|  |  |
| --- | --- |
| Minnesota Pollution Control Agency (MPCA), 520 Lafayette Road North, St. Paul, MN 55155-4194 | CH-05Applicability of NSPSAir Quality Permit Program*Doc Type: Permit Application* |

**Instructions on Page 3.**

Complete this form to determine if the proposed change or modification results in new applicability of a New Source Performance Standard listed in Table 1.

|  |  |  |  |
| --- | --- | --- | --- |
| **1a)** AQ Facility ID number: |       | **1b)** Agency Interest ID number: |       |
| **2)** Facility name: |       |

**3)** Is there a New Source Performance Standards (NSPS) for a source category which includes the unit(s) you are installing, modifying, or reconstructing?

[ ]  Yes. Go to question 4

[ ]  No. Done with this Form. Answer “No” to question 3b) on Form CH-03.

**4)** Complete Question 4a) – 4c) for each new, modified, or reconstructed unit which may be subject to an NSPS following the proposed project. (Copy as necessary.)

|  |  |  |
| --- | --- | --- |
| **4a)**Unit | **4b)**NSPS Subpart(s) that may apply after project | **4c)**Do all of the NSPS listed in column 4b) for the unit listed in column 4a) currently apply (prior to the proposed project)? If this is a new unit, the answer is “no.” |
|       |       | [ ]  Yes – done with this unit | [ ]  No  |
|       |       | [ ]  Yes – done with this unit | [ ]  No  |
|       |       | [ ]  Yes – done with this unit | [ ]  No  |
|       |       | [ ]  Yes – done with this unit | [ ]  No  |
|       |       | [ ]  Yes – done with this unit | [ ]  No  |

**5)** Did you check “no” in column 4c) for **all** units in the table in question 4)?

[ ]  No. This indicates that NSPS currently applies to all units and there will be no newly applicable NSPS as a result of the proposed project. Answer “no” to question 3b on Form CH-03. Go on to question 11 of this form.

[ ]  Yes. Complete the remainder of this form for each unit for which you checked “no” in the last column of the table in question 4.

**6)** Installing a new unit to which the NSPS will apply?

[ ]  No. Go to Question 7).

[ ]  Yes Complete Questions 6a) – 6e) for each new unit. (Copy as necessary.)

|  |  |
| --- | --- |
| **6a)** Emission Unit Number: |       |
| **6b)** Emission Unit/Equipment Description: |       |
| **6c)** Stack/Vent Number: |       |
| **6d)** Date of Equipment Manufacture or Installation: |       | (mm/dd/yyyy) |
| **6e)** Attach a copy of the applicable 40 CFR pt. 60 subpart, and subpart A, with the applicable sections highlighted. Use Form CD-01 to document the proposed methods of compliance. |

**7)** Reconstructing an existing unit to which an NSPS will apply?

[ ]  No. Go to Question 8).

[ ]  Yes Complete Questions 7a) – 7e) (next page) for each reconstructed unit. (Copy as necessary.)

|  |  |
| --- | --- |
| **7a)** Emission Unit Number: |       |
| **7b)** Emission Unit/Equipment Description: |       |
| **7c)** Stack/Vent Number: |       |
| **7d)** Date of Reconstruction (expected): |       | (mm/dd/yyyy) |
| **7e)** Attach a copy of the applicable 40 CFR pt. 60 subpart, and subpart A, with the applicable sections highlighted. Use Form CD-01 to document the proposed methods of compliance. |

**8)** Physical change or modification to an existing unit to which the NSPS might apply?

[ ]  No Go to Question 10).

[ ]  Yes – Complete Question 8a) for each modified unit. (Copy as necessary.)

|  |  |
| --- | --- |
| **8a)** Emission Unit ID No.: |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Pollutant(s) regulated by the NSPS | Emission Rate after change (lb/hr) | Emission Rate before change (lb/hr) | Change in Emission Rate (lb/hr) |
| [ ]  PM |       |       |       |
| [ ]  PM10 |       |       |       |
| [ ]  PM2.5 |       |       |       |
| [ ]  NOX |       |       |       |
| [ ]  SO2 |       |       |       |
| [ ]  CO |       |       |       |
| [ ]  VOC |       |       |       |
| [ ]  Lead |       |       |       |

**9)** Is there an increase in the hourly emission rate of any of the pollutants regulated by the NSPS?

[ ]  No. Go to Question 10).

[ ]  Yes – Complete Questions 9a) – 9d) for each modified unit. (Copy as necessary.)

|  |  |
| --- | --- |
| **9b)** Emission Unit/Equipment Description |       |
| **9b)** Stack/Vent Number |       |
| **9c)** Date of Modification (expected) |       | (mm/dd/yyyy) |
| **9d)** Attach a copy of the applicable 40 CFR pt. 60 subpart, and subpart A, with the applicable sections highlighted. Use Form CD-01 to document the proposed methods of compliance. |

**10)** Check all that apply

[ ]  If you answered either “yes” or “no” to question 6) **and** “no” to question 7) **and** “no” to question 8) or question 9), a major amendment is not needed under Minn. R. 7007.1500, subp. 3a. Answer “no” to Question 3b) on Form CH-03. Another type of permit amendment may still be required.

[ ]  If you answered “yes” or “no” to question 6), **and** **either** “yes” to question 7) **or** “yes” to questions 8) and 9), this change or modification requires a major amendment under Minn. R. 7007.1500, subp. 3a. Answer “yes” to Question 3b) on Form CH-03.

[ ]  If you answered “yes” to question 6), 7), or 9), **but the total facility potential-to-emit remains below all permit thresholds**, review Minn. R. 7007.0250 – 7007.0300 to determine if a permit is needed.

**11)** Have any incorporated NSPSs been amended since your permit was last issued? This applies even if the units affected by this permit action are not subject to the updated NSPS.

[ ]  No. Done with this form.

[ ]  Yes. Attach a copy of each applicable subpart of the NSPS, and highlight the applicable requirements in each applicable subpart. Also attach a copy of Subpart A with the applicable portions highlighted. Clearly indicate to which unit(s) the highlighted subparts apply; if the same subpart applies differently to different units, provide separate highlighted copies for those units.

# Instructions for Form CH-05

**1a) AQ Facility ID number --** Fill in your Air Quality (AQ) Facility identification (ID) Number (No.). This is the first eight digits of the permit number for all new permits issued under the operating permit program.

**1b) Agency Interest ID number --** Fill in your Agency Interest ID number. This is an ID number assigned to your facility through the Tempo database. If you don’t know this number, leave this line blank.

**2) Facility name --** Enter your facility name.

**3) Is there a New Source Performance Standard for a source category which includes the unit(s) you are installing, modifying, or reconstructing? --** If you know or suspect one of the standards listed in Table 1 may apply after your proposed change or modification, you should refer to the applicability section of the 40 CFR pt. 60 subpart and read the requirements to make a final determination. If the answer is “no,” then the answer to question 3b) on Form CH-03 is “no.”

**4) Which NSPS?** -- For each unit where a New Source Performance Standards (NSPS) may apply after the proposed project, indicate which NSPS will apply, and whether it currently applies (it may currently apply to modified or reconstructed units, it will not currently apply to new units).

**5) Did you check “no” in column 4c) for any unit listed?** -- If you didn’t check “no” (you checked “yes” in 4c) for every new, modified, or reconstructed unit), this indicates that all of the NSPS that may apply after the project already apply now, prior to the project. If that is the case, then the answer to question 3b) on Form CH-03 is no. If this is not the case, go on with this form for any unit for which “no” was checked in 4c).

**6) Installing a new unit to which a New Source Performance Standard (NSPS) will apply?** -- If you determine that new equipment will be subject to an NSPS, complete items 6a) – 6e). For 6d), fill in the date of manufacture or the date of installation, whichever date is the trigger event for applicability as specified in the applicable standard. Use Form GI-05B to provide details about the emissions unit (EU), and Form GI-04 to provide details about the stack (SV). Number both the EU and SV consecutively following the last number used for your Title V permit or application for the Title V permit.

**7) Reconstructing an existing unit to which an NSPS will apply?** -- If you are reconstructing an existing unit, and after the reconstruction it will be subject to an NSPS listed in Table 1 (whether or not it is subject to the NSPS before reconstruction is irrelevant), complete items 7a) – 7e). “Reconstruction” is defined at 40 CFR § 60.15:

§ 60.15 Reconstruction

(b) “Reconstruction” means the replacement of components of an existing facility to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and

(2) It is technologically and economically feasible to meet the applicable standards set forth in this part.

**8) Making a physical modification or change in the method of operation of an existing unit to which an NSPS may apply?** -- If the proposed change or modification involves physically modifying or changing the method of operation of an existing unit which may be subject to the NSPS(s) identified in Question 4), go on to 8a).

**8a)** For each existing emission unit that is being physically changed (not reconstructed), or for which the method of operation will be changed, determine if there will be an increase in hourly emissions. Whether or not there is an increase under NSPS is determined by comparing the maximum hourly emission after the change to the maximum hourly emission before the change. When doing the calculations, **do not take air pollution control equipment into account except as required by the NSPS or as allowed by Minn. R 7007.1200.** The MPCA has some calculation methods that may be useful; they are available from the MPCA website (https://www.pca.state.mn.us/business-with-us/calculating-emissions).

**9)** **Is there an increase in the hourly emission rate of any of the pollutants regulated by the NSPS?** -- A “modification” under NSPS generally defined as “any physical or operations change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies… ” (40 CFR § 60.14). The emission rate of interest is the hourly rate. If you determine that the change is a “modification” under 40 CFR § 60.14, complete items 9a) – 9d).

**10)** Check the appropriate box showing what permitting requirements the above questions have established.

If you answered “no” to questions 7) and either 8) or 9), which would indicate that the change does not involve reconstruction or physically modifying or changing the method of operation of an existing unit, with an emission increase of pollutants regulated by the standard indicated in question 4), then the change does not require a major amendment under Minn. R. 7007.1500, subp. 3a, and you can answer “no” to question 3b) on Form CH-03. The change may still require a major amendment or another type of amendment, just not under Minn. R. 7007.1500, subp. 3a.

If you answered “yes” to question 7) or to questions 8) and 9), indicating that you are reconstructing or modifying an existing unit as defined at 40 CFR § 60.14 or 60.15, this means a major amendment is needed under Minn. R. 7007.1500, subp. 3a, and you should answer “yes” to question 3b) on Form CH-03.

If you have previously determined that the potential to emit from this facility is below permitting thresholds, and will remain below permitting thresholds following this change, you need only provide information about the unit that becomes subject to the NSPS, and you may qualify for Registration Permit Option A. A rule change effective in early June 2004 allows that if the only reason a permit is needed is because a unit or units are subject to an NSPS, but the only applicable parts of the NSPS are recordkeeping requirements, then the source may not require a permit. Review Minn. R. 7007.0250 and 7007.0300.

**Table 1**

**Standards of Performance for New Stationary Sources**

| Performance standards promulgated as of December 2012 |
| --- |
| **Source categories subject to federal performance standards** | **40 CFR 60 Subpart** | **Effective date constructed, modified or reconstructed** |
| Fossil-Fuel Fired Steam Generators >250 MMBtu | D | After: 08/17/71 |
| Electric Utility Steam Generators >250 MMBtu | Da | After: 09/18/78 |
| Industrial-Commercial-Institutional Steam Generators >100 MMBtu | Db | After: 06/19/84 |
| Small Industrial-Commercial-Institutional Steam Generators >10 MMBtu but <100 MMBtu | Dc\* | After: 06/09/89 |
| Coal-Fired Electric Steam Generating Units (Hg Budget units) | HHHH | varies (applies to any unit serving a generator ≥ 25 MWe on or after 11/15/1990) |
| Solid Waste Incinerators | E, CCCC, DDDD, EEEE, FFFF | varies |
| Hospital/Medical/Infectious Waste Incinerators | Ec, Ce | Initial Construction |
| Municipal Waste Combustors | Cb, Ea, Eb, AAAA, BBBB | varies |
| Portland Cement Plants | F | After: 08/17/71 |
| Nitric Acid Plants | G, Ga | After: 08/17/71 |
| Sulfuric Acid Plants | H, Cd | Initial Construction |
| Asphalt Concrete Plants | I | After: 06/11/73 |
| Petroleum Refineries | J, Ja | After: 06/11/73 |
| Storage Vessels for Petroleum Liquids | K, Ka | After: 06/11/73 |
| Volatile Organic Liquid Storage Vessels (Including Petroleum Liquids) | Kb\* | After: 07/23/84 |
| Secondary Lead Smelters | L | After: 06/11/73 |
| Secondary Brass and Bronze Production Plants | M | After: 06/11/73 |
| Oxygen Process Furnaces | N | After: 06/11/73 |
| Oxygen Process Steelmaking Facilities | NA | After: 01/20/83 |
| Sewage Treatment Plants | O | After: 06/11/73 |
| Primary Copper Smelters | P | After: 10/16/74 |
| Primary Zinc Smelters | Q | After: 10/16/74 |
| Primary Lead Smelters | R | After: 10/16/74 |
| Primary Aluminum Reduction Plants | S | After: 10/23/74 |
| Phosphate Fertilizer Industry | T,U,V,W,X | After: 10/22/74 |
| Coal Preparation Plants | Y | After: 10/24/74 |
| Ferroalloy Production Facilities | Z | After: 10/24/74 |
| Steel Plants | AA, AAA | After: 10/21/74  |
| Kraft Pulp Mills | BB | After: 09/24/76 |
| Glass Manufacturing Plants | CC | After: 06/15/79 |
| Grain Elevators | DD | After: 08/03/78 |
| Surface Coating of Metal Furniture | EE | After: 11/28/80 |
| Stationary Gas Turbines | GG, KKKK | After: 10/03/77 |
| Lime Manufacturing Plants | HH | After: 05/03/77 |
| Lead-Acid Battery Manufacturing Plants | KK | After: 01/14/80 |
| Metallic Mineral Processing Plants | LL | After: 08/24/82 |
| Automobile and Light-Duty Truck Surface Coating Operations | MM | After: 10/05/79 |
| Phosphate Rock Plants | NN | After: 09/21/79 |
| Ammonium Sulfate Manufacture | PP | After: 02/04/80 |
| Graphic Arts Industry: Publication Rotogravure Printing | QQ | After: 08/28/80 |
| Pressure Sensitive Tape and Label Surface Coating Operations | RR | After: 12/30/80 |
| Industrial Surface Coating: Large Appliances | SS | After: 12/24/80 |
| Metal Coil Surface Coating | TT | After: 01/05/81 |
| Asphalt Processing and Asphalt Roofing Manufacture | UU | After: 11/18/80 |
| Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry | VV, VVa | After: 01/05/81 |
| Beverage Can Surface Coating Industry | WW | After: 11/26/80 |
| Bulk Gasoline Terminals | XX | After: 12/17/80 |
| New Residential Wood Heaters \* | AAA | After: 07/01/88 |
| Rubber Tire Manufacturing Industry | BBB | After: 01/20/83 |
| VOC Emissions from the Polymer Manufacturing Industry | DDD | After: 09/30/87 |
| Flexible Vinyl and Urethane Coating and Printing | FFF | After: 01/18/83 |
| Equipment Leaks of VOC in Petroleum Refineries | GGG, GGGa | After: 01/04/83 |
| Synthetic Fiber Production Facilities | HHH | After: 11/23/82 |
| VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry Air Oxidation Unit Processes | III | After: 10/21/83 |
| Petroleum Dry Cleaners | JJJ\* | After: 12/14/82 |
| Onshore Natural Gas Processing: VOC Equipment Leaks and SO2 Emissions | KKK, LLL | After: 01/20/84 |
| VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Distillation Operations | NNN | After: 12/30/83 |
| Nonmetallic Mineral Processing Plants (Including Sand and Gravel Processing) | OOO | After: 08/31/83 |
| Wool Fiberglass Insulation Manufacturing Plants | PPP | After: 02/07/84 |
| VOC Emissions from Petroleum Refinery Wastewater Systems | QQQ | After: 05/04/87 |
| VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes | RRR | After: 06/29/90 |
| Magnetic Tape Coating Facilities | SSS | After: 01/22/86 |
| Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines | TTT | After: 01/08/86 |
| Calciners and Dryers in Mineral Industries | UUU | After: 04/23/86 |
| Polymeric Coating of Supporting Substrates Facilities | VVV | After: 04/30/87 |
| Municipal Solid Waste Landfills | WWW, Cc | Initial Construction |
| Stationary Compression Ignition Internal Combustion Engines | IIII\* | After: 07/11/05 |
| Stationary Spark Ignition Internal Combustion Engines | JJJJ\* | After: 01/01/07 |
| Crude Oil and Natural Gas Production, Transmission, and Distribution | OOOO | After: 08/23/11 |

\* According to Minn. R. 7007.0300, subp. 1(B), "notwithstanding parts 7007.0200 and 7007.0250, any stationary source that would be covered by a permit solely because it is subject to one or more of the following new source performance standards" are not required to obtain a permit under parts [7007.0100](https://www.revisor.mn.gov/rules/7007.0100) to [7007.1850](https://www.revisor.mn.gov/rules/7007.1850).