



Capped Emission Permit Rule

Minnesota Rules, Chapter 7007

December 6, 2004

7007.0100 DEFINITIONS.

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

"Capped emission permit" or "capped permit" means a state permit issued under parts 7007.1140 to 7007.1148.

All capped permit requirements are contained in rule.

There are no site-specific permit requirements.

The capped permit allows a stationary source to make changes provided emissions remain below thresholds and all other conditions in parts 7007.1140 to 7007.1148 are met.

The permit is designed for certain noncomplex facilities for which site-specific conditions are not necessary.

7007.1140 CAPPED PERMIT ELIGIBILITY REQUIREMENTS.

Subpart 1. Sources that may obtain a capped permit.

A stationary source that qualifies for capped permit option 1 under part 7007.1141, subpart 1, or capped permit option 2 under part 7007.1141, subpart 2, may elect to apply to the commissioner for a capped permit instead of a part 70, state, registration, or general permit, except as provided in item B. The owner or operator of a stationary source may apply for a capped permit under this part if the stationary source meets the following criteria:

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

(1) For option 1, all emissions units at the stationary source are either included in calculations in part 7007.1146; are insignificant activities under part 7007.1300, subpart 2; or are insignificant activities under part 7007.1300, subpart 3, for which emission factors or other calculation methods do not exist.

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

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

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

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

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

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

B. A stationary source may not obtain a capped permit if air quality specific conditions or limits not contained in parts 7007.1140 to 7007.1148 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 standards.

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

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

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7007.1141 CAPPED PERMIT EMISSION THRESHOLDS.*Subpart 1.**Option 1 emission thresholds.*

HAP	9.0 tons per year single HAP, 20 tons per year total for all HAPs;
PM	90 tons per year;
PM-10	90 tons per year;
VOC	90 tons per year;
SO₂	90 tons per year;
NO_x	90 tons per year;
CO	90 tons per year
Pb	0.50 tons per year.

7007.1141 CAPPED PERMIT EMISSION THRESHOLDS.*Subpart 2.**Option 2 emission thresholds.*

HAP	8.0 tons per year for a single HAP, 20 tons per year total for all HAPs;
PM	75 tons per year;
PM-10	75 tons per year;
VOC	85 tons per year;
SO₂	90 tons per year;
NO_x	85 tons per year;
CO,	85 tons per year; and
Pb,	0.50 tons per year.

7007.1140 CAPPED PERMIT ELIGIBILITY REQUIREMENTS.*Subpart 2. Sources that may not obtain a capped permit (continued)*

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:

- (1) Code of Federal Regulations, title 40, part 60, subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, incorporated by reference in part 7011.0570;
- (2) 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;
- (3) Code of Federal Regulations, title 40, part 60, subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After June 11, 1973, and Prior to May 19, 1978, incorporated by reference in part 7011.1520, item A;
- (4) Code of Federal Regulations, title 40, part 60, subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced after May 18, 1978, and Prior to July 23, 1984, incorporated by reference in part 7011.1520, item B;
- (5) Code of Federal Regulations, title 40, part 60, subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Storage Vessels) for Which Construction, Reconstruction or Modification Commenced After July 23, 1984, incorporated by reference in part 7011.1520, item C;
- (6) Code of Federal Regulations, title 40, part 60, subpart DD, Standards of Performance for Grain Elevators, incorporated by reference in part 7011.1005, subpart 2;
- (7) Code of Federal Regulations, title 40, part 60, subpart EE, Standards of Performance for Surface Coating of Metal Furniture, incorporated by reference in part 7011.2550;
- (8) Code of Federal Regulations, title 40, part 60, subpart GG, Standards of Performance for New Stationary Gas Turbines, incorporated by reference in part 7011.2350;
- (9) Code of Federal Regulations, title 40, part 60, subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances, incorporated by reference in part 7011.2565;
- (10) Code of Federal Regulations, title 40, part 60, subpart XX, Standards of Performance for New Bulk Gasoline Terminals, incorporated by reference in part 7011.1550;
- (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; and
- (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.

7007.1142 CAPPED PERMIT ISSUANCE AND CHANGE OF PERMIT STATUS.

Subpart 1. Capped permit issuance, denial, and revocation.

The commissioner shall issue a capped permit to the owner or operator of a stationary source if the owner or operator has submitted a complete application for a capped permit, the commissioner determines that the stationary source qualifies for the capped permit option under parts 7007.1140 to 7007.1148 for which the application was submitted, and the commissioner anticipates that the stationary source will comply with the capped permit.

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

Subp. 2. Changes or modifications rendering stationary source ineligible for its current capped permit option.

If the owner or operator intends to make a change or modification at a stationary source issued a capped permit which results in the stationary source becoming ineligible for that permit option or being unable to meet the requirements for that permit option, but which will result in the stationary source being eligible for the other capped permit option, then the owner or operator must comply with items A to C.

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

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

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

Subp. 3. Changes or modifications rendering stationary source ineligible for either capped permit option.

The owner or operator of a stationary source that has been issued a capped permit must submit a registration, part 70, state, or general permit application before making a change or modification which results in the stationary source no longer qualifying for either capped permit option under parts 7007.1140 to 7007.1148.

The owner or operator may not begin actual construction on the modification until the required registration, part 70, state, or general permit for the stationary source is obtained, or an installation and operation permit for the modification is obtained under part 7007.0750, subpart 5. Once a stationary source has made a change or modification rendering it ineligible for either capped permit option under parts 7007.1140 to 7007.1148, the stationary source may only become eligible for a capped permit again if it meets the requirements of subpart 4.

7007.1142 CAPPED PERMIT ISSUANCE AND CHANGE OF PERMIT STATUS.***Subp. 4. Reinstatement of eligibility for capped permit through addition of air pollution control equipment, removal of emission units, or implementation of pollution prevention practices***

If through the addition of listed control equipment as defined in part 7011.0060, permanent removal of emissions units, or implementation of pollution prevention practices the stationary source reinstates eligibility for a capped permit under parts 7007.1140 to 7007.1148, the owner or operator may reapply for a capped permit. If the stationary source reinstates eligibility for a capped permit due to implementation of pollution prevention practices, the owner or operator shall submit a description of the pollution prevention practices with the capped permit application for the commissioner's review and approval.

For purposes of this subpart, "pollution prevention practices" means eliminating or reducing at the source the quantity or toxicity of regulated air pollutants, or hazardous air pollutants that are not regulated air pollutants, used by or emitted from the stationary source. Emission reductions are not reductions if the decrease is solely the result of a decrease in production at the stationary source.

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

- A. Prior to a change of the name of the stationary source or any mailing address** listed in the permit, the owner or operator must submit a request for change of the name or address on a form provided by the commissioner. The commissioner shall reissue the capped permit to the owner or operator with the changed name or mailing address. Issuance of a capped permit with a new name or mailing address voids and supersedes the previously issued capped permit.
- B. Prior to a change in the ownership or control of a stationary source** issued a capped permit under parts 7007.1140 to 7007.1148, the new owner or operator must submit a request for change of the owner or operator on a form provided by the commissioner. If the commissioner determines that the new owner or operator meets the requirements of parts 7007.1140 to 7007.1148 for capped permit issuance, then the commissioner shall issue the capped permit to the new owner or operator. Issuance of a capped permit to the new owner or operator of an eligible stationary source voids and supersedes the capped permit of the previous owner or operator.

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

Subp. 6. Agency request for different type of permit application.

The owner or operator shall submit an application for a part 70, state, or general permit, or a different capped permit option, 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 or with its capped permit;
- B.** the stationary source no longer qualifies for its capped permit;
- C.** the stationary source qualifies for the other capped permit option under parts 7007.1140 to 7007.1148;
- 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 to establish eligibility for the emissions standards, limitations, or other terms or conditions of the permit;
- F.** alterations or modifications to the permitted facility will result in or have the potential to result in significant alteration in the nature or quantity of regulated air pollutants to be emitted by the permittee; 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 relating to the permitted facility.

7007.1142 CAPPED PERMIT ISSUANCE AND CHANGE OF PERMIT STATUS.

Subp. 7. Voiding an existing permit.

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

7007.1143 CAPPED PERMIT GENERAL REQUIREMENTS.

Subpart 1. Capped permit certifications.

A responsible official, as defined in part 7007.0100, subpart 21, shall sign and certify any capped permit application, report, compliance certifications, and record keeping, testing, or monitoring submitted pursuant to parts 7007.1140 to 7007.1148 with regard to truth, accuracy, and completeness.

The certification and any other certification required by parts 7007.1140 to 7007.1148 must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. The certification that is submitted with a capped permit application must additionally state that the stationary source will be operated in compliance with all applicable requirements, and must be signed by a responsible official of both the owner and the operator of the stationary source if they are not the same.

Subp. 2. Capped permit content.

A capped permit must identify the stationary source, the owner and operator of the stationary source, where the stationary source is allowed to operate, and shall state as follows:

"The permittee shall comply with Minnesota Rules, parts 7007.1140 to 7007.1148, that pertain to capped permit <insert option 1 or option 2 whichever one applies>, and all applicable requirements, including development of a compliance plan and all record keeping, monitoring, and reporting described in parts 7007.1140 to 7007.1148."

Subp. 3. Emission inventory required for stationary sources issued capped permits.

The owner or operator of a stationary source issued a capped permit under parts 7007.1140 to 7007.1148 must submit an annual emission inventory to the commissioner under parts 7019.3000 to 7019.3100.

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

A. The owner or operator of a stationary source issued a capped permit under parts 7007.1140 to 7007.1148 must maintain at the stationary source for a period of five years from the date the record was made all information required to be recorded under applicable state and federal rules and parts 7007.1140 to 7007.1148. The owner or operator must make these records available for examination and copying upon request of the commissioner, and must upon request submit these records to the commissioner by the time specified by the commissioner in the request. A stationary source with a capped permit may maintain records at an office of the owner or operator of the stationary source for all years prior to the current calendar year of operation.

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

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

7007.1143 CAPPED PERMIT GENERAL REQUIREMENTS.***Subp. 5. No circumvention; permit shield.***

- A.** The owner or operator of a stationary source that obtains a capped permit is subject to enforcement action for operation without a permit if the commissioner later determines that the stationary source does not qualify for the capped permit.
- B.** The permit shield under part 7007.1800 does not apply to capped permits.

Subp. 6. Operation in more than one location.

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

Subp. 7. Capped permit general conditions.

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

- A.** Unchallenged provisions of the permit remain valid despite any successful challenges to specific portions of the permit.
- B.** The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of state law and, if the provision is federally enforceable, of the act. The violation is grounds for enforcement action by the commissioner, the agency, or the EPA or for permit revocation.
- C.** It is not a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- D.** The permit may be revoked for cause as provided in part 7007.1142, subpart 1. The filing of a request by the permittee for a different type of permit, a different capped permit option, revocation or termination of the permit, or a notification of planned changes or anticipated noncompliance does not stay any permit condition, except as specifically provided in part 7007.1142, subpart 2.
- E.** The permit does not convey any property right of any sort or any exclusive privilege.
- F.** The permittee shall furnish to the commissioner, within a reasonable time, any information that the commissioner may request in writing to determine whether cause exists for revoking the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the commissioner copies of records to be kept by the permittee.
- G.** The commissioner's issuance of the permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain a permit.
- H.** The commissioner's issuance of the permit does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the permittee.
- I.** The commissioner's issuance of the permit does not obligate the commissioner to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes.
- J.** The permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit. 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.

7007.1143 CAPPED PERMIT GENERAL REQUIREMENTS.***Subp. 7. Capped permit general conditions (cont.).***

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

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

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

N. The permit is not transferable to any person.

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

Subp. 8. Parts that do not apply to capped permits.

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

Subp. 9. Parts that always apply to capped permits.

Parts 7007.1140 to 7007.1148 continue to apply to a stationary source issued a capped permit until a new capped, registration, state, part 70, or general permit is issued to the stationary source or the commissioner determines that the stationary source does not require any air emissions permit under part 7007.1050, subpart 7.

7007.1144 CAPPED PERMIT PUBLIC PARTICIPATION.***Subpart 1. Notice of applications received.***

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

Subp. 2. Contents of notice.

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

7007.1144 CAPPED PERMIT PUBLIC PARTICIPATION.***Subp. 3. Length of comment period.***

The agency shall provide 30 calendar days for comment.

Subp. 4. Contents of written comments.

During the comment period established under subpart 3, an interested person may submit written comments on the eligibility of the applicant for the capped permit. A person who submits comments under this subpart shall include:

- A.** a statement of the person's interest in the permit application and any information related to a facility's eligibility for the capped permit;
- B.** a statement of the action the person wishes the agency to take; and
- C.** the reasons supporting the person's position, stated with sufficient specificity as to allow the commissioner to investigate the merits of the person's positions.

Subp. 5. Petition for contested case hearing.

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

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

7007.1145 CAPPED PERMIT APPLICATION.***Subpart 1. Application procedures and request for additional information.***

Items A to C apply to capped permit applications submitted under parts 7007.1140 to 7007.1148.

- A.** The owner or operator of a stationary source must submit an application for a capped permit on a current standard application form provided by the commissioner. The owner or operator may supplement information in a previous application to meet the application content requirements in subpart 2. The commissioner may create different application forms for the two capped permit options available under parts 7007.1140 to 7007.1148.
- B.** Any owner or operator of a stationary source who fails to submit any relevant facts or who has submitted incorrect information in an application for a capped permit shall, upon becoming aware of the failure or incorrect information, promptly submit to the commissioner the supplementary facts or corrected information. This requirement applies both while the permit application is pending before the commissioner and after a capped permit is issued.
- C.** If the commissioner determines during review of the application that additional information is needed to evaluate the capped permit application or to verify that the stationary source qualifies for a capped permit under parts 7007.1140 to 7007.1148, the commissioner may request the information from the applicant, and the applicant shall submit the information to the commissioner by the date specified in the request.

7007.1145 CAPPED PERMIT APPLICATION.***Subp. 2. Information included.***

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

- A.** The owner or operator shall specify whether they are applying for capped permit option 1 or 2 under part 7007.1141 at the time of application.
- B.** Information identifying the stationary source and its owners or operators, including company name and address, plant name and address if different from the company name, owner's name and agent, and contact telephone numbers and electronic mail address, including the name of a plant site manager or contact, and the person preparing the application if different.
- C.** A description of the stationary source's processes and products, by Standard Industrial Classification (SIC) code and North American Industry Classification System (NAICS).
- D.** The following emissions-related information:
 - (1)** A permit application shall provide the information required by this part for every emissions unit within the stationary source, except as provided otherwise in subitems (2) to (9) and information about fugitive emissions in the same manner as stack emissions, except that fugitive dust emissions from activities in part 7007.1300, subpart 3, item J, must be included in the calculations under this subpart only if the stationary source is in a category in part 7007.0200, subpart 2, item B, subitems (1) to (27).
 - (2)** The application shall include information about insignificant activities and conditionally insignificant activities as follows:
 - (a)** For capped permit **option 1**, the application need not include the information required by this part for any activity listed on the insignificant activities list in part 7007.1300, subpart 2, and those activities in subpart 3 for which emission factors or other calculation methods do not exist. The application shall include a list identifying all activities at the stationary source described in part 7007.1300, subpart 3, of the insignificant activities list and conditionally insignificant activities described in chapter 7008. The owner or operator shall also provide a calculation of emissions from any activity described in part 7007.1300, subpart 3, for which emission factors or calculation methods exist and conditionally insignificant activities except as otherwise allowed by this subpart.
 - (b)** For capped permit **option 2**, the application need not include the information required by this part for any activity listed on the insignificant activities list in part 7007.1300 or for conditionally insignificant activities described in chapter 7008, except as provided in this subitem. The application shall include a list identifying any activity at the stationary source described in part 7007.1300, subpart 3, and conditionally insignificant activities. If requested by the agency, the owner or operator shall provide a calculation of emissions from any activity described in part 7007.1300, subpart 3, and conditionally insignificant activities. The agency shall request such a calculation if it finds that the emissions from those activities, in addition to other emissions from the stationary source, could make the stationary source subject to different applicable requirements under parts 7007.0100 to 7007.1850 or not eligible for capped permit option 2 under parts 7007.1140 to 7007.1148.
 - (3)** A permit application shall identify and describe each emission point in sufficient detail to verify the applicability of all applicable requirements. This shall include the location of all emission points and the location of all emissions units and processes venting through each emission point, the exhaust gas flow rate and temperature, and the stack height and diameter of an emission point.
 - (4)** The permit application shall specify the potential emissions, as defined in part 7005.0100, subpart 35a, in pounds per hour from each emission unit and actual emissions in tons per year from the stationary source as a whole. These emissions shall be specified for each regulated air pollutant and each hazardous air pollutant that is not yet a regulated air pollutant, as defined in part 7007.0100, subparts 12a and 19, except that pollutants which are regulated solely under section 112(r) of the act need not be included and pollutants regulated solely under section 602 of the act need not be included.

7007.1145 CAPPED PERMIT APPLICATION.***Subp. 2. Information included (cont.).***

- (5) A permit application shall include the following information to the extent it is emissions-related: fuels, fuel use, raw materials, production rates, and operating schedules.
- (6) If the calculations required by part 7007.1147 used control equipment efficiencies for listed control equipment determined by part 7011.0070, the permit application shall identify and describe the listed control equipment.
- (7) A permit application must explain the means by which the emissions information in subitems (1) to (9) is gathered, and provide the calculations on which they are based. Emission calculations may be done using an agency worksheet if one exists for an emission unit or process.
- (8) The calculations required by part 7007.1147, and the total actual emissions per pollutant that result from those calculations. If the stationary source has not been operated or has operated less than 12 months, the owner or operator shall estimate the 12-month sum of actual emissions in performing the calculations required by part 7007.1147.
- (9) Identification of the method the source used to comply with part 7007.1148, ambient air quality assessment and a summary of the assessment results.
- E.** A complete listing of the citations and titles of all applicable requirements to which the permittee is subject. Citations must be to the latest codification of the regulatory requirements at the time of application.
- F.** The applicant may request the agency to allow in the permit for the stationary source to operate at more than one location during the term of the permit. This option is available only under the conditions in part 7007.1143, subpart 6.
- G.** A description of the compliance status of the stationary source with respect to all applicable requirements and the requirements of parts 7007.0100 to 7007.1850.

Subp. 3. Environmental review.

The applicant shall state in the application whether an environmental assessment worksheet or an environmental impact statement is required for the activity for which the permit is sought under Minnesota Statutes, chapter 116D, or implementing regulations, or under United States Code, title 42, sections 4331 et seq., as amended.

7007.1146 CAPPED PERMIT COMPLIANCE REQUIREMENTS***Subpart 1. Capped permit compliance requirements.***

The owner and operator of the stationary source issued a capped permit must:

- A.** comply with parts 7007.1140 to 7007.1148;
- B.** comply with all applicable requirements;
- C.** for the 12-month rolling sum of actual emissions from the stationary source determined pursuant to part 7007.1146, not exceed the applicable thresholds in part 7007.1141 for any pollutant;
- D.** for the sum of actual NO_x emissions from the stationary source in a calendar year determined under this part, not exceed the estimated future annual NO_x emissions in units of tons per year used to comply with part 7007.1148; and

7007.1146 CAPPED PERMIT COMPLIANCE REQUIREMENTS***Subpart 1. Capped permit compliance requirements (cont.).***

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

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

Where: n = number of months in operation; N = emission limit through month n ; or

(2) $P = L/12$

Where: L = annual limit in option 1 or 2; P = emission limit for each month.

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

Subp. 2. Record keeping requirements.

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

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

- (1) record, by the last day of each month, the amount of each pollutant-containing material (for example: VOC, particulate matter of solids, or HAP) purchased or used, and the relevant pollutant content for the previous calendar month;
- (2) maintain a record of the material safety data sheet (MSDS), or a signed statement from the supplier stating the maximum solids, VOC, or hazardous air pollutant content, for each pollutant-containing material purchased or used;
- (3) if the owner or operator assumes a reduction of emissions in using the materials balance method under part 7007.1147, subpart 5, 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; and
- (4) recalculate and record by the last day of each month the 12-month rolling sum of actual emissions from the pollutant-containing materials purchased or used for the previous 12 months, the date the calculation was made, and the calculation itself.

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

- (1) record by the last day of each month the amount of each fuel purchased or used, whichever was stated in the permit application, 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.

C. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using **fuel sulfur data** in the calculations in part 7007.1147, 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 certified by the supplier or independent laboratory for each batch of fuel received; and

7007.1146 CAPPED PERMIT COMPLIANCE REQUIREMENTS***Subp. 2. Record keeping requirements. (cont.)***

(3) recalculate and record by the last day of each month the 12-month rolling sum of SO₂ emissions for the previous 12 months, the date the calculation was made, and the calculation itself using the calculation method in part 7007.1147, subpart 6.

D. If the stationary source determined eligibility in the permit application, in whole or in part, or demonstrates compliance, in whole or in part, by using **hours of operation** in the calculations in part 7007.1147, 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.

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

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

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

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

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

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

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

(3) with the notice in subitem (1), a copy of the applicable new source performance standard (NSPS), with the applicable portions of the new source performance standard highlighted, including applicable parts of Code of Federal Regulations, title 40, part 60, subpart A, General Provisions, or an NSPS checklist form provided by the commissioner that identifies applicable portions of the new source performance standard.

7007.1146 CAPPED PERMIT COMPLIANCE REQUIREMENTS

Subp. 2. Record keeping requirements.

H. The owner or operator must recalculate and record by the last day of each month, pursuant to part 7007.1147, the **12-month rolling sum of actual emissions** from the stationary source for the previous 12 months, the date the calculation was made, and the calculation itself. This calculation must include all emissions units at the stationary source and the information required by part 7007.1147, subpart 2, item C, if continuous emissions monitor (CEM) data is used in the calculation.

For capped option 1, this calculation need not include emissions from insignificant activities under part 7007.1300, subpart 2, or insignificant activities under part 7007.1300, subpart 3, for which emission factors do not exist or alternative emissions calculation methods do not exist. For capped option 2, this calculation need not include emissions from insignificant activities under part 7007.1300, subparts 2 and 3, or conditionally insignificant activities described in chapter 7008.

I. The owner or operator of a stationary source with a capped permit must keep **daily operating records** that would allow the owner or operator to calculate actual emissions of any pollutant for which a threshold has been established under part 7007.1141 for that period of time not previously accounted for in the 12-month rolling sum calculation required under item H. The owner or operator shall provide these records and calculations if requested to do so by the commissioner.

Subp. 3. Prechange analysis.

Prior to making a physical or operational change which increases emissions at a stationary source with a capped permit, the owner or operator must:

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

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

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

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

Subp. 4. Compliance plan.

The owner or operator of a stationary source must develop a written plan containing the following:

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

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

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

Subp. 5. Reporting.

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

7007.1146 CAPPED PERMIT COMPLIANCE REQUIREMENTS***Subp. 5. Reporting (cont.)*****A.** Deviation reporting time frames as described in subitems (1) and (2).

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

(2) For all other deviations, the permittee shall submit a deviation report, on a form approved by the commissioner, at least semiannually except the deviation report is due only if a deviation occurred in the reporting period. The midyear deviations report, covering deviations which occurred during the period from January 1 to June 30, is due by July 30 of each year and the end-of-year deviations report, covering deviations which occurred during the period from July 1 to December 31, is due by January 30 of each year.

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

(1) the facility name and permit number;

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

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

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

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

C. An annual emission inventory to the commissioner under parts 7019.3000 to 7019.3100. For the emissions inventory, the owner or operator shall use the same calculation methods it uses to demonstrate compliance with the thresholds in part 7007.1141.**D.** A list of the equipment existing at the facility in a format specified by the commissioner. This list shall be submitted at the end of the previous calendar year with the emissions inventory required under item C.**E.** If an owner or operator is allowed to operate in more than one location under part 7007.1143, subpart 6, notification to the commissioner at least 48 hours in advance of each change in location, providing the exact location where the source will operate and a statement that the source complies with part 7007.1148, ambient air quality assessment.**7007.1147 CAPPED PERMIT CALCULATION OF ACTUAL EMISSIONS.*****Subpart 1. Methods used.***

The owner or operator of a stationary source may use a calculation worksheet provided by the commissioner for calculating actual emissions under this part that is based on the calculation methods in subparts 2 to 6 or may use the calculation methods under subparts 2 to 6.

The owner or operator must calculate actual emissions for each material or fuel used in each emissions unit, except that similar emissions units may be aggregated for emission calculation purposes. The owner or operator of a stationary source must use the calculation method in subpart 2 if the data described in subpart 2 are available for an emissions unit.

7007.1147 CAPPED PERMIT CALCULATION OF ACTUAL EMISSIONS.***Subpart 1. Methods used (cont.).***

The owner or operator must use the calculation method in subpart 3 if the data described in subpart 3 are available, unless data described in subpart 2 are available. The alternative methods described in subparts 4, 5, and 6 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 subparts 2 to 6 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 from activities listed in part 7007.1300, subpart 3, item J, 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).

Subp. 2. Continuous emission monitor data.

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

- A.** the CEM has been certified by the commissioner;
- B.** the CEM data have not been rejected by the commissioner due to failure by the owner or operator to comply with all requirements of parts 7017.1002 to 7017.1220, parts 7007.1140 to 7007.1148, and any other applicable state or federal laws pertaining to CEM operation;
- C.** the total operating time of the applicable emissions unit and the total operating time of the CEM for the previous 12 consecutive months must be included in the permit application and in the monthly records required in part 7007.1146, subpart 2, item H; and
- D.** an explanation of how the emissions were calculated based on the CEM data must be included in the permit application and in the monthly records required in part 7007.1146. Except for facilities subject to part 7017.1020, for periods when the CEM is down and the emissions unit is operating, missing emissions data shall be substituted with CEM data recorded during a representative period of operation of the emissions unit, and, if applicable, of the control equipment operation during the same calendar year for which the inventory is being submitted. The CEM must have recorded data for at least 90 percent of the hours the emission unit was operated for the calendar year for which the inventory is being submitted. If substitute CEM data meeting these conditions is not available, emissions during periods of CEM downtime shall be calculated using performance test data as specified in subpart 3, or 4 if data is not available under subpart 3.

Subp. 3. Performance test data.

Emission factors from performance tests may be used for the calculation of actual emissions, provided that 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, except that alternative control efficiencies shall only be developed from performance tests conducted using control equipment listed in part 7011.0070.

To use emission factors from performance tests, the owner or operator must conduct the performance test under worst case conditions, as defined in part 7017.2005, subpart 8. The owner or operator of a stationary source that uses an emission factor developed from a performance test shall use the calculation method under subpart 4. Any emission factor for VOC that is derived from a performance test must reflect, to the satisfaction of the commissioner, the actual mass of VOC compounds emitted.

7007.1147 CAPPED PERMIT CALCULATION OF ACTUAL EMISSIONS.***Subp. 4. General calculation method.***

All calculations of actual emissions required under this part shall be based on the stationary source's operating parameters, and must use the following equation:

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

E = actual emissions in tons per year.

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

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

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

Subp. 5. Material balance method.

A material balance method may be used to calculate actual emissions. The owner or operator of a stationary source that uses material balance to calculate actual emissions shall determine total actual emissions (E) using the following equation:

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

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

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

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

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

Subp. 6. Fuel sulfur data.

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 certified by the supplier or an independent laboratory. The sulfur content shall be determined using American Society for Testing and Materials (ASTM) methods.

7007.1147 CAPPED PERMIT CALCULATION OF ACTUAL EMISSIONS.***Subp. 6. Fuel sulfur data. (cont.)***

The sulfur dioxide actual emissions shall be determined by using the following equation:

$SO_2 = \%S/100 \times F/2,000 \times 2$, 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 emission for the year must be the sum total of the individual batch totals.

7007.1148 AMBIENT AIR QUALITY ASSESSMENT***Subpart 1. Methods used.***

An owner or operator of a stationary source with emissions of SO_2 , PM-10, or NO_x applying for a capped permit or a state permit with EMS provisions, or required to do a prechange analysis for a pollutant under part 7007.1146, subpart 3, must comply with either subpart 2 or 3 for each relevant pollutant (SO_2 , PM-10, and NO_x).

A stationary source with less than 12 months of emissions data or performing a prechange analysis under part 7007.1146, subpart 3, shall use estimated actual annual emissions for NO_x . In performing this analysis, the stationary source shall not assume any specific limits or conditions not contained in parts 7007.1140 to 7007.1148.

If a stationary source used control equipment efficiencies in parts 7011.0060 to 7011.0080 for calculations in part 7007.1147, then these efficiencies should be included in determining hourly potential emissions under this part.

Fugitive dust emissions from unpaved roads and parking lots do not need to be included for either of the methods unless the commissioner determines emissions from those fugitive dust sources may be large enough to significantly impact the assessment.

Emission units with an hourly potential emission rate of less than 0.1 pounds per hour of PM-10, NO_x , or SO_2 do not need to be included in either of the methods.

Subp. 2. CAPS electronic spreadsheet method.

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

B. The owner or operator shall enter into the CAPS spreadsheet the potential emissions of SO_2 and PM-10 in units of pounds per hour for each emissions unit at the stationary source for which calculations were performed under part 7007.1147 unless otherwise allowed by this part. The owner or operator shall enter into the CAPS spreadsheet the estimated future annual NO_x emissions in units of tons per year which were calculated using the methods in part 7007.1147. The one-hour, three-hour, and 24-hour SO_2 ; the 24-hour PM-10; and the annual NO_2 concentrations predicted at and beyond the property line of the stationary source using the spreadsheet must be lower than the corresponding standard in part 7009.0080.

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

7007.1148 AMBIENT AIR QUALITY ASSESSMENT***Subp. 3. SCREEN3 method.***

- A.** An owner or operator may use EPA's SCREEN3 model, or its most recent version, to perform the ambient air quality assessment. The owner or operator shall model potential SO₂ and PM-10 emissions in units of pounds per hour and estimated future annual NO_x emissions in units of tons per year using the most recent version of EPA's screen model.
- B.** EPA's screen model is described in SCREEN3 Model User's Guide, EPA-454/B-95-004, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, September 1995, which is incorporated by reference and is not subject to frequent change. This publication and copies of the SCREEN3 model are available from the Pollution Control Agency library through the Minitex interlibrary loan system, through the National Technical Information Service (NTIS), Springfield, VA, 1-800-553-6847, or at the Environmental Protection Agency Internet site www.epa.gov/scram001/tt22.htm#screen3.
- C.** The owner or operator shall model the potential emissions of SO₂ and PM-10 in units of pounds per hour for each emissions unit at the stationary source for which calculations were performed under part 7007.1147 unless otherwise allowed by this part. The owner or operator shall model the estimated future annual NO_x emissions in units of tons per year which were calculated using the methods in part 7007.1147. The one-hour, three-hour, and 24-hour SO₂; the 24-hour PM-10; and annual NO₂ concentrations predicted at and beyond the property line of the stationary source using SCREEN3 must be lower than the corresponding standard in part 7009.0080.
- D.** When using SCREEN3 to estimate concentrations for standard averaging times longer than one hour, the owner or operator shall multiply the maximum one-hour concentration predicted by SCREEN3 by the following factors: 0.9 for the three-hour concentration, 0.4 for the 24-hour concentration, and 0.08 for the annual concentration.

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

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