

Minnesota Pollution Control Agency

Environmental Analysis and Outcomes Division

Request For Comments on Planned Miscellaneous Amendments to Rules Governing Air Quality, *Minnesota Rules* Chapters 7002, 7005, 7007, 7008, 7009, 7011, 7017, 7019, 7021, 7023, 7027, and 7030

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on planned miscellaneous amendments to air quality rules, *Minnesota Rules* chapters 7002 (Permit Fees), 7005 (Definitions and Abbreviations), 7007 (Permits and Offsets), 7008 (Exempt Air Emissions), 7009 (Ambient Air Quality Standards), 7011 (Standards for Stationary Sources), 7017 (Monitoring and Testing Requirements), 7019 (Emission Inventory Requirements), 7021 (Acid Deposition Control), 7023 (Mobile and Indirect Sources), 7027 (Stratospheric Ozone Protection), and 7030 (Noise Pollution Control). This rulemaking is referred to as the Omnibus Air Rule. The MPCA is considering amendments to the listed rule chapters. Comments on the amendments are requested from affected or interested parties. Comments should be submitted in writing in accordance with the provisions of this notice under the **Public Comment** section below.

Plain English Summary: This Request for Comments is the MPCA's legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the **Subject of Rules** section below. If you have other ideas related to this rulemaking that we need to consider, please submit them in writing. 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. Submitting your ideas and information to us 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.

Where to Get More Information: A website has been established for this rulemaking where additional information will be posted as it becomes available: <http://www.pca.state.mn.us/oxpg1413>. Also, if you are interested in being notified when a draft of the rules is available and of other activities related to this rulemaking, please register for GovDelivery at: <https://public.govdelivery.com/accounts/MNP/CA/subscriber/new>. The Omnibus Air Rule is located under the Public Notices and Rulemaking topic.

Subject of Rules: The Omnibus Air Rule is part of an ongoing effort to maintain and improve the MPCA's existing rules. This rulemaking has the overall purpose of keeping the air quality rules current, ensuring consistency with applicable federal and state regulations, removing redundant language and clarifying ambiguous rule language, and correcting gaps or errors identified while administering the rules.

There are two parts to this rulemaking: Part 1 relates to revisions to standards of performance for Sulfur Dioxide (SO₂) and Nitrogen Dioxide (NO₂), and Part 2 relates to "housekeeping" or updates to the listed rule chapters to provide consistency and clarity, and ease overall understanding of the rules. These updates are referred to as the omnibus portion of the rulemaking.

Part 1 - Sulfur Dioxide (SO₂) and Nitrogen Dioxide (NO₂) Revisions

The United States Environmental Protection Agency recently promulgated revised ambient standards for SO₂ and NO₂. These federal standards are applicable requirements for regulated parties. The rule revisions related to standards of performance for SO₂ and NO₂ are necessary to help ensure compliance with the new federal ambient standards. These revisions will also allow enforceable emission limitations to be easily applied to multiple sources, rather than on a permit by permit basis, which is expected to result in cost savings both for the regulated parties, and MPCA. The MPCA intends to simplify for regulated parties, their demonstration of compliance with these new federal ambient standards by:

- 1) Amending the standards of performance under Chapter 7011 for indirect heating fossil-fuel burning equipment, direct heating fossil-fuel burning equipment, and stationary internal combustion engines by further lowering the emissions limit of SO₂ from such equipment; and
- 2) Amending the same standards of performance under Chapter 7011 to establish new emission limits for Nitrogen Oxides (NO_x), of which NO₂ is a subset. Current standards of performance do not include any limitations on NO_x emissions.

The MPCA will determine how to proceed with Part 1 after reviewing responses received to this Request for Comments. For example, based on responses, the MPCA may proceed with SO₂ and NO₂ revisions, only SO₂ revisions, or only NO₂ revisions. The MPCA may also proceed with amending none, one, or more of the standards of performance listed.

Part 2 - Updates to Rules

Various rule updates are necessary to account for changes in federal regulations and/or guidance, to clarify existing rule language, and ease overall understanding of the rules. The list below includes some rules that are under consideration for amendment:

- 1) Amendments to the procedure for administrative amendments under Chapter 7007 to conform to the new statutory requirements for completeness determination and permit issuance, and to create a simple process for revising non-substantive permit information (such as facility description)
- 2) Amendments to Chapter 7007 to address the 2009 federal Flexible Air Permitting Rule
- 3) Amendments to Chapter 7007 to reflect changes to some permit application requirements resulting from administrative processes implemented to meet the 150-day permit issuance goal established by the Permitting Efficiency Law of 2011 and Laws of Minnesota 2012, Chapter 150, Article 1, Subp. 14a
- 4) Amendments to Chapter 7008 to exempt certain refrigerants as exempted in the federal Mandatory Greenhouse Gas Reporting Rule
- 5) Amendments to Chapter 7009 to clarify applicability of National Ambient Air Quality Standards (NAAQS), revise standards to match current federal standards, and make the definition of ambient air consistent with federal definition
- 6) Amendments to Chapter 7017 relating to downtime and Quality Assurance and Quality Control (QA/QC) for Continuous Emission Monitoring System (CEMS) and Continuous Opacity Monitoring System (COMS)
- 7) Amendments to Chapter 7030 to update the MPCA mailing address

- 8) Amendments to Chapters 7002, 7005, 7007, 7008, 7009, 7011, 7017, 7019, and 7030 as they may come up and as the MPCA has time for. Please note that the MPCA may consider updates to additional air rules in Chapters 7021, 7023, and 7027, should the need be identified. These types of amendments would generally conform to the purpose of the Omnibus Air Rule, as described above in the **Subject of Rules** section.

Persons Affected: The rule amendments would likely affect air emission facilities with registration permits, facilities with individual state or Part 70 permits, and facilities with individual air emissions permits that plan on making modifications.

Statutory Authority: *Minnesota Statutes*, section 116.07, subd. 4, authorizes the MPCA to adopt rules and standards for the prevention, abatement, and control of air pollution.

Public Comment: Interested persons or groups may submit written comments or information on these planned rule amendments from September 17, 2012 until 4:30 p.m. on November 1, 2012. Comments or information should be submitted to Mary H. Lynn at the address below. 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 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 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.

Rules Draft: The MPCA has not yet drafted the rule amendments. Persons interested in being notified when a draft of the rules is available and of other activities relating to this (or other MPCA rulemakings) are encouraged to register at:
<https://public.govdelivery.com/accounts/MNPCA/subscriber/new>.

MPCA Contact Persons: Written comments, requests to receive a draft of the rules when it is available, and requests for more information on these planned rule amendments should be directed to:

Mary H. Lynn
Minnesota Pollution Control Agency
520 Lafayette Road North, St. Paul MN 55155-4194
Telephone: 651-757-2439 or **Toll-free:** 1-800-657-3864
TTY: 651-282-5332
E-mail: mary.lynn@state.mn.us

Technical questions on these planned rule amendments should be directed to:

Catherine Neuschler
Telephone: 651-757-2607 or **Toll-free:** 1-800-657-3864
E-mail: catherine.neuschler@state.mn.us

Alternative Format: 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 rule process contact person at the telephone number or address listed above.

Note: Written comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The MPCA is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submit written comments during the development of the rules and you want to ensure that the administrative law judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 9/5/12



John Linc Stine, Commissioner
Minnesota Pollution Control Agency