



Air toxics emissions reporting rule hearing

Agenda

- **Why Air Toxics Emissions Reporting**
- **Statute summary**
- **Proposed pollutant list**
 - Approach
 - What's included
- **Proposed rule concepts**
 - Facilities to report
 - New rule section
 - Reporting frequency and methods
- **Proposed repeal**



Why this rule is important?

- More complete data on air toxics emissions in the metro area
 - Annual
 - Mandatory
 - Emissions can change from year to year – more comprehensive information
- Potential outcomes:
 - Assess risk to exposure
 - Guide agency policy and decision-making
 - “Inform communities about health or environmental risks from air toxics” (SONAR, Section 1, Part B. Statement of general need)

Statute summary

Air toxics emissions reporting statute requirements

Minn. Stat. § 116.062

- Applicable to all Twin Cities metro area counties
 - Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington
- Does not include Registration Option B facilities
- Annual reporting for all facilities emitting air toxics with methods determined by commissioner
- Statutory Deadline
 - The Notice of Intent to Adopt was published November 25, 2024



Air toxics emissions reporting statute requirements cont'd

“Air toxics” means chemical compounds or compound classes that are emitted into the air by a permitted facility and that are:

1. Hazardous air pollutants (HAPs)
2. Chemicals emitted into the air and on the Toxic Release Inventory (TRI) list
3. Chemicals that the Minnesota Department of Health (MDH) has developed health-based values or risk assessment advice
4. Chemicals where risk to human health has been assessed by the EPA’s Integrated Risk Information System (IRIS)
5. Chemicals reported in most recent voluntary triennial emissions inventory

About the lists we consulted

Hazardous Air Pollutants (HAP)

Established in federal rule, regulated by EPA

Toxic Release Inventory (TRI)

Established in federal rule to track waste management of certain toxic chemicals, some facilities required to report

Health-Based Values or Risk Assessment Advice developed by MN Dept of Health

Developed under comprehensive chemical review

Integrated Risk Information System (IRIS)

Broad list of pollutants that have noted pathways of risk from chronic exposure to chemicals

MPCA Air Toxics Emissions Inventory

Many of the above lists and some pollutants specific to Minnesota's environment and priorities

Proposed pollutant list

Approach to pollutants

"Air toxics" means pollutants, except for criteria pollutants, that are known or suspected to cause cancer or other serious health effects or adverse environmental and ecological effects. Air toxics includes the pollutants listed under Minn. R. part 7019.3110, subpart 2.

In reviewing the lists provided in Minn. Stat. § 116.062, the MPCA considered factors such as:

- Pollutants with inhalation risks;
- Pollutants reported in Minnesota;
- Pollutants of multi-pathway concern: Persistent, Bioaccumulative, and Toxic (PBT) chemicals; and,
- PFAS of concern in MN.

What's included

- All Hazardous Air Pollutants (HAPs)
- All Toxic Release Inventory (TRI) per-and polyfluoroalkyl substances (PFAS)
- All pollutants that have Health-Based Values evaluated by MDH
- All pollutants assessed by Integrated Risk Information System (IRIS) that have inhalation risk
- All pollutants on TRI that have inhalation risk
- Pollutants on MPCA Emissions Inventory that have Minnesota-specific concerns
 - including PFAS from Other Test Method-45 (OTM-45) and Other Test Method-50 (OTM-50), and additional PFAS reported and prevalent in Minnesota
- Additional pollutants on IRIS, TRI that have multi-pathway concerns

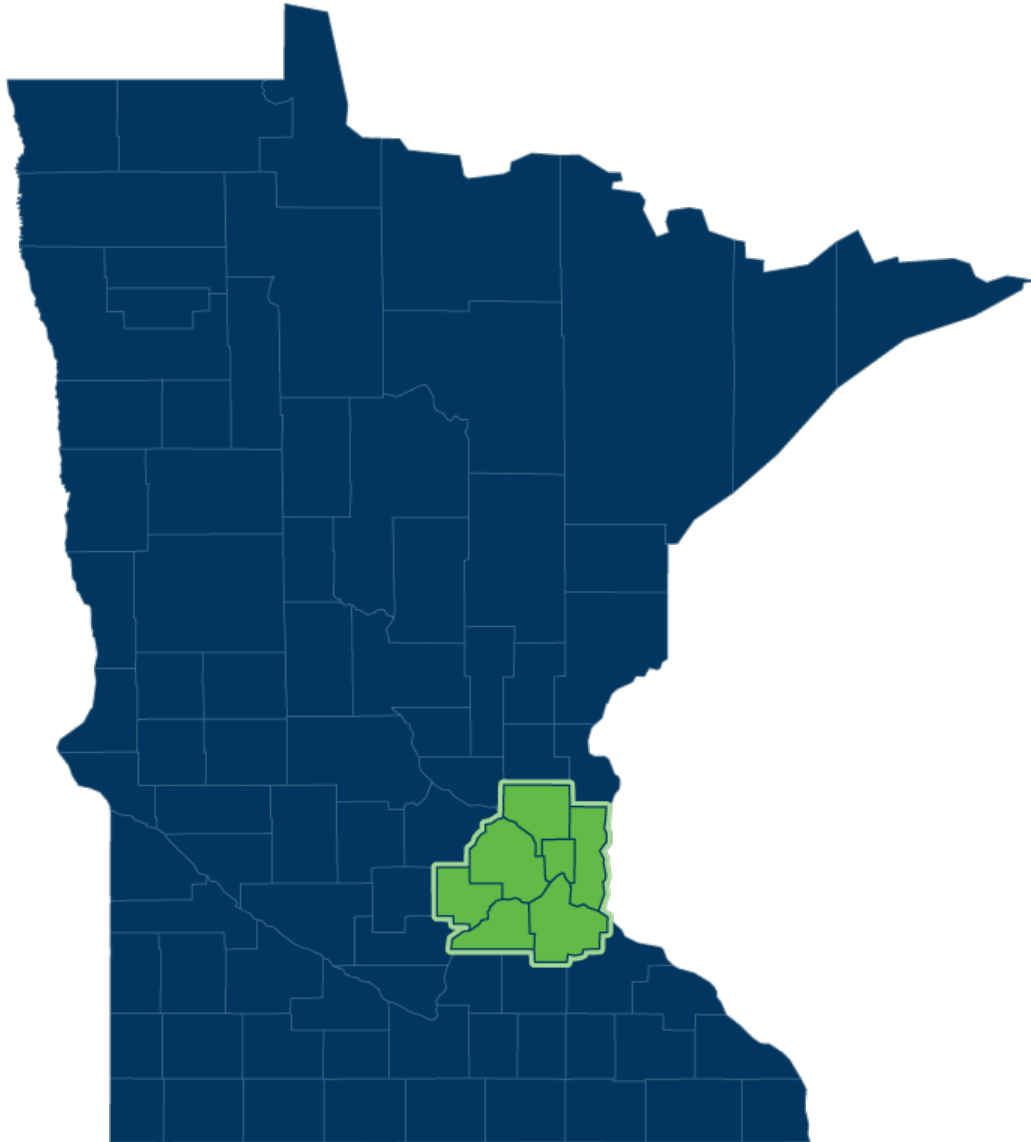
Pollutant details

- “Incorporated by reference” means that when new chemicals are added or removed, the MPCA does not have to amend the rule.
- The MPCA will provide a comprehensive list of all pollutants’ facilities will be required to report prior to the start of reporting period.
- Facilities must report individual pollutants to the maximum extent feasible.
- Proposed list provided – SONAR Exhibit 1/Exhibit D-2:
 - List of individual pollutants and pollutant groups/compounds that are proposed to be included in the air toxics emissions inventory
 - This proposed reporting list is up-to-date as of July 31, 2024



Proposed rule concepts

Facilities required to report



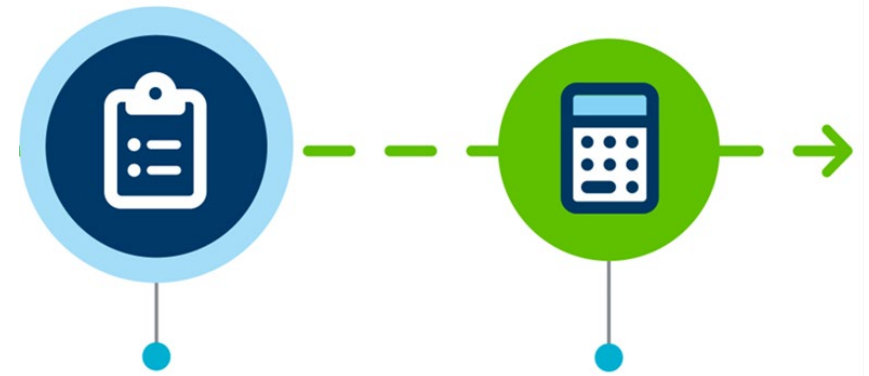
- “Air toxics reporting facilities” include permitted facilities in **Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington Counties** for which the owner or operator of the facility must obtain an air emission permit.
 - Registration Option B facilities are not required to report air toxics emissions annually.
- Mercury emission sources that are also air toxics reporting facilities must report mercury emissions annually as provided under Minn. R. part 7019.3110 (*new section*).

7019.3110 Air Toxics Emissions Inventory and Emissions Reporting

- Recordkeeping of emissions, including calculations, for a period of five years
 - Including Safety Data Sheet (SDS) or vendor certification
 - Recordkeeping for reductions claimed due to recycling or disposing off site (SDS, invoices, shipping papers, or hazardous waste manifests)
- Pollutants included in rule
 - HAPs in the Clean Air Act (CAA) and PFAS on the TRI list are incorporated by reference.
 - For pollutant names that contain the word “compounds,” any chemical substance that contains the named chemical as part of the chemical’s infrastructure is included.

Proposed reporting frequency

- Annual air toxics emissions inventory reports due April 1 of following year.
 - Voluntary Triennial to Required Annual
- Starting with reporting year 2026, reported in 2027.
- “Must submit the report in a format specified by the commissioner.”
- Incorporated Air Toxics Emissions Inventory in current emissions inventory requirements.
 - Minn. R. part 7019.3000: Certification required
- Air toxics reporting will be like current voluntary reporting completed in e-Services.
 - Like current annual reporting of criteria air pollutants and greenhouse gases (GHGs).



2026: first reporting year

April 1, 2027: first air toxics emissions inventory due for permitted facilities, except option B, in the seven metropolitan counties

Proposed reporting methods

- Air toxics reporting for all air toxics reporting facilities will follow the same method hierarchy as criteria air pollutant reporting listed in Minn. R. part 7019.3030 (listed most to least preferred).
 - Continuous emission monitor data
 - Performance test data
 - VOC and air toxics material balance, mercury material balance, SO₂ material balance, emission factor, enforceable limitations
 - Facility proposal



Proposed reporting methods

- Reporting individual pollutants:
 - Report individual pollutants for pollutants within a group (e.g., lead compounds or glycol ethers) to the maximum extent feasible.
 - If a facility cannot report individual pollutants within a group, report emissions as a group.

Ex. Report individual Glycol Ether pollutants

Pollutant	CAS Number
2-(2-Butoxyethoxy)-Ethanol	112-34-5
Butyl carbitol acetate	124-17-4
2-Butoxyethyl acetate	112-07-2

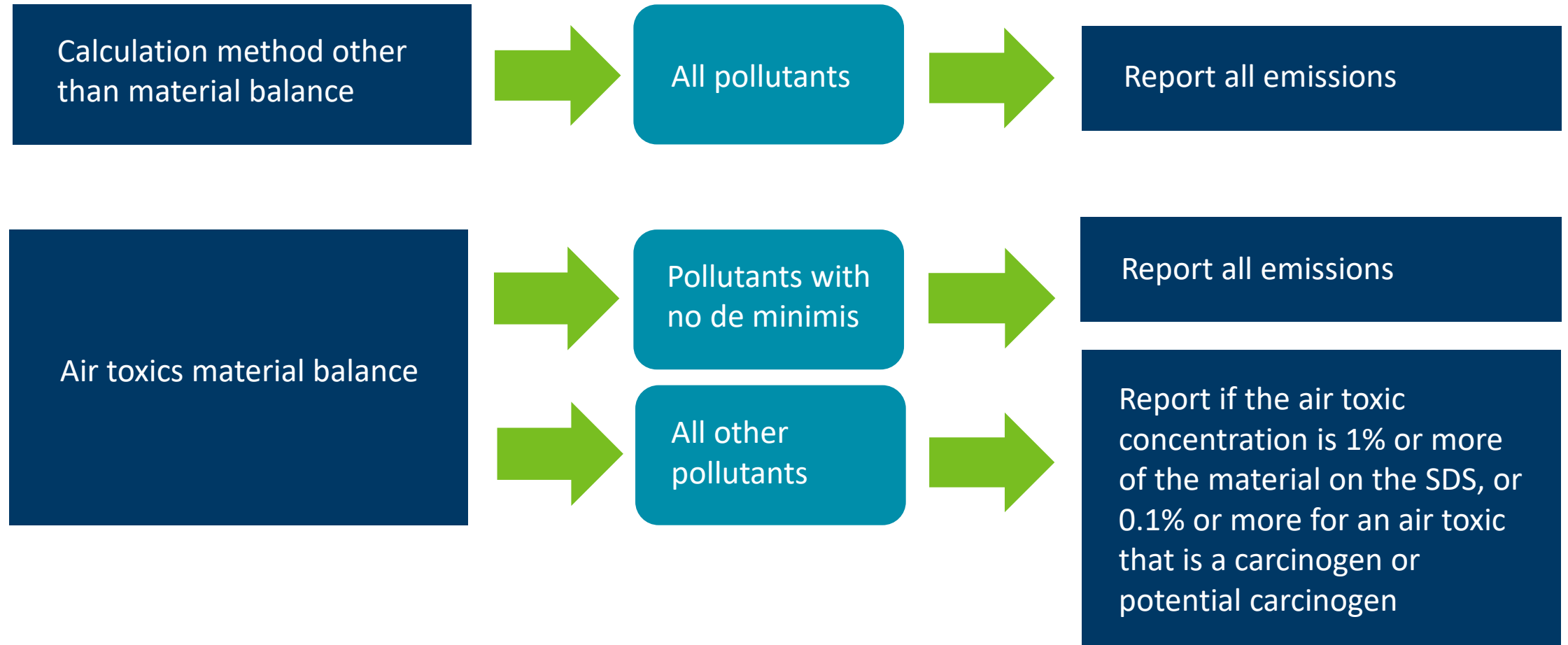
Ex. If not possible, report as Glycol Ethers

Pollutant
Glycol Ethers

Proposed reporting methods

- Facilities will not be required to report emissions from insignificant activities (Minn. R. part 7007.1300) or conditionally insignificant activities (Minn. R. part 7008.4000).
- Control efficiency factors must be used as outlined in Minn. R. part 7005.0100, subpart 9b
 - VOC control efficiency factor for volatile air toxics and PM₁₀ for particulate air toxics.

Proposed de minimis reporting



Pollutants with no de minimis

CAS Number	Pollutant
309-00-2	Aldrin
57-74-9	Chlordane
75-21-8	Ethylene oxide
76-44-8	Heptachlor
118-74-1	Hexachlorobenzene
72-43-5	Methoxychlor
40487-42-1	Pendimethalin
8001-35-2	Toxaphene
1582-09-8	Trifluralin

CAS Number	Pollutant
	Arsenic compounds (see full list of compounds)
	Cadmium compounds (see full list of compounds)
	Chromium compounds (see full list of compounds)
	Cobalt compounds (see full list of compounds)
	Dioxins/furans (see full list)
	Lead compounds (see full list of compounds)
	Mercury compounds (see full list of compounds)
	Nickel compounds (see full list of compounds)
	PFAS (see full list)
	Polychlorinated biphenyls (PCBs) (see full list)
	Polycyclic organic matter (see full list)

Economic analysis



- Estimated total cost to all Twin Cities metro area facilities: \$2.2-3.9 million; very small portion of the state's total economy.
- Less costly and more effective than monitoring.
- More information in SONAR Section 6. Regulatory analysis

Proposed repeal

Title V Emergency Affirmative Defense Repeal

- EPA finalized a rule effective August 8, 2023, that removed emergency affirmative defense provisions from the Clean Air Act Title V operating permit program regulations.
- EPA set a deadline for states to remove this language from state rules by August 21, 2024, or to seek an extension and remove the language as soon as practicable.
- The MPCA was granted an extension by the EPA until August 21, 2025, to repeal emergency affirmative defense provisions from state rules.
- Note that while the rest of this rule applies only to the Twin Cities metro area counties, the repeal of this rule language applies statewide.

Thank you!

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