

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Air Quality

4

5 Rules as Adopted

6 7002.0015 DEFINITIONS.

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

8 Subp. 2. [See repealer.]

9 Subp. 2a. Chargeable pollutant. "Chargeable pollutant"

10 means the following:

11 A. nitrogen oxides (NO<sub>x</sub>) or any volatile organic  
12 compound; and

13 B. PM-10, sulfur dioxide, lead, and any other  
14 pollutant for which a national ambient air quality standard has  
15 been promulgated, except carbon monoxide.

16 Subp. 2b. Dollar per ton figure or \$X. "Dollar per ton  
17 figure" or "\$X" means the dollar amount assessed for each ton of  
18 chargeable pollutant determined under part 7002.0045.

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

20 Subp. 3a. Emission reporting facility. "Emission  
21 reporting facility" means any facility for which the owner or  
22 operator of the facility must obtain an air emission permit  
23 under chapter 7007 except any facility permitted under part  
24 7007.1120, registration permit option B.

25 Subp. 4. [See repealer.]

26 7002.0025 ANNUAL EMISSION FEE RATES.

27 Subpart 1. Calculation of fee.

28 A. Owners or operators of emission reporting  
29 facilities shall be assessed an annual emission fee for each ton  
30 of a chargeable pollutant emitted to the air by the facility.  
31 Emission reporting facilities shall be assessed a fee of \$X for  
32 each ton of any chargeable pollutant as established in the most  
33 recently available emission inventory.

34 B. Notwithstanding item A, the owner or operator of  
35 any emission reporting facility or any facility issued an option

1 B registration permit under part 7007.1120 that chooses to be  
2 assessed a fee under part 7002.0025, subpart 1, item C, subitem  
3 (1), with less than one ton of total actual emissions shall be  
4 assessed an annual fee of \$25.

5 C. As described in subitems (1) and (2), the owner or  
6 operator of a facility issued an option B registration permit  
7 under part 7007.1120 shall be assessed an annual emission fee  
8 based on either the reported quantity of VOC-containing  
9 materials purchased or used (whichever was stated in the  
10 facility's permit application) or the actual emissions from the  
11 use of VOC-containing materials.

12 (1) If the owner or operator chooses to be  
13 assessed the fee based on the actual emissions from the use of  
14 VOC-containing materials, the facility's actual emissions shall  
15 be determined in accordance with parts 7019.3000 to 7019.3090.  
16 The assessed fee shall be determined in accordance with item A.

17 (2) If the owner or operator chooses to be  
18 assessed the fee based on the quantity of VOC-containing  
19 materials purchased or used (whichever was stated in the  
20 facility's permit application), the fee shall be:

21 (a) \$50 if the quantity of VOC-containing  
22 materials is less than or equal to 1,000 gallons; or

23 (b) \$140 if the quantity of VOC-containing  
24 materials is more than 1,000 and less than 2,000 gallons.

25 Subp. 2. [See repealer.]

26 Subp. 2a. **Newly permitted facilities.**

27 A. Newly permitted emission reporting facilities that  
28 have not submitted one or more emission inventories under part  
29 7019.3000, subpart 1, shall be assessed a fee of \$X times the  
30 estimated actual emissions as stated in the facility's permit  
31 application. The fee assessed under this item shall not exceed  
32 \$10,000. The most recently determined \$X shall be used in  
33 determining the fee.

34 B. Newly permitted facilities issued an option B  
35 registration permit under part 7007.1120 shall be assessed a fee  
36 under subpart 1, item C, subitem (2), based on the estimated

1 normal annual quantity of VOC-containing materials to be  
 2 purchased or used (whichever was stated in the facility's permit  
 3 application).

4 C. A bill for the newly permitted facility fee under  
 5 item A or B shall be sent upon issuance of the permit. Newly  
 6 permitted facilities that are issued permits in 1995 shall be  
 7 assessed a fee according to the method described in this subpart.

8 Subp. 3. Facilities failing to submit emissions  
 9 inventories. If an emission reporting facility fails to submit  
 10 an emissions inventory as required by part 7019.3000, it shall  
 11 be assessed an annual emission fee for that facility that is \$X  
 12 times 1-1/2 times the estimated actual emissions as stated in  
 13 the facility's permit application.

14 If the owner or operator of a facility that is required to  
 15 obtain a permit under chapter 7007 has not submitted a permit  
 16 application which includes an estimate of the actual emissions,  
 17 it shall be assessed an annual fee that is \$X times 1-1/2 times  
 18 the estimated potential to emit of that facility, as defined in  
 19 part 7005.0100, subpart 35a.

20 If a facility issued an option B registration permit fails  
 21 to submit an emission inventory, it shall be assessed an annual  
 22 fee of \$210.

23 7002.0035 AIR QUALITY ANNUAL FEE TARGET.

24 The annual fee target shall be set as described in items A  
 25 and B.

26 A. The unadjusted fee target shall be the greater of  
 27 the following:

28 [For text of subitem (1), see M.R.]

29 (2) the amount calculated by multiplying \$25 per  
 30 ton, adjusted for inflation since 1989, times the number of tons  
 31 of ~~particulate-matter-and~~ each chargeable pollutant listed in  
 32 the most recently available emission inventory. ~~PM-10-shall-not~~  
 33 ~~be-double-counted-as-a-chargeable-pollutant-and-as-particulate~~  
 34 ~~matter-~~ No pollutant shall be double counted. A maximum of  
 35 4,000 tons per pollutant per facility shall be used for this

1 calculation. The adjustment for inflation shall be in  
 2 accordance with the adjustment described in Minnesota Statutes,  
 3 section 116.07, subdivision 4d, paragraph (d).

4 B. The amounts described in item A must be adjusted  
 5 as follows:

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

7 (3) for any year, the commissioner may increase  
 8 the fee target by up to five percent to reflect the anticipated  
 9 fee nonpayment rate. This increase must not be considered for  
 10 purposes of calculating a deficit under subitem (1).

11 7002.0045 COMPUTATION OF THE DOLLAR PER TON FIGURE.

12 The dollar per ton figure "\$X" used in part 7002.0025 shall  
 13 be computed as follows:

$$14 \quad \$X = [F - [I + P + R + (\$25 \times N)]] / (T - L)$$

15 where:

16 \$X = Dollar amount per ton figure.

17 F = Total annual fee target, as determined in part  
 18 7002.0035.

19 I = Total amount billed as indirect source permit fees in  
 20 the previous calendar year under part 7002.0055.

21 P = Total amount billed as newly permitted facility fees in  
 22 the previous calendar year under part 7002.0025, subpart 2a.

23 R = Total amount to be billed under part 7002.0025, subpart  
 24 1, item C, subitem (2), as option B registration permit annual  
 25 emission fees based on the quantity of VOC-containing materials  
 26 purchased or used.

27 N = Total number of emission reporting facilities and  
 28 facilities issued option B registration permits that are  
 29 assessed an annual emission fee based on actual emissions under  
 30 part 7002.0025, subpart 1, item C, subitem (1), with less than  
 31 one ton of total actual emissions of chargeable pollutants.

32 T = Total number of tons of all chargeable pollutants and  
 33 ~~particulate-matter, not-including-PM-10,~~ listed in the most  
 34 recently available annual emissions inventory emitted from  
 35 emission reporting facilities and facilities issued option B

1 registration permits that are assessed an annual emission fee  
2 based on actual emissions under part 7002.0025, subpart 1, item  
3 C, subitem (1). No pollutant shall be double counted.

4 L = Total number of tons of all chargeable pollutants and  
5 ~~particulate-matter, not-including-PM-10,~~ listed in the most  
6 recently available annual emission inventory emitted from  
7 emission reporting facilities and facilities issued option B  
8 registration permits that are assessed an annual emission fee  
9 based on actual emissions under part 7002.0025, subpart 1, item  
10 C, subitem (1), that emit less than one ton of total actual  
11 emissions of chargeable pollutants and ~~particulate-matter, not~~  
12 ~~including-PM-10.~~ No pollutant shall be double counted.

13 7002.0055 INDIRECT SOURCE PERMIT FEES.

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

15 Subp. 2. **Fees nonrefundable.** The fees in subpart 1 shall  
16 be determined by the division manager upon application for an  
17 indirect source permit, or when it becomes apparent that a  
18 surcharge shall apply. A bill for the amount due shall be sent  
19 upon withdrawal of the permit application or issuance or denial  
20 of the permit. Fees paid under this part are nonrefundable,  
21 regardless of whether a permit is eventually issued.

22 Subp. 3. **Minor changes.** The amendment of a permit  
23 application during the application review process shall be  
24 considered minor for purposes of this part if it would have been  
25 considered a minor modification under part 7023.9050 or if an  
26 agency approved trip analysis shows that the change would not  
27 increase vehicle trips in any intersection in any hour by 100  
28 trips or more.

29 7002.0065 PAYMENT OF FEES.

30 Fees assessed under parts 7002.0025 and 7002.0055 shall be  
31 paid within 60 days of receipt of an invoice from the division  
32 manager. The person submitting the fee shall make it payable to  
33 the Minnesota Pollution Control Agency, and shall submit it to  
34 the division manager.

## 1 7002.0075 NOTIFICATION OF ERROR.

2 An owner or operator who thinks that the assessed annual  
3 emission fee is in error shall provide a written explanation of  
4 the person's position to the commissioner within 60 days of  
5 receipt of the invoice or no later than June 30 of the year in  
6 which the fee was assessed, whichever is later. An owner or  
7 operator who thinks that an error exists in emissions inventory  
8 data shall submit an explanation by the February 1 following the  
9 year in which the inventory is due in accordance with part  
10 7019.3000, subpart 2, or 45 days after the annual emissions  
11 inventory mailing date, whichever is later. The assessed fee  
12 shall be paid as required in part 7002.0065. The commissioner  
13 shall, within 60 days of the receipt of the person's written  
14 explanation, either provide a written explanation of why the fee  
15 was not in error and shall not be refunded, or, if the  
16 commissioner finds that the assessed fee was in error, the  
17 overpayment shall be refunded to the person or credited to the  
18 person's account.

## 19 7002.0085 LATE PAYMENT FEE.

20 An owner or operator of a facility subject to one or more  
21 fees under parts 7002.0005 to 7002.0055 shall pay a late payment  
22 fee of ten percent of the payment due for failure to pay an  
23 assessed fee within 60 days of receipt of an invoice from the  
24 division manager. At 30-day intervals thereafter, the owner or  
25 operator shall be assessed an additional ten percent of the  
26 original payment for failure to pay the assessed fee within that  
27 30-day period. All late fees are due upon receipt of an invoice  
28 from the division manager.

## 29 7005.0100 DEFINITIONS.

30 [For text of subps 1 to 9a, see M.R.]

31 Subp. 9b. **Efficiency factor.** "Efficiency factor" means:

32 A. the control efficiency listed in part 7011.0070,  
33 subpart 1, table A;

34 B. notwithstanding item A, where no control  
35 efficiency is listed for a control equipment type in part

1 7011.0070, subpart 1, table A, or where the commissioner has  
2 determined that a more representative control efficiency is  
3 available under this item, efficiency factor means a control  
4 efficiency developed or approved by the commissioner and derived  
5 from the following sources:

6 (1) EPA publications including, but not limited  
7 to, Locating and Estimating documents, Control Technology Center  
8 documents, the preamble and background information documents for  
9 New Source Performance Standards or National Emission Standards  
10 for Hazardous Air Pollutants and Compilation of Air Pollutant  
11 Emission Factors (AP-42), United State Environmental Protection  
12 Agency, Office of Air Quality Planning and Standards, Research  
13 Triangle Park, North Carolina 27711, July 1993, which is  
14 incorporated by reference and is available through the State Law  
15 Library. This publication is subject to frequent change;

16 (2) EPA databases and computer programs;

17 (3) engineering publications;

18 (4) performance test data from the same or a  
19 similar unit at the same or a similar facility; or

20 (5) manufacturer's performance tests.

21 C. The commissioner shall develop or approve an  
22 efficiency factor under item B using best engineering judgment  
23 and based on one or more of the following considerations:

24 (1) the precision and accuracy of the data;

25 (2) the similarity between the control equipment  
26 and emission units tested and the control equipment and emission  
27 units to which the efficiency factor is to be applied;

28 (3) the number of units tested in developing the  
29 efficiency factor under consideration;

30 (4) the availability of data of equal or greater  
31 quality;

32 (5) the control equipment and emission unit  
33 operating conditions under which the tests were conducted; and

34 (6) the data analysis procedures.

35 [For text of subps 10 and 10b, see M.R.]

36 Subp. 10c. [See repealer.]

1 Subp. 10d. [See repealer.]

2 [For text of subps 11 to 45, see M.R.]

3 7007.0150 PERMIT REQUIRED.

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

5 Subp. 4. Calculation of potential to emit.

6 A. For purposes of parts 7007.0200 and 7007.0250, the  
7 owner or operator of a stationary source shall calculate the  
8 stationary source's potential to emit using the definition in  
9 part 7005.0100, subpart 35a, except as provided in subitems (1)  
10 and (2).

11 (1) Emissions caused by activities described in  
12 subpart 2 of the insignificant activities list in part 7007.1300  
13 shall not be considered in the calculation of potential  
14 emissions.

15 (2) Emissions caused by activities described in  
16 ~~part 7007.1300~~, subpart 3 ~~or 4~~, of the insignificant activities  
17 list in part 7007.1300 shall be considered in the calculation of  
18 potential emissions ~~to determine if these emissions, in addition~~  
19 ~~to all other emissions at the stationary source, could make the~~  
20 ~~stationary source subject to different applicable requirements~~  
21 ~~under parts 7007.0100 to 7007.1850~~ if required by the agency  
22 under part 7007.0500, subpart 2, item C, subitem (2).  
23 Calculations of emissions under this subpart are only intended  
24 to determine if a permit is required.

25 B. To make the determination of whether a permit is  
26 required, the owner or operator of a stationary source shall use  
27 the potential to emit calculation method described in item A.  
28 To determine what type of permit is required, if a permit is  
29 required, the control equipment efficiency determined by part  
30 7011.0070 for listed control equipment at a stationary source  
31 may be used in calculating emissions if the owner or operator is  
32 in compliance with parts 7011.0060 to 7011.0080.

33 C. When calculating emissions to determine if a  
34 permit amendment is required, the calculation method stated in  
35 part 7007.1200 shall be used.



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

2 7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.

3 Subpart 1. No permit required. The following stationary  
4 sources are not required to obtain a permit under parts  
5 7007.0100 to 7007.1850:

6 [For text of items A and B, see M.R.]

7 C. notwithstanding parts 7007.0200 and 7007.0250, any  
8 stationary source that would be required to obtain a permit  
9 solely because it is subject to Code of Federal Regulations,  
10 title 40, part 61, subpart M, National Emission Standard for  
11 Hazardous Air Pollutants for Asbestos, section 61.145, Standard  
12 for Demolition and Renovation (incorporated by reference at part  
13 7011.9920);

14 D. any stationary source with only emissions units  
15 listed as insignificant activities in part 7007.1300, subparts 2  
16 and 3, if the following requirements are met by the owner or  
17 operator:

18 (1) for emissions units described in part  
19 7007.1300, subparts 2 and 3, except part 7007.1300, subpart 3,  
20 item H, subitem (1), records are maintained that demonstrate  
21 that a permit is not required. These records shall contain a  
22 list of all emissions units and the Minnesota Rules citation  
23 that defines those emissions units as an insignificant  
24 activity. The records shall be permanently kept at the  
25 stationary source and made available for examination and copying  
26 by the commissioner or a representative of the commissioner; and

27 (2) for emissions units described in part  
28 7007.1300, subpart 3, item H, subitem (1), the owner or operator  
29 shall:

30 (a) record each month the quantity number of  
31 gallons of VOC-containing materials purchased or used and the  
32 maximum VOC content;

33 (b) maintain a record of the material data  
34 safety sheet (MSDS), or a signed statement from the supplier  
35 stating the maximum VOC content, for each VOC-containing

1 material used;

2 (c) recalculate and record each month the  
3 12-month rolling sum of actual number of gallons of VOCs  
4 purchased or used, and the calculation itself and a list of the  
5 associated emissions units in which it was used;

6 (d) maintain at the stationary source the  
7 records as long as the emissions unit is located at the  
8 stationary source; and

9 (e) make the records available for  
10 examination and copying by the commissioner or a representative  
11 of the commissioner; and

12 E. notwithstanding parts 7007.0200 and 7007.0250, any  
13 stationary source that would be required to obtain a permit  
14 solely because it is subject to one or more new source  
15 performance standards under Code of Federal Regulations, title  
16 40, part 60, that has the potential to emit zero tons per year  
17 from the affected ~~units~~ facility of each pollutant regulated by  
18 the standard.

19 Subp. 2. [See repealer.]

20 7007.0500 CONTENT OF PERMIT APPLICATION.

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

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

25 [For text of items A and B, see M.R.]

26 C. The following emissions-related information:

27 [For text of subitem (1), see M.R.]

28 (2) The application need not include the  
29 information required by this part for any activity listed on the  
30 insignificant activities list in part 7007.1300, except as  
31 provided in this subitem. The application shall include a list  
32 ~~of insignificant activities~~ identifying any activity at the  
33 stationary source described in ~~part 7007.1300~~, subpart 3 ~~or 4~~ of  
34 the insignificant activities list. If requested by the agency,  
35 the permittee shall provide a calculation of emissions from any

1 activity described in ~~part-7007-1300~~, subpart 3 ~~or-4~~, ~~if-these~~  
 2 emissions of the insignificant activities list. The agency  
 3 shall request such a calculation if it finds that the emissions  
 4 from those activities, in addition to other emissions from the  
 5 stationary source, could make the stationary source subject to  
 6 different applicable requirements under parts 7007.0100 to  
 7 7007.1850. ~~The-commissioner-may-request-that-the-permittee~~  
 8 ~~calculate-emissions-of-any-activity-described-in-part-7007-1300~~  
 9 ~~subpart-3-or-4-to-verify-if-the-source-is-subject-to-any~~  
 10 ~~different-applicable-requirement.~~

11 [For text of subitems (3) to (10), see M.R.]

12 [For text of items D to N, see M.R.]

13 [For text of subps 3 to 5, see M.R.]

14 7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.

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

16 Subp. 8. **Emission inventory required for stationary**  
 17 **sources issued registration permits.** The owner or operator of a  
 18 stationary source issued a registration permit under parts  
 19 7007.1110 to 7007.1130 must submit an annual emission inventory  
 20 to the commissioner under parts 7019.3000 to 7019.3100.

21 [For text of subps 9 to 22, see M.R.]

22 7007.1115 REGISTRATION PERMIT OPTION A.

23 Subpart 1. **Eligibility.** The owner or operator of a  
 24 stationary source may apply for a registration permit under this  
 25 part if the stationary source is required to obtain a permit  
 26 solely because it is subject to a new source performance  
 27 standard listed in part 7007.1110, subpart 2, item B, and the  
 28 owner or operator does not anticipate making changes in the next  
 29 year which will cause the stationary source to require a permit  
 30 for other reasons. Insignificant activities at the stationary  
 31 source listed in part 7007.1300, subparts 2 and 3, are not  
 32 considered in the eligibility determination under this subpart.

33 Subp. 2. **Application content.** An application for a  
 34 registration permit under this part must contain the following:

35 [For text of items A and B, see M.R.]

1 C. a copy of the applicable new source performance  
2 standards (NSPS) listed in part 7007.1110, subpart 2, item B,  
3 with the applicable portions of the standards highlighted,  
4 including applicable parts of Code of Federal Regulations, title  
5 40, part 60, subpart A, General Provisions, or an NSPS checklist  
6 form provided by the commissioner, for each affected facility as  
7 defined in Code of Federal Regulations, title 40, section 60.2.

8 Insignificant activities at the stationary source listed in  
9 part 7007.1300, subparts 2 and 3, are not required to be  
10 included in the application.

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

12 7007.1120 REGISTRATION PERMIT OPTION B.

13 Subpart 1. **Eligibility.** The owner or operator of a  
14 stationary source may apply for a registration permit under this  
15 part if:

16 A. the stationary source purchases or uses less than  
17 2,000 gallons of VOC-containing materials on a 12-month rolling  
18 sum basis;

19 B. the only emissions from the stationary source are  
20 from VOC-containing materials, or are from insignificant  
21 activities under part 7007.1300, subparts 2 and 3; and

22 C. the owner or operator does not anticipate making  
23 changes in the next 12 months which will cause the stationary  
24 source to purchase or use 2,000 gallons or more of  
25 VOC-containing materials on a 12-month rolling sum basis.

26 Subp. 2. **Application content.** An application for a  
27 registration permit under this part must contain the following:

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

29 E. for stationary sources in operation on the  
30 effective date of this part, the gallons of VOC-containing  
31 materials purchased or used on a 12-month rolling sum basis. If  
32 the stationary source has not been operated, the owner or  
33 operator shall estimate the gallons of VOC-containing materials  
34 that will be purchased or used on a 12-month rolling sum basis  
35 during normal operation using a worksheet provided by the

1 commissioner. If the stationary source has been operated less  
2 than 12 months on the date of application under this part, the  
3 owner or operator shall calculate gallons of VOC-containing  
4 materials purchased or used by multiplying 12 months by the  
5 larger of the two following monthly averages:

6 (1) the average monthly gallons purchased or  
7 used; or

8 (2) the estimated average monthly gallons  
9 purchased or used for normal operation.

10 Insignificant activities at the stationary source listed in  
11 part 7007.1300, subparts 2 and 3, are not required to be  
12 included in the application.

13 Subp. 3. **Compliance requirements.** The owner or operator  
14 of a stationary source issued a registration permit under this  
15 part shall:

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

17 D. have emissions from the stationary source only  
18 from VOC-containing materials or from insignificant activities  
19 under part 7007.1300, subparts 2 and 3;

20 E. comply with part 7011.1110; and

21 F. comply with all applicable requirements, including  
22 new source performance standards.

23 7007.1125 REGISTRATION PERMIT OPTION C.

24 Subpart 1. **Eligibility.** The owner or operator of a  
25 stationary source may apply for a registration permit under this  
26 part if the stationary source consists of only indirect heating  
27 units (boilers), reciprocating internal combustion engines,  
28 and/or emissions from use of VOC-containing materials, and meets  
29 the following criteria:

30 A. all emissions units at the stationary source are  
31 included under calculations 1, 2A, 2B, and 3 in subpart 4, or  
32 are insignificant activities under part 7007.1300, subparts 2  
33 and 3;

34 [For text of items B to E, see M.R.]

35 Subp. 2. **Application content.** An application for a

1 registration permit under this part must contain the following:

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

3 E. the calculations required by subpart 4. If the  
4 stationary source has not been operated, the owner or operator  
5 shall estimate the gallons of VOC-containing materials, amount  
6 of fuels burned and hours of operation on a 12-month rolling sum  
7 basis during normal operation in performing the calculations  
8 required in subpart 4. If the stationary source has been  
9 operated less than 12 months on the date of application under  
10 this part, the owner or operator shall perform the calculation  
11 in subpart 4 by calculating gallons of VOC-containing materials  
12 purchased or used, amount of fuels purchased or used, or hours  
13 of operation by multiplying by 12 the larger of the following:

14 (1) the average monthly gallons of VOC-containing  
15 materials purchased or used, amount of fuel purchased or used,  
16 or hours of operation; or

17 (2) calculating an estimated monthly average for  
18 normal operations.

19 Insignificant activities at the stationary source listed in  
20 part 7007.1300, subparts 2 and 3, are not required to be  
21 included in the application.

22 Subp. 3. **Compliance requirements.** The owner or operator  
23 of a stationary source issued a registration permit under this  
24 part shall comply with all of the requirements in items A to J.

25 [For text of items A to F, see M.R.]

26 G. The owner or operator must have emissions from the  
27 stationary source only from indirect heating units (boilers),  
28 from reciprocating internal combustion engines, from  
29 insignificant activities under part 7007.1300, subparts 2 and 3,  
30 and/or from use of VOC-containing materials.

31 [For text of items H to J, see M.R.]

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

33 7007.1130 REGISTRATION PERMIT OPTION D.

34 Subpart 1. **Eligibility.** The owner or operator of a  
35 stationary source may apply for a registration permit under this

1 part if the stationary source meets the following criteria:

2           A. all emissions units at the stationary source are  
3 either included in calculations in subpart 4, or are  
4 insignificant activities under part 7007.1300, subparts 2 and 3;

5                           [For text of items B and C, see M.R.]

6           Subp. 2. **Application content.** An application for a  
7 registration permit under this part must contain all of the  
8 following requirements:

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

10           F. if the calculations required by subpart 4 used  
11 control equipment efficiencies for listed control equipment  
12 determined by part 7011.0070, a copy of the portion of the  
13 control equipment manufacturer's specifications with the  
14 operating parameters required to be monitored under part  
15 7011.0080 highlighted, and if the efficiency is based on an  
16 alternative control efficiency under part 7011.0070, subpart 2,  
17 a copy of the performance test plan with the operating  
18 parameters highlighted.

19           Insignificant activities at the stationary source listed in  
20 part 7007.1300, subparts 2 and 3, are not required to be  
21 included in the application.

22           Subp. 3. **Compliance requirements.** The owner or operator  
23 of a stationary source issued a permit under this part shall  
24 comply with all of the requirements in items A to J.

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

26           E. The owner or operator must recalculate and record  
27 each month, pursuant to subpart 4, the 12-month rolling sum of  
28 actual emissions from the stationary source, the date the  
29 calculation was made, and the calculation itself. This  
30 calculation must include all emissions units at the stationary  
31 source, except for insignificant activities under part  
32 7007.1300, subparts 2 and 3, and the information required by  
33 subpart 4, item B, subitem (2), if continuous emissions monitor  
34 (CEM) data is used in the calculation.

35                           [For text of items F to J, see M.R.]

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

1 7007.1300 INSIGNIFICANT ACTIVITIES LIST.

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

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

4 The activities described in this subpart must be listed in a  
5 permit application, and calculation of emissions from these  
6 activities shall be provided if required by the agency, under  
7 part 7007.0500, subpart 2, item C, subitem (2). If emissions  
8 units listed in this subpart are subject to additional  
9 requirements under section 114(a)(3) of the act (Enhanced  
10 Monitoring) or section 112 of the act (Hazardous Air  
11 Pollutants), or if part of a title I modification, or if  
12 accounted for, make a stationary source subject to a part 70  
13 permit, emissions from the emissions units must be calculated in  
14 the permit application.

15 [For text of items A to J, see M.R.]

16 K. Plant upkeep:

17 (1) spray paint equipment used for plant upkeep  
18 activities that uses less than 200 gallons of paint in any  
19 consecutive 12-month period; or

20 (2) spray paint equipment used for plant upkeep  
21 activities that uses 200 gallons of paint or more in any  
22 consecutive 12-month period.

23 Subp. 4. Insignificant activities required to be listed in  
24 a part 70 application. If a facility is applying for a part 70  
25 permit, emissions units with emissions less than all the  
26 following limits but not included in subpart 2 must be listed in  
27 a part 70 permit application:

28 [For text of items A and B, see M.R.]

29 C. for hazardous air pollutants, emissions units with:

30 (1) potential emissions of 25 percent or less of  
31 the hazardous air pollutant thresholds listed in part 7007.1251;  
32 or

33 (2) combined HAP actual emissions of one ton per  
34 year unless the emissions unit emits one or more of the  
35 following HAPs: carbon tetrachloride;



1 1,2-dibromo-3-chloropropane; ethylene dibromide;  
2 hexachlorobenzene; polycyclic organic matter; antimony  
3 compounds; arsenic compounds, including inorganic arsine;  
4 cadmium compounds; chromium compounds; lead compounds; manganese  
5 compounds; mercury compounds; nickel compounds; selenium  
6 compounds; 2,3,7,8-tetrachlorodibenzo-p-dioxin; or  
7 dibenzofuran. If the emissions unit emits one or more of the  
8 HAPs listed in this ~~item~~ subitem, the emissions unit is not an  
9 insignificant activity under this ~~subpart~~ subitem.

10 Calculation of emissions from the emissions units listed in  
11 this subpart shall be ~~included-in-the-permit-application-if~~  
12 ~~emissions-from-the-emissions-units-listed-under-this-subpart,-in~~  
13 ~~addition-to-all-other-emissions-from-the-stationary-source,~~  
14 ~~could-make-the-stationary-source-a-HAP-major-source-under-part~~  
15 ~~7007.0200,-subpart-2,-item-A~~ provided if required by the agency  
16 under part 7007.0500, subpart 2, item C, subitem (2). If  
17 emissions units listed under this subpart are subject to  
18 additional requirements under section 114(a)(3) of the act  
19 (Enhanced Monitoring) or section 112 of the act (Hazardous Air  
20 Pollutants), or are part of a title I modification, or if  
21 accounted for, make a stationary source subject to a part 70  
22 permit emissions from the emissions units must be calculated in  
23 the permit application. If the applicant is applying for a  
24 state permit or an amendment to a state permit, this subpart  
25 does not apply.

26 RECORDKEEPING STANDARDS FOR LISTED EMISSIONS UNITS

27 7019.1000 SHUTDOWNS AND BREAKDOWNS.

28 Subpart 1. **Shutdown.** The owner or operator of an emission  
29 facility shall notify the commissioner at least 24 hours in  
30 advance of a shutdown of any control equipment or process  
31 equipment if the shutdown would cause an increase in the  
32 emissions of any regulated air pollutant. At the time of  
33 notification, the owner or operator shall also notify the  
34 commissioner of the cause of the shutdown and the estimated  
35 duration. The owner or operator shall notify the commissioner

1 when the shutdown is over.

2       Subp. 2. **Breakdown.** The owner or operator of an emission  
3 facility shall notify the commissioner immediately of a  
4 breakdown of more than one hour duration of any control  
5 equipment or process equipment if the breakdown would cause an  
6 increase in the emissions of any regulated air pollutant. At  
7 the time of notification or as soon thereafter as possible, the  
8 owner or operator shall also notify the commissioner of the  
9 cause of the breakdown and the estimated duration. The owner or  
10 operator shall notify the commissioner when the breakdown is  
11 over.

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

13 7019.3000 EMISSION INVENTORY.

14       Subpart 1. **Emission inventory required.**

15       A. All owners or operators of emission reporting  
16 facilities, as defined in part 7002.0015, subpart 3a, shall  
17 submit an annual emission inventory report to the agency, in a  
18 format specified by the commissioner, relating to carbon  
19 monoxide, particulate matter, and all chargeable pollutants as  
20 defined in part 7002.0015, subpart 2a. The report shall be  
21 submitted on or before April 1 of the year following the year  
22 being reported. The responsible official, as defined in part  
23 7007.0100, subpart 21, must sign the report and shall make the  
24 following certification:

25       "I certify under penalty of law that this document and  
26 all attachments were prepared under my direction or  
27 supervision by qualified personnel. The information  
28 submitted is, to the best of my knowledge and belief,  
29 true, accurate, and complete. I understand that the  
30 data provided in this document will be used by the  
31 MPCA to calculate a fee, which the facility will be  
32 required to pay under Minnesota Rules, part 7002.0065,  
33 based on the tons of pollution emitted by the  
34 facility."

35       B. (1) All owners or operators of facilities issued

1 option B registration permits under part 7007.1120 shall submit  
2 either an emission inventory using methods described under  
3 subitem (3) and parts 7019.3020 to 7019.3100 or the  
4 certification and VOC-containing material report in subitem  
5 (2). The report shall be submitted on or before the April 1  
6 following the year being reported.

7 (2) All owners or operators that choose to be  
8 assessed a fee under part 7002.0025, subpart 1, item C, subitem  
9 (2), shall submit a report and certification to the agency. The  
10 responsible official, as defined in part 7007.0100, subpart 2,  
11 must sign the report and shall make the following certification:

12 "I certify under penalty of law that the facility  
13 described in registration permit number .... is  
14 eligible for the option B registration permit that it  
15 was issued and holds and that the facility purchased  
16 or used (as stated in the permit application) ....  
17 gallons of VOC-containing materials in the 12-month  
18 reporting period. I further certify that the  
19 eligibility of the facility and the quantity of  
20 material reported herein were determined under my  
21 direction or supervision by qualified personnel. The  
22 information used to determine eligibility and the  
23 quantity of material reported herein for the  
24 registration permit is, to the best of my knowledge  
25 and belief, true and accurate. I understand that the  
26 information provided in this certification will be  
27 used by the MPCA to assess a fee under Minnesota  
28 Rules, part 7002.0025, subpart 1, item C, which the  
29 facility will be required to pay under Minnesota  
30 Rules, part 7002.0065."

31 (3) All owners and operators that choose to be  
32 assessed a fee under part 7002.0025, subpart 1, item C, subitem  
33 (1), shall submit an emission inventory report to the agency, in  
34 a format specified by the commissioner, relating to emissions  
35 from the use of VOC-containing materials using methods described  
36 in part 7019.3030, item B, and the certification in subitem

1 (2). The certification and emission inventory shall be signed  
2 by the responsible official, as defined in part 7007.0100,  
3 subpart 2.

4 Subp. 2. Owner or operator error in reporting data. If an  
5 owner or operator discovers an error in the data after having  
6 submitted it to the agency, the owner or operator shall submit  
7 corrected data, with a written explanation of the mistake and  
8 why it occurred. If the commissioner agrees that the correction  
9 is appropriate, the commissioner shall correct the data in the  
10 inventory. However, for purposes of assessing the emission fee  
11 under part 7002.0025, the commissioner shall not recognize any  
12 correction submitted by an owner or operator which would result  
13 in a reduction of tons emitted if the correction is submitted  
14 after the February 1 following the year in which the inventory  
15 is due or 45 days after the annual emissions inventory mailing  
16 date, whichever is later.

17 7019.3020 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

18 A. Emissions from all emissions units shall be  
19 reported in the annual emissions inventory report in a format  
20 specified by the commissioner. Emissions from insignificant  
21 activities listed in part 7007.1300, subpart 2, shall not be  
22 reported. Emissions from insignificant activities listed in  
23 part 7007.1300, subparts 3 and 4, shall be reported if the  
24 commissioner or owner or operator has determined that emissions  
25 from those activities are not insignificant for purposes of  
26 permitting under parts 7007.0100 to 7007.1850. Notwithstanding  
27 the previous sentence, the commissioner may request an inventory  
28 of fugitive emissions from roads and parking lots, defined as  
29 insignificant under part 7007.1300, subpart 3, item J, upon  
30 determining that emissions from these sources represent a  
31 substantial portion of the facility's total emissions.

32 B. All owners or operators of emission reporting  
33 facilities, as defined in part 7002.0015, subpart 3a, or  
34 facilities issued option B registration permits under part  
35 7007.1120 that choose to be assessed a fee under part 7002.0025,

1 subpart 1, item C, subitem (1), shall calculate emissions based  
2 on parts 7019.3030 to 7019.3100, except for any facility which  
3 has obtained an option C or D registration permit under part  
4 7007.1125 or 7007.1130.

5 C. All owners or operators of emission reporting  
6 facilities which have obtained an air emission permit under part  
7 7007.1125, registration permit option C, shall report the  
8 quantity of each fuel purchased or used (whichever was stated in  
9 the facility's registration permit application) in the year for  
10 which emissions are being calculated. The report shall  
11 apportion the quantity of fuel burned with the type of  
12 combustion unit (indirect heating units or internal combustion  
13 engines) in which it was burned. The owner or operator shall  
14 report the quantity of VOC-containing materials purchased or  
15 used (whichever is stated in the facility's registration permit  
16 application) in the year for which emissions are being  
17 calculated. The owners or operators reporting VOC-containing  
18 materials purchases or usage shall also report the weight factor  
19 (WF) of the VOC in the materials (weight of VOC per weight of  
20 VOC-containing materials) and the density of the materials. The  
21 actual emissions shall be calculated by the commissioner.

22 D. All owners or operators of emission reporting  
23 facilities which have obtained an air emission permit under part  
24 7007.1130, registration permit option D, shall report the actual  
25 emissions calculated for purposes of compliance demonstration  
26 required in part 7007.1130, subpart 3, item E, for the calendar  
27 year for which emissions are being reported.

28 E. All owners or operators of an emission reporting  
29 facility submitting an emission inventory based in whole, or in  
30 part, on a material balance calculation shall submit a sample  
31 material balance calculation with the emission inventory. Such  
32 facilities shall also maintain a record of the material safety  
33 data sheets or vendor certification of the VOC or sulfur content  
34 of the material for each material or fuel used and the material  
35 balance calculations for a period of five years after the date  
36 of submittal of the emission inventory.

1 F. ~~The use of control equipment must be required~~  
 2 ~~under conditions of a permit or applicable requirement as~~  
 3 ~~defined in part 7007.0100, subpart 7, if the owner or operator~~  
 4 ~~of an emission reporting facility submits an emission inventory~~  
 5 ~~based, in whole or in part, on the effects of the use of~~  
 6 ~~pollution control equipment.~~ The emission inventory may be  
 7 based on the use of control equipment only if the use of the  
 8 specific control equipment is required under conditions of a  
 9 permit or applicable requirement as defined in part 7007.0100,  
 10 subpart 7, or is included in a notification received by the  
 11 agency under part 7007.1150, item C. This item is effective on  
 12 the date three years after EPA grants full program approval of  
 13 the agency's permit program under title 5 of the Clean Air Act.

14 7019.3030 METHOD OF CALCULATION.

15 A. The owner or operator of an emission reporting  
 16 facility, except one issued an option C or D registration permit  
 17 under part 7007.1125 or 7007.1130, shall calculate the  
 18 facility's actual emissions using the ~~highest-available-method~~  
 19 ~~on-the-following-hierarchy-of~~ methods listed in subitems (1) to  
 20 (4). The methods are listed in a hierarchy of the most  
 21 preferred method to the least preferred method. The most  
 22 preferred method available shall be used. Where more than one  
 23 method is listed in the subitem, they are considered to be equal  
 24 in the hierarchy and any can be used.

25 (1) part 7019.3040;

26 (2) part 7019.3050;

27 (3) part 7019.3060, 7019.3070, 7019.3080, or  
 28 7019.3090, as applicable; or

29 (4) part 7019.3100.

30 B. The owner or operator of a facility issued an  
 31 option B registration permit under part 7007.1120 that chooses  
 32 to be assessed a fee under part 7002.0025, subpart 1, item C,  
 33 subitem (1), shall calculate the facility's actual emissions  
 34 using the ~~highest-available-method-on-the-following-hierarchy-of~~  
 35 ~~methods~~ listed in subitems (1) to (3). The methods are listed

1 in a hierarchy of the most preferred method to the least  
2 preferred method. The most preferred method available shall be  
3 used. Where more than one method is listed in the subitem, they  
4 are considered to be equal in the hierarchy and any may be used.

- 5 (1) part 7019.3040;
- 6 (2) part 7019.3050; or
- 7 (3) part 7019.3060, 7019.3080, or 7019.3090, as
- 8 applicable.

9 The owner or operator of a facility issued an option B  
10 registration permit under part 7007.1120 that chooses to be  
11 assessed a fee under part 7002.0025, subpart 1, item C, subitem  
12 (1), shall not consider the effects of pollution control  
13 equipment on emissions from the use of VOC-containing materials  
14 when calculating actual emissions for an emissions inventory.

15 C. For purposes of selecting a calculation method, a  
16 method is considered available if the conditions associated with  
17 the method in parts 7019.3040 to 7019.3100 are met. The method  
18 described in part 7019.3100 may be used, provided that the  
19 proposal is submitted to the division manager by ~~October~~  
20 September 1 of the first year for which the emissions are being  
21 calculated. The commissioner shall reject data submitted using  
22 the methods described in parts 7019.3040 to 7019.3090 if the  
23 conditions for the method are not fully met.

24 7019.3040 CONTINUOUS EMISSION MONITOR (CEM) DATA.

25 A. If an emission reporting facility or a facility  
26 issued an option B registration permit under part 7007.1120 that  
27 chooses to be assessed a fee under part 7002.0025, subpart 1,  
28 item C, subitem (1), has collected emissions data through use of  
29 a CEM in compliance with the preconditions in subitems (1) and  
30 (2), the facility shall report that data to the agency in its  
31 emission inventory. The emission inventory submitted shall be  
32 based on all of the CEM data. The requirements in subitems (1)  
33 and (2) must be met:

- 34 (1) the CEM has been certified by the
- 35 commissioner; and

1 (2) the CEM data have not been rejected by the  
2 commissioner due to failure by the owner or operator to comply  
3 with parts 7017.1000, 7019.1000, and 7019.2000; all applicable  
4 permit conditions; and any other applicable state or federal  
5 laws pertaining to CEM operation.

6 B. Facilities required to use this method shall  
7 include the following information in their emission inventory:

8 (1) the total operating time of the applicable  
9 emission unit and the total operating time of the CEM; and

10 (2) an explanation of how the emissions were  
11 calculated based on the CEM data. Except for facilities subject  
12 to part 7017.1020, for periods when the CEM is down and the  
13 emissions unit is operating, missing emissions data shall be  
14 substituted with CEM data recorded during a representative  
15 period of operation of the emissions unit, and, if applicable,  
16 of the control equipment operation during the same calendar year  
17 for which the inventory is being submitted. The CEM must have  
18 recorded data for at least 90 percent of the hours the emission  
19 unit was operated for the calendar year for which the inventory  
20 is being submitted. If substitute CEM data meeting these  
21 conditions is not available, emissions during periods of CEM  
22 downtime shall be calculated using the next highest available  
23 method on the hierarchy of methods listed in part 7019.3030; and  
24 (3) facilities subject to part 7017.1020 shall  
25 substitute CEM data in accordance with Code of Federal  
26 Regulations, title 40, part 75.

27 7019.3050 PERFORMANCE TEST DATA.

28 A. If an emission reporting facility or a facility  
29 issued an option B registration permit under part 7007.1120 that  
30 chooses to be assessed a fee under part 7002.0025, subpart 1,  
31 item C, subitem (1), has collected representative emission data  
32 through the use of performance tests in compliance with the  
33 preconditions in items B and C, and if CEM data under part  
34 7019.3040 is not available, the facility shall calculate its  
35 emissions based on performance tests. If the emission data is



1 unrepresentative because fuel or material feed used under the  
2 test conditions is substantially different than the conditions  
3 under which the emissions unit is normally operated or because  
4 the emissions unit has been modified, the facility shall  
5 calculate its emissions based on the next highest available  
6 method. Emissions unit operating load variation from test load  
7 does not make the data unrepresentative. In the event that the  
8 facility has collected emission data through the use of  
9 performance tests and determines that the data is  
10 unrepresentative for any reason, the facility shall submit an  
11 explanation of why the data is unrepresentative with the  
12 emissions calculated using the next highest available method.  
13 The commissioner shall determine if the conditions of the  
14 performance test were representative based upon the operating  
15 data supplied by the facility for the year of the inventory.

16 B. All the requirements of parts 7017.2001 to  
17 7017.2060, including the requirement to notify the agency prior  
18 to conducting performance tests as required in part 7017.2030,  
19 subpart 1, all other applicable state and federal laws, and all  
20 applicable air emission permit conditions relating to  
21 performance testing have been complied with.

22 C. For facilities that are required to conduct annual  
23 performance testing, the test was performed during the calendar  
24 year for which the emissions are being calculated~~7-er~~. If the  
25 agency granted the facility an extension to a testing deadline  
26 that resulted in the test being performed after the calendar  
27 year but prior to the emissions inventory submittal deadline,  
28 the data from that test may be used. For facilities that are  
29 not required to conduct annual performance testing, the emission  
30 factors used are derived from the most recently conducted  
31 performance test. Performance test data may not be more than  
32 five years older than the last date of the emission inventory  
33 period and must be representative of operating conditions during  
34 the calendar year for which the emission inventory is being  
35 submitted.

## 1 7019.3060 VOLATILE ORGANIC COMPOUND (VOC) MATERIAL BALANCE.

2 If the methods in part 7019.3040 or 7019.3050 are  
3 unavailable to an emission reporting facility or a facility  
4 issued an option B registration permit under part 7007.1120 that  
5 chooses to be assessed a fee under part 7002.0025, subpart 1,  
6 item C, subitem (1), the facility may calculate VOC emissions  
7 using the material balance method described in this part. This  
8 method may be used in conjunction with or instead of emission  
9 factors and enforceable limitations methods described in parts  
10 7019.3080 and 7019.3090, where applicable. A person using  
11 material balance to calculate VOC emissions shall determine the  
12 total VOC emissions (E) as follows:

13 
$$E = (A - B - C) * (1 - CE)$$

14 where:

15 A = the amount of VOC entering the process. The amount of  
16 VOC used in this calculation shall be the amount certified by  
17 the supplier or the maximum amount stated on the material safety  
18 data sheet or the amount determined by reference method 24.

19 B = the amount of VOC incorporated into the product. This  
20 includes VOCs chemically transformed in production. An  
21 explanation of this calculation must also be submitted.

22 C = the amount of VOC, if any, leaving the process as  
23 waste, or otherwise not incorporated into the product and not  
24 emitted to the air. If the actual VOC content of the waste is  
25 unknown, then C = 0.

26 CE = the overall efficiency, or the product of capture  
27 efficiency and control efficiency, of any device used to capture  
28 and/or control VOC emissions, expressed as a decimal fraction of  
29 1.00. The overall efficiency shall be based on efficiency  
30 factors, as defined in part 7005.0100, subpart 9b, or shall be  
31 based on the overall efficiency verified by a performance test  
32 conducted according to parts 7017.2001 to 7017.2060 and  
33 7019.3050. The overall efficiency of a pollution control system  
34 that uses a hood, as defined in part 7011.0060, subpart 2, as  
35 the emission capture device shall be based on a capture  
36 efficiency of 60 percent. If an alternative capture efficiency

1 has been determined by a performance test conducted according to  
2 parts 7017.2001 to 7017.2060 and 7019.3050, that capture  
3 efficiency shall be used in the calculation of actual emissions.

4 7019.3070 SO<sub>2</sub> MATERIAL BALANCE.

5 If the methods in parts 7019.3040 and 7019.3050 are  
6 unavailable to an emission reporting facility, it may calculate  
7 sulfur dioxide emissions using the SO<sub>2</sub> material balance method  
8 described in this part. A person using this method shall  
9 measure the sulfur content of the fuel and assume that all of  
10 the sulfur in the fuel is oxidized to sulfur dioxide. This  
11 method may be used in conjunction with or instead of emission  
12 factors and enforceable limitations methods described in parts  
13 7019.3080 and 7019.3090, where applicable. The sulfur content  
14 of each batch of fuel received must be certified by the supplier  
15 or an independent laboratory. The sulfur content shall be  
16 determined using American Society for Testing and Materials  
17 (ASTM) methods. The sulfur dioxide emissions shall be  
18 determined by using the following equation:

19 
$$SO_2 = \%S/100 \times F/2000 \times 2$$

20 where:

- 21 SO<sub>2</sub> = Sulfur dioxide emissions from a batch of fuel.
- 22 %S = Weight percent sulfur in the fuel being burned.
- 23 F = Amount of fuel burned by weight in pounds.
- 24 2000 = Pounds per ton.
- 25 2 or 64/32 = Pounds of sulfur dioxide per pound of sulfur
- 26 in one pound-mole.

27 The total sulfur dioxide emissions for the year shall be  
28 the sum total of the individual batch totals.

29 7019.3080 EMISSION FACTORS.

30 If the methods in parts 7019.3040 and 7019.3050 are  
31 unavailable to an emission reporting facility or a facility  
32 issued an option B registration permit under part 7007.1120 that  
33 chooses to be assessed a fee under part 7002.0025, subpart 1,  
34 item C, subitem (1), the facility may calculate its emissions  
35 using emission factors as defined in part 7005.0100, subpart

1 10a, and as described in this part. This method may be used in  
2 conjunction with or instead of material balance and enforceable  
3 limitations methods described in parts 7019.3060, 7019.3070, and  
4 7019.3090, where applicable. Calculations of actual emissions  
5 shall be based on operating data multiplied by an emission  
6 factor. Operating data necessary to apply the emission factor  
7 used in the calculation of emissions in this method shall be  
8 included in the emission inventory. Operating data means the  
9 data necessary to apply the emission factor to calculate  
10 emissions. For example, tons of material handled is the  
11 necessary operating data for an emissions factor expressed as  
12 "tons of pollutant/ton of material handled."

13 Control equipment efficiency shall be based on efficiency  
14 factors as defined in part 7005.0100, subpart 9b, or shall be  
15 based on the efficiency verified by a performance test conducted  
16 according to parts 7017.2001 to 7017.2060 and 7019.3050.  
17 Calculations of actual emissions from an emission unit through a  
18 pollution control system that uses a hood, as defined in part  
19 7011.0060, subpart 2, as the emission capture device shall be  
20 based on a capture efficiency of 80 percent, except those  
21 systems that control VOC emissions which shall be based on a  
22 capture efficiency of 60 percent. If an alternative capture  
23 efficiency has been determined by a performance test conducted  
24 according to parts 7017.2001 to 7017.2060 and 7019.3050, that  
25 capture efficiency shall be used in the calculation of actual  
26 emissions.

27 7019.3090 ENFORCEABLE LIMITATIONS.

28 If the methods in part 7019.3040 or 7019.3050 are  
29 unavailable to an emission reporting facility or a facility  
30 issued an option B registration permit under part 7007.1120 that  
31 chooses to be assessed a fee under part 7002.0025, subpart 1,  
32 item C, subitem (1), the facility may calculate actual emissions  
33 using any enforceable permit limitation or applicable  
34 requirement limitation. This method may be used in conjunction  
35 with or instead of material balance and emission factor methods

1 described in parts 7019.3060 to 7019.3080, where applicable.  
2 Calculations of actual emissions shall be based on operating  
3 data multiplied by the limitation. Operating data and a sample  
4 calculation used in the calculation of emissions in this method  
5 shall be included in the emission inventory. Operating data  
6 means the data upon which the emission limitation is based. For  
7 example, dscf (dry standard cubic feet) for an emission  
8 limitation expressed as "gr/dscf" (grains per dry standard cubic  
9 feet).

10 7019.3100 FACILITY PROPOSAL.

11 A. The emission reporting facility may propose an  
12 alternative method for calculating actual emissions if the  
13 emission reporting facility can demonstrate to the satisfaction  
14 of the commissioner either:

15 (1) that the proposed method is more accurate  
16 than the methods in parts 7019.3040 to 7019.3090; or

17 (2) that none of the methods in parts 7019.3040  
18 to 7019.3090 is technically or economically feasible and the  
19 proposed method is accurate.

20 B. The proposal shall include:

21 (1) a comparison of the accuracy of the proposed  
22 method with the alternatives in parts 7019.3040 to 7019.3090;

23 (2) a detailed description of the proposed  
24 method; and

25 (3) an explanation of why none of the  
26 alternatives in parts 7019.3040 to 7019.3090 are technically or  
27 economically feasible if the facility is making the proposal  
28 under item A, subitem (2).

29 C. The proposal shall be submitted to the  
30 commissioner by ~~October~~ September 1 of the year for which the  
31 emissions are being calculated. The commissioner shall approve  
32 the emission reporting facility's proposal if the commissioner  
33 finds that the facility has made the demonstration required  
34 under item A. If the commissioner rejects the proposal, the  
35 commissioner shall do so by ~~February~~ November 30 of the year

1 ~~the-inventory-is-due~~ for which the emissions are being  
2 calculated. Approval of a method shall expire no more than five  
3 years after the year for which emissions were first calculated.  
4 The commissioner shall revoke approval of the method if, after  
5 the first year's emission inventory submittal, the owner or  
6 operator or the commissioner has determined that the method  
7 described under this part no longer accurately calculates each  
8 unit's actual emissions. If the commissioner revokes the  
9 approval, the commissioner shall do so by ~~February-1~~ November 30  
10 of the year in for which the ~~next-inventory-is-due~~ emissions are  
11 being calculated.

12 REPEALER. Minnesota Rules, parts 7002.0015, subparts 2 and 4;  
13 7002.0025, subpart 2; 7002.0095; 7005.0100, subparts 10c and  
14 10d; 7007.0300, subpart 2; and 7019.3010, are repealed.