

1 Pollution Control Agency
2 Adopted Permanent Rules Relating to Capped Emission Permits and
3 State Permits with Environmental Management Systems (EMS)
4 Provisions

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ADMINISTRATIVE
HEARINGS

5 7007.0100 DEFINITIONS.

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

7 Subp. 7b. Capped emission permit or capped permit.

8 "Capped emission permit" or "capped permit" means a state permit
9 issued under parts 7007.1140 to 7007.1148. All capped permit
10 requirements are contained in rule. There are no site-specific
11 permit requirements. The capped permit allows a stationary
12 source to make changes provided emissions remain below
13 thresholds and all other conditions in parts 7007.1140 to
14 7007.1148 are met. The permit is designed for certain
15 noncomplex facilities for which site-specific conditions are not
16 necessary.

17 Subp. 7c. Customary permit conditions. "Customary permit
18 conditions" means the permit conditions related to amendments,
19 deviation reporting, and calculation frequency that are included
20 in a state permit with environmental management systems (EMS)
21 provisions and are applicable if a stationary source is
22 establishing or has lost eligibility for the EMS provisions.

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

24 Subp. 9b. Environmental management system or EMS.

25 "Environmental management system" or "EMS" means an ongoing
26 program of planning, implementing, reviewing, and improving the
27 actions at a stationary source that the owner or operator takes

1 to meet its environmental obligations and legal requirements,
2 and to improve environmental performance, as measured by
3 pollutants emitted or discharged, waste generated, or other
4 objective measures. An EMS for a stationary source conforms to
5 the requirements of the ISO 14001 standard, "Environmental
6 management systems - Specification with guidance for use"
7 published by the International Organization for Standardization
8 (ISO), 1996. An EMS for a stationary source is either
9 registered to the ISO 14001 EMS standard under the American
10 National Standards Institute-Registrar Accreditation Board
11 (ANSI-RAB) National Accreditation Program, or is an EMS that
12 conforms to the requirements of the ISO 14001 EMS standard as
13 determined by an EMS auditor.

14 Subp. 9c. **EMS audit.** "EMS audit" means a systematic,
15 independent, and documented verification process, conducted by
16 an EMS auditor, objectively obtaining and evaluating evidence to
17 determine whether a stationary source's EMS conforms to the
18 requirements of the ISO 14001 EMS standard. EMS audits meet the
19 requirements of:

20 A. ISO 19011: Guidelines for quality and/or
21 environmental management systems auditing, ISO, 2002;

22 B. ISO/International Electrotechnical Commission
23 (IEC) Guide 66: General requirements for bodies operating
24 assessment and certification/registration of environmental
25 management systems, ISO, 1999;

26 C. Guidance on the Application of ISO/IEC Guide 66,
27 International Accreditation Forum (IAF), 1996; and

1 D. National Accreditation Program Advisories,
2 Registrar Accreditation Board (RAB).

3 The full scope of the stationary source's EMS is audited in
4 a two-year period.

5 Subp. 9d. **EMS auditor.** "EMS auditor" means a person
6 certified as an EMS lead auditor by the RAB to conduct ISO 14001
7 EMS audits who is not an owner, operator, or employee of the
8 stationary source or a subsidiary, division, or subdivision of
9 an owner, operator, or employee of the stationary source. Other
10 than previous EMS audits, an EMS auditor shall not have provided
11 EMS or other environmental consulting services to the audited
12 stationary source within the two years prior to the EMS audit.

13 Subp. 9e. **EMS auditor's documentation of findings.** "EMS
14 auditor's documentation of findings" means any of an EMS
15 auditor's records of evidence of conformance or nonconformance
16 with the requirements of the ISO 14001 EMS standard collected
17 and verified in the course of an EMS audit. Sources of
18 information leading to verified evidence may include, but are
19 not limited to, interviews, observations, and reviews of
20 electronic databases, documents, records, reports from external
21 sources, and the owner or operator's performance analysis or
22 internal audits.

23 Subp. 9f. **EMS provisions.** "EMS provisions" means the
24 requirements in part 7007.1107, subparts 2 and 3, which are
25 alternatives to customary permit conditions. An owner or
26 operator with an environmental management system may apply to
27 have the EMS provisions included in its state permit.

1 [For text of subps 10 to 12b, see M.R.]

2 Subp. 12c. **Major nonconformance.** "Major nonconformance"
3 means a failure to establish, implement, or maintain a numbered
4 element of the ISO 14001 EMS standard that has the potential to
5 cause a violation of regulatory, legal, or other environmental
6 requirements. This definition applies to an owner or operator
7 of a stationary source applying for or holding a state permit
8 that includes EMS provisions. A major nonconformance is
9 identified by an EMS auditor.

10 [For text of subps 13 to 24, see M.R.]

11 Subp. 24a. **Summary of EMS audit results.** "Summary of EMS
12 audit results" is a document signed by an EMS auditor,
13 describing the date and scope of the audit, and conformance,
14 minor nonconformance, or any major nonconformance found in the
15 course of an EMS audit. For major nonconformance, the summary
16 of EMS audit results summarizes the objective evidence found by
17 the EMS auditor, describes corrective actions planned or
18 completed by the stationary source, and details follow-up audit
19 activity planned or completed by the EMS auditor.

20 [For text of subps 25 to 27, see M.R.]

21 7007.0150 PERMIT REQUIRED.

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

23 Subp. 2. **Permit required.** Part 7007.0200 describes which
24 emission facilities, emissions units, and stationary sources in
25 Minnesota are required to obtain a part 70 permit. Part
26 7007.0250 describes which emission facilities, emission units,
27 and stationary sources in Minnesota are required to obtain a

1 state permit. Part 7007.0300 describes emission units and
2 stationary sources in Minnesota that are not required to obtain
3 a permit. Part 70 and state permits required in parts 7007.0200
4 and 7007.0250 may alternately be obtained in the form of a
5 general permit, if available, under part 7007.1100. Permits may
6 also alternately be obtained in the form of a registration
7 permit under parts 7007.1110 to 7007.1130, if the stationary
8 source qualifies under those parts; or in the form of a capped
9 permit under parts 7007.1140 to 7007.1148, if the stationary
10 source qualifies under those parts.

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

12 7007.0200 SOURCES REQUIRED OR ALLOWED TO OBTAIN A PART 70 PERMIT.

13 Subpart 1. Part 70 permit required. The emission
14 facilities, emission units, and stationary sources described in
15 subparts 2 to 5 must obtain a part 70 permit from the agency.
16 All provisions of parts 7007.0100 to 7007.1850 apply to part 70
17 permits unless the provision states that it applies only to
18 state permits, registration permits, capped permits, or general
19 permits. If the owner or operator of a stationary source is
20 required to obtain a part 70 permit by subpart 2, item B or C,
21 the owner or operator shall also separately determine under
22 subpart 2, item A, if the stationary source is a major source
23 subject to major source requirements under section 112 of the
24 act.

25 [For text of subps 2 to 6, see M.R.]

26 7007.0250 SOURCES REQUIRED TO OBTAIN A STATE PERMIT.

1 Subpart 1. **State permit required.** The stationary sources
2 described in this part must obtain a state permit from the
3 agency under this part. All provisions of parts 7007.0100 to
4 7007.1850 apply to state permits unless the provision states
5 that it applies only to part 70 permits, general permits, capped
6 permits, or registration permits.

7 [For text of subps 2 to 7, see M.R.]

8 Subp. 8. **Capped permits.** A stationary source required to
9 obtain a state permit from the agency under this part, or which
10 chooses to obtain a state permit to limit its emissions to
11 levels below those that would trigger the requirement to obtain
12 a part 70 permit, may elect to instead obtain a capped permit
13 under parts 7007.1140 to 7007.1148, if the stationary source
14 qualifies under those parts.

15 7007.1050 DURATION OF PERMITS.

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

17 Subp. 2. **State permits and capped permits.** A state permit
18 or capped permit shall not automatically expire unless the
19 agency makes the permit an expiring one under subpart 5.

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

21 Subp. 5. **Expiring state, capped, and general permits.** The
22 agency may elect to make state permits, capped permits, and
23 general permits (except general permits that apply to stationary
24 sources otherwise required to have a part 70 permit) expire five
25 years or more after issuance if the permittee requests an
26 expiring permit or if the agency determines that an expiring
27 permit would significantly improve the likelihood of continuing

1 compliance with applicable requirements and the terms of the
2 permit. Grounds for such a determination include, but are not
3 limited to, the following:

4 A. the stationary source has a history of
5 noncompliance with applicable requirements or with an air
6 emissions permit;

7 B. the applicable requirements to which the
8 stationary source is currently subject are expected to change
9 substantially within the next five years; or

10 C. the stationary source is likely to make
11 substantial changes within the next five years making it subject
12 to additional applicable requirements.

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

14 [For text of subps 6 and 7, see M.R.]

15 7007.1100 GENERAL PERMITS.

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

17 Subp. 2. **Public participation.** The agency shall follow
18 the same public participation procedures in part 7007.0850,
19 subparts 2 and 3, for individual permits except as stated
20 otherwise in this subpart. The notice of the agency's intent to
21 publish a general permit need not be published in newspapers of
22 general circulation but shall be published in the State
23 Register. The notice need not include any facility specific
24 information. The notice issued by the agency shall identify
25 criteria for stationary sources that qualify for the general
26 permit and identify the geographic area in which it applies. If
27 the general permit is sector-based, the notice shall state

1 whether a stationary source holding a capped permit issued under
2 parts 7007.1140 to 7007.1148 must apply for the sector-based
3 general permit. The agency need not comply with part 7007.0850,
4 subpart 2, item A, subitem (4), unless the stationary source
5 category includes stationary sources subject to the requirement
6 to obtain part 70 permits.

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

8 7007.1102 INCORPORATIONS BY REFERENCE.

9 For the purpose of parts 7007.0100, subparts 9b, 9c, and
10 9e; 7007.1105; and 7007.1107, the documents in items A to E are
11 incorporated by reference. These documents are subject to
12 change, including numbering, title, consolidation,
13 reorganization, and minor wording revisions. The ISO documents
14 are published by the International Organization for
15 Standardization (ISO), Geneva, Switzerland. The documents in
16 items A to C are available at the American National Standards
17 Institute (ANSI), New York, New York 10036 (www.ansi.org), or
18 through the Minitex interlibrary loan system.

19 A. ISO 14001: Environmental management systems -
20 Specification with guidance for use, ISO, 1996.

21 B. ISO 19011: Guidelines for quality and/or
22 environmental management systems auditing, ISO, 2002.

23 C. ISO/International Electrotechnical Commission
24 (IEC) Guide 66: General requirements for bodies operating
25 assessment and certification/registration of environmental
26 management systems, ISO, 1999.

27 D. Guidance on the Application of ISO/IEC Guide 66,

1 International Accreditation Forum (IAF), 1996. This publication
2 is available through IAF (www.iaf.nu).

3 E. National Accreditation Program Advisories,
4 Registrar Accreditation Board (RAB). These publications are
5 available through RAB, P.O. Box 3005, Milwaukee, Wisconsin
6 53201-3005 (www.rabnet.com).

7 7007.1105 ELIGIBILITY FOR ENVIRONMENTAL MANAGEMENT SYSTEM (EMS)
8 PROVISIONS IN STATE PERMITS.

9 Subpart 1. Eligibility for existing stationary sources.

10 If the commissioner determines that an owner or operator meets
11 the requirements of items A and B, then a stationary source
12 applying for and qualifying for a state permit with the EMS
13 provisions described in part 7007.1107, subparts 2 and 3, may
14 request inclusion of the EMS provisions in its permit.

15 A. The owner or operator has implemented an ISO
16 14001-registered EMS at the stationary source, or has
17 implemented an EMS conforming to the requirements of the ISO
18 14001 standard as determined by an EMS auditor.

19 B. The owner or operator has applied for a permit to
20 establish facility-wide emission limits for the following
21 pollutants, if they are emitted by the stationary source: NO_x,
22 SO₂, PM, PM-10, CO, VOC, Pb, and hazardous air pollutants. The
23 commissioner may establish emission limits for other regulated
24 pollutants described under part 7007.0200, subpart 2, that are
25 emitted by the stationary source.

26 Subp. 2. Ineligibility for EMS provisions. A stationary
27 source is ineligible for the EMS provisions in part 7007.1107,

1 subparts 2 and 3, if the commissioner determines the stationary
2 source does not meet the conditions under subpart 1, item A, or
3 for any of the grounds listed in part 7007.1000, subpart 2.

4 Subp. 3. **Transitional eligibility.** An owner or operator
5 of a stationary source that has not been constructed at the time
6 of application may apply prior to construction for a state
7 permit that includes EMS provisions. An owner or operator of an
8 existing stationary source that is applying for a new permit or
9 renewing an existing permit and plans to implement an eligible
10 EMS after permit application or issuance may also apply for a
11 state permit that includes EMS provisions. In either case, the
12 owner or operator must apply for a permit to establish
13 facility-wide emission limits for the following pollutants, if
14 they are emitted by the stationary source: NO_x, SO₂, PM, PM-10,
15 CO, VOC, Pb, and hazardous air pollutants. The commissioner may
16 establish emission limits for other regulated pollutants
17 described under part 7007.0200, subpart 2, that are emitted by
18 the stationary source. During the transitional period, the time
19 between initial startup of the new stationary source and
20 notification to the commissioner of its eligibility for the EMS
21 provisions, or the time between an existing stationary source's
22 permit issuance and its notification to the commissioner of its
23 eligibility for the EMS provisions, the stationary source must
24 comply with the customary permit conditions included in the
25 permit. To establish eligibility for the EMS provisions after
26 the transitional period, the stationary source must comply with
27 items A to C.

1 A. The owner or operator must complete EMS
2 development for the stationary source including at least one EMS
3 audit within 365 days of initial start-up of the new stationary
4 source, or within 365 days of permit issuance for the existing
5 stationary source.

6 B. During the transitional period, summaries of EMS
7 audit results must be sent directly to the commissioner by the
8 EMS auditor within 45 days of the date the EMS audit was
9 conducted at the stationary source.

10 C. The owner or operator must notify the commissioner
11 after EMS audits of the full scope of the stationary source's
12 EMS have been completed with no major nonconformances found and
13 the summaries of EMS audit results have been submitted directly
14 to the commissioner by the EMS auditor. The stationary source
15 is eligible for the EMS provisions in part 7007.1107, subparts 2
16 and 3, seven working days after the notification is received by
17 the commissioner, unless the commissioner denies the stationary
18 source eligibility under subpart 2.

19 **Subp. 4. Grounds for loss of eligibility for EMS**
20 **provisions.**

21 A. The stationary source is ineligible for the
22 provisions described in part 7007.1107, subparts 2 and 3, if the
23 stationary source no longer has an EMS as defined in part
24 7007.0100, subpart 9b. The owner or operator shall notify the
25 commissioner in writing within seven working days upon learning
26 that the stationary source no longer has an EMS as defined in
27 part 7007.0100, subpart 9b. The owner or operator shall

1 immediately comply with the customary permit conditions included
2 in the permit.

3 B. If a major nonconformance is discovered during an
4 EMS audit, a follow-up EMS audit must take place at the
5 stationary source within six months of the date the EMS auditor
6 discovered the major nonconformance, but the scope of the
7 follow-up EMS audit may be limited to those owner or operator
8 actions necessary to correct the major nonconformance. The EMS
9 auditor shall send the commissioner a summary of the results of
10 the audit discovering major nonconformance and the follow-up EMS
11 audit within 45 days of their occurrence. The commissioner
12 shall review the summaries of the EMS audit results and may
13 determine the stationary source is no longer eligible for the
14 EMS provisions if the EMS auditor found the same major
15 nonconformance during the follow-up EMS audit. The owner or
16 operator shall comply with the customary permit conditions upon
17 receipt of written notification from the commissioner that the
18 EMS provisions are no longer effective.

19 C. The commissioner may determine the stationary
20 source is no longer eligible for the EMS provisions described in
21 part 7007.1107, subparts 2 and 3, if the commissioner finds that
22 unresolved noncompliance with applicable requirements or with
23 the permit exists. If such a decision is made, the commissioner
24 shall notify the owner or operator in writing that the EMS
25 provisions of the permit are no longer effective and the
26 stationary source shall comply with the customary permit
27 conditions upon receipt of the commissioner's written

1 notification.

2 **Subp. 5. Reinstating eligibility for EMS provisions.** If a
3 stationary source loses eligibility for the EMS provisions under
4 subpart 4, the owner or operator may reapply for eligibility by
5 notifying the commissioner in writing that:

6 A. a period of one year has passed since the receipt
7 of the ineligibility notification; and

8 B. following the stationary source's correction of
9 the cause or causes of loss of eligibility for the EMS
10 provisions, an EMS audit or EMS audits covering the full scope
11 of the stationary source's EMS have been completed with no major
12 nonconformances found and the summaries of EMS audit results
13 have been submitted directly to the commissioner by the EMS
14 auditor.

15 Subject to the commissioner's review of the summaries of
16 EMS audit results, the commissioner shall notify the owner or
17 operator in writing that the stationary source's eligibility for
18 the EMS provisions has been reinstated effective the date of
19 notification.

20 **Subp. 6. Change of ownership or control.** If there is a
21 change of ownership or control at a stationary source, the
22 stationary source may retain the EMS provisions in the permit if
23 the full scope of the stationary source's EMS is audited no
24 sooner than 12 or no later than 24 months of the date of change
25 of ownership or control through one or more EMS audits. A
26 summary of each EMS audit's results shall be sent directly from
27 the EMS auditor to the commissioner within 45 days of completion

1 of the EMS audit. The commissioner shall review the summary or
2 summaries of EMS audit results. Based on that review, the
3 commissioner shall determine whether the stationary source
4 remains eligible under this part for the EMS provisions in its
5 permit, and notify the stationary source of that determination
6 in writing. If the commissioner determines the stationary
7 source has lost eligibility for the EMS provisions, the
8 stationary source shall comply with the customary permit
9 conditions immediately upon receipt of the written notification.

10 **Subp. 7. Commissioner review of EMS auditor's**
11 **documentation of findings.** The commissioner may request the
12 owner or operator to provide the EMS auditor's documentation of
13 findings when making the following determinations about a
14 stationary source's eligibility for the EMS provisions:

- 15 A. eligibility for existing stationary sources under
16 subpart 1;
17 B. ineligibility for EMS provisions under subpart 2;
18 C. transitional eligibility under subpart 3;
19 D. loss of eligibility under subpart 4;
20 E. reinstating eligibility for EMS provisions under
21 subpart 5; or
22 F. change of ownership or control under subpart 6.

23 The owner or operator may request the commissioner to treat
24 information submitted in the EMS auditor's documentation of
25 findings as confidential by following the procedures established
26 by part 7000.1300.

27 **Subp. 8. Stationary source notification of return to**

1 customary permit conditions. The owner or operator may at any
2 time notify the commissioner in writing that the stationary
3 source will no longer operate under the EMS provisions and will
4 instead comply with the customary permit conditions. This
5 change of status is effective immediately upon the
6 commissioner's receipt of the notification.

7 7007.1107 APPLICATION AND PERMIT CONTENT RELATED TO INCLUSION OF
8 EMS PROVISIONS IN STATE PERMITS.

9 Subpart 1. **Application content.** An owner or operator of a
10 stationary source applying for inclusion of the EMS provisions
11 in subparts 2 and 3 in a state permit must:

12 A. Submit an application meeting the requirements of
13 parts 7007.0100 to 7007.1850. If the owner or operator has
14 submitted a complete application for a state, part 70, capped,
15 or general permit prior to the application deadline in part
16 7007.0350 or 7007.0400 and is eligible for a state permit with
17 EMS provisions, then an owner or operator applying for inclusion
18 of EMS provisions may supplement information in a previous
19 application to meet the application content requirements listed
20 in this subpart.

21 B. For SO₂, PM-10, and NO_x emitted by the source:

22 (1) comply with part 7007.1148, subpart 1 or 2,
23 ambient air quality assessment; or

24 (2) demonstrate to the satisfaction of the
25 commissioner that the one-hour, three-hour, and 24-hour SO₂; the
26 24-hour PM-10; and annual NO₂ concentrations predicted at and
27 beyond the property line of the stationary source through

1 site-specific modeling are lower than the corresponding
2 standards in part 7009.0080.

3 The application must specify which method was used for each
4 pollutant emitted and include a summary of the results of the
5 assessment. In performing the assessment, the owner or operator
6 may assume specific limits or conditions it is proposing to be
7 included in the permit.

8 C. Provide information in the application on a form
9 approved by the commissioner to demonstrate that the stationary
10 source meets the eligibility requirements in part 7007.1105 for
11 a state permit that includes the EMS provisions. This
12 application form must be accompanied by a summary of EMS audit
13 results for the stationary source's most recent EMS audit.

14 Subp. 2. **EMS provisions: flexibility in amendment,**
15 **reporting, and calculation procedures.** If a stationary source
16 meets the eligibility requirements in part 7007.1105, the agency
17 shall include the conditions specified in this subpart in the
18 stationary source's state permit.

19 A. When calculating emission changes to determine if
20 an amendment is necessary, an owner or operator need only follow
21 the methods described under part 7007.1200, subpart 2, for any
22 pollutant with a facility-wide emission limit. Part 7007.1200,
23 subpart 3, does not apply.

24 B. A semiannual deviation report is required in the
25 reporting period under part 7007.0800, subpart 6, item A,
26 subitem (2), except that the deviation report is due only if a
27 deviation occurred in the reporting period.

1 C. An owner or operator shall comply with the
2 requirements related to calculation frequency in subitems (1) to
3 (3).

4 (1) If the actual emissions of any pollutant
5 listed in this subitem are less than the "Eligibility Limit for
6 Reduced Calculation" for that pollutant for the previous
7 calendar year, then the owner or operator may calculate and
8 record actual emissions for that pollutant on a calendar year
9 basis. The owner or operator shall by January 30 of each year
10 calculate and record the sum of actual emissions for the
11 previous calendar year. This calculation must be made pursuant
12 to the requirements of the permit. Unless otherwise specified
13 in the permit, this calculation must include all emissions units
14 at the stationary source, except for insignificant activities
15 under part 7007.1300, subparts 2 and 3, and conditionally
16 insignificant activities under chapter 7008. The following
17 pollutants have the listed "Eligibility Limit for Reduced
18 Calculation":

- 19 (a) any single HAP, 2.5 tons/year;
20 (b) total HAP, 6.25 tons/year;
21 (c) NO_x, 25 tons/year;
22 (d) SO₂, 25 tons/year;
23 (e) PM, 25 tons/year;
24 (f) PM-10, 25 tons/year;
25 (g) VOC, 25 tons/year;
26 (h) CO, 25 tons/year; and
27 (i) Pb, 0.050 tons/year.

1 (2) If actual emissions for the previous calendar
2 year exceed the "Eligibility Limit for Reduced Calculation" for
3 a pollutant listed in subitem (1), then the stationary source is
4 no longer eligible for annual calculations for that pollutant
5 under subitem (1). The permit shall specify the customary
6 permit conditions for calculation frequency if the stationary
7 source becomes ineligible for the reduced calculation frequency
8 under subitem (1). To reinstate eligibility for reduced
9 calculation frequency under subitem (1) for a pollutant, the
10 owner or operator shall demonstrate that actual emissions for
11 that pollutant are below the "Eligibility Limit for Reduced
12 Calculation" in subitem (1) for 12 consecutive months using the
13 customary permit conditions for calculation frequency.

14 (3) The commissioner may require the owner or
15 operator to monitor operating parameters and may establish
16 conditions in the permit such that if an operating parameter is
17 exceeded, more frequent calculation than that specified under
18 subitem (1) is required. The commissioner shall establish these
19 permit conditions if the commissioner determines that an annual
20 calculation is not sufficient to ensure that the stationary
21 source will remain below the facility-wide emission limits
22 established in the permit.

23 **Subp. 3. Requirements related to inclusion of EMS**
24 **provisions.** If a stationary source meets the eligibility
25 requirements in part 7007.1105 and requests the inclusion of the
26 EMS provisions in subpart 2, the agency shall include in the
27 stationary source's state permit the conditions specified in

1 items A to C.

2 A. The permit shall include the customary permit
3 conditions related to amendments, deviations reporting, and
4 calculation frequency.

5 B. An EMS audit of the stationary source by an EMS
6 auditor must be conducted at least every two years.

7 C. A summary of EMS audit results shall be sent
8 directly from the EMS auditor to the commissioner within 45 days
9 of the date of any EMS audit, if requested by the commissioner
10 or as required under part 7007.1105, subparts 1 to 6.

11 7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.

12 Subpart 1. **Stationary sources that may obtain a**
13 **registration permit.** A stationary source that qualifies for a
14 registration permit under this part and part 7007.1115 (Option
15 A), 7007.1120 (Option B), 7007.1125 (Option C), or 7007.1130
16 (Option D) may elect to apply to the commissioner for a
17 registration permit instead of a part 70, state, capped, or
18 general permit, except as provided in subpart 2.

19 [For text of subps 2 to 15, see M.R.]

20 Subp. 16. **Application for a different type of permit.** The
21 owner or operator shall submit an application for a part 70,
22 state, capped, or general permit, or a different registration
23 permit option, within 120 days of the commissioner's written
24 request for the application if the commissioner determines that:

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

26 Subp. 17. **Voiding an existing permit.** The commissioner
27 shall void a part 70, capped, or state permit for a stationary

1 source which is issued a registration permit. A stationary
2 source which is covered under the terms of a general permit is
3 no longer covered by the general permit when it is issued a
4 registration permit. The commissioner shall void a registration
5 permit issued under one registration permit option for a
6 stationary source that is issued a registration permit for a
7 different registration permit option. The commissioner shall
8 void a registration permit for a stationary source that is
9 issued a part 70, state, capped, or general permit.

10 [For text of subps 18 to 22, see M.R.]

11 7007.1140 CAPPED PERMIT ELIGIBILITY REQUIREMENTS.

12 Subpart 1. Sources that may obtain a capped permit. A
13 stationary source that qualifies for capped permit option 1
14 under part 7007.1141, subpart 1, or capped permit option 2 under
15 part 7007.1141, subpart 2, may elect to apply to the
16 commissioner for a capped permit instead of a part 70, state,
17 registration, or general permit, except as provided in item B.
18 The owner or operator of a stationary source may apply for a
19 capped permit under this part if the stationary source meets the
20 following criteria:

21 A. An owner or operator applies for capped permit
22 option 1 or capped permit option 2 and meets the requirements of
23 subitems (1) or (2).

24 (1) For option 1, all emissions units at the
25 stationary source are either included in calculations in part
26 7007.1146; are insignificant activities under part 7007.1300,
27 subpart 2; or are insignificant activities under part 7007.1300,

1 subpart 3, for which emission factors or other calculation
2 methods do not exist.

3 (2) For option 2, all emissions units at the
4 stationary source are either included in calculations in part
5 7007.1146, or are insignificant activities under part 7007.1300,
6 subpart 2 or 3, or are conditionally insignificant activities
7 described in chapter 7008.

8 B. The 12-month rolling sum of actual emissions at
9 the stationary source for each pollutant is less than or equal
10 to the thresholds in option 1 or option 2. If the source has
11 not been operated or has operated for less than 12 months, the
12 12-month sum of estimated actual emissions is less than or equal
13 to the thresholds in part 7007.1141.

14 C. The owner or operator does not anticipate making
15 changes in the next year which will cause the stationary
16 source's 12-month rolling sum of actual emissions to exceed any
17 threshold in tons per year listed in part 7007.1141.

18 D. The owner or operator complies with part
19 7007.1148, ambient air quality assessment.

20 Subp. 2. Sources that may not obtain a capped permit.

21 A. A stationary source may not obtain a capped permit
22 if it is required to obtain a permit under parts 7007.0200,
23 subpart 3, acid rain affected sources; 7007.0200, subpart 4,
24 solid waste incinerators and waste combustors; 7007.0200,
25 subpart 5, other part 70 sources; 7007.0250, subpart 3, state
26 implementation plan required state permit; or 7007.0250, subpart
27 6, waste combustors.

1 B. A stationary source may not obtain a capped permit
2 if air quality specific conditions or limits not contained in
3 parts 7007.1140 to 7007.1148 were assumed:

4 (1) as a mitigation measure in an environmental
5 impact statement;

6 (2) in obtaining a negative declaration in an
7 environmental assessment worksheet; or

8 (3) in demonstrating compliance with any state or
9 national ambient air quality standards.

10 C. A stationary source may not obtain a capped permit
11 if it produces fuel grade ethanol or if a sector-based state
12 general permit is available except as allowed under part
13 7007.1100, subpart 2.

14 D. A stationary source may not obtain a capped permit
15 if the commissioner determines site-specific permit requirements
16 are needed to ensure compliance with applicable requirements or
17 to protect human health or the environment.

18 E. No stationary source may obtain a capped permit if
19 it is subject to a new source performance standard other than
20 one of the following:

21 (1) Code of Federal Regulations, title 40, part
22 60, subpart Dc, Standards of Performance for Small
23 Industrial-Commercial-Institutional Steam Generating Units,
24 incorporated by reference in part 7011.0570;

25 (2) Code of Federal Regulations, title 40, part
26 60, subpart I, Standards of Performance for Hot Mix Asphalt
27 Facilities, incorporated by reference in part 7011.0909;

1 (3) Code of Federal Regulations, title 40, part
2 60, subpart K, Standards of Performance for Storage Vessels for
3 Petroleum Liquids for Which Construction, Reconstruction or
4 Modification Commenced After June 11, 1973, and Prior to May 19,
5 1978, incorporated by reference in part 7011.1520, item A;

6 (4) Code of Federal Regulations, title 40, part
7 60, subpart Ka, Standards of Performance for Storage Vessels for
8 Petroleum Liquids for Which Construction, Reconstruction or
9 Modification Commenced after May 18, 1978, and Prior to July 23,
10 1984, incorporated by reference in part 7011.1520, item B;

11 (5) Code of Federal Regulations, title 40, part
12 60, subpart Kb, Standards of Performance for Volatile Organic
13 Liquid Storage Vessels (Including Petroleum Storage Vessels) for
14 Which Construction, Reconstruction or Modification Commenced
15 After July 23, 1984, incorporated by reference in part
16 7011.1520, item C;

17 (6) Code of Federal Regulations, title 40, part
18 60, subpart DD, Standards of Performance for Grain Elevators,
19 incorporated by reference in part 7011.1005, subpart 2;

20 (7) Code of Federal Regulations, title 40, part
21 60, subpart EE, Standards of Performance for Surface Coating of
22 Metal Furniture, incorporated by reference in part 7011.2550;

23 (8) Code of Federal Regulations, title 40, part
24 60, subpart GG, Standards of Performance for New Stationary Gas
25 Turbines, incorporated by reference in part 7011.2350;

26 (9) Code of Federal Regulations, title 40, part
27 60, subpart SS, Standards of Performance for Industrial Surface

1 Coating: Large Appliances, incorporated by reference in part
2 7011.2565;

3 (10) Code of Federal Regulations, title 40, part
4 60, subpart XX, Standards of Performance for New Bulk Gasoline
5 Terminals, incorporated by reference in part 7011.1550;

6 (11) Code of Federal Regulations, title 40, part
7 60, subpart JJJ, Standards of Performance for Petroleum Dry
8 Cleaners, incorporated by reference in part 7011.3250; and

9 (12) Code of Federal Regulations, title 40, part
10 60, subpart TTT, Standards of Performance for Industrial Surface
11 Cleaning of Plastic Parts for Business Machines, incorporated by
12 reference in part 7011.2580.

13 7007.1141 CAPPED PERMIT EMISSION THRESHOLDS.

14 Subpart 1. Option 1 emission thresholds.

15 A. HAP, 9.0 tons per year for a single HAP, 20 tons
16 per year total for all HAPs;

17 B. PM, 90 tons per year;

18 C. PM-10, 90 tons per year;

19 D. VOC, 90 tons per year;

20 E. SO₂, 90 tons per year;

21 F. NO_x, 90 tons per year;

22 G. CO, 90 tons per year; and

23 H. Pb, 0.50 tons per year.

24 Subp. 2. Option 2 emission thresholds.

25 A. HAP, 8.0 tons per year for a single HAP, 20 tons
26 per year total for all HAPs;

27 B. PM, 75 tons per year;

- 1 C. PM-10, 75 tons per year;
2 D. VOC, 85 tons per year;
3 E. SO₂, 90 tons per year;
4 F. NO_x, 85 tons per year;
5 G. CO, 85 tons per year; and
6 H. Pb, 0.50 tons per year.

7 7007.1142 CAPPED PERMIT ISSUANCE AND CHANGE OF PERMIT STATUS.

8 Subpart 1. Capped permit issuance, denial, and
9 revocation. The commissioner shall issue a capped permit to the
10 owner or operator of a stationary source if the owner or
11 operator has submitted a complete application for a capped
12 permit, the commissioner determines that the stationary source
13 qualifies for the capped permit option under parts 7007.1140 to
14 7007.1148 for which the application was submitted, and the
15 commissioner anticipates that the stationary source will comply
16 with the capped permit. The commissioner shall deny an
17 application for a capped permit if the commissioner determines
18 that the stationary source does not qualify for the capped
19 permit option under parts 7007.1140 to 7007.1148 for which the
20 application was submitted or that the stationary source will not
21 be able to comply with the capped permit. The grounds for
22 permit denial in parts 7007.1000, subpart 1, item H, and part
23 7007.1000, subpart 2, items B to G, also constitute grounds for
24 the commissioner to deny a capped permit application. The
25 commissioner may revoke a capped permit, if the commissioner
26 finds that any of the grounds under subpart 6 or under part
27 7007.1700, subpart 1, exist, by following the procedure in part

1 7007.1700, subpart 2.

2 Subp. 2. Changes or modifications rendering stationary
3 source ineligible for its current capped permit option. If the
4 owner or operator intends to make a change or modification at a
5 stationary source issued a capped permit which results in the
6 stationary source becoming ineligible for that permit option or
7 being unable to meet the requirements for that permit option,
8 but which will result in the stationary source being eligible
9 for the other capped permit option, then the owner or operator
10 must comply with items A to C.

11 A. The owner or operator must submit the required
12 permit application to the commissioner before making the change
13 or beginning actual construction on the modification. The
14 public participation process in part 7007.1144 does not apply to
15 applications in which a stationary source is transferring from
16 one capped permit option to another.

17 B. The owner or operator may make the change or begin
18 actual construction on and start-up of the modification proposed
19 in the permit application seven working days after the permit
20 application is received by the commissioner.

21 C. Until the commissioner acts on the permit
22 application, the owner or operator must comply with the
23 requirements of the capped permit option for which the owner or
24 operator applied, and all applicable requirements. During this
25 time period, the owner or operator need not comply with the
26 capped permit requirements specific to the option under which
27 the owner or operator currently holds a capped permit.

1 Subp. 3. Changes or modifications rendering stationary
2 source ineligible for either capped permit option. The owner or
3 operator of a stationary source that has been issued a capped
4 permit must submit a registration, part 70, state, or general
5 permit application before making a change or modification which
6 results in the stationary source no longer qualifying for either
7 capped permit option under parts 7007.1140 to 7007.1148. The
8 owner or operator may not begin actual construction on the
9 modification until the required registration, part 70, state, or
10 general permit for the stationary source is obtained, or an
11 installation and operation permit for the modification is
12 obtained under part 7007.0750, subpart 5. Once a stationary
13 source has made a change or modification rendering it ineligible
14 for either capped permit option under parts 7007.1140 to
15 7007.1148, the stationary source may only become eligible for a
16 capped permit again if it meets the requirements of subpart 4.

17 Subp. 4. Reinstatement of eligibility for capped permit
18 through addition of air pollution control equipment, removal of
19 emission units, or implementation of pollution prevention
20 practices. If through the addition of listed control equipment
21 as defined in part 7011.0060, permanent removal of emissions
22 units, or implementation of pollution prevention practices the
23 stationary source reinstates eligibility for a capped permit
24 under parts 7007.1140 to 7007.1148, the owner or operator may
25 reapply for a capped permit. If the stationary source
26 reinstates eligibility for a capped permit due to implementation
27 of pollution prevention practices, the owner or operator shall

1 submit a description of the pollution prevention practices with
2 the capped permit application for the commissioner's review and
3 approval. For purposes of this subpart, "pollution prevention
4 practices" means eliminating or reducing at the source the
5 quantity or toxicity of regulated air pollutants, or hazardous
6 air pollutants that are not regulated air pollutants, used by or
7 emitted from the stationary source. Emission reductions are not
8 reductions if the decrease is solely the result of a decrease in
9 production at the stationary source.

10 Subp. 5. **Change of name, ownership, or control of**
11 **stationary source issued a capped permit.**

12 A. Prior to a change of the name of the stationary
13 source or any mailing address listed in the permit, the owner or
14 operator must submit a request for change of the name or address
15 on a form provided by the commissioner. The commissioner shall
16 reissue the capped permit to the owner or operator with the
17 changed name or mailing address. Issuance of a capped permit
18 with a new name or mailing address voids and supersedes the
19 previously issued capped permit.

20 B. Prior to a change in the ownership or control of a
21 stationary source issued a capped permit under parts 7007.1140
22 to 7007.1148, the new owner or operator must submit a request
23 for change of the owner or operator on a form provided by the
24 commissioner. If the commissioner determines that the new owner
25 or operator meets the requirements of parts 7007.1140 to
26 7007.1148 for capped permit issuance, then the commissioner
27 shall issue the capped permit to the new owner or operator.

1 Issuance of a capped permit to the new owner or operator of an
2 eligible stationary source voids and supersedes the capped
3 permit of the previous owner or operator.

4 Public participation procedures in part 7007.1144 do not
5 apply to the issuance of a capped permit for a change of
6 stationary source name, mailing address, ownership, or control.

7 Subp. 6. Agency request for different type of permit
8 application. The owner or operator shall submit an application
9 for a part 70, state, or general permit, or a different capped
10 permit option, within 120 days of the commissioner's written
11 request for the application if the commissioner determines that:

12 A. the stationary source has a history of
13 noncompliance with applicable requirements or with its capped
14 permit;

15 B. the stationary source no longer qualifies for its
16 capped permit;

17 C. the stationary source qualifies for the other
18 capped permit option under parts 7007.1140 to 7007.1148;

19 D. the applicable requirements to which the
20 stationary source is subject are about to or have changed
21 substantially;

22 E. the permit application contains material mistakes
23 or inaccurate statements to establish eligibility for the
24 emissions standards, limitations, or other terms or conditions
25 of the permit;

26 F. alterations or modifications to the permitted
27 facility will result in or have the potential to result in

1 significant alteration in the nature or quantity of regulated
2 air pollutants to be emitted by the permittee; or

3 G. the commissioner receives information previously
4 unavailable to the commissioner that shows that the terms and
5 conditions of the permit do not accurately represent the actual
6 circumstances relating to the permitted facility.

7 Subp. 7. **Voiding an existing permit.** The commissioner
8 shall void a part 70, state, or registration permit for a
9 stationary source which is issued a capped permit. A stationary
10 source that is covered under the terms of a general permit is no
11 longer covered by the general permit when it is issued a capped
12 permit. The commissioner shall void a capped permit issued
13 under one capped permit option for a stationary source that is
14 issued a capped permit for a different capped permit option.
15 The commissioner shall void a capped permit for a stationary
16 source that is issued a registration, part 70, state, or general
17 permit.

18 7007.1143 CAPPED PERMIT GENERAL REQUIREMENTS.

19 Subpart 1. **Capped permit certifications.** A responsible
20 official, as defined in part 7007.0100, subpart 21, shall sign
21 and certify any capped permit application, report, compliance
22 certifications, and record keeping, testing, or monitoring
23 submitted pursuant to parts 7007.1140 to 7007.1148 with regard
24 to truth, accuracy, and completeness. The certification and any
25 other certification required by parts 7007.1140 to 7007.1148
26 must state that, based on information and belief formed after
27 reasonable inquiry, the statements and information in the

1 document are true, accurate, and complete. The certification
2 that is submitted with a capped permit application must
3 additionally state that the stationary source will be operated
4 in compliance with all applicable requirements, and must be
5 signed by a responsible official of both the owner and the
6 operator of the stationary source if they are not the same.

7 **Subp. 2. Capped permit content.** A capped permit must
8 identify the stationary source, the owner and operator of the
9 stationary source, where the stationary source is allowed to
10 operate, and shall state as follows: "The permittee shall
11 comply with Minnesota Rules, parts 7007.1140 to 7007.1148, that
12 pertain to capped permit [insert option 1 or option 2 whichever
13 one applies], and all applicable requirements, including
14 development of a compliance plan and all record keeping,
15 monitoring, and reporting described in parts 7007.1140 to
16 7007.1148."

17 **Subp. 3. Emission inventory required for stationary**
18 **sources issued capped permits.** The owner or operator of a
19 stationary source issued a capped permit under parts 7007.1140
20 to 7007.1148 must submit an annual emission inventory to the
21 commissioner under parts 7019.3000 to 7019.3100.

22 **Subp. 4. Record retention, access to records, and**
23 **inspections for stationary sources issued capped permits.**

24 A. The owner or operator of a stationary source
25 issued a capped permit under parts 7007.1140 to 7007.1148 must
26 maintain at the stationary source for a period of five years
27 from the date the record was made all information required to be

1 recorded under applicable state and federal rules and parts
2 7007.1140 to 7007.1148. The owner or operator must make these
3 records available for examination and copying upon request of
4 the commissioner, and must upon request submit these records to
5 the commissioner by the time specified by the commissioner in
6 the request. A stationary source with a capped permit may
7 maintain records at an office of the owner or operator of the
8 stationary source for all years prior to the current calendar
9 year of operation.

10 B. The owner or operator of a stationary source
11 issued a capped permit under parts 7007.1140 to 7007.1148 must
12 provide the commissioner, or an authorized representative or
13 agent of the commissioner, access to the stationary source,
14 including allowing the collection of samples, and records to the
15 extent provided under Minnesota Statutes, section 116.091, or
16 other law, upon presentation of credentials and other documents
17 required by law.

18 C. Nothing in this subpart shall be read to limit the
19 commissioner's, agency's, or administrator's authority under
20 Minnesota Statutes, section 116.091, section 114 of the act, or
21 other law.

22 **Subp. 5. No circumvention; permit shield.**

23 A. The owner or operator of a stationary source that
24 obtains a capped permit is subject to enforcement action for
25 operation without a permit if the commissioner later determines
26 that the stationary source does not qualify for the capped
27 permit.

1 B. The permit shield under part 7007.1800 does not
2 apply to capped permits.

3 Subp. 6. Operation in more than one location. If
4 requested by the applicant, the capped permit may allow a
5 stationary source to be operated in more than one location. If
6 more than one location is proposed by the owner or operator, the
7 owner or operator shall include in the application an
8 identification of all geographic areas where the stationary
9 source is authorized to operate during the course of the permit.

10 Subp. 7. Capped permit general conditions. Capped permits
11 issued by the commissioner under parts 7007.1140 to 7007.1148
12 must include the general conditions in items A to O, which are
13 included in the permit by reference to this part as a whole.

14 A. Unchallenged provisions of the permit remain valid
15 despite any successful challenges to specific portions of the
16 permit.

17 B. The permittee must comply with all conditions of
18 the permit. Any permit noncompliance constitutes a violation of
19 state law and, if the provision is federally enforceable, of the
20 act. The violation is grounds for enforcement action by the
21 commissioner, the agency, or the EPA or for permit revocation.

22 C. It is not a defense for a permittee in an
23 enforcement action that it would have been necessary to halt or
24 reduce the permitted activity in order to maintain compliance
25 with the conditions of the permit.

26 D. The permit may be revoked for cause as provided in
27 part 7007.1142, subpart 1. The filing of a request by the

1 permittee for a different type of permit, a different capped
2 permit option, revocation or termination of the permit, or a
3 notification of planned changes or anticipated noncompliance
4 does not stay any permit condition, except as specifically
5 provided in part 7007.1142, subpart 2.

6 E. The permit does not convey any property right of
7 any sort or any exclusive privilege.

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

14 G. The commissioner's issuance of the permit does not
15 release the permittee from any liability, penalty, or duty
16 imposed by Minnesota or federal statutes or rules or local
17 ordinances, except the obligation to obtain a permit.

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

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

26 J. The permittee shall at all times properly operate
27 and maintain the facilities and systems of treatment and control

1 and the appurtenances related to them which are installed or
2 used by the permittee to achieve compliance with the conditions
3 of the permit. Proper operation and maintenance includes
4 effective performance, adequate funding, adequate operator
5 staffing and training, and adequate laboratory and process
6 controls, including appropriate quality assurance procedures.

7 K. The permittee may not knowingly make a false or
8 misleading statement, representation, or certification in a
9 record, report, plan, or other document required to be submitted
10 to the commissioner by the permit. The permittee shall
11 immediately upon discovery report to the commissioner an error
12 or omission in these records, reports, plans, or other
13 documents. The permittee may not falsify, tamper with, render
14 inaccurate, or fail to install any monitoring device or method
15 required to be maintained or followed by the permit.

16 L. The permittee shall, when requested by the
17 commissioner, submit within a reasonable time any information
18 and reports that are relevant to pollution or the activities
19 authorized under the permit.

20 M. If the permittee discovers, through any means,
21 including notification by the commissioner, that noncompliance
22 with a condition of the permit has occurred, the permittee shall
23 immediately take all reasonable steps to minimize the adverse
24 impact on human health or the environment resulting from the
25 noncompliance.

26 N. The permit is not transferable to any person.

27 O. The permit authorizes the permittee to perform the

1 activities described in the permit under the conditions of the
2 permit. In issuing the permit, the state, the agency, and the
3 commissioner assume no responsibility for damages to persons,
4 property, or the environment caused by the activities of the
5 permittee in the conduct of its actions, including those
6 activities authorized, directed, or undertaken under the
7 permit. To the extent the state, the agency, and the
8 commissioner may be liable for the activities of their
9 employees, that liability is explicitly limited to that provided
10 in the Tort Claims Act, Minnesota Statutes, section 3.376.

11 Subp. 8. Parts that do not apply to capped permits. Parts
12 7007.0500; 7007.0501; 7007.0600 to 7007.0950; 7007.1000, subpart
13 1, items A to G; 7007.1100 to 7007.1130; 7007.1150 to 7007.1250;
14 7007.1350 to 7007.1650; and 7007.1800 do not apply to capped
15 permits issued under parts 7007.1140 to 7007.1148.

16 Subp. 9. Parts that always apply to capped permits. Parts
17 7007.1140 to 7007.1148 continue to apply to a stationary source
18 issued a capped permit until a new capped, registration, state,
19 part 70, or general permit is issued to the stationary source or
20 the commissioner determines that the stationary source does not
21 require any air emissions permit under part 7007.1050, subpart 7.

22 7007.1144 CAPPED PERMIT PUBLIC PARTICIPATION.

23 Subpart 1. Notice of applications received. The agency
24 shall electronically post notice of receipt of an application
25 for a capped permit at the Minnesota Pollution Control Agency
26 Internet site www.pca.state.mn.us/air/permits/capped.html. A
27 person may request to receive notification from the agency of

1 applications received.

2 Subp. 2. Contents of notice. The notice must identify the
3 name and location of the facility to be permitted; the
4 facility's primary Standard Industrial Classification code and
5 short title; whether it is an existing facility or a new
6 facility; a brief description of the comment procedures required
7 by this part including the dates on which the comment period
8 commences and terminates; and the name, address, telephone
9 number, and electronic mail address of a person from whom
10 interested persons may obtain additional information, including
11 copies of the application and information on facility emissions.

12 Subp. 3. Length of comment period. The agency shall
13 provide 30 calendar days for comment.

14 Subp. 4. Contents of written comments. During the comment
15 period established under subpart 3, an interested person may
16 submit written comments on the eligibility of the applicant for
17 the capped permit. A person who submits comments under this
18 subpart shall include:

19 A. a statement of the person's interest in the permit
20 application and any information related to a facility's
21 eligibility for the capped permit;

22 B. a statement of the action the person wishes the
23 agency to take; and

24 C. the reasons supporting the person's position,
25 stated with sufficient specificity as to allow the commissioner
26 to investigate the merits of the person's positions.

27 Subp. 5. Petition for contested case hearing. During the

1 30-day comment period, the person may also submit a petition for
2 a contested case hearing on the application pursuant to part
3 7000.1800 or for placement of the permit on the agenda of an
4 agency board meeting pursuant to part 7000.0650, subpart 3. The
5 decision to grant or deny the petition for a contested case
6 hearing shall be based on the criteria in part 7000.1900 and any
7 hearing shall be held according to parts 7000.1750 to 7000.2200.

8 The public participation process requirements in this part
9 do not apply to applications under part 7007.1142, subparts 2
10 and 5, in which a stationary source is transferring from one
11 capped permit option to another or there is a change in name,
12 mailing address, ownership, or control of the stationary source.

13 7007.1145 CAPPED PERMIT APPLICATION.

14 Subpart 1. Application procedures and request for
15 additional information. Items A to C apply to capped permit
16 applications submitted under parts 7007.1140 to 7007.1148.

17 A. The owner or operator of a stationary source must
18 submit an application for a capped permit on a current standard
19 application form provided by the commissioner. The owner or
20 operator may supplement information in a previous application to
21 meet the application content requirements in subpart 2. The
22 commissioner may create different application forms for the two
23 capped permit options available under parts 7007.1140 to
24 7007.1148.

25 B. Any owner or operator of a stationary source who
26 fails to submit any relevant facts or who has submitted
27 incorrect information in an application for a capped permit

1 shall, upon becoming aware of the failure or incorrect
2 information, promptly submit to the commissioner the
3 supplementary facts or corrected information. This requirement
4 applies both while the permit application is pending before the
5 commissioner and after a capped permit is issued.

6 C. If the commissioner determines during review of
7 the application that additional information is needed to
8 evaluate the capped permit application or to verify that the
9 stationary source qualifies for a capped permit under parts
10 7007.1140 to 7007.1148, the commissioner may request the
11 information from the applicant, and the applicant shall submit
12 the information to the commissioner by the date specified in the
13 request.

14 Subp. 2. **Information included.** This subpart describes the
15 standard information that will be required in a capped permit
16 application. It does not limit the agency's statutory authority
17 for requiring information in addition to that which is
18 specifically listed. Applicants shall submit the following
19 information as required by the standard application form:

20 A. The owner or operator shall specify whether they
21 are applying for capped permit option 1 or 2 under part
22 7007.1141 at the time of application.

23 B. Information identifying the stationary source and
24 its owners or operators, including company name and address,
25 plant name and address if different from the company name,
26 owner's name and agent, and contact telephone numbers and
27 electronic mail address, including the name of a plant site

1 manager or contact, and the person preparing the application if
2 different.

3 C. A description of the stationary source's processes
4 and products, by Standard Industrial Classification (SIC) code
5 and North American Industry Classification System (NAICS).

6 D. The following emissions-related information:

7 (1) A permit application shall provide the
8 information required by this part for every emissions unit
9 within the stationary source, except as provided otherwise in
10 subitems (2) to (9) and information about fugitive emissions in
11 the same manner as stack emissions, except that fugitive dust
12 emissions from activities in part 7007.1300, subpart 3, item J,
13 must be included in the calculations under this subpart only if
14 the stationary source is in a category in part 7007.0200,
15 subpart 2, item B, subitems (1) to (27).

16 (2) The application shall include information
17 about insignificant activities and conditionally insignificant
18 activities as follows:

19 (a) For capped permit option 1, the
20 application need not include the information required by this
21 part for any activity listed on the insignificant activities
22 list in part 7007.1300, subpart 2, and those activities in
23 subpart 3 for which emission factors or other calculation
24 methods do not exist. The application shall include a list
25 identifying all activities at the stationary source described in
26 part 7007.1300, subpart 3, of the insignificant activities list
27 and conditionally insignificant activities described in chapter

1 7008. The owner or operator shall also provide a calculation of
2 emissions from any activity described in part 7007.1300, subpart
3 3, for which emission factors or calculation methods exist and
4 conditionally insignificant activities except as otherwise
5 allowed by this subpart.

6 (b) For capped permit option 2, the
7 application need not include the information required by this
8 part for any activity listed on the insignificant activities
9 list in part 7007.1300 or for conditionally insignificant
10 activities described in chapter 7008, except as provided in this
11 subitem. The application shall include a list identifying any
12 activity at the stationary source described in part 7007.1300,
13 subpart 3, and conditionally insignificant activities. If
14 requested by the agency, the owner or operator shall provide a
15 calculation of emissions from any activity described in part
16 7007.1300, subpart 3, and conditionally insignificant
17 activities. The agency shall request such a calculation if it
18 finds that the emissions from those activities, in addition to
19 other emissions from the stationary source, could make the
20 stationary source subject to different applicable requirements
21 under parts 7007.0100 to 7007.1850 or not eligible for capped
22 permit option 2 under parts 7007.1140 to 7007.1148.

23 (3) A permit application shall identify and
24 describe each emission point in sufficient detail to verify the
25 applicability of all applicable requirements. This shall
26 include the location of all emission points and the location of
27 all emissions units and processes venting through each emission

1 point, the exhaust gas flow rate and temperature, and the stack
2 height and diameter of an emission point.

3 (4) The permit application shall specify the
4 potential emissions, as defined in part 7005.0100, subpart 35a,
5 in pounds per hour from each emission unit and actual emissions
6 in tons per year from the stationary source as a whole. These
7 emissions shall be specified for each regulated air pollutant
8 and each hazardous air pollutant that is not yet a regulated air
9 pollutant, as defined in part 7007.0100, subparts 12a and 19,
10 except that pollutants which are regulated solely under section
11 112(r) of the act need not be included and pollutants regulated
12 solely under section 602 of the act need not be included.

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

17 (6) If the calculations required by part
18 7007.1147 used control equipment efficiencies for listed control
19 equipment determined by part 7011.0070, the permit application
20 shall identify and describe the listed control equipment.

21 (7) A permit application must explain the means
22 by which the emissions information in subitems (1) to (9) is
23 gathered, and provide the calculations on which they are based.
24 Emission calculations may be done using an agency worksheet if
25 one exists for an emission unit or process.

26 (8) The calculations required by part 7007.1147,
27 and the total actual emissions per pollutant that result from

1 those calculations. If the stationary source has not been
2 operated or has operated less than 12 months, the owner or
3 operator shall estimate the 12-month sum of actual emissions in
4 performing the calculations required by part 7007.1147.

5 (9) Identification of the method the source used
6 to comply with part 7007.1148, ambient air quality assessment
7 and a summary of the assessment results.

8 E. A complete listing of the citations and titles of
9 all applicable requirements to which the permittee is subject.
10 Citations must be to the latest codification of the regulatory
11 requirements at the time of application.

12 F. The applicant may request the agency to allow in
13 the permit for the stationary source to operate at more than one
14 location during the term of the permit. This option is
15 available only under the conditions in part 7007.1143, subpart 6.

16 G. A description of the compliance status of the
17 stationary source with respect to all applicable requirements
18 and the requirements of parts 7007.0100 to 7007.1850.

19 Subp. 3. **Environmental review.** The applicant shall state
20 in the application whether an environmental assessment worksheet
21 or an environmental impact statement is required for the
22 activity for which the permit is sought under Minnesota
23 Statutes, chapter 116D, or implementing regulations, or under
24 United States Code, title 42, sections 4331 et seq., as amended.

25 7007.1146 CAPPED PERMIT COMPLIANCE REQUIREMENTS.

26 Subpart 1. **Capped permit compliance requirements.** The
27 owner and operator of the stationary source issued a capped

1 permit must:

2 A. comply with parts 7007.1140 to 7007.1148;

3 B. comply with all applicable requirements;

4 C. for the 12-month rolling sum of actual emissions
5 from the stationary source determined pursuant to part

6 7007.1146, not exceed the applicable thresholds in part

7 7007.1141 for any pollutant;

8 D. for the sum of actual NO_x emissions from the
9 stationary source in a calendar year determined under this part,
10 not exceed the estimated future annual NO_x emissions in units of
11 tons per year used to comply with part 7007.1148; and

12 E. if a stationary source qualifies for a capped
13 permit, but has less than 12 months of emissions data, calculate
14 the emission limit each month during normal operation for the
15 first 12 months under capped permit option 1 or 2 on a form
16 provided by the commissioner which uses one of the following
17 formulas:

18 (1) $N = 0.95 (\text{annual limit in option 1 or 2}) +$
19 $0.0045 (\text{annual limit in option 1 or 2})(n-1)$

20 Where: n = number of months in operation;

21 N = emission limit through month n; or

22 (2) $P = L/12$

23 Where: L = annual limit in option 1 or 2.

24 P = emission limit for each month.

25 The actual emissions for each month must be below the
26 calculated emission limit, N or P, for each pollutant.

27 Subp. 2. Record keeping requirements. The owner or

1 operator of a stationary source issued a capped permit shall
2 comply with all of the requirements relevant to the stationary
3 source in items A to G. The owner or operator of a stationary
4 source issued a capped permit shall comply with items H and I at
5 all times.

6 A. If the stationary source determined eligibility in
7 the permit application, in whole or in part, or demonstrates
8 compliance, in whole or in part, by using a material balance
9 that relies on the content of materials in the calculations in
10 part 7007.1147, the owner or operator must:

11 (1) record, by the last day of each month, the
12 amount of each pollutant-containing material (for example: VOC,
13 particulate matter of solids, or HAP) purchased or used, and the
14 relevant pollutant content for the previous calendar month;

15 (2) maintain a record of the material safety data
16 sheet (MSDS), or a signed statement from the supplier stating
17 the maximum solids, VOC, or hazardous air pollutant content, for
18 each pollutant-containing material purchased or used;

19 (3) if the owner or operator assumes a reduction
20 of emissions in using the materials balance method under part
21 7007.1147, subpart 5, due to recycling of material off site,
22 keep records of the amount of material shipped off site for
23 recycling and the calculations done to determine the amount to
24 subtract. Acceptable records include the material safety data
25 sheets, invoices, shipping papers, and hazardous waste
26 manifests; and

27 (4) recalculate and record by the last day of

1 each month the 12-month rolling sum of actual emissions from the
2 pollutant-containing materials purchased or used for the
3 previous 12 months, the date the calculation was made, and the
4 calculation itself.

5 B. If the stationary source determined eligibility in
6 the permit application, in whole or in part, or demonstrates
7 compliance, in whole or in part, by using the quantity of fuel
8 purchased or used in the calculations in part 7007.1147, the
9 owner or operator must:

10 (1) record by the last day of each month the
11 amount of each fuel purchased or used, whichever was stated in
12 the permit application, for the previous month; and

13 (2) recalculate and record by the last day of
14 each month the 12-month rolling sum of emissions for the
15 previous 12 months, the date the calculation was made, and the
16 calculation itself.

17 C. If the stationary source determined eligibility in
18 the permit application, in whole or in part, or demonstrates
19 compliance, in whole or in part, by using fuel sulfur data in
20 the calculations in part 7007.1147, the owner or operator must:

21 (1) record by the last day of each month the
22 amount of each fuel burned for each batch of fuel for the
23 previous month;

24 (2) maintain a record of the fuel sulfur content
25 certified by the supplier or independent laboratory for each
26 batch of fuel received; and

27 (3) recalculate and record by the last day of

1 each month the 12-month rolling sum of SO₂ emissions for the
2 previous 12 months, the date the calculation was made, and the
3 calculation itself using the calculation method in part
4 7007.1147, subpart 6.

5 D. If the stationary source determined eligibility in
6 the permit application, in whole or in part, or demonstrates
7 compliance, in whole or in part, by using hours of operation in
8 the calculations in part 7007.1147, the owner or operator must:

9 (1) record by the last day of each month the
10 hours operated for each emissions unit, rounded to the nearest
11 hour for the previous month; and

12 (2) recalculate and record by the last day of
13 each month the 12-month rolling sum of emissions for the
14 previous 12 months, the date the calculation was made, and the
15 calculation itself.

16 E. If the stationary source determined eligibility in
17 the permit application, in whole or in part, or demonstrates
18 compliance, in whole or in part, by using the quantity of
19 material handled or throughput, or product produced in the
20 calculations in part 7007.1147, the owner or operator must:

21 (1) record by the last day of each month, the
22 amount of each material handled or throughput and the amount of
23 each product produced for the previous month; and

24 (2) recalculate and record by the last day of
25 each month for each material handled or throughput and for each
26 product produced, the 12-month rolling sum of emissions for the
27 previous 12 months, the date the calculation was made, and the

1 calculation itself.

2 F. If the stationary source qualified in the permit
3 application, in whole or in part, or demonstrates compliance, in
4 whole or in part, by using control equipment efficiencies for
5 listed control equipment determined under part 7011.0070, the
6 owner or operator shall comply with parts 7011.0060 to
7 7011.0080, except that the owner or operator of a hot mix
8 asphalt plant shall comply instead with part 7011.0917. If the
9 calculations required by part 7007.1147 used control equipment
10 efficiencies based on an alternative control efficiency under
11 part 7011.0070, subpart 2, the owner or operator shall also
12 operate within the monitoring and operating parameters of the
13 performance test that established the alternative control
14 efficiency.

15 G. If a change made at a stationary source issued a
16 capped permit results in the stationary source being subject to
17 a new source performance standard listed under part 7007.1140,
18 subpart 2, item E, or if the change adds an emissions unit
19 subject to the standards listed in part 7007.0300, the owner or
20 operator must submit to the commissioner:

21 (1) the information required by the standard in
22 the time specified in the standard;

23 (2) with the notice in subitem (1), a written
24 notice containing a description of the change if the change
25 triggers a new source performance standard; and

26 (3) with the notice in subitem (1), a copy of the
27 applicable new source performance standard (NSPS), with the

1 applicable portions of the new source performance standard
2 highlighted, including applicable parts of Code of Federal
3 Regulations, title 40, part 60, subpart A, General Provisions,
4 or an NSPS checklist form provided by the commissioner that
5 identifies applicable portions of the new source performance
6 standard.

7 H. The owner or operator must recalculate and record
8 by the last day of each month, pursuant to part 7007.1147, the
9 12-month rolling sum of actual emissions from the stationary
10 source for the previous 12 months, the date the calculation was
11 made, and the calculation itself. This calculation must include
12 all emissions units at the stationary source and the information
13 required by part 7007.1147, subpart 2, item C, if continuous
14 emissions monitor (CEM) data is used in the calculation. For
15 capped option 1, this calculation need not include emissions
16 from insignificant activities under part 7007.1300, subpart 2,
17 or insignificant activities under part 7007.1300, subpart 3, for
18 which emission factors do not exist or alternative emissions
19 calculation methods do not exist. For capped option 2, this
20 calculation need not include emissions from insignificant
21 activities under part 7007.1300, subparts 2 and 3, or
22 conditionally insignificant activities described in chapter 7008.

23 I. The owner or operator of a stationary source with
24 a capped permit must keep daily operating records that would
25 allow the owner or operator to calculate actual emissions of any
26 pollutant for which a threshold has been established under part
27 7007.1141 for that period of time not previously accounted for

1 in the 12-month rolling sum calculation required under item H.
2 The owner or operator shall provide these records and
3 calculations if requested to do so by the commissioner.

4 Subp. 3. **Prechange analysis.** Prior to making a physical
5 or operational change which increases emissions at a stationary
6 source with a capped permit, the owner or operator must:

7 A. demonstrate that the estimated actual annual
8 emissions at the stationary source using the methods in part
9 7007.1147 after the change is made are less than the applicable
10 pollutant threshold in part 7007.1141;

11 B. if the change results in increased SO₂, NO_x, or
12 PM-10 emissions, demonstrate, using a method in part 7007.1148,
13 that ambient air quality standards will continue to be met after
14 the change is made; and

15 C. keep records of the prechange analyses required
16 under items A and B on site.

17 The owner or operator may use worksheets provided by the
18 agency for the demonstrations required under items A and B.

19 Subp. 4. **Compliance plan.** The owner or operator of a
20 stationary source must develop a written plan containing the
21 following:

22 A. a list of the state and federal requirements that
23 apply to the stationary source; and

24 B. a list of the actions, including monitoring,
25 record keeping, and reporting requirements, on a daily, monthly,
26 and yearly basis that the stationary source must do to be in
27 compliance with its capped permit option.

1 The owner or operator shall complete the compliance plan
2 within 60 days of receiving a capped permit and keep a copy of
3 the current compliance plan on site at all times. The owner or
4 operator must update the plan within 15 working days after any
5 change that would alter the elements of the plan as described
6 under items A and B. If requested by the commissioner, the
7 owner or operator shall provide a copy of the current compliance
8 plan to the commissioner.

9 Subp. 5. Reporting. An owner or operator of a source with
10 a capped permit must submit to the agency the reports described
11 under items A to E. All reports required under a capped permit
12 shall be certified by a responsible official consistent with
13 part 7007.1143, subpart 1.

14 A. Deviation reporting time frames as described in
15 subitems (1) and (2).

16 (1) For deviations that endanger human health or
17 the environment, the permittee shall notify the commissioner as
18 required in part 7019.1000, subpart 1. The permittee may assert
19 the affirmative defense of emergency only if it meets all the
20 requirements of part 7007.1850, which includes notifying the
21 agency within two working days of when the emission limitations
22 were exceeded due to the emergency.

23 (2) For all other deviations, the permittee shall
24 submit a deviation report, on a form approved by the
25 commissioner, at least semiannually except the deviation report
26 is due only if a deviation occurred in the reporting period.
27 The midyear deviations report, covering deviations which

1 occurred during the period from January 1 to June 30, is due by
2 July 30 of each year and the end-of-year deviations report,
3 covering deviations which occurred during the period from July 1
4 to December 31, is due by January 30 of each year.

5 B. An annual compliance certification submitted by
6 January 31 of each year to the agency. The certification shall
7 be on a form approved by the commissioner and shall contain the
8 following:

9 (1) the facility name and permit number;

10 (2) identification of the calendar year that the
11 report covers;

12 (3) identification of deviation reports submitted
13 covering the calendar year including the name of the report,
14 such as DRF-1 or DRF-2; the period covered by the report; and
15 the date of the cover letter accompanying the report;

16 (4) identification of any noncompliance with
17 applicable requirements or a permit condition that has not been
18 identified in deviation reports submitted to the agency covering
19 the calendar year; and

20 (5) the signature and title of a responsible
21 official as defined in part 7007.0100, subpart 21.

22 C. An annual emission inventory to the commissioner
23 under parts 7019.3000 to 7019.3100. For the emissions
24 inventory, the owner or operator shall use the same calculation
25 methods it uses to demonstrate compliance with the thresholds in
26 part 7007.1141.

27 D. A list of the equipment existing at the facility

1 in a format specified by the commissioner. This list shall be
2 submitted at the end of the previous calendar year with the
3 emissions inventory required under item C.

4 E. If an owner or operator is allowed to operate in
5 more than one location under part 7007.1143, subpart 6,
6 notification to the commissioner at least 48 hours in advance of
7 each change in location, providing the exact location where the
8 source will operate and a statement that the source complies
9 with part 7007.1148, ambient air quality assessment.

10 7007.1147 CAPPED PERMIT CALCULATION OF ACTUAL EMISSIONS.

11 Subpart 1. **Methods used.** The owner or operator of a
12 stationary source may use a calculation worksheet provided by
13 the commissioner for calculating actual emissions under this
14 part that is based on the calculation methods in subparts 2 to 6
15 or may use the calculation methods under subparts 2 to 6. The
16 owner or operator must calculate actual emissions for each
17 material or fuel used in each emissions unit, except that
18 similar emissions units may be aggregated for emission
19 calculation purposes. The owner or operator of a stationary
20 source must use the calculation method in subpart 2 if the data
21 described in subpart 2 are available for an emissions unit. The
22 owner or operator must use the calculation method in subpart 3
23 if the data described in subpart 3 are available, unless data
24 described in subpart 2 are available. The alternative methods
25 described in subparts 4, 5, and 6 may be used by the owner or
26 operator without advance notification to the commissioner. The
27 commissioner shall reject data submitted using the methods

1 described in subparts 2 to 6 if the conditions set forth for the
2 method are not fully met. To prevent double counting of
3 emissions, the owner or operator must select one calculation
4 method under this subpart for each emissions unit at the
5 stationary source. Fugitive dust emissions from activities
6 listed in part 7007.1300, subpart 3, item J, must be included in
7 the calculations under this subpart only if the stationary
8 source is in a category listed in part 7007.0200, subpart 2,
9 item B, subitems (1) to (27).

10 Sub. 2. Continuous emission monitor data. If the owner
11 or operator of the stationary source has collected emissions
12 data through use of a continuous emission monitor (CEM) in
13 compliance with the preconditions in items A and B, the owner or
14 operator shall use the CEM data to calculate actual emissions,
15 the calculation must be based on all of the CEM data, and the
16 following requirements must be met:

17 A. the CEM has been certified by the commissioner;

18 B. the CEM data have not been rejected by the
19 commissioner due to failure by the owner or operator to comply
20 with all requirements of parts 7017.1002 to 7017.1220, parts
21 7007.1140 to 7007.1148, and any other applicable state or
22 federal laws pertaining to CEM operation;

23 C. the total operating time of the applicable
24 emissions unit and the total operating time of the CEM for the
25 previous 12 consecutive months must be included in the permit
26 application and in the monthly records required in part
27 7007.1146, subpart 2, item H; and

1 D. an explanation of how the emissions were
2 calculated based on the CEM data must be included in the permit
3 application and in the monthly records required in part
4 7007.1146. Except for facilities subject to part 7017.1020, for
5 periods when the CEM is down and the emissions unit is
6 operating, missing emissions data shall be substituted with CEM
7 data recorded during a representative period of operation of the
8 emissions unit, and, if applicable, of the control equipment
9 operation during the same calendar year for which the inventory
10 is being submitted. The CEM must have recorded data for at
11 least 90 percent of the hours the emission unit was operated for
12 the calendar year for which the inventory is being submitted.
13 If substitute CEM data meeting these conditions is not
14 available, emissions during periods of CEM downtime shall be
15 calculated using performance test data as specified in subpart
16 3, or 4 if data is not available under subpart 3.

17 **Subp. 3. Performance test data.** Emission factors from
18 performance tests may be used for the calculation of actual
19 emissions, provided that the performance tests met all the
20 requirements of parts 7017.2001 to 7017.2060, and all other
21 applicable state rules and federal regulations governing
22 performance tests, except that alternative control efficiencies
23 shall only be developed from performance tests conducted using
24 control equipment listed in part 7011.0070. To use emission
25 factors from performance tests, the owner or operator must
26 conduct the performance test under worst case conditions, as
27 defined in part 7017.2005, subpart 8. The owner or operator of

1 a stationary source that uses an emission factor developed from
2 a performance test shall use the calculation method under
3 subpart 4. Any emission factor for VOC that is derived from a
4 performance test must reflect, to the satisfaction of the
5 commissioner, the actual mass of VOC compounds emitted.

6 **Subp. 4. General calculation method.** All calculations of
7 actual emissions required under this part shall be based on the
8 stationary source's operating parameters, and must use the
9 following equation:

10 $E = OP \times UEF \times [1 - CE]$ where:

11 E = actual emissions in tons per year.

12 OP = operating parameter as required by the uncontrolled
13 emission factor (hours of operation, fuel purchased or used,
14 quality of material handled or throughput, or product produced).

15 UEF = uncontrolled emission factor (pounds of pollutant per
16 hour of operation or units produced) as defined in part
17 7005.0100, subpart 10a, for uncontrolled emissions.

18 CE = control efficiency (percent expressed as a decimal
19 fraction of 1.00) determined according to part 7011.0070 for
20 listed control equipment.

21 **Subp. 5. Material balance method.** A material balance
22 method may be used to calculate actual emissions. The owner or
23 operator of a stationary source that uses material balance to
24 calculate actual emissions shall determine total actual
25 emissions (E) using the following equation:

26 $E = (a - b - c) \times (1 - d)$, where:

27 a = the amount of the relevant pollutant, such as VOC,

1 particulate matter, or HAP, entering the process. A signed
2 statement from the supplier or the material safety data sheet
3 (MSDS) must be submitted stating the maximum amount of the
4 pollutant in any material that was used in the process. If a
5 material content range is given on the MSDS or by the supplier,
6 the highest number in the range shall be used for this
7 calculation.

8 b = the amount of the relevant pollutant incorporated
9 permanently into the product. This includes VOCs chemically
10 transformed in production. It does not include latent VOC
11 remaining in the product that will at some time be released to
12 the atmosphere. It also includes any solids transferred to the
13 product during a coating operation. Technical justification for
14 this calculation must also be submitted.

15 c = the amount of the relevant pollutant, if any, leaving
16 the process as waste, or otherwise not incorporated into the
17 product and not emitted to the air and the technical
18 justification for this calculation. If the actual amount of the
19 relevant pollutant in the waste is unknown, then $c = 0$.

20 d = the control efficiency (percent expressed as a decimal
21 fraction of 1.00) determined according to part 7011.0070.

22 **Subp. 6. Fuel sulfur data.** The owner or operator of a
23 stationary source may determine sulfur dioxide actual emissions
24 by measuring the sulfur content of the fuel and assuming that
25 all of the sulfur in the fuel is oxidized to sulfur dioxide.
26 The sulfur content of each batch of fuel received must be
27 certified by the supplier or an independent laboratory. The

1 sulfur content shall be determined using American Society for
2 Testing and Materials (ASTM) methods. The sulfur dioxide actual
3 emissions shall be determined by using the following equation:

4 $SO_2 = \%S/100 \times F/2,000 \times 2$, where:

5 SO_2 = Sulfur dioxide emissions from a batch of fuel in tons.

6 $\%S$ = Weight percent sulfur in the fuel being burned.

7 F = Amount of fuel burned by weight in pounds.

8 2,000 = Pounds per ton.

9 2 or 64/32 = Pounds of sulfur dioxide per pound of sulfur
10 in one pound-mole.

11 The total sulfur dioxide emission for the year must be the
12 sum total of the individual batch totals.

13 7007.1148 AMBIENT AIR QUALITY ASSESSMENT.

14 Subpart 1. **Methods used.** An owner or operator of a
15 stationary source with emissions of SO_2 , PM-10, or NO_x applying
16 for a capped permit or a state permit with EMS provisions, or
17 required to do a prechange analysis for a pollutant under part
18 7007.1146, subpart 3, must comply with either subpart 2 or 3 for
19 each relevant pollutant (SO_2 , PM-10, and NO_x). A stationary
20 source with less than 12 months of emissions data or performing
21 a prechange analysis under part 7007.1146, subpart 3, shall use
22 estimated actual annual emissions for NO_x . In performing this
23 analysis, the stationary source shall not assume any specific
24 limits or conditions not contained in parts 7007.1140 to
25 7007.1148. If a stationary source used control equipment
26 efficiencies in parts 7011.0060 to 7011.0080 for calculations in
27 part 7007.1147, then these efficiencies should be included in

1 determining hourly potential emissions under this part.

2 Fugitive dust emissions from unpaved roads and parking lots
3 do not need to be included for either of the methods unless the
4 commissioner determines emissions from those fugitive dust
5 sources may be large enough to significantly impact the
6 assessment. Emission units with an hourly potential emission
7 rate of less than 0.1 pounds per hour of PM-10, NO_x, or SO₂ do
8 not need to be included in either of the methods.

9 Subp. 2. **CAPS electronic spreadsheet method.**

10 A. An owner or operator may use an electronic
11 spreadsheet, called CAPS, provided by the agency to enter
12 emissions data, and (1) stack height and distance to the
13 property line, or (2) dispersion factors for each stack/vent at
14 the stationary source to perform the ambient air quality
15 assessment. The CAPS electronic spreadsheet is incorporated by
16 reference and is available at the Minnesota Pollution Control
17 Agency Internet site ~~www.pca.state.mn.us/air/permits/capped/~~
18 www.pca.state.mn.us/air/permits/capped.html. It is not subject
19 to frequent change.

20 B. The owner or operator shall enter into the CAPS
21 spreadsheet the potential emissions of SO₂ and PM-10 in units of
22 pounds per hour for each emissions unit at the stationary source
23 for which calculations were performed under part 7007.1147
24 unless otherwise allowed by this part. The owner or operator
25 shall enter into the CAPS spreadsheet the estimated future
26 annual NO_x emissions in units of tons per year which were
27 calculated using the methods in part 7007.1147. The one-hour,

1 three-hour, and 24-hour SO₂; the 24-hour PM-10; and the annual
2 NO₂ concentrations predicted at and beyond the property line of
3 the stationary source using the spreadsheet must be lower than
4 the corresponding standard in part 7009.0080.

5 C. The owner or operator must use the default
6 dispersion factors in CAPS or develop dispersion factors using
7 the Minnesota Pollution Control Agency Dispersion Information
8 Screening Procedures for Emission Risk Screening Evaluations
9 (DISPERSE) program or the Environmental Protection Agency
10 SCREEN3 program. DISPERSE or DISPERSE with Emphasis on DISPERSE
11 Look-up Table and DISPERSE Batch Programs, Minnesota Pollution
12 Control Agency (October 21, 2003) is incorporated by reference,
13 is not subject to frequent change, and is available on the
14 Minnesota Pollution Control Agency Internet site
15 ~~www.pca.state.mn.us/air/permits/capped/~~
16 www.pca.state.mn.us/air/permits/capped.html. SCREEN3 is
17 incorporated by reference in subpart 3.

18 Subp. 3. SCREEN3 method.

19 A. An owner or operator may use EPA's SCREEN3 model,
20 or its most recent version, to perform the ambient air quality
21 assessment. The owner or operator shall model potential SO₂ and
22 PM-10 emissions in units of pounds per hour and estimated future
23 annual NO_x emissions in units of tons per year using the most
24 recent version of EPA's screen model.

25 B. EPA's screen model is described in SCREEN3 Model
26 User's Guide, EPA-454/B-95-004, United States Environmental
27 Protection Agency, Office of Air Quality Planning and Standards,

1 September 1995, which is incorporated by reference and is not
2 subject to frequent change. This publication and copies of the
3 SCREEN3 model are available from the Pollution Control Agency
4 library through the Minitex interlibrary loan system, through
5 the National Technical Information Service (NTIS), Springfield,
6 VA, 1-800-553-6847, or at the Environmental Protection Agency
7 Internet site www.epa.gov/scram001/tt22.htm#screen3.

8 C. The owner or operator shall model the potential
9 emissions of SO₂ and PM-10 in units of pounds per hour for each
10 emissions unit at the stationary source for which calculations
11 were performed under part 7007.1147 unless otherwise allowed by
12 this part. The owner or operator shall model the estimated
13 future annual NO_x emissions in units of tons per year which were
14 calculated using the methods in part 7007.1147. The one-hour,
15 three-hour, and 24-hour SO₂; the 24-hour PM-10; and annual NO₂
16 concentrations predicted at and beyond the property line of the
17 stationary source using SCREEN3 must be lower than the
18 corresponding standard in part 7009.0080.

19 D. When using SCREEN3 to estimate concentrations for
20 standard averaging times longer than one hour, the owner or
21 operator shall multiply the maximum one-hour concentration
22 predicted by SCREEN3 by the following factors: 0.9 for the
23 three-hour concentration, 0.4 for the 24-hour concentration, and
24 0.08 for the annual concentration.

25 The commissioner may request the owner or operator to
26 provide the data used to complete the air quality assessment
27 performed under this subpart or subpart 2.

1 Nothing in this part shall be construed to allow violation
2 of any national or state ambient air quality standards. If the
3 commissioner requests it, the owner or operator must demonstrate
4 compliance with the national or state ambient air quality
5 standards using an alternative method or for other pollutants
6 and averaging times for which standards exist.

7 7011.0065 APPLICABILITY.

8 Subpart 1. **Applicability.** The owner or operator of a
9 stationary source shall comply with parts 7011.0060 to 7011.0080
10 if the owner or operator used the control equipment efficiencies
11 for listed control equipment established pursuant to part
12 7011.0070 to calculate potential to emit, from emissions units
13 that discharge through the listed control equipment, to:

14 A. determine what type of permit is required,
15 pursuant to part 7007.0150, subpart 4, item B;

16 B. determine what type of amendment to a part 70 or
17 state permit is required, pursuant to part 7007.1200;

18 C. qualify for an insignificant modification under
19 part 7007.1250;

20 D. qualify for registration permit option D under
21 part 7007.1130; or

22 E. qualify for a capped permit under parts 7007.1140
23 to 7007.1148.

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

25 7011.0070 LISTED CONTROL EQUIPMENT AND CONTROL EQUIPMENT
26 EFFICIENCIES.

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

2 Subp. 2. Alternative control equipment efficiencies;
3 control efficiencies for hazardous air pollutants. The owner or
4 operator of a stationary source may use an alternative control
5 equipment efficiency for the control equipment listed in subpart
6 1, if the actual control efficiency has been verified by a
7 performance test approved by the commissioner under parts
8 7017.2001 to 7017.2060. The owner or operator of a stationary
9 source may use a control equipment efficiency for listed control
10 equipment for a hazardous air pollutant, if the control
11 efficiency has been verified by a performance test approved by
12 the commissioner under parts 7017.2001 to 7017.2060. The
13 request for the alternative control efficiency may be made
14 through a permit application for a part 70, state, registration,
15 capped, or general permit, or in a required notice or
16 application submitted under parts 7007.1150 to 7007.1500. The
17 owner or operator of a stationary source must attain at all
18 times the alternative control efficiency for a piece of listed
19 control equipment at the stationary source established under
20 this subpart.

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

22 7011.0075 LISTED CONTROL EQUIPMENT GENERAL REQUIREMENTS.

23 Subpart 1. Operation of control equipment. The owner or
24 operator of a stationary source shall operate all listed control
25 equipment located at the stationary source whenever operating
26 the emission units controlled by the listed control equipment in
27 compliance with parts 7011.0060 to 7011.0080. Unless

1 specifically allowed by a part 70, state, or general permit,
2 each piece of listed control equipment, with the exception of
3 low-temperature fabric filters (ID #018) using visible emissions
4 as the monitoring parameter under part 7011.0080, shall at all
5 times be operated in the range established by the control
6 equipment manufacturer's specifications for each monitoring
7 parameter listed in part 7011.0080, or within the operating
8 parameters set by the commissioner as the result of the most
9 recent performance test conducted to determine control
10 efficiency under parts 7017.2001 to 7017.2060 if those are more
11 restrictive.

12 The owner or operator with fabric filters (ID #016, #017,
13 #018) using pressure drop as the monitoring parameter under part
14 7011.0080 and applying for a registration permit or a capped
15 permit, may request an alternative range to the control
16 equipment manufacturer's specifications, if the proposed range
17 is based on two years of compliant monitoring data supplied with
18 the request. The proposed operating range shall be deemed
19 acceptable unless the owner or operator is notified otherwise in
20 writing within 30 days of receipt by the commissioner. The
21 commissioner shall deny a request for an alternative monitoring
22 parameter range if the commissioner finds that:

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

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

25 **Subp. 5. Deviation of listed control equipment from**
26 **operating specifications.** The owner or operator of a stationary
27 source shall report to the commissioner in accordance with the

1 deadlines in part 7007.0800, subpart 6, item A, subitem (2), any
2 recorded reading outside the specification or range of
3 specification allowed by subpart 1 of any monitored operating
4 parameter required by part 7011.0080, except that owners or
5 operators with a registration permit option D or a capped permit
6 to which parts 7011.0060 to 7011.0080 apply shall make this
7 report only if a deviation occurred in the reporting period.
8 Owners or operators of low-temperature fabric control equipment
9 (ID #018) using visible emissions as the monitoring parameter
10 under part 7011.0080 shall report any visible emissions observed
11 from the control equipment as a deviation.

12 [For text of subps 6 and 7, see M.R.]

13 7011.0917 ASPHALT PLANT CONTROL EQUIPMENT REQUIREMENTS.

14 Subpart 1. Operation of asphalt plant control equipment.

15 The owner or operator of a hot mix asphalt plant shall operate
16 in compliance with this part all asphalt plant control equipment
17 located at the stationary source whenever operating the emission
18 units controlled by the asphalt plant control equipment. Unless
19 specifically allowed by a part 70, state, or general permit,
20 each piece of asphalt plant control equipment shall at all times
21 be operated such that the monitoring parameters listed in
22 subpart 7 are in the range established by the control equipment
23 manufacturer's specifications, or within the operating
24 parameters established by the commissioner as the result of the
25 most recent performance test conducted under parts 7017.2001 to
26 7017.2060, if those are more restrictive.

27 The owner or operator applying for a registration permit or

1 capped permit may request an alternative range to the control
2 equipment manufacturer's specifications, if the proposed range
3 is based on two previous years of compliant monitoring data
4 supplied with the request. For hot mix asphalt plants applying
5 for a registration permit in operation on April 22, 1996, this
6 request shall be made by the application deadline listed in part
7 7007.0350, subpart 1, item A. The proposed operating range
8 shall be deemed acceptable unless notified otherwise in writing
9 within 30 days of receipt by the commissioner. The commissioner
10 shall deny a request for an alternative monitoring parameter
11 range if the commissioner finds that:

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

13 [For text of subps 2 to 5, see M.R.]

14 **Subp. 6. Deviation of asphalt plant control equipment from**
15 **operating specifications.** Unless otherwise specified in a part
16 70, state, or general permit, the owner or operator of a
17 stationary source shall report to the commissioner any recorded
18 reading outside of the specification or range of specifications
19 allowed by subpart 1 from any monitored operating parameter
20 required by subpart 7, in accordance with the deadlines in part
21 7007.0800, subpart 6, item A, subitem (2), except that owners
22 and operators with a registration permit option D or capped
23 permit shall make this report only if a deviation occurred in
24 the reporting period.

25 [For text of subp 7, see M.R.]

26 7019.3020 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

27 A. Emissions from all emissions units shall be

1 reported in the annual emissions inventory report in a format
2 specified by the commissioner. Emissions from insignificant
3 activities listed in part 7007.1300, subpart 2, shall not be
4 reported. Emissions from insignificant activities listed in
5 part 7007.1300, subparts 3 and 4, shall be reported if the
6 commissioner or owner or operator has determined that emissions
7 from those activities are not insignificant for purposes of
8 permitting under parts 7007.0100 to 7007.1850 or for those
9 activities required to be quantified by a facility issued a
10 capped permit option 1. Notwithstanding the previous sentence,
11 the commissioner may request an inventory of fugitive emissions
12 from roads and parking lots, defined as insignificant under part
13 7007.1300, subpart 3, item J, upon determining that emissions
14 from these sources represent a substantial portion of the
15 facility's total emissions.

16 B. All owners or operators of emission reporting
17 facilities, as defined in part 7002.0015, subpart 3a, or
18 facilities issued option B registration permits under part
19 7007.1120 that choose to be assessed a fee under part 7002.0025,
20 subpart 1, item C, subitem (1), shall calculate emissions based
21 on parts 7019.3030 to 7019.3100, except for any facility which
22 has obtained an option C or D registration permit under part
23 7007.1125 or 7007.1130 or a capped permit under parts 7007.1140
24 to 7007.1148.

25 [For text of items C and D, see M.R.]

26 E. All owners or operators of emission reporting
27 facilities which have obtained an air emission permit under

1 parts 7007.1140 to 7007.1148, capped permit, shall report the
2 actual emissions calculated for purposes of compliance
3 demonstration required in part 7007.1146, subpart 2, item H, for
4 the calendar year for which emissions are being reported for all
5 emission units in a format specified by the commissioner.

6 F. All owners or operators of an emission reporting
7 facility submitting an emission inventory based in whole, or in
8 part, on a material balance calculation shall submit a sample
9 material balance calculation with the emission inventory. Such
10 facilities shall also maintain a record of the material safety
11 data sheets or vendor certification of the VOC or sulfur content
12 of the material for each material or fuel used and the material
13 balance calculations for a period of five years after the date
14 of submittal of the emission inventory.

15 G. The emission inventory may be based on the use of
16 control equipment only if the use of the specific control
17 equipment is required under conditions of a permit or applicable
18 requirement as defined in part 7007.0100, subpart 7, or is
19 included in a notification received by the agency under part
20 7007.1150, item C. This item applies upon issuance under
21 chapter 7007 of a registration, state, capped, general, or part
22 70 permit to a stationary source but no earlier than the date
23 three years after EPA grants full program approval of the
24 agency's permit program under title 5 of the Clean Air Act.

25 7019.3030 METHOD OF CALCULATION.

26 A. The owner or operator of an emission reporting
27 facility, except one issued an option C or D registration permit

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1 under part 7007.1125 or 7007.1130 or a capped permit under parts
2 7007.1140 to 7007.1148, shall calculate the facility's actual
3 emissions using the methods listed in subitems (1) to (4). The
4 methods are listed in a hierarchy of the most preferred method
5 to the least preferred method. The most preferred method
6 available shall be used. Where more than one method is listed
7 in the subitem, they are considered to be equal in the hierarchy
8 and any can be used.

9 [For text of subitems (1) to (4), see M.R.]

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