxide and
26 all regulated pollutants as defined in part 7002.0015, subpart
27 4. The report shall be submitted on or before April 1 of the
28 year following the year being reported. A person who signs the
29 report shall make the following certification:

30 "I certify under penalty of law that this document and
31 all attachments were prepared under my direction or
32 supervision by qualified personnel. The information
33 submitted is, to the best of my knowledge and belief,
34 true, accurate, and complete. I understand that the
35 data provided in this document will be used by the

1 MPCA to calculate a fee, which the facility will be
2 required to pay under Minnesota Rules, part 7002.0025,
3 based on the tons of pollution emitted by the
4 facility."

5 [For text of subp 2, see M.R.]

6 AIR EMISSION PERMITS

7 7007.0050 SCOPE.

8 Parts 7007.0100 to 7007.1850 apply to the issuance of
9 permits to construct, modify, reconstruct, or operate emissions
10 units, emission facilities, or stationary sources that emit any
11 air pollutant, and to the revocation, reissuance, or amendment
12 of those permits. Parts 7007.0100 to 7007.1850 apply to permits
13 issued to stationary sources requiring permits under federal law
14 at Code of Federal Regulations, title 40, part 70, as amended
15 (Operating Permit Program), or under part C (Prevention of
16 Significant Deterioration of Air Quality) or part D (Plan
17 Requirements in nonattainment Areas) of the act, and to
18 stationary sources requiring permits solely under state law.
19 Sources proposing construction or modifications subject to parts
20 C and D of the act are subject to the permitting requirements of
21 part 7007.3000 (incorporating by reference the provisions of
22 Code of Federal Regulations, title 40, section 52.21) or parts
23 7007.4000 to 7007.4040 in addition to parts 7007.0100 to
24 7007.1850.

25 7007.0100 DEFINITIONS.

26 Subpart 1. **Scope.** The definitions in parts 7000.0100 and
27 7005.0100 apply to the terms used in parts 7007.0050 to
28 7007.1800 unless the terms are defined in this part.

29 Subp. 2. **Act.** "Act" means the Clean Air Act, as amended,
30 United States Code, title 42, section 7401, et seq., as amended.

31 Subp. 3. **Administrator.** "Administrator" means the
32 administrator of the United States Environmental Protection
33 Agency (EPA) or the administrator's designee.

34 Subp. 4. **Affected source.** "Affected source" means a
35 source that includes one or more affected units.

1 Subp. 5. **Affected state.** "Affected state" means any state:

2 A. whose air quality may be affected and that is
3 contiguous to Minnesota; or

4 B. that is within 50 miles of the permitted source.

5 Subp. 6. **Affected unit.** "Affected unit" means an
6 emissions unit that is subject to any acid rain emissions
7 reduction requirement or acid rain emissions limitation under
8 title IV of the act (Acid Deposition Control) and rules
9 promulgated thereunder.

10 Subp. 7. **Applicable requirement.** "Applicable requirement"
11 means all the following as they apply to emissions units in a
12 stationary source (including requirements that have been
13 promulgated or approved by the EPA or the agency through
14 rulemaking at the time of issuance but have future effective
15 compliance dates):

16 A. any standard, or other requirement provided for in
17 Minnesota's implementation plan approved or promulgated by the
18 EPA under title I of the act (Program and Activities), including
19 any revisions to that plan promulgated in Code of Federal
20 Regulations, title 40, part 52, as amended (Approval and
21 Promulgation of Implementation Plans), except rules related to
22 odor in parts 7011.0300 to 7011.0330;

23 B. any preconstruction review requirement of
24 regulations promulgated under title I of the act, including part
25 C (Prevention of Significant Deterioration of Air Quality) or
26 part D (Plan Requirements for Nonattainment Areas), and the
27 emission facility offset rule in parts 7007.4000 to 7007.4030,
28 and any term or condition of any preconstruction permit issued
29 pursuant to those regulations or parts 7007.4000 to 7007.4030;

30 C. any standard or other requirement under section
31 111 (Standard of Performance for New Stationary Sources of the
32 Act, including section 111(d)) (Standards of Performance for
33 Existing Sources; Remaining Useful Life of a Source);

34 D. any standard or other requirement for hazardous
35 air pollutants, or other requirement under section 112 of the
36 act (Hazardous Air Pollutants), including any requirement

1 concerning accident prevention under section 112(r)(7) of the
2 act;

3 E. any standard or other requirement of the acid rain
4 program under title IV of the act, or the regulations
5 promulgated under it;

6 F. any requirements established pursuant to section
7 504(b) (Permit Requirements and Conditions; Monitoring and
8 Analysis) or section 114(a)(3) (Record keeping, Inspections,
9 Monitoring, and Entry; Authority of Administrator or Authorized
10 Representative) of the act;

11 G. any standard or other requirement governing solid
12 waste incineration, under section 129 (Solid Waste Combustion)
13 of the act;

14 H. any standard or other requirement for consumer and
15 commercial products, under section 183(e) (Federal Ozone
16 Measures; Control of Emissions from Certain Sources) of the act;

17 I. any standard or other requirement for tank vessels
18 under section 183(f) (Federal Ozone Measures; Tank Vessel
19 Standards) of the act;

20 J. any standard or other requirement of the
21 regulations promulgated to protect stratospheric ozone under
22 title VI of the act (Stratospheric Ozone Protection), unless the
23 administrator has determined that such requirements need not be
24 contained in a part 70 permit;

25 K. any national ambient air quality standard adopted
26 under section 109 of the act (National Primary and Secondary Air
27 Quality Standards) or increment or visibility requirement under
28 part C of title I of the act (Prevention of Significant
29 Deterioration of Air Quality), but only as it would apply to
30 temporary sources permitted pursuant to section 504(e) of the
31 act (Permit Requirements and Conditions; Temporary Sources);

32 L. any national ambient air quality standard adopted
33 under section 109 of the act or increment or visibility
34 requirement under part C of title I of the act not addressed in
35 item K;

36 M. any state ambient air quality standard under

- 1 chapter 7009;
- 2 N. any requirement to pay an emissions fee under part
3 7002.0025;
- 4 O. any standard or other requirement of the air
5 pollution episodes rule in parts 7009.1000 to 7009.1110;
- 6 P. any standard or other requirement pursuant to the
7 Standards of Performance for Stationary Sources under chapter
8 7011, except rules related to odor in parts 7011.0300 to
9 7011.0330;
- 10 Q. any standard or other requirement regulating a
11 specific hazardous pollutant under chapter 7011;
- 12 R. any reporting, monitoring, and testing requirement
13 for stationary sources under chapter 7017;
- 14 S. any requirement under the emissions inventory
15 provisions of chapter 7019;
- 16 T. any standard or other requirement of the acid
17 deposition control rule under chapter 7021; and
- 18 U. any standard or other requirement related to noise
19 pollution under chapter 7030.

20 Subp. 8. **Designated representative.** "Designated
21 representative" means a responsible natural person authorized by
22 the owners and operators of an affected source and of all
23 affected units at the source, as evidenced by a certificate of
24 representation submitted in accordance with Code of Federal
25 Regulations, part 72, subpart B, as amended (Acid Rain Program
26 Permits Regulation), to represent and legally bind each owner
27 and operator, as a matter of federal law, in matters pertaining
28 to the acid rain program under title IV of the act.

29 Subp. 9. **Draft permit.** "Draft permit" means the version
30 of the permit which the agency offers for public participation
31 under part 7007.0850 and, in the case of a state permit, to the
32 administrator for review in compliance with part 7007.0950.

33 Subp. 10. **Environmental Protection Agency or EPA.**
34 "Environmental Protection Agency" or "EPA" means the United
35 States Environmental Protection Agency.

36 Subp. 11. **Final permit.** "Final permit" means the version

1 of permit issued by the agency pursuant to the procedures in
2 parts 7007.0100 to 7007.1850.

3 Subp. 12. **General permit.** "General permit" means a permit
4 issued pursuant to the requirements of part 7007.1100.

5 Subp. 13. **Major source.** "Major source" means a stationary
6 source as defined in part 7007.0200, subpart 2.

7 Subp. 14. **Modification.** "Modification" means:

8 A. any change that constitutes a title I
9 modification, as defined in subpart 26; or

10 B. any physical change or change in the method of
11 operation of an emissions unit, emission facility, or stationary
12 source that results in an increase in the emission of a
13 regulated air pollutant. Emissions are considered to increase
14 if there is an increase in the rate of emissions of any
15 regulated air pollutant, or new emissions of a regulated air
16 pollutant not previously emitted, from any unit at the source.
17 To determine if there is an increase in the rate of emissions,
18 the agency shall compare the pounds per hour of emissions at
19 maximum capacity before and after the physical or operational
20 change, using the method of calculation described in part
21 7007.1200. Subitems (1) to (5) are not, by themselves,
22 considered modifications under this definition:

23 (1) a physical change or a change in the method
24 of operation that is explicitly allowed under a permit, or
25 allowed under a court order, consent decree, stipulation
26 agreement, schedule of compliance, or order issued by the agency
27 if the document states that no permit amendment is required;

28 (2) routine maintenance, repair, and replacement;

29 (3) an increase in production rate of an existing
30 emissions unit if that increase is not in violation of a permit
31 condition, applicable requirement, court order, consent decree,
32 stipulation agreement, schedule of compliance, or order issued
33 by the agency;

34 (4) an increase in the hours of operation that
35 does not increase the rate of emissions and is not in violation
36 of a permit condition, applicable requirement, court order,

1 consent decree, stipulation agreement, schedule of compliance,
2 or order issued by the agency; and

3 (5) use of an alternative fuel if the source is
4 ordered to switch fuels by the state or federal government.

5 Subp. 15. **Part 70 permit.** "Part 70 permit" means a permit
6 issued under part 7007.0200 and Code of Federal Regulations,
7 title 40, part 70, as amended (Operating Permit Program).

8 Subp. 16. **Part 70 permit program.** "Part 70 permit
9 program" means a program for issuance, amendment, and reissuance
10 of part 70 permits in Minnesota approved by the administrator.

11 Subp. 17. **Permit.** "Permit" means any permit issued under
12 parts 7007.0100 to 7007.1850, including part 70 permits, state
13 permits, and general permits.

14 Subp. 18. **Proposed permit.** "Proposed permit" means the
15 version of ~~the~~ a part 70 permit that the agency proposes to
16 issue and forwards to the administrator for review in compliance
17 with part 7007.0950.

18 Subp. 19. **Regulated air pollutant.** "Regulated air
19 pollutant" means the following:

20 A. nitrogen oxides (NO_x) or any volatile organic
21 compound;

22 B. any pollutant for which a state or national
23 ambient air quality standard has been promulgated;

24 C. any pollutant that is subject to any new source
25 performance standard promulgated under section 111 of the act;

26 D. any class I or II substance listed pursuant to
27 section 602 of the act (Stratospheric Ozone Protection; Listing
28 of class I and class II Substances); or

29 E. any pollutant subject to a standard promulgated
30 under section 112 or other requirements established under
31 section 112 of the act (Hazardous Air Pollutants), including
32 sections 112(g) (Modifications), (j) (Equivalent Emission
33 Limitation by Permit), and (r) (Prevention of Accidental
34 Releases), including the following:

35 (1) any pollutant subject to requirements under
36 section 112(j) of the act. If the administrator fails to

1 promulgate a standard by the date established pursuant to
2 section 112(e) of the act (Schedule for Standards and Review),
3 any pollutant for which a subject source would be major shall be
4 considered to be regulated on the date 18 months after the
5 applicable date established pursuant to section 112(e) of the
6 act; and

7 (2) any pollutant for which the requirements of
8 section 112(g)(2) of the act have been met, but only with
9 respect to the individual source subject to the section 112(g)(2)
10 requirement.

11 Subp. 20. **Reissuance.** "Reissuance" means the process by
12 which a permit is reissued at the end of its term.

13 Subp. 21. **Responsible official.** "Responsible official"
14 means one of the following:

15 A. For a corporation: a president, secretary,
16 treasurer, or vice-president of the corporation in charge of a
17 principal business function, or any other person who performs
18 similar policy or decision-making functions for the corporation,
19 or a duly authorized representative of such person if the
20 representative is responsible for the overall operation of one
21 or more manufacturing, production, or operating facilities
22 applying for or subject to a permit and either:

23 (1) the facilities employ more than 250 persons
24 or have gross annual sales or expenditures exceeding \$25,000,000
25 (in second quarter 1980 dollars); or

26 (2) the delegation of authority to such
27 representatives is approved in advance by the agency.

28 B. For a partnership or sole proprietorship: a
29 general partner or the proprietor, respectively.

30 C. For a municipality, state, federal, or other
31 public agency: either a principal executive officer or ranking
32 elected official. For the purposes of this part, a principal
33 executive officer of a federal agency includes the chief
34 executive officer having responsibility for the overall
35 operations of a principal geographic unit of the agency (for
36 example, a regional administrator of EPA).

1 D. For affected sources:

2 (1) The designated representative is the
3 responsible official insofar as actions, standards,
4 requirements, or prohibitions under title IV of the act or the
5 regulations promulgated under it are concerned.

6 (2) The designated representative may also be the
7 responsible official for any other purposes under parts
8 7007.0100 to 7007.1850.

9 Subp. 22. **State.** "State" means the state of Minnesota.

10 Subp. 23. **State permit.** "State permit" means a permit
11 issued under part 7007.0250.

12 Subp. 24. **Stationary source.** "Stationary source" has the
13 meaning given it in part 7005.0100, subpart 42c.

14 Subp. 25. **Title I condition.** "Title I condition" means
15 one of the following types of permit conditions based on
16 requirements of title I of the act:

17 A. any condition based on a requirement of a new
18 source review program under part C (Prevention of Significant
19 Deterioration of Air Quality) or part D (Plan Requirements for
20 Nonattainment Areas) of the act and implementing state rules or
21 federal regulations;

22 B. any condition based on a source-specific
23 determination of ambient impacts imposed for the purpose of
24 achieving or maintaining attainment with a national ambient air
25 quality standard and which was part of a state implementation
26 plan approved by the EPA or submitted to the EPA and pending
27 approval under section 110 of the act; and

28 C. any condition for which there is no corresponding
29 underlying applicable requirement and that the stationary source
30 has assumed to avoid being subject to a new source review
31 program under part C (Prevention of Significant Deterioration of
32 Air Quality) or part D (Plan Requirements for Nonattainment
33 Areas) of the act or implementing state rules or federal
34 regulations.

35 Subp. 26. **Title I modification.** "Title I modification"
36 means any change that constitutes a modification under any

1 provision of title I of the act, including:

2 A. A new source review modification: major
3 modification as defined in Code of Federal Regulations, title
4 40, section 52.21(b)(2) or 51.165(a)(1)(v), as amended, or any
5 other rules adopted by the administrator under part C or D of
6 the act.

7 B. A new source performance standards modification:
8 any modification as defined in Code of Federal Regulations,
9 title 40, section 60.14, as amended, or any other rules adopted
10 by the administrator under section 111 of the act.

11 C. A hazardous air pollutant modification: any
12 modification as defined in Code of Federal Regulations, title
13 40, section 61.15, as amended, or any other rules adopted by the
14 administrator under section 112 of the act.

15 Subp. 27. **Transition period or transition.** "Transition
16 period" or "transition" means the time period from the effective
17 date of parts 7007.0100 to 7007.1850 until three years after EPA
18 grants full program approval as determined in Code of Federal
19 Regulations, title 40, section 70.4(e).

20 7007.0150 PERMIT REQUIRED.

21 Subpart 1. **Prohibition.** No person may construct, modify,
22 reconstruct, or operate an emissions unit, emission facility, or
23 stationary source except in compliance with an air emission
24 permit from the agency. Exceptions to the requirement to obtain
25 a permit are located in part 7007.0300. Exceptions to the
26 requirement to obtain a permit amendment are located in parts
27 7007.1250 and 7007.1350. ~~No person required to obtain a permit~~
28 ~~under this subpart may begin~~ A person violates this subpart when
29 the person begins actual construction on a new source,
30 reconstruction, or modification prior to obtaining the permit or
31 amendment, except as allowed in parts 7007.0750, subparts 6 and
32 7, and 7007.1450, subpart 7.

33 Subp. 2. **Permit required.** Part 7007.0200 describes which
34 emission facilities, emissions units, and stationary sources in
35 Minnesota are required to obtain a part 70 permit. Part

1 7007.0250 describes which emission facilities, emission units,
2 and stationary sources in Minnesota are required to obtain a
3 state permit. Part 7007.0300 describes emission units and
4 stationary sources in Minnesota that are not required to obtain
5 a permit. Part 70 and state permits required in parts 7007.0200
6 and 7007.0250 may alternately be obtained in the form of a
7 general permit, if available, under part 7007.1100.

8 Subp. 3. **Environmental policy act.** The requirements of
9 parts 7007.0100 to 7007.1850 are in addition to the applicable
10 requirements of Minnesota Statutes, chapter 116D, which may
11 apply before a permit can be issued.

12 Subp. 4. **Calculation of potential to emit.** For purposes
13 of parts 7007.0200 and 7007.0250, the owner or operator of a
14 stationary source shall calculate the stationary source's
15 potential to emit using the definition in part 7005.0100,
16 subpart 35a.

17 Emissions caused by activities described in subpart 2 of
18 the insignificant activities list in part 7007.1300 shall not be
19 considered in the calculation of potential emissions. Emissions
20 caused by activities described in subpart 3 of the insignificant
21 activities list in part 7007.1300 shall be considered in the
22 calculation of potential emissions if required by the agency
23 under part 7007.0500, subpart 2, item C, subitem (2).

24 Calculations of emissions under this subpart are only
25 intended to determine if a permit is required. When calculating
26 emissions to determine if a permit amendment is required, the
27 calculation method stated in part 7007.1200 shall be used.

28 Subp. 5. Variances from federal requirements. The agency
29 shall not issue variances from any federal requirement to obtain
30 an air quality permit, unless explicitly authorized to do so in
31 writing by the administrator.

32 7007.0200 SOURCES REQUIRED OR ALLOWED TO OBTAIN A PART 70 PERMIT.

33 Subpart 1. **Part 70 permit required.** The emission
34 facilities, emission units, and stationary sources described in
35 subparts 2 to 5 must obtain a part 70 permit from the agency.

1 All provisions of parts 7007.0100 to 7007.1850 apply to part 70
2 permits unless the provision states that it applies only to
3 state permits or general permits.

4 Subp. 2. **Major sources.** Any "major source," which means
5 any stationary source that is described in item A, B, or C, must
6 obtain a permit under this part.

7 A. A major source under section 112 of the act
8 (Hazardous Air Pollutants), which is defined as:

9 (1) For pollutants other than radionuclides, any
10 stationary source that emits or has the potential to emit, in
11 the aggregate, ten tons per year or more of any hazardous air
12 pollutant which has been listed pursuant to section 112(b) of
13 the act, 25 tons per year or more of any combination of such
14 hazardous air pollutants, or such lesser quantity as the
15 administrator may establish by rule.

16 (2) Notwithstanding subitem (1), emissions from
17 any oil or gas exploration or production well (with its
18 associated equipment) and emissions from any pipeline compressor
19 or pump station shall not be aggregated with emissions from
20 other similar units, whether or not such units are in a
21 contiguous area or under common control, to determine whether
22 such units or stations are major sources.

23 (3) For radionuclides, major source shall have
24 the meaning specified by the administrator by rule.

25 B. A major stationary source of air pollutants, as
26 defined in section 302 of the act (General Provisions;
27 Definitions), that directly emits or has the potential to emit,
28 100 tons per year or more of any air pollutant (including any
29 major source of fugitive emissions of any such pollutant, as
30 determined by rule by the administrator). The fugitive
31 emissions of a stationary source shall not be considered in
32 determining whether it is a major stationary source for the
33 purposes of section 302(j) of the act, unless the stationary
34 source belongs to one of the following categories of stationary
35 sources:

36 (1) coal cleaning plants (with thermal dryers);

- 1 (2) kraft pulp mills;
- 2 (3) Portland cement plants;
- 3 (4) primary zinc smelters;
- 4 (5) iron and steel mills;
- 5 (6) primary aluminum ore reduction plants;
- 6 (7) primary copper smelters;
- 7 (8) municipal incinerators capable of charging
- 8 more than 250 tons of refuse per day;
- 9 (9) hydrofluoric, sulfuric, or nitric acid
- 10 plants;
- 11 (10) petroleum refineries;
- 12 (11) lime plants;
- 13 (12) phosphate rock processing plants;
- 14 (13) coke oven batteries;
- 15 (14) sulfur recovery plants;
- 16 (15) carbon black plants (furnace process);
- 17 (16) primary lead smelters;
- 18 (17) fuel conversion plants;
- 19 (18) sintering plants;
- 20 (19) secondary metal production plants;
- 21 (20) chemical process plants;
- 22 (21) fossil-fuel boilers (or combination thereof)
- 23 totaling more than 250,000,000 British thermal units per hour
- 24 heat input;
- 25 (22) petroleum storage and transfer units with a
- 26 total storage capacity exceeding 300,000 barrels;
- 27 (23) taconite ore processing plants;
- 28 (24) glass fiber processing plants;
- 29 (25) charcoal production plants;
- 30 (26) fossil-fuel-fired steam electric plants of
- 31 more than 250,000,000 British thermal units per hour heat input;
- 32 or
- 33 (27) all other stationary source categories
- 34 regulated by a standard promulgated under section 111 or 112 of
- 35 the act, but only with respect to those air pollutants that have
- 36 been regulated for that category.

1 (C) A major stationary source as defined in part D of
2 title I of the act (Plan Requirements for Nonattainment Areas)
3 including:

4 (1) for ozone nonattainment areas, stationary
5 sources with the potential to emit 100 tons or more per year of
6 volatile organic compounds or oxides of nitrogen in areas
7 classified as marginal or moderate, 50 tons or more per year in
8 areas classified as serious, 25 tons or more per year in areas
9 classified as severe, and ten tons or more per year in areas
10 classified as extreme; except that the references in this unit
11 to 100, 50, 25, and ten tons per year of nitrogen oxides shall
12 not apply with respect to any stationary source for which the
13 administrator has made a finding, under section 182(f)(1) or (2)
14 of the act, that requirements under section 182(f) of the act do
15 not apply;

16 (2) for ozone transport regions established
17 pursuant to section 184 of the act, stationary sources with the
18 potential to emit 50 tons or more per year of volatile organic
19 compounds (VOCs);

20 (3) for carbon monoxide nonattainment areas that
21 are classified as serious and in which stationary sources
22 contribute significantly to carbon monoxide levels as determined
23 under rules issued by the administrator, stationary sources with
24 the potential to emit 50 tons or more per year of carbon
25 monoxide; and

26 (4) for particulate matter (PM-10) nonattainment
27 areas classified as serious, stationary sources with the
28 potential to emit 70 tons or more per year of PM-10.

29 **Subp. 3. Affected sources.** An affected source, as defined
30 in part 7007.0100, subpart 4, must obtain a permit under this
31 part.

32 **Subp. 4. Solid waste incinerators.** A solid waste
33 incineration unit required to obtain a permit under section
34 129(e) of the act (Solid Waste Combustion, Permits) must obtain
35 a permit under this part.

36 **Subp. 5. Other part 70 sources.** Another stationary source

1 which the administrator requires by rule to obtain a permit in
2 compliance with Code of Federal Regulations, title 40, part 70,
3 as amended (Operating Permit Program) must obtain a permit under
4 this part. Stationary sources which the EPA administrator may
5 require by rule to obtain a part 70 permit include those
6 described in Code of Federal Regulations, title 40, section
7 70.3(b)(1), as amended.

8 **Subp. 6. Sources allowed to obtain a part 70 permit.** A
9 stationary source not already required to obtain a part 70
10 permit under subparts 1 to 5 which is subject to a standard,
11 limitation, or other requirement under section 111 or 112 of the
12 act, including area sources, may choose to obtain a part 70
13 permit under subpart 2.

14 7007.0250 SOURCES REQUIRED TO OBTAIN A STATE PERMIT.

15 **Subpart 1. State permit required.** The stationary sources
16 described in this part must obtain a state permit from the
17 agency under this part. All provisions of parts 7007.0100 to
18 7007.1850 apply to state permits unless the provision states
19 that it applies only to part 70 permits or to general permits.

20 **Subp. 2. NSPS/NESHAP state permits.** A stationary source
21 must obtain a permit under this part if:

22 A. the stationary source contains an affected
23 facility, as that term is defined in Code of Federal
24 Regulations, title 40, section 60.2, as amended, that is subject
25 to a standard under Code of Federal Regulations, title 40, part
26 60, as amended (Standards of Performance for New Stationary
27 Sources); or

28 B. the stationary source is subject to a standard
29 under Code of Federal Regulations, title 40, part 61, as amended
30 (National Emission Standards for Hazardous Air Pollutants).

31 **Subp. 3. SIP required state permit.** A stationary source
32 must obtain a permit under this ~~subpart~~ part if the agency
33 notifies the source that such a permit is needed as part of a
34 state implementation plan to be submitted to the EPA to
35 demonstrate attainment with a national ambient air quality

1 standard.

2 Subp. 4. PTE threshold required state permit. A
3 stationary source must obtain a permit under this part if it has
4 the potential to emit any pollutant listed below at a rate equal
5 to or greater than the following amounts, in tons per year:

6	Pollutant	Threshold
7		
8	Lead	0.5 tons per year
9	SO ²	50.0 tons per year
10	PM-10	25.0 tons per year
11	VOCs	100.0 tons per year

12 Subp. 5. Part 70 permits. Part 7007.0250 does not apply
13 to a stationary source that is required to or chooses to obtain
14 a part 70 permit under part 7007.0200. However, a stationary
15 source that would otherwise be required to obtain a part 70
16 permit under part 7007.0200 may avoid that requirement by
17 obtaining a state permit under this part which limits its
18 emissions to levels below those that would trigger the
19 requirement to obtain a part 70 permit.

20 7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.

21 Subpart 1. No permit required. The following stationary
22 sources are not required to obtain a permit under parts
23 7007.0100 to 7007.1850:

24 A. any stationary source that is not described in
25 part 7007.0200, subparts 2 to 5, or 7007.0250;

26 B. notwithstanding parts 7007.0200 and 7007.0250, any
27 stationary source that would be required to obtain a permit
28 solely because it is subject to Code of Federal Regulations,
29 title 40, part 60, subpart AAA, Standards of Performance for New
30 Residential Wood Heaters; and

31 C. notwithstanding parts 7007.0200 and 7007.0250, any
32 stationary source that would be required to obtain a permit
33 solely because it is subject to Code of Federal Regulations,
34 title 40, part 61, subpart M, National Emission Standard for
35 Hazardous Air Pollutants for Asbestos, section 61.145, Standard

1 for Demolition and Renovation.

2 Subp. 2. Emission inventory requirement. Exemption from
3 the requirement to obtain a permit under parts 7007.0100 to
4 7007.1850 does not constitute an exemption from the requirement
5 to submit an emissions inventory under part 7019.0105.

6 7007.0350 EXISTING SOURCE APPLICATION DEADLINES AND SOURCE
7 OPERATION DURING TRANSITION.

8 Subpart 1. Transition applications under this part;
9 deadline based on SIC code. Initial permit applications under
10 parts 7007.0100 to 7007.1850 for an emission unit, emission
11 facility, or stationary source in operation on the effective
12 date of parts 7007.0100 to 7007.1850 shall be considered timely
13 if they meet the requirements of this part.

14 A. An owner or operator of an existing stationary
15 source with a Standard Industrial Classification (SIC) Code
16 number ~~from 0000 to 2999 or 4953, excluding sources with the SIC~~
17 ~~Codes 2041, 2048, 2951, and 2952, that is required to obtain a~~
18 ~~permit by part 7007.0200 or 7007.0250 shall submit a permit~~
19 ~~application by July 15, 1994.~~ in the left column of the
20 following table shall submit a permit application by the
21 corresponding date in the right column:

<u>Category</u>	<u>SIC Code Range</u>	<u>Application Deadline</u>
<u>A</u>	<u>0000 to 2399, excluding 2041 and 2048</u>	<u>October 15, 1994</u>
<u>B</u>	<u>2400 to 2999 and 4953, excluding 2951 and 2952</u>	<u>January 15, 1995</u>
<u>C</u>	<u>3000 to 4499</u>	<u>March 15, 1995</u>
<u>D</u>	<u>4500 to 5099, excluding 4953</u>	<u>June 15, 1995</u>
<u>E</u>	<u>5100 to 8199</u>	<u>September 15, 1995</u>
<u>F</u>	<u>8200 to 9999, including 2041, 2048, 2951, and 2952</u>	<u>November 15, 1995</u>

41 B. ~~An owner or operator of an existing stationary~~
42 ~~source with a Standard Industrial Classification (SIC) Code~~
43 ~~number from 3000 to 5099, excluding SIC code 4953, that is~~
44 ~~required to obtain a permit by part 7007.0200 or 7007.0250 shall~~
45 ~~submit a permit application by February 15, 1995.~~

1 ~~E. An owner or operator of an existing stationary~~
2 ~~source with a Standard Industrial Classification (SIC) Code~~
3 ~~number with the SIC codes 2041, 2048, 2951, and 2952, or from~~
4 ~~5100 to 9999, and that is required to obtain a permit by part~~
5 ~~7007.0200 or 7007.0250 shall submit a permit application by~~
6 ~~September 15, 1995.~~

7 ~~D.~~ If more than one SIC code describes activities at
8 the stationary source, the SIC code that represents the primary
9 type of activity of the stationary source shall be used. If no
10 single SIC code represents the primary type of activity of the
11 stationary source, the lowest SIC code that describes activities
12 at the stationary source shall be used.

13 ~~E.~~ C. If a single owner or operator is responsible
14 for filing applications for three or more stationary sources
15 under this subpart, the owner or operator may request the agency
16 to allow it to submit one or more of its applications according
17 to a subsequent deadline of this subpart. Such a request shall
18 be made by the owner or operator in writing no later than 60
19 days before the application deadline which the applicant is
20 seeking to postpone. The agency shall approve in writing such
21 requests if they more evenly distribute the owner's or
22 operator's stationary sources among the application deadlines in
23 item ~~A, B, or C.~~

24 ~~F.~~ D. The owner or operator of a stationary source
25 must comply with the applicable deadline in this part, even
26 though the stationary source may be operating under a permit
27 issued by the agency under parts 7001.1200 to 7001.1220 (the
28 permit rules in effect before the effective date of parts
29 7007.0100 to 7007.1850), and the permit is not due to expire
30 until after the applicable deadline in this part. If a
31 stationary source is operating under a permit issued by the
32 agency under parts 7001.1200 to 7001.1220, and the permit
33 expires after the effective date of parts 7007.0100 to 7007.1850
34 but before the applicable deadline, the owner or operator need
35 not reapply before expiration of the permit, but shall comply
36 with the applicable deadline in this part.

1 6- E. Except as provided in subitems (1) and (2), the
2 agency waives its authority to take enforcement action against
3 the owner or operator of a stationary source for failure to
4 obtain a permit authorizing operation under parts 7001.1200 to
5 7001.1220, if the owner or operator files a timely and complete
6 permit application under this part. This waiver does not apply
7 to:

8 (1) an owner's or operator's failure to obtain a
9 permit required under the federal preconstruction review
10 programs of part C (Prevention of Significant Deterioration of
11 Air Quality) or part D (Plan Requirements for Nonattainment
12 Areas) of the act, or regulations promulgated under them; or

13 (2) an owner's or operator's failure to obtain an
14 amendment under parts 7001.1200 to 7001.1220 for modifications
15 to a stationary source for which a permit had been obtained
16 under those parts.

17 Subp. 2. **Compliance with permit or applicable requirements**
18 **during transition.**

19 A. If a stationary source is operating under an air
20 emission permit issued by the agency under parts 7001.1200 to
21 7001.1220 which has not expired as of the effective date of
22 parts 7007.0100 to 7007.1850, and if the permittee ~~has-submitted~~
23 submits a timely and complete application for reissuance under
24 subpart 1, that permit shall be considered not to expire until a
25 new permit is issued under parts 7007.0100 to 7007.1850. The
26 preceding sentence also applies to stationary sources which have
27 been operating under an air emission permit which was continued
28 under part 7001.0160. The permittee shall continue to operate
29 the stationary source in compliance with the terms of the
30 existing permit and all applicable requirements.

31 B. If an owner or operator of a stationary source has
32 filed an application for a permit but not yet received it, the
33 stationary source shall be operated in compliance with all
34 applicable requirements until the permit is issued.

35 Subp. 3. **Application shield.**

36 A. If an owner or operator of an emissions unit,

1 emission facility, or stationary source in operation on the
2 effective date of parts 7007.0100 to 7007.1850 submits an
3 application that is timely under this part and complete under
4 part 7007.0600, the continued operation of the stationary source
5 pending agency review of the permit application is not a
6 violation of part 7007.0150, subpart 1.

7 B. If after the completeness determination made
8 pursuant to part 7007.0700, the applicant fails to submit, by
9 the deadline specified in writing by the agency, any additional
10 information identified as being needed to process the
11 application, the protection provided in item A does not apply.

12 Subp. 4. **Preservation of enforcement authority.** The
13 agency reserves its authority to take enforcement action against
14 any source that violated the permitting requirements of parts
15 7001.1200 to 7001.1220 prior to their repeal or that violates
16 any permit issued under those parts, except as provided under
17 subpart 1, item G. Nothing in parts 7007.0100 to 7007.1850
18 shall be read to limit the administrator's authority to enforce
19 parts 7001.1200 to 7001.1220 prior to their repeal or permits
20 issued under those parts.

21 Subp. 5. **Acid rain sources.** Stationary sources subject to
22 the requirement to obtain Phase II acid rain permits under title
23 IV of the act shall submit permit applications or amendments to
24 permit applications to the agency by January 1, 1996, for sulfur
25 dioxide, and January 1, 1998, for nitrogen dioxide.

26 7007.0400 PERMIT REISSUANCE APPLICATIONS AFTER TRANSITION; NEW
27 SOURCE AND PERMIT AMENDMENT APPLICATIONS.

28 Subpart 1. **Requirement for application.** Applications for
29 reissued permits after the transition period, and for permits
30 for new stationary sources or amendments, shall be considered
31 timely if they meet the requirements of this part.

32 Subp. 2. **Permit reissuance after transition period.**
33 Stationary sources operating under permits issued by the agency
34 under parts 7007.0100 to 7007.1850 shall apply for permit
35 reissuance at least 180 days before the expiration of the

1 existing permit, unless the permit specifies that the
 2 application must be submitted sooner. The agency shall require
 3 in a permit that a reissuance application be submitted sooner if
 4 the agency determines that an earlier application is needed to
 5 minimize the possibility of expiration prior to reissuance. The
 6 agency may make this determination if it anticipates a
 7 relatively lengthy permit review process due to the complexity
 8 of the stationary source or anticipated involvement of the
 9 public. In no event shall the permit require application for
 10 reissuance sooner than nine months prior to the expiration of
 11 the permit.

12 **Subp. 3. New permits and amendments to existing permits.**
 13 Owners or operators seeking to obtain a new permit for a new
 14 stationary source or a permit amendment to an existing permit
 15 may submit the application at any time. It is recommended that
 16 the permit application for a new stationary source or an
 17 amendment be submitted at least 180 days before the planned date
 18 of commencement of construction of the new stationary source or
 19 commencement of the modification of the existing stationary
 20 source, although the agency may take up to 18 months to take
 21 final action on the permit or major amendment under part
 22 7007.0750, subpart 2. If the reason for the application for an
 23 amendment is the adoption of a new or amended federal applicable
 24 requirement, and the remaining life of the permit is three years
 25 or longer, the permittee shall file an application for an
 26 amendment within nine months of promulgation of the applicable
 27 requirement. The preceding sentence does not apply if the
 28 effective date of the requirement is later than the date on
 29 which the permit is due to expire.

30 7007.0450 PERMIT REISSUANCE APPLICATIONS AND CONTINUATION OF
 31 EXPIRING PERMITS.

32 **Subpart 1. Reissuance applications.** Permits being
 33 reissued are subject to the same procedural requirements that
 34 apply to initial permit application and issuance.

35 **Subp. 2. ~~Inclusion-of-certain-terms-in-a-reissued~~**

1 ~~permit Title I conditions. The agency shall include in a~~
2 ~~reissued permit~~ Any title I condition ~~of a previous~~ shall remain
3 in effect without regard to permit expiration or reissuance, and
4 shall be restated in the reissued permit.

5 Subp. 3. Continuation of an expiring permit. If the owner
6 or operator of a stationary source has submitted a timely and
7 complete application for reissuance of a permit, the permit
8 shall not expire until the permit has been reissued or the
9 reissuance has been denied, unless the agency determines that
10 any of the following are true:

11 A. the permittee is not in substantial compliance
12 with the terms and conditions of the expired permit or with a
13 stipulation agreement or compliance schedule designed to bring
14 the permittee in compliance with the permit;

15 B. the agency, as a result of an action or failure to
16 act of the permittee, has been unable to take final action on
17 the application on or before the expiration date of the permit;
18 or

19 C. the permittee has submitted an application with
20 major deficiencies or has failed to properly supplement the
21 application in a timely manner after being informed of
22 deficiencies.

23 7007.0500 CONTENT OF PERMIT APPLICATION.

24 Subpart 1. Standard application form and required
25 information.

26 A. The applicant shall submit an application on a
27 standard application form provided by the agency. The agency
28 may create different forms for different types of stationary
29 sources. Regardless of whether the particular information is
30 required by a form, an applicant must include all information
31 needed to determine the applicability of, or to impose, any
32 applicable requirement, or to evaluate the emission fee amount
33 required by chapter 7002.

34 B. For complicated stationary sources, the agency
35 recommends but does not require that the applicant arrange for a

1 preapplication meeting with the agency's air quality division.
2 Small business stationary sources, as defined in Minnesota
3 Statutes, section 116.96, subdivision 6, may seek assistance in
4 preparing permit applications under the small business air
5 quality compliance assistance act in Minnesota Statutes,
6 sections 116.95 to 116.99.

7 C. In addition to the requirements of this part,
8 applicants for permits subject to a new source review program
9 under part C (Prevention of Significant Deterioration of Air
10 Quality) or part D (Plan Requirements for Nonattainment Areas)
11 of the act shall also comply with the application requirements
12 of part 7007.3000 or parts 7007.4000 to 7007.4030, respectively.

13 D. An applicant is not required to show that its
14 emissions do not cause a violation of ambient air quality
15 standards, unless the agency notifies the applicant that such
16 information is required, or unless the source is required to
17 make such a showing under the preconstruction review
18 requirements of part 7007.3000 or parts 7007.4000 to 7007.4030.

19 E. This part describes the standard information that
20 will be required in a permit application. It does not limit the
21 agency's statutory authority for requiring information in
22 addition to that which is specifically listed.

23 Subp. 2. **Information included.** Applicants shall submit
24 the following information as required by the standard
25 application form:

26 A. Information identifying the stationary source and
27 its owners and operators, including company name and address
28 (and plant name and address if different from the company name),
29 owner's name and agent, and contact telephone numbers including
30 names of plant site manager or contact, and the person preparing
31 the application if different.

32 B. A description of the stationary source's processes
33 and products (by Standard Industrial Classification Code or SIC
34 Code) including any associated with each alternate scenario
35 identified by the stationary source.

36 C. The following emissions-related information:

1 (1) A permit application shall provide the
2 information required by this part for every emissions unit
3 within the stationary source, except as provided in subitem (2).
4 Notwithstanding the first sentence, if a stationary source is
5 not a major source and the sole reason it is required to have a
6 permit is because it is subject to federal standards described
7 under part 7007.0250, subpart 2, then the application need only
8 provide information for the emissions units regulated by those
9 federal standards. All permit applications shall include
10 information about fugitive emissions in the same manner as stack
11 emissions, regardless of whether the stationary source category
12 in question is included in the list of stationary sources
13 contained in the definition of major source in part 7007.0200,
14 subpart 2.

15 (2) The application need not include the
16 information required by this part for any activity listed on the
17 insignificant activities list in part 7007.1300, except as
18 provided in this subitem. The application shall include a list
19 identifying any activity at the stationary source described in
20 subpart 3 of the insignificant activities list. If requested by
21 the agency, the permittee shall provide a calculation of
22 emissions from any activity described in subpart 3 of the
23 insignificant activities list. The agency shall request such a
24 calculation if it finds that the emissions from those
25 activities, in addition to other emissions from the stationary
26 source, could make the stationary source subject to different
27 applicable requirements or different requirements under parts
28 7007.0100 to 7007.1850.

29 (3) A permit application shall identify and
30 describe all emission points in sufficient detail to determine
31 the applicability of all applicable requirements. This shall
32 include the location of emissions units, flow rates, and stack
33 parameters (including, if required by the agency, height,
34 diameter, and plume temperature) for all regulated air
35 pollutants.

36 (4) A permit application shall identify rates of

1 regulated air pollutants emitted in tons per year and also in
2 such terms as are necessary to establish compliance consistent
3 with the applicable standard reference test method. The
4 application shall provide this information for potential
5 emissions, as defined in part 7005.0100, subpart 35a. The
6 application shall also include the emissions limits that will be
7 imposed on the stationary source by applicable requirements.

8 (5) The permittee shall provide information,
9 including how the calculation was made, on actual emission rates
10 of regulated air pollutants emitted in tons per year. The
11 permittee is exempt from this requirement if, in the preceding
12 year, the permittee has submitted an emissions inventory as
13 required by part 7019.0105.

14 (6) A permit application shall include the
15 following information to the extent it is emissions-related:
16 fuels, fuel use, raw materials, production rates, and operating
17 schedules.

18 (7) A permit application shall identify and
19 describe all air pollution control equipment and compliance
20 monitoring devices or activities. A permit application shall
21 also contain the design operating efficiency of the air
22 pollution control equipment. The permit application shall
23 identify all air pollution control equipment located at the
24 stationary source which the stationary source elects not to
25 operate.

26 (8) A permit application shall describe any work
27 practice or physical limitation on stationary source operation
28 that affects emissions of regulated air pollutants.

29 (9) A permit application shall include additional
30 information if required by any applicable requirements (such as
31 information related to stack height limitations developed
32 pursuant to section 123 of the act).

33 (10) A permit application must explain the means
34 by which the emissions information in subitems (1) to (9) is
35 gathered, and provide the calculations on which they are based.

36 D. The following information regarding applicable

1 requirements and test methods:

2 (1) A permit application must include a complete
3 listing of the citations and titles of all applicable
4 requirements to which the permittee is subject. Citations must
5 be to the latest codification of the regulatory requirements at
6 the time of application.

7 (2) If the stationary source is required to test
8 its emissions to determine compliance, a permit application must
9 include either: a citation to a rule or regulation establishing
10 the test method for measuring emissions or, if such a rule or
11 regulation does not exist, a permit application must describe
12 the method that the applicant believes is the appropriate method
13 to measure emissions.

14 E. Other specific information that may be necessary
15 to implement and enforce other applicable requirements or
16 requirements of parts 7007.0100 to 7007.1850, or to determine
17 the applicability of such requirements. The agency may request
18 the applicant to provide such information in a supplemental
19 submittal.

20 F. For part 70 permit applications only, an
21 explanation of any proposed exemptions from otherwise applicable
22 requirements.

23 G. The applicant may propose permit terms and
24 conditions which would allow the permittee to trade emissions
25 increases and decreases within the permitted facility. This
26 trading option is available solely for purposes of complying
27 with a federally enforceable emissions cap that is established
28 in the permit independent of otherwise applicable requirements,
29 under conditions in part 7007.0800, subpart 10. The application
30 shall include proposed replicable procedures and permit terms
31 that ensure the emissions are quantifiable and enforceable.

32 H. The applicant may request the agency to allow in
33 the permit alternative operating scenarios. If such a request
34 is made, the application shall provide all the information
35 required by this part for each proposed scenario. This option
36 is only available under the conditions in part 7007.0800,

1 subpart 11.

2 I. The applicant may request the agency to allow in
3 the permit for the stationary source to operate at more than one
4 location during the term of the permit. This option is
5 available only under the conditions in part 7007.0800, subpart
6 12.

7 J. For state permit applications only, a description
8 of the compliance status of the stationary source with respect
9 to all applicable requirements and the requirements of parts
10 7007.0100 to 7007.1850, and a description of the methods used to
11 determine compliance, including a description of monitoring,
12 record keeping, and test methods.

13 K. For part 70 permit applications only, a compliance
14 plan that contains the following:

15 (1) A description of the compliance status of the
16 stationary source at the time of application submittal with
17 respect to all applicable requirements and the requirements of
18 parts 7007.0100 to 7007.1850, and a description of the methods
19 used to determine compliance, including a description of
20 monitoring, record keeping, test methods, and operation and
21 maintenance procedures for air pollution control equipment. The
22 applicant shall identify in the description of compliance status
23 any past modifications at the stationary source for which
24 preconstruction review was required under parts C and D of the
25 act but was not done.

26 (2) For applicable requirements with which the
27 stationary source is in compliance, a statement that the
28 stationary source will continue to comply with such requirements.

29 (3) For applicable requirements that are known to
30 become effective during the permit term, a statement that the
31 stationary source will meet such requirements on a timely basis.

32 (4) For applicable requirements for which the
33 stationary source is not in compliance at the time of
34 application submittal, a proposed schedule of compliance. Such
35 a schedule shall include a date specific schedule of remedial
36 measures, including an enforceable sequence of actions with

1 milestones, leading to compliance in the shortest reasonable
2 period of time. The proposed schedule of compliance shall begin
3 at the time of permit application, but the applicant may project
4 its compliance status at the time the permit is expected to be
5 issued. This compliance schedule shall resemble and be at least
6 as stringent as that contained in any judicial consent decree,
7 stipulation agreement, or administrative order to which the
8 stationary source is subject. The compliance schedule shall be
9 supplemental to, and shall not sanction noncompliance with, the
10 applicable requirements on which it is based.

11 L. For part 70 permit applications only, a proposed
12 schedule for submitting progress reports under part 7007.0800,
13 subpart 6, item B. The proposed schedule shall provide for
14 reporting at least every six months for any stationary source
15 required to have a compliance schedule under this subpart, or
16 any stationary source required by an applicable requirement to
17 monitor every six months or more often.

18 M. For part 70 permit applications only, a proposed
19 schedule for submission of compliance certifications during the
20 permit term, to be submitted no less frequently than annually.
21 The schedule shall provide for more frequent compliance
22 certifications if required by an applicable requirement.

23 N. If subject to the following laws, a statement of
24 whether the stationary source has:

25 (1) prepared a pollution prevention plan and
26 submitted a pollution prevention progress report to the
27 commissioner as required by the Minnesota Toxic Pollution
28 Prevention Act, Minnesota Statutes, sections 115D.07 and
29 115D.08; and

30 (2) submitted a toxic chemical release form as
31 required by United States Code, title 42, section 11023.

32 Subp. 3. **Application certification.** A responsible
33 official, as defined in part 7007.0100, subpart 21, shall sign
34 and certify any application, report, or compliance certification
35 submitted pursuant to parts 7007.0100 to 7007.1850 with regard
36 to truth, accuracy, and completeness. This certification and

1 any other certification required by parts 7007.0100 to 7007.1850
 2 shall state that, based on information and belief formed after
 3 reasonable inquiry, the statements and information in the
 4 document are true, accurate, and complete. This subpart shall
 5 be complied with by both the owner and the operator of the
 6 stationary source if they are not the same.

7 Subp. 4. Title IV source application. Affected sources
 8 shall use nationally standardized forms for acid rain portions
 9 of permit applications and compliance plans, as required by Code
 10 of Federal Regulations, title 40, part 72, as amended. The
 11 compliance plan content requirements of subpart 2 shall apply to
 12 the acid rain portion of the affected source's permit
 13 application, except as specifically superseded by Code of
 14 Federal Regulations, title 40, part 72, as amended.

15 Subp. 5. Environmental review. ~~If a stationary source is~~
 16 ~~required to complete an environmental impact statement or~~ The
 17 applicant shall state in the application whether an
 18 environmental assessment worksheet or an environmental impact
 19 statement is required for the activity for which the permit is
 20 sought under Minnesota Statutes, chapter 116D, or implementing
 21 regulations, or under United States Code, title 42, sections
 22 4331 et seq., as amended, ~~the statement or worksheet shall be~~
 23 ~~included in the permit application. A stationary source may~~
 24 ~~request the agency to begin processing a permit application~~
 25 ~~prior to receiving these documents, but the application will not~~
 26 ~~be considered complete for purposes of part 7007.0700 until the~~
 27 ~~statement or worksheet is submitted.~~

28 7007.0550 CONFIDENTIAL INFORMATION.

29 A person may request the agency to treat information
 30 submitted under parts 7007.0100 to 7007.1850 as confidential by
 31 following the procedures established by part ~~7000.1100~~ 7000.1300.
 32 Where the agency is required to submit information to the EPA,
 33 the confidentiality of that information will be governed by Code
 34 of Federal Regulations, title 40, part 2, as amended.

35 7007.0600 COMPLETE APPLICATION AND SUPPLEMENTAL INFORMATION

1 REQUIREMENTS.

2 Subpart 1. **Complete application.** To be deemed complete,
3 an application must provide all information required by part
4 7007.0500, except that an application for a permit amendment
5 under parts 7007.1450 and 7007.1500 need supply information only
6 if it is related to the proposed amendment. Information
7 required under part 7007.0500 must be sufficient to evaluate the
8 subject stationary source and its application and to determine
9 all applicable requirements. The application shall also contain
10 a certification from a responsible official consistent with part
11 7007.0500, subpart 3.

12 Subp. 2. **Duty to supplement or correct application.** Any
13 applicant who fails to submit any relevant facts or who has
14 submitted incorrect information in an application for a permit
15 or permit amendment shall, upon becoming aware of such failure
16 or incorrect submittal, promptly submit such supplementary facts
17 or corrected information. In addition, an applicant must
18 provide additional information as necessary to address any
19 requirements that become applicable to the stationary source
20 after the date it filed a complete application but prior to
21 release of a draft permit.

22 7007.0650 WHO RECEIVES AN APPLICATION.

23 Subpart 1. **Applications submittal.** Permit applicants
24 shall submit two printed copies of the complete application and
25 all supplemental information requested by the agency to the
26 information coordinator, Air Quality Division, Minnesota
27 Pollution Control Agency. Upon request of the agency, the
28 applicant shall submit additional copies of the application
29 directly to the administrator, affected states, and other
30 governmental entities with the legal right to review the
31 application, or submit additional copies to the agency to be
32 forwarded to these parties.

33 Subp. 2. **Computerized application submittal.** Applicants
34 may in addition submit applications in computer-readable format
35 specified by the agency, which may be through submission of a

1 floppy disk or through electronic data submittal. If the
2 information is submitted in computer-readable format, the agency
3 may allow the applicant to submit fewer printed copies than
4 required in subpart 1, however at least one copy of the
5 application certification required by part 7007.0500, subpart 3,
6 shall always be required to be provided on paper.

7 7007.0700 COMPLETENESS REVIEW.

8 A. Within one week of receipt of an application other
9 than a minor amendment application, the agency shall notify the
10 applicant in writing that it has received the application.

11 B. Within 60 days of receipt of an application other
12 than a minor amendment application, the agency shall notify the
13 applicant in writing of whether the application is complete. If
14 the agency fails to make the completeness determination required
15 above within the 60-day period, the application shall be deemed
16 complete. A completeness determination under this subpart
17 triggers timelines for permit issuance under part
18 7007.0750, retroactive to the date the complete application was
19 received by the agency, but does not limit the agency's ability
20 to request additional information.

21 C. If an application or a written request for an
22 administrative amendment is incomplete, the agency shall
23 identify the incomplete portions of the application or request
24 and outline the actions needed to complete the application or
25 request.

26 D. If, during processing of a permit application that
27 has been deemed complete, a minor permit amendment application,
28 or of a written request for an administrative amendment, the
29 agency determines that additional information is necessary to
30 evaluate or take final action on that application or request, it
31 may request such information in writing, and, after consultation
32 with the applicant, set a deadline for a response. In the
33 request for additional information, the agency shall briefly
34 explain why the additional information is needed. If an
35 applicant fails to respond to requests for additional

1 information within the time period requested, the application or
2 request shall be deemed incomplete. Applicants who have already
3 made a change or commenced a modification at a permitted
4 facility under part 7007.1450, shall provide the additional
5 information within the time period specified by the agency.

6 E. Items A and B do not apply to written requests for
7 administrative amendments.

8 7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.

9 Subpart 1. **Prioritization of applications.** In deciding
10 which permit applications to act on, the agency shall give
11 priority to applications for construction or modification of a
12 stationary source.

13 Subp. 2. **Application processing and issuance deadlines.**

14 A. Within 12 months of receiving a complete
15 application for a permit to construct a new stationary source or
16 for a major permit amendment to construct a modification, the
17 agency shall have completed the public notice process and
18 comment period required by part 7007.0850, unless the agency has
19 denied the application. The agency shall take final action on
20 the application within 60 days of the end of the public comment
21 period if:

22 (1) no meetings or hearings are requested under
23 part 7007.0850, subpart 3, during the public comment period;

24 (2) there is no substantial adverse public
25 comment on the application; and

26 (3) there is no substantial adverse EPA comment
27 on the application.

28 If any of the circumstances in subitems (1) to (3) occur,
29 the agency shall take final action on the application within 18
30 months of receiving the complete application.

31 B. Within six months of receiving a complete
32 application for a moderate amendment to construct a modification
33 for which the agency has decided to provide public notice under
34 part 7007.0850, subpart 2, the agency shall have completed the
35 public notice process and comment period, unless the agency has

1 denied the application. The agency shall take final action on
2 the permit within 60 days of the end of the public comment
3 period if:

4 (1) no meetings or hearings are requested under
5 part 7007.0850, subpart 3, during the public comment period;

6 (2) there is no substantial adverse public
7 comment on the application; and

8 (3) there is no substantial adverse EPA comment
9 on the application.

10 If any of the circumstances in subitems (1) to (3) occur,
11 the agency shall take final action within nine months of
12 receiving the complete application.

13 C. The agency shall take final action on applications
14 for permits or permit amendments not governed by items A and B
15 within the period specified in this item. The agency shall take
16 final action on such an application for a permit, permit
17 reissuance, or major permit amendment within 18 months of
18 receiving a complete application. The agency shall take final
19 action on such an application for a minor or moderate permit
20 amendment within six months of receiving a complete application,
21 but not before the end of the administrator's 45-day review
22 period in the case of part 70 permits. The agency shall take
23 final action on a written request for an administrative
24 amendment within 60 days of receiving the complete request.

25 D. If the applicant is required to submit additional
26 information under part 7007.0700, ~~subpart-2,~~ item D, and if the
27 applicant takes more than 30 days to provide the information,
28 the agency may extend a deadline under item A, B, or C by the
29 amount of time it takes to provide the information. The agency
30 may also extend the deadlines under items A, B, and C upon
31 written request of the applicant.

32 E. Deadlines for agency action under this part may be
33 extended as described in this item for permitting actions
34 subject to environmental review under Minnesota Statutes,
35 chapter 116D, and implementing regulations. If the prohibition
36 on final governmental decisions under part 4410.3100 is in

1 effect at any time 90 days prior to the deadline or later, the
2 agency shall extend the deadline until 90 days after the
3 prohibition ends.

4 F. The deadlines in this subpart do not apply to the
5 extent they deviate from the requirements of federal regulations
6 at Code of Federal Regulations, title 40, section 72.73, as
7 amended (Acid Rain Permits Regulation).

8 Subp. 3. **Final action.** For purposes of this part and
9 triggering judicial review, final agency action on a request or
10 an application includes issuing the permit or amendment, denying
11 the request or application, ~~or~~ issuing a revised permit or
12 amendment, or failing to take any of these actions by the
13 deadline applicable under this part. However, the previous
14 sentence shall not prevent the agency from issuing a permit or
15 amendment or denying a request or application after a deadline
16 has passed. If the agency denies the request or application it
17 shall explain why. If the agency revises a proposed permit or
18 amendment which has been subject to EPA review, it shall
19 resubmit the amendment to the administrator. ~~Failure-to-issue-a~~
20 ~~permit-or-amendment-in-any-form-by-the-deadlines-applicable~~
21 ~~under-this-part-shall-be-considered-a-denial-of-the-request-or~~
22 ~~application.~~

23 Subp. 4. **Transition period.** The timelines in subpart 2,
24 item C, do not apply to applications received prior to the date
25 three years after EPA grants full program approval.

26 Subp. 5. **Modification of installation and operation**
27 **permits.** The agency may issue permits authorizing a
28 modification to a stationary source (an installation and
29 operation permit) prior to issuance of an operating permit
30 covering the entire stationary source (a total facility permit)
31 if the agency finds:

32 A. the stationary source has filed a timely
33 application for a total facility permit;

34 B. the delay resulting from issuing the installation
35 and operation permit and the total facility permit at the same
36 time would cause undue economic hardship on the stationary

1 source; and

2 C. the agency has sufficient information about the
3 entire stationary source to be able to comply with the
4 requirements of part 7007.1000.

5 The requirements of parts 7007.0100 to 7007.1850 that apply
6 to modifications to a stationary source with a total facility
7 permit shall also apply to modifications authorized under this
8 part.

9 Subp. 6. **Construction of units subject to new source**
10 **performance standards.**

11 A. It is not a violation of parts 7007.0100 to
12 7007.1850 to construct an affected facility, as that term is
13 defined in Code of Federal Regulations, title 40, section 60.2,
14 as amended (Standards of Performance for New Stationary Sources;
15 Definitions), upon receiving from the agency written approval to
16 construct the affected facility. For purposes of this subpart,
17 construction of an affected facility includes modification or
18 reconstruction, as described in Code of Federal Regulations,
19 title 40, sections 60.14 and 60.15, as amended, making existing
20 emissions units into affected facilities. No person may begin
21 to operate the affected facility until receipt of a permit
22 issued by the agency under parts 7007.0100 to 7007.1850.

23 B. The agency shall issue written approval to
24 construct, or explain in writing why the approval will not be
25 granted, within 60 days of receiving a complete permit
26 application seeking authorization to construct and operate the
27 affected facility. The application must be accompanied by a
28 written request for approval to construct under this subpart,
29 and a statement certified by a responsible official certifying
30 that requirements of part C (Prevention of Significant
31 Deterioration of Air Quality) or part D (Plan Requirements for
32 Nonattainment Areas) of the act do not apply to the proposed
33 construction. The agency's failure to respond within the 60-day
34 period shall not be deemed approval to construct. The approval
35 to construct shall only apply to the affected facility.

36 C. This subpart does not apply if the construction,

1 reconstruction, or modification would be subject to the new
2 source review requirements of part C (Prevention of Significant
3 Deterioration of Air Quality) or part D (Plan Requirements for
4 Nonattainment Areas) of the act.

5 D. This subpart does not relieve the applicant of the
6 obligation to comply with the requirements of Minnesota
7 Statutes, chapter 116D, prior to construction, if applicable.

8 Subp. 7. **Two-stage issuance of permits subject to federal**
9 **new source review.**

10 A. If a permit or permit amendment is subject to the
11 requirements of a new source review program under part C
12 (Prevention of Significant Deterioration of Air Quality) or part
13 D (Plan Requirements for Nonattainment Areas) of the act, the
14 agency shall send the permit to the permittee after all
15 requirements of the new source review program have been
16 satisfied. The agency shall at the same time notify the
17 permittee in writing that those permit conditions required by
18 the new source review program and designated as such by the
19 agency in the permit or amendment, and only those conditions,
20 shall be considered issued.

21 B. The agency shall issue the remaining permit
22 conditions (those not issued under item A) after the EPA's
23 45-day review period described in part 7007.0950, and in
24 compliance with all other applicable provisions of parts
25 7007.0100 to 7007.1850. If there is no change to the remaining
26 permit conditions, the agency shall issue the remaining permit
27 conditions by means of notifying the permittee in writing that
28 the remaining permit conditions of the permit previously sent
29 under item A shall be considered issued.

30 C. The permittee may begin actual construction and
31 operation of a stationary source or modification upon issuance
32 of the conditions under item A to the extent authorized by those
33 conditions.

34 7007.0800 PERMIT CONTENT.

35 Subpart 1. **Scope.** The agency shall include the permit

1 conditions specified in this part in all permits, except where
2 the requirement states that it applies only to part 70 permits
3 or only to state permits. The permit shall specify and
4 reference the origin of and the authority for each term or
5 condition, and shall identify any difference in form from the
6 requirement giving rise to the condition. Nothing in this part
7 shall be read to limit the agency's authority to put additional
8 or more stringent terms in a permit, to conduct inspections, or
9 to request information.

10 Subp. 2. **Emission limitations and standards.** The permit
11 shall include emissions limitations, operational requirements,
12 and other provisions needed to ensure compliance with all
13 applicable requirements at the time of permit issuance. The
14 permit shall also include any condition the agency determines to
15 be necessary to protect human health and the environment. The
16 permit shall state that, where another applicable requirement of
17 the act is more stringent than any applicable requirement of
18 regulations promulgated under title IV of the act (Acid
19 Deposition Control), both provisions shall be incorporated into
20 the permit and shall be enforceable by the administrator.

21 Subp. 3. **Emissions units covered by permit.** The permit
22 shall cover any emissions unit within the stationary source for
23 which there is an applicable requirement, and any unit which the
24 agency believes should be covered in order to protect human
25 health and the environment. However, if a stationary source is
26 not a major source and the sole reason it is required to have a
27 permit is because it is subject to federal standards described
28 under part 7007.0250, subpart 2, then the permit shall only
29 cover emissions units regulated by those federal standards. The
30 permit shall include applicable requirements for fugitive
31 emissions in the same manner as stack emissions, regardless of
32 whether the source category in question is included in the list
33 of sources contained in the definition of major source in part
34 7007.0200, subpart 2.

35 Subp. 4. **Monitoring.** The agency shall include the
36 following monitoring requirements in all permits:

1 A. The permit shall require the permittee to comply
2 with all emissions monitoring and analysis procedures or test
3 methods required under the applicable requirements, including
4 any procedures and methods promulgated pursuant to section
5 114(a)(3) or 504(b) of the act.

6 B. For part 70 permits, where the applicable
7 requirements do not require periodic testing or instrumental or
8 noninstrumental monitoring (which may consist of record keeping
9 designed to serve as monitoring), the permit shall require the
10 permittee to conduct periodic monitoring sufficient to determine
11 whether the stationary source is in compliance with applicable
12 requirements. The monitoring requirements shall be designed to
13 yield reliable data from the relevant time period that are
14 representative of the stationary source's operation, and shall
15 require the permittee to use terms, test methods, units,
16 averaging periods, and other statistical conventions that are
17 consistent with the emissions limitations and standards
18 contained in the permit, and with other applicable
19 requirements. Record keeping provisions may be sufficient to
20 meet the requirements of this item.

21 C. For state permits, where the applicable
22 requirements do not require periodic testing or instrumental or
23 noninstrumental monitoring, which may consist of record keeping
24 designed to serve as monitoring, the permit shall include
25 monitoring requirements sufficient to determine whether a
26 stationary source is in compliance with applicable requirements
27 if the agency finds that such monitoring is warranted based on
28 the likelihood of noncompliance, the environmental impact of
29 noncompliance, or the likelihood that noncompliance could be
30 detected using means other than monitoring.

31 D. As necessary, the permit shall require the
32 permittee to install, use, and maintain monitoring equipment or
33 use monitoring methods.

34 Subp. 5. **Record keeping.** The permit shall incorporate all
35 applicable requirements related to record keeping and require
36 the permittee to maintain adequate records, including at least

1 the following:

2 A. A requirement that the permittee maintain records
3 adequate to document compliance at the stationary source,
4 including at a minimum:

5 (1) the date, place, as defined in the permit,
6 and time of sampling or measurements;

7 (2) the date or dates analyses were performed;

8 (3) the company or entity that performed the
9 analyses;

10 (4) the analytical techniques or methods used;

11 (5) the results of such analyses; and

12 (6) the operating conditions existing at the time
13 of sampling or measurement.

14 B. A requirement that the permittee maintain records
15 describing any modification made at the stationary source under
16 parts 7007.1250 and 7007.1350, as required by those provisions,
17 but not otherwise regulated under the permit, and the emissions
18 resulting from those changes.

19 C. A requirement that the permittee retain records of
20 all monitoring data and support information for a period of five
21 years, or longer as specified by the commissioner, from the date
22 of the monitoring sample, measurement, or report. Support
23 information includes all calibration and maintenance records and
24 all original strip-chart recordings for continuous monitoring
25 instrumentation, and copies of all reports required by the
26 permit. Records shall be kept at the stationary source unless
27 the permit allows otherwise.

28 Subp. 6. **Reporting.** The permit shall require the
29 permittee to submit to the agency the reports described in this
30 subpart. The permit shall require that all reports be certified
31 by a responsible official consistent with part 7007.0500,
32 subpart 3.

33 A. The permit shall require the permittee, in the
34 event of any deviation from permit conditions which could
35 endanger human health or the environment, to orally notify the
36 commissioner within 24 hours of discovering the deviation.

1 Within five days of the discovery of such a deviation, the
2 permittee shall submit to the commissioner a written description
3 of the deviation; the cause of the deviation; the exact dates of
4 the period of the deviation; if the deviation has not been
5 corrected, the anticipated time it is expected to continue; and
6 steps taken or planned to reduce, eliminate, and prevent
7 reoccurrence of the deviation. The permit shall require the
8 permittee, in the event of any other type of deviation from
9 permit conditions, including those attributable to upset
10 conditions as defined in the permit, to report the deviation
11 with two working days and provide the information required in
12 this item. Unless stated otherwise in the permit, a report
13 filed under this provision does not satisfy the requirement to
14 notify the agency of shutdowns and breakdowns under part
15 7005.1880.

16 B. All part 70 permits shall require the permittee to
17 submit progress reports at least every six months for any
18 stationary source required to have a compliance schedule under
19 part 7007.0500, subpart 2, item K, or any stationary source that
20 is required to monitor under subpart 4 more frequently than
21 every six months. The reports shall be more frequent than every
22 six months if required by an applicable requirement. Other
23 permits will require progress reports if the agency determines
24 that they are necessary to ensure compliance with applicable
25 requirements. All instances of deviations from permit
26 conditions must be clearly identified in such reports. Such
27 progress reports shall contain the following:

28 (1) Reports of any monitoring required under
29 subpart 4. All instances of deviations from permit conditions
30 must be clearly identified in such reports.

31 (2) In the case of stationary sources required to
32 submit compliance schedules under part 7007.0500, subpart 2,
33 item K, the deadlines for achieving the activities, milestones,
34 or compliance required in the compliance schedule and dates when
35 such activities, milestones, or compliance were actually
36 achieved. If any deadlines in the schedule of compliance were

1 not or will not be met, the report shall note that, explain why,
2 and include any preventive or corrective measures that have been
3 or will be adopted as a result.

4 C. The permit shall require periodic compliance
5 certification in which the permittee certifies whether or not it
6 is in compliance with applicable requirements and permit terms,
7 including emission limitations, standards, or work practices.
8 The permits shall:

9 (1) specify how often the permittee must submit
10 the compliance certification; for part 70 permits, the frequency
11 shall be at least annually or more often as specified in the
12 applicable requirements;

13 (2) require that the compliance certification
14 include the following:

15 (a) the identification of each applicable
16 requirement and permit term that is the basis of the
17 certification;

18 (b) the compliance status throughout the
19 reporting period, noting whether compliance was continuous or
20 intermittent;

21 (c) the method or methods used for
22 determining the compliance status of the stationary source,
23 noting whether the method conforms with permit conditions; and

24 (d) such other facts as the agency may
25 require;

26 (3) in the case of part 70 permits, require that
27 all compliance certifications be submitted to the administrator
28 as well as to the agency, unless the administrator agrees that
29 such submittals are not necessary;

30 (4) require that all compliance certifications be
31 made by a responsible official consistent with part 7007.0500,
32 subpart 3; and

33 (5) require such additional requirements as may
34 be specified pursuant to sections 114(a)(3) and 504(b) of the
35 act.

36 D. All progress reports and compliance documents

1 described in this subpart are available for public inspection
2 and copying at the agency upon request, subject to the
3 provisions of part 7000.1200 and Minnesota Statutes, chapter 13,
4 and section 116.075.

5 Subp. 7. **Prohibition on exceedance of allowances.** For
6 affected sources, the agency shall include a permit condition
7 prohibiting emissions exceeding any allowances that the
8 stationary source lawfully holds under title IV of the act or
9 the regulations promulgated thereunder, except as follows:

10 A. No permit amendment shall be required for
11 increases in emissions that are authorized by allowances
12 acquired pursuant to the acid rain program, provided that such
13 increases do not require a permit amendment under any other
14 applicable requirement.

15 B. No limit shall be placed on the number of
16 allowances held by the stationary source. The stationary source
17 may not, however, use allowances as a defense to noncompliance
18 with any other applicable requirement.

19 C. Any such allowance shall be accounted for
20 according to the procedures established in Code of Federal
21 Regulations, title 40, part 73, as amended.

22 Subp. 8. **Fee requirement.** The permit shall require
23 payment of annual fees by owners or operators of a stationary
24 source required to pay annual fees due under part 7002.0025.

25 Subp. 9. **Additional compliance requirements.** All permits
26 shall contain the following elements with respect to compliance:

27 A. inspection and entry requirements that require
28 that, upon presentation of credentials and other documents as
29 may be required by law, the permittee shall allow the agency, or
30 an authorized representative or agent of the agency, to perform
31 the following:

32 (1) enter upon the permittee's premises where the
33 stationary source is located or activity is conducted, or where
34 records must be kept under the conditions of the permit;

35 (2) have access to and copy, at reasonable times,
36 any records that must be kept under the conditions of the

1 permit;

2 (3) inspect at reasonable times any facilities,
3 equipment (including monitoring and air pollution control
4 equipment), practices, or operations regulated or required under
5 the permit. For purposes of this subpart, reasonable times
6 include any time that the stationary source is operating; and

7 (4) sample or monitor any substances or
8 parameters at any location:

9 (a) at reasonable times, for the purposes of
10 assuring compliance with the permit or applicable requirements;
11 or

12 (b) as otherwise authorized by the act or
13 state law;

14 B. a schedule of compliance if one is required under
15 part 7007.0500, subpart 2, item K, meeting the description of
16 that part; and

17 C. provisions establishing the permit shield
18 described in part 7007.1800.

19 Nothing in this subpart shall be read to limit the agency's
20 authority under Minnesota Statutes, section 116.091, and section
21 114 of the act (Record keeping, Inspections, Monitoring, and
22 Entry) or other law.

23 Subp. 10. **Emissions trading.**

24 A. If requested by a permit applicant, the agency
25 shall include provisions allowing the permittee to trade
26 emissions increases and decreases that occur within the
27 permitted facility. No title I modification may be made using
28 this provision, and the trade may not result in the exceedance
29 of any emission limit in the permit. The agency shall make such
30 trading available to the permittee only if it determines that
31 all of the following are true:

32 (1) the unit-specific limits above which the
33 permittee wishes to increase emissions were established solely
34 to keep the stationary source as a whole from being subject to
35 an applicable requirement described in part 7007.0100, subpart
36 7, items A to K, and are independent of otherwise applicable

1 requirements;

2 (2) the stationary source's total emissions can
3 be limited equally well, and compliance with applicable
4 requirements may still be assured, by allowing the proposed
5 trading scenario; and

6 (3) the permit establishes replicable procedures
7 to ensure the emission trades are quantifiable and enforceable.

8 B. The permit shall require the permittee to provide
9 the agency in writing at least seven working days before making
10 the emissions trade the written notification described in this
11 item. The notice shall state when the trade will be made and
12 describe the change in emissions that will result. The notice
13 shall also describe how these increases and decreases in
14 emissions will comply with the terms and conditions of the
15 permit. The permittee and the agency shall each append the
16 notice to its copy of the stationary source's permit.

17 Subp. 11. **Alternative scenarios.** Terms and conditions
18 allowing for reasonably anticipated alternative operating
19 scenarios identified by the stationary source in its
20 application. Such terms and conditions shall:

21 A. require the stationary source, contemporaneously
22 with making a change from one operating scenario to another, to
23 record in a log at the permitted facility a record of the
24 scenario under which it is operating; and

25 B. ensure that the operation under each such
26 alternative scenario complies with all applicable requirements
27 and the requirements of parts 7007.0100 to 7007.1850.

28 Subp. 12. **Operation in more than one location.** If
29 requested by the applicant, the permit may allow a stationary
30 source to be operated in more than one location during the
31 course of the permit. No affected source shall be allowed this
32 option. If more than one location is authorized, the permit
33 shall include the following:

34 A. identification of all geographic areas where the
35 stationary source is authorized to operate during the course of
36 the permit;

1 B. conditions that will assure compliance with all
2 applicable requirements at all authorized locations;

3 C. requirements that the owner or operator notify the
4 agency at least 20 days in advance of each change in location,
5 providing the exact location where the source will operate; and

6 D. conditions that assure compliance with all other
7 provisions of parts 7007.0100 to 7007.1850.

8 Subp. 13. **Permit duration.** Each permit shall specify the
9 duration of the permit, or state that the permit is nonexpiring.

10 Subp. 14. **Operation of control equipment.** Each permit
11 shall specify operating and maintenance requirements for each
12 piece of control equipment located at the stationary source.

13 Subp. 15. **Terms to include in reissuance.** The permit
14 shall indicate the terms that must be included in any reissuance
15 of the permit under part 7007.0450, subpart 3.

16 Subp. 16. **General conditions.** Permits issued by the
17 agency under parts 7007.0100 to 7007.1850 shall include the
18 following general conditions, either expressly or by reference
19 to this subpart.

20 A. Unchallenged provisions of this permit remain
21 valid despite any successful challenges to specific portions of
22 the permit.

23 B. The permittee must comply with all conditions of
24 the permit. Any permit noncompliance constitutes a violation of
25 the state law and, if the provision is federally enforceable, of
26 the act. Such violation is grounds for enforcement action by
27 the agency or the EPA; or for permit termination, revocation and
28 reissuance, or amendment; or for denial of a permit reissuance
29 application.

30 C. It is not a defense for a permittee in an
31 enforcement action that it would have been necessary to halt or
32 reduce the permitted activity in order to maintain compliance
33 with the conditions of this permit.

34 D. This permit may be reopened and amended or revoked
35 for cause as provided in parts 7007.1600 to 7007.1700. The
36 filing of a request by the permittee for a permit amendment,

1 revocation and reissuance, or termination, or of a notification
2 of planned changes or anticipated noncompliance does not stay
3 any permit condition, except as specifically provided in part
4 7007.1450, subpart 7.

5 E. This permit does not convey any property rights of
6 any sort, or any exclusive privilege.

7 F. The permittee shall furnish to the agency, within
8 a reasonable time, any information that the agency may request
9 in writing to determine whether cause exists for reopening and
10 amending or revoking the permit or to determine compliance with
11 the permit. Upon request, the permittee shall also furnish to
12 the agency copies of records required to be kept by the
13 permittee.

14 G. The agency's issuance of a permit does not release
15 the permittee from any liability, penalty, or duty imposed by
16 Minnesota or federal statutes or rules or local ordinances,
17 except the obligation to obtain the permit or as specifically
18 provided in the permit shield provision and part 7007.1800.

19 H. The agency's issuance of a permit does not prevent
20 the future adoption by the agency of pollution control rules,
21 standards, or orders more stringent than those now in existence
22 and does not prevent the enforcement of these rules, standards,
23 or orders against the permittee.

24 I. The agency's issuance of a permit does not
25 obligate the agency to enforce local laws, rules, or plans
26 beyond that authorized by Minnesota statutes.

27 J. The permittee shall at all times properly operate
28 and maintain the facilities and systems of treatment and control
29 and the appurtenances related to them which are installed or
30 used by the permittee to achieve compliance with the conditions
31 of the permit. Proper operation and maintenance includes
32 effective performance, adequate funding, adequate operator
33 staffing and training, and adequate laboratory and process
34 controls, including appropriate quality assurance procedures.

35 K. The permittee may not knowingly make a false or
36 misleading statement, representation, or certification in a

1 record, report, plan, or other document required to be submitted
2 to the agency or to the commissioner by the permit. The
3 permittee shall immediately upon discovery report to the
4 commissioner an error or omission in these records, reports,
5 plans, or other documents. The permittee may not falsify,
6 tamper with, render inaccurate, or fail to install any
7 monitoring device or method required to be maintained or
8 followed by the permit.

9 L. The permittee shall, when requested by the
10 commissioner, submit within a reasonable time any information
11 and reports that are relevant to pollution or the activities
12 authorized under this permit.

13 M. If the permittee discovers, through any means,
14 including notification by the agency, that noncompliance with a
15 condition of the permit has occurred, the permittee shall
16 immediately take all reasonable steps to minimize the adverse
17 impact on human health or the environment resulting from the
18 noncompliance.

19 N. The permit is not transferable to any person
20 except as provided in part 7007.1400, subpart 1, item E.

21 O. The permit authorizes the permittee to perform the
22 activities described in the permit under the conditions of the
23 permit. In issuing the permit, the state and agency assume no
24 responsibility for damages to persons, property, or the
25 environment caused by the activities of the permittee in the
26 conduct of its actions, including those activities authorized,
27 directed, or undertaken under the permit. To the extent the
28 state and agency may be liable for the activities of its
29 employees, that liability is explicitly limited to that provided
30 in the Tort Claims Act, Minnesota Statutes, section 3.736.

31 7007.0850 PERMIT APPLICATION NOTICE AND COMMENT.

32 Subpart 1. **Technical support document.** For part 70
33 permits, the agency shall develop a statement that sets forth
34 the legal and factual basis for the draft permit conditions,
35 including references to the applicable statutory or regulatory

1 provisions. The agency shall send this statement to the EPA and
2 to any other person who requests it.

3 Subp. 2. Public notice and comment.

4 A. The agency shall comply with the following
5 procedures before issuing, reissuing, or making a major
6 amendment to any part 70 permit.

7 (1) The agency shall give notice:

8 (a) by publication in a newspaper of general
9 circulation in the area where the stationary source is located;

10 (b) in a list provided to the public upon
11 request by the agency upon request;

12 (c) to persons on a mailing list developed
13 by the agency, including those who request in writing to be on
14 the list; and

15 (d) by other means if necessary to assure
16 adequate notice to the affected public.

17 (2) The notice shall identify the name and
18 location of the facility to be permitted; the name and address
19 of the permittee; the name and address of the agency; the
20 activity or activities involved in the permit action; the
21 emissions change involved in any permit amendment; whether the
22 facility has filed a pollution prevention progress report to the
23 commissioner as required by Minnesota Statutes, section 115D.08;
24 the name, address, and telephone number of a person from whom
25 interested persons may obtain additional information, including
26 copies of the permit draft, the application, all relevant
27 supporting materials, and all other materials available to the
28 agency that are relevant to the permit decision; a brief
29 description of the comment procedures required by this part; and
30 the time and place of any meeting or hearing that may be held,
31 including a statement of procedures to request a meeting or
32 hearing under subpart 3, unless a meeting or hearing has already
33 been scheduled.

34 (3) The agency shall provide at least 30 days for
35 public comment and shall give notice of any public informational
36 meeting or contested case hearing at least 30 days in advance of

1 the meeting or hearing. The provisions of part 7001.0110
2 applies to public comments received under this part.

3 (4) The agency shall keep a record of the
4 commenters and also of the issues raised during the public
5 participation process, so that the administrator can determine
6 whether a citizen petition may be granted. The records shall be
7 available to the public.

8 B. Before issuing or reissuing a state permit, the
9 agency shall comply with the procedures in item A, subitems (1)
10 to (3). However, instead of providing notice in a newspaper of
11 general circulation as required by item A, subitem (1), unit
12 (a), the agency may provide the notice in the State Register or
13 other EPA approved general circulation notice procedure. The
14 requirements of this item also apply to any major amendment to a
15 state permit described in part 7007.1500, subpart 1, items C and
16 D, if authorized or required by the administrator.

17 C. If the agency determines that a proposed major
18 amendment to a state permit not described in item B involves
19 issues that generate or are likely to generate significant
20 material adverse comment from the public, based on previous
21 adverse public comment on the proposed amendment or related
22 issues, the agency shall comply with the procedures of item A,
23 subitems (1) to (3), before issuing the amendment. However, the
24 agency may provide the notice required by this item in either a
25 newspaper of general circulation or the State Register.

26 D. (1) If the agency determines that a proposed minor
27 or moderate amendment to a permit involves issues that generate
28 or are likely to generate significant material adverse comment
29 from the public, based on previous adverse public comment on the
30 proposed amendment or related issues, the agency shall comply
31 with the procedures of item A, subitems (1) to (3), before
32 issuing the amendment. However, the agency may provide the
33 notice required by this item in either a newspaper of general
34 circulation or the State Register.

35 (2) A proposed minor permit amendment may be made
36 subject to the public notice and comment procedures only if the

1 agency notifies the permittee of its determination within 15
2 working days of receiving the minor amendment application. If
3 the permittee has properly proceeded with a modification under
4 part 7007.1450, subpart 7, before receiving the agency's
5 determination, the permittee will not be subject to enforcement
6 action for proceeding, but will be required to cease
7 construction and operation of the modification within a
8 reasonable period. The agency will consult with the permittee
9 on when it is reasonable to cease construction and operation. A
10 proposed moderate permit amendment may be made subject to the
11 public notice and comment procedures any time prior to the
12 agency's issuance of a letter of approval authorizing
13 construction under part 7007.1450, subpart 7.

14 E. The agency shall upon request provide a list which
15 summarizes current activities involving permit applications,
16 minor, moderate, and major amendment applications, and requests
17 for administrative amendments. The agency may use an electronic
18 bulletin board in lieu of a written list.

19 Subp. 3. **Requests for meetings and hearings.** During the
20 public comment period, a person may request, in regard to any
21 draft permit or amendment subject to public notice under subpart
22 2, items A to D: a public informational meeting pursuant to
23 part 7001.0120, a contested case hearing pursuant to part
24 7001.0130, subpart 2, or placement of the permit on the agenda
25 of an agency board meeting pursuant to part 7000.0500, subpart
26 6. The agency's decision to grant or deny the request for a
27 public informational meeting or a contested case hearing shall
28 be based on the standards in parts 7001.0120 and 7001.0130, and
29 any meeting or hearing held shall be in accordance with those
30 parts.

31 Subp. 4. **Additional procedures for permits containing**
32 **title I conditions.** In addition to the requirements of this
33 part, the agency shall also comply with all other federal
34 requirements for public participation applicable to permits and
35 permit amendments which include title I conditions, including
36 requirements in Code of Federal Regulations, title 40, sections

1 51.102, 51.161, and 51.166(Q), as amended, to the extent
 2 applicable.

3 7007.0900 REVIEW OF PART 70 PERMITS BY AFFECTED STATES.

4 The agency shall give notice of each draft part 70 permit,
 5 or major amendment to a part 70 permit, to any affected state on
 6 or before the time that the agency provides this notice to the
 7 public as required by part 7007.0850. The agency shall notify
 8 the administrator and any affected state in writing of any
 9 refusal by the agency to accept all recommendations for the
 10 proposed permit that the affected state submitted during the
 11 public comment period. The notice shall include the agency's
 12 reasons for not accepting any such recommendation.

13 7007.0950 EPA REVIEW AND OBJECTION.

14 Subpart 1. **Review by EPA.** The agency shall provide to the
 15 administrator a copy of ~~each-proposed-permit-and-each-final~~
 16 permit the following documents, unless the administrator agrees
 17 to accept a summary of the ~~permit-issuance~~
 18 information- documents:

19 A. for part 70 permits, each application for a permit
 20 or permit amendment, each proposed permit or permit amendment,
 21 and each final permit or permit amendment; and

22 B. for state permits, each application for a permit,
 23 each draft permit, each final permit, each application for a
 24 major permit amendment described in part 7007.1500, subpart 1,
 25 item C or D, and the draft and final versions of each such major
 26 permit amendment.

27 In the case of a part 70 permit, the proposed permit or
 28 permit amendment shall be provided to the administrator after
 29 the draft permit or permit amendment has been subject to public
 30 comment. In the case of a state permit, the draft permit or
 31 permit amendment may be provided to the administrator at the
 32 same time the draft permit or permit amendment is offered for
 33 public comment.

34 Subp. 2. **EPA objection.** In the case of a part 70 permit,
 35 the agency shall not issue a permit or an amendment if the

1 administrator objects to its issuance in writing within 45 days
2 of receipt of the proposed permit or amendment and any necessary
3 supporting information. In the case of a state permit, the
4 agency shall not issue a permit, or an amendment for which EPA
5 review is provided under subpart 1, if the administrator objects
6 to its issuance in writing within 30 days of receipt of the
7 draft permit or amendment and any necessary supporting
8 information.

9 **Subp. 3. Public petitions to administrator regarding part**
10 **70 permits.** If the administrator does not object in writing to
11 a part 70 permit or a major amendment to a part 70 permit under
12 subpart 2, any person may petition the administrator within 60
13 days after the expiration of the administrator's 45-day review
14 period to make such objection. Any such petition shall be based
15 only on objections to the part 70 permit or the amendment that
16 were raised with reasonable specificity during the public
17 comment period provided in part 7007.0850, unless the petitioner
18 demonstrates that it was impracticable to raise such objections
19 within such period, or unless grounds for such objection arose
20 after such period. If the administrator objects to the part 70
21 permit or the amendment as a result of a petition filed under
22 this subpart prior to agency issuance, the agency shall not
23 issue the permit or the amendment until the administrator's
24 objection has been resolved. If the permit or the amendment was
25 issued prior to the administrator's objection but after the end
26 of the EPA's 45-day review period, the agency shall reopen or
27 revoke the permit or the amendment under part 7007.1600 or
28 7007.1700 to satisfy the EPA's objection. Until amended or
29 revoked, the permit shall remain in effect. In any case, the
30 stationary source will not be in violation of the requirement to
31 have submitted a timely and complete application. The
32 administrator may also amend, terminate, or revoke a part 70
33 permit under the administrator's authority under Code of Federal
34 Regulations, title 40, section 70.8(d), as amended.

35 **Subp. 4. Additional procedures for permits containing**
36 **title I conditions.** In addition to the requirements in subparts

1 1 to 3, the agency shall also comply with all other federal
2 requirements for EPA review applicable to permits and permit
3 amendments which include title I conditions.

4 7007.1000 PERMIT ISSUANCE AND DENIAL.

5 Subpart 1. **Preconditions for issuance.** The agency shall
6 issue a permit or permit amendment, or reissue a permit only if
7 it determines that all of the following conditions have been met:

8 A. The agency has received a complete application for
9 a permit, permit amendment, or permit reissuance, except that a
10 complete application need not be received before issuance of a
11 general permit under part 7007.1100, subpart 4.

12 B. The agency has complied with the public
13 participation procedures for permit issuance, if required by
14 part 7007.0850.

15 C. The agency has complied with the procedures for
16 notifying and responding to affected states, if required by part
17 7007.0900.

18 D. If the administrator's review is required by part
19 7007.0950, the administrator has received a copy of the permit
20 and any notices required and has not objected to issuance of the
21 permit within the time period specified, or the administrator
22 has objected but the objection has been resolved to the
23 administrator's satisfaction.

24 E. The conditions of the permit provide for
25 compliance with all applicable requirements and the requirements
26 of parts 7007.0100 to 7007.1850, or include a schedule to
27 achieve such compliance.

28 F. The permit does not reflect a variance from any
29 federally enforceable applicable requirement or requirement of
30 parts 7007.0100 to 7007.1850.

31 G. The agency anticipates that the applicant will,
32 with respect to the stationary source and activity to be
33 permitted, comply with all conditions of the permit.

34 H. All applicable provisions of Minnesota Statutes,
35 chapter 116D, and the rules adopted under Minnesota Statutes,

1 chapter 116D, have been fulfilled.

2 Subp. 2. **Grounds for denial.** The following constitute
3 grounds for the agency to refuse to issue a new or modified
4 permit, or to refuse permit reissuance:

5 A. The agency is unable to make any of the
6 determinations required under subpart 1.

7 B. There exists at the stationary source to be
8 permitted unresolved noncompliance with applicable state or
9 federal pollution control statutes or rules administered by the
10 agency, or conditions of a previous or existing air emission
11 permit, and the applicant will not undertake a schedule of
12 compliance to resolve the noncompliance.

13 C. An applicant has failed to disclose fully all
14 facts relevant to the stationary source or activity to be
15 permitted, or the applicant has knowingly submitted false or
16 misleading information to the agency.

17 D. The permitted facility or activity would endanger
18 human health or the environment and the danger cannot be removed
19 by an amendment to the permit.

20 E. With respect to the stationary source or activity
21 to be permitted, the applicant has not complied with the
22 requirement to pay fees under chapter 7002.

23 F. With respect to the stationary source or activity
24 to be permitted, the applicant has failed to pay a penalty owed
25 pursuant to court order, consent decree, stipulation agreement,
26 schedule of compliance, or an order issued under Minnesota
27 Statutes, section 116.072.

28 G. The applicant has failed to prepare a pollution
29 prevention plan or submit a pollution prevention progress report
30 to the commissioner as required by Minnesota Statutes, sections
31 115D.07 and 115D.08.

32 Subp. 3. **No default issuance.** Failure of the agency to
33 act on a permit application shall not be deemed issuance by
34 default.

35 7007.1050 DURATION OF PERMITS.

1 Subpart 1. **Part 70 permits.** A part 70 permit shall expire
2 five years after issuance, except for title I conditions as
3 provided in subpart 4. The agency may issue part 70 permits for
4 stationary sources, other than affected sources, that expire in
5 less than five years but not less than three years if necessary
6 to evenly distribute the rate of reissuance applications in
7 subsequent years and if the permittee consents.

8 Subp. 2. **State permits.** A state permit shall not
9 automatically expire unless the agency makes the permit an
10 expiring one under subpart 5.

11 Subp. 3. **General permits.** A general permit that applies
12 to any stationary sources that would otherwise be required to
13 have a part 70 permit shall expire five years after the date it
14 is issued under part 7007.1100, subpart 4. A general permit
15 that only applies to stationary sources that would otherwise be
16 required to have a state permit shall not automatically expire
17 unless the agency makes the permit an expiring one under subpart
18 5.

19 Subp. 4. **Title I conditions.** Title I conditions, and the
20 permittee's obligation to comply with them, shall not expire,
21 regardless of the expiration of the other conditions of the
22 permit.

23 Subp. 5. **Expiring state and general permits.** The agency
24 may elect to make state permits and general permits (except
25 general permits that apply to stationary sources otherwise
26 required to have a part 70 permit) expire five years after
27 issuance if the agency determines that an expiring permit would
28 significantly improve the likelihood of continuing compliance
29 with applicable requirements and the terms of the permit.
30 Grounds for such a determination include, but are not limited
31 to, the following:

32 A. the stationary source has a history of
33 noncompliance with applicable requirements or with an air
34 emissions permit;

35 B. the applicable requirements to which the
36 stationary source is currently subject are expected to change

1 substantially within the next five years; or

2 C. the stationary source is likely to make
3 substantial changes within the next five years making it subject
4 to additional applicable requirements.

5 This subpart does not apply to any title I condition.

6 Subp. 6. Effect of permit expiration. Except as provided
7 in part 7007.0450, subpart 3, permits issued under parts
8 7007.0100 to 7007.1850 shall expire at the expiration date
9 stated in the permit. Permit expiration terminates the
10 stationary source's right to operate, even if the permit
11 contains title I conditions which do not expire.

12 Subp. 7. Voiding an existing permit. The agency shall
13 void a permit issued under parts 7001.1200 to 7001.1220 or
14 7007.0050 to 7007.1850, if it determines that the stationary
15 source no longer requires the permit under existing law. A
16 permittee may request the agency to void a permit. An agency
17 determination to void a permit under this subpart must be in
18 writing and shall explicitly identify the permit in question and
19 state why the permit is no longer required. The agency shall
20 send any such determination to the permittee.

21 7007.1100 GENERAL PERMITS.

22 Subpart 1. Criteria. If the agency determines that
23 numerous similar stationary sources are subject to the same or
24 substantially similar regulatory requirements, the agency may
25 issue a permit required under parts 7007.0200 and 7007.0250 in
26 the form of a general permit applying to multiple sources
27 following the procedures in subparts 2 to 7. The agency may
28 also issue general permits under this part which apply only to
29 specific portions of stationary sources, including air pollution
30 control equipment, if the specific portions are subject to the
31 same or substantially similar regulatory requirements. The
32 agency shall not issue general permits for affected sources
33 under the acid rain program unless general permits are
34 authorized by regulations promulgated under title IV of the act
35 (Acid Deposition Control).

1 Subp. 2. **Public participation.** The agency shall follow
2 the same public participation procedures in part 7007.0850,
3 subparts 2 and 3, for individual permits except as stated
4 otherwise in this subpart. The notice of the agency's intent to
5 publish a general permit need not be published in newspapers of
6 general circulation but shall be published in the State
7 Register. The notice need not include any facility specific
8 information. The notice issued by the agency shall identify
9 criteria for stationary sources that qualify for the general
10 permit and identify the geographic area in which it applies.
11 The agency need not comply with part 7007.0850, subpart 2, item
12 A, subitem (4), unless the stationary source category includes
13 stationary sources subject to the requirement to obtain part 70
14 permits.

15 Subp. 3. **EPA and affected state review.** If the stationary
16 source category to which the general permit applies includes
17 stationary sources that would otherwise require individual part
18 70 permits, the agency shall comply with all provisions for EPA
19 and affected state review and objection in parts 7007.0900 and
20 7007.0950. The agency shall comply with provisions for EPA
21 review and objection under part 7007.0950 in the case of all
22 other general permits.

23 Subp. 4. **Issuance in general.** Following the close of the
24 comment period and any public meeting or contested case hearing
25 ordered, the agency may issue the general permit. If the
26 general permit applies to any stationary sources that would
27 otherwise be required to have a part 70 permit, the general
28 permit shall include all requirements of parts 7007.0100 to
29 7007.1850 applicable to part 70 permits. All general permits
30 shall include the requirements applicable to state permits.
31 However, nothing in this subpart shall be construed to require
32 the agency to include in the general permit stationary source
33 specific information incompatible with the concept of a general
34 permit.

35 Subp. 5. **Application.** Stationary sources that would
36 qualify for a general permit must apply to the agency for

1 coverage under the terms of the general permit or must apply for
 2 an individual permit consistent with part 7007.0500. If a
 3 stationary source elects to apply for coverage under the general
 4 permit, the stationary source must submit an application meeting
 5 the requirements of parts 7007.0100 to 7007.1850, unless the
 6 agency states in the public notice of the general permit that
 7 certain conditions do not apply. The application must include
 8 all information necessary to determine qualification for, and to
 9 assure compliance with, the general permit.

10 Subp. 6. Issuance of general permit to a stationary source.

11 The agency may issue a general permit to a stationary source
 12 without repeating the notice and comment procedures required
 13 under part 7007.0850, subpart 2. However, the agency shall make
 14 available to the public upon request a list of facilities for
 15 which a general permit application has been received.

16 Subp. 7. Permit shield. Notwithstanding the permit shield
 17 provisions of part ~~7007.1750~~ 7007.1800, a stationary source that
 18 obtains a general permit shall be subject to enforcement action
 19 for operation without a permit if the stationary source is later
 20 determined not to qualify for the conditions and terms of the
 21 general permit.

22 7007.1150 WHEN A PERMIT AMENDMENT IS REQUIRED.

23 ~~Subpart 1. Scope; requirement to get a permit amendment.~~

24 A. Parts 7007.1150 to 7007.1500 describe changes at a
 25 permitted stationary source that require a permit amendment or
 26 notice to the agency. Item C requires notice to the agency
 27 before pollution control equipment or replacement units with
 28 lower emissions are installed at a permitted stationary source.
 29 Parts 7007.1250 and 7007.1350 describe the two categories of
 30 modifications that may be made without obtaining a permit
 31 amendment, and the procedures that apply. Part 7007.1400
 32 establishes the process for getting an administrative amendment
 33 to a permit. Part 7007.1450 establishes the process for getting
 34 a minor permit amendment, needed to make certain modifications
 35 resulting in emission increases below listed thresholds, and for

1 getting moderate permit amendments, needed to make certain
2 modifications resulting in emissions increases above the minor
3 threshold levels. Part 7007.1500 establishes the process for
4 getting major permit amendments, needed to make modifications
5 that are not allowed under the other parts. Any modification
6 that constitutes a title I modification, as defined in part
7 7007.0100, subpart 26, may only be made under part 7007.1500.
8 Part 7007.1200 describes how emission changes should be
9 calculated under parts 7007.1250 to 7007.1500.

10 B. No modification, as defined in part 7007.0100,
11 subpart 14, may be made to a stationary source that is required
12 to have a permit under parts 7007.0100 to 7007.1850 unless the
13 modification is allowed under part 7007.1250 or 7007.1350, or an
14 amendment is obtained under part 7007.1450 or 7007.1500.
15 Administrative changes to a permit issued under parts 7007.0100
16 to 7007.1850 shall be made under part 7007.1400. If a change at
17 a facility does not constitute a modification, no permit
18 amendment is required.

19 C. Any person who, at a permitted stationary source:
20 (i) installs air pollution control equipment, or (ii) replaces a
21 unit identified in the permit with one that does not increase
22 emissions of any regulated air pollutant, shall provide written
23 notice to the agency. The notice must be received by the agency
24 seven working days prior to the installation or replacement.
25 The permittee and the agency shall attach the notice to the
26 stationary source's permit. If the agency finds that the
27 installation or replacement triggers new monitoring, record
28 keeping, or reporting requirements under applicable requirements
29 or parts 7007.0100 to 7007.1850, the agency shall initiate an
30 amendment under part 7007.1400 or 7007.1500 to include the new
31 requirements. If the installation or replacement constitutes a
32 modification, this item does not apply, and the permittee shall
33 follow the applicable procedures of part 7007.1250, 7007.1350,
34 7007.1450, or 7007.1500. If notice is provided as required by
35 this item, the installation and operation of the additional
36 equipment shall not be considered a violation of the permit.

1 D. Nothing in ~~part-7007-1250~~ parts 7007.1150 to
2 7007.1500 shall be read to allow a modification to a stationary
3 source that would violate an applicable requirement or, except
4 as provided in part 7007.1350 or 7007.1450, subpart 8, to allow
5 any activity that would violate any permit condition. The
6 agency shall not issue any permit amendments which would result
7 in the violation of an applicable requirement.

8 E. If a modification or other change at a stationary
9 source would make the source subject for the first time to the
10 requirement to obtain a state permit or a part 70 permit, the
11 owner or operator shall obtain the appropriate permit before
12 beginning actual construction of the modification or other
13 change, notwithstanding parts 7007.1250 to 7007.1500. Nothing
14 in this item shall be read to limit the agency's ability to
15 issue permits authorizing installation and operation of a
16 modification under part 7007.0750, subpart 5, or to limit a
17 permittee's ability to obtain a major permit amendment
18 restricting emissions to levels that would prevent the source
19 from becoming subject to the requirement to obtain a part 70
20 permit.

21 F. The owner or operator of a stationary source that
22 is required to have a permit under parts 7007.0050 to 7007.1850,
23 but which does not yet have a permit, may make changes and
24 modifications at the stationary source in compliance with parts
25 7007.1150 to 7007.1500, notwithstanding any reference to a
26 permit in those parts. Any requirement for a permittee to
27 obtain an amendment under parts 7007.1150 to 7007.1500 shall be
28 read as a requirement for an owner or operator to obtain a
29 permit from the agency under part 7007.0750, subpart 5.

30 7007.1200 CALCULATING EMISSION CHANGES FOR PERMIT AMENDMENTS.

31 ~~Subpart-1.--How-to-calculate-emission-changes-~~ When this
32 method is required to be used, emission changes will be
33 calculated by comparing the hourly emission rate of the
34 stationary source, at maximum physical capacity, before and
35 after the proposed physical or operational change. The emission

1 rate shall be expressed as pounds per hour of any regulated air
2 pollutant. When calculating emissions before and after the
3 physical and operational change, physical and operational
4 limitations on emissions will be considered only if they are or
5 will be automatically required by applicable requirements or
6 existing permit terms, or if they are integral to the process.
7 The agency shall use the following to determine emission rate:

8 A. In cases where use of emission factors or related
9 calculation methods clearly demonstrates whether or not the
10 change will increase the emission level, the following emission
11 factors or methods shall be used:

12 (1) EPA emission factors as defined in part
13 7005.0100, subpart 10d, or other emission factors determined by
14 the agency to be superior to EPA emission factors; or

15 (2) if no EPA emission factors are specified,
16 factors or related emissions calculation methods published by
17 EPA or provided by the agency upon request of the permittee
18 which relate to the specific source type. The permittee shall
19 identify the source of the emission factor or calculation method
20 in the application.

21 B. Material balances, continuous monitor data, or
22 manual emissions tests may be used in cases where use of
23 emission factors or related calculation methods under item A
24 does not clearly demonstrate, to the agency's satisfaction,
25 whether or not the change will increase the emission level, or
26 where a permittee demonstrates to the agency's satisfaction that
27 there are reasonable grounds to dispute the result obtained
28 under item A. These methods may be used only to establish
29 premodification emission rates from which postmodification
30 emission rates may be calculated. Tests shall be conducted
31 under such conditions as the agency shall specify. At least
32 three valid test runs must be conducted. All operating
33 parameters which may affect emissions must be held constant to
34 the maximum feasible degree for all test runs.

35 C. The calculation method described in this part may
36 not be relied on to determine whether a modification constitutes

1 a title I modification. To determine if a modification
 2 constitutes a title I modification, the applicable federal
 3 calculation method must be used. A change that would not be
 4 considered to increase emissions using the calculation method in
 5 this part may nonetheless be considered a title I modification,
 6 particularly under the method of calculation required by part C
 7 (Prevention of Significant Deterioration of Air Quality) and
 8 part D (Plan Requirements in Nonattainment Areas) of the act.

9 7007.1250 INSIGNIFICANT MODIFICATIONS.

10 Subpart 1. When an insignificant modification can be
 11 made. The permittee may make a modification described in either
 12 item A or B at a permitted stationary source without getting a
 13 permit amendment, unless the modification is prohibited by
 14 subpart 2.

15 A. Construction or operation of any emissions unit,
 16 or undertaking any activity, on the insignificant activities
 17 list in part 7007.1300.

18 B. Any modification that will:

19 (1) result in an increase of an air pollutant
 20 which is not listed in table 1; or

21 (2) result in an increase of an air pollutant
 22 which is listed below, but in an amount less than the
 23 corresponding threshold:

24 25	Pollutant	Threshold
26	NO _x	2.28 pounds per hour
27	SO ²	2.28 pounds per hour
28	VOCs	2.28 pounds per hour
29	PM-10	.855 pounds per hour
30	CO	5.70 pounds per hour
31	Lead	.025 pounds per hour

32 For purposes of this subpart, whether or not the modification
 33 will cause an increase in emissions shall be calculated as
 34 described in part 7007.1200. Modifications which would
 35 otherwise be insignificant under this part may be title I

1 modifications, for which a major amendment is required, using
2 the methods of calculation required under title I of the act.
3 Permittees are reminded to review the definition of title I
4 modifications and the requirements of title I of the act.

5 **Subp. 2. Insignificant modification exclusions. A**

6 modification may not be made under this part if the modification:

7 A. is a title I modification;

8 B. would result in the violation of a permit
9 emissions limit or any other permit term;

10 C. is required to be authorized by a permit amendment
11 under title IV of the act or Code of Federal Regulations, title
12 40, part 72, as amended; or

13 D. is part of a ~~larger~~ single project, as described
14 in subpart 5, which taken as a whole, would not be authorized
15 under this part.

16 **Subp. 3. Record keeping requirements. Except as described**

17 in subpart 4, modifications authorized under this part may be
18 made without providing notice to the agency. However, the
19 permittee shall keep a contemporaneous record of the
20 modification. For changes authorized under subpart 1, item B,
21 the permittee shall also keep calculations of the emissions
22 increase as required by part 7007.1200, and a statement of the
23 purpose for making the modification.

24 **Subp. 4. Agency notification required. If a modification**

25 authorized under subpart 1, item B, together with other
26 modifications made under subpart 1, item B, during the course of
27 the permit term (or within a five-year period for a nonexpiring
28 permit), have resulted in total increases of a pollutant in
29 excess of four times the amount listed in subpart 1, item B,
30 subitem (2), for that pollutant, the permittee shall notify the
31 agency by seven working days after beginning actual construction
32 of the last modification. The notice shall provide the
33 information required to be kept in subpart 3 for each
34 modification made under subpart 1, item B, during the period in
35 question. The notice shall also include a certification by a
36 responsible official, consistent with part 7007.0500, subpart 3,

1 that the modifications listed were not part of a ~~larger~~ single
2 project, as described in subpart 5, which taken as a whole,
3 would not be authorized under subpart 1, item B. After any such
4 notice has been sent, the permittee shall continue to keep track
5 of modifications made under subpart 1, item B, and the permittee
6 shall notify the agency again if emissions increases from these
7 additional modifications total more than four times the amount
8 listed in subpart 1, item B, subitem (2).

9 **Subp. 5. Determination of a single project.** If two or
10 more modifications made at a stationary source are part of a
11 single project, the emissions increases from these modifications
12 shall be considered in the aggregate for purposes of this part.
13 Generally, modifications will be considered part of a single
14 project when the usefulness of one modification depends
15 substantially on the completion of the other modification or
16 modifications. In determining whether modifications are part of
17 a single project, the agency will consider the amount of time
18 that elapses between modifications, whether they were planned at
19 the same time, and whether the modifications share a common
20 purpose.

21 **Subp. 6. Enforcement action.** If a permittee makes a
22 modification the permittee believes to fall under this part and
23 the agency subsequently determines that the modification does
24 not fall under this part, the agency may take enforcement action
25 against the permittee.

26 7007.1300 INSIGNIFICANT ACTIVITIES LIST.

27 **Subpart 1. Insignificant activities.** The actions listed
28 in this part, and operation of the emissions units listed in
29 this part, are insignificant activities for purposes of parts
30 7007.0100 to 7007.1850. Listing in this part has no effect on
31 any other law, including laws enforced by the agency other than
32 parts 7007.0100 to 7007.1850, to which the activity may be
33 subject.

34 **Subp. 2. Insignificant activities not required to be**
35 **listed.** The activities described in this subpart are not

1 required to be listed in a permit application under part
2 7007.0500, subpart 2, item C, subitem (2).

3 A. Fuel use:

4 (1) production of hot water for on-site personal
5 use not related to any industrial process; and

6 (2) fuel use related to food preparation by a
7 restaurant or cafeteria.

8 B. Plant upkeep:

9 (1) routine housekeeping or plant upkeep
10 activities such as painting buildings, retarring roofs, or
11 paving parking lots; and

12 (2) clerical activities such as operating copy
13 machines and document printers, except operation of such units
14 on a commercial basis.

15 C. Fabrication operations:

16 (1) equipment used for the inspection of metal
17 products;

18 (2) equipment used exclusively for forging,
19 pressing, drawing, spinning, or extruding cold metals;

20 (3) equipment used exclusively to mill or grind
21 coatings and molding compounds where all materials charged are
22 in paste form; and

23 (4) mixers, blenders, roll mills, or calendars
24 for rubber or plastics for which no materials in powder are
25 added and in which no organic solvents, diluents, or thinners
26 are used.

27 D. Finishing operations:

28 (1) closed tumblers used for cleaning or
29 deburring metal products without abrasive blasting; and

30 (2) equipment for washing or drying fabricated
31 glass or metal products, if no VOCs are used in the process, and
32 no gas, oil, or solid fuel is burned.

33 E. Storage tanks: pressurized storage tanks for
34 anhydrous ammonia, liquid petroleum gas (LPG), liquid natural
35 gas (LNG), or natural gas.

36 F. Wastewater treatment: stacks or vents to prevent

1 escape of sewer gases through plumbing traps, not including
2 those at wastewater treatment plants.

3 G. Cleaning operations: alkaline/phosphate cleaners
4 and associated cleaners and associated burners.

5 H. Residential activities: typical emissions from
6 residential structures, not including:

7 (1) fuel burning equipment with a capacity of
8 500,000 Btu/hour or greater;

9 (2) emergency backup generators; and

10 (3) incinerators.

11 I. Recreational activities: use of the following for
12 recreational purposes:

13 (1) fireplaces;

14 (2) barbecue pits and cookers; and

15 (3) kerosene fuel use.

16 J. Health care activities: activities and equipment
17 directly associated with the diagnosis, care, and treatment of
18 patients in medical or veterinary facilities or offices, not
19 including support activities such as power plants, heating
20 plants, emergency generators, incinerators, or other units
21 affected by applicable requirements as defined in part
22 7007.0100, subpart 7.

23 K. Miscellaneous:

24 (1) safety devices, such as fire extinguishers,
25 if associated with a permitted emission source, but not
26 including sources of continuous emissions;

27 (2) flares to indicate danger to the public; and

28 (3) fugitive ~~dust~~ emissions from operation of a
29 passenger automobile, station wagon, pickup truck, or van, as
30 defined in Minnesota Statutes, section 168.011, at a stationary
31 source.

32 Subp. 3. Insignificant activities required to be listed.

33 The activities described in this subpart must be listed in a
34 permit application, and calculation of emissions from these
35 activities shall be provided if required by the agency, under
36 part 7007.0500, subpart 2, item C, subitem (2).

1 A. Fuel use: space heaters fueled by natural gas or
2 propane.

3 B. Furnaces, boilers, and incinerators:
4 (1) infrared electric ovens; and
5 (2) fuel burning equipment of less than 500,000
6 Btu/hour capacity except where total capacity of equipment
7 exceeds 2,000,000 Btu/hour when operated by one stationary
8 source.

9 C. Fabrication operations: equipment used
10 exclusively for forging, pressing, drawing, spinning, or
11 extruding hot metals.

12 D. Finishing operations: open tumblers with a batch
13 capacity of 1,000 pounds or less.

14 E. Storage tanks: fuel oil storage tanks with a
15 capacity of less than 2,000 gallons.

16 F. Cleaning operations: commercial laundries, not
17 including dry cleaners.

18 G. Emissions from a laboratory, as defined in this
19 item. "Laboratory" means a place or activity devoted to
20 experimental study or teaching in any science, or to the testing
21 and analysis of drugs, chemicals, chemical compounds or other
22 substances, or similar activities, provided that the activities
23 described in this sentence are conducted on a laboratory scale.
24 Activities are conducted on a laboratory scale if the containers
25 used for reactions, transfers, and other handling of substances
26 are designed to be easily and safely manipulated by one person.
27 If a facility manufactures or produces products for profit in
28 any quantity, it may not be considered to be a laboratory under
29 this item. Support activities necessary to the operation of the
30 laboratory are considered to be part of the laboratory. Support
31 activities do not include the provision of power to the
32 laboratory from sources that provide power to multiple projects
33 or from sources which would otherwise require permitting, such
34 as boilers that provide power to an entire facility.

35 H. Miscellaneous:

36 (1) degreasing operations that do not exceed 145

- 1 gallons per 12 months;
- 2 (2) equipment used exclusively for packaging
- 3 lubricants or greases;
- 4 (3) equipment used for hydraulic or hydrostatic
- 5 testing;
- 6 (4) brazing, soldering or welding equipment;
- 7 (5) blueprint copiers and photographic processes;
- 8 (6) equipment used exclusively for melting or
- 9 application of wax; and
- 10 (7) nonasbestos equipment used exclusively for
- 11 bonding lining to brake shoes.

12 7007.1350 CHANGES WHICH CONTRAVENE CERTAIN PERMIT TERMS.

13 Subpart 1. **Applicability.** A permittee may make changes

14 allowed under parts 7007.0100 to 7007.1850 at a permitted

15 facility without obtaining a permit amendment, even though the

16 change contravenes a permit term, if the change:

17 A. does not violate a permit term related to

18 monitoring (including test methods), record keeping, reporting,

19 or compliance certification requirements;

20 B. does not result in emissions in excess of those

21 explicitly allowed under the permit for any emissions unit or

22 for the stationary source as a whole (whether expressed as a

23 rate of emissions or in terms of total emissions);

24 C. does not violate any permit term limiting hours of

25 operation, work practices, fuel usage, raw material usage,

26 production levels, or throughput if the term has been

27 established to limit emissions or ensure compliance with

28 emissions limitations;

29 D. does not violate any other permit term where the

30 agency has specifically stated in the permit that the term is

31 not subject to change under this part;

32 E. is not a title I modification; **and**

33 F. is not required to be authorized by a permit

34 amendment under title IV of the act (Acid Deposition Control) or

35 Code of Federal Regulations, title 40, part 72, as amended; and

1 G. is not an administrative amendment described in
2 part 7007.1400.

3 Subp. 2. **Modification Procedure. Modifications Changes**
4 authorized under this part may not be made until seven working
5 days after the air quality division of the agency receives
6 written notice of the modification change. The notice shall
7 include a certification by a responsible official describing the
8 modification change to be made, identifying the term of the
9 permit which is being contravened, stating that the modification
10 change is authorized under this part, and briefly describing how
11 it qualifies under this part. The permittee and the agency
12 shall attach the notice to the stationary source's permit. If
13 the agency finds that the proposed modification change is not
14 authorized under this part, the agency shall notify the
15 permittee of that finding and, if the proposed change could be
16 made using other modification procedures, direct the permittee
17 to those procedures.

18 Subp. 3. **Enforcement action.** If the permittee implements
19 a modification change that the permittee believes qualifies
20 under this part and the agency subsequently determines that the
21 modification change does not qualify under this part, the agency
22 may take an enforcement action against the permittee.

23 7007.1400 ADMINISTRATIVE PERMIT AMENDMENTS.

24 Subpart 1. **Administrative amendments allowed.** The agency
25 may make the permit amendments described in this subpart through
26 the administrative permit amendment process described in this
27 part. An owner or operator of a stationary source shall request
28 an administrative amendment if changes are to be made under item
29 B or E:

30 A. an amendment to correct a typographical error;

31 B. an amendment to change the name, mailing address,
32 or telephone number of any person identified in the permit, or
33 that reflects a similar minor administrative change at the
34 permitted facility. A change in the stationary source's
35 location of operation is not covered by this item;

1 C. an amendment requiring the permittee to comply
2 with additional, more frequent, or expanded monitoring, record
3 keeping, or reporting requirements;

4 D. an amendment to eliminate monitoring, record
5 keeping, or reporting requirements if they are rendered
6 meaningless because the only emissions to which the requirements
7 apply will no longer occur.

8 E. an amendment reflecting a change in ownership or
9 operational control of a stationary source where the agency
10 determines that no other change in the permit is necessary,
11 provided that a written agreement containing a specific date for
12 transfer of permit responsibility, coverage, and liability
13 between the current and new permittee has been submitted to the
14 agency;

15 F. an amendment to incorporate into a permit the
16 requirements from preconstruction review permits issued by the
17 agency;

18 G. an amendment to clarify a permit term; and

19 H. an amendment to extend a deadline in a permit by
20 no more than 120 days, provided that the agency may only extend
21 a deadline established by an applicable requirement described in
22 part 7007.0100, subpart 7, items A to K, if the agency has been
23 delegated authority to make such extensions by the administrator.

24 Subp. 2. **Initiating an administrative amendment.** A
25 permittee shall request in writing that the agency make an
26 administrative permit amendment. A formal application complying
27 with the terms of parts 7007.0100 to 7007.1850 is not required.
28 The permittee shall specify the section of the permit that is to
29 be amended, and the reason for the amendment. The agency may
30 also make an administrative amendment upon its own initiative.
31 If an administrative amendment initiated by the agency would
32 impose additional or different requirements on the permittee,
33 the permittee shall be notified of the proposed amendment 30
34 days prior to its taking effect, unless the permittee consents
35 to less notice. If the permittee objects to the amendment, the
36 amendment shall not be made under this part, but the agency may

1 reopen the permit under parts 7007.1500 and 7007.1600.

2 Subp. 3. **Timeline for final action.** The agency shall take
3 no more than 60 days from receipt of a request for an
4 administrative permit amendment to take final action on such
5 request. Amendments made by the agency under this part shall be
6 made without public notice or an opportunity for public and
7 affected states comment and hearing.

8 Subp. 4. **Part 70 administrative amendment submitted to**
9 **EPA.** If the administrative permit amendment is to a part 70
10 permit, the agency shall submit a copy of the amended permit or
11 permit amendment to the administrator, as required by the
12 administrator.

13 Subp. 5. **Provisions to which permit shield applies.** The
14 only administrative amendments to which the permit shield
15 established by part 7007.1800 shall apply are those described in
16 subpart 1, item F.

17 Subp. 6. **Acid rain provision.** Amendments to the acid rain
18 portion of a permit to an affected source shall be governed by
19 Code of Federal Regulations, title 40, part 72, as amended.

20 Subp. 7. **When permittee may make change.** Notwithstanding
21 part 7007.0150, subpart 1, the permittee may make the change
22 proposed in the administrative amendment request immediately
23 after the request is received by the air quality division of the
24 agency, if the change is described in subpart 1. However, if
25 the change is of ownership or operational control, the new
26 owner's or operator's right to operate the permitted stationary
27 source under the previous sentence is contingent upon the new
28 owner's or operator's compliance with the terms of the
29 stationary source's permit.

30 7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.

31 Subpart 1. **Minor and moderate amendment exclusions.** The
32 agency may amend a permit using the minor and moderate permit
33 amendment processes described in this part if the amendments are
34 described in subparts 2 and 3, and if the amendments do not:

35 A. amend existing permit terms related to monitoring

1 (including test methods), record keeping, reporting, or
 2 compliance certification requirements other than adding new
 3 requirements, eliminating the requirements if they are rendered
 4 meaningless because the only emissions to which the requirements
 5 apply will no longer occur, or changing from one validated
 6 reference test method for a pollutant and source category to
 7 another;

8 B. seek to establish or amend a permit condition that
 9 is required to be based on a case-by-case determination of an
 10 emission limitation or other standard, or a source-specific
 11 determination of ambient impacts, or on a visibility or
 12 increment analysis;

13 C. seek to establish or amend a permit condition for
 14 which there is no corresponding underlying applicable
 15 requirement and that the stationary source has assumed to avoid
 16 an applicable requirement described in part 7007.0100, subpart
 17 7, items A to K, to which the stationary source would otherwise
 18 be subject. Such terms and conditions include:

19 (1) a federally enforceable emissions cap assumed
 20 to avoid classification as a title I modification; and

21 (2) an alternative emissions limit approved
 22 pursuant to regulations promulgated under section 112(i)(5) of
 23 the act (Hazardous Air Pollutants; Schedule for Compliance;
 24 Early Reduction);

25 D. seek to allow a title I modification; and

26 E. violate a requirement of any agency rule that such
 27 change be made under the major permit amendment procedures.

28 Subp. 2. **Minor amendment applicability.** Except as
 29 provided in subpart 1, the agency may amend a permit to allow a
 30 modification under the minor permit amendment process of this
 31 part, if the modification will not cause an increase in
 32 emissions of an air pollutant listed below in an amount greater
 33 than the threshold:

34	Pollutant	Threshold
35		
36	NO _x	9.13 pounds per hour

1	SO ²	9.13 pounds per hour
2	VOCs	9.13 pounds per hour
3	PM-10	3.42 pounds per hour
4	CO	22.80 pounds per hour
5	Lead	.11 pounds per hour

6 For purposes of the previous sentence, whether or not the
7 modification will cause an increase in emissions shall be
8 calculated as described in part 7007.1200. Modifications which
9 would otherwise qualify for a minor or moderate amendment under
10 this part may be title I modifications, for which a major
11 amendment is required, using the methods of calculation required
12 under title I of the act. Permittees are reminded to review the
13 definition of title I modifications and requirements of title I
14 of the act.

15 Subp. 3. **Moderate amendment applicability.** Any amendment
16 which meets the criteria of subpart 1, but which does not
17 qualify as a minor permit amendment under subpart 2 and which is
18 not a major permit amendment under part 7007.1500, may be made
19 following the procedures applicable to moderate permit
20 amendments under this part.

21 Subp. 4. **Minor or moderate application requirements.** An
22 application requesting the use of minor or moderate permit
23 amendment procedures shall meet the requirements of part
24 7007.0600, subpart 1, and shall also include the following:

25 A. a description of the modification, the emissions
26 resulting from the modification, and any new applicable
27 requirements that will apply if the modification occurs;

28 B. if the amendment is to a part 70 permit, the
29 stationary source's suggested draft permit or draft amendment;

30 C. certification by a responsible official that the
31 proposed amendment meets the criteria for use of minor or
32 moderate permit modification procedures, including, in the case
33 of minor permit amendments, a certification that any increase in
34 emissions will be below the thresholds listed in subpart 2, and
35 a request that such procedures be used;

1 D. certification by a responsible official that the
2 change which the proposed amendment would allow is not part of a
3 larger project which, taken as a whole, would not qualify for
4 treatment as a minor or moderate permit amendment; and

5 E. in the case of amendments to part 70 permits,
6 completed forms for the permitting authority to use to notify
7 the administrator and affected states as required under subpart
8 5.

9 Subp. 5. **EPA notification.** In the case of applications
10 for minor or moderate permit amendments to part 70 permits, the
11 agency shall notify the administrator and affected states of the
12 requested permit amendment within five working days of receipt
13 of a complete permit amendment application to a part 70 permit.
14 The agency promptly shall send any notice regarding agency
15 refusal to accept affected states recommendations required under
16 part 7007.0900, to the administrator and the affected states.

17 Subp. 6. **EPA review.** The agency will not issue a minor or
18 moderate amendment to a part 70 permit until after the EPA has
19 had 45 days to review the amendment or until the EPA has
20 notified the agency that the EPA will not object to issuance of
21 the permit amendment, whichever is first. The agency may
22 process the application during this time period. The agency
23 shall take final action on an application for a minor or
24 moderate permit amendment within the deadlines set forth in part
25 7007.0750, subpart 2.

26 Subp. 7. **When permittee may make the proposed modification.**

27 A. The permittee may make the modification proposed
28 in a minor permit amendment application seven working days after
29 the application is received by the air quality division of the
30 agency.

31 B. The permittee may begin actual construction on a
32 modification proposed in a moderate permit amendment application
33 upon receipt of a letter of approval from the agency authorizing
34 such construction. However, the permittee may not commence
35 operation of the modification until the amended permit has been
36 issued.

1 Subp. 8. Permittee's risk in commencing construction. If
2 the stationary source makes the modification allowed by subpart
3 7, item A, or commences construction upon receipt of a letter of
4 approval as allowed by subpart 7, item B, and until the agency
5 acts on the minor or moderate permit amendment application, the
6 stationary source must comply with both the applicable
7 requirements governing the modification and the proposed permit
8 terms and conditions. During this time period, the stationary
9 source need not comply with the existing permit terms and
10 conditions it seeks to modify. However, if the stationary
11 source fails to comply with its proposed permit terms and
12 conditions during this time period, the existing permit terms
13 and conditions it seeks to modify may be enforced against it.
14 The permittee assumes the risk of losing any investment it makes
15 toward implementing a modification prior to receiving a permit
16 amendment authorizing the modification. The agency will not
17 consider the possibility of the permittee suffering financial
18 loss due to such investment when deciding whether to approve,
19 deny, or approve in modified form a minor or moderate permit
20 amendment.

21 Subp. 9. Permit shield does not apply. The permit shield
22 under part 7007.1800 shall not apply to minor or moderate permit
23 amendments.

24 7007.1500 MAJOR PERMIT AMENDMENTS.

25 Subpart 1. Major permit amendment required. A "major
26 permit amendment" is required for any modification at a
27 permitted stationary source that is not allowed under parts
28 7007.1250 and 7007.1350 and for which an amendment cannot be
29 obtained under the administrative permit amendment provisions of
30 part 7007.1400, or the minor or moderate permit amendment
31 provisions of part 7007.1450. The following always require
32 major permit amendments:

33 A. any amendment to existing monitoring, reporting,
34 or record keeping requirements in the permit other than adding
35 new requirements, eliminating the requirements if they are

1 rendered meaningless because the only emissions to which the
2 requirements apply will no longer occur, or changing from one
3 validated reference test method for a pollutant and source
4 category to another;

5 B. any amendment to establish or amend a permit
6 condition that is required to be based on a case-by-case
7 determination of an emission limitation or other standard, on a
8 source-specific determination of ambient impacts, or on a
9 visibility or increment analysis;

10 C. any amendment to establish or change a permit term
11 or condition for which there is no corresponding underlying
12 applicable requirement described in part 7007.0100, subpart 7,
13 items A to K, and that the stationary source has assumed to
14 avoid an applicable requirement to which the stationary source
15 would otherwise be subject. Such terms and conditions include:

16 (1) a federally enforceable emissions cap assumed
17 to avoid classification as a title I modification; and

18 (2) an alternative emissions limit approved
19 pursuant to regulations promulgated under section 112(i)(5) of
20 the act (Hazardous Air Pollutant; Schedule for Compliance; Early
21 Reduction);

22 D. any amendment authorizing a title I modification;
23 and

24 E. any amendment required by agency rule to be made
25 under the major permit amendment procedures.

26 Subp. 2. **Major amendment application requirements.** To
27 apply for a major permit amendment, the permittee shall follow
28 the application procedures in parts 7007.0100 to 7007.1850 which
29 are applicable to a new or renewed permit of the type being
30 amended.

31 Subp. 3. **Agency processing procedures.** The agency shall
32 process an application for a major permit amendment to a part 70
33 permit following the same procedures applicable to an
34 application for a new or reissued part 70 permit, including
35 procedures for public participation, administrator review, and
36 affected states review. The agency shall process an application

1 for a major amendment to a state permit following the same
2 procedures applicable to an application for a new or reissued
3 state permit, except that:

4 A. the agency shall not provide for public notice and
5 comment under part 7007.0850 unless the major amendment is
6 described in subpart 1, item C or D, and the administrator
7 requires such notice, or the agency makes a determination to
8 provide for public notice and comment under part 7007.0850,
9 subpart 2, item C; and

10 B. the agency shall not submit the major amendment to
11 EPA for review under part 7007.0950 unless the major amendment
12 is described in subpart 1, item C or D, and the administrator
13 requires such notice.

14 Subp. 4. **Permit shield applies.** The permit shield
15 described in part 7007.1800 shall apply to amendments made
16 through the major permit amendment process.

17 7007.1600 PERMIT REOPENING AND AMENDMENT BY AGENCY.

18 Subpart 1. **Mandatory reopening.** The agency shall reopen
19 and amend a permit when:

20 A. Additional federal applicable requirements become
21 applicable to a stationary source with a remaining permit term
22 of three or more years or with a permit which is nonexpiring.
23 Such a reopening and amendment shall be completed not later than
24 18 months after promulgation of the federal applicable
25 requirement. No such reopening is required if the effective
26 date of the requirement is later than the date on which the
27 permit is due to expire.

28 B. Additional requirements, including excess
29 emissions requirements, become applicable to an affected source
30 under the acid rain program. Upon approval by the
31 administrator, excess emissions offset plans shall be deemed to
32 be incorporated into the permit.

33 C. The agency or the administrator determines that
34 the permit contains a material mistake or that inaccurate
35 statements were made in establishing the emissions standards,

1 limitations, or other terms or conditions of the permit.

2 D. The administrator or the agency determines that
3 the permit must be revised or revoked to assure compliance with
4 the applicable requirements.

5 Subp. 2. **Nonmandatory reopening.** The agency may reopen
6 and amend a permit when:

7 A. additional state applicable requirements become
8 applicable to a permitted stationary source, and the effective
9 date of the requirement is prior to the date on which the permit
10 is due to expire;

11 B. alterations or modifications to the permitted
12 facility will result in or have the potential to result in
13 significant alteration of the nature or quantity of regulated
14 air pollutants to be emitted by the permittee;

15 C. the commissioner of the agency receives
16 information previously unavailable to the agency that shows that
17 the terms and conditions of the permit do not accurately
18 represent the actual circumstances relating to the permitted
19 facility;

20 D. a court of competent jurisdiction invalidates or
21 modifies a Minnesota or federal statute or rule or federal
22 guideline upon which a condition of the permit is based;

23 E. an event occurs that is beyond the control of the
24 permittee that necessitates modification of a compliance
25 schedule in the permit; and

26 F. the commissioner finds that the permitted facility
27 or activity endangers human health or the environment and that a
28 change in the operation of the permitted facility or in the
29 conduct of the permitted activity would remove the danger to
30 human health or the environment.

31 Subp. 3. **Reopening procedure.** To reopen and amend a
32 permit, the agency shall follow the procedures that apply to
33 major permit amendments under parts 7007.0100 to 7007.1850,
34 unless the amendment can be made as an administrative amendment
35 under part 7007.1400. During the reopening, the agency may only
36 make those amendments to the permit which are related to the

1 grounds for the reopening under subparts 1 and 2. Mandatory
2 reopenings under subpart 1 shall be made as expeditiously as
3 practicable. In lieu of an application, the major permit
4 amendment process will commence when the agency gives the
5 permittee written notice of its intent to amend the permit. The
6 agency shall not issue the amendment, or make public notice of
7 the amendment where public notice is required, until at least 30
8 days after the agency has given the permittee notice of its
9 intent to amend the permit, unless the permittee consents to
10 less notice, or in the case of an emergency. In cases where
11 public participation is required, only those portions of the
12 permit which the agency proposes to amend shall be open for
13 public comment or consideration at a meeting or hearing.

14 7007.1650 REOPENINGS FOR CAUSE BY EPA.

15 The administrator may reopen part 70 permits as provided in
16 Code of Federal Regulations, title 40, section 70.7(g), as
17 amended.

18 7007.1700 PERMIT REVOCATION BY AGENCY.

19 Subpart 1. Permit revocation without reissuance. The
20 agency may revoke permits and not reissue them when:

21 A. there exists at the permitted facility unresolved
22 noncompliance with applicable requirements or a condition of the
23 permit, and the permittee refuses to undertake an enforceable
24 schedule of compliance to resolve the noncompliance;

25 B. the permittee fails to disclose fully the facts
26 relevant to issuance of the permit or submits false or
27 misleading information to the agency or the administrator;

28 C. the agency finds that the permitted facility or
29 activity endangers human health or the environment and that the
30 danger cannot be removed by an amendment to the permit;

31 D. the permittee has failed to comply with any
32 requirement under chapter 7002 to pay fees; or

33 E. the permittee has failed to pay a penalty owed
34 pursuant to court order, consent decree, stipulation agreement,
35 schedule of compliance, or order issued under Minnesota

1 Statutes, section 116.07.

2 Subp. 2. **Revocation procedures.** The agency shall give
3 notice to the permittee of its intention to revoke a permit
4 without reissuance. This notice must state that within 30 days
5 of the receipt of the notice the permittee may request a
6 contested case hearing be held on the proposed action, except
7 that the agency may provide less notice in case of an
8 emergency. If the permittee requests a contested case hearing,
9 the agency shall hold the hearing in accordance with the rules
10 of the Office of Administrative Hearings, parts 1400.5100 to
11 1400.8401.

12 7007.1750 FEDERAL ENFORCEABILITY.

13 ~~Subpart-1---Federally-enforceable-requirements-~~

14 A. All conditions of a permit issued under parts
15 7007.0100 to 7007.1850 are enforceable by the administrator and
16 citizens under the act, unless designated otherwise in the
17 permit under item B.

18 B. The agency shall designate a condition of a permit
19 to be not enforceable by the administrator and citizens under
20 the act if the condition is not required by:

21 (1) an applicable requirement listed in part
22 7007.0100, subpart 7, items A to K, including requirements
23 provided in Minnesota's implementation plan approved by the
24 administrator under title I of the act; or

25 (2) parts 7007.0100 to 7007.1850, after approval
26 of Minnesota's part 70 program by the administrator under title
27 V of the act.

28 7007.1800 PERMIT SHIELD.

29 ~~Subpart-1---Description-of-permit-shield-~~

30 A. The agency shall include in a permit a provision,
31 known as a permit shield provision, stating that compliance with
32 the conditions of the permit shall be deemed compliance with any
33 applicable requirements as of the date of permit issuance.

34 However, the shield shall only have legal effect if:

35 (1) the specific provision of the applicable

1 requirement is identified in the permit as the basis of permit
2 conditions; or

3 (2) the agency in acting on the application for
4 the permit or major amendment, determines in writing that other
5 requirements specifically identified are not applicable to the
6 stationary source, and the permit includes the determination or
7 a concise summary of it.

8 B. If the permit does not expressly state that a
9 permit shield is provided, it shall be presumed not to provide
10 such a shield.

11 C. Nothing in this part or in any permit shall alter
12 or affect the following:

13 (1) the emergency order provisions of section 303
14 of the act, including the authority of the administrator under
15 that section, and the agency's authority under the emergency
16 powers provision of Minnesota Statutes, section 116.11;

17 (2) the liability of an owner or operator of a
18 stationary source for any violation of applicable requirements
19 prior to or at the time of permit issuance;

20 (3) the applicable requirements of the acid rain
21 program, consistent with section 408(a) of the act; or

22 (4) the ability of the agency or EPA to obtain
23 information through inspections, monitoring, and entry of a
24 stationary source pursuant to Minnesota Statutes, section
25 116.091, and section 114 of the act.

26 D. The permit shield shall not be provided for permit
27 conditions established through a minor or moderate permit
28 amendment, or through an administrative amendment except as
29 stated in part 7007.1400, subpart 1, item F.

30 E. The permit shield shall not be provided for a
31 permit condition if the permittee knowingly submitted false or
32 misleading information to the agency and the permit condition
33 was based on that information.

34 7007.1850 EMERGENCY PROVISION.

35 ~~Subpart 1. -- Actions required in emergencies.~~

1 A. An "emergency" means any situation arising from
2 sudden and reasonably unforeseeable events beyond the control of
3 the stationary source, including an act of God, that requires
4 immediate corrective action to restore normal operation, and
5 that causes the stationary source to exceed a technology-based
6 emission limitation under the permit, due to unavoidable
7 increases in emissions attributable to the emergency. An
8 emergency shall not include noncompliance to the extent caused
9 by improperly designed equipment, lack of preventative
10 maintenance, careless or improper operation, or operator error.
11 Consistent with this definition of emergency, the agency may
12 state in the permit what types of situations will not be
13 considered emergencies if they occur.

14 B. An emergency constitutes an affirmative defense to
15 an action brought for noncompliance with such technology-based
16 emission limitations if the conditions of item C are met.

17 C. The affirmative defense of emergency shall be
18 demonstrated through properly signed, contemporaneous operating
19 logs, or other relevant evidence that:

20 (1) an emergency occurred and that the permittee
21 can identify the cause or causes of the emergency;

22 (2) the permitted facility was at the time being
23 properly operated;

24 (3) the permittee submitted notice of the
25 emergency to the agency within two working days of when the
26 emission limitations were exceeded due to the emergency. This
27 notice must contain a detailed description of the emergency, any
28 steps taken to mitigate emissions, and corrective actions taken;
29 and

30 (4) during the period of the emergency, the
31 permittee took all reasonable steps to minimize levels of
32 emissions that exceeded the emission limitations, standards, or
33 regulations in the permit.

34 D. In any enforcement proceeding, the permittee
35 seeking to establish the occurrence of an emergency has the
36 burden of proof.

1 E. This provision is in addition to any emergency or
2 upset provision contained in any applicable requirement.

3 F. This provision does not limit the emergency power
4 of the agency under Minnesota Statutes, section 116.11.

5 REPEALER. Minnesota Rules, parts 7001.1200; 7001.1205;
6 7001.1210; 7001.1215; and 7001.1220, are repealed.