Minnesota Pollution Control Agency
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October 3, 2008

Cheryl Newton
Acting Director, Air and Radiation Division AR-18J
U.S. Environmental Protection Agency Region 5
77 West Jackson Blvd
Chicago, Illinois 60604-3590

Dear Ms. Newton:

Pursuant to the Memorandum of Agreement (MOA) between the Minnesota Pollution Control Agency (MPCA) and U.S. Environmental Protection Agency (EPA) Region 5, signed by EPA in February 2005, the MPCA hereby requests delegation of the implementation and enforcement of the Section 112 standards in Appendix C of the MOA.

These standards have been incorporated by reference into Minnesota state rules without change. They were published in the State Register on November 19, 2007 and effective November 26, 2007. Proof of incorporation, required by item III.A.3 of the MOA is included by way of a copy of the order adopting the rules and a copy of the adopted rule showing the incorporation by reference of each of the standards listed in Appendix C.

Item III.B.3 of the MOA states that EPA will respond to the MPCA's written announcement of completing its rulemaking with a letter delegating enforcement authority of these standards.

We would appreciate timely attention to this request for delegation of the Section 112 standards listed in Appendix C so that the MPCA can provide clear direction to facilities in their efforts to comply with the standards.

If there are any questions related to this matter, please contact Anne Jackson at 651-296-7949.

Sincerely,

Jeff J. Smith
Division Director
Industrial Division

JS:sth

Enclosures

651-757-2735.

November 20, 2007

Summary of Air Quality Multi-Rule Amendments
Rules Adopted November 19, 2007
Rules Effective November 26, 2007

Rule Citation	Change
7002.0025, subp. 3 Facilities failing to submit emissions inventories	• Current rule relies on estimated actual emissions in permit application. Proposed change to rely on actual emissions in most recent inventory, if one was submitted.
7005.0100 Definitions "emission factor" definition	• Reflects inclusion of Hazardous Air Pollutants in EPA databases, removes obsolete AIRS database, and removes implied hierarchy of emission factor sources.
7007.0100 Definitions "applicable requirement" definitions	• Adds visibility related requirements established under CAA sections 169A or 169B, and update EMS audit related definitions. • Adds CAIR as an applicable requirement
7007.1100 – 7007.1110 General permit and registration permit general requirements	• Reduces eligibility for registration permit when a sector-specific general permit is available. Sand & gravel plants with registration permits must apply for general permit by Dec. 31 2008. Most sand & gravel plants already have a general permit, this levels playing field, promotes compliance; • Administrative update to EMS incorporation by reference; • Clarifies conditions under which a relocating source need not reapply for a registration permit and that this part does not apply to portable sources such as asphalt plants; • Clarifies a source may not obtain a registration permit if site-specific permit requirements are needed to ensure compliance or protect human health and the environment; • Expands conditions for agency to require an application for another type of permit such they are similar to those for the capped permit; • Adds NSPS subp. IIII (owner/operators of stationary compression ignition internal combustion engine < 30 liters/ cylinder) as an allowable NSPS
7007.1120 – 7011.1240 Registration permits Options B, C and D	• Updates to conform with capped permit and conditionally insignificant activities rules; • Lowers eligibility number for Option C so that this option can be approved by EPA. For facilities no longer eligible for option C, requires application for another permit type by Dec. 31, 2008; • Expands Option D recordkeeping requirements to match Option D compliance options
7007.1140 Capped permit eligibility requirements	• Adds NSPS subp. IIII (owner/operators of stationary compression ignition internal combustion engine < 30 liters/ cylinder) as an allowable NSPS
7007.1200, subp. 4 Calculating emission changes	• Fills gap in record keeping of emission change calculations when permit holder determines no permit amendment or agency notification is required as a result of the change. Non-expiring permit holders keep records for 5 years from date of change, expiring permit holders keep records until permit reissuance.
7007.1250, subp. 3 Insignificant modifications	• Removes term "contemporaneous" as meaning is unclear. Requires that records of insignificant modifications be kept in accordance with 7007.1200, subp. 4. Current rule is silent on required duration of record keeping.
7007.1300 Insignificant activities list	• Administrative correction

Rule Citation	Change
7007.3000 PSD	• Makes language more flexible to avoid need to amend if federal rulemaking adds/removes sections.
7007.5000 Regional Haze *(new part)*	• Provides authority to implement Best available retrofit technology (BART) as required for EPA's approval of Minnesota's regional haze SIP. • Requires sources subject to BART (6 taconite facilities) to install and operate BART as soon as practicable but not later than 5 years after EPA approves Minnesota's regional haze SIP.
7011.0060-7011.0085 Control Equipment Rule *(Changed to focus on needs of registration and capped permit holders and to update control efficiencies)*	• Clarifies the rule is elective, i.e. the facility chooses to apply the default control efficiencies, monitoring and recordkeeping requirements. • Updates control efficiencies to generally reflect values compiled by contractor for various types of control • Reduces disincentives to use the rule by allowing registration permit holders to get 60% credit for control equipment venting through non-certified hoods. Retains 80% credit for venting through certified hoods for all permit types. • Capture efficiency for VOCs increased from 60 to 80% • Permittee given option to keep required control equipment monitoring records in paper or electronic copy. • Control credit added for PM and CO for listed VOC control devices. • Adds transition period with a requirement to apply for another type of permit by Dec. 31, 2008 if a facility used control equipment efficiencies and is no longer eligible for their permit type.
7011.0730 Table 1 Industrial Process Equipment Rule	• Removes erroneous emission limit. (The limit for the 50 lb/hr process weight rate was removed.)
7011.1105 Dry Bulk Agricultural Commodities	• Administrative changes.
Chapter 7011 several subparts	• Incorporates recent federal standards into state rule so they are enforceable at the state level as well as federal
7017.2005 – 7017.2020 Performance tests	• Updates definitions and general requirements to clarify that testing for capture efficiency, collection efficiency, control efficiency, or destruction efficiency associated with an emissions unit, hood or control device is within the scope of the definition of a performance test when requested or approved by the commissioner.
Chapter 7019 Emission Inventory	• Adds ammonia as inventory pollutant. • Allows use of stack test data up to 10 years old. After 10 years, use higher of stack test results or default emission factor. • Increases allowable capture efficiency for VOC controls with hoods from 60 to 80%

Acronyms:

BART - Best Available Retrofit Technology
CAA- Clean Air Act
CAIR – Clean Air Interstate Rule

CEMS – Continuous Emission Monitoring Systems
CO – Carbon monoxide
EGU – Electric Generating Unit
EMS- Environmental Management System
NSR – New Source Review
NSPS-New Source Performance Standard
NESHAP-National Emission Standard for Hazardous Air Pollutants
PM- Particulate Matter

SIP – State Implementation Plan
VOC – Volatile Organic Compounds

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

Adoption of Rules of the Minnesota Pollution Control Agency Governing Air Quality Performance Standards, Air Emissions Permits, Emission Inventory Reporting, Miscellaneous Definitions and Incorporations by Reference to be Codified in Minnesota Rules Chapters 7002, 7005, 7007, 7011, 7017, And 7019.

ORDER ADOPTING RULES

OAH Docket No: 11-2200-17407-1

Governor's Tracking No: AR199

WHEREAS:

1. All notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law have been complied with.

2. The Minnesota Pollution Control Agency (MPCA) received three comment letters on the proposed rule amendments. The comment letters were from the Metropolitan Council, Xcel Energy and Marvin Windows and Doors. The MPCA received no requests for a public hearing and no requests for notice of submission to the Office of Administrative Hearings.

3. The MPCA finds that the following modifications to the proposed rules do not make the rule substantially different under Minnesota Statutes, section 14.05, subdivision 2(b). The modifications are set forth in the revised version of the rule attached to this Order and described below in section 3.1 This section also describes why each modification is reasonable and does not make the rule substantially different.

   While the issue of substantial difference is discussed with regard to each change described below, the MPCA finds the following: First, all of the changes described below remain within the scope of the Notice of Intent to Adopt. In particular, the changes do not alter the persons who are affected by the rules. Second, the changes raise no subject matter not addressed in the proposed rule. Thus, under the listed criteria of Minnesota Statutes, section 14.05, subdivision 2(b), the rule with the following changes is not substantially different from the rule as originally proposed.

   Section 3.2 describes those specific changes suggested by commenters and why the MPCA does not intend to make the change.

3.1 Discussion of Changes Made by the MPCA:

In response to internal review and comment letters on the proposed rule amendments, the MPCA proposes the following additional changes to the May 7, 2007 proposed rules to improve the clarity of the rules. These changes are as follows:

3.1.1 Change to Part 7007.1110, Subpart 2b, Item B.

The last sentence in Subpart 2b states that an owner or operator of a registration permit that is eligible for a sector-based general permit shall apply for the general permit on or before October 31, 2008. Staff determined that additional time was needed for facilities to comply with this provision since the rule was proposed at a later date than originally anticipated. The MPCA is changing the date to December 31, 2008. This is not a substantial change because it does not change the intent of the rule. It merely provides reasonable additional time for any facility owners or operators to obtain the appropriate permit for their facility.

The final rule reads as follows:

Subpart 2b. **Additional Limitations on stationary source eligibility for a registration permit.** "A stationary source may not obtain an option B, C, or D registration permit if:

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

Any owner or operator of a stationary source that holds a registration permit and is eligible for a sector-based general permit that is available on or before January 1, 2007, shall apply for the general permit on or before December 31, 2008."

3.1.2 Change to Part 7007.1125, Subpart 5.

Subpart 5 states that an owner or operator holding a registration permit option C that has become ineligible for an option C permit shall apply for another type of permit on or before April 30, 2008. Staff determined that additional time was needed for facilities to comply with this provision since the rule was proposed at a later date than originally anticipated during drafting of the rule. The MPCA is changing the date to December 31, 2008. This is not a substantial change because it does not change the intent of the rule. It merely provides reasonable additional time for any facility owners operators to obtain the appropriate permit for their facility.

The final rule reads as follows:

Subp. 5. **Transition period.** "Any owner or operator of a stationary source that holds a registration permit option C and is ineligible for a registration permit option C on or after January 1, 2007, shall apply for another type of permit on or before December 31, 2008."

3.1.3 Change to Part 7007.1130, Subpart 3, Item K, Subitem 2.

This subitem as proposed requires the owner or operator of a stationary source that determined eligibility to apply for an option D Registration Permit in whole or in part by using fuel sulfur data to maintain a record of the fuel sulfur content "certified by the supplier or independent laboratory". Xcel Energy suggested replacing the term "certified" with "provided" contending that it should be sufficient to have the fuel supplier provide documentation of the fuel's sulfur content rather than providing a legal certification. Item K was added to the compliance requirements listed in subpart 3 to match the compliance requirements of this subpart with the means used to calculate emissions pursuant to part 7007.1130, subpart 4, item E. The existing rule provides compliance requirements that correspond to many but not all of the calculation options in subpart 4. The proposed addition of item K to subpart 3 was merely to fill a gap and there was no intent to change the content. Staff determined that clarification of subitem 2 was needed to more accurately reflect the requirements of subpart 4, item E upon which it is based. This is not a substantial change because it does not change the intent of the

rule. The proposed change makes this subitem consistent with the requirements it is linked to in (part 7007.1130, subpart 4, item E).

The final rule reads as follows:

Subitem (2) "maintain a record of the fuel sulfur content verified by vendor certification or measured by an independent laboratory using ASTM methods for each batch of fuel received; and"

3.1.4 Change to Part 7007.1130, Subpart 3a

This subpart contains the compliance requirements for Option D sources, whose actual emissions are less than 50% of the Option D emission thresholds (low-emitting sources). The compliance requirements in subpart 3a mirror those in subpart 3 except that the frequency of calculation is on a calendar year basis rather than a monthly basis. Staff inadvertently overlooked including the compliance requirements for low-emitting option D sources that determine eligibility for their permit using fuel sulfur data or hours of operation. Thus, staff has determined that adding items G (fuel sulfur data) and H (hours of operation) is necessary to fill this gap in the current rules. The language proposed for items G and H is identical to that for subpart 3, items K and L except that calculations and records are on a calendar year basis instead of a monthly basis. This is not a substantial change because it does not change the intent of the rule.

The final rule reads as follows:

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

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

G. If the stationary source determined eligibility in the permit application, in whole or in part, by using fuel sulfur data in the calculations in subpart 4, the owner or operator must:

(1) Maintain records of the amount of each fuel burned for each batch of fuel for each calendar year;

(2) Maintain a record of the fuel sulfur content verified by vendor certification or measured by an independent laboratory using ASTM methods for each batch of fuel received; and

(3) Calculate and record by April 1 of each calendar year the sum of SO_2 emissions and the calculation itself for the previous calendar year using the calculation method in subpart 4.

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

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

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

3.1.5 Change to Part 7007.1200, Subpart 4

This subpart sets forth a requirement to keep records of calculations made to determine whether a permit amendment is needed. The Metropolitan Council commented that this would be a good opportunity to specify that electronic recordkeeping is permissible. MPCA staff

agree with this comment and are adding language to clarify that the records may be either in electronic or paper format. This is not a substantial change because it does not change the intent of the rule.

The final rule reads as follows:

Subp. 4. **Record-keeping requirements.** "When this part applies and the permittee determines that no permit amendment or agency notification is required prior to making the change, the permittee must retain records of all calculations required under this part. For expiring permits, these records shall be kept for a period of five years from the date the change was made or until permit reissuance, whichever is longer. For nonexpiring permits, these records shall be kept for a period of five years from the date that the change was made. The records shall be kept at the stationary source for the current calendar year of operation and may be kept at the stationary source or office of the stationary source for all other years. The records may be maintained in either electronic or paper format."

3.1.6 Change to Part 7011.0070, Subpart 1b.

Subpart 1b states that an owner or operator that used the control efficiencies in part 7011. 0070 to qualify for its permit and is ineligible for its permit on or after January 1, 2007, shall apply for another type of permit on or before April 30, 2008. Staff determined that additional time was needed for facilities to comply with this provision since the rule was proposed at a later date than originally anticipated during drafting of the rule. The MPCA is changing the date to December 31, 2008. This is not a substantial change because it does not change the intent of the rule. It merely provides reasonable additional time for any facility owners or operators to obtain the appropriate permit for their facility.

The final rule reads as follows:

Subp. 1b. **Transition period.** "Any owner or operator of a stationary source that used the control efficiencies in part 7011.0070 to qualify for its permit and is ineligible for its permit on or after January 1, 2007, shall apply for another type of permit on or before December 31, 2008."

3.1.7 Change to Part 7011.0080, Item A, Pollution Control Equipment Type, Electrostatic Precipitator

This part contains the monitoring and recordkeeping requirements for listed control equipment. Marvin Windows and Doors pointed out that the monitoring parameters did not match with the recordkeeping requirements for electrostatic precipitators. This was an oversight on the part of the MPCA. Flue gas temperature appears as a parameter to be recorded and it was determined that it was not necessary to monitor this parameter to ensure proper functioning of the precipitator. This is not a substantial change because it clarifies that the owner or operator must keep a record of the parameter that must be monitored.

The final rule reads as follows:

"010, 011, 012, 128 146	Electrostatic precipitator	Voltage, secondary current, and, if used, conditioning agent flow rate	Continuous readout of voltage, and secondary current. If used, daily record of conditioning agent flow rate"

3.2 Discussion of Suggested Changes that did not Result in a Change to the Proposed Rules.

3.2.1 Changes suggested by Metropolitan Council

The Metropolitan Council proposed that the MPCA amend the language in Minnesota Rules, part 7007.1130, subpart 2 that specifies when recordkeeping must be performed. The phrase "recalculate and record by the last day of each month the 12-month rolling sum of emissions for the previous 12 months" is used throughout this part to specify when calculations and recordkeeping must take place. The commenter stated that it is unclear whether the MPCA expects the calculation for the "previous 12 months" to be calculated on the last day of the 12-month period, or whether the calculation must be completed before the end of the 13th month. The Metropolitan Council proposed changing the language to clarify that the calculation for each 12-month rolling sum be completed no later than 30 days after the end of the 12-month period. The MPCA agrees that this is effectively what is intended by the rule, however, the existing terminology is used throughout other rule parts in Chapter 7007 and it would be more confusing to change it just in the parts that the commenter notes. In addition, the MPCA has other publications that clarify when to do the calculations. "Facts About Your Option D Permit" (available at http://www.pca.state.mn.us/publications/aq3-04.pdf) provides a more detailed explanation.

3.2.2 Changes suggested by Marvin Windows and Doors

Marvin Windows and Doors proposed that the efficiency for wall or panel filters in part 7011.0070 be maintained at 92% rather than changing it to 85%. The MPCA asked a contractor to review the efficiencies for the listed control equipment and update the values based on what could be supported by the control equipment literature and testing. The contractor could not find data to support maintaining the value at 92%. A value of 92% (or higher) may certainly be appropriate in a specific application. A facility receiving an individual permit (a state or part 70 permit) can provide information about their application to support another value. Marvin Windows and Doors has a part 70 permit. This rule is an elective rule created primarily for use by registration and capped permit holders where individual review by an engineer does not take place routinely as it does for state and part 70 permits.

Marvin Windows and Doors also suggested that the monitoring parameters for an Electrostatic Precipitator (ESP) not be changed as the existing parameters are adequate information to ensure the ESP is functioning. In addition to the contractor's recommendation, a recently promulgated Maximum Achievable Control Technology (MACT) standard for boilers requires monitoring of

voltage and secondary current.[1] Thus, the MPCA believes that the proposed monitoring parameters are a better indicator of ESP performance than the existing parameters.

The final change suggested by Marvin Windows and Doors was to question whether specific transition period language was needed for situations other than where the proposed efficiency changes resulted in ineligibility. Staff examined these situations and found that additional provisions in the rule were not necessary. Those few facilities with part 70 permits that relied upon the control equipment rule efficiencies to qualify for their permit can review whether they want to continue to rely upon these efficiencies at the time of permit reissuance or amendment of the permit for other reasons. The permit language can also be updated when a non-expiring state permit is amended for other reasons. A facility also has the option to apply for an amendment to their permit for the purpose of updating this language. In addition, the MPCA may reopen those permits to update the language under part 7007.1600, subpart 2. Until their permit is amended, a facility with a part 70 or non-expiring state permit that relied upon the control equipment rule must continue to comply with the efficiency cited in their permit. These permits had the benefit of engineer review and the engineer judged that the efficiency in the existing rule was appropriate for that source. The MPCA will provide additional guidance to facilities about application of these rule changes after the rule is effective.

4. The rules are needed and reasonable.

IT IS ORDERED that the above-captioned rules, in the form set out in the *State Register* on May 7, 2007, with modifications as indicated in the Revisor's draft, file number AR3650 dated June 27, 2007, are adopted pursuant to authority vested in me by Minnesota Statutes, section 116.03, subdivision 1(c) and section 116.07.

Brad Moore, Commissioner
Minnesota Pollution Control Agency

[1] The D.C. Circuit Court of Appeals vacated the boilers MACT on June 8, 2007, for reasons unrelated to monitoring voltage and secondary current.

7002.0025 ANNUAL EMISSION FEE RATES.

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

Subp. 3. **Facilities failing to submit emissions inventories.** If an emission reporting facility fails to submit an emissions inventory as required by part 7019.3000, it shall be assessed an annual fee for that facility that is $X times 1-1/2 times the most recent actual emissions in tons for which an emissions fee was assessed under part 7019.3000. If the facility has never submitted an emissions inventory as required under part 7019.3000, but has submitted a permit application under chapter 7007, it shall be assessed an annual emission fee for that facility that is $X times 1-1/2 times the estimated actual emissions as stated in the facility's permit application.

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

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

7005.0100 DEFINITIONS.

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

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

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

B. notwithstanding item A, where no control efficiency is listed for a control equipment type in part 7011.0070, subpart 1a, table A, or where the commissioner has determined that a more representative control efficiency is available under this item, efficiency factor means a control efficiency developed or approved by the commissioner and derived from the following sources:

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

For text of item C, see M.R.

For text of subp 10, see M.R.

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

A. The emission factor listed in the Compilation of Air Pollutant Emission Factors (AP-42), fifth edition, United States Environmental Protection Agency, Technical Support Division, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, January 1995, as amended, which is incorporated by reference and is available at the EPA Internet site www.epa.gov/ttn/chief/ap42/index.html. It is not subject to frequent change. Where more than one emission factor is listed in AP-42, "emission factor" means the one approved by the commissioner using best engineering judgment and based on one or more of the considerations in item C, subitem (2).

B. The emission factor listed in Factor Information Retrieval (FIRE) Data System, Version 6.25, United States

Environmental Protection Agency, Technical Support Division, Office of Air Quality Planning and Standards, as amended, which is incorporated by reference and is available at the EPA Internet site www.epa.gov/ttnchie1/software/fire/index.html. Where more than one emission factor is listed, emission factor means the one approved by the commissioner using best engineering judgment and based on one or more of the considerations in item C, subitem (2). It is subject to frequent change.

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

(a) other EPA publications including, but not limited to, Locating and Estimating documents, Control Technology Center documents, the preamble and background information documents for New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants;

(b) EPA databases and computer programs;

(c) engineering publications;

(d) performance test data from the same or a similar emission unit at the same or a similar facility;

(e) manufacturer's performance tests; or

(f) emission data developed by the regulated party using the best engineering judgment criteria listed in subitem (2).

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

For text of subps 10b to 45, see M.R.

7007.0100 DEFINITIONS.

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

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

For text of items A to S, see M.R.

T. any standard or other requirement of the acid deposition control rule under chapter 7021;

U. any standard or other requirement related to noise pollution under chapter 7030;

V. any standard or other requirement established under section 169A (Visibility Protection for Federal Class I Areas) or 169B (Visibility) of the act including emission limits established in the determination of best available retrofit technology; and

W. any standard or other requirement of the federal Clean Air Interstate Rule or a regulation adopted under it.

For text of subps 7a to 9a, see M.R.

Subp. 9b. **Environmental management system or EMS.** "Environmental management system" or "EMS" means an ongoing program of planning, implementing, reviewing, and improving the actions at a stationary source that the owner or operator takes to meet its environmental obligations and legal requirements, and to improve environmental performance, as measured by pollutants emitted or discharged, waste generated, or other

objective measures. An EMS for a stationary source conforms to the requirements of the ISO 14001 standard, "Environmental management systems - Specification with guidance for use" published by the International Organization for Standardization (ISO), 2004. An EMS for a stationary source is either registered to the ISO 14001 EMS standard by a certification body accredited by the ANSI-ASQ National Accreditation Board (ANAB), or is an EMS that conforms to the requirements of the ISO 14001 EMS standard as determined by an EMS auditor.

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

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

C. IAF Guidance on the Application of ISO/IEC Guide 66, International Accreditation Forum (IAF), 2003; and

D. Advisories, ANSI-ASQ National Accreditation Board (ANAB).

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

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

For text of subps 9e to 24a, see M.R.

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

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

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

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

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

C. A new source review major stationary source: a modification at a stationary source that is not an existing major stationary source where the modification by itself would exceed major stationary source thresholds as defined in Code of Federal Regulations, title 40, section 52.21(b)(1)(i).

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

E. A hazardous air pollutant modification: any modification as defined in Code of Federal Regulations, title

40, section 61.15, as amended, or any other rules adopted by the administrator under section 112 of the act.

F. Plantwide applicability limit (PAL) establishment, renewal, or increase: establishment, renewal, or increase in emissions of an actual PAL as defined in Code of Federal Regulations, title 40, section 51.165, paragraph (f), or 52.21, paragraph (aa), as amended, or in any other rules adopted by the administrator under part C or D of the act.

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

For text of subp 27, see M.R.

7007.0300 SOURCES NOT REQUIRED TO OBTAIN A PERMIT.

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

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

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

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

(3) Code of Federal Regulations, title 40, part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction or Modification Commenced after July 23, 1984 (incorporated by reference at part 7011.1520, item C), if all storage vessels subject to this standard at the stationary source each have a capacity greater than or equal to 40 cubic meters and less than 75 cubic meters;

(4) Code of Federal Regulations, title 40, part 60, subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (incorporated by reference at part 7011.0570), if all steam generating units subject to this standard at the stationary source are only capable of combusting natural gas or propane; and

(5) Code of Federal Regulations, title 40, part 60, subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (incorporated by reference at part 7011.3520), if all engines subject to this standard at the stationary source each have a displacement less than 30 liters per cylinder and did not rely on performance testing of the affected unit to demonstrate compliance with the standard;

For text of items C to F, see M.R.

7007.1100 GENERAL PERMITS.

For text of subpart 1, see M.R.

Subp. 2. **Public participation.** The agency shall follow the same public participation procedures in part 7007.0850, subparts 2 and 3, for individual permits except as stated otherwise in this subpart. The notice of the agency's intent to publish a general permit need not be published in newspapers of general circulation but shall be published in the State

Register. The notice need not include any facility specific information. The notice issued by the agency shall identify criteria for stationary sources that qualify for the general permit and identify the geographic area in which it applies. If the general permit is sector-based, the notice shall state whether a stationary source holding a registration permit issued under parts 7007.1110 to 7007.1130 or a capped permit issued under parts 7007.1140 to 7007.1148 must apply for the sector-based general permit. The agency need not comply with part 7007.0850, subpart 2, item A, subitem (4), unless the stationary source category includes stationary sources subject to the requirement to obtain part 70 permits.

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

7007.1102 INCORPORATIONS BY REFERENCE.

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

A. ISO 14001: Environmental management systems - Specification with guidance for use, ISO, 2004.

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

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

D. IAF Guidance on the Application of ISO/IEC Guide 66, International Accreditation Forum (IAF), 2003. This publication is available through IAF (www.iaf.nu).

E. Advisories, ANSI-ASQ National Accreditation Board (ANAB). These publications are available through ANAB, P.O. Box 3005, Milwaukee, Wisconsin 53201-0586 (www.anab.org).

7007.1110 REGISTRATION PERMIT GENERAL REQUIREMENTS.

For text of subpart 1, see M.R.

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

For text of item A, see M.R.

B. A stationary source may not obtain a registration permit if air quality specific conditions or limits not contained in parts 7007.1110 to 7007.1130 were assumed:

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

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

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

C. A stationary source may not obtain a registration permit if it is subject to a new source performance standard

except when the stationary source is subject only to the notification and record-keeping requirements of that standard, or when the standard is one of the following:

For text of subitems (1) to (8), see M.R.

(9) Code of Federal Regulations, title 40, part 60, subpart OOO, Standards of Performance for Nonmetallic Mineral Processors (incorporated by reference in part 7011.3350), except that a stationary source subject to this performance standard may not obtain a registration permit if subpart 2b applies;

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

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

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

(13) Code of Federal Regulations, title 40, part 60, subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (incorporated by reference in part 7011.3520), but only if the compression ignition internal combustion engine has a displacement less than 30 liters per cylinder.

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

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

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

Any owner or operator of a stationary source that holds a registration permit and is eligible for a sector-based general permit that is available on or before January 1, 2007, shall apply for the general permit on or before December 31, 2008.

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

Subp. 5. **Registration permit issuance, denial, and revocation.** The commissioner shall issue a registration permit to the owner or operator of a stationary source if the owner or operator has submitted a complete application for a registration permit and the commissioner determines that the stationary source qualifies for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted, and the commissioner anticipates that the stationary source will comply with the registration permit. The commissioner shall deny an application for a registration permit if the commissioner determines that the stationary source does not qualify for the registration permit under parts 7007.1110 to 7007.1130 for which the application was submitted or that the

stationary source will not be able to comply with the registration permit. The grounds for permit denial in part 7007.1000, subparts 1, item H, and 2, items B to G, also constitute grounds for the commissioner to deny a registration permit application. The commissioner may revoke a registration permit, if the commissioner finds that any of the grounds under subpart 16 or under part 7007.1700, subpart 1, exist, by following the procedure in part 7007.1700, subpart 2.

For text of subps 6 to 15, see M.R.

Subp. 15a. **Relocation of stationary source issued a registration permit.** This subpart does not apply if the registration permit already authorizes operation in more than one location under subpart 20 and the proposed relocation is within the scope of that authorization. This subpart applies only to a stationary source that has been issued a registration permit under parts 7007.1110 to 7007.1130 and that:

A. is relocating within or to an area that is classified as attainment with respect to the National Ambient Air Quality Standards;

B. does not trigger the need for air dispersion modeling for the relocated source;

C. will qualify for the same type of registration permit at the new location; and

D. will not operate a stationary source in both the existing and new locations at the same time for any period of time.

Prior to a change in the location of a stationary source that meets the criteria in items A to D, the owner or operator must provide 45 days advance written notice to the commissioner, stating the exact location where the source will operate. If any of items A to D are not met, the owner or operator must obtain a new permit for the new location prior to operation in the new location.

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

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

C. the stationary source qualifies for a different registration permit option under parts 7007.1110 to 7007.1130;

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

E. the permit application contains material mistakes or inaccurate statements related to establishing eligibility for the emissions standards, limitations, or other terms or conditions of the permit and correction of such mistakes or statements would result in ineligibility for the permit applied for;

F. alterations or modifications to the permitted facility will result in or have the potential to result in alteration in the nature or quantity of regulated air pollutants

to be emitted by the permittee such that the permittee is no longer eligible for the permit it holds; or

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

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

7007.1120 REGISTRATION PERMIT OPTION B.

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

For text of item A, see M.R.

B. the only emissions from the stationary source are from VOC-containing materials, or are from insignificant activities under part 7007.1300, subparts 2 and 3, or are from conditionally insignificant activities meeting the requirements of parts 7008.4000 and 7008.4110; and

For text of item C, see M.R.

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

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

E. the gallons of VOC-containing materials purchased or used in a calendar year. If the stationary source has not been operated, the owner or operator shall estimate the gallons of VOC-containing materials that will be purchased or used on a calendar year basis during normal operation using a worksheet provided by the commissioner. If the stationary source has been operated less than 12 months or has not been operated a full calendar year on the date of application under this part, the owner or operator shall calculate gallons of VOC-containing materials purchased or used by multiplying 12 months by the larger of the two following monthly averages:

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

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

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

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

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

D. have emissions from the stationary source only from VOC-containing materials or from insignificant activities under part 7007.1300, subparts 2 and 3, or from conditionally insignificant activities described in and meeting the requirements of parts 7008.4000 and 7008.4110;

E. comply with part 7007.1110; and

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

For text of subp 4, see M.R.

7007.1125 REGISTRATION PERMIT OPTION C.

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

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

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

For text of item G, see M.R.

For text of subp 2, see M.R.

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

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

F. The 12-month rolling sum determined by the calculation in item D, the eligibility number, shall not exceed 50.

For text of items G to J, see M.R.

Subp. 3a. **Compliance requirements for low-emitting Option C sources.** If the eligibility number determined by the calculation in item D is less than 25 for the previous calendar year, the owner or operator of a stationary source issued a registration permit under this part shall comply with all of the requirements in items A to E.

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

D. The owner or operator must add together and record by April 1 of each calendar year the sum of the calculations made in items A to C. This sum, the eligibility number, shall not exceed 25 to be eligible under this subpart. If the eligibility number exceeds 25, then the owner or operator must comply with subpart 3 and have an eligibility number of less than 25 for two consecutive calendar years before eligibility for this subpart is reinstated.

E. The owner or operator must comply with subpart 3, items E and G to J.

For text of subp 4, see M.R.

Subp. 5. **Transition period.** Any owner or operator of a stationary source that holds a registration permit option C and is ineligible for a registration permit option C on or after January 1, 2007, shall apply for another type of permit on or before December 31, 2008.

7007.1130 REGISTRATION PERMIT OPTION D.

For text of subpart 1, see M.R.

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

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

G. if the calculations required by subpart 4 used emission factors established by a performance test approved by the commissioner under parts 7017.2001 to 7017.2060 and

reflected use of control equipment that is not listed in part 7011.0070, a copy of the portion of the control equipment manufacturer's specifications which includes the operating parameters. If the emissions are discharged to the control equipment through a hood, then the owner or operator must evaluate, on a form provided by the commissioner, whether the hood conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists," and must include with the permit application the certification required in part 7011.0072, subpart 2.

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

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

A. If the stationary source determined eligibility in the permit application, in whole or in part, by calculating VOC and hazardous air pollutant actual emissions from VOC-containing or hazardous air pollutant-containing materials, purchased or used (whichever was stated in the permit application), the owner or operator must:

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

(2) maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum VOC or hazardous air pollutant content, for each VOC-containing or hazardous air pollutant-containing material purchased or used (whichever was stated in the permit application);

(3) recalculate and record by the last day of each month the 12-month rolling sum of actual VOC and hazardous air pollutant emissions from VOC-containing and hazardous air pollutant-containing materials purchased or used (whichever was stated in the permit application) for the previous 12 months, the date the calculation was made, and the calculation itself; and

(4) if the owner or operator assumes a reduction of emissions in using the materials balance method under subpart 4, item D, due to recycling of material off site, keep records of the amount of material shipped off site for recycling and the calculations done to determine the amount to subtract. Acceptable records include the material safety data sheets, invoices, shipping papers, and hazardous waste manifests.

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

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

F. If the stationary source qualified in the permit application, in whole or in part, by using control equipment

efficiencies for:

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

For text of items G to J, see M.R.

K. If the stationary source determined eligibility in the permit application, in whole or in part, by using fuel sulfur data in the calculations in subpart 4, the owner or operator must:

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

(2) maintain a record of the fuel sulfur content verified by vendor certification or measured by an independent laboratory using ASTM methods for each batch of fuel received; and

(3) recalculate and record by the last day of each month the 12-month rolling sum of SO_2 emissions for the previous 12 months, the date the calculation was made, and the calculation itself using the calculation method in subpart 4.

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

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

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

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

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

G. If the stationary source determined eligibility in the permit application, in whole or in part, by using fuel sulfur data in the calculations in subpart 4, the owner or operator must:

(1) maintain records of the amount of each fuel burned for each batch of fuel for each calendar year;

(2) maintain a record of the fuel sulfur content verified by vendor certification or measured by an independent laboratory using ASTM methods for each batch of fuel received; and

(3) calculate and record by April 1 of each calendar year the sum of SO_2 emissions and the calculation itself for the previous calendar year using the calculation method in subpart 4.

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

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

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

TABLE 3A

OPTION D EMISSION ELIGIBILITY LIMITS FOR REDUCED RECORD KEEPING

POLLUTANT	ELIGIBILITY LIMIT FOR REDUCED RECORD KEEPING
HAP	2.5 tons/year for a single HAP
	6.25 tons/year total for all HAPs
PM	25 tons/year
PM-10	25 tons/year for an Attainment Area
	0 tons/year for a Nonattainment Area
VOC	25 tons/year
SO_2	25 tons/year
NO_x	25 tons/year
CO	25 tons/year
Pb	0.05 tons/year

Subp. 4. **Calculation of actual emissions.** The owner or operator of a stationary source may use a calculation worksheet provided by the commissioner for calculating actual emissions under this part, or may use the calculation methods under items A to E. The owner or operator must calculate actual emissions for each emissions unit, except that similar emissions units may be aggregated for emission calculation purposes. The owner or operator of a stationary source shall use the calculation method in item B instead of the calculation method in item A if the data described in item B are available for the stationary source. The alternative methods described in items C, D, and E may be used by the owner or operator without advance notification to the commissioner. The commissioner shall reject data submitted using the methods described in items B to E if the conditions set forth for the method are not fully met. To prevent double counting of emissions, the owner or operator must select one calculation method under this subpart for each emissions unit at the stationary source. Fugitive dust emissions must be included in the calculations under this subpart only if the stationary source is in a category listed in part 7007.0200, subpart 2, item B, subitems (1) to (27).

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

C. Emission factors from performance tests may be used for the calculation of actual emissions, provided that:

(1) the emissions unit is either an uncontrolled unit (for the tested pollutant) or is fitted with air pollution control equipment subject to the monitoring and record-keeping requirements of parts 7011.0060 to 7011.0080 or is fitted with air pollution equipment that has met the requirements of subpart 6; and

(2) the performance tests met all the requirements of parts 7017.2001 to 7017.2060, and all other applicable state rules and federal regulations governing

performance tests. The owner or operator of a stationary source that uses an emission factor developed from a performance test shall use the calculation method under item A.

For text of item D, see M.R.

E. The owner or operator of a stationary source may determine sulfur dioxide actual emissions by measuring the sulfur content of the fuel and assuming that all of the sulfur in the fuel is oxidized to sulfur dioxide. The sulfur content of each batch of fuel received must be measured by an independent laboratory using ASTM methods or verified by vendor certification. The sulfur dioxide actual emissions shall be determined for each batch of fuel received by using the following equation:

SO_2 = %S/100 x F/2,000 x 2, where

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

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

F = Amount of fuel burned by weight in pounds.

2,000 = Pounds per ton.

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

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

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

7007.1140 CAPPED PERMIT ELIGIBILITY REQUIREMENTS.

For text of subpart 1, see M.R.

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

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

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

For text of subitems (1) to (10), see M.R.

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

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

(13) Code of Federal Regulations, title 40, part 60, subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, incorporated by reference in part 7011.3520, but only if the compression ignition internal combustion engine has a displacement less than 30 liters per cylinder or is an emergency engine with a displacement greater than 30 liters per cylinder.

7007.1200 CALCULATING EMISSION CHANGES FOR PERMIT AMENDMENTS.

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

Subp. 4. **Record-keeping requirements.** When this part applies and the permittee determines that no permit amendment or agency notification is required prior to making the change, the permittee must retain records of all calculations required under this part. For expiring permits, these records shall be kept for a period of five years from the date the change was made or until permit reissuance, whichever is longer. For nonexpiring

permits, these records shall be kept for a period of five years from the date that the change was made. The records shall be kept at the stationary source for the current calendar year of operation and may be kept at the stationary source or office of the stationary source for all other years. The records may be maintained in either electronic or paper format.

7007.1250 INSIGNIFICANT MODIFICATIONS.

Subpart 1. **When an insignificant modification can be made.** The permittee may make a modification described in either item A or B at a permitted stationary source without getting a permit amendment, unless the modification is prohibited by subpart 2. However, if the modification triggers new monitoring, record keeping, or reporting requirements under applicable requirements or parts 7007.0100 to 7007.1850, the permittee shall initiate an administrative amendment under part 7007.1400 to include the new requirements no more than 30 days after making the modification.

A. Construction or operation of any emissions unit, or undertaking any activity, that is on the insignificant activities list in part 7007.1300, subparts 2 and 3, or that is described as and meets the requirements of a conditionally insignificant activity under parts 7008.4000 and 7008.4110.

For text of item B, see M.R.

For text of subp 2, see M.R.

Subp. 3. **Record-keeping requirements.** Except as described in subpart 4, modifications authorized under this part may be made without providing notice to the agency. However, the permittee shall keep a record of the modification for all changes authorized under subpart 1, items A and B, except for those activities described in part 7007.1300, subpart 2. For changes authorized under subpart 1, item B, and part 7007.1300, subpart 3, item I, the permittee shall also keep calculations of the emissions increase as required by part 7007.1200, subpart 4, and a statement of the purpose for making the modification.

For text of subps 4 to 6, see M.R.

7007.1300 INSIGNIFICANT ACTIVITIES LIST.

For text of subpart 1, see M.R.

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

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

C. Fabrication operations:

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

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

For text of items D to K, see M.R.

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

7007.3000 PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY.

Any person who constructs, modifies, reconstructs, or operates an emissions unit, emission facility, or stationary source must meet the requirements of Code of Federal

Regulations, title 40, part 52.21, as amended, entitled "Prevention of Significant Deterioration of Air Quality," which is adopted and incorporated by reference.

All applications and other information required pursuant to Code of Federal Regulations, title 40, part 52.21, from emissions units, emission facilities, and stationary sources located in Minnesota shall be submitted to the commissioner.

7007.5000 BEST AVAILABLE RETROFIT TECHNOLOGY.

Subpart 1. **Incorporation by reference.** Code of Federal Regulations, title 40, part 51.301 (Definitions), as amended, is incorporated by reference. Appendix Y (Guidelines for Best Available Retrofit Technology (BART) Determinations Under the Regional Haze Rule) of Code of Federal Regulations, title 40, part 51, as amended, is incorporated by reference.

Subp. 2. **BART determination.** The owner or operator of a stationary source shall submit a best available retrofit technology (BART) analysis to the commissioner if the commissioner determines the stationary source is subject to BART according to Code of Federal Regulations, title 40, part 51, Appendix Y (Guidelines for BART Determinations Under the Regional Haze Rule). The owner or operator shall prepare the BART analysis according to section IV of Appendix Y of Code of Federal Regulations, title 40, part 51, as directed by the commissioner. The owner or operator of a stationary source shall submit the BART analysis 180 days after receipt of written notification by the commissioner that a BART analysis is required. The commissioner shall make the BART determination according to Appendix Y of Code of Federal Regulations, title 40, part 51.

Subp. 3. **BART implementation.** The owner of each BART-eligible source subject to BART shall install and operate BART no later than five years after the United States Environmental Protection Agency approval of Minnesota's regional haze state implementation plan. The owner or operator of each source subject to BART shall operate and maintain the control equipment or work practices required by this part and shall establish procedures to ensure such equipment or work practices are properly operated and maintained.

7011.0060 DEFINITIONS.

For text of subps 1 to 3d, see M.R.

Subp. 3e. **Hood.** "Hood" means a shaped inlet to a pollution control system that does not totally surround emissions from an emissions unit, that is designed, used, and maintained to capture and discharge the air emissions through ductwork to control equipment, and that conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists." This document is subject to frequent change. A spray booth can be a hood if it meets the definition in this subpart.

Subp. 4. **Listed control equipment.** "Listed control equipment" means the control equipment at a stationary source listed in part 7011.0070, subpart 1a, Table A.

For text of subp 5, see M.R.

7011.0061 INCORPORATION BY REFERENCE.

For the purpose of parts 7011.0060 to 7011.0080, the document, Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists (1984), 1300 Kemper Meadow Drive, Cincinnati, Ohio 45240, is incorporated by reference. American Conference of Governmental Industrial Hygienists is the author and publisher. This document is available through the Minitex interlibrary loan system (University of Minnesota Library). This document is subject to frequent change.

7011.0065 APPLICABILITY.

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

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

Subp. 2. **Repealed, 32 SR 904**

7011.0070 LISTED CONTROL EQUIPMENT AND CONTROL EQUIPMENT EFFICIENCIES.

Subpart 1. **Listed control equipment efficiencies.**

A. Unless a part 70, state, or general permit specifies a different control efficiency, the owner or operator of a stationary source must at all times attain at least the control efficiency listed in Table A for each piece of listed control equipment at the stationary source. The applicable control efficiency for a type of listed control equipment and a given pollutant is determined by whether air emissions are discharged to the control equipment through a hood that is certified as described in part 7011.0072, through a noncertified hood, or through a total enclosure. The control equipment efficiencies in Table A do not apply to any hazardous air pollutant.

B. The use of the control efficiencies listed in Table A under subpart 1a that are associated with a hood that is not certified is limited to the owner or operator of a stationary source that qualifies for a registration permit under parts 7007.1110 to 7007.1130.

Subp. 1a. **Exceptions where control efficiency disallowed.** The owner or operator may not use a control efficiency listed in Table A if:

A. the commissioner determines that the listed efficiency is inapplicable or is not representative of the source due to complexity of the process or source of emissions, lack of reliable data, presence of a pollutant or constituent such as condensible particulate matter or an organic compound significantly more difficult to control than the overall VOC gas stream that makes the categorical efficiency nonrepresentative, or other site-specific conditions; or

B. the commissioner determines that alternate site-specific requirements are necessary to ensure compliance with applicable requirements or to protect human health or the environment.

CONTROL EQUIPMENT EFFICIENCY-TABLE A

ID#	CONTROL EQUIPMENT DESCRIPTION	POLLUTANT	CONTROL EFFICIENCY		
			TOTAL ENCLOSURE	HOOD: CERTIFIED	HOOD: NOT CERTIFIED
	Table A - Section 1 - Equipment Designed Primarily for Particulate Matter Control				
	PM CONTROL CATEGORY-CYCLONES means a device where airflow is forced to spin in a vortex through a tube				
007	Centrifugal Collector (cyclone)-high efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM	90%	72%	54%
		PM-10	78%	62%	46%
008	Centrifugal Collector (cyclone)-medium efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM	80%	64%	48%
		PM-10	60%	48%	36%
009	Centrifugal Collector (cyclone)-low efficiency means: a cyclonic device with parameters stated in drawing 1 and table 1	PM	25%	20%	15%
		PM-10	25%	20%	15%
076	Multiple Cyclone without Fly Ash Reinjection means: a cyclonic device with more than one tube where fly ash is not reinjected	PM	90%	72%	54%
		PM-10	72%	58%	43%
057, 085	Wet Cyclone Separator or Cyclonic Scrubbers means: a cyclonic device that sprays water into a cyclone	PM, PM-10	84%	68%	51%
010, 011, 012,	PM CONTROL CATEGORY-ELECTROSTATIC PRECIPITATORS means:				

33.48	128,	a control device in				
33.49	146	which the incoming				
33.50		particulate matter				
33.51		receives an electrical				
33.52		charge and is then				
34.1		collected on a surface				
34.2		with the opposite				
34.3		electrical charge				
34.5		-assumed efficiency for	PM-10	40%	NA	NA
34.6		boiler fly ash control				
34.8		-assumed efficiency for	PM	98%	78%	59%
34.9		other applications	PM-10	94%	75%	56%
34.11		PM CONTROL CATEGORY-				
34.12		OTHER CONTROLS				
34.14	016,	Fabric Filter means:	PM	99%	79%	59%
34.15	017,	a control device in	PM-10	93%	74%	56%
34.16	018	which the incoming gas				
34.17		stream passes through				
34.18		a porous fabric filter				
34.19		forming a dust cake				
34.21	052	Spray Tower means: a	PM	85%	68%	51%
34.22		control device in which	PM-10	84%	68%	51%
34.23		the incoming gas stream				
34.24		passes through a				
34.25		chamber in which it				
34.26		contacts a liquid				
34.27		spray				
34.29	053	Venturi Scrubber means:	PM	94%	76%	57%
34.30		a control device in	PM-10	84%	68%	51%
34.31		which the incoming gas				
34.32		stream passes through				
34.33		a venturi into which				
34.34		a low pressure liquid				
34.35		is introduced				
34.37	055	Impingement Plate	PM	77%	62%	46%
34.38		Scrubber means: a	PM-10	77%	62%	46%
34.39		control device in				
34.40		which the incoming gas				
34.41		stream passes a liquid				
34.42		spray and is then				
34.43		directed at high				
34.44		velocity into a plate				
34.46	056,	Mechanically Aided	PM	64%	52%	39%
34.47	113	Separator means:	PM-10	5%	4%	3%
34.48		a device that relies				
34.49		on inertia for				

		separating particles from a gas stream				
		Wall	PM	85%	68%	51%
		or Panel Filter	PM-10	85%	68%	51%
	058	means: a control device in which the exiting gas stream passes through a panel of coarse fibers. Other Wall Filters means removable panels for cleaning and replacement, or liquid curtains for particulate removal that provide little resistance to air flow				
	101	HEPA Filter or ULPA Filter means: a high efficiency wall or panel filter designed for collection of submicron particles	PM	99.98%	80%	60%
			PM-10	99.98%	80%	60%
	503	Charged Scrubber means: a control device in which electric power is used to precharge particulate matter in the gas stream as a means of increasing the scrubber's collection efficiency for fine particles	PM	94%	76%	57%
			PM-10	84%	68%	51%
	517	Condensation Scrubber means: a control device in which steam is injected into a wet scrubber to create supersaturated conditions and promote condensation of water on fine particulate matter in the gas stream	PM	94%	76%	57%
			PM-10	84%	68%	51%

Table A - Section 2 - Equipment Designed for VOC Control (includes efficiencies for pollutants where there is a co-benefit of control)

VOC CONTROL CATEGORY

019,	Catalytic Afterburners	VOC	94%	76%	57%
020,	(catalytic	PM	62%	50%	37%
109,	oxidation) means: a	PM-10	62%	50%	38%
116,	device used to reduce	CO	94%	76%	57%
509	VOCs to the products of combustion through catalytic (use of a catalyst) oxidation in a combustion chamber				
021,	Thermal Afterburners	VOC	97%	78%	58%
022,	(thermal oxidation)	PM	62%	50%	37%
131,	means: a device used	PM-10	62%	50%	37%
133,	to reduce VOCs to the	CO	97%	78%	58%
510	products of combustion through thermal (high temperature) oxidation in a combustion chamber				
023	Flaring or Direct Combustor means: a device in which air, combustible organic waste gases, and supplementary fuel (if needed) react in the flame zone (e.g., at the flare tip) to destroy the VOCs	VOC PM PM-10 CO	98% 61% 61% 98%	79% 50% 50% 79%	59% 37% 37% 59%

Drawing 1

7011.0070 T=1: 18 Picas - Insert Cyclone type drawing here.

Table 1

Cyclone Type

Ratio Dimensions	High Efficiency	Medium Efficiency	Low Efficiency
Height of inlet, H/D	\AC\a0.44	\Af\a0.44 and \AF\a0.8	\Ac\a0.8
Width of			

inlet, W/D	\AC\a0.2	\Af\a0.2 and \AF\a0.375	\Ac\a0.375
Diameter of gas exit, D_e/D	\AC\a0.4	\Af\a0.4 and \AF\a0.75	\Ac\a0.75
Length of vortex finder, S/D	\AC\a0.5	\Af\a0.5 and \AF\a0.875	\Ac\a0.875

If one or more of the "ratio dimensions," as listed in table 1, are in a different efficiency category (high, medium, low), then the lowest efficiency category shall be applied.

Subp. 1b. **Transition period.** Any owner or operator of a stationary source that used the control efficiencies in part 7011.0070 to qualify for its permit and is ineligible for its permit on or after January 1, 2007, shall apply for another type of permit on or before December 31, 2008.

Subp. 2. **Alternative control equipment and capture efficiencies; control efficiencies for hazardous air pollutants.** The owner or operator of a stationary source may use an alternative control equipment efficiency or capture efficiency or both for the control equipment listed in subpart 1, if the actual control efficiency or capture efficiency has been verified by a performance test approved by the commissioner under parts 7017.2001 to 7017.2060. The owner or operator of a stationary source may use a control equipment efficiency for listed control equipment for a hazardous air pollutant, if the control efficiency has been verified by a performance test approved by the commissioner under parts 7017.2001 to 7017.2060. The request for the alternative control efficiency or capture efficiency or both may be made through a permit application for a part 70, state, registration, capped, or general permit, or in a required notice or application submitted under parts 7007.1150 to 7007.1500. The owner or operator of a stationary source must attain at all times the alternative control efficiency or capture efficiency or both for a piece of listed control equipment at the stationary source established under this subpart.

Subp. 3. **Repealed, 32 SR 904**

Subp. 4. **Repealed, 32 SR 904**

7011.0072 REQUIREMENTS FOR CERTIFIED HOODS.

Subpart 1. **Applicability.** This part applies only to certified hoods and hoods the owner or operator elects to be certified. Nothing in this part shall be construed to allow the owner or operator of an emission facility to violate an applicable requirement or compliance document. Hoods evaluated before June 8, 1999, using a form, the contents of which differ from the content in subpart 3, are not required to be reevaluated, unless requested by the commissioner to demonstrate continued conformity with the design and operating practices described in the manual incorporated by reference under part 7011.0061.

Subp. 2. **Certification required.** In order to use a

certified hood control efficiency value in part 7011.0070, subpart 1a, Table A, the owner or operator of a stationary source must:

A. arrange for a testing company to conduct a hood evaluation;

B. document, on a form provided by the commissioner, that the hood conforms to the design and operating practices recommended in the manual incorporated by reference under part 7011.0061 and must include with the permit application a certification statement as specified in item C, if the hood exists at the time of application. If the hood does not exist at the time of application, then the certification required in item C shall be sent to the commissioner within 30 days after start-up. The form used to demonstrate that the hood conforms to the required design and operating practices shall contain the elements listed in subpart 3; and

C. include on the form required under item B a certification statement signed by the responsible official, stating as follows: "I certify under penalty of law that the aforementioned hood(s) has (have) been evaluated under my direction or supervision by qualified personnel and that, to the best of my knowledge and belief, the (each) hood conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists.""

Subp. 3. **Contents of hood evaluation form.** The hood evaluation form required in subpart 2 shall include:

A. hood dimensions recommended by the manual incorporated by reference under part 7011.0061;

B. design capture velocity and justification for use of this velocity and a list of the manual pages relied on;

C. minimum recommended air flow into the hood;

D. recommended hood face velocity or slot velocity, and, if applicable, plenum and duct velocity;

E. capture velocity test plan; and

F. actual values of design parameters listed in items A to D, as well as fan rotation speed or fan power draw, as determined through testing.

Subp. 4. **Monitoring and record keeping.** The owner or operator of a certified hood shall:

A. maintain at the stationary source the most current record of each hood evaluation required by part 7011.0070; and

B. measure the fan rotation speed, fan power draw, face velocity, or other comparable air flow indicator for each hood and maintain a yearly summary of these measurements. Each yearly summary shall be maintained at the stationary source for a minimum of five years.

7011.0075 LISTED CONTROL EQUIPMENT GENERAL REQUIREMENTS.

Subpart 1. **Operation of control equipment.** The owner or operator of a stationary source shall operate all listed control equipment located at the stationary source whenever operating the emission units controlled by the listed control equipment in compliance with parts 7011.0060 to 7011.0080. Unless specifically allowed by a part 70, state, or general permit,

each piece of listed control equipment, with the exception of low-temperature fabric filters (ID #018) using visible emissions as the monitoring parameter under part 7011.0080, shall at all times be operated in the range established by the control equipment manufacturer's specifications for each monitoring parameter listed in part 7011.0080, or within the operating parameters set by the commissioner as the result of the most recent performance test conducted to determine control efficiency under parts 7017.2001 to 7017.2060 if those are more restrictive.

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

A. an owner or operator has failed to disclose fully all facts relevant to the proposed monitoring parameter range of the control device or the owner or operator has knowingly submitted false or misleading information to the commissioner;

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

For text of subp 2, see M.R.

Subp. 3. **Installation of monitoring equipment.** The owner or operator of a stationary source shall install monitoring equipment to measure the operating parameters of all listed control equipment as specified by parts 7011.0072 and 7011.0080 or by source specific monitoring requirements specified in a part 70, state, or general permit. The monitoring equipment must be installed prior to operation of any new process equipment controlled by the control equipment or, for stationary sources in operation on December 27, 1994, by the application deadline listed in part 7007.0350, subpart 1, item A. The owner or operator of a stationary source shall operate the monitoring equipment for each piece of listed control equipment at all times the listed control equipment is required to operate in compliance with part 7011.0075.

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

Subp. 6. **Demonstration of capture and control equipment efficiency.** The owner or operator shall, upon request of the commissioner or the administrator, conduct a performance test under parts 7017.2001 to 7017.2060 to determine the capture efficiency of a hood or other capture device or to determine the efficiency of the control equipment. In addition to the reasons specified in part 7017.2020, subpart 1, the commissioner or the administrator may make such a request to verify that the capture device or control equipment at a stationary source is attaining the efficiency assumed under part 7011.0070.

For text of subp 7, see M.R.

7011.0080 MONITORING AND RECORD KEEPING FOR LISTED CONTROL

42.27 EQUIPMENT.

43.1 The owner or operator of a stationary source shall comply with the monitoring and record keeping required for listed control equipment by the table in this part. The owner or operator shall maintain the records required by this part for a minimum of five years from the date the record was made. Unless a specific format is required, the records may be maintained in either electronic or paper format. For certified hoods, the owner or operator shall comply with part 7011.0072.

Identification Number(s)	Pollution Control Equipment Type	Monitoring Parameter(s)	Record-keeping Requirement
A. Equipment designed for particulate matter control			
007, 008, 009, 076,	Centrifugal collector (cyclone)	Pressure drop	Record pressure drop every 24 hours if in operation
010, 011, 012, 128, 146	Electrostatic precipitator	Voltage, secondary current, and, if used, conditioning agent flow rate	Continuous readout of voltage, and secondary current. If used, daily record of conditioning agent flow rate
016, 017	Fabric filter (bag house), high temperature (T\Af\a250\A:\aF), medium temperature (180\A:\aF\Af\a T\AF\a250\A:\aF)	Pressure drop	Record pressure drop every 24 hours if in operation
018	Fabric filter (bag house), low temperature (T\AF\a180\A:\aF)	Pressure drop or visible emissions observation from filter outlet during an entire cleaning cycle; unless the commissioner specifies pressure drop and/or visible emissions as	Record pressure drop every 24 hours if in operation; or Record whether any visible emissions are observed and the time period of observation every 24 hours if in operation; or record both if the commissioner

			the indicator(s) of fabric filter performance	requires monitoring of both parameters
	052	Spray tower	Liquid flow rate and pressure drop	Record each parameter every 24 hours if in operation
	053, 055	Venturi scrubber, impingement plate scrubber	Pressure drop and liquid flow rate	Record each parameter every 24 hours if in operation
	056, 113	Mechanically aided separator	Pressure drop	Record every 24 hours if in operation
	058, 101	HEPA and other wall filters	Condition of the filters, including, but not limited to, alignment, saturation, and tears and holes	Record of filter(s) condition every 24 hours if in operation
	057, 085	Wet cyclone separator	Pressure drop; and water pressure	Record each parameter every 24 hours if in operation
	503	Charged scrubber	Pressure drop and liquid flow rate	Record each parameter every 24 hours if in operation
	517	Condensation scrubber	Pressure drop and either steam supply rate or blowdown rate	Record each parameter every 24 hours if in operation
	B. Equipment designed for volatile organic compound control			
	021, 022, 131, 133, 510	Thermal afterburner	Combustion temperature or inlet and outlet temperatures	Record temperatures at least once every 15 minutes
	019, 020, 109, 116,	Catalytic afterburner	Inlet and outlet	Record temperatures

	509		temperatures; and catalyst bed reactivity as per manufacturer's specifications	or manual readings at least once every 15 minutes; and record results of catalyst bed reactivity
	023	Flaring	Temperature indicating presence of a flame	Record temperatures at least once every 15 minutes

7011.0730 TABLE 1.

Process Weight Rate (pounds/hour)	Emission Rate (pounds/hour)
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

Interpolation of the data in this part for the process weight rates up to 60,000 pounds/hour shall be accomplished by the use of the equation:

$$E = 3.59P^{0.62}$$

\AF\a

P = 30 tons/hour

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 pounds/hour shall be accomplished by use of the equation:

$$E = 17.31P^{0.16}$$

P \Af\a 30 tons/hour

where:

E = emissions in pounds per hour;

P = process weight rate in tons per hour.

7011.1005 STANDARDS OF PERFORMANCE FOR DRY BULK AGRICULTURAL COMMODITY FACILITIES.

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

Subp. 3. **Prohibited discharges.** A commodity facility that is not required to be controlled under subpart 2 must be controlled if the facility meets one of the descriptions listed in part 7011.1015 where the table indicates "control required."

For a facility where control is required under part 7011.1015, no owner, operator, or other person who conducts activities at the facility may allow:

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

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

INCINERATORS

7011.1299 STANDARDS OF PERFORMANCE FOR INCINERATORS.

Code of Federal Regulations, title 40, part 60, subpart E, as amended, entitled "Standards of Performance for Incinerators," is incorporated by reference.

VOC EMISSIONS FROM SOCMI REACTOR PROCESSES

7011.3430 STANDARDS OF PERFORMANCE FOR VOC EMISSIONS FROM SOCMI REACTOR PROCESSES.

Code of Federal Regulations, title 40, part 60, subpart RRR, as amended, entitled "Standard of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes," is incorporated by reference, except that the authorities identified in section 60.718, paragraph (b), are not delegated to the commissioner and are retained by the administrator.

7011.3520 STANDARDS OF PERFORMANCE FOR STATIONARY COMPRESSION IGNITION INTERNAL COMBUSTION ENGINES.

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

7011.8010 SITE REMEDIATION.

Code of Federal Regulations, title 40, part 63, subpart GGGGG, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Site Remediation," is incorporated by reference, except that the authorities identified in section 63.7956, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8020 PRIMARY MAGNESIUM REFINING.

Code of Federal Regulations, title 40, part 63, subpart TTTTT, as amended, entitled "National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining," is incorporated by reference, except that the authorities identified in section 63.9941, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8030 TACONITE IRON ORE PROCESSING.

Code of Federal Regulations, title 40, part 63, subpart RRRRR, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing," is incorporated by reference, except that the authorities identified in section 63.9651, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8040 IRON AND STEEL FOUNDRIES.

Code of Federal Regulations, title 40, part 63, subpart EEEEE, as amended, entitled "National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries," is incorporated by reference, except that the authorities identified in section 63.7761, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8050 MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart FFFF, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing," is incorporated by reference, except that the authorities identified in section 63.2545, paragraph (b), are not delegated to the commissioner and are retained by the administrator.

7011.8060 SURFACE COATING OF METAL CANS.

Code of Federal Regulations, title 40, part 63, subpart KKKK, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans," is incorporated by reference, except that the authorities identified in section 63.3560, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8070 MISCELLANEOUS COATING MANUFACTURING.

Code of Federal Regulations, title 40, part 63, subpart HHHHH, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing," is incorporated by reference, except that the authorities identified in section 63.8100, paragraph (b), are not delegated to the commissioner and are retained by the administrator.

7011.8080 MERCURY EMISSIONS FROM MERCURY CELL CHLOR-ALKALI PLANTS.

Code of Federal Regulations, title 40, part 63, subpart IIIII, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants," is incorporated by reference, except that the authorities identified in section 63.8264, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8090 SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS.

Code of Federal Regulations, title 40, part 63, subpart MMMM, as amended, entitled "National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products," is incorporated by reference, except that the authorities identified in section 63.3980, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8100 LIME MANUFACTURING PLANTS.

Code of Federal Regulations, title 40, part 63, subpart AAAAA, as amended, entitled "National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants," is incorporated by reference, except that the authorities identified in section 63.7141, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8110 ORGANIC LIQUIDS DISTRIBUTION (NONGASOLINE).

Code of Federal Regulations, title 40, part 63, subpart EEEE, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Nongasoline)," is incorporated by reference, except that the authorities identified in section 63.2402, paragraph (b), are not delegated to the commissioner and are retained by the

administrator.

7011.8120 STATIONARY COMBUSTION TURBINES.

Code of Federal Regulations, title 40, part 63, subpart YYYY, as amended, entitled "National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines," is incorporated by reference, except that the authorities identified in section 63.6170, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8130 SURFACE COATING OF PLASTIC PARTS AND PRODUCTS.

Code of Federal Regulations, title 40, part 63, subpart PPPP, as amended, entitled "National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products," is incorporated by reference, except that the authorities identified in section 63.4580, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8140 SURFACE COATING OF AUTOMOBILES AND LIGHT-DUTY TRUCKS.

Code of Federal Regulations, title 40, part 63, subpart IIII, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks," is incorporated by reference, except that the authorities identified in section 63.3175, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8150 STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES.

Code of Federal Regulations, title 40, part 63, subpart ZZZZ, as amended, entitled "National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines," is incorporated by reference, except that the authorities identified in section 63.6670, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8160 PLYWOOD AND COMPOSITE WOOD PRODUCTS.

Code of Federal Regulations, title 40, part 63, subpart DDDD, as amended, entitled "National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products," is incorporated by reference, except that the authorities identified in section 63.2291, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7011.8170 INDUSTRIAL PROCESS COOLING TOWERS.

Code of Federal Regulations, title 40, part 63, subpart Q, as amended, entitled "National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers," is incorporated by reference, except that the authorities identified in section 63.407, paragraph (c), are not delegated to the commissioner and are retained by the administrator.

7017.2005 DEFINITIONS.

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

Subp. 4. **Performance test.** "Performance test" means the quantification of emissions or determination of the physical, chemical, or aesthetic properties of those emissions from an emissions unit by means of conducting one or more test runs at an emission facility. When requested or approved by the commissioner, a performance test includes the determination of

capture efficiency, collection efficiency, control efficiency, or destruction efficiency associated with a hood or emissions unit or control device. The terms "capture efficiency," "collection efficiency," "control efficiency," "destruction efficiency," and "hood" have the meanings given in part 7011.0060.

For text of subp 5, see M.R.

Subp. 6. **Test run.** "Test run" means the procedure for sampling or analyzing emissions during a performance test at or before the emission point of an emissions unit over a defined length of time at specified operating conditions.

For text of subps 7 and 8, see M.R.

7017.2020 PERFORMANCE TESTS GENERAL REQUIREMENTS.

Subpart 1. **Testing required.** The owner or operator of an emission facility shall arrange to conduct a performance test at any emission facility at the times required by an applicable requirement or compliance document and at additional times if the commissioner requests a performance test in order to:

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

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

7019.3000 EMISSION INVENTORY.

Subpart 1. **Emission inventory required.**

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

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

For text of item B, see M.R.

For text of subp 2, see M.R.

7019.3020 CALCULATION OF ACTUAL EMISSIONS FOR EMISSION INVENTORY.

A. Emissions from all emissions units shall be reported in the annual emissions inventory report in a format specified by the commissioner. Emissions from insignificant activities listed in part 7007.1300, subpart 2, shall not be reported. Emissions from insignificant activities listed in part 7007.1300, subparts 3 and 4, and conditionally insignificant activities listed in part 7008.4000 shall be reported if the commissioner or owner or operator has determined that emissions from those activities are not insignificant for

purposes of permitting under parts 7007.0100 to 7007.1850 or for those activities required to be quantified by a facility issued a capped permit option 1. Notwithstanding the previous sentence, the commissioner may request an inventory of fugitive emissions from roads and parking lots, defined as insignificant under part 7007.1300, subpart 3, item J, upon determining that emissions from these sources represent a substantial portion of the facility's total emissions.

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

D. All owners or operators of emission reporting facilities which have obtained an air emission permit under part 7007.1130, registration permit option D, shall report the actual emissions calculated for purposes of compliance demonstration required in part 7007.1130, subpart 3, item E, for the calendar year for which emissions are being reported in a format specified by the commissioner.

For text of E to G, see M.R.

7019.3030 METHOD OF CALCULATION.

A. The owner or operator of an emission reporting facility, except one issued an option C or D registration permit under part 7007.1125 or 7007.1130 or a capped permit under parts 7007.1140 to 7007.1148, shall calculate the facility's actual emissions using the methods listed in subitems (1) to (4). The methods are listed in a hierarchy of the most preferred method to the least preferred method. The most preferred method available shall be used. Where more than one method is listed in the subitem, they are considered to be equal in the hierarchy and any can be used.

(1) part 7019.3040 (continuous emission monitor data);

(2) part 7019.3050, item B (performance test data);

(3) part 7019.3060 (VOC material balance, 7019.3070 (SO_2 material balance), 7019.3080 (emission factor), or 7019.3090 (enforceable limitations), as applicable; or

(4) part 7019.3100 (facility proposal).

B. The owner or operator of a facility issued an option B registration permit under part 7007.1120 that chooses to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), shall calculate the facility's actual emissions using the methods listed in part 7019.3060.

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

For text of item C, see M.R.

7019.3050 PERFORMANCE TEST DATA.

A. If an emission reporting facility has collected representative emission data through the use of performance tests in compliance with the preconditions in items B and C, and if CEM data under part 7019.3040 is not available, the facility shall calculate its emissions based on performance tests. If

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

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

C. For facilities that are required to conduct annual performance testing, the test was performed during the calendar year for which the emissions are being calculated. If the commissioner granted the facility an extension to a testing deadline that resulted in the test being performed after the calendar year but prior to the emissions inventory submittal deadline, the data from that test may be used. For facilities that are not required to conduct annual performance testing, the emission factors used are derived from the most recently conducted performance test. Unless required under item D, performance test data may not be more than ten years older than the last date of the emission inventory period and must be representative of operating conditions during the calendar year for which the emission inventory is being submitted.

D. If the most recently conducted performance test data is more than ten years older than the last date of the emission inventory period, then the emission factor derived from the performance test shall be used if it results in higher calculated emissions than any default emission factor allowed under part 7019.3060, 7019.3070, or 7019.3080, as applicable, unless an alternative factor is approved by the commissioner under part 7019.3100 (facility proposal) or unless continuous emission monitor data that satisfies the conditions of part 7019.3040 is available. The performance test data must be representative of operating conditions during the calendar year for which the emission inventory is being submitted.

7019.3080 EMISSION FACTORS.

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

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

Control equipment efficiency shall be based on efficiency factors as defined in part 7005.0100, subpart 9b, or shall be based on the efficiency verified by a performance test conducted according to parts 7017.2001 to 7017.2060 and 7019.3050. Calculations of actual emissions from an emission unit through a pollution control system that uses a hood, as defined in part 7011.0060, subpart 2, as the emission capture device shall be based on a capture efficiency of 80 percent. If an alternative capture efficiency has been determined by a performance test conducted according to parts 7017.2001 to 7017.2060 and 7019.3050, that capture efficiency shall be used in the calculation of actual emissions.

REPEALER. Minnesota Rules, parts 7011.0065, subpart 2; and 7011.0070, subparts 3 and 4, are repealed.