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The MPCA plans to issue rules in late December to implement new permit requirements from US EPA. EPA has now added greenhouse gases (GHGs) to permitting regulations through new federal rules finalized in May, 2010. As a result, the state is now required to incorporate these changes into its air quality rules.

The MPCA is using the exempt rulemaking process under Minn. Stat. § 14.388 to implement these rule changes. The statute allows an expedited process if agencies need to comply with a requirement in federal law. The exempt rulemaking process is intended to meet the effective date of the federal permit rule, January 2, 2011. Because of the administrative procedures used in the exempt rulemaking process, the MPCA will likely not know if the rule as proposed is approved until the last week of December 2010. Once the rules are approved, there would not be enough time to notify all regulated parties in a paper mailing prior to the rules taking affect; therefore, based on the proposed rule changes, we are using e-mail to get the word out to as many facilities as possible. If the rule is NOT approved, or changes significantly from proposal, the MPCA will contact you in this same manner to let you know the outcome of the final rule.

As a facility with a Registration Permit, these proposed rule changes directly affect your facility. You will need to take action very soon. The following information is provided to help you understand what changes will be coming, based on the type of Registration Permit Option (A, B, C, or D) your facility holds.

Based on the proposed rule, the main changes that may affect you are as follows.

- for all facilities, GHGs will be regulated pollutants for determining whether or not you need an air permit;
- for all facilities, several of the insignificant activities will be revised such that some things may no longer qualify as insignificant and may need to be counted toward your facility's emissions (see below for changes).
- the use of certain chemicals will be prohibited under the Option C ; and
- GHG will have emission limits in the Option D permit.

For more information about these changes, continue reading below. For more information on the rulemaking process as well as a copy of the draft rule changes, see [Air Quality Rules: Possible Rule to Adopt Federal Air Permit Thresholds for Greenhouse Gases](#).

Insignificant Activities

Several insignificant activities in Minn. R. 7007.1300 will be revised slightly under this rule. Changes to the insignificant activities list include revisions to: 7007.1300, subp. 2(A)(3) and 2(G)(1); subp. 3(A), (B)(2), and 3(I) (mostly combustion activities).

Options A and B

There are no new requirements for Option A and B permits. However, once GHGs are regulated, you need to determine if you still qualify for your current permit option. In addition, some insignificant activities will no longer qualify as such under the revised rules (see Minn. R. 7007.1300, subps. 2 and 3). If so, their emissions would need to be included to determine if you need a different kind of permit.

You should determine if you will still qualify for an Option A or B. Re-evaluate your insignificant activities and calculate your GHG potential emissions. If you no longer qualify, you will need to apply for a different kind of permit. Deadlines are listed below.

Option C

The Option C permit will have a prohibition listed in Minn. R. 7007.1125, subp. 1(H). You may not have an Option C permit if your facility:

- uses or generates nitrous oxide, other than from combustion units, or
- uses or generates hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.

If you use or generate any of the listed chemicals, you will no longer qualify for an Option C permit. You must apply for a new permit by the deadlines specified below. In addition, some insignificant activities will no longer qualify as such under the revised rules (see Minn. R. 7007.1300, subps. 2 and 3). If so, their emissions would need to be tracked in your usual monthly calculations.

Option D

The proposed rule has a new emissions limit for greenhouse gases – 50,000 tons per year (tpy) of carbon dioxide equivalent, or CO₂e. You will be required to calculate your GHG emissions as CO₂e each month. This is the same requirement as for the other pollutants covered by this rule. You must begin calculating and tracking emissions of GHGs on January 2, 2011 (compliance requirements are in Minn. R. 7007.1130, subp. 3(B), 3(M), 3(N), and 4(D)).

If your actual emissions of GHGs are such that you cannot comply with this new limit, you must apply for a new permit by the deadlines specified below.

Deadlines

Deadlines, listed in Minn. R. 7007.1110, subp. 11a, are as follows:

- If you no longer qualify for your current registration permit option: submit a notice to the MPCA within 30 days of the effective date of the Minnesota rule revisions (projected to be in late December 2010).
- If you qualify for a different registration permit option: submit your application to the MPCA within 30 days of the effective date of the Minnesota rule revisions (projected to be in late December 2010).
- If you will need a different kind of permit (i.e., Capped Permit or individual State or Part 70 permit), submit your application to the MPCA within 180 days of the effective date of the Minnesota rule revisions (projected to be in late December 2010).

For More Information

All permit application forms are available on the [Air Permit Forms](#) page. If you have questions about the status of the MPCA's rulemaking process, please see the MPCA's [rulemaking webpage](#) for the appropriate rule contact.

Emission calculation [spreadsheets](#) for engines and boilers are available on the web. In addition, Form [EC-17](#) provides more information about calculating GHG emissions.

For information about Registration Permits, contact Nathan Grand, 651-757-2166, or nathan.grand@state.mn.us.

Small businesses that are independently owned and have less than 100 employees can call the [Small Business Environmental Assistance Program](#) at 651-282-6143 or 800-657-3938.