

1.1 **Pollution Control Agency**1.2 **Adopted Permanent Rules Relating to Greenhouse Gas Permit Requirements**1.3 **7005.0100 DEFINITIONS.**

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

1.5 Subp. 10a. **Emission factor.** "Emission factor" means the most accurate and
1.6 representative emission data available from one of the following sources:

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

1.8 C. (1) An emission factor developed or approved by the commissioner and derived
1.9 from the following sources:

1.10 [For text of units (a) to (d), see M.R.]

1.11 (e) manufacturer's performance tests;

1.12 (f) emission data developed by the regulated party using the best engineering
1.13 judgment criteria listed in subitem (2); or1.14 (g) the General Reporting Protocol for the voluntary reporting program of
1.15 the Climate Registry.

1.16 [For text of subitem (2), see M.R.]

1.17 [For text of subps 10b to 11c, see M.R.]

1.18 Subp. 11d. **Greenhouse gases or GHGs.** "Greenhouse gases" or "GHGs" means the
1.19 air pollutant defined as the aggregate group of six greenhouse gases: carbon dioxide,
1.20 nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

1.21 [For text of subps 12 to 29, see M.R.]

2.1 Subp. 30. **Owner or operator.** "Owner" or "operator" means a person who owns,
2.2 leases, operates, controls, or supervises an emissions unit, emission facility, or stationary
2.3 source.

2.4 [For text of subps 31 to 45, see M.R.]

2.5 **7007.0050 SCOPE.**

2.6 Parts 7007.0100 to 7007.1850 apply to the issuance of permits to construct, modify,
2.7 reconstruct, or operate emissions units, emission facilities, or stationary sources that emit
2.8 any air pollutant, and to the revocation, reissuance, or amendment of those permits. Parts
2.9 7007.0100 to 7007.1850 apply to permits issued to owners and operators of stationary
2.10 sources requiring permits under federal law at Code of Federal Regulations, title 40, part
2.11 70, as amended (Operating Permit Program), or under part C (Prevention of Significant
2.12 Deterioration of Air Quality) or part D (Plan Requirements in Nonattainment Areas)
2.13 of the act, or under section 112(g)(2)(B) of the act (hazardous air pollutants), and to
2.14 stationary sources requiring permits solely under state law. Owners and operators of
2.15 sources proposing construction or modifications subject to parts C and D of the act are
2.16 subject to the permitting requirements of part 7007.3000, incorporating by reference the
2.17 provisions of Code of Federal Regulations, title 40, section 52.21, or parts 7007.4000 to
2.18 7007.4040 in addition to parts 7007.0100 to 7007.1850. Owners and operators proposing
2.19 construction or reconstruction of sources subject to section 112(g)(2)(B) of the act are
2.20 subject to the requirements of part 7007.3010, incorporating by reference the provisions
2.21 of Code of Federal Regulations, title 40, sections 63.40 to 63.44, in addition to parts
2.22 7007.0100 to 7007.1850.

2.23 **7007.0100 DEFINITIONS.**

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

3.1 Subp. 7b. **Capped emission permit or capped permit.** "Capped emission permit"
3.2 or "capped permit" means a state permit issued under parts 7007.1140 to 7007.1148.
3.3 All capped permit requirements are contained in rule. There are no site-specific permit
3.4 requirements. The capped permit allows owners and operators of a stationary source to
3.5 make changes provided emissions remain below thresholds and all other conditions in

3.6 parts 7007.1140 to 7007.1148 are met. The permit is designed for certain noncomplex
3.7 facilities for which site-specific conditions are not necessary.

3.8 Subp. 7c. **CO₂ equivalent emissions or CO₂e.** "CO₂ equivalent emissions" or
3.9 "CO₂e" has the meaning given under subpart 24a.

3.10 Subp. 7d. **Customary permit conditions.** "Customary permit conditions" means the
3.11 permit conditions related to amendments, deviation reporting, and calculation frequency
3.12 that are included in a state permit with environmental management systems (EMS)
3.13 provisions and are applicable if the owners and operators of a stationary source are
3.14 establishing or have lost eligibility for the EMS provisions.

3.15 [For text of subps 8 to 12b, see M.R.]

3.16 Subp. 12c. **Major nonconformance.** "Major nonconformance" means a failure to
3.17 establish, implement, or maintain a numbered element of the ISO 14001 EMS standard
3.18 that has the potential to cause a violation of regulatory, legal, or other environmental
3.19 requirements. This definition applies to owners and operators of a stationary source
3.20 applying for or holding a state permit that includes EMS provisions. A major
3.21 nonconformance is identified by an EMS auditor.

3.22 [For text of subps 13 to 18a, see M.R.]

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

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

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

4.3 E. any pollutant subject to a standard promulgated under section 112 or other
4.4 requirements established under section 112 of the act (Hazardous Air Pollutants),
4.5 including sections 112(g)(2)(B) (construction or reconstruction of major source of

4.6 hazardous air pollutants), 112(j) (Equivalent Emission Limitation by Permit), and 112(r)
4.7 (Prevention of Accidental Releases), including the following:

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

4.9 (2) any pollutant for which the requirements of section 112(g)(2)(B)
4.10 (construction or reconstruction of a major source of hazardous air pollutants) of the act
4.11 have been met, but only with respect to the individual source subject to the section
4.12 112(g)(2)(B) requirement; or

4.13 F. greenhouse gases as defined in part 7005.0100, subpart 11d.

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

4.15 Subp. 24a. **Subject to regulation.** "Subject to regulation" means, for any air pollutant,
4.16 that the pollutant is subject to either a provision in the Clean Air Act or a nationally
4.17 applicable regulation codified by the administrator in Code of Federal Regulations, title
4.18 40, chapter I, subchapter C (Air Programs), that requires actual control of the quantity of
4.19 emissions of that pollutant and the control requirement has taken effect and is operative
4.20 to control, limit, or restrict the quantity of emissions of that pollutant released from the
4.21 regulated activity, except that greenhouse gases (GHGs) as defined under part 7005.0100,
4.22 subpart 11d, are not subject to regulation unless, as of July 1, 2011, the GHGs emissions
4.23 are at a stationary source emitting or having the potential to emit 100,000 tons per year
4.24 (tpy) CO₂ equivalent emissions. "CO₂ equivalent emissions" or "CO₂e" represent
4.25 an amount of GHGs emitted and that are computed by multiplying the mass amount
5.1 of emissions for each of the six greenhouse gases in the pollutant GHGs, by the gas's
5.2 associated global warming potential under Table A-1 to subpart A of Code of Federal
5.3 Regulations, title 40, part 98, Global Warming Potentials, as amended, and summing the
5.4 resultant value for each to compute emissions as CO₂e.

5.5 Subp. 24b. **Summary of EMS audit results.** "Summary of EMS audit results"
5.6 is a document signed by an EMS auditor, describing the date and scope of the audit,

5.7 and conformance, minor nonconformance, or any major nonconformance found in the
5.8 course of an EMS audit. For major nonconformance, the summary of EMS audit results
5.9 summarizes the objective evidence found by the EMS auditor, describes corrective actions
5.10 planned or completed by the owners and operators of the stationary source, and details
5.11 follow-up audit activity planned or completed by the EMS auditor.

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

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

5.15 C. any condition for which there is no corresponding underlying applicable
5.16 requirement and that the owners and operators of the stationary source have assumed
5.17 to avoid being subject to a new source review program under part C (Prevention of
5.18 Significant Deterioration of Air Quality) or part D (Plan Requirements for Nonattainment
5.19 Areas) or a preconstruction review program under section 112(g)(2)(B) of the act or
5.20 implementing state rules or federal regulations; and

5.21 D. any condition which is part of a plan approved by the EPA or submitted to the
5.22 EPA and pending approval under section 111(d) (Standards of Performance for New
5.23 Stationary Sources) or section 129 (Solid Waste Combustion) of the act.

5.24 [For text of subps 26 to 28, see M.R.]

6.1 **7007.0150 PERMIT REQUIRED.**

6.2 Subpart 1. **Prohibition.**

6.3 A. No person may construct, modify, reconstruct, or operate an emissions unit,
6.4 emission facility, or stationary source until plans for it have been submitted to the agency
6.5 and a written permit for it has been granted by the agency. Exceptions to the requirement
6.6 to obtain a permit are located in part 7007.0300. Exceptions to the requirement to obtain a
6.7 permit amendment are located in parts 7007.1250 and 7007.1350.

6.8 B. Requirements related to greenhouse gases for the timing to construct
6.9 modifications are as follows:

6.10 (1) if, on July 1, 2011, owners or operators held a part 70 or state air emission
6.11 permit or compliance schedule that was issued before July 1, 2011, and that authorizes or
6.12 allows a pending modification, the owners and operators may not begin actual construction
6.13 of any modification until the owners and operators assess the emissions of GHGs as CO₂e
6.14 under Code of Federal Regulations, title 40, section 52.21. ~~This assessment was due by~~
6.15 ~~July 1, 2011, under temporary rules adopted on January 24, 2011;~~ and

6.16 (2) if the permit or compliance schedule issued before July 1, 2011, does not
6.17 address the requirements for GHGs under Code of Federal Regulations, title 40, section
6.18 52.21, and emissions are above the GHG threshold, the owners and operators must submit
6.19 a new application and receive a new permit or schedule before construction can begin.

6.20 C. Owners or operators must retain records on site of the owners' or operators'
6.21 determination under item B of CO₂e emissions related to a modification for five years
6.22 from the date of the calculation or until July 1, 2016, whichever is sooner, if the following
6.23 conditions apply:

6.24 (1) the owners or operators held a permit or compliance schedule issued before
6.25 July 1, 2011, that included a pending modification;

7.1 (2) the owners or operators made calculations of CO₂e related to the pending
7.2 modification by June 30, 2012; and

7.3 (3) the owners and operators did not submit a new permit application to address
7.4 GHG emissions from the pending modification.

7.5 D. Items B and C do not apply to stationary sources that are covered by registration
7.6 permits under parts 7007.1110 to 7007.1130 or capped permits under parts 7007.1140
7.7 to 7007.1147.

7.8 E. By July 1, 2011, an owner or operator holding any existing part 70 or state
7.9 facility permit must calculate whether the facility's potential to emit greenhouse gases
7.10 meets or exceeds the permit threshold for greenhouse gases in part 7007.0200, subpart 2.

7.11 (1) If the potential to emit greenhouse gases as CO₂e does not exceed the
7.12 permit threshold for greenhouse gases, the owner or operator must retain records of the
7.13 calculation on site until January 2, 2016.

7.14 (2) If the potential to emit greenhouse gases as CO₂e exceeds the permit
7.15 threshold for greenhouse gases, then the owner or operator must notify the Pollution
7.16 Control Agency by June 30, 2011, if the facility can retain its current permit or submit an
7.17 application by July 1, 2012, to revise the permit.

7.18 [For text of subps 2 and 3, see M.R.]

7.19 **Subp. 4. Calculation of potential to emit.**

7.20 A. For purposes of parts 7007.0200 and 7007.0250, the owners and operators
7.21 of a stationary source shall calculate the stationary source's potential to emit using the
7.22 definition in part 7005.0100, subpart 35a, except as provided in subitems (1) to (4).

7.23 (1) Emissions caused by activities described in subpart 2 of the insignificant
7.24 activities list in part 7007.1300 shall not be considered in the calculation of potential
7.25 emissions.

8.1 (2) Emissions caused by activities described in subpart 3 of the insignificant
8.2 activities list in part 7007.1300 shall be considered in the calculation of potential emissions
8.3 if required by the agency under part 7007.0500, subpart 2, item C, subitem (2).

8.4 (3) Emissions caused by any conditionally insignificant activity must be
8.5 considered in the calculation of potential emissions if required by the agency under part
8.6 7007.0500, subpart 2, item C, subitem (2).

8.7 (4) If a stationary source consists in part of emissions units that could have
8.8 qualified as a conditionally exempt stationary source under chapter 7008 but for the
8.9 presence of other noneligible emissions units, potential emissions caused by emissions from
8.10 those units may be based on the limits imposed under chapter 7008 provided that general
8.11 and technical standards of chapter 7008 are met with regard to those emissions units.
8.12 Calculations of emissions under this subpart are only intended to determine if a permit is
8.13 required.

8.14 B. To make the determination of whether a permit is required, the owners and
8.15 operators of a stationary source shall use the potential to emit calculation method described
8.16 in item A. To determine what type of permit is required, if a permit is required, the control
8.17 equipment efficiency determined by part 7011.0070 for listed control equipment at a
8.18 stationary source may be used in calculating emissions if the owner or operator is in
8.19 compliance with parts 7011.0060 to 7011.0080.

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

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

9.1 **7007.0200 SOURCES REQUIRED OR ALLOWED TO OBTAIN A PART 70**
9.2 **PERMIT.**

9.3 Subpart 1. **Part 70 permit required.** The owners and operators of any emission
9.4 facilities, emission units, and stationary sources described in subparts 2 to 5 must obtain a
9.5 part 70 permit from the agency. All provisions of parts 7007.0100 to 7007.1850 apply to
9.6 part 70 permits unless the provision states that it applies only to state permits, registration
9.7 permits, capped permits, or general permits. If the owners and operators of a stationary
9.8 source are required to obtain a part 70 permit by subpart 2, item B or C, the owners and
9.9 operators shall also separately determine under subpart 2, item A, if the stationary source
9.10 is a major source subject to major source requirements under section 112 of the act.

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

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

9.14 B. A major stationary source of air pollutants, as defined in section 302 of the act
9.15 (General Provisions; Definitions), that directly emits or has the potential to emit, 100 tons
9.16 per year or more of any air pollutant (including any major source of fugitive emissions of
9.17 any such pollutant, as determined by rule by the administrator) and, effective July 1, 2011,
9.18 100,000 tons per year CO₂e of greenhouse gases. The fugitive emissions of a stationary
9.19 source shall not be considered in determining whether it is a major stationary source for
9.20 the purposes of section 302(j) of the act, unless the stationary source belongs to one of the
9.21 following categories of stationary sources:

9.22 [For text of subitems (1) to (27), see M.R.]

9.23 [For text of item C, see M.R.]

9.24 [For text of subps 3 to 6, see M.R.]

10.1 **7007.0250 SOURCES REQUIRED TO OBTAIN A STATE PERMIT.**

10.2 Subpart 1. **State permit required.** The owners and operators of stationary sources
10.3 described in this part must obtain a state permit from the agency under this part. All
10.4 provisions of parts 7007.0100 to 7007.1850 apply to state permits unless the provision
10.5 states that it applies only to part 70 permits, general permits, capped permits, or
10.6 registration permits.

10.7 Subp. 2. **NSPS/NESHAP state permits.** Owners and operators of a stationary source
10.8 must obtain a permit under this part if:

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

10.10 Subp. 3. **SIP required state permit.** Owners and operators of a stationary source must
10.11 obtain a permit under this part if the agency notifies the owners and operators that such

10.12 a permit is needed as part of a state implementation plan to be submitted to the EPA to
 10.13 demonstrate attainment with a national ambient air quality standard.

10.14 Subp. 4. **PTE threshold required state permit.** Owners and operators of a stationary
 10.15 source must obtain a permit under this part if the source has the potential to emit any
 10.16 pollutant listed below at a rate equal to or greater than the following amounts, in tons
 10.17 per year:

10.18	Pollutant	Threshold
10.19	Lead	0.5 tons per year
10.20	SO ²	50.0 tons per year
10.21	PM-10	25.0 tons per year
10.22	VOCs	100.0 tons per year

10.23 Subp. 5. **Part 70 permits.** Part 7007.0250 does not apply to owners and operators
 10.24 of a stationary source that are required to or choose to obtain a part 70 permit under part
 10.25 7007.0200. However, owners and operators of a stationary source that would otherwise be
 11.1 required to obtain a part 70 permit under part 7007.0200 may avoid that requirement by
 11.2 obtaining a state permit under this part which contains federally enforceable conditions to
 11.3 limit its emissions to levels below those that would trigger the requirement to obtain a
 11.4 part 70 permit.

11.5 Subp. 6. **Waste combustors.** Owners and operators of a waste combustor, as defined
 11.6 in part 7011.1201, must obtain a permit under this part unless the waste combustor is:

11.7 A. a Class IV waste combustor located at a hospital; or

11.8 B. a waste combustor subject to the exemptions in part 7011.1215, subpart 3.

11.9 Notwithstanding the exemptions in items A and B, owners and operators of a Class
 11.10 IV waste combustor that does not comply with the stack height requirements of part
 11.11 7011.1235, subpart 1, but uses alternative techniques to achieve equivalent ambient

11.12 pollution concentrations, must obtain a permit under this part. The permit obtained shall
11.13 not be a registration permit under parts 7007.1110 to 7007.1130.

11.14 Subp. 7. **Registration permits.** Owners and operators of a stationary source that
11.15 are required to obtain a state permit from the agency under this part, or that choose to
11.16 obtain a state permit to limit the stationary source's emissions to levels below those that
11.17 would trigger the requirement to obtain a part 70 permit, may elect to instead obtain a
11.18 registration permit under parts 7007.1110 to 7007.1130, if the stationary source qualifies
11.19 under those parts.

11.20 Subp. 8. **Capped permits.** Owners and operators of a stationary source that are required
11.21 to obtain a state permit from the agency under this part, or that choose to obtain a state
11.22 permit to limit the stationary source's emissions to levels below those that would trigger
11.23 the requirement to obtain a part 70 permit, may elect to instead obtain a capped permit
11.24 under parts 7007.1140 to 7007.1148, if the stationary source qualifies under those parts.

12.1 **7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.**

12.2 Subpart 1. **No permit required.** The owners and operators of the following stationary
12.3 sources are not required to obtain a permit under parts 7007.0100 to 7007.1850:

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

12.6 B. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that
12.7 would be covered by a permit solely because it is subject to one or more of the following
12.8 new source performance standards:

12.9 [For text of subitems (1) to (3), see M.R.]

12.10 (4) Code of Federal Regulations, title 40, part 60, subpart Dc, Standards of
12.11 Performance for Small Industrial-Commercial-Institutional Steam Generating Units

12.12 (incorporated by reference at part 7011.0570), if all steam generating units subject to this
12.13 standard at the stationary source are only capable of combusting natural gas or propane;

12.14 (5) Code of Federal Regulations, title 40, part 60, subpart IIII, Standards
12.15 of Performance for Stationary Compression Ignition Internal Combustion Engines
12.16 (incorporated by reference at part 7011.2305), if all engines subject to this standard at
12.17 the stationary source each have a displacement less than 30 liters per cylinder and did
12.18 not rely on performance testing of the affected unit to demonstrate compliance with the
12.19 standard; and

12.20 (6) Code of Federal Regulations, title 40, part 60, subpart JJJJ, Standards of
12.21 Performance for Stationary Spark Ignition Internal Combustion Engines (incorporated
12.22 by reference at part 7011.2310), if all engines did not rely on performance testing of the
12.23 affected unit to demonstrate compliance with the standard;

12.24 C. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that
12.25 would be covered by a permit solely because it is subject to Code of Federal Regulations,
13.1 title 40, part 61, subpart M, National Emission Standard for Hazardous Air Pollutants for
13.2 Asbestos, section 61.145, Standard for Demolition and Renovation, or 61.154, Standard
13.3 for Active Waste Disposal Sites (incorporated by reference at part 7011.9920);

13.4 [For text of items D and E, see M.R.]

13.5 F. notwithstanding parts 7007.0200 and 7007.0250, any stationary source that
13.6 would be covered by a permit solely because it is subject to one or more new source
13.7 performance standards under Code of Federal Regulations, title 40, part 60, and that is
13.8 subject only to the notification and record-keeping provisions of the applicable standards.

13.9 Subp. 2. [Repealed, 21 SR 165]

13.10 **7007.0325 BIOGENIC CARBON DIOXIDE EXCLUSION FROM**
13.11 **APPLICABILITY THRESHOLDS.**

13.12 Subpart 1. **Biogenic carbon dioxide exclusion.** To calculate the potential to emit GHGs
13.13 as CO₂e for the purpose of determining the applicability of new source review/prevention
13.14 of significant deterioration (NSR/PSD) and part 70 requirements, biogenic carbon dioxide
13.15 shall not be included in the total amount of GHGs as CO₂e until the date on which biogenic
13.16 carbon dioxide emissions must be included under federal law. Biogenic carbon dioxide
13.17 emissions are carbon dioxide emissions resulting from the combustion or decomposition
13.18 of nonfossilized and biodegradable organic material originating from plants, animals, or
13.19 microorganisms, including products, by-products, residues, and waste from agriculture,
13.20 forestry, and related industries as well as the nonfossilized and biodegradable organic
13.21 fractions of industrial and municipal wastes, including gases and liquids recovered from
13.22 the decomposition of nonfossilized and biodegradable organic material.

13.23 Subp. 2. **Additional exclusions.** Until the date on which biogenic carbon dioxide
13.24 emissions must be included under federal law in determining either the applicability
13.25 of new source review/prevention of significant deterioration or part 70 requirements,
13.26 biogenic carbon dioxide emissions are also excluded from:

14.1 A. emissions-increase calculations under parts 7007.0100, subpart 14, and
14.2 7007.1200, subpart 2 or 3;

14.3 B. recordkeeping for GHGs as CO₂e for stationary sources that are covered by
14.4 general permits (part 7007.1100), registration permits (parts 7007.1110 to 7007.1130),
14.5 and capped permits (parts 7007.1140 to 7007.1147); and

14.6 C. compliance reporting for registration permits under part 7019.3020, items B, C,
14.7 and D, and for capped permits under part 7019.3020, item E.

14.8 **7007.0350 EXISTING SOURCE APPLICATION DEADLINES AND SOURCE**
 14.9 **OPERATION DURING TRANSITION.**

14.10 Subpart 1. **Transition applications under this part; deadline based on SIC**
 14.11 **code.** Initial permit applications under parts 7007.0100 to 7007.1850 for an emission
 14.12 unit, emission facility, or stationary source in operation on October 18, 1993, shall be
 14.13 considered timely if they meet the requirements of this part.

14.14 A. Owners and operators of an existing stationary source with a Standard Industrial
 14.15 Classification (SIC) Code number in the left column of the following table shall submit a
 14.16 permit application by the corresponding date in the right column:

14.17	Category	SIC Code Range	Application Deadline
14.18	A	0000 to 2399, excluding 1422, 1423, 1429,	January 15, 1995
14.19		1442, 1446, 2041, and 2048	
14.20	B	2400 to 2999 and 4953, excluding 2951 and	April 15, 1995
14.21		2952	
14.22	C	3000 to 4499	June 15, 1995
14.23	D	4500 to 5099, excluding 4953	September 15, 1995
14.24	E	5100 to 8199	December 15, 1995
15.1	F	8200 to 9999, including 1422, 1423, 1429,	February 15, 1996
15.2		1442, 1446, 2041, 2048, 2951, and 2952	

15.3 [For text of items B to D, see M.R.]

15.4 E. The owners and operators of a stationary source must comply with the
 15.5 applicable deadline in this part, even though the stationary source may be operating under
 15.6 a permit issued by the agency under parts 7001.1200 to 7001.1220 (the permit rules
 15.7 in effect before October 18, 1993), and the permit is not due to expire until after the
 15.8 applicable deadline in this part. If a stationary source is operating under a permit issued by
 15.9 the agency under parts 7001.1200 to 7001.1220, and the permit expires after October 18,

15.10 1993, but before the applicable deadline, the owners and operators need not reapply before
15.11 expiration of the permit, but shall comply with the applicable deadline in this part.

15.12 F. Except as provided in subitems (1) and (2), the agency waives its authority to
15.13 take enforcement action against the owner or operator of a stationary source for failure to
15.14 obtain a permit authorizing operation under parts 7001.1200 to 7001.1220, if the owners
15.15 and operators file a timely and complete permit application under this part. This waiver
15.16 does not apply to:

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

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

15.19 **7007.0400 PERMIT REISSUANCE APPLICATIONS AFTER TRANSITION;**
15.20 **NEW SOURCE AND PERMIT AMENDMENT APPLICATIONS; TOTAL**
15.21 **FACILITY APPLICATIONS FOR SOURCES NEWLY SUBJECT TO A PART 70**
15.22 **OR STATE PERMIT TOTAL FACILITY REQUIREMENT.**

15.23 Subpart 1. **Requirement for application.** Applications for reissued permits after the
15.24 transition period shall be considered timely if they meet the requirements of subpart 2.
15.25 Applications for permits for new stationary sources or amendments shall be considered
16.1 timely if they meet the requirements of subpart 3. An application for a total facility permit
16.2 from owners and operators of a stationary source that, because of a modification or change
16.3 at the stationary source, become subject to the requirement to obtain a part 70 or state permit
16.4 for the first time after the application deadline in part 7007.0350, subpart 1, and that were
16.5 issued a permit for the installation and operation of the change or modification under part
16.6 7007.0750, subpart 5, shall be considered timely if it meets the requirements of subpart 4.

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

16.8 Subp. 3. **New permits and amendments to existing permits.** Owners and operators
16.9 seeking to obtain a new permit for a new stationary source or a permit amendment to an
16.10 existing permit may submit the application at any time. It is recommended that the permit

16.11 application for a new stationary source or an amendment be submitted at least 180 days
16.12 before the planned date for beginning actual construction of the new stationary source
16.13 or beginning actual construction of the modification of the existing stationary source,
16.14 although the agency may take up to 18 months to take final action on the permit or major
16.15 amendment under part 7007.0750, subpart 2. If the reason for the application for an
16.16 amendment is the adoption of a new or amended federal applicable requirement, and the
16.17 remaining life of the permit is three years or longer, the permittee shall file an application
16.18 for an amendment within nine months of promulgation of the applicable requirement. The
16.19 preceding sentence does not apply if the effective date of the requirement is later than the
16.20 date on which the permit is due to expire.

16.21 Subp. 4. **Applications; newly subject to requirement to obtain part 70 or state**
16.22 **total facility permit due to modification.** If a modification at an existing, unpermitted
16.23 stationary source would make the source subject for the first time to the requirement to
16.24 obtain either a part 70 or state total facility permit after the application deadline in part
16.25 7007.0350, subpart 1, and the agency issues a permit authorizing installation or operation
17.1 of the modification under part 7007.0750, subpart 5, the owners and operators shall submit
17.2 an application for a total facility permit:

17.3 A. within 180 days after commencing operation of the modification that triggered
17.4 the permit requirement, if the owners and operators are applying for a state, registration,
17.5 or general permit; or

17.6 B. within 365 days after commencing operation of the modification that triggered
17.7 the permit requirement, if the owners and operators are applying for a part 70 permit.

17.8 Subp. 5. **Applications; newly subject to requirement to obtain part 70 or state**
17.9 **total facility permit due to new regulations.** If a new regulation affecting a stationary
17.10 source would make the source subject for the first time to the requirement to obtain a part

17.11 70 or state permit, the owners and operators shall submit an application for a total facility
17.12 permit within 365 days of the effective date of the regulation.

17.13 **7007.0500 CONTENT OF PERMIT APPLICATION.**

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

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

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

17.18 C. The following emissions-related information:

17.19 [For text of subitems (1) to (3), see M.R.]

17.20 (4) The permit application shall specify the potential emissions, as defined in
17.21 part 7005.0100, subpart 35a, in tons per year from the stationary source as a whole. These
17.22 potential emissions shall be specified for each regulated air pollutant and each hazardous
17.23 air pollutant that is not yet a regulated air pollutant, as defined in part 7007.0100, subparts
17.24 12a and 19, except that pollutants which are regulated solely under section 112(r) of
18.1 the act need not be included and pollutants regulated solely under section 602 of the
18.2 act need not be included. Pollutants in part 7007.0325 are excluded until they must be
18.3 included under federal law. In addition, for each emissions unit subject to an applicable
18.4 requirement, the permit application shall specify, in tons per year, the potential emissions
18.5 of the same pollutants referenced in the previous sentence. If the applicable requirement
18.6 contains a standard reference test method which is to be used to establish compliance,
18.7 the permit application shall specify the potential emissions in the same units as are used
18.8 in the test method.

18.9 [For text of subitem (5), see M.R.]

18.10 (6) A permit application shall provide the information on actual emissions
18.11 for the preceding calendar year required in this subitem. Notwithstanding the previous

18.12 sentence, if actual emission data are not available for the preceding calendar year, the
18.13 application shall provide an estimate of actual annual emissions required in this subitem.

18.14 (a) The permittee shall provide actual emission rates, in tons per year, of
18.15 criteria pollutants and of greenhouse gases as CO₂e unless the permittee has submitted an
18.16 emissions inventory as required by parts 7019.3000 and 7019.3010.

18.17 [For text of unit (b), see M.R.]

18.18 [For text of subitems (7) to (11), see M.R.]

18.19 D. The following information regarding applicable requirements and test methods:

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

18.21 (2) If the owners and operators of a stationary source are required to test
18.22 the stationary source's emissions to determine compliance, a permit application must
18.23 include either: a citation to a rule or regulation establishing the test method for measuring
18.24 emissions or, if such a rule or regulation does not exist, a description of the method that
18.25 the applicant believes is the appropriate method to measure emissions.

19.1 [For text of items E to N, see M.R.]

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

19.3 **7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.**

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

19.5 Subp. 5. **Modification (installation and operation) permits for stationary sources**
19.6 **not previously required to obtain part 70 or state total facility permit.** The agency
19.7 may issue permits authorizing a modification or change to a stationary source (an
19.8 installation and operation permit) prior to issuance of an operating permit covering the
19.9 entire stationary source (a total facility permit) if the agency finds:

19.10 A. the owners and operators have filed a complete application for the proposed
 19.11 modification or change;

19.12 B. the modification will subject the owners and operators of the stationary source
 19.13 to the requirement to obtain a permit for the first time;

19.14 C. the delay resulting from issuing the installation and operation permit and the
 19.15 total facility permit at the same time would cause undue economic hardship on the owners
 19.16 and operators of the stationary source; and

19.17 D. the agency has sufficient information about the entire stationary source to be
 19.18 able to comply with the requirements of part 7007.1000.

19.19 The requirements of parts 7007.0100 to 7007.1850 that apply to modifications to a
 19.20 stationary source with a total facility permit shall also apply to modifications authorized
 19.21 under this part. The owner or operator of a stationary source that obtains an installation
 19.22 and operation permit for a modification under item A, shall lose the right to operate the
 19.23 stationary source if the owners and operators fail to submit an application for a total
 19.24 facility permit in the time required by part 7007.0400, subpart 4, and shall be considered
 19.25 to be in violation of part 7007.0150, subpart 1.

20.1 [For text of subps 6 to 8, see M.R.]

20.2 **7007.0800 PERMIT CONTENT.**

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

20.4 Subp. 7. **Prohibition on exceedance of allowances.** For affected sources, the agency
 20.5 shall include a permit condition prohibiting emissions exceeding any allowances that the
 20.6 owners and operators of a stationary source lawfully hold under title IV of the act or the
 20.7 regulations promulgated thereunder, except as follows:

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

20.9 B. No limit shall be placed on the number of allowances held by the owners and
20.10 operators of a stationary source. The owners and operators of a stationary source may
20.11 not, however, use allowances as a defense to noncompliance with any other applicable
20.12 requirement.

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

20.15 [For text of subps 8 to 10, see M.R.]

20.16 Subp. 11. **Alternative scenarios.** Terms and conditions allowing for reasonably
20.17 anticipated alternative operating scenarios identified by the stationary source in its
20.18 application. Such terms and conditions shall:

20.19 A. require the owners or operators of the stationary source, contemporaneously with
20.20 making a change from one operating scenario to another, to record in a log at the permitted
20.21 facility a record of the scenario under which the stationary source is operating; and

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

20.24 [For text of subps 12 to 16, see M.R.]

21.1 **7007.0950 EPA REVIEW AND OBJECTION.**

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

21.3 Subp. 3. **Public petitions to administrator regarding part 70 permits.** If the
21.4 administrator does not object in writing to a part 70 permit or a major amendment to a part
21.5 70 permit under subpart 2, any person may petition the administrator within 60 days after
21.6 the expiration of the administrator's 45-day review period to make such objection. Any
21.7 such petition shall be based only on objections to the part 70 permit or the amendment
21.8 that were raised with reasonable specificity during the public comment period provided
21.9 in part 7007.0850, unless the petitioner demonstrates that it was impracticable to raise

21.10 such objections within such period, or unless grounds for such objection arose after such
21.11 period. If the administrator objects to the part 70 permit or the amendment as a result of a
21.12 petition filed under this subpart prior to agency issuance, the agency shall not issue the
21.13 permit or the amendment until the administrator's objection has been resolved. If the
21.14 permit or the amendment was issued prior to the administrator's objection but after the
21.15 end of the EPA's 45-day review period, the agency shall reopen or revoke the permit
21.16 or the amendment under part 7007.1600 or 7007.1700 to satisfy the EPA's objection.
21.17 Until amended or revoked, the permit shall remain in effect. In any case, the owners
21.18 and operators of the stationary source will not be in violation of the requirement to
21.19 have submitted a timely and complete application. The administrator may also amend,
21.20 terminate, or revoke a part 70 permit under the administrator's authority under Code of
21.21 Federal Regulations, title 40, section 70.8(d), as amended.

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

21.23 **7007.1050 DURATION OF PERMITS.**

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

22.1 Subp. 5. **Expiring state, capped, and general permits.** The agency may elect
22.2 to make state permits, capped permits, and general permits (except general permits
22.3 that apply to stationary sources otherwise required to have a part 70 permit) expire
22.4 five years or more after issuance if the permittee requests an expiring permit or if the
22.5 agency determines that an expiring permit would significantly improve the likelihood of
22.6 continuing compliance with applicable requirements and the terms of the permit. Grounds
22.7 for such a determination include, but are not limited to, the following:

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

22.9 C. the owners and operators of the stationary source are likely to make substantial
22.10 changes within the next five years making the stationary source subject to additional
22.11 applicable requirements.

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

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

22.14 **7007.1100 GENERAL PERMITS.**

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

22.16 Subp. 2. **Public participation.** The agency shall follow the same public participation
22.17 procedures in part 7007.0850, subparts 2 and 3, for individual permits except as stated
22.18 otherwise in this subpart. The notice of the agency's intent to publish a general permit
22.19 need not be published in newspapers of general circulation but shall be published in
22.20 the State Register. The notice need not include any facility specific information. The
22.21 notice issued by the agency shall identify criteria for stationary sources that qualify for the
22.22 general permit and identify the geographic area in which it applies. If the general permit
22.23 is sector-based, the notice shall state whether the owners and operators of a stationary
22.24 source holding a registration permit issued under parts 7007.1110 to 7007.1130 or a
22.25 capped permit issued under parts 7007.1140 to 7007.1148 must apply for the sector-based
23.1 general permit. The agency need not comply with part 7007.0850, subpart 2, item A,
23.2 subitem (4), unless the stationary source category includes stationary sources subject to
23.3 the requirement to obtain part 70 permits.

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

23.5 Subp. 5. **Application.** Owners and operators of stationary sources that would qualify
23.6 for a general permit must apply to the agency for coverage under the terms of the general
23.7 permit or must apply for an individual permit consistent with part 7007.0500. If the
23.8 owners and operators of a stationary source elect to apply for coverage under the general
23.9 permit, they must submit an application meeting the requirements of parts 7007.0100
23.10 to 7007.1850, unless the agency states in the public notice of the general permit that
23.11 certain conditions do not apply. The application must include all information necessary to
23.12 determine qualification for, and to assure compliance with, the general permit.

23.13 Subp. 6. **Issuance of general permit to a stationary source.** The agency may issue a
23.14 general permit to the owners and operators of a stationary source without repeating the
23.15 notice and comment procedures required under part 7007.0850, subpart 2. However, the
23.16 agency shall make available to the public upon request a list of facilities for which a
23.17 general permit application has been received.

23.18 Subp. 7. **Permit shield.** Notwithstanding the permit shield provisions of part
23.19 7007.1800, the owners and operators of a stationary source that obtain a general permit
23.20 shall be subject to enforcement action for operation without a permit if the stationary
23.21 source is later determined not to qualify for the conditions and terms of the general permit.

23.22 Subp. 8. **Change of name, ownership, or control of stationary source issued**
23.23 **a general permit.**

23.24 A. Prior to a change of the name of the stationary source or any mailing address
23.25 listed in the permit, the owners and operators must submit a request for change of the
23.26 name or address on a form provided by the commissioner. The commissioner shall reissue
24.1 the general permit to the owners and operators with the changed name or mailing address.
24.2 Issuance of a general permit with a new name or mailing address voids and supersedes the
24.3 previously issued general permit.

24.4 B. Prior to a change in the ownership or control of a stationary source issued
24.5 a general permit under this part, the new owner or operator must submit a change of
24.6 ownership request form provided by the commissioner. If the commissioner determines
24.7 that the new owners and operators meet the eligibility requirements of the general permit
24.8 for general permit issuance, then the commissioner shall issue the general permit to
24.9 the new owners and operators. Issuance of a general permit to the new owners and
24.10 operators of an eligible stationary source voids and supersedes the general permit of
24.11 the previous owner or operator. If the commissioner determines the new owners and
24.12 operators do not meet the eligibility requirements, the new owners and operators shall

24.13 submit a permit application for a registration, state, or part 70 permit within 120 days of
24.14 the commissioner's written request for the application.

24.15 **7007.1105 ELIGIBILITY FOR ENVIRONMENTAL MANAGEMENT SYSTEM**
24.16 **(EMS) PROVISIONS IN STATE PERMITS.**

24.17 Subpart 1. **Eligibility for existing stationary sources.** If the commissioner determines
24.18 that the owners and operators meet the requirements of items A and B, then the owners
24.19 and operators of a stationary source applying for and qualifying for a state permit with the
24.20 EMS provisions described in part 7007.1107, subparts 2 and 3, may request inclusion of
24.21 the EMS provisions in its permit.

24.22 A. The owner or operator has implemented an ISO 14001-registered EMS at the
24.23 stationary source, or has implemented an EMS conforming to the requirements of the ISO
24.24 14001 standard as determined by an EMS auditor.

24.25 B. The owners and operators have applied for a permit to establish facility-wide
24.26 emission limits for the following pollutants, if they are emitted by the stationary source:
25.1 NO_x, SO₂, PM, PM-10, CO, VOC, Pb, greenhouse gases, and hazardous air pollutants.
25.2 The commissioner may establish emission limits for other regulated pollutants described
25.3 under part 7007.0200, subpart 2, that are emitted by the stationary source.

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

25.5 Subp. 3. **Transitional eligibility.** Owners and operators of a stationary source that
25.6 has not been constructed at the time of application may apply prior to construction for a
25.7 state permit that includes EMS provisions. Owners and operators of an existing stationary
25.8 source that is applying for a new permit or renewing an existing permit and plan to
25.9 implement an eligible EMS after permit application or issuance may also apply for a
25.10 state permit that includes EMS provisions. In either case, the owners and operators must
25.11 apply for a permit to establish facility-wide emission limits for the following pollutants,
25.12 if they are emitted by the stationary source: NO_x, SO₂, PM, PM-10, CO, VOC, Pb, and

25.13 hazardous air pollutants. The commissioner may establish emission limits for other
25.14 regulated pollutants described under part 7007.0200, subpart 2, that are emitted by the
25.15 stationary source. During the transitional period, the time between initial startup of the
25.16 new stationary source and notification to the commissioner of its eligibility for the EMS
25.17 provisions, or the time between an existing stationary source's permit issuance and its
25.18 notification to the commissioner of its eligibility for the EMS provisions, the stationary
25.19 source must comply with the customary permit conditions included in the permit. To
25.20 establish eligibility for the EMS provisions after the transitional period, the stationary
25.21 source must comply with items A to C.

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

25.23 **Subp. 4. Grounds for loss of eligibility for EMS provisions.**

25.24 A. The stationary source is ineligible for the provisions described in part
25.25 7007.1107, subparts 2 and 3, if the stationary source no longer has an EMS as defined
25.26 in part 7007.0100, subpart 9b. The owner or operator shall notify the commissioner in
26.1 writing within seven working days upon learning that the stationary source no longer
26.2 has an EMS as defined in part 7007.0100, subpart 9b. The owners and operators shall
26.3 immediately comply with the customary permit conditions included in the permit.

26.4 B. If a major nonconformance is discovered during an EMS audit, a follow-up EMS
26.5 audit must take place at the stationary source within six months of the date the EMS auditor
26.6 discovered the major nonconformance, but the scope of the follow-up EMS audit may be
26.7 limited to those owner or operator actions necessary to correct the major nonconformance.
26.8 The EMS auditor shall send the commissioner a summary of the results of the audit
26.9 discovering major nonconformance and the follow-up EMS audit within 45 days of their
26.10 occurrence. The commissioner shall review the summaries of the EMS audit results and
26.11 may determine the stationary source is no longer eligible for the EMS provisions if the
26.12 EMS auditor found the same major nonconformance during the follow-up EMS audit. The

26.13 owners and operators shall comply with the customary permit conditions upon receipt of
26.14 written notification from the commissioner that the EMS provisions are no longer effective.

26.15 [For text of item C, see M.R.]

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

26.17 **7007.1107 APPLICATION AND PERMIT CONTENT RELATED TO INCLUSION**
26.18 **OF EMS PROVISIONS IN STATE PERMITS.**

26.19 Subpart 1. **Application content.** Owners and operators of a stationary source applying
26.20 for inclusion of the EMS provisions in subparts 2 and 3 in a state permit must:

26.21 A. Submit an application meeting the requirements of parts 7007.0100 to
26.22 7007.1850. If the owners and operators have submitted a complete application for a state,
26.23 part 70, capped, or general permit prior to the application deadline in part 7007.0350 or
26.24 7007.0400 and are eligible for a state permit with EMS provisions, then owners and
26.25 operators applying for inclusion of EMS provisions may supplement information in a
26.26 previous application to meet the application content requirements listed in this subpart.

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

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

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

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

27.9 (1) If the actual emissions of any pollutant listed in this subitem are less
27.10 than the "Eligibility Limit for Reduced Calculation" for that pollutant for the previous
27.11 calendar year, then the owner or operator may calculate and record actual emissions for

27.12 that pollutant on a calendar year basis. The owner or operator shall by January 30 of each
27.13 year calculate and record the sum of actual emissions for the previous calendar year. This
27.14 calculation must be made pursuant to the requirements of the permit. Unless otherwise
27.15 specified in the permit, this calculation must include all emissions units at the stationary
27.16 source, except for insignificant activities under part 7007.1300, subparts 2 and 3, and
27.17 conditionally insignificant activities under chapter 7008. The following pollutants have
27.18 the listed "Eligibility Limit for Reduced Calculation":

27.19 [For text of units (a) to (g), see M.R.]

27.20 (h) CO, 25 tons/year;

27.21 (i) Pb, 0.050 tons/year; and

27.22 (j) CO₂e, 25,000 tons/year.

27.23 [For text of subitems (2) and (3), see M.R.]

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

28.1 **7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.**

28.2 Subpart 1. **Stationary sources that may obtain a registration permit.** Owners and
28.3 operators of a stationary source that qualifies for a registration permit under this part and
28.4 part 7007.1115 (Option A), 7007.1120 (Option B), 7007.1125 (Option C), or 7007.1130
28.5 (Option D) may elect to apply to the commissioner for a registration permit instead of a
28.6 part 70, state, capped, or general permit, except as provided in subpart 2.

28.7 Subp. 2. **Stationary sources that may not obtain a registration permit.**

28.8 A. Owners and operators of a stationary source may not obtain a registration permit
28.9 if they are required to obtain a permit under parts 7007.0200, subpart 3 (acid rain affected
28.10 sources), 7007.0200, subpart 4 (solid waste incinerators, waste combustors), 7007.0200,
28.11 subpart 5 (other part 70 sources), 7007.0250, subpart 3 (state implementation plan required
28.12 state permit), or 7007.0250, subpart 6 (waste combustors).

28.13 B. Owners and operators of a stationary source may not obtain a registration permit
28.14 if air quality specific conditions or limits not contained in parts 7007.1110 to 7007.1130
28.15 were assumed:

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

28.17 (2) in obtaining a negative declaration in an environmental assessment
28.18 worksheet; or

28.19 (3) in demonstrating compliance with any state or national ambient air quality
28.20 standard.

28.21 C. Owners and operators of a stationary source may not obtain a registration permit
28.22 if the stationary source is subject to a new source performance standard except when the
28.23 stationary source is subject only to the notification and record-keeping requirements of
28.24 that standard, or when the standard is one of the following:

28.25 [For text of subitems (1) to (11), see M.R.]

29.1 (12) Code of Federal Regulations, title 40, part 60, subpart GG, Standards of
29.2 Performance for Stationary Gas Turbines (incorporated by reference in part 7011.2350);

29.3 (13) Code of Federal Regulations, title 40, part 60, subpart IIII, Standards
29.4 of Performance for Stationary Compression Ignition Internal Combustion Engines
29.5 (incorporated by reference in part 7011.2305), but only if the compression ignition internal
29.6 combustion engine has a displacement less than 30 liters per cylinder; and

29.7 (14) Code of Federal Regulations, title 40, part 60, subpart JJJJ, Standards of
29.8 Performance for Stationary Spark Ignition Internal Combustion Engines (incorporated
29.9 by reference in part 7011.2310).

29.10 Subp. 2b. **Additional limitations on stationary source eligibility for a registration**
29.11 **permit.** A stationary source may not obtain an option B, C, or D registration permit if:

29.12 A. the source qualifies for a sector-based state general permit available under part
29.13 7007.1100, unless specifically allowed under the general permit; or

29.14 B. the commissioner determines that site-specific permit requirements are needed
29.15 to ensure compliance with applicable requirements or to protect human health or the
29.16 environment.

29.17 Owners and operators of a stationary source that hold a registration permit and are
29.18 eligible for a sector-based general permit that is available on or before January 1, 2007,
29.19 shall apply for the general permit on or before December 31, 2008.

29.20 Subp. 3. **Registration permit application.** Items A to D apply to registration permit
29.21 applications submitted under parts 7007.1110 to 7007.1130.

29.22 A. The owners and operators of a stationary source must apply for a registration
29.23 permit prior to the applicable deadline in parts 7007.0350 and 7007.0400. If the owners
29.24 and operators have submitted a complete application for a state, part 70, or general permit
29.25 prior to the application deadline in part 7007.0350 or 7007.0400 and are eligible for
30.1 a registration permit, then the owners and operators may apply for a registration permit
30.2 and shall request to have the original application voided.

30.3 B. The owners and operators of a stationary source must submit the registration
30.4 permit application on a standard application form provided by the commissioner. The
30.5 commissioner may create different application forms for the different registration permit
30.6 options available under parts 7007.1115 to 7007.1130.

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

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

30.9 Subp. 5. **Registration permit issuance, denial, and revocation.** The commissioner
30.10 shall issue a registration permit to the owners and operators of a stationary source if the
30.11 owners and operators have submitted a complete application for a registration permit

30.12 and the commissioner determines that the stationary source qualifies for the registration
30.13 permit under parts 7007.1110 to 7007.1130 for which the application was submitted, and
30.14 the commissioner anticipates that the stationary source will comply with the registration
30.15 permit. The commissioner shall deny an application for a registration permit if the
30.16 commissioner determines that the stationary source does not qualify for the registration
30.17 permit under parts 7007.1110 to 7007.1130 for which the application was submitted or
30.18 that the stationary source will not be able to comply with the registration permit. The
30.19 grounds for permit denial in part 7007.1000, subparts 1, item H, and 2, items B to G, also
30.20 constitute grounds for the commissioner to deny a registration permit application. The
30.21 commissioner may revoke a registration permit, if the commissioner finds that any of the
30.22 grounds under subpart 16 or under part 7007.1700, subpart 1, exist, by following the
30.23 procedure in part 7007.1700, subpart 2.

30.24 [For text of subps 6 to 10, see M.R.]

31.1 Subp. 11. **Change rendering stationary source ineligible for a registration permit**
31.2 **or that changes the applicable registration permit option.** If the owner or operator
31.3 makes a change at a stationary source issued a registration permit which increases
31.4 emissions, including a change described in subpart 10, and results in the stationary source
31.5 no longer being able to qualify for or meet the requirements for its registration permit,
31.6 and the change is not a modification, as defined in part 7007.0100, subpart 14, then the
31.7 owners and operators must:

31.8 A. within 30 days of making the change, submit a written notification to the
31.9 commissioner that includes a description of the change, and a statement of what type of
31.10 permit application the owner or operator will submit; and

31.11 B. if the change results in the requirement for the submittal of a registration permit
31.12 application under a different option, then the registration permit application shall be

31.13 submitted with the 30-day notice required under item A, or within 180 days of making the
31.14 change, submit the required part 70, state, or general permit application.

31.15 If the owners and operators fail to submit the required permit application in the time
31.16 required by this subpart, the owners and operators lose their right to operate the stationary
31.17 source and shall be considered to be in violation of part 7007.0150, subpart 1. Once a
31.18 stationary source has made a change rendering it ineligible for all registration permit
31.19 options under parts 7007.1110 to 7007.1130, the stationary source may only become
31.20 eligible for a registration permit again if it meets the requirements of subpart 14.

31.21 Subp. 11a. **Regulatory change rendering stationary source ineligible for**
31.22 **registration permit or changing applicable registration permit option.**

31.23 A. If a stationary source covered by a registration permit becomes subject to a
31.24 new regulatory requirement that results in the stationary source no longer being able to
31.25 qualify for or meet the requirements for the current registration permit, then the owner or
31.26 operator must:

32.1 (1) within 30 days of the effective date of the regulation:

32.2 (a) submit a written notification to the commissioner that includes a
32.3 description of the regulatory change and a statement of what type of permit application
32.4 the owners and operators will submit; and

32.5 (b) if the stationary source is eligible for a different registration permit
32.6 option, submit an application for another registration permit option category; and

32.7 (2) if the stationary source is not eligible for any registration permit option,
32.8 submit an application for a part 70, state, or general permit application within 180 days of
32.9 the effective date of the regulatory change.

32.10 B. Once a stationary source has made a change rendering it ineligible for all
32.11 registration permit options under parts 7007.1110 to 7007.1130, the stationary source

32.12 may become eligible for a registration permit again only if it meets the requirements
32.13 of subpart 14.

32.14 C. If the owner or operator fails to submit the required permit application in the
32.15 time required by this subpart, the owner or operator is considered to not hold a valid
32.16 permit and is in violation of part 7007.0150, subpart 1. The owner or operator must
32.17 submit the required permit application for the appropriate air emission permit within
32.18 the time limits given in item A.

32.19 Subp. 12. **Modification rendering stationary source ineligible for its current**
32.20 **registration permit option.** Items A to C apply to the owner or operator of a stationary
32.21 source that has been issued a registration permit and that wants to make a modification
32.22 which results in the stationary source no longer being able to meet the requirements for
32.23 the registration permit option for which it was issued a registration permit, but which will
32.24 result in the stationary source being eligible for another registration permit option.

33.1 A. The owners and operators must submit the required permit application to the
33.2 commissioner before beginning actual construction on the modification.

33.3 B. The owners and operators may begin actual construction on and start-up of the
33.4 modification proposed in the permit application seven working days after the permit
33.5 application is received by the commissioner.

33.6 C. Until the commissioner acts on the permit application, the owners and operators
33.7 must comply with the requirements of the registration permit option for which the owners
33.8 and operators applied, and all applicable requirements. During this time period, the
33.9 owners and operators need not comply with the registration permit requirements specific
33.10 to the option under which the owners and operators currently hold a registration permit.

33.11 Subp. 13. **Modification rendering stationary source ineligible for a registration**
33.12 **permit.** The owners and operators of a stationary source that has been issued a
33.13 registration permit must submit a part 70, state, or general permit application before

33.14 making a modification which results in the stationary source no longer qualifying for any
33.15 registration permit option under parts 7007.1110 to 7007.1130. The owner or operator
33.16 may not begin actual construction on the modification until the required part 70, state,
33.17 or general permit for the stationary source is obtained, or an installation and operation
33.18 permit for the modification is obtained under part 7007.0750, subpart 5. Once a stationary
33.19 source has made a modification rendering it ineligible for all registration permit options
33.20 under parts 7007.1110 to 7007.1130, the stationary source may only become eligible for a
33.21 registration permit again if it meets the requirements of subpart 14.

33.22 Subp. 14. **Addition of control equipment, removal of emission units, or pollution**
33.23 **prevention practices which result in or reinstate registration permit eligibility.** If
33.24 through the addition of listed control equipment, permanent removal of emissions units,
33.25 or implementation of pollution prevention practices the stationary source qualifies for or
33.26 reinstates eligibility for a registration permit under parts 7007.1110 to 7007.1130, the
34.1 owners and operators may apply for a registration permit. If the stationary source qualifies
34.2 for or reinstates eligibility for a registration permit due to implementation of pollution
34.3 prevention practices, the owner or operator shall submit a description of the pollution
34.4 prevention practices with the registration permit application for the commissioner's
34.5 review and approval. For purposes of this subpart, "pollution prevention practices" means
34.6 eliminating or reducing the quantity or toxicity of regulated air pollutants, or hazardous
34.7 air pollutants that are not regulated air pollutants, used by or emitted from the stationary
34.8 source. Emission reductions are not reductions if the decrease is solely the result of a
34.9 decrease in production at the stationary source.

34.10 Subp. 15. **Change of name, ownership, or control of stationary source issued a**
34.11 **registration permit.**

34.12 A. Prior to a change of the name of the stationary source or any mailing address
34.13 listed in the permit, the owners and operators must submit a request for change of the

34.14 name or address on a form provided by the commissioner. The commissioner shall reissue
34.15 the registration permit to the owners and operators with the changed name or mailing
34.16 address. Issuance of a registration permit with a new name or mailing address voids and
34.17 supersedes the previously issued registration permit.

34.18 B. Prior to a change in the ownership or control of a stationary source issued
34.19 a registration permit under parts 7007.1110 to 7007.1130, the new owner or operator
34.20 must submit a change of ownership request form provided by the commissioner. If the
34.21 commissioner determines that the new owner or operator meets the requirements of parts
34.22 7007.1110 to 7007.1130 for registration permit issuance, then the commissioner shall
34.23 issue the registration permit to the new owner or operator. Issuance of a registration
34.24 permit to the new owner or operator of an eligible stationary source voids and supersedes
34.25 the registration permit of the previous owner or operator.

34.26 [For text of subp 15a, see M.R.]

35.1 Subp. 16. **Agency request for a different type of permit application.** The owners
35.2 and operators shall submit an application for a part 70, state, capped, or general permit,
35.3 or a different registration permit option, within 120 days of the commissioner's written
35.4 request for the application if the commissioner determines that:

35.5 [For text of items A to G, see M.R.]

35.6 [For text of subps 17 to 22, see M.R.]

35.7 **7007.1115 REGISTRATION PERMIT OPTION A.**

35.8 Subpart 1. **Eligibility.** The owners and operators of a stationary source may apply for a
35.9 registration permit under this part if the stationary source is required to obtain a permit
35.10 solely because it is subject to a new source performance standard listed in part 7007.1110,
35.11 subpart 2, item C, and the owner or operator does not anticipate making changes in the
35.12 next year which will cause the stationary source to require a permit for other reasons.

35.13 Insignificant activities at the stationary source listed in part 7007.1300, subparts 2 and 3,
35.14 and conditionally insignificant activities, are not considered in the eligibility determination
35.15 under this subpart.

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

35.18 A. information identifying the stationary source and its owners and operators,
35.19 including company name and address (plant name and address if different from the
35.20 company name), owner's name and agent, and contact telephone numbers, including names
35.21 of plant site manager or contact, and the person preparing the application if different;

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

35.23 Subp. 3. **Compliance requirements.** The owners and operators of a stationary source
35.24 issued a registration permit under this part must:

36.1 A. meet the eligibility requirements of subpart 1 at all times;

36.2 B. comply with part 7007.1110; and

36.3 C. comply with all applicable requirements, including new source performance
36.4 standards.

36.5 **7007.1120 REGISTRATION PERMIT OPTION B.**

36.6 Subpart 1. **Eligibility.** The owners and operators of a stationary source may apply
36.7 for a registration permit under this part if:

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

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

36.11 A. information identifying the stationary source and its owners and operators,
36.12 including company name and address (plant name and address if different from the

36.13 company name), owner's name and agent, and contact telephone numbers, including names
36.14 of plant site manager or contact, and the person preparing the application if different;

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

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

36.17 **7007.1125 REGISTRATION PERMIT OPTION C.**

36.18 Subpart 1. **Eligibility.** The owners and operators of a stationary source may apply for a
36.19 registration permit under this part if the stationary source consists of only indirect heating
36.20 units (boilers), reciprocating internal combustion engines, and/or emissions from use of
36.21 VOC-containing materials, and meets the following criteria:

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

37.1 F. the 12-month rolling sum of calculations determined under calculations 1,
37.2 2A, 2B, and 3 in subpart 4 is less than 50;

37.3 G. the owner or operator does not anticipate making changes in the next 12 months
37.4 which will cause the stationary source to be ineligible for this type of registration permit
37.5 under items A to F and H; and

37.6 H. the stationary source does not use or generate nitrous oxide, other than from
37.7 combustion units, and does not use or generate hydrofluorocarbons, perfluorocarbons, or
37.8 sulfur hexafluoride.

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

37.11 A. information identifying the stationary source and its owners and operators,
37.12 including company name and address (plant name and address if different from the
37.13 company name), owner's name and agent, and contact telephone numbers, including names
37.14 of plant site manager or contact, and the person preparing the application if different;

37.15 B. a description of the stationary source's processes and products, by Standard
37.16 Industrial Classification (SIC) code;

37.17 C. a copy of the applicable new source performance standards (NSPS) listed in part
37.18 7007.1110, subpart 2, item C, with the applicable portions of the standards highlighted,
37.19 including applicable parts of Code of Federal Regulations, title 40, part 60, subpart A,
37.20 General Provisions, or an NSPS checklist form provided by the commissioner, for each
37.21 affected facility as defined in Code of Federal Regulations, title 40, section 60.2;

37.22 D. a statement of whether the owner or operator will base records required under
37.23 subpart 3 on the purchase or the use of VOC-containing materials, on the purchase or use
37.24 of fuels, and on hours of operation; and

38.1 E. the calculations required by subpart 4. If the stationary source has not been
38.2 operated, the owner or operator shall estimate the gallons of VOC-containing materials,
38.3 amount of fuels burned, and hours of operation on a 12-month rolling sum basis during
38.4 normal operation in performing the calculations required in subpart 4. If the stationary
38.5 source has been operated less than 12 months on the date of application under this part,
38.6 the owner or operator shall perform the calculation in subpart 4 by calculating gallons of
38.7 VOC-containing materials purchased or used, amount of fuels purchased or used, or hours
38.8 of operation by multiplying by 12 the larger of the following:

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

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

38.12 Insignificant activities at the stationary source listed in part 7007.1300, subparts 2 and 3,
38.13 and conditionally insignificant activities, are not required to be included in the application.

38.14 Subp. 3. **Compliance requirements for Option C sources.** Unless a stationary source
38.15 is eligible under subpart 3a, the owners and operators of a stationary source issued a
38.16 registration permit under this part shall comply with all of the requirements in items A to K.

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

38.18 K. If the registration permit was issued before January 2, 2011, the owner or
38.19 operator must begin record keeping for greenhouse gases as CO₂e on January 2, 2011, for
38.20 example, tracking whether any insignificant activities no longer qualify as such.

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

38.22 **7007.1130 REGISTRATION PERMIT OPTION D.**

38.23 Subpart 1. **Eligibility.** The owners and operators of a stationary source may apply for a
38.24 registration permit under this part if the stationary source meets the following criteria:

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

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

39.4 A. information identifying the stationary source and its owners and operators,
39.5 including company name and address (plant name and address if different from the
39.6 company name), owner's name and agent, and contact telephone numbers, including names
39.7 of plant site manager or contact, and the person preparing the application if different;

39.8 [For text of items B to G, see M.R.]

39.9 Subp. 3. **Compliance requirements for Option D sources.** Unless a stationary source
39.10 is eligible under subpart 3a, the owner or operator of a stationary source issued a permit
39.11 under this part shall comply with all of the requirements in items A to N.

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

39.13 B. If the stationary source determined eligibility in the permit application, in whole
39.14 or in part, by using fuel burned in the calculations in subpart 4, the owner or operator must:

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

39.17 (2) recalculate and record by the last day of each month the 12-month rolling
39.18 sum of emissions for the previous 12 months, the date the calculation was made, and the
39.19 calculation itself. This calculation must also include greenhouse gases as CO₂e effective
39.20 January 2, 2011.

39.21 [For text of items C to L, see M.R.]

39.22 M. If the stationary source determined eligibility in the permit application,
39.23 in whole or in part, by calculating actual emissions as CO₂e of hydrofluorocarbons,
40.1 perfluorocarbons, nitrous oxide, and sulfur hexafluoride, purchased or used (whichever
40.2 was stated in the permit application), the owner or operator must:

40.3 (1) record, by the last day of each month, the amount purchased or
40.4 used (whichever was stated in the permit application) of each material containing
40.5 hydrofluorocarbons, perfluorocarbons, nitrous oxide, and sulfur hexafluoride and the mass
40.6 content of these pollutants for the previous calendar month;

40.7 (2) maintain a record of the material safety data sheet (MSDS) or a signed
40.8 statement from the supplier stating the maximum content of hydrofluorocarbons,
40.9 perfluorocarbons, nitrous oxide, and sulfur hexafluoride in each material containing
40.10 hydrofluorocarbons, perfluorocarbons, nitrous oxide, and sulfur hexafluoride purchased
40.11 or used (whichever was stated in the permit application);

40.12 (3) calculate and record, by the last day of each month, the 12-month rolling sum
40.13 of actual emissions as CO₂e of hydrofluorocarbons, perfluorocarbons, nitrous oxide, and
40.14 sulfur hexafluoride purchased or used (whichever was stated in the permit application) for
40.15 the previous 12 months, the date the calculation was made, and the calculation itself; and

40.16 (4) if the owner or operator assumes a reduction of emissions in using the
40.17 material balance method under subpart 4, item D, due to recycling or disposal of material
40.18 off-site, keep records of the amount of material shipped off-site for recycling and the
40.19 calculations done to determine the amount to subtract. Acceptable records include

40.20 monitoring records, material safety data sheets, invoices, shipping papers, and hazardous
40.21 waste manifests.

40.22 N. If the stationary source determined eligibility in the permit application, in whole
40.23 or in part, by calculating actual emissions as CO₂e of carbon dioxide, nitrous oxide, or
40.24 methane resulting from a chemical process such as fermentation, wastewater treatment, or
40.25 decomposition, the owner or operator must:

41.1 (1) record, by the last day of each month, the amount of carbon dioxide, nitrous
41.2 oxide, or methane generated by the chemical processes for the previous calendar month;

41.3 (2) calculate and record, by the last day of each month, the 12-month rolling
41.4 sum of actual emissions as CO₂e of carbon dioxide, nitrous oxide, or methane for the
41.5 previous 12 months, the date the calculation was made, and the calculation itself; and

41.6 (3) if the owner or operator assumes a reduction of emissions in using the
41.7 material balance method under subpart 4, item D, due to the collection and reuse,
41.8 recycling, or disposal of carbon dioxide, nitrous oxide, or methane on-or off-site, keep
41.9 records of the amount of carbon dioxide, nitrous oxide, or methane used or shipped
41.10 off-site and the calculations done to determine the amount to subtract. Acceptable records
41.11 include monitoring records, invoices, shipping papers, operating data for air pollution
41.12 control equipment, or process equipment.

41.13 Subp. 3a. **Compliance requirements for low-emitting Option D sources.** If the
41.14 actual emissions for the previous calendar year of each pollutant are less than the emission
41.15 eligibility limits for each pollutant listed in Table 3A, then the owner or operator shall
41.16 comply with all of the requirements in items A to H.

41.17 A. If the stationary source determined eligibility in the permit application, in
41.18 whole or in part, by calculating greenhouse gases (GHGs) as CO₂e, VOC, and HAP
41.19 actual emissions from GHGs-containing, VOC-containing, or HAP-containing materials,

41.20 purchased or used (whichever was stated in the permit application), the owner or operator
41.21 must:

41.22 (1) maintain records of the amount of each GHGs-containing, VOC-containing,
41.23 or HAP-containing material purchased or used (whichever was stated in the permit
41.24 application), and the GHGs or VOC content each calendar year;

41.25 (2) maintain a record of the material safety data sheet (MSDS), or a signed
41.26 statement from the supplier stating the maximum GHGs, VOC, or HAP content, for
42.1 each GHGs-containing, VOC-containing, or HAP-containing material purchased or used
42.2 (whichever was stated in the permit application); and

42.3 (3) calculate and record, by April 1 of each calendar year, the sum of
42.4 actual GHGs emissions as CO₂e, VOC emissions, and hazardous air emissions from
42.5 GHGs-containing, VOC-containing, and HAP-containing materials purchased or used
42.6 (whichever was stated in the permit application), and the calculation itself for the previous
42.7 calendar year.

42.8 A stationary source in which the only HAP emissions are VOC emissions and that has
42.9 actual VOC emissions less than five tons per year is not required to maintain records and
42.10 perform the calculations of HAP emissions under subitems (1) to (3).

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

42.12 F. The owners and operators must comply with subpart 3, items F and H to J.

42.13 TABLE 3A
42.14 OPTION D EMISSION ELIGIBILITY LIMITS FOR
42.15 REDUCED RECORD KEEPING

42.16 POLLUTANT	ELIGIBILITY LIMIT FOR REDUCED RECORD KEEPING
42.17 HAP	2.5 tons/year for a single HAP
42.18	6.25 tons/year total for all HAPs
42.19 PM	25 tons/year

42.20	PM-10	25 tons/year for an Attainment Area
42.21		0 tons/year for a Nonattainment Area
42.22	VOC	25 tons/year
42.23	SO ₂	25 tons/year
42.24	NO _x	25 tons/year
42.25	CO	25 tons/year
42.26	Pb	0.05 tons/year
42.27	CO ₂ e	25,000 tons/year

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

43.2 H. If the stationary source determined eligibility in the permit application, in
 43.3 whole or in part, by using hours of operation in the calculations in subpart 4, the owner or
 43.4 operator must:

43.5 (1) maintain records of the number of hours operated for each emissions unit,
 43.6 rounded to the nearest hour for each calendar year; and

43.7 (2) calculate and record by April 1 of each calendar year the sum of emissions
 43.8 and the calculation itself for the previous calendar year.

43.9 Subp. 4. **Calculation of actual emissions.** The owner or operator of a stationary
 43.10 source may use a calculation worksheet provided by the commissioner for calculating
 43.11 actual emissions under this part, or may use the calculation methods under items A to E.
 43.12 The owner or operator must calculate actual emissions for each emissions unit, except
 43.13 that similar emissions units may be aggregated for emission calculation purposes. The
 43.14 owner or operator of a stationary source shall use the calculation method in item B
 43.15 instead of the calculation method in item A if the data described in item B are available
 43.16 for the stationary source. The alternative methods described in items C, D, and E may
 43.17 be used by the owner or operator without advance notification to the commissioner. The
 43.18 commissioner shall reject data submitted using the methods described in items B to E if

43.19 the conditions set forth for the method are not fully met. To prevent double counting of
43.20 emissions, the owners and operators must select one calculation method under this subpart
43.21 for each emissions unit at the stationary source. Fugitive dust emissions must be included
43.22 in the calculations under this subpart only if the stationary source is in a category listed in
43.23 part 7007.0200, subpart 2, item B, subitems (1) to (27).

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

43.25 D. A material balance method may be used to calculate greenhouse gases as CO₂e
43.26 and VOC actual emissions. The owner or operator of a stationary source that uses material
44.1 balance to calculate greenhouse gases as CO₂e and VOC actual emissions shall determine
44.2 total greenhouse gases as CO₂e and VOC actual emissions (E) using the equation in
44.3 this item. A separate calculation must be made for each individual gas comprising the
44.4 pollutant greenhouse gases and the results converted to CO₂e. The amount of CO₂e from
44.5 each individual gas comprising the pollutant greenhouse gases must be added together for
44.6 the total tons per year of CO₂e.

44.7 $E = (a - b - c) \times (1 - d)$, where

44.8 a = the amount of VOC or each individual gas comprising the pollutant greenhouse
44.9 gases entering the process or the amount of carbon dioxide, nitrous oxide, or methane
44.10 generated. A signed statement from the supplier or the material safety data sheet must be
44.11 submitted stating the maximum amount of VOC or each individual gas comprising the
44.12 pollutant greenhouse gases in any material that was used in the process.

44.13 b = the amount of VOC or each individual gas comprising the pollutant greenhouse
44.14 gases incorporated permanently into the product. This includes VOCs or each individual
44.15 gas comprising the pollutant greenhouse gases chemically transformed in production. It
44.16 does not include latent VOC or each individual gas comprising the pollutant greenhouse
44.17 gases remaining in the product that will at some time be released to the atmosphere. An
44.18 explanation of this calculation must also be submitted.

44.19 c = the amount of VOC or each individual gas comprising the pollutant greenhouse
 44.20 gases, if any, leaving the process as waste, or otherwise not incorporated into the product
 44.21 and not emitted to the air.

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

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

44.25 Subp. 5. **Emissions thresholds.** The owner or operator must calculate actual emissions
 44.26 for the stationary source using the calculations under subpart 4 and the calculated 12-month
 44.27 rolling sum of actual emissions must be less than or equal to the thresholds listed in Table 3.

45.1 TABLE 3
 45.2 OPTION D EMISSIONS THRESHOLDS

45.3 POLLUTANT	THRESHOLD (ton/year)
45.4 HAP	5 tons/year for a single HAP
45.5	12.5 tons/year total for all HAPs
45.6 PM	50 tons/year
45.7 PM-10	50 tons/year for an Attainment Area
45.8	25 tons/year for a Nonattainment Area
45.9 VOC	50 tons/year
45.10 SO ₂	50 tons/year
45.11 NO _x	50 tons/year
45.12 CO	50 tons/year
45.13 Pb	0.5 tons/year
45.14 CO ₂ e	50,000 tons/year

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

45.16 **7007.1140 CAPPED PERMIT ELIGIBILITY REQUIREMENTS.**

45.17 Subpart 1. **Sources that may obtain a capped permit.** Owners and operators of a
 45.18 stationary source that qualifies for capped permit option 1 under part 7007.1141, subpart

45.19 1, or capped permit option 2 under part 7007.1141, subpart 2, may elect to apply to the
45.20 commissioner for a capped permit instead of a part 70, state, registration, or general permit,
45.21 except as provided in item B. The owners and operators of a stationary source may apply
45.22 for a capped permit under this part if the stationary source meets the following criteria:

45.23 A. The owners and operators apply for capped permit option 1 or capped permit
45.24 option 2 and meet the requirements of subitems (1) or (2).

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

45.26 [For text of items B to D, see M.R.]

46.1 Subp. 2. **Sources that may not obtain a capped permit.**

46.2 A. Owners and operators of a stationary source may not obtain a capped permit if
46.3 they are required to obtain a permit under parts 7007.0200, subpart 3, acid rain affected
46.4 sources; 7007.0200, subpart 4, solid waste incinerators and waste combustors; 7007.0200,
46.5 subpart 5, other part 70 sources; 7007.0250, subpart 3, state implementation plan required
46.6 state permit; or 7007.0250, subpart 6, waste combustors.

46.7 [For text of items B to D, see M.R.]

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

46.10 [For text of subitems (1) to (11), see M.R.]

46.11 (12) Code of Federal Regulations, title 40, part 60, subpart TTT, Standards of
46.12 Performance for Industrial Surface Cleaning of Plastic Parts for Business Machines,
46.13 incorporated by reference in part 7011.2580;

46.14 (13) Code of Federal Regulations, title 40, part 60, subpart IIII, Standards
46.15 of Performance for Stationary Compression Ignition Internal Combustion Engines,
46.16 incorporated by reference in part 7011.2305, but only if the compression ignition internal

46.17 combustion engine has a displacement less than 30 liters per cylinder or is an emergency
46.18 engine with a displacement greater than 30 liters per cylinder; and

46.19 (14) Code of Federal Regulations, title 40, part 60, subpart JJJJ, Standards of
46.20 Performance for Stationary Spark Ignition Internal Combustion Engines, incorporated
46.21 by reference in part 7011.2310.

46.22 **7007.1141 CAPPED PERMIT EMISSION THRESHOLDS.**

46.23 Subpart 1. **Option 1 emission thresholds.**

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

47.1 G. CO, 90 tons per year;

47.2 H. Pb, 0.50 tons per year; and

47.3 I. CO₂e, 90,000 tons per year.

47.4 Subp. 2. **Option 2 emission thresholds.**

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

47.6 G. CO, 85 tons per year;

47.7 H. Pb, 0.50 tons per year; and

47.8 I. CO₂e, 85,000 tons per year.

47.9 **7007.1142 CAPPED PERMIT ISSUANCE AND CHANGE OF PERMIT STATUS.**

47.10 Subpart 1. **Capped permit issuance, denial, and revocation.** The commissioner
47.11 shall issue a capped permit to the owners and operators of a stationary source if the
47.12 owners and operators have submitted a complete application for a capped permit, the
47.13 commissioner determines that the stationary source qualifies for the capped permit option
47.14 under parts 7007.1140 to 7007.1148 for which the application was submitted, and the
47.15 commissioner anticipates that the stationary source will comply with the capped permit.
47.16 The commissioner shall deny an application for a capped permit if the commissioner

47.17 determines that the stationary source does not qualify for the capped permit option
47.18 under parts 7007.1140 to 7007.1148 for which the application was submitted or that the
47.19 stationary source will not be able to comply with the capped permit. The grounds for
47.20 permit denial in parts 7007.1000, subpart 1, item H, and part 7007.1000, subpart 2, items
47.21 B to G, also constitute grounds for the commissioner to deny a capped permit application.
47.22 The commissioner may revoke a capped permit, if the commissioner finds that any of
47.23 the grounds under subpart 6 or under part 7007.1700, subpart 1, exist, by following the
47.24 procedure in part 7007.1700, subpart 2.

48.1 Subp. 2. **Changes or modifications rendering stationary source ineligible for its**
48.2 **current capped permit option.** If the owner or operator intends to make a change or
48.3 modification at a stationary source issued a capped permit which results in the stationary
48.4 source becoming ineligible for that permit option or being unable to meet the requirements
48.5 for that permit option, but which will result in the stationary source being eligible for the
48.6 other capped permit option, then the owner or operator must comply with items A to C.

48.7 A. The owners and operators must submit the required permit application to
48.8 the commissioner before making the change or beginning actual construction on the
48.9 modification. The public participation process in part 7007.1144 does not apply to
48.10 applications in which a stationary source is transferring from one capped permit option
48.11 to another.

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

48.15 C. Until the commissioner acts on the permit application, the owner or operator
48.16 must comply with the requirements of the capped permit option for which the owners and
48.17 operators applied, and all applicable requirements. During this time period, the owner or

48.18 operator need not comply with the capped permit requirements specific to the option under
48.19 which the owners and operators currently hold a capped permit.

48.20 Subp. 3. **Changes or modifications rendering stationary source ineligible for**
48.21 **either capped permit option.** The owners and operators of a stationary source that
48.22 has been issued a capped permit must submit a registration, part 70, state, or general
48.23 permit application before making a change or modification which results in the stationary
48.24 source no longer qualifying for either capped permit option under parts 7007.1140 to
48.25 7007.1148. The owner or operator may not begin actual construction on the modification
48.26 until the required registration, part 70, state, or general permit for the stationary source is
49.1 obtained, or an installation and operation permit for the modification is obtained under
49.2 part 7007.0750, subpart 5. Once a stationary source has made a change or modification
49.3 rendering it ineligible for either capped permit option under parts 7007.1140 to 7007.1148,
49.4 the stationary source may only become eligible for a capped permit again if it meets the
49.5 requirements of subpart 4.

49.6 Subp. 3a. **Regulatory change rendering stationary source ineligible for capped**
49.7 **permit.**

49.8 A. If a stationary source covered by a capped permit becomes subject to a new
49.9 regulatory requirement that results in the stationary source no longer being able to qualify
49.10 for or meet the requirements for the current permit, then the owners and operators must:

49.11 (1) submit a written notification to the commissioner within 30 days of the
49.12 effective date of a new regulation that results in the stationary source no longer being able
49.13 to qualify for or meet the requirements for the capped permit. The notification must
49.14 include a description of the regulatory change and a statement of what type of permit
49.15 application the owners and operators will submit; and

49.16 (2) submit either a part 70, state, or general permit application within 180 days
49.17 of the effective date of the regulatory change.

49.18 B. The owners and operators must submit the required permit application for the
49.19 appropriate air emission permit within the time limits given in item A. If the owners
49.20 and operators fail to submit the required permit application in the time required, the
49.21 owners and operators are considered to not hold a valid permit and are in violation of
49.22 part 7007.0150, subpart 1.

49.23 Subp. 4. **Reinstatement of eligibility for capped permit through addition of air**
49.24 **pollution control equipment, removal of emission units, or implementation of**
49.25 **pollution prevention practices.** If through the addition of listed control equipment as
49.26 defined in part 7011.0060, permanent removal of emissions units, or implementation of
50.1 pollution prevention practices the stationary source reinstates eligibility for a capped
50.2 permit under parts 7007.1140 to 7007.1148, the owners and operators may reapply for a
50.3 capped permit. If the stationary source reinstates eligibility for a capped permit due to
50.4 implementation of pollution prevention practices, the owner or operator shall submit a
50.5 description of the pollution prevention practices with the capped permit application for the
50.6 commissioner's review and approval. For purposes of this subpart, "pollution prevention
50.7 practices" means eliminating or reducing at the source the quantity or toxicity of regulated
50.8 air pollutants, or hazardous air pollutants that are not regulated air pollutants, used by or
50.9 emitted from the stationary source. Emission reductions are not reductions if the decrease
50.10 is solely the result of a decrease in production at the stationary source.

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

50.13 A. Prior to a change of the name of the stationary source or any mailing address
50.14 listed in the permit, the owners and operators must submit a request for change of the
50.15 name or address on a form provided by the commissioner. The commissioner shall reissue
50.16 the capped permit to the owners and operators with the changed name or mailing address.

50.17 Issuance of a capped permit with a new name or mailing address voids and supersedes the
50.18 previously issued capped permit.

50.19 B. Prior to a change in the ownership or control of a stationary source issued
50.20 a capped permit under parts 7007.1140 to 7007.1148, the new owners and operators
50.21 must submit a request for change of the owner or operator on a form provided by the
50.22 commissioner. If the commissioner determines that the new owners and operators meet
50.23 the requirements of parts 7007.1140 to 7007.1148 for capped permit issuance, then the
50.24 commissioner shall issue the capped permit to the new owners and operators. Issuance of
50.25 a capped permit to the new owners and operators of an eligible stationary source voids and
50.26 supersedes the capped permit of the previous owners and operators.

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

51.4 Subp. 6. **Agency request for different type of permit application.** The owners and
51.5 operators shall submit an application for a part 70, state, or general permit, or a different
51.6 capped permit option, within 120 days of the commissioner's written request for the
51.7 application if the commissioner determines that:

51.8 [For text of items A to G, see M.R.]

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

51.10 **7007.1145 CAPPED PERMIT APPLICATION.**

51.11 Subpart 1. **Application procedures and request for additional information.** Items
51.12 A to C apply to capped permit applications submitted under parts 7007.1140 to 7007.1148.

51.13 A. The owners and operators of a stationary source must submit an application for
51.14 a capped permit on a current standard application form provided by the commissioner.
51.15 The owners and operators may supplement information in a previous application to meet

51.16 the application content requirements in subpart 2. The commissioner may create different
51.17 application forms for the two capped permit options available under parts 7007.1140
51.18 to 7007.1148.

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

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

52.1 A. The owners and operators shall specify whether they are applying for capped
52.2 permit option 1 or 2 under part 7007.1141 at the time of application.

52.3 B. Information identifying the stationary source and its owners and operators,
52.4 including company name and address, plant name and address if different from the
52.5 company name, owner's name and agent, and contact telephone numbers and electronic
52.6 mail address, including the name of a plant site manager or contact, and the person
52.7 preparing the application if different.

52.8 [For text of items C to G, see M.R.]

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

52.10 **7007.1146 CAPPED PERMIT COMPLIANCE REQUIREMENTS.**

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

52.12 Subp. 2. **Record keeping requirements.** The owners and operators of a stationary
52.13 source issued a capped permit shall comply with all of the requirements relevant to the
52.14 stationary source in items A to G. The owners and operators of a stationary source issued a
52.15 capped permit shall comply with items H and I at all times.

52.16 A. If the stationary source determined eligibility in the permit application, in
52.17 whole or in part, or demonstrates compliance, in whole or in part, by using a material
52.18 balance that relies on the content of materials in the calculations in part 7007.1147, the
52.19 owner or operator must:

52.20 (1) record, by the last day of each month, the amount of each
52.21 pollutant-containing material (for example: VOC, greenhouse gases, particulate matter
52.22 of solids, or HAP) purchased or used, and the relevant pollutant content for the previous
52.23 calendar month;

53.1 (2) maintain a record of the material safety data sheet (MSDS), or a signed
53.2 statement from the supplier stating the maximum solids, VOC, greenhouse gases, or
53.3 hazardous air pollutant content, for each pollutant-containing material purchased or used;

53.4 [For text of subitems (3) and (4), see M.R.]

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

53.6 F. If the stationary source qualified in the permit application, in whole or in part, or
53.7 demonstrates compliance, in whole or in part, by using control equipment efficiencies for
53.8 listed control equipment determined under part 7011.0070, the owners and operators shall
53.9 comply with parts 7011.0060 to 7011.0080, except that the owners and operators of a hot
53.10 mix asphalt plant shall comply instead with part 7011.0917. If the calculations required
53.11 by part 7007.1147 used control equipment efficiencies based on an alternative control
53.12 efficiency under part 7011.0070, subpart 2, the owners and operators shall also operate
53.13 within the monitoring and operating parameters of the performance test that established
53.14 the alternative control efficiency.

53.15 [For text of items G and H, see M.R.]

53.16 I. The owner or operator of a stationary source with a capped permit must keep
53.17 daily operating records that would allow the owner or operator to calculate actual

53.18 emissions of any pollutant for which a threshold has been established under part
53.19 7007.1141 for that period of time not previously accounted for in the 12-month rolling sum
53.20 calculation required under item H. The owner or operator shall provide these records and
53.21 calculations if requested to do so by the commissioner. If the capped permit was issued
53.22 by January 2, 2011, the owner or operator must begin record keeping for greenhouse
53.23 gases on January 2, 2011.

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

54.1 **7007.1150 WHEN A PERMIT AMENDMENT IS REQUIRED.**

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

54.3 E. If a modification or other change at a stationary source would make the source
54.4 subject for the first time to the requirement to obtain a state permit or a part 70 permit,
54.5 the owners and operators shall obtain the appropriate permit before beginning actual
54.6 construction of the modification or other change, notwithstanding parts 7007.1250 to
54.7 7007.1500. Nothing in this item shall be read to limit the agency's ability to issue permits
54.8 authorizing installation and operation of a modification under part 7007.0750, subpart 5,
54.9 or to limit a permittee's ability to obtain a major permit amendment restricting emissions
54.10 to levels that would prevent the source from becoming subject to the requirement to
54.11 obtain a part 70 permit.

54.12 F. The owners and operators of a stationary source that are required to have a permit
54.13 under parts 7007.0050 to 7007.1850, and that have submitted a timely application as
54.14 required under part 7007.0350, subpart 1, or 7007.0400, subpart 4 or 5, but do not yet have
54.15 a permit, may make changes and modifications at the stationary source in compliance with
54.16 parts 7007.1150 to 7007.1500, notwithstanding any reference to a permit in those parts.
54.17 Any requirement for such a permittee to obtain an amendment under parts 7007.1150 to
54.18 7007.1500 shall be read as a requirement for owners and operators to obtain a permit from
54.19 the agency under part 7007.0750, subpart 5.

54.20 **7007.1300 INSIGNIFICANT ACTIVITIES LIST.**

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

54.22 Subp. 2. **Insignificant activities not required to be listed.** The activities described
54.23 in this subpart are not required to be listed in a permit application under part 7007.0500,
54.24 subpart 2, item C, subitem (2).

54.25 A. Fuel use:

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

55.3 (2) fuel use related to food preparation by a restaurant or cafeteria; and

55.4 (3) fuel burning equipment with a capacity less than 19,000 Btu per hour, but
55.5 only if the combined total capacity of all fuel burning equipment at the stationary source
55.6 with a capacity less than 19,000 Btu per hour is less than or equal to 420,000 Btu per
55.7 hour. For example: Facility A has ten fuel burning emission units, each with a capacity
55.8 of 18,000 Btu per hour. The ten units are all an insignificant activity under this subitem,
55.9 because their combined capacity is less than 420,000 Btu per hour (i.e., $10 \times 18,000 \text{ Btu/hr}$
55.10 $= 180,000 \text{ Btu/hr} \leq 420,000 \text{ Btu/hr}$). Facility B has 31 fuel burning emission units, each
55.11 with a capacity of 18,000 Btu/hr. None of the 31 units are an insignificant activity under
55.12 this subitem, because their total combined capacity is greater than 420,000 Btu per hour
55.13 (i.e., $31 \times 18,000 \text{ Btu/hr} = 558,000 \text{ Btu/hr} > 420,000 \text{ Btu/hr}$).

55.14 [For text of items B to F, see M.R.]

55.15 G. Residential activities: typical emissions from residential structures, not
55.16 including:

55.17 (1) fuel burning equipment with a total capacity of 420,000 Btu/hour or
55.18 greater; and

55.19 (2) emergency backup generators.

55.20 [For text of items H to K, see M.R.]

55.21 Subp. 3. **Insignificant activities required to be listed.** The activities described in this
55.22 subpart must be listed in a permit application, and calculation of emissions from these
55.23 activities shall be provided if required by the agency, under part 7007.0500, subpart 2,
55.24 item C, subitem (2). If emissions units listed in this subpart are subject to additional
55.25 requirements under section 114(a)(3) of the act (Monitoring Requirements) or section 112
56.1 of the act (Hazardous Air Pollutants), or if part of a title I modification, or, if accounted
56.2 for, make a stationary source subject to a part 70 permit, emissions from the emissions
56.3 units must be calculated in the permit application.

56.4 A. Fuel use: space heaters fueled by kerosene, natural gas, or propane, but only
56.5 if the combined total capacity of all space heaters at the stationary source is less than or
56.6 equal to 420,000 Btu per hour. A space heater is a heating unit that is not connected
56.7 to piping or ducting to distribute the heat.

56.8 B. Furnaces and boilers:

56.9 (1) infrared electric ovens; and

56.10 (2) indirect heating equipment with a capacity less than 420,000 Btu per hour,
56.11 but only if the total combined capacity of all indirect heating equipment at the stationary
56.12 source with a capacity less than 420,000 Btu per hour is less than or equal to 1,400,000
56.13 Btu per hour. For example: Facility A has three furnaces, each with a capacity of 400,000
56.14 Btu per hour. The three units are all an insignificant activity to be listed under this
56.15 subitem, because their combined capacity is less than 1,400,000 Btu per hour. Facility B
56.16 has six furnaces, each with a capacity of 400,000 Btu per hour. None of the six units is an
56.17 insignificant activity under this subitem, because their total combined capacity is greater
56.18 than 1,400,000 Btu per hour. For purposes of this subitem, "indirect heating equipment"
56.19 has the meaning given under part 7011.0500, subpart 9.

56.20 [For text of items C to H, see M.R.]

56.21 I. Individual emission units at a stationary source, each of which have a potential
56.22 to emit the following pollutants in amounts less than:

56.23 (1) 4,000 pounds per year of carbon monoxide;

57.1 (2) 2,000 pounds per year each of nitrogen oxide, sulfur dioxide, particulate
57.2 matter, particulate matter less than ten microns, VOCs (including hazardous air
57.3 pollutant-containing VOCs), and ozone; and

57.4 (3) 1,000 tons per year of CO₂e.

57.5 [For text of items J and K, see M.R.]

57.6 Subp. 4. **Insignificant activities required to be listed in a part 70 application.** If the
57.7 owners and operators are applying for a part 70 permit, emissions units with emissions
57.8 less than all the following limits but not included in subpart 2 must be listed in a part 70
57.9 permit application:

57.10 A. potential emissions of 5.7 pounds per hour or actual emissions of two tons per
57.11 year of carbon monoxide;

57.12 B. potential emissions of 2.28 pounds per hour or actual emissions of one ton
57.13 per year for particulate matter, particulate matter less than ten microns, nitrogen oxide,
57.14 sulfur dioxide, and VOCs;

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

57.16 (1) potential emissions of 25 percent or less of the hazardous air pollutant
57.17 thresholds listed in subpart 5; or

57.18 (2) combined HAP actual emissions of one ton per year unless the
57.19 emissions unit emits one or more of the following HAPs: carbon tetrachloride;
57.20 1,2-dibromo-3-chloropropane; ethylene dibromide; hexachlorobenzene; polycyclic
57.21 organic matter; antimony compounds; arsenic compounds, including inorganic
57.22 arsine; cadmium compounds; chromium compounds; lead compounds; manganese

57.23 compounds; mercury compounds; nickel compounds; selenium compounds;
57.24 2,3,7,8-tetrachlorodibenzo-p-dioxin; or dibenzofuran. If the emissions unit emits one or
58.1 more of the HAPs listed in this subitem, the emissions unit is not an insignificant activity
58.2 under this subitem; and

58.3 D. potential emissions up to 10,000 tons per year or actual emissions up to 1,000
58.4 tons per year CO₂e.

58.5 Calculation of emissions from the emissions units listed in this subpart shall be
58.6 provided if required by the agency under part 7007.0500, subpart 2, item C, subitem
58.7 (2). If emissions units listed under this subpart are subject to additional requirements
58.8 under section 114(a)(3) of the act (Monitoring Requirements) or section 112 of the act
58.9 (Hazardous Air Pollutants), or are part of a title I modification, or if accounted for, make a
58.10 stationary source subject to a part 70 permit emissions from the emissions units must be
58.11 calculated in the permit application. If the applicant is applying for a state permit or an
58.12 amendment to a state permit, this subpart does not apply.

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

58.14 **7007.1400 ADMINISTRATIVE PERMIT AMENDMENTS.**

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

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

58.20 D. an amendment to eliminate monitoring, record keeping, or reporting
58.21 requirements if:

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

58.23 (5) the emission unit to which the monitoring, record keeping, or reporting
 58.24 requirement applies no longer exists or has been permanently disabled from use at the
 58.25 stationary source;

59.1 [For text of items E to K, see M.R.]

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

59.3 **7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.**

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

59.5 Subp. 2. **Minor amendment applicability.** Except as provided in subpart 1,
 59.6 the agency may amend a permit to change permit conditions, unless the change to
 59.7 permit conditions otherwise requires a major amendment or can be made through an
 59.8 administrative amendment. The agency may allow a modification under the minor permit
 59.9 amendment process of this part if the modification will not cause an increase in emissions
 59.10 of an air pollutant listed below in an amount greater than the threshold. If a regulatory
 59.11 change results in existing insignificant activities no longer qualifying as such, the owners
 59.12 and operators must submit an application within ~~30~~ 120 days of the regulation's effective
 59.13 date to incorporate those emission units or activities into the facility's permit:

59.14	Pollutant	Threshold
59.15	NO _x	9.13 pounds per hour
59.16	SO ₂	9.13 pounds per hour
59.17	VOCs	9.13 pounds per hour
59.18	PM-10	3.42 pounds per hour
59.19	CO	22.80 pounds per hour
59.20	Lead	.11 pounds per hour

59.21 For purposes of this part, whether or not the proposed change will cause an increase in
 59.22 emissions shall be calculated as described in part 7007.1200. Modifications or changes to
 59.23 permit conditions which would otherwise qualify for a minor or moderate amendment

59.24 under this part may be title I modifications, for which a major amendment is required,
59.25 using the methods of calculation required under title I of the act. Permittees are reminded
59.26 to review the definition of title I modifications and requirements of title I of the act.

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

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

60.5 A. a description of:

60.6 (1) the modification, change to permit conditions, or regulatory change;

60.7 (2) the emissions associated with the modification, change to permit conditions,
60.8 or regulatory change;

60.9 (3) the emission units or activities affected by the modification, change to
60.10 permit conditions, or regulatory change; and

60.11 (4) any new applicable requirements that will apply if the modification or
60.12 change occurs;

60.13 B. if the amendment is to a part 70 permit, the owners' and operators' suggested
60.14 draft permit or draft amendment;

60.15 C. certification by a responsible official that the proposed amendment meets the
60.16 criteria for use of minor or moderate permit amendment procedures, including, in the case
60.17 of minor permit amendments, a certification that any increase in emissions will be below
60.18 the thresholds listed in subpart 2, and a request that such procedures be used;

60.19 [For text of items D and E, see M.R.]

60.20 [For text of subps 5 and 6, see M.R.]

60.21 Subp. 7. **When permittee may make the proposed modification or change.**

60.22 A. The permittee may make the modification or change proposed in a minor permit
60.23 amendment application seven working days after the application is received by the air
60.24 quality division of the agency.

61.1 B. The permittee may begin actual construction on a modification proposed in a
61.2 moderate permit amendment application upon receipt of a letter of approval from the
61.3 agency authorizing such construction. However, the permittee may not conduct start-up of
61.4 the modification until the amended permit has been issued.

61.5 Subp. 8. **Permittees' risk in commencing construction.** If the owners or operators
61.6 of the stationary source make the modification or change allowed by subpart 7, item A,
61.7 or begin actual construction upon receipt of a letter of approval as allowed by subpart 7,
61.8 item B, and until the agency acts on the minor or moderate permit amendment application,
61.9 the stationary source must comply with both the applicable requirements governing the
61.10 modification and the proposed permit terms and conditions. During this time period, the
61.11 stationary source need not comply with the existing permit terms and conditions it seeks
61.12 to change. However, if the permittees fail to comply with the proposed permit terms
61.13 and conditions during this time period, the existing permit terms and conditions may be
61.14 enforced against the permittees. The permittees assume the risk of losing any investment
61.15 the permittees made toward implementing a modification or change prior to receiving a
61.16 permit amendment authorizing the modification or change. The agency will not consider
61.17 the possibility of the permittees suffering financial loss due to such investment when
61.18 deciding whether to approve, deny, or approve in modified form a minor or moderate
61.19 permit amendment.

61.20 [For text of subp 9, see M.R.]

61.21 **7007.1500 MAJOR PERMIT AMENDMENTS.**

61.22 Subpart 1. **Major permit amendment required.** A "major permit amendment" is
61.23 required for any change to permit conditions or any modification at a permitted stationary

61.24 source that is not allowed under parts 7007.1250 and 7007.1350 and for which an
61.25 amendment cannot be obtained under the administrative permit amendment provisions of
62.1 part 7007.1400, or the minor or moderate permit amendment provisions of part 7007.1450.

62.2 The following always require major permit amendments:

62.3 A. any significant amendment to existing monitoring, reporting, or record keeping
62.4 requirements in the permit other than:

62.5 [For text of subitems (1) to (5), see M.R.]

62.6 (6) eliminating the requirements for an emission unit that no longer exists or
62.7 has been permanently disabled from use at the stationary source;

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

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

62.10 **7007.1850 EMERGENCY PROVISION.**

62.11 A. An "emergency" means any situation arising from sudden and reasonably
62.12 unforeseeable events beyond the control of the owners and operators of the stationary
62.13 source, including an act of God, that requires immediate corrective action to restore normal
62.14 operation, and that causes the stationary source to exceed a technology-based emission
62.15 limitation under the permit, due to unavoidable increases in emissions attributable to
62.16 the emergency. An emergency shall not include noncompliance to the extent caused by
62.17 improperly designed equipment, lack of preventative maintenance, careless or improper
62.18 operation, or operator error. Consistent with this definition of emergency, the agency may
62.19 state in the permit what types of situations will not be considered emergencies if they occur.

62.20 [For text of items B to F, see M.R.]

63.1 **7011.2305 STANDARDS OF PERFORMANCE FOR STATIONARY**
63.2 **COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES.**

63.3 Code of Federal Regulations, title 40, part 60, subpart IIII, as amended, entitled
63.4 "Standards of Performance for Stationary Compression Ignition Internal Combustion
63.5 Engines," is incorporated by reference.

63.6 **7011.2310 STANDARDS OF PERFORMANCE FOR STATIONARY SPARK**
63.7 **IGNITION INTERNAL COMBUSTION ENGINES.**

63.8 Code of Federal Regulations, title 40, part 60, subpart JJJJ, as amended, entitled
63.9 "Standards of Performance for Stationary Spark Ignition Internal Combustion Engines," is
63.10 incorporated by reference.

63.11 **REPEALER.** Minnesota Rules, part 7011.3520, is repealed.

63.12 **EFFECTIVE PERIOD.** The amendments to Minnesota Rules, parts 7005.0100 to
63.13 7007.1850, 7011.2305, and 7011.2310, and the repealer are effective upon expiration
63.14 of the temporary exempt rules published in the State Register, volume 35, page 1097,
63.15 January 24, 2011.