

CHAPTER 7008
MINNESOTA POLLUTION CONTROL AGENCY
CONDITIONALLY EXEMPT STATIONARY SOURCES AND CONDITIONALLY
INSIGNIFICANT ACTIVITIES

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7008.0050 SCOPE.

This chapter establishes the conditions under which eligible stationary sources are exempt from the requirement to apply for and obtain an air emission permit as provided under part 7007.0300. This chapter also establishes the conditions under which certain activities will qualify as insignificant activities for purposes of parts 7007.0100 to 7007.1850.

Statutory Authority: *MS s 116.07*

History: *27 SR 1579*

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7008.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to the terms used in this chapter. The definitions in parts 7000.0100, 7005.0100, and 7007.0100 apply to the terms used in this chapter unless the terms are otherwise defined in this part.

Subp. 2. **Gasoline service station.** "Gasoline service station" means any stationary source that dispenses gasoline to vehicles. Bulk plants, petroleum distribution terminals, and refineries are not gasoline service stations.

Subp. 2a. **Material usage.** "Material usage" means an activity at a stationary source such as the application or use of ink, paint, coating, adhesive, or solvent in a way that emits only VOC, hazardous air pollutants, particulate matter, PM-10, PM-2.5, or a combination thereof and emissions of these pollutants can be calculated on a mass balance basis as described in part 7008.4100. Material usage does not include material processes such as sanding, milling, materials reacting to form new materials, fuel usage, or grain or other material handling.

Subp. 2b. **Recycling.** "Recycling" means the reclamation or reuse of waste VOC-containing or hazardous air pollutant-containing materials from material usage activities. For purposes of this subpart, "reclamation" has the meaning given in part 7045.0020, subpart 73c, and "reuse" has the meaning given in part 7045.0020, subpart 75a.

Subp. 2c. **Solids.** "Solids" means the nonvolatile portion of the material applied or used in a material usage activity.

Subp. 3. **Refueling positions.** "Refueling positions" means the number of vehicles that could be receiving gasoline simultaneously at a gasoline service station.

Subp. 4. **Stage-one vapor recovery.** "Stage-one vapor recovery" means pipes or hoses, or both, that create a closed system connecting a gasoline unloading tank and a gasoline receiving tank so that the vapors displaced from the receiving tank are transferred to the unloading tank.

Subp. 5. **Transfer efficiency.** "Transfer efficiency" means the ratio of the weight of solids in the material that adheres to an object to the total weight of solids in the material used in the application process. Transfer efficiency varies with the type of application method and is obtained from the application equipment manufacturer. If the manufacturer provides a range for the transfer efficiency, the transfer efficiency for calculating particulate matter, PM-10, and PM-2.5 emissions is the minimum specified in the range.

Statutory Authority: *MS s 115.03; 116.07*

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7008.0200 GENERAL REQUIREMENTS.

A. Filing an application for a permit under chapter 7007 by the owner or operator of a stationary source does not stay any condition or requirement of this chapter until a permit is issued.

B. The owner or operator shall furnish to the commissioner, within a reasonable time, any information that the commissioner may request in writing to determine whether the conditions of this chapter have been violated. Upon request, the owner or operator shall also furnish to the commissioner copies of records to be kept by the owner or operator as required by this chapter. The owner or operator shall maintain records for the current calendar year at the subject stationary source. The owner or operator shall maintain copies of records required by this chapter for five years from the date the record was made. For all years prior to the current calendar year, the owner or operator shall maintain the records at the subject stationary source or at an office of the owner or operator.

C. All reports, record keeping, testing, and monitoring submittals to the commissioner under this chapter must include a certification made by a responsible official. The certification must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

D. The owner or operator shall at all times properly operate and maintain the facilities and systems of treatment and control, and the appurtenances related to them that are installed or used by the owner or operator, to achieve compliance with this chapter. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

E. The owner or operator shall maintain sufficient records to demonstrate the proper operation and maintenance of treatment and control and the appurtenances related to them that are installed or used by the owner or operator to achieve compliance with this chapter. The records must include at least a description of any maintenance, inspection, and repair activity; the date the activity was completed; and any corrective action taken. If an emissions unit can be operated without the associated control equipment, the owner or operator shall maintain a record of control equipment operation while the emissions unit is operated.

Statutory Authority: *MS s 116.07*

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7008.0300 PERMITS.

Subpart 1. **Existing permit or permit application.** If the owner or operator has submitted a complete application for a permit for a stationary source that could otherwise be conditionally exempt from the requirement to obtain a permit under this chapter, then the owner or operator may withdraw the original application by giving notice in writing to the commissioner. If a permit has been issued for a stationary source that could otherwise be conditionally exempt from the requirement to obtain a permit under this chapter, the owner or operator may request the commissioner to void the permit because the owner or operator intends to comply with this chapter.

Subp. 2. **Application for permit.** The owner or operator shall submit an application for a part 70, state, general, or registration permit, within 120 days of the commissioner's written request for the application if the commissioner determines that:

A. the stationary source has a history of noncompliance with applicable requirements;

B. the stationary source is not eligible for the conditional exemption from the requirement to obtain a permit as provided by part 7007.0300, subpart 1;

C. the applicable requirements to which the stationary source is subject have changed substantially; or

D. the stationary source endangers human health or the environment and that a change in the operation of the stationary source would remove the danger to human health or the environment.

Subp. 3. **No circumvention; permit shield.**

A. The owner or operator of a stationary source that claims to be exempt from the requirement to obtain a permit under this chapter is subject to enforcement action for operation without a permit if the commissioner later determines that the stationary source does not qualify for the conditional exemption.

B. The permit shield under part 7007.1800 does not apply to any stationary source that is exempt from the requirement to obtain a permit under this chapter.

Statutory Authority: *MS s 116.07*

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**7008.2000 CONDITIONALLY EXEMPT STATIONARY SOURCES;
ELIGIBILITY.**

Any stationary source that has no other emissions or emissions units that would require a permit under chapter 7007 may operate without a permit under this chapter. To be eligible to operate without a permit under this chapter, the stationary source must comply with all general and technical standards established by this chapter and all applicable requirements as defined in part 7007.0100, subpart 7.

If the stationary source has other emissions or emissions units, the owner or operator shall determine if a permit is required as provided in part 7007.0150. If the limits provided in this chapter are used as provided in part 7007.0150, subpart 4, for certain emissions units, the stationary source must comply with all general and technical standards established in this chapter for those emissions units.

Statutory Authority: *MS s 116.07*

History: *27 SR 1579*

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7008.2100 GASOLINE SERVICE STATIONS TECHNICAL STANDARDS.

Subpart 1. **Eligibility.** To be eligible to operate without a permit under this chapter, the stationary source must comply with this part in addition to the general operating requirements in part 7008.0200.

A. Gasoline receipt and dispensing operations must account for substantially all of the emissions from the facility. All other emissions from the stationary source must be from insignificant activities under part 7007.1300, subparts 2 and 3, or conditionally insignificant activities.

B. The owner or operator of a gasoline service station shall have monthly gasoline throughput quantities that are less than the following:

(1) for gasoline service stations located in ozone attainment areas or marginal or moderate ozone nonattainment areas:

(a) gasoline service stations with stage-one vapor recovery, 630,000 gallons of gasoline per month; and

(b) gasoline service stations without stage-one vapor recovery, 380,000 gallons of gasoline per month; and

(2) for gasoline service stations located in serious ozone nonattainment areas:

(a) gasoline service stations with stage-one vapor recovery, 310,000 gallons of gasoline per month; and

(b) gasoline service stations without stage-one vapor recovery, 190,000 gallons of gasoline per month.

C. Stage-one vapor recovery systems must comply with the requirements of part 7011.0870.

Subp. 2. **Record keeping.** The owner or operator of a gasoline service station shall maintain records for each calendar month of the number of gallons of gasoline throughput.

Subp. 3. **Notification.**

A. The owner or operator of a gasoline service station shall submit a notification to the commissioner within 90 days of April 28, 2003, or at least 90 days prior to

commencement of construction of a gasoline service station if the number of refueling positions is greater than the following:

(1) for ozone attainment areas or marginal or moderate ozone nonattainment areas:

(a) gasoline service stations with stage-one vapor recovery with 30 or more refueling positions; and

(b) gasoline service stations without stage-one vapor recovery with 18 or more refueling positions; and

(2) for ozone serious nonattainment areas:

(a) gasoline service stations with stage-one vapor recovery with 15 or more refueling positions; and

(b) gasoline service stations without stage-one vapor recovery with ten or more refueling positions.

B. The notification in item A shall contain the following:

(1) the owner's name;

(2) the operator's name if different from the owner's name;

(3) the facility name and location; and

(4) the maximum monthly gasoline throughput, in gallons, in the previous 12 months or anticipated maximum monthly throughput if the facility is not completed.

Statutory Authority: *MS s 116.07*

History: *27 SR 1579*

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7008.2200 CONCRETE MANUFACTURING TECHNICAL STANDARDS.

Subpart 1. **Eligibility.** To be eligible to operate without a permit under this chapter, a concrete manufacturing stationary source must meet the requirements of this part and parts 7008.2250 and 7011.0850 to 7011.0859 in addition to the general operating requirements in part 7008.0200.

Subp. 2. **Production limitation.** Production must be limited to less than 300,000 tons of unhardened concrete in any calendar year for owners or operators that elect not to receive emissions reduction credit for road dust control. Production must be limited to less than 360,000 tons of unhardened concrete in any calendar year for owners or operators that elect to receive credit for road dust control on unpaved roads by:

- A. recording the date and time of the road dust control action and the initials of the person making the record;
- B. recording the amount of water or dust suppressant applied; and
- C. if a commercially available dust suppressant is used, applying it in accordance with the manufacturer's guidelines.

Subp. 3. **Authorized emissions units and activities.** The concrete manufacturing plant may contain only the emissions units and activities described in items A to D:

A. Storage piles, aggregate transfer, cementitious material transfer, weigh hopper loading, mixers, mixer loading, truck loading, block forming equipment, mobile vehicle sources such as trucks, front-end loaders, and forklifts, and aggregate heaters used solely to improve the flowability of aggregate used in manufacturing concrete burning only natural gas, propane, or No. 1 or No. 2 fuel oil or a combination of these fuels.

B. Individual indirect heating equipment, as defined in part 7011.0500, subpart 9, with a rated heat input capacity less than 10,000,000 Btu per hour burning only natural gas, propane, or No. 1 or No. 2 fuel oil or a combination of these fuels.

C. Nonmobile internal combustion engines, such as emergency generators, burning less than 37,500 gallons per calendar year of gasoline, No. 1 fuel oil, or No. 2 fuel oil combined.

D. Miscellaneous units and activities as described in subitem (1) or (2):

(1) For the entire stationary source, total VOC-containing material usage or purchases of less than 500 gallons in any calendar year or conditionally insignificant VOC usage. If the owner or operator ships VOC off site for recycling, the amount recycled may be subtracted from the amount of VOC purchased or used. "Recycling" means the reclamation or reuse, as defined in part 7045.0020, of a VOC. If the owner or operator ships VOC off site for recycling, the owner or operator shall 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: material safety data sheets, invoices, shipping papers, and/or hazardous waste manifests.

(2) Any of the insignificant activities listed in part 7007.1300, subpart 2 or 3, or conditionally insignificant activities.

Subp. 4. **PM-10 nonattainment areas.** The concrete manufacturing plant may not be located in areas designated as nonattainment for PM-10.

Subp. 5. **Crushing operations.** Crushing operations may be located at the concrete manufacturing plant site and are not considered part of the concrete manufacturing plant unless more than 50 percent of the material processed by the crusher or crushers is used by the concrete manufacturing plant in the manufacture of concrete. The owner or operator of the crusher and associated operations shall obtain an air emissions permit for the crusher or crushers and associated operations if they are described under part 7007.0200 or 7007.0250.

Statutory Authority: *MS s 116.07*

History: *27 SR 1579*

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7008.2250 RECORD KEEPING FOR CONCRETE MANUFACTURING PLANTS.

The owner or operator of a concrete manufacturing plant shall comply with the record keeping listed in items A to D.

A. The owner or operator shall maintain records of the calendar year production of unhardened concrete in tons to demonstrate compliance with part 7008.2200, subpart 2.

B. The owner or operator shall maintain records to demonstrate compliance with the conditionally insignificant activities.

C. The owner or operator shall maintain records of the types of fuel combusted in nonmobile emissions units in each calendar year to demonstrate compliance with part 7008.2200, subpart 3, items A to C, and maintain records of the amounts of fuel combusted in nonmobile internal combustion engines to demonstrate compliance with part 7008.2200, subpart 3, item C.

D. If the owner or operator elects to receive emissions reduction credit for road dust control, the owner or operator shall maintain records to demonstrate compliance with part 7008.2200, subpart 2, items A and B.

Statutory Authority: *MS s 116.07*

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7008.4000 CONDITIONALLY INSIGNIFICANT ACTIVITIES.

If operated in compliance with this part and parts 7008.4100 and 7008.4110, the activities and operation of the emissions units listed in parts 7008.4100 and 7008.4110 are insignificant activities for purposes of parts 7007.0100 to 7007.1850. To qualify for the exemption from permitting in part 7007.0300, subpart 1, item D, subitem (2) or (3), the owner or operator of a stationary source that has the potential to emit any pollutant in excess of a permitting threshold in chapter 7007 must comply with the requirements of parts 7008.4000 to 7008.4110. Listing in part 7008.4100 or 7008.4110 has no effect on any other law, including laws enforced by the agency other than parts 7007.0100 to 7007.1850, to which the activity may be subject.

The activities described in parts 7008.4100 and 7008.4110 must be listed in a permit application, and calculation of emissions from these activities shall be provided if required by the agency, under part 7007.0500, subpart 2, item C, subitem (2). If emissions units listed in part 7008.4100 or 7008.4110 are subject to additional requirements under section 114(a)(3) of the act (Monitoring Requirements) or section 112 of the act (Hazardous Air Pollutants), or if part of a title I modification, or, if accounted for, make a stationary source subject to a part 70 permit, emissions from the emissions units must be calculated in the permit application.

Statutory Authority: *MS s 115.03; 116.07*

History: *27 SR 1579; 28 SR 1482; 41 SR 763*

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7008.4100 CONDITIONALLY INSIGNIFICANT MATERIAL USAGE.

Subpart 1. **Applicability.** This part applies to the owner or operator of a stationary source claiming material usage in coating and solvent cleaning operations as a conditionally insignificant activity. To qualify as a conditionally insignificant activity under this part, all material usage activities at the stationary source must be included in the limits under subpart 1. If lead is a component of any material usage activity at the stationary source, this part does not apply.

Subp. 2. **Material usage limits.** The owner or operator must limit emissions from all material usage as provided in items A and B at the stationary source to qualify as a conditionally insignificant activity under this part.

A. VOCs. The owner or operator must limit VOC emissions to less than 2,000 pounds, or VOC usage to less than 200 gallons, in each calendar year period calculated according to the method in subpart 4. All VOC emissions from all material usage activities at the stationary source must be accounted for in the annual calculation. This limit applies regardless of the hazardous air pollutant content of the VOC.

B. Particulate matter. The owner or operator must limit emissions of particulate matter, PM-10, and PM-2.5 to less than 8,000 pounds each in each calendar year period calculated according to the method in subpart 5. All particulate matter, PM-10, and PM-2.5 emissions from all material usage activities at the stationary source must be accounted for in the annual calculation. This limit applies regardless of the hazardous air pollutant content of the particulate matter.

Subp. 3. **Record keeping.** The owner or operator of a stationary source claiming material usage as a conditionally insignificant activity must:

A. maintain records for each calendar year of the number of gallons of VOC-containing materials purchased or used and the maximum VOC content of each material;

B. maintain records for each calendar year of the number of gallons of solids-containing materials purchased or used and the maximum solids content of each material;

C. maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum VOC content and the maximum solids content for each material;

D. if the owner or operator ships waste material from material usage activities off-site for recycling, keep records of the amount of material shipped off-site for recycling, the VOC content shipped off-site for recycling, and the calculations done to determine the amount of VOC to subtract. Acceptable records include: the material safety data sheets, invoices, shipping papers, and/or hazardous waste manifests;

E. if a material usage activity includes spray application of material and the owner or operator chooses to apply the transfer efficiency in calculations, maintain information on the type of spray application equipment and transfer efficiency; and

F. if requested by the commissioner, calculate and record for any of the previous five calendar years:

- (1) the VOC emissions using the method in subpart 4;
- (2) the particulate matter, PM-10, and PM-2.5 emissions using the method in subpart 5;
- (3) the calculation used to arrive at the total for each of subitems (1) and (2); and
- (4) a list of the associated emissions units in which the material was used.

Subp. 4. **Calculating VOC emissions.** An owner or operator claiming material usage as a conditionally insignificant activity must calculate VOC emissions using one of the methods in item A or B. If the owner or operator ships waste material from material usage activities off-site for recycling, the amount of VOC recycled may be subtracted from the amount of VOC calculated in item A or B:

A. gallons of VOC per calendar year equal gallons of VOC-containing material multiplied by the volume percentage of VOC; or

B. pounds of VOC per calendar year equal gallons of VOC-containing material purchased or used in a calendar year multiplied by the pounds of VOC per gallon or pounds of VOC-containing material purchased or used in a calendar year multiplied by weight percent of VOC.

Subp. 5. **Calculating particulate matter, PM-10, and PM-2.5 emissions.** An owner or operator claiming material usage as a conditionally insignificant activity must calculate particulate matter, PM-10, and PM-2.5 emissions individually using one of the methods in item A or B:

A. pounds of particulate matter, PM-10, and PM-2.5 emissions per calendar year equal gallons of solids-containing material purchased or used in a calendar year multiplied by the pounds of solids per gallon; or

B. pounds of particulate matter, PM-10, and PM-2.5 emissions per calendar year equal pounds of solids-containing material purchased or used in a calendar year multiplied by weight percent of solids per gallon.

For material usage activities that involve spray application of materials, the owner or operator may apply a transfer efficiency in the calculation of particulate matter, PM-10,

and PM-2.5 emissions by multiplying the result determined by item A or B by (1 - transfer efficiency).

Statutory Authority: *MS s 115.03; 116.07*

History: *27 SR 1579; 41 SR 763*

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7008.4110 CONDITIONALLY INSIGNIFICANT PM AND PM-10 EMITTING OPERATIONS.

Subpart 1. **Applicability.** This part applies to a stationary source claiming particulate matter (PM) or particulate matter of less than ten microns (PM10) venting equipment as a conditionally insignificant activity.

Subp. 2. **Requirements.** Emissions from equipment venting PM or PM10 inside a building, for example: buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning equipment, must be:

- A. filtered through an air cleaning system; and
- B. vented inside of the building 100 percent of the time.

Subp. 3. **Monitoring and record keeping.** A stationary source claiming PM or PM-10 venting equipment as a conditionally insignificant activity must:

- A. operate the air cleaning system as required by the manufacturer's specification and part 7008.0200, item D;
 - B. inspect the air cleaning system as required by the manufacturer's specification;
 - C. maintain the air cleaning system according to the manufacturer's specification;
- and
- D. maintain a record of inspection, maintenance, and repair activities for the air cleaning system for at least five years.

Statutory Authority: *MS s 115.03; 116.07*

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