

Minnesota Pollution Control Agency

Environmental Analysis and Outcomes Division

REQUEST FOR COMMENTS

Planned Amendments to Rules Governing Air Quality, *Minnesota Rules*, chapters 7002, 7005, 7007, 7008, 7011, 7017, and 7019, Revisor's ID Number R-4599

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on planned amendments to air quality rules, *Minnesota Rules* Chapters 7002 (Permit Fees), 7005 (Definitions and Abbreviations), 7007 (Permits and Offsets), 7008 (Conditionally Exempt Stationary Sources and Conditionally Insignificant Activities), 7011 (Standards for Stationary Sources), 7017 (Monitoring and Testing Requirements), and 7019 (Emission Inventory Requirements). This rulemaking is referred to as the **Air Toxics Emissions Reporting Rule**. The main purpose of this rulemaking is to establish new rules for air toxics emissions reporting requirements as directed by Minnesota Session Law – 2023. The MPCA may make rule changes in some or all of these rule chapters. Comments are requested from affected or interested parties. Comments should be submitted in writing as described in the [Comments](#) section below.

This Request for Comments is the MPCA's legal notice of its intent to begin rulemaking. This is an opportunity to provide comments on the MPCA's concepts to amend the rules and also an opportunity to provide information or comment on any relevant issues related to this rulemaking that we need to consider. For example, we recognize that costs to regulated parties can be a concern with rulemaking. If you have cost information or data related to this rulemaking that you wish to share with us to inform our decisions, please submit that information. Draft rule language is not available at this time. We want your written comments on the Subject of Rules and the concepts, which are summarized in the Subject of Rules section below and found in the concept document available on the rulemaking webpage at <https://www.pca.state.mn.us/get-engaged/air-toxics-emissions-reporting>.

Submitting your ideas and information at this early stage in rulemaking allows us more time to address issues that may come up and helps to ensure informed decision-making on our part. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the [MPCA Contact Person](#).

Statutory Authority. *Minnesota Statutes*, section 116.07, subdivision 4 authorizes the MPCA to adopt rules for prevention, abatement, or control of air pollution, and *Minnesota Statutes*, section 116.062 Air Toxics Emissions Reporting (Minnesota Session Law – 2023, Chapter 60, H.F. No. 2310).

Subject of Rules. The MPCA is planning rule amendments to require annual reporting on air toxics emissions from permitted facilities (except those with Option B registration permits) located in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington counties. "Air toxics" refers to air contaminants that have a toxic effect and are not subject to a state or federal ambient air quality standard. The MPCA currently maintains an inventory of air toxics emissions, which relies on voluntary emissions reporting from most permitted air emission sources throughout Minnesota once every three years.

While ambient air monitoring data show that air quality in Minnesota is generally good, this is not true for all Minnesotans. Some people have more exposure to more or multiple kinds of pollution. Some people are more vulnerable to the health impacts of pollution. These groups of people are more

likely to be impacted by air pollution, and many may live in identified areas of concern for environmental justice¹. Information from mandatory air toxics emissions reporting would ensure that MPCA programs to address the disproportionate exposure to air toxics in certain communities can be effective and based on correct and complete information. However, the MPCA acknowledges that the emissions inventory will continue to be incomplete because the legislation authorizing this rulemaking prevents statewide collection of this information.

While this is an initial request for comments, and the elements of this rulemaking may change based on comments received or other information, the MPCA has three main goals for these rule amendments as directed by Minnesota Session Law – 2023:

- 1) Establish the requirements for air toxics emissions reporting for permitted facilities on an annual basis (Minn. R. 7019.3000 and 7019.3020).
- 2) Identify the air toxics to be reported (Minn. R. ch. 7019).
- 3) Amend permit and reporting processes to align with annual air toxics emissions reporting (Minn. R. ch. 7002; Minn. R. 7007.1300, subps. 3 and 4; and Minn. R. ch. 7008).

Where to Get More Information. The concept document which includes a detailed explanation about the planned rule amendments, and other information about this rulemaking is available on the rulemaking webpage at <https://www.pca.state.mn.us/get-engaged/air-toxics-emissions-reporting>.

Persons Affected. The amendments to the rules would likely affect regulated air permittees by changing their reporting from voluntary to mandatory. Additionally, in the long-term, these amendments would affect those who live in environmental justice areas of concern, by allowing the MPCA to address the disproportionate impacts of pollution in those areas.

Comments. Interested persons or groups may submit written comments or information on these possible rules in writing until **4:30 p.m. on Friday, September 22, 2023**. Submit written comments or information to the Office of Administrative Hearings Rulemaking e-Comments website at <https://minnesotaoah.granicusideas.com/discussions>. Any questions about submitting comments via the Rulemaking e-Comments website should be directed to William Moore, Office of Administrative Hearings, telephone 651-361-7893, William.T.Moore@state.mn.us. You may view frequently asked questions about the OAH Rulemaking eComments website at https://mn.gov/oah/assets/ecommments-faq_tcm19-82012.pdf. Comments received are public and will be available for review at the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions> and at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620.

The MPCA will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The MPCA does not plan to appoint an advisory committee to comment on the planned rule amendments.

The MPCA does not anticipate that the rule amendments will require a local government to adopt or amend an ordinance or other regulation under *Minnesota Statutes*, section 14.128. Local governments may submit written information to the contrary.

The MPCA requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations related to the specific purpose of the rule. Cumulative effect

¹ <https://www.pca.state.mn.us/about-mpca/mpca-and-environmental-justice>

means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge (ALJ) if and when a proceeding to adopt rules is started. The MPCA is required to submit to the ALJ only those written comments received in response to the draft rules after they are proposed. If you submit comments during the development of the rules and want to ensure that the ALJ reviews your comments, you should resubmit the comments after the rules are formally proposed.

Rules Drafts. As stated above, draft rule language is not available at this time. If you are interested in being notified when a draft of the rules is available and of other activities relating to this rulemaking, please register for GovDelivery email updates at

https://public.govdelivery.com/accounts/MNPCA/subscriber/new?qsp=MNPCA_1

MPCA Contact Person. The MPCA contact person is Mary H. Lynn, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; telephone: 651-757-2439, email: mary.lynn@state.mn.us. Technical questions on the planned rule amendments should be directed to Hassan Bouchareb, 651-757-2653, email: hassan.bouchareb@state.mn.us. You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service.



Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

June 27, 2023

Date