



***Facts about* General Conditions in Air Permits**

All permittees must comply with the following general conditions under Minnesota Rules and the federal 40 CFR Part 70 permit program.

MINNESOTA RULES GENERAL CONDITIONS (Minn. R. 7007.0800, subp. 16)

Subp. 16. General Conditions. Permits issued by the agency under parts 7007.0100 to 7007.1850 shall include the following general conditions, either expressly or by reference to this subpart.

- A. Unchallenged provisions of this 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 the state law and, if the provision is federally enforceable, of the act. Such violation is grounds for enforcement action by the agency or the EPA; or for permit termination, revocation and reissuance, or amendment; or for denial of a permit reissuance application.
- 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 this permit.
- D. This permit may be reopened and amended or revoked for cause as provided in parts 7007.1600 to 7007.1700. The filing of a request by the permittee for a permit amendment, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition, except as specifically provided in part 7007.1450, subpart 7.
- E. This permit does not convey any property rights of any sort, or any exclusive privilege.
- F. The permittee shall furnish to the agency, within a reasonable time, any information that the agency may request in writing to determine whether cause exists for reopening and amending or revoking the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the agency copies of records required to be kept by the permittee.
- G. The agency's issuance of a 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 the permit or as specifically provided in the permit shield provision and part 7007.1800.

- H. The agency's issuance of a 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 agency's issuance of a permit does not obligate the agency 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.
- 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 agency or 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 this permit.
- M. If the permittee discovers, through any means, including notification by the agency, 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 except as provided in part 7007.1400, subpart 1, item E.
- 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 and agency 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 and agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.736.



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