

1 **Minnesota Pollution Control Agency**

2 **Adopted Permanent Rules Relating to Air Emission Permits**

3 **7007.0050 SCOPE.**

4 Parts 7007.0100 to 7007.1850 apply to the issuance of permits to construct, modify,
5 reconstruct, or operate emissions units, emission facilities, or stationary sources that
6 emit any air pollutant, and to the revocation, reissuance, or amendment of those
7 permits. Parts 7007.0100 to 7007.1850 apply to permits issued to stationary sources
8 requiring permits under federal law at Code of Federal Regulations, title 40, part 70, as
9 amended (Operating Permit Program), or under part C (Prevention of Significant
10 Deterioration of Air Quality) or part D (Plan Requirements in Nonattainment Areas) of
11 the act, or under section 112(g)(2)(B) of the act (hazardous air pollutants), and to
12 stationary sources requiring permits solely under state law. Sources proposing
13 construction or modifications subject to parts C and D of the act are subject to the
14 permitting requirements of part 7007.3000, incorporating by reference the provisions of
15 Code of Federal Regulations, title 40, section 52.21, or parts 7007.4000 to 7007.4040 in
16 addition to parts 7007.0100 to 7007.1850. Sources proposing construction or
17 reconstruction subject to section 112(g)(2)(B) of the act are subject to the requirements of
18 part 7007.3010, incorporating by reference the provisions of Code of Federal
19 Regulations, title 40, sections 63.40 to 63.44, in addition to parts 7007.0100 to 7007.1850.

20 **7007.0100 DEFINITIONS.**

21 [For text of subps 1 to 6, see M.R.]

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

26 [For text of item A, see M.R.]

1 B. any preconstruction review requirement of regulations promulgated under title
2 I of the act, including part C (Prevention of Significant Deterioration of Air Quality),
3 part D (Plan Requirements for Nonattainment Areas), or section 112(g)(2)(B)
4 (construction or reconstruction of major source of hazardous air pollutants) and the
5 emission facility offset rule in parts 7007.4000 to 7007.4030, and any term or condition of
6 any preconstruction permit issued pursuant to those regulations or parts 7007.4000 to
7 7007.4030;

8 [For text of items C to U, see M.R.]

9 [For text of subps 8 to 18a, see M.R.]

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

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

12 E. any pollutant subject to a standard promulgated under section 112 or other
13 requirements established under section 112 of the act (Hazardous Air Pollutants),
14 including sections 112(g)(2)(B) (construction or reconstruction of major source of
15 hazardous air pollutants), 112(j) (Equivalent Emission Limitation by Permit), and 112(r)
16 (Prevention of Accidental Releases), including the following:

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

18 (2) any pollutant for which the requirements of section 112(g)(2)(B)
19 (construction or reconstruction of a major source of hazardous air pollutants) of the act
20 have been met, but only with respect to the individual source subject to the section
21 112(g)(2)(B) requirement.

22 [For text of subps 20 to 24, see M.R.]

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

25 A. any condition based on a requirement of a new source review program under
26 part C (Prevention of Significant Deterioration of Air Quality) or part D (Plan
7007.0100

1 Requirements for Nonattainment Areas) or a preconstruction review program under
2 section 112(g)(2)(B) (construction or reconstruction of a major source of hazardous air
3 pollutants) of the act and implementing state rules or federal regulations;

4 [For text of item B, see M.R.]

5 C. any condition for which there is no corresponding underlying applicable
6 requirement and that the stationary source has assumed to avoid being subject to a new
7 source review program under part C (Prevention of Significant Deterioration of Air
8 Quality) or part D (Plan Requirements for Nonattainment Areas) or a preconstruction
9 review program under section 112(g)(2)(B) of the act or implementing state rules or
10 federal regulations; and

11 [For text of item D, see M.R.]

12 Subp. 26. **Title I modification.** "Title I modification" means any change that
13 constitutes any of the following:

14 A. Construction or reconstruction of a major hazardous air pollutant source as
15 defined in Code of Federal Regulations, title 40, section 63.41, as amended, or any other
16 rules adopted by the administrator under section 112(g)(2)(B) of the act.

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

20 C. A new source performance standards modification: any modification as defined
21 in Code of Federal Regulations, title 40, section 60.14, as amended, or any other rules
22 adopted by the administrator under section 111 of the act.

23 D. A hazardous air pollutant modification: any modification as defined in Code of
24 Federal Regulations, title 40, section 61.15, as amended, or any other rules adopted by
25 the administrator under section 112 of the act.

26 E. Any other change that constitutes a modification under any provision of title I of
27 the act.

1 [For text of subps 27 and 28, see M.R.]

2 **7007.0500 CONTENT OF PERMIT APPLICATION.**

3 **Subpart 1. Standard application form and required information.**

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

5 D. Applicants for permits subject to preconstruction requirements under section
6 112(g)(2)(B) (construction or reconstruction of major source of hazardous air pollutants)
7 of the act shall also comply with the application requirements of part 7007.3010,
8 incorporating by reference the provisions of Code of Federal Regulations, title 40,
9 sections 63.40 to 63.44.

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

15 F. This part describes the standard information that will be required in a permit
16 application. It does not limit the agency's statutory authority for requiring information
17 in addition to that which is specifically listed.

18 **Subp. 2. Information included.** Applicants shall submit the following information as
19 required by the standard application form:

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

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

23 (1) A description of the compliance status of the stationary source at the time of
24 application submittal with respect to all applicable requirements and the requirements
25 of parts 7007.0100 to 7007.1850, and a description of the methods used to determine

1 compliance, including a description of monitoring, recordkeeping, and test methods.
2 The applicant shall identify in the description of compliance status any past
3 modifications at the stationary source for which preconstruction review was required
4 under section 112(g)(2)(B) (construction or reconstruction of major source of hazardous
5 air pollutants) of the act and parts C and D of the act but was not done.

6 [For text of subitems (2) to (4), see M.R.]

7 [For text of items L to N, see M.R.]

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

9 **7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.**

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

11 **Subp. 8. Two-stage issuance of permits subject to section 112(g)(2)(B) requirements.**

12 A. If a permit or permit amendment is subject to the requirements of section
13 112(g)(2)(B) of the act, the agency shall send the permit to the permittee after all
14 requirements of the section 112(g)(2)(B) program have been satisfied. The agency shall at
15 the same time notify the permittee in writing that those permit conditions required by
16 the section 112(g)(2)(B) program and designated as such by the agency in the permit or
17 amendment, and only those conditions, shall be considered issued.

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

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

1 **7007.1200 CALCULATING EMISSION CHANGES FOR PERMIT AMENDMENTS.**

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

3 Subp. 2. **Calculation methods to determine if the proposed change is a title I**
4 **modification.** To determine if a modification is a title I modification, the applicable
5 federal calculation method must be used. To determine the applicable methods to
6 calculate emission changes for a title I modification, the permittee must refer to the
7 federal regulations listed in part 7007.0100, subpart 26. Parts 7011.0060 to 7011.0080 may
8 be used in this calculation if the stationary source is in compliance with parts 7011.0060
9 to 7011.0080, except that control efficiencies for control equipment with hoods under
10 part 7011.0070 cannot be used. A change that would not be considered to increase
11 emissions using the calculation method in subpart 3 may nonetheless be considered a
12 title I modification, particularly under the calculation method required by part C
13 (prevention of significant deterioration of air quality), part D (plan requirements in
14 nonattainment areas), and section 112(g)(2)(B) (construction or reconstruction of a major
15 source of hazardous air pollutants) of the act.

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

17 **7007.1500 MAJOR PERMIT AMENDMENTS.**

18 Subpart 1. **Major permit amendment required.** A "major permit amendment" is
19 required for any modification at a permitted stationary source that is not allowed under
20 parts 7007.1250 and 7007.1350 and for which an amendment cannot be obtained under
21 the administrative permit amendment provisions of part 7007.1400, or the minor or
22 moderate permit amendment provisions of part 7007.1450. The following always
23 require major permit amendments:

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

25 D. any amendment authorizing a title I modification, which includes construction
26 or reconstruction of a major source of hazardous air pollutants under section
27 112(g)(2)(B) of the act; and

7007.1500

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

2 [For text of subps 2 to 4, see M.R.]

3 **7007.3010 CONSTRUCTION OR RECONSTRUCTION OF A MAJOR SOURCE OF**
4 **HAZARDOUS AIR POLLUTANTS UNDER SECTION 112(g)(2)(B) OF THE ACT.**

5 Any person who constructs or reconstructs a major hazardous air pollutant source as
6 defined in Code of Regulations, title 40, section 63.41, except electric utility steam
7 generating units, stationary sources in deleted source categories under section 112(C)(9)
8 of the act, and research and development activities, must meet the requirements of Code
9 of Federal Regulations, title 40, part 63, subpart B, sections ~~63.30~~ 63.40 to 63.44, as
10 amended, entitled "Requirements for Control Technology," which is adopted and
11 incorporated by reference, except sections 63.42(a) and 63.42(b) are not included.

12 All applications and other information required pursuant to Code of Federal
13 Regulations, title 40, part 63, subpart B, sections 63.40 to 63.44, from emissions units,
14 emission facilities, and stationary sources located in Minnesota shall be submitted to the
15 commissioner.