

1.1 **Pollution Control Agency**

1.2 **Proposed Permanent Rules Relating to Cumulative Impacts Analysis in Environmental**
1.3 **Justice Areas**

1.4 **7007.0050 SCOPE.**

1.5 A. Parts 7007.0100 to 7007.1850 apply to the issuance of permits to construct,
1.6 modify, reconstruct, or operate emissions units, emission facilities, or stationary sources
1.7 that emit any air pollutant, and to the revocation, reissuance, or amendment of those permits.

1.8 B. Parts 7007.0100 to 7007.1850 apply to permits issued to owners and operators
1.9 of stationary sources requiring permits under federal law at Code of Federal Regulations,
1.10 title 40, part 70, as amended (Operating Permit Program), or under part C (Prevention of
1.11 Significant Deterioration of Air Quality) or part D (Plan Requirements in Nonattainment
1.12 Areas) of the act, or under section 112(g)(2)(B) of the act (hazardous air pollutants), and to
1.13 stationary sources requiring permits solely under state law.

1.14 C. Owners and operators of sources proposing construction or modifications
1.15 subject to parts C and D of the act are subject to the permitting requirements of part
1.16 7007.3000, incorporating by reference the provisions of Code of Federal Regulations, title
1.17 40, section 52.21, or parts 7007.4000 to 7007.4040 in addition to parts 7007.0100 to
1.18 7007.1850.

1.19 D. Owners and operators proposing construction or reconstruction of sources
1.20 subject to section 112(g)(2)(B) of the act are subject to the requirements of part 7007.3010,
1.21 incorporating by reference the provisions of Code of Federal Regulations, title 40, sections
1.22 63.40 to 63.44, in addition to parts 7007.0100 to 7007.1850.

1.23 E. An owner or operator of a stationary source is subject to parts 7007.6000 to
1.24 7007.6120 in addition to parts 7007.0100 to 7007.1850 if the stationary source meets the
1.25 applicability criteria under part 7007.6020.

2.1 **7007.0100 DEFINITIONS.**2.2 *[For text of subparts 1 to 6b, see Minnesota Rules]*

2.3 Subp. 7. **Applicable requirement.** "Applicable requirement" means all the following
2.4 as they apply to emissions units in a stationary source (including requirements that have
2.5 been promulgated or approved by the EPA or the commissioner through rulemaking at the
2.6 time of issuance but have future effective compliance dates):

2.7 *[For text of items A to V, see Minnesota Rules]*

2.8 W. any standard or other requirement established under section 110(a)(2)(D)(i)(I)
2.9 of the Clean Air Act that regulates interstate transport of pollutants; ~~and~~

2.10 X. any standard or other requirement of Minnesota Statutes, section 116.385, the
2.11 White Bear Area Neighborhood Concerned Citizens Group Ban TCE Act, banning the use
2.12 of trichloroethylene (TCE) on or after June 1, 2022, and prohibiting the commissioner from
2.13 issuing a permit after January 1, 2022, that authorizes the use of TCE; and

2.14 Y. any standard or other requirement of Minnesota Statutes, section 116.065,
2.15 including any requirement under parts 7007.6000 to 7007.6120 for cumulative impacts
2.16 analysis.

2.17 *[For text of subparts 7a to 29, see Minnesota Rules]*2.18 **7007.0150 PERMIT REQUIRED.**2.19 *[For text of subparts 1 to 5, see Minnesota Rules]*

2.20 Subp. 6. **Cumulative impacts analysis; permit decisions in environmental justice**
2.21 **areas.** If applicable, the requirements of parts 7007.6000 to 7007.6120 and Minnesota
2.22 Statutes, section 116.065, must be met, in addition to the requirements of parts 7007.0100
2.23 to 7007.1850, before a permit is issued.

3.1 **7007.0500 CONTENT OF PERMIT APPLICATION.**

3.2 *[For text of subparts 1 to 5, see Minnesota Rules]*

3.3 **Subp. 6. Cumulative impacts analysis; permit decisions in environmental justice**
3.4 **areas.**

3.5 A. The applicant must state in the application whether the activity for which the
3.6 permit is sought is subject to cumulative impacts analysis requirements under Minnesota
3.7 Statutes, section 116.065, or parts 7007.6000 to 7007.6120.

3.8 B. If the applicant is subject to Minnesota Statutes, section 116.065, or parts
3.9 7007.6000 to 7007.6120, the permit application must include the initial assessment required
3.10 under part 7007.6050.

3.11 C. If the applicant is subject to Minnesota Statutes, section 116.065, or parts
3.12 7007.6000 to 7007.6120, then before the draft permit is released, the applicant must
3.13 supplement the application with:

3.14 (1) the cumulative impacts analysis, if required under part 7007.6090; and

3.15 (2) the community benefit agreement, if required under part 7007.6110.

3.16 **7007.0750 APPLICATION PRIORITY AND ISSUANCE TIMELINES.**

3.17 *[For text of subpart 1, see Minnesota Rules]*

3.18 **Subp. 2. Application processing and issuance deadlines.**

3.19 *[For text of items A to F, see Minnesota Rules]*

3.20 G. Deadlines for agency action under this part may be extended as described in
3.21 this item for permitting actions subject to cumulative impacts analysis under Minnesota
3.22 Statutes, section 116.065, or parts 7007.6000 to 7007.6120. If the prohibition on final agency
3.23 action under part 7007.6120 is in effect at any time 90 days or less before the deadline, the
3.24 agency must extend the deadline until 90 days after the prohibition ends.

4.1 [For text of subparts 3 to 8, see Minnesota Rules]

4.2 **7007.0850 PERMIT APPLICATION NOTICE AND COMMENT.**

4.3 [For text of subpart 1, see Minnesota Rules]

4.4 Subp. 2. **Public notice and comment.**

4.5 [For text of items A to D, see Minnesota Rules]

4.6 E. Before issuing, reissuing, or making a moderate or major amendment to a
4.7 permit, the commissioner must comply with the procedures in item A, subitems (1) to (3),
4.8 if a cumulative impacts analysis under part 7007.6090 is required for a permit application.

4.9 E. F. The commissioner must upon request provide a list that summarizes current
4.10 activities involving permit applications, minor, moderate, and major amendment applications,
4.11 and requests for administrative amendments. The commissioner may use the agency website
4.12 in lieu of a written list.

4.13 Subp. 3. **Petitions for meetings and hearings.**

4.14 A. During the public comment period, a person may, in regard to any draft permit
4.15 or amendment subject to public notice under subpart 2, items A to ~~D~~E, petition for:

4.16 [For text of subitems (1) and (2), see Minnesota Rules]

4.17 [For text of item B, see Minnesota Rules]

4.18 [For text of subpart 4, see Minnesota Rules]

4.19 **7007.1000 ISSUING AND DENYING PERMITS.**

4.20 Subpart 1. **Preconditions for issuing.** The following conditions must be satisfied for
4.21 the agency to issue a permit or permit amendment:

4.22 [For text of items A to F, see Minnesota Rules]

5.1 G. the agency anticipates that the applicant will, with respect to the stationary
5.2 source and activity to be permitted, comply with all conditions of the permit; ~~and~~

5.3 H. all applicable provisions of Minnesota Statutes, chapter 116D, and the rules
5.4 adopted under Minnesota Statutes, chapter 116D, have been fulfilled; and

5.5 I. all applicable provisions of Minnesota Statutes, section 116.065, and the rules
5.6 adopted thereunder have been fulfilled.

5.7 Subp. 2. **Grounds for denying.** The following constitute grounds for the agency to
5.8 refuse to issue a new or modified permit, or to refuse permit reissuance:

5.9 *[For text of items A to G, see Minnesota Rules]*

5.10 H. The applicant has failed to enter into a community benefit agreement with the
5.11 commissioner when a community benefit agreement is required by Minnesota Statutes,
5.12 section 116.065, subdivision 5, paragraph (b), and part 7007.6110.

5.13 *[For text of subpart 3, see Minnesota Rules]*

5.14 **7007.1300 INSIGNIFICANT ACTIVITIES LIST.**

5.15 *[For text of subparts 1 to 4, see Minnesota Rules]*

5.16 Subp. 5. **Threshold table; hazardous air pollutants.** The thresholds for hazardous
5.17 air pollutants listed in the following table are for determining if whether:

5.18 A. an emissions unit qualifies as an insignificant activity under subpart 4, item C,
5.19 subitem (1);; and

5.20 B. an owner or operator must conduct a cumulative impacts analysis under part
5.21 7007.6090 according to part 7007.6050, subpart 4, item B, subitem (2).

	CAS#	Chemical Name	De Minimis Level (tons/year)
6.1			
6.2			
6.3			
6.4	57147	1,1-Dimethyl hydrazine	0.008
6.5	79005	1,1,2- Trichloroethane	1
6.6	79345	1,1,2,2-Tetrachloroethane	0.3
6.7	96128	1,2-Dibromo-3-chloropropane	0.01
6.8	122667	1,2-Diphenylhydrazine	0.09
6.9	106887	1,2-Epoxybutane	1
6.10	75558	1,2-Propylenimine (2-Methyl aziridine)	0.003
6.11	120821	1,2,4-Trichlorobenzene	10
6.12	106990	1,3-Butadiene	0.07
6.13	542756	1,3-Dichloropropene	1
6.14	1120714	1,3-Propane sultone	0.03
6.15	106467	1,4-Dichlorobenzene(p)	3
6.16	123911	1,4-Dioxane (1,4-Diethyleneoxide)	6
6.17	53963	2-Acetylaminofluorine	0.005
6.18	532274	2-Chloroacetophenone	0.06
6.19	79469	2-Nitropropane	1
6.20	540841	2,2,4-Trimethylpentane	5
6.21	1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin	6E-07
6.22	584849	2,4-Toluene diisocyanate	0.1
6.23	51285	2,4-Dinitrophenol	1
6.24	121142	2,4-Dinitrotoluene	0.02
6.25	94757	2,4-D, salts, esters (2,4-Dichlorophenoxy acetic acid)	10
6.26	95807	2,4-Toluene diamine	0.02
6.27	95954	2,4,5-Trichlorophenol	1
6.28	88062	2,4,6-Trichlorophenol	6
6.29	91941	3,3-Dichlorobenzidene	0.2

7.1	119904 3,3'-Dimethoxybenzidine	0.1
7.2	119937 3,3'-Dimethyl benzidine	0.008
7.3	92671 4-Aminobiphenyl	1
7.4	92933 4-Nitrobiphenyl	1
7.5	100027 4-Nitrophenol	5
7.6	101144 4,4-Methylene bis(2-chloroaniline)	0.2
7.7	101779 4,4'-Methylenedianiline	1
7.8	534521 4,6-Dinitro-o-cresol, and salts	0.1
7.9	75070 Acetaldehyde	9
7.10	60355 Acetamide	1
7.11	75058 Acetonitrile	4
7.12	98862 Acetophenone	1
7.13	107028 Acrolein	0.04
7.14	79061 Acrylamide	0.02
7.15	79107 Acrylic acid	0.6
7.16	107131 Acrylonitrile	0.3
7.17	107051 Allyl chloride	1
7.18	62533 Aniline	1
7.19	71432 Benzene	2
7.20	92875 Benzidine	0.0003
7.21	98077 Benzotrichloride	0.006
7.22	100447 Benzyl chloride	0.1
7.23	57578 beta-Propiolactone	0.1
7.24	92524 Biphenyl	10
7.25	117817 Bis(2-ethylhexyl)phthalate(DEHP)	5
7.26	542881 Bis(chloromethyl)ether	0.0003
7.27	75252 Bromoform	10
7.28	156627 Calcium cyanamide	10
7.29	133062 Captan	10

8.1	63252 Carbaryl	10
8.2	75150 Carbon disulfide	1
8.3	56235 Carbon tetrachloride	1
8.4	463581 Carbonyl sulfide	5
8.5	120809 Catechol	5
8.6	133904 Chloramben	1
8.7	57749 Chlordane	0.01
8.8	7782505 Chlorine	0.1
8.9	79118 Chloroacetic acid	0.1
8.10	108907 Chlorobenzene	10
8.11	510156 Chlorobenzilate	0.4
8.12	67663 Chloroform	0.9
8.13	107302 Chloromethyl methyl ether	0.1
8.14	126998 Chloroprene	1
8.15	1319773 Cresols/Cresylic acid (isomers and mixture)	1
8.16	95487 o-Cresol	1
8.17	108394 m-Cresol	1
8.18	106445 p-Cresol	1
8.19	98828 Cumene	10
8.20	334883 Diazomethane	1
8.21	132649 Dibenzofuran	5
8.22	72559 DDE (p,p'-Dichlorodiphenyldichloroethylene)	0.01
8.23	84742 Dibutylphthalate	10
8.24	111444 Dichloroethyl ether (Bis(2-chloroethyl)ether)	0.06
8.25	62737 Dichlorvos	0.2
8.26	11422 Diethanolamine	5
8.27	64675 Diethyl sulfite	1
8.28	60117 Dimethyl aminoazobenzene	1
8.29	79447 Dimethyl carbamoyl chloride	0.02

9.1	68122 Dimethyl formamide	1
9.2	131113 Dimethyl phthalate	10
9.3	77781 Dimethyl sulfate	0.1
9.4	106898 Epichlorohydrin	2
9.5	140885 Ethyl acrylate	1
9.6	100414 Ethyl benzene	10
9.7	51796 Ethyl carbamate (Urethane)	0.8
9.8	75003 Ethyl chloride	10
9.9	106934 Ethylene dibromide (Dibromoethane)	0.1
9.10	107062 Ethylene dichloride (1,2-Dichloroethane)	0.8
9.11	107211 Ethylene glycol	10
9.12	151564 Ethylene imine (Aziridine)	0.003
9.13	75218 Ethylene oxide	0.1
9.14	96457 Ethylene thiourea	0.6
9.15	75343 Ethylidene dichloride (1,1-Dichloroethane)	1
9.16	50000 Formaldehyde	2
9.17	76448 Heptachlor	0.02
9.18	118741 Hexachlorobenzene	0.01
9.19	87683 Hexachlorobutadiene	0.9
9.20	77474 Hexachlorocyclopentadiene	0.1
9.21	67721 Hexachloroethane	5
9.22	822060 Hexamethylene,-1,6-diisocyanate	0.02
9.23	680319 Hexamethylphosphoramide	0.01
9.24	110543 Hexane	10
9.25	302012 Hydrazine	0.004
9.26	7647010 Hydrochloric acid	10
9.27	7664393 Hydrogen fluoride	0.1
9.28	123319 Hydroquinone	1
9.29	78591 Isophorone	10

10.1	58899 Lindane (hexachlorocyclohexane, gamma)	0.01
10.2	108316 Maleic anhydride	1
10.3	67561 Methanol	10
10.4	72435 Methoxychlor	10
10.5	74839 Methyl bromide (Bromomethane)	10
10.6	74873 Methyl chloride (Chloromethane)	10
10.7	71556 Methyl chloroform (1,1,1-Trichloroethane)	10
10.8	60344 Methyl hydrazine	0.06
10.9	74884 Methyl iodide (Iodomethane)	1
10.10	108101 Methyl isobutyl ketone	10
10.11	624839 Methyl isocyanate	0.1
10.12	80626 Methyl methacrylate	10
10.13	1634044 Methyl tert-butyl ether	10
10.14	12108133 Methylcyclopentadienyl manganese	0.1
10.15	75092 Methylene chloride (Dichloromethane)	10
10.16	101688 Methylene diphenyl diisocyanate	0.1
10.17	91203 Naphthalene	10
10.18	98953 Nitrobenzene	1
10.19	62759 N-Nitrosodimethylamine	0.001
10.20	69892 N-Nitrosomorpholine	1
10.21	684935 N-Nitroso-N-methylurea	0.0002
10.22	121697 N,N-Dimethylaniline	1
10.23	90040 o-Anisidine	1
10.24	95534 o-Toluidine	4
10.25	56382 Parathion	0.1
10.26	82688 Pentachloronitrobenzene (Quintobenzene)	0.3
10.27	87865 Pentachlorophenol	0.7
10.28	108952 Phenol	0.1
10.29	75445 Phosgene	0.1

11.1	7803512 Phosphine	5
11.2	7723140 Phosphorous	0.1
11.3	85449 Phthalic anhydride	5
11.4	1336363 Polychlorinated biphenyls (Aroclors)	0.009
11.5	106503 p-Phenylenediamine	10
11.6	123386 Propionaldehyde	5
11.7	114261 Propoxur (Baygone)	10
11.8	78875 Propylene dichloride (1,2-Dichloropropane)	1
11.9	75569 Propylene oxide	5
11.10	91225 Quinoline	0.006
11.11	106514 Quinone	5
11.12	100425 Styrene	1
11.13	96093 Styrene oxide	1
11.14	127184 Tetrachloroethylene (Perchloroethylene)	10
11.15	7550450 Titanium tetrachloride	0.1
11.16	108883 Toluene	10
11.17	8001352 Toxaphene (chlorinated camphene)	0.01
11.18	79016 Trichloroethylene	10
11.19	121448 Triethylamine	10
11.20	1582098 Trifluralin	9
11.21	108054 Vinyl acetate	1
11.22	593602 Vinyl bromide (bromoethene)	0.6
11.23	75014 Vinyl chloride	0.2
11.24	75354 Vinylidene chloride (1,1-Dichloroethylene)	0.4
11.25	1330207 Xylenes (isomers and mixture)	10
11.26	108383 m-Xylenes	10
11.27	95476 o-Xylenes	10
11.28	106423 p-Xylenes	10
11.29	- Arsenic and inorganic arsenic compounds	0.005

12.1	7784421 Arsinine	0.1
12.2	- Antimony compounds (except those specifically listed)*	5
12.3	1309644 Antimony trioxide	1
12.4	1345046 Antimony trisulfide	0.1
12.5	7783702 Antimony pentafluoride	0.1
12.6	28300745 Antimony potassium tartrate	1
12.7	- Beryllium compounds (except Beryllium salts)	0.008
12.8	- Beryllium salts	0.00002
12.9	- Cadmium compounds	0.01
12.10	130618 Cadmium oxide	0.01
12.11	- Chromium compounds (except Hexavalent and Trivalent)	5
12.12	- Hexavalent Chromium compounds	0.002
12.13	- Trivalent Chromium compounds	5
12.14	10025737 Chromic chloride	0.1
12.15	744084 Cobalt metal (and compounds, except those specifically	0.1
12.16	listed)*	
12.17	10210681 Cobalt carbonyl	0.1
12.18	62207765 Fluomine	0.1
12.19	- Coke oven emissions	0.03
12.20	- Cyanide compounds (except those specifically listed)*	5
12.21	143339 Sodium cyanide	0.1
12.22	151508 Potassium cyanide	0.1
12.23	- Glycol ethers (except those specifically listed)*	5
12.24	110805 2-Ethoxy ethanol	10
12.25	111762 Ethylene glycol monobutyl ether	10
12.26	108864 2-Methoxy ethanol	10
12.27	- Lead and compounds (except those specifically listed)*	0.01
12.28	75741 Tetramethyl lead	0.01
12.29	78002 Tetraethyl lead	0.01

13.1	7439965 Manganese and compounds (except those specifically listed)*	0.8
13.2	12108133 Methylcyclopentadienyl manganese	0.1
13.3	- Mercury compounds (except those specifically listed)*	0.01
13.4	10045940 Mercuric nitrate	0.01
13.5	748794 Mercuric chloride	0.01
13.6	62384 Phenyl mercuric acetate	0.01
13.7	- Elemental Mercury	0.01
13.8	- Mineral fiber compounds (except those specifically listed)*	a
13.9	1332214 Asbestos	a
13.10	- Erionite	a
13.11	- Silica (crystalline)	a
13.12	- Talc (containing asbestos from fibers)	a
13.13	- Glass wool	a
13.14	- Rock wool	a
13.15	- Slag wool	a
13.16	- Ceramic fibers	a
13.17	- Nickel compounds (except those specifically listed)*	1
13.18	13463393 Nickel Carbonyl	0.1
13.19	12035722 Nickel refinery dust	0.08
13.20	- Nickel subsulfide	0.04
13.21	- Polycyclic organic matter-POM (except those specifically	0.01
13.22	listed)*	
13.23	56553 Benz(a)anthracene	0.01
13.24	50328 Benzo(a)pyrene	0.01
13.25	205992 Benzo(b)fluoranthene	0.01
13.26	57976 7,12-Dimethylbenz(a)anthracene	0.01
13.27	225514 Benz(c)acridine	0.01
13.28	218019 Chrysene	0.01
13.29	53703 Dibenz(ah)anthracene	0.01

14.1	189559	1,2:7,8-Dibenzopyrene	0.01
14.2	193395	Indeno(1,2,3-cd)pyrene	0.01
14.3		- Dioxins & Furans (TCDD equivalent)**	-
14.4	7782492	Selenium and compounds (except those specifically listed)*	0.1
14.5	7488564	Selenium sulfide (mono and di)	0.1
14.6	7783075	Hydrogen selenide	0.1
14.7	10102188	Sodium selenite	0.1
14.8	13410010	Sodium selenate	0.1
14.9	99999918	Radionuclides (including radon)	b

14.10 * - For this chemical group, specific compounds or subgroups are named specifically in this
 14.11 table. For the remainder of the chemicals of the chemical group, a single de minimis value
 14.12 is listed, which applies to compounds that are not named specifically.

14.13 ** - The "toxic equivalent factor" method in EPA/100/R-10/005 Recommended Toxicity
 14.14 Equivalence Factors (TEFs) for Human Health Risk Assessments of 2,3,7,8-
 14.15 Tetrachlorodibenzo-*p*-dioxin and Dioxin-Like Compounds. A different de minimis level
 14.16 will be determined for each mixture depending on the equivalency factors used, which are
 14.17 compound specific. EPA/100/R-10/005 Recommended Toxicity Equivalence Factors (TEFs)
 14.18 for Human Health Risk Assessments of 2,3,7,8- Tetrachlorodibenzo-*p*-dioxin and Dioxin-Like
 14.19 Compounds, United States Environmental Protection Agency (December 2010), is
 14.20 incorporated by reference, is available at <https://nepis.epa.gov>, and is not subject to frequent
 14.21 change.

14.22 a - De minimis values are zero. Currently available data do not support assignment of a
 14.23 "trivial" emission rate; therefore, the value assigned will be policy based.

14.24 b - The EPA relies on Code of Federal Regulations, title 40, part 61, subparts B and I, and
 14.25 appendix E, and assigns a de minimis level based on an effective dose equivalent of 0.3
 14.26 millirem per year for a seven-year exposure period that would result in a cancer risk of one

15.1 per million. The individual radionuclides subject to de minimis levels are contained in Code
15.2 of Federal Regulations, title 40, part 61.

15.3 **7007.1450 MINOR AND MODERATE PERMIT AMENDMENTS.**

15.4 *[For text of subparts 1 to 6, see Minnesota Rules]*

15.5 Subp. 7. **When permittee may make proposed modification or change.**

15.6 A. The permittee may make the modification or change proposed in a minor permit
15.7 amendment application seven working days after the application is received by the agency.

15.8 B. Except as prohibited in item C, the permittee may begin actual construction
15.9 on a modification proposed in a moderate permit amendment application upon receiving a
15.10 letter of approval from the agency authorizing the construction. However, the permittee
15.11 may not conduct start-up of the modification until the amended permit has been issued.

15.12 C. If a permit application for a stationary source is subject to review under parts
15.13 7007.6000 to 7007.6120, the permittee must not begin actual construction upon receipt of
15.14 a letter of approval under item B until:

15.15 (1) a negative determination of the need for a cumulative impacts analysis is
15.16 issued; or

15.17 (2) the amended permit has been issued.

15.18 *[For text of subparts 8 to 9, see Minnesota Rules]*

15.19 **CUMULATIVE IMPACTS ANALYSIS**

15.20 **7007.6000 SCOPE.**

15.21 Subpart 1. Scope. Parts 7007.6000 to 7007.6120 apply to an owner or operator of a
15.22 stationary source that meets the applicability criteria under part 7007.6020.

16.1 Subp. 2. **Exclusions.** Nothing in parts 7007.6000 to 7007.6120 limits the
16.2 commissioner's or agency's authority under Minnesota Statutes, section 116.065, or other
16.3 law.

16.4 **7007.6010 DEFINITIONS.**

16.5 Subpart 1. **Applicability.** In parts 7007.6000 to 7007.6120, the terms used have the
16.6 meanings given in this part. The definitions in parts 7000.0100, 7005.0100, and 7007.0100
16.7 apply to parts 7007.6000 to 7007.6120 unless a term is otherwise defined in this part.

16.8 Subp. 2. **Acceptable risk level.** "Acceptable risk level" means the level that is likely
16.9 to pose little or no risk to human health, including sensitive populations.

16.10 Subp. 3. **Acute health endpoint.** "Acute health endpoint" means the target organ or
16.11 system, such as neurological, respiratory, or reproductive, for acute inhalation risk. Acute
16.12 health endpoint includes acute noncancer health endpoint.

16.13 Subp. 4. **Acute inhalation risk.** "Acute inhalation risk" means the risk from one or
16.14 more exposures to an air toxic within a short period that is evaluated using:

16.15 A. the maximum ambient air concentration of an air toxic occurring over one
16.16 hour, up to and at the stationary source's fence line; or

16.17 B. the modeled maximum air concentration of an air toxic that occurs over 24
16.18 hours, up to and at the stationary source's fence line.

16.19 Subp. 5. **Adverse cumulative stressors.** "Adverse cumulative stressors" means that
16.20 the combined stressor total of the environmental justice area is higher than the environmental
16.21 justice area's geographic point of comparison.

16.22 Subp. 6. **Adverse environmental stressor.** "Adverse environmental stressor" means
16.23 an environmental stressor in the environmental justice area that is higher than the reference

17.1 value or, if a reference value is not specified, the environmental justice area's geographic
17.2 point of comparison.

17.3 Subp. 7. **Cancer risk.** "Cancer risk" means the risk of developing cancer from exposure
17.4 to air emissions from a given stationary source. The risk is the probability that a hypothetical
17.5 human receptor will develop cancer based on an assumed set of exposure, model, and toxicity
17.6 assumptions.

17.7 Subp. 8. **Chronic health endpoint.** "Chronic health endpoint" means the target organ
17.8 or system, such as neurological, respiratory, or reproductive, for chronic inhalation risk.
17.9 Chronic health endpoint includes chronic noncancer health endpoint.

17.10 Subp. 9. **Chronic inhalation risk.** "Chronic inhalation risk" means the risk from
17.11 consistent exposure or multiple exposures occurring over an extended period of an
17.12 individual's lifetime, greater than one year to a lifetime, that is evaluated using the highest
17.13 modeled annual ambient air concentration over a five-year period.

17.14 Subp. 10. **Combined stressor total.** "Combined stressor total" means the sum of
17.15 adverse environmental stressors in an environmental justice area.

17.16 Subp. 11. **Community benefit.** "Community benefit" means a program, service,
17.17 action, project, or resource that provides a tangible health, environmental, social, economic,
17.18 or other benefit for an environmental justice area and its residents.

17.19 Subp. 12. **Community benefit agreement.** "Community benefit agreement" means
17.20 an enforceable agreement entered into by the commissioner and the owner or operator of a
17.21 stationary source establishing benefits under part 7007.6110 that the owner or operator
17.22 agrees to provide to residents of the impacted environmental justice areas.

17.23 Subp. 13. **Cumulative impacts.** "Cumulative impacts" has the meaning given in
17.24 Minnesota Statutes, section 116.065, subdivision 1, paragraph (c).

18.1 Subp. 14. **Draft community benefit agreement.** "Draft community benefit agreement"
18.2 means the version of a community benefit agreement that the owner or operator offers for
18.3 review by any interested party before the public meeting required under part 7007.6080,
18.4 subpart 4, item B, subitem (2).

18.5 Subp. 15. **Economic benefit.** "Economic benefit" means a benefit that provides gains
18.6 that can be measured in financial terms, such as local and targeted hiring, living wage
18.7 requirements, affordable housing, and direct financial assistance.

18.8 Subp. 16. **Environmental justice.** "Environmental justice" has the meaning given in
18.9 Minnesota Statutes, section 116.065, subdivision 1, paragraph (d).

18.10 Subp. 17. **Environmental justice area.** "Environmental justice area" has the meaning
18.11 given in Minnesota Statutes, section 116.065, subdivision 1, paragraph (e).

18.12 Subp. 18. **Environmental stressors.** "Environmental stressors" has the meaning given
18.13 in Minnesota Statutes, section 116.065, subdivision 1, paragraph (f).

18.14 Subp. 19. **Facility expansion.** "Facility expansion" means a modification, as defined
18.15 under part 7007.0100, subpart 14, at an existing permitted stationary source that:

18.16 A. will cause an increase in emissions of an air pollutant; or

18.17 B. makes the stationary source subject to the requirement to obtain a permit.

18.18 Facility expansion does not include a modification at a permitted stationary source that is
18.19 allowed under part 7007.1250, a change to permit conditions that is allowed under part
18.20 7007.1350, any administrative permit amendment under part 7007.1400, or any minor permit
18.21 amendment under part 7007.1450.

18.22 Subp. 20. **Farmer cancer multipathway risk.** "Farmer cancer multipathway risk"
18.23 means the cancer risk from different exposure routes, such as inhalation, oral, and dermal,
18.24 for a hypothetical person that inhales air, incidentally ingests soil, ingests homegrown

19.1 produce, drinks home-produced milk, and eats homegrown meat products, including eggs,
19.2 that could be affected by a stationary source's emissions.

19.3 Subp. 21. **Farmer noncancer multipathway risk.** "Farmer noncancer multipathway
19.4 risk" means the noncancer risk from different exposure routes, such as inhalation, oral, and
19.5 dermal, for a hypothetical person that inhales air, incidentally ingests soil, ingests homegrown
19.6 produce, drinks home-produced milk, and eats homegrown meat products, including eggs,
19.7 that could be affected by a stationary source's emissions.

19.8 Subp. 22. **Geographic point of comparison.** "Geographic point of comparison" means
19.9 the comparison area and its corresponding value used to determine whether an environmental
19.10 justice area has adverse environmental stressors and adverse cumulative stressors. The area
19.11 and value is determined by selecting the lower value of the state's or county's 50th percentile
19.12 for the applicable environmental stressor or combined stressor total. For purposes of this
19.13 subpart, "county" means the county in which the environmental justice area is located.

19.14 Subp. 23. **Hazard index.** "Hazard index" means the sum of more than one hazard
19.15 quotient for multiple substances with the same or similar health endpoints. It is assumed all
19.16 noncarcinogens have the same or similar health endpoints during initial screening. A hazard
19.17 index equal to or less than 1, without rounding down to one significant figure, poses no
19.18 appreciable likelihood of adverse health effects to the general population.

19.19 Subp. 24. **Hazard quotient.** "Hazard quotient" means the ratio of a single substance
19.20 exposure level to an inhalation health benchmark for that substance derived from a similar
19.21 exposure period. A hazard quotient equal to or less than 1, rounded to one significant figure,
19.22 poses no appreciable likelihood of adverse health effects to the general population.

19.23 Subp. 25. **Health endpoint.** "Health endpoint" means an observable adverse biological
19.24 effect from a chemical exposure used to group chemicals for evaluating risks from multiple
19.25 chemicals, such as increased risks for various cancers; harm to body organs, such as heart,
19.26 brain, liver, or kidneys; harm to systems, such as respiratory, immune, nervous, endocrine,

20.1 cardiovascular, or reproductive; and developmental effects, such as lowered birth weight
20.2 and birth defects.

20.3 Subp. 26. **Impacted environmental justice area.** "Impacted environmental justice
20.4 area" means one or more environmental justice areas, in whole or in part, that are within
20.5 one mile of the property boundary of a stationary source, including any environmental
20.6 justice area that a stationary source is located in.

20.7 Subp. 27. **Indian Country.** "Indian Country" has the meaning given in Minnesota
20.8 Statutes, section 116.065, subdivision 1, paragraph (g).

20.9 Subp. 28. **Inhalation health benchmark.** "Inhalation health benchmark" means a
20.10 concentration in ambient air at or below which an air toxic is unlikely to cause an adverse
20.11 health effect in a population over a prescribed duration.

20.12 Subp. 29. **Minnesota Tribal governments.** "Minnesota Tribal governments" has the
20.13 meaning given in Minnesota Statutes, section 10.65.

20.14 Subp. 30. **New construction.** "New construction" means:

20.15 A. construction of a new stationary source that is subject to the requirement to
20.16 obtain a permit; or

20.17 B. a change at an existing unpermitted stationary source that makes the stationary
20.18 source subject to the requirement to obtain a permit.

20.19 Subp. 31. **Permit.** "Permit" means:

20.20 A. any part 70 permit issued under part 7007.0200, subpart 2, or any state permit
20.21 issued under part 7007.0250, subpart 5 or 6, that authorizes new construction or facility
20.22 expansion; or

20.23 B. reissuance of an expiring permit described in item A.

21.1 Subp. 32. **Proposed community benefit agreement.** "Proposed community benefit
21.2 agreement" means the version of a community benefit agreement that the owner or operator
21.3 proposes to enter into with the commissioner and submits to the commissioner for review
21.4 under part 7007.6110.

21.5 Subp. 33. **Public space.** "Public space" means an indoor or outdoor area that is open
21.6 and accessible to the general public, such as a public school; an educational facility other
21.7 than a public school, as defined in Minnesota Statutes, section 120A.05, subdivisions 9, 11,
21.8 and 13; a park or public recreational space; a hospital; a nursing home; an auditorium; an
21.9 arena; a library; a post office; or a community center.

21.10 Subp. 34. **Reference value.** "Reference value" means a standard or benchmark that
21.11 is used to compare and assess the value for an environmental stressor and that serves as a
21.12 comparison point against which the numerical value for an environmental stressor present
21.13 in an environmental justice area is compared, measured, or evaluated. A reference value is
21.14 used to determine whether an environmental justice area has adverse environmental stressors.

21.15 Subp. 35. **Requested permit action.** "Requested permit action" means an application
21.16 submitted by an owner or operator of a stationary source that requests a permit.

21.17 Subp. 36. **Resident cancer multipathway risk.** "Resident cancer multipathway risk"
21.18 means the cancer risk from different exposure routes, such as inhalation, oral, and dermal,
21.19 for a hypothetical person who inhales air, incidentally ingests soil, and ingests homegrown
21.20 produce that could be affected by a stationary source's emissions.

21.21 Subp. 37. **Resident noncancer multipathway risk.** "Resident noncancer multipathway
21.22 risk" means the noncancer risk from different exposure routes, such as inhalation, oral, and
21.23 dermal, for a hypothetical person who inhales air, incidentally ingests soil, and ingests
21.24 homegrown produce that could be affected by a stationary source's emissions.

22.1 Subp. 38. **Sensitive receptors.** "Sensitive receptors" means individuals or groups of
22.2 individuals who, due to their age or health status, are susceptible to air pollutants. Sensitive
22.3 receptors include infants, children, pregnant individuals and their fetuses, the elderly,
22.4 asthmatics, athletes, people compromised by preexisting diseases, and immunocompromised
22.5 people.

22.6 Subp. 39. **Socioeconomic impact.** "Socioeconomic impact" means the effects of
22.7 actions or policies on the social and economic well-being of persons in a geographical
22.8 location.

22.9 Subp. 40. **Subchronic health endpoint.** "Subchronic health endpoint" means the
22.10 target organ or system, such as neurological, respiratory, or reproductive, for subchronic
22.11 inhalation risk. Subchronic health endpoint includes subchronic noncancer health endpoint.

22.12 Subp. 41. **Subchronic inhalation risk.** "Subchronic inhalation risk" means the risk
22.13 from multiple exposures occurring over a period of an individual's lifetime, such as greater
22.14 than 24 hours to one year, that is evaluated using the modeled highest monthly ambient air
22.15 concentration over a five-year period.

22.16 Subp. 42. **Urban gardener cancer multipathway risk.** "Urban gardener cancer
22.17 multipathway risk" means the cancer risk from different exposure routes, such as inhalation,
22.18 oral, and dermal, for a hypothetical person who inhales air, incidentally ingests soil, ingests
22.19 homegrown produce, and eats home-raised chicken eggs that could be affected by a stationary
22.20 source's emissions.

22.21 Subp. 43. **Urban gardener noncancer multipathway risk.** "Urban gardener noncancer
22.22 multipathway risk" means the noncancer risk from different exposure routes, such as
22.23 inhalation, oral, and dermal, for a hypothetical person who inhales air, indirectly ingests
22.24 soil, ingests homegrown produce, and eats home-raised chicken eggs that could be affected
22.25 by a stationary source's emissions.

23.1 **7007.6020 APPLICABILITY AND PROCEDURES.**

23.2 Subpart 1. **Applicability.** Except as provided in subpart 2, parts 7007.6000 to
23.3 7007.6120 apply to a requested permit action for a stationary source that, in whole or in
23.4 part, is or will be:

23.5 A. located in, or within one mile of, a census tract that is part of an environmental
23.6 justice area; and

23.7 B. located in:

23.8 (1) Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County;

23.9 or

23.10 (2) a city of the first class as defined in Minnesota Statutes, section 410.01.

23.11 Subp. 2. **Exemptions.**

23.12 A. Parts 7007.6000 to 7007.6120 do not apply to a permit application for:

23.13 (1) a general permit under part 7007.1100;

23.14 (2) a registration permit under parts 7007.1110 to 7007.1130; or

23.15 (3) a capped permit under parts 7007.1140 to 7007.1148.

23.16 B. Parts 7007.6000 to 7007.6120 do not apply to an application for a permit or
23.17 amendment to a permit deemed complete under part 7007.0600 before the effective date of
23.18 this part.

23.19 C. Parts 7007.6000 to 7007.6120 do not apply to an application for a permit
23.20 reissuance for a permit with an expiration date within 24 months after the effective date of
23.21 this part.

24.1 Subp. 3. **Cities of the first class.** For purposes of determining applicability of parts
24.2 7007.6000 to 7007.6120 under subpart 1, item B, subitem (2), a change in classification of
24.3 a city takes effect according to Minnesota Statutes, section 410.01.

24.4 Subp. 4. **Environmental justice areas.**

24.5 A. To determine applicability under subpart 1, an owner or operator of a stationary
24.6 source must use the list of environmental justice areas identified under Minnesota Statutes,
24.7 section 116.065, subdivision 5, paragraph (e), that is available on the date an application is
24.8 submitted.

24.9 B. By October 31, 2027, and at least every five years thereafter, the commissioner
24.10 must publish any updates to the list of environmental justice areas in the state.

24.11 Subp. 5. **Environmental stressors database.** The commissioner must include the
24.12 following information in the database of environmental stressors required under Minnesota
24.13 Statutes, section 116.065, subdivision 5, paragraph (f):

24.14 A. the area and values for determining the geographic point of comparison for
24.15 environmental stressors;

24.16 B. adverse environmental stressors, identified by comparing the value of each
24.17 stressor in the census tract with the appropriate reference value or geographic point of
24.18 comparison;

24.19 C. the combined stressor total in each census tract;

24.20 D. the area and values for determining the geographic point of comparison for
24.21 the combined stressor total; and

24.22 E. census tracts that have adverse cumulative stressors, identified by comparing
24.23 the value of the combined stressor total in each census tract with the appropriate geographic
24.24 point of comparison.

25.1 Subp. 6. Procedural overview.

25.2 A. Using the database under subpart 5, the owner or operator must obtain the
25.3 following information for an impacted environmental justice area:

25.4 (1) the environmental stressors;

25.5 (2) the geographic point of comparison;

25.6 (3) any adverse environmental stressors; and

25.7 (4) whether the impacted environmental justice area has adverse cumulative
25.8 stressors.

25.9 B. After obtaining the information required in item A, the owner or operator must
25.10 prepare the initial assessment required under part 7007.6050 and provide the assessment to
25.11 the commissioner as part of the permit application according to part 7007.0500, subpart 6,
25.12 item B, subitem (3).

25.13 C. If the commissioner determines that a cumulative impacts analysis is required
25.14 for the requested permit action according to part 7007.6070, the owner or operator must:

25.15 (1) comply with the public participation requirements under part 7007.6080;
25.16 and

25.17 (2) prepare and conduct a cumulative impacts analysis as required under part
25.18 7007.6090 and provide the analysis to the commissioner as a supplement to the permit
25.19 application according to part 7007.0500, subpart 6, item C, subitem (1).

25.20 D. If the commissioner determines that issuing the requested permit action would
25.21 have a substantial adverse impact according to part 7007.6100, the owner or operator must:

25.22 (1) comply with the public participation requirements under part 7007.6080;
25.23 and

26.1 (2) prepare and submit a community benefit agreement according to part
26.2 7007.6110 and provide the agreement to the commissioner as a supplement to the permit
26.3 application according to part 7007.0500, subpart 6, item C, subitem (2).

26.4 E. After the applicable requirements of parts 7007.6000 to 7007.6120 are
26.5 completed, the commissioner must determine whether to issue or deny the requested permit
26.6 action according to part 7007.6120.

26.7 **7007.6030 TRIBAL CONSIDERATIONS.**

26.8 **Subpart 1. Applicability.**

26.9 A. The process by which Minnesota Tribal governments can elect to apply
26.10 Minnesota Statutes, section 116.065, and parts 7007.6000 to 7007.6120 to a requested permit
26.11 action for a stationary source located in Indian Country is specified in subpart 2.

26.12 B. Subparts 3 to 5 identifies the methods by which the commissioner must
26.13 coordinate with Minnesota Tribal governments for a stationary source located outside Indian
26.14 Country.

26.15 **Subp. 2. Tribal consultation; sources in Indian Country.**

26.16 A. This subpart applies only to a stationary source located in Indian Country.

26.17 B. If requested by a Minnesota Tribal government, the commissioner must enter
26.18 into consultation, consistent with Minnesota Statutes, section 10.65, regarding the application
26.19 of parts 7007.6000 to 7007.6120 to a requested permit action for a stationary source located
26.20 in Indian Country, as provided under Minnesota Statutes, section 116.065, subdivision 2,
26.21 paragraph (b).

26.22 C. After consultation, the Minnesota Tribal government with jurisdiction over the
26.23 applicable environmental justice area:

27.1 (1) may elect that the owner or operator of a stationary source requesting a
27.2 permit action be subject to parts 7007.6000 to 7007.6120; and

27.3 (2) must notify the commissioner of the election in writing.

27.4 **Subp. 3. Tribal coordination; sources not in Indian Country.**

27.5 A. The commissioner must notify the applicable Minnesota Tribal government
27.6 in writing after receiving a requested permit action for a stationary source located in a county
27.7 of interest identified by the Minnesota Tribal government.

27.8 B. The commissioner must submit the notice to the Minnesota Tribal government's
27.9 designated contact. The notice must include:

27.10 (1) the name and contact information of the stationary source contact for the
27.11 requested permit action;

27.12 (2) the name and contact information of the agency contact;

27.13 (3) an offer to meet and share information, including:

27.14 (a) the requested permit action;

27.15 (b) draft project schedule documents;

27.16 (c) the initial assessment required under part 7007.6050;

27.17 (d) the cumulative impacts analysis, if required under part 7007.6090;

27.18 and

27.19 (e) the community benefit agreement, if required under part 7007.6110;

27.20 (4) an invitation to visit the stationary source with agency representatives or
27.21 with the owner or operator of the stationary source to better understand the requested permit
27.22 action;

28.1 (5) an invitation to participate in the public meetings required under part
28.2 7007.6080;

28.3 (6) an invitation to meet during public comment periods required under part
28.4 7007.6080;

28.5 (7) an invitation to provide information regarding concerns about impacts to
28.6 natural resources, cultural resources, and geographic areas and their particular past, current,
28.7 and future uses that are relevant to the Minnesota Tribal government; and

28.8 (8) a statement that information under subitem (7) must be included in the
28.9 cumulative impact analysis under part 7007.6090 if the information is provided before the
28.10 conclusion of the public notice and comment period for the public meeting required under
28.11 part 7007.6080, subpart 4, item A, subitem (1).

28.12 C. If the Minnesota Tribal government provides a response to the notice in item
28.13 A, the commissioner must notify the owner or operator of the response within 15 calendar
28.14 days after receiving the response.

28.15 D. The notice in item C must include a statement that the owner or operator must
28.16 provide the Minnesota Tribal government with an opportunity to:

28.17 (1) visit the stationary source with agency representatives or with the owner
28.18 or operator of the stationary source to better understand the requested permit action;

28.19 (2) participate in the public meetings required under part 7007.6080;

28.20 (3) meet during the public comment periods required under part 7007.6080;

28.21 and

28.22 (4) provide information, according to item B, subitems (7) and (8), that must
28.23 be included in the cumulative impacts analysis as required by subpart 4 and part 7007.6090.

29.1 Subp. 4. **Tribal supplement to cumulative impacts analysis content.** When notified
29.2 by the commissioner under subpart 3, item C, the owner or operator of a stationary source
29.3 must supplement a cumulative impacts analysis required under part 7007.6090 with a
29.4 description of the geographic area of interest to the Minnesota Tribal government that
29.5 identifies impacts to natural and cultural resources, impacts on traditional practices, impacts
29.6 on locations or areas of significance to the Minnesota Tribal government, and impacts on
29.7 access to areas. This description must include impacts from the stationary source's current
29.8 and proposed operations, including impacts from construction- and installation-related
29.9 activities and ongoing impacts from the current and proposed operations of the stationary
29.10 source.

29.11 **7007.6040 GENERAL REQUIREMENTS.**

29.12 Subpart 1. **Certifications.** A responsible official must sign and certify any submission
29.13 or report required under parts 7007.6000 to 7007.6120 for truth, accuracy, and completeness.
29.14 The certification must state that, based on information and belief formed after reasonable
29.15 inquiry, the statements and information in the document are true, accurate, and complete.
29.16 Both the owner and the operator of the stationary source, if not the same entity, must comply
29.17 with this subpart.

29.18 Subp. 2. **Information requests.** An owner or operator must, when requested by the
29.19 commissioner, submit by the time specified in the request any information and reports that
29.20 are needed to:

29.21 A. take action on any conditions of parts 7007.6000 to 7007.6120;

29.22 B. determine violations of parts 7007.6000 to 7007.6120;

29.23 C. evaluate potential impacts or the processes and products of the stationary source;

29.24 or

29.25 D. review records required to be kept by the owner or operator.

30.1 Subp. 3. Record keeping.

30.2 A. An owner or operator must comply with this subpart for records required under
30.3 parts 7007.6000 to 7007.6120.

30.4 B. The owner or operator must maintain records for at least five years after the
30.5 date the record was made.

30.6 C. The owner or operator must maintain records at the stationary source unless
30.7 otherwise allowed by the commissioner.

30.8 D. The owner or operator must make records available for examination and copying
30.9 at the request of the commissioner.

30.10 Subp. 4. Accuracy. An owner or operator may not knowingly make a false or
30.11 misleading statement, representation, or certification in a record, report, plan, or other
30.12 document required to be submitted to the commissioner under parts 7007.6000 to 7007.6120.
30.13 An owner or operator must immediately upon discovery report to the commissioner an error
30.14 or omission in required records, reports, plans, or other documents.

30.15 Subp. 5. Duty to supplement or correct.

30.16 A. An owner or operator that fails to submit any relevant facts or that submits
30.17 incorrect information required by parts 7007.6000 to 7007.6120, upon becoming aware of
30.18 such failure or incorrect submission, must promptly submit supplementary facts or corrected
30.19 information.

30.20 B. An owner or operator must provide additional information as necessary to
30.21 address any requirements of parts 7007.6000 to 7007.6120 that become applicable to the
30.22 owner or operator of the stationary source after the date a complete permit application is
30.23 filed but before a draft permit is released.

31.1 Subp. 6. Consolidating public meeting requirements.

31.2 A. If an owner or operator of a stationary source is applying for more than one
31.3 requested permit action that may affect the same environmental justice area, the owner or
31.4 operator may request that the commissioner consolidate the public meetings required under
31.5 part 7007.6080 for multiple requested permit actions as provided by Minnesota Statutes,
31.6 section 116.065, subdivision 4, paragraph (f). In the request, the owner or operator must:

31.7 (1) identify all requested permit actions for which public meetings are to be
31.8 consolidated; and

31.9 (2) include a rationale for why it is reasonable to consolidate the public
31.10 meetings under part 7007.6080 for the multiple requested permit actions.

31.11 B. The commissioner must approve or deny the request to consolidate public
31.12 meetings under part 7007.6080 for multiple requested permit actions. In determining whether
31.13 to approve or deny the request, the commissioner must consider the rationale submitted by
31.14 the owner or operator.

31.15 Subp. 7. Incorporating permit conditions. If an owner or operator assumes any
31.16 emission limits, operational conditions, control measures, or other measures as part of, or
31.17 to avoid the applicability of, the requirements of parts 7007.6000 to 7007.6120, the owner
31.18 or operator must incorporate those emission limits, operational conditions, control measures,
31.19 or other measures into the requested permit action.

31.20 Subp. 8. Permit conditions; in-person community meetings. For any meetings held
31.21 according to Minnesota Statutes, section 116.065, subdivision 4, paragraph (g), the owner
31.22 or operator of the stationary source must maintain records that contain:

31.23 A. a description of the information shared and community concerns discussed;

31.24 B. the dates, times, and locations of the meetings;

32.1 C. a summary of the objectives, goals, and outcomes of the meetings; and

32.2 D. copies of any written or oral comments received from residents of the impacted
32.3 environmental justice area during the meetings.

32.4 **7007.6050 INITIAL ASSESSMENT.**

32.5 Subpart 1. **Applicability.** An owner or operator of a stationary source that applies for
32.6 a requested permit action must prepare and submit an initial assessment, in a format specified
32.7 by the commissioner, that complies with this part.

32.8 Subp. 2. **Submission.**

32.9 A. An owner or operator must submit the initial assessment required by this part
32.10 with the permit application according to part 7007.0500, subpart 6, item B, subitem (3).

32.11 B. The initial assessment must contain:

32.12 (1) the owner's or operator's determination of whether the requested permit
32.13 action is likely to impact the environment or the health of residents of an environmental
32.14 justice area;

32.15 (2) the data and information used by the owner or operator to make the
32.16 determination in subitem (1);

32.17 (3) the information specified in subpart 3; and

32.18 (4) sufficient detail to determine whether the requested permit action meets
32.19 any of the criteria described in subpart 4 for requiring a cumulative impacts analysis.

32.20 Subp. 3. **Content.** The initial assessment required under subpart 2 must include:

32.21 A. an executive summary of the information in the initial assessment;

32.22 B. descriptions and maps of the area surrounding the stationary source including:

33.1 (1) the stationary source location and property boundary, identified by a site
33.2 plan or equivalent map if no site plan exists;

33.3 (2) a map showing one mile distant from the stationary source property
33.4 boundaries;

33.5 (3) the location of and proximity to public spaces, residential dwellings, child
33.6 day cares, prisons, and other stationary sources with air permits in and around the surrounding
33.7 area; and

33.8 (4) a description of local zoning and the geography of the surrounding area;

33.9 C. a description of the stationary source's current and proposed operations,
33.10 including:

33.11 (1) the purpose of the requested permit action;

33.12 (2) how the stationary source's current and proposed operations benefit the
33.13 residents of the impacted environmental justice area;

33.14 (3) types of production equipment, types of pollution or environmental control
33.15 measures and monitoring, hours of operation, traffic routes, number of employees, and other
33.16 information relevant to assessing the potential for the stationary source to impact the
33.17 environment or the health of the residents of the impacted environmental justice area; and

33.18 (4) if the requested permit action includes new construction or facility
33.19 expansion, the project schedule including anticipated start of construction and completion
33.20 dates for major phases of construction, any pollution or environmental control measures
33.21 and monitoring instrumentation, hours of construction, on-site equipment, traffic routes,
33.22 number of employees, and all other information relevant to the potential for the construction
33.23 to impact the environment or the health of the residents of the impacted environmental
33.24 justice area;

34.1 D. a list of all federal, state, and local permits that are required, or will be required,
34.2 for construction or operation of the stationary source, including and in addition to those
34.3 listed in part 7007.6010, subpart 31;

34.4 E. evidence of satisfaction of any local environmental justice or cumulative impacts
34.5 analysis ordinances with which the applicant is required to comply;

34.6 F. the environmental stressor information for the impacted environmental justice
34.7 area obtained according to part 7007.6020, subpart 6, item A;

34.8 G. an assessment of the impacts of the requested permit action, both positive and
34.9 negative, to the environment or the health of residents of the impacted environmental justice
34.10 area, which must:

34.11 (1) identify the processes, including the amounts and pathways of pollution
34.12 associated with the processes, that have the potential to impact the environment or the health
34.13 of residents of the impacted environmental justice area;

34.14 (2) consider the impacts under worst case conditions as defined under part
34.15 7017.2005, subpart 8;

34.16 (3) identify the impacts at every stage of construction and operation of the
34.17 stationary source; and

34.18 (4) consider each environmental stressor identified in item F and how each
34.19 stressor may increase adverse effects of the stationary source or increase the impact that
34.20 stationary source has on the environment or the health of residents of the impacted
34.21 environmental justice area;

34.22 H. if the requested permit action includes facility expansion, detailed calculations
34.23 of potential emissions of the pollutants identified in subpart 4, item B, calculated as described
34.24 in part 7007.1200, subpart 3. The detailed calculations must also include a comparison to
34.25 the thresholds identified in subpart 4, item B;

35.1 I. a description of any current or proposed emission or operating limits, operational
35.2 conditions, control measures, or other measures to:

35.3 (1) avoid, minimize, or reduce negative impacts of the stationary source on
35.4 the environment or the health of residents of the impacted environmental justice area; or

35.5 (2) provide an environmental or health benefit to residents of the impacted
35.6 environmental justice area;

35.7 J. a detailed and complete compliance history for the stationary source, including
35.8 copies of any enforcement actions issued to the stationary source for the three years preceding
35.9 the date the requested permit action is received;

35.10 K. a description of any structural or operational changes that have occurred at the
35.11 stationary source since the effective date of this part, or the date the most recent permit was
35.12 issued with a cumulative impacts analysis approved under parts 7007.6000 to 7007.6120,
35.13 whichever is later; and

35.14 L. if a cumulative impacts analysis was previously approved according to parts
35.15 7007.6000 to 7007.6120, a summary of the most recently approved cumulative impacts
35.16 analysis and a description of any changes or proposed changes to data and information used
35.17 to support the most recently approved cumulative impacts analysis compared to the data
35.18 and information included in the initial assessment required by this part.

35.19 Subp. 4. **Benchmarks for requiring cumulative impacts analysis.**

35.20 A. If the requested permit action includes new construction, the owner or operator
35.21 must conduct a cumulative impacts analysis under part 7007.6090.

35.22 B. If the requested permit action includes facility expansion, the owner or operator
35.23 must conduct a cumulative impacts analysis under part 7007.6090 if the facility expansion
35.24 has the potential to emit, as calculated according to part 7007.1200, subpart 3:

- 36.1 (1) one or more of the following pollutants at a rate equal to or greater than
36.2 the specified amount, in pounds per hour:
- 36.3 (a) NO_x emissions - 2.28 pounds per hour;
36.4 (b) SO₂ emissions - 2.28 pounds per hour;
36.5 (c) VOC emissions - 2.28 pounds per hour;
36.6 (d) PM emissions - 1.43 pounds per hour;
36.7 (e) PM-10 emissions - 0.855 pounds per hour;
36.8 (f) PM-2.5 emissions - 0.571 pounds per hour;
36.9 (g) CO emissions - 5.7 pounds per hour;
36.10 (h) Pb emissions - 0.025 pounds per hour;
36.11 (i) fluoride emissions - 0.171 pounds per hour;
36.12 (j) sulfuric acid mist emissions - 0.400 pounds per hour;
36.13 (k) H₂S emissions - 0.571 pounds per hour;
36.14 (l) total reduced sulfur including H₂S emissions - 0.571 pounds per hour;
36.15 (m) total reduced sulfur compounds including H₂S emissions - 0.571
36.16 pounds per hour;
36.17 (n) municipal waste combustor organics emissions - 2.00E-07 pounds
36.18 per hour;
36.19 (o) municipal waste combustor metals emissions - 0.856 pounds per
36.20 hour;
36.21 (p) municipal solid waste landfill gas emissions - 2.85 pounds per hour;
36.22 (q) CO₂e emissions - 4,281 pounds per hour; or

- 37.1 (r) total HAP emissions - 0.057 pounds per hour; or
- 37.2 (2) a hazardous air pollutant under part 7007.1300, subpart 5, at a rate equal
- 37.3 to or greater than 25 percent of the hazardous air pollutant thresholds under part 7007.1300,
- 37.4 subpart 5, converted to pounds per hour.

37.5 C. If the requested permit action includes reissuance of a permit, the owner or

37.6 operator of a stationary source must conduct a cumulative impacts analysis under part

37.7 7007.6090 if an enforcement action was issued to the stationary source by the commissioner,

37.8 a county governmental authority delegated powers by agreement with the commissioner,

37.9 or the United States Environmental Protection Agency for any environmental media within

37.10 the three years before the date the application for reissuance is received, for a violation:

- 37.11 (1) for a failed performance test;
- 37.12 (2) that includes criminal enforcement;
- 37.13 (3) that includes a forgivable or nonforgivable monetary penalty; or
- 37.14 (4) that results in an administrative order.

37.15 **Subp. 5. Notice of initial assessment.**

37.16 A. The commissioner must post notice of receiving an initial assessment under

37.17 this part on the agency website. Any person may request to receive notice from the

37.18 commissioner of initial assessments received.

37.19 B. The notice must include, at a minimum:

- 37.20 (1) the name and location of the stationary source;
- 37.21 (2) the name and address of the owner or operator;
- 37.22 (3) the name and address of the agency;
- 37.23 (4) the activity or activities involved in the requested permit action;

38.1 (5) the name, address, and telephone number of a person; the email address
38.2 of a person; or a website address from which interested persons may obtain additional
38.3 information, including copies of the initial assessment and any other relevant supporting
38.4 materials that are public; and

38.5 (6) a statement that persons may file a petition, as described in part 7007.6060,
38.6 requesting the commissioner to require the owner or operator of a stationary source to
38.7 conduct a cumulative impacts analysis for the requested permit action.

38.8 **7007.6060 PETITION PROCESS.**

38.9 **Subpart 1. Petition.**

38.10 A. Any person may request that the commissioner require the owner or operator
38.11 of a stationary source to conduct a cumulative impacts analysis for a requested permit action
38.12 by filing a petition that contains the signatures and mailing addresses of at least 100
38.13 individuals who reside or own property in the impacted environmental justice area.

38.14 B. Any petition filed according to item A and this part must be submitted to the
38.15 commissioner on or before the date the public notice and comment period for the draft
38.16 permit ends according to part 7007.0850, subpart 2.

38.17 **Subp. 2. Content.**

38.18 A. The petition must include:

38.19 (1) a description of the requested permit action;

38.20 (2) the name of the owner or operator of the stationary source;

38.21 (3) the name, mailing address, email address, and telephone number of the
38.22 petitioners' representative;

38.23 (4) the name, mailing address, and signature of at least 100 individuals who
38.24 reside or own property in the impacted environmental justice area;

39.1 (5) a brief description of the potential impacts of the requested permit action
39.2 to the environment or the health of the residents of the impacted environmental justice area;
39.3 and

39.4 (6) material evidence that demonstrates that the requested permit action may
39.5 have the potential to substantially impact the environment or the health of the residents of
39.6 the impacted environmental justice area if the requested permit action is issued.

39.7 B. All material evidence under item A, subitem (6), must be submitted with the
39.8 petition. It is not sufficient to merely provide a reference or citation to where the evidence
39.9 may be found.

39.10 Subp. 3. **Filing.**

39.11 A. The petitioners must submit the petition to the address specified by the
39.12 commissioner, in a format specified by the commissioner.

39.13 B. The petitioners must notify, in writing, the owner or operator of the stationary
39.14 source named in subpart 2, item A, at the time they submit a petition to the commissioner.

39.15 Subp. 4. **Completeness review.**

39.16 A. The commissioner must determine whether the petition complies with subparts
39.17 1 to 3.

39.18 B. The commissioner must notify, in writing, the petitioners' representative and
39.19 the owner or operator of the stationary source whether the petition complies with subparts
39.20 1 to 3.

39.21 C. If the petition complies with subparts 1 to 3, the notice in item B must state
39.22 that:

39.23 (1) the petition complies with subparts 1 to 3; and

40.1 (2) the commissioner will review the petition to determine whether to grant
40.2 or deny the petition following the procedures in subpart 5.

40.3 D. If the petition does not comply with subparts 1 to 3, the notice in item B must:

40.4 (1) state that the petition does not comply with subparts 1 to 3;

40.5 (2) identify all deficiencies;

40.6 (3) advise the petitioners' representative how the deficiencies can be remedied;

40.7 and

40.8 (4) state that the petitioners must remedy all identified deficiencies within
40.9 15 calendar days of the notice and that failure to remedy all identified deficiencies will void
40.10 the petition.

40.11 E. If the petition does not comply with subparts 1 to 3 and the petitioners fail to
40.12 remedy all of the deficiencies identified in item D, subitem (2), within 15 calendar days,
40.13 the petition is void and the commissioner must notify the petitioners' representative that the
40.14 petition is void.

40.15 Subp. 5. Commissioner's decision.

40.16 A. The commissioner must grant the petition and require the owner or operator
40.17 of a stationary source to conduct a cumulative impacts analysis if the information considered
40.18 in item C demonstrates that the requested permit action may have the potential to substantially
40.19 impact the environment or the health of the residents of the impacted environmental justice
40.20 area if the requested permit action is issued.

40.21 B. The commissioner must deny the petition if the information considered in item
40.22 C fails to demonstrate that the requested permit action may have the potential to substantially
40.23 impact the environment or the health of the residents of the impacted environmental justice
40.24 area if the requested permit action is issued.

41.1 C. In determining whether to grant or deny the petition, the commissioner must
41.2 consider:

41.3 (1) material evidence presented by the petitioners in the petition;

41.4 (2) material evidence presented by the owner or operator of the stationary
41.5 source, including the requested permit action and the initial assessment required under part
41.6 7007.6050;

41.7 (3) material evidence presented by other persons;

41.8 (4) material evidence otherwise known to the commissioner; and

41.9 (5) any other information and data the commissioner deems relevant.

41.10 D. In determining whether to grant or deny the petition, the commissioner must
41.11 consider the information identified in item C and evaluate the impacts that may be expected
41.12 to occur from the requested permit action using the criteria listed in part 7007.6070, subpart
41.13 4.

41.14 Subp. 6. Notice of petition.

41.15 A. If the petition complies with subparts 1 to 3, the commissioner must post notice
41.16 of receiving a petition under this part on the agency website. Any person may request to
41.17 receive notice from the commissioner of petitions received.

41.18 B. The notice must include, at a minimum:

41.19 (1) the name and location of the stationary source;

41.20 (2) the name and address of the owner or operator;

41.21 (3) the name and address of the agency;

41.22 (4) the activity or activities involved in the requested permit action; and

42.1 (5) the name, address, and telephone number of a person; the email address
42.2 of a person; or a website address from which interested persons may obtain additional
42.3 information, including copies of the petition and any other relevant supporting materials
42.4 that are public.

42.5 **7007.6070 DETERMINATION OF NEED.**

42.6 Subpart 1. **Mandatory cumulative impacts analysis.** The commissioner must require
42.7 an owner or operator to conduct a cumulative impacts analysis for the requested permit
42.8 action if:

42.9 A. the requested permit action meets or exceeds any of the benchmarks specified
42.10 in part 7007.6050, subpart 4; or

42.11 B. the commissioner determines, using the criteria in subpart 4, that issuing the
42.12 requested permit action may substantially impact the environment or the health of the
42.13 residents of the impacted environmental justice area.

42.14 Subp. 2. **Discretionary cumulative impacts analysis.** The commissioner may require
42.15 an owner or operator to conduct a cumulative impacts analysis for the requested permit
42.16 action if:

42.17 A. the requested permit action does not meet or exceed any of the benchmarks
42.18 specified in part 7007.6050, subpart 4, but the commissioner determines that a cumulative
42.19 impacts analysis is necessary and supported by material evidence;

42.20 B. the commissioner determines under the petition process in part 7007.6060 that
42.21 issuing the requested permit action may substantially impact the environment or the health
42.22 of the residents of the impacted environmental justice area according to the criteria in subpart
42.23 4; or

43.1 C. the owner or operator requests to conduct a cumulative impacts analysis to
43.2 determine whether issuing the requested permit action may substantially impact the
43.3 environment or the health of the residents of the impacted environmental justice area.

43.4 Subp. 3. **Determining need for cumulative impacts analysis.** In determining whether
43.5 a cumulative impacts analysis is required under subpart 1, the commissioner must:

43.6 A. consider:

43.7 (1) the requested permit action;

43.8 (2) the initial assessment required under part 7007.6050 for the requested
43.9 permit action;

43.10 (3) whether the requested permit action meets or exceeds any of the
43.11 benchmarks under part 7007.6050, subpart 4;

43.12 (4) a petition submitted under part 7007.6060 and any material evidence
43.13 accompanying the petition if submitted under part 7007.6060;

43.14 (5) material evidence otherwise known to the commissioner; and

43.15 (6) any other information and data the commissioner deems relevant; and

43.16 B. evaluate the impacts that may be expected to occur from the requested permit
43.17 action using the criteria in subpart 4.

43.18 Subp. 4. **Determining substantial impact.** In determining whether issuing the
43.19 requested permit action may substantially impact the environment or the health of the
43.20 residents of an environmental justice area, the commissioner must consider:

43.21 A. the type, extent, and reversibility of potential impacts to the environment or
43.22 the health of residents of an environmental justice area;

43.23 B. cumulative potential impacts, considering:

- 44.1 (1) whether the potential impact is significant;
- 44.2 (2) whether the contribution from the requested permit action is significant
44.3 when viewed in connection with other contributions to the potential impact;
- 44.4 (3) the degree to which the measures proposed by the owner or operator in
44.5 the requested permit action are specifically designed to eliminate, minimize, or mitigate the
44.6 cumulative potential impact; and
- 44.7 (4) the actions of the owner or operator of the stationary source to eliminate,
44.8 minimize, or mitigate the contributions from the requested permit action;
- 44.9 C. the extent to which the potential impacts are subject to mitigation by ongoing
44.10 public regulatory authority, but only if mitigation measures are specific and can be expected
44.11 to mitigate the identified potential impacts of the requested permit action; and
- 44.12 D. the extent to which potential impacts can be anticipated and controlled as
44.13 understood or explained by existing and available environmental and health studies
44.14 undertaken by public agencies or the owner or operator of the stationary source, including
44.15 other cumulative impacts analyses.
- 44.16 Subp. 5. **Insufficient information.** If the commissioner determines that there is
44.17 insufficient information to make a decision about the potential for or significance of one or
44.18 more environmental or health impacts but the information can be obtained, the commissioner
44.19 must:
- 44.20 A. require the owner or operator to conduct a cumulative impacts analysis, if the
44.21 commissioner would otherwise require a cumulative impacts analysis according to subpart
44.22 1 or 2, and include within the scope of the cumulative impacts analysis a requirement to
44.23 obtain the lacking information; or

45.1 B. provide written notice to the owner or operator, including a brief description
45.2 of the lacking information, and require the owner or operator to submit the lacking
45.3 information by the time specified in the notice.

45.4 Subp. 6. **Decision document.** The commissioner must prepare a written document
45.5 containing the reasons for the determination made according to subpart 3. The document
45.6 must describe the information that was considered in making the decision and how the
45.7 information was weighed. The commissioner must post the document on the agency website
45.8 and notify the owner or operator within 30 calendar days after the determination.

45.9 **7007.6080 PUBLIC PARTICIPATION.**

45.10 Subpart 1. **Applicability.** An owner or operator of a stationary source must comply
45.11 with this part if the owner or operator is required to prepare a cumulative impacts analysis
45.12 under part 7007.6090 or is required to prepare a community benefit agreement under part
45.13 7007.6110.

45.14 Subp. 2. **Cumulative impacts analysis; public participation plan.**

45.15 A. An owner or operator must prepare and submit a cumulative impacts analysis
45.16 public participation plan, in a format specified by the commissioner, that complies with this
45.17 subpart when the owner or operator is required to prepare a cumulative impacts analysis
45.18 under part 7007.6090. The public participation plan must include:

45.19 (1) a summary of the initial assessment prepared according to part 7007.6050;

45.20 (2) a description of how the owner or operator will comply with subparts 4
45.21 to 11; and

45.22 (3) a description of expected timelines for starting and completing the public
45.23 meetings required under subpart 4, item A; associated public notices required under subpart
45.24 7; and public comment periods required under subpart 8.

46.1 B. An owner or operator must submit the public participation plan to the
46.2 commissioner within 30 calendar days after the date the commissioner posts the determination
46.3 under part 7007.6070, subpart 6.

46.4 C. The commissioner must review and approve the public participation plan before
46.5 the owner or operator provides public notice under subpart 7 for the public meeting described
46.6 in subpart 4, item A, subitem (1).

46.7 D. If the commissioner does not approve the public participation plan, the
46.8 commissioner must identify any deficiencies, notify the owner or operator of the deficiencies,
46.9 advise the owner or operator on how to remedy all identified deficiencies, and specify a
46.10 timeline for resubmitting the public participation plan.

46.11 E. An owner or operator may hire a third party to assist in developing and
46.12 implementing the public participation plan.

46.13 **Subp. 3. Community benefit agreement; public participation plan.**

46.14 A. An owner or operator must prepare and submit a community benefit agreement
46.15 public participation plan, in a format specified by the commissioner, that complies with this
46.16 subpart when the owner or operator is required to prepare a community benefit agreement
46.17 under part 7007.6110. The public participation plan must include:

46.18 (1) a summary of the substantial adverse impact identified in the
46.19 commissioner's determination of substantial adverse impact required under part 7007.6100;

46.20 (2) a description of how the owner or operator will comply with subparts 4
46.21 to 11;

46.22 (3) a description of how the owner or operator will comply with part
46.23 7007.6110, subpart 2; and

47.1 (4) a description of expected timelines for starting and completing the public
47.2 meetings required under subpart 4, item B; associated public notices required under subpart
47.3 7; and associated public comment periods required under subpart 8.

47.4 B. An owner or operator must submit the public participation plan to the
47.5 commissioner within 30 calendar days after the date the commissioner posts the determination
47.6 under part 7007.6100, subpart 4.

47.7 C. The commissioner must review and approve the public participation plan before
47.8 the owner or operator provides public notice under subpart 7 for the public meeting described
47.9 in subpart 4, item B, subitem (1).

47.10 D. If the commissioner does not approve the public participation plan, the
47.11 commissioner must identify any deficiencies, notify the owner or operator of the deficiencies,
47.12 advise the owner or operator on how to remedy all identified deficiencies, and specify a
47.13 timeline for resubmitting the public participation plan.

47.14 E. The owner or operator may hire a third party to assist in developing and
47.15 implementing the public participation plan.

47.16 Subp. 4. **Public meetings.**

47.17 A. Before the commissioner issues or denies the requested permit action, the
47.18 owner or operator of a stationary source that is required to prepare a cumulative impacts
47.19 analysis under part 7007.6090 must hold at least two public meetings in the impacted
47.20 environmental justice area regarding the cumulative impacts analysis. The owner or operator
47.21 must, at a minimum, hold:

47.22 (1) one public meeting before conducting the cumulative impacts analysis;
47.23 and

47.24 (2) one public meeting after conducting the cumulative impacts analysis.

48.1 B. Before the commissioner enters into a community benefit agreement, the owner
48.2 or operator that is required to prepare a community benefit agreement under part 7007.6110
48.3 must hold at least two public meetings in the impacted environmental justice area regarding
48.4 the community benefit agreement. The owner or operator must, at a minimum, hold:

48.5 (1) one public meeting before preparing the draft community benefit
48.6 agreement; and

48.7 (2) one public meeting after preparing the draft community benefit agreement.

48.8 **Subp. 5. Public meeting requirements.**

48.9 A. The owner or operator of a stationary source holding a public meeting under
48.10 subpart 4 must:

48.11 (1) comply with this subpart;

48.12 (2) comply with the meeting-specific requirements under subpart 6 for the
48.13 applicable meeting;

48.14 (3) publish notice of the public meeting according to subpart 7; and

48.15 (4) accept written and oral comments from any interested persons and respond
48.16 to those comments according to subpart 8.

48.17 B. An owner or operator must hold a public meeting required under subpart 4 in
48.18 the impacted environmental justice area at a location that is convenient to persons expected
48.19 to attend the meeting. If the owner or operator demonstrates that there is no suitable meeting
48.20 place in the impacted environmental justice area, the commissioner must approve an
48.21 alternative location for the public meeting that is as close as possible to the impacted
48.22 environmental justice area.

48.23 C. For a public meeting required under subpart 4, the owner or operator must:

49.1 (1) conduct the public meeting on a weekday that is not a public holiday with
49.2 a start time between 5:30 p.m. and 7:30 p.m. central time, unless an alternative day and time
49.3 is approved by the commissioner;

49.4 (2) include a video and audio recording of the entirety of the public meeting
49.5 that is made available online for the public to view. The recording must be available within
49.6 15 calendar days after the public meeting until at least the close of the public notice and
49.7 comment period for the draft permit required under part 7007.0850; and

49.8 (3) provide language interpretation services, translation services, and translated
49.9 written materials upon request.

49.10 D. At a public meeting required under subpart 4, the owner or operator must
49.11 provide, at a minimum:

49.12 (1) a statement that persons may request to be placed on the mailing list under
49.13 subpart 7, item D, to receive notice of future proceedings under parts 7007.6000 to
49.14 7007.6120;

49.15 (2) a brief description of the comment procedures required by subpart 8,
49.16 including the date on which the comment period ends and how interested persons must
49.17 submit their comments;

49.18 (3) a summary description of the stationary source and the requested permit
49.19 action; and

49.20 (4) a concise description regarding the requirements of parts 7007.6000 to
49.21 7007.6120 that are or may be applicable to the requested permit action.

49.22 E. The commissioner or an agency representative must attend a public meeting
49.23 required under subpart 4.

50.1 F. The owner or operator must prepare a fact sheet for a public meeting required
50.2 under subpart 4. The fact sheet must include:

50.3 (1) a summary description of the stationary source and the requested permit
50.4 action;

50.5 (2) a concise description regarding the requirements of parts 7007.6000 to
50.6 7007.6120 that are or may be applicable to the requested permit action;

50.7 (3) a summary of the potential impacts to the environment or the health of
50.8 the residents of the impacted environmental justice area;

50.9 (4) a summary of the information to be discussed at the public meeting;

50.10 (5) the beginning and end dates of the public comment period associated with
50.11 the public meeting and how interested persons must submit their comments; and

50.12 (6) the name, address, telephone number, and email address of a person or a
50.13 website address from which interested persons may obtain additional information or submit
50.14 comments.

50.15 G. At least 45 calendar days before a public meeting required under subpart 4,
50.16 the owner or operator must:

50.17 (1) provide written notice of the public meeting to the commissioner and the
50.18 responsible officials of any municipalities in which the impacted environmental justice area
50.19 is located;

50.20 (2) provide the commissioner a copy of the notice of the public meeting
50.21 required under subpart 7; and

50.22 (3) provide the commissioner a copy of the fact sheet required under item F.

51.1 Subp. 6. Meeting-specific requirements.

51.2 A. At the public meeting required under subpart 4, item A, subitem (1), the owner
51.3 or operator must provide a presentation that includes, at a minimum:

51.4 (1) a summary of information included in the initial assessment required
51.5 under part 7007.6050;

51.6 (2) a summary of the reasons why a cumulative impacts analysis is required,
51.7 including references to the commissioner's determination of need under part 7007.6070;

51.8 (3) a summary of the information needed for the owner or operator to conduct
51.9 the cumulative impacts analysis according to part 7007.6090; and

51.10 (4) an opportunity for any interested persons to ask questions, discuss the
51.11 information to be included in the cumulative impacts analysis, and provide comments.

51.12 B. At the public meeting required under subpart 4, item A, subitem (2), the owner
51.13 or operator must provide a presentation that includes, at a minimum:

51.14 (1) a summary of the comments received during the public meeting required
51.15 under subpart 4, item A, subitem (1), and the associated public comment period and a
51.16 summary of the owner's or operator's response to the comments;

51.17 (2) a summary of the information included in and results of the cumulative
51.18 impacts analysis required under part 7007.6090;

51.19 (3) an explanation of how comments received informed any information
51.20 included in the cumulative impacts analysis under part 7007.6090;

51.21 (4) the owner's or operator's determination regarding whether issuing the
51.22 requested permit action would have a substantial adverse impact according to part 7007.6100;
51.23 and

52.1 (5) an opportunity for any interested persons to ask questions, discuss the
52.2 cumulative impacts analysis, and provide comments.

52.3 C. At the public meeting required under subpart 4, item B, subitem (1), the owner
52.4 or operator must provide a presentation that includes, at a minimum:

52.5 (1) a summary of the comments received during the public meeting required
52.6 under subpart 4, item A, subitem (2), and the associated public comment period and a
52.7 summary of the owner's or operator's response to the comments;

52.8 (2) a summary of the reasons why a community benefit agreement is required,
52.9 including references to the commissioner's determination of substantial adverse impact
52.10 under part 7007.6100;

52.11 (3) a summary of the information needed for the owner or operator to draft
52.12 the community benefit agreement according to part 7007.6110;

52.13 (4) examples of benefits that could be included in a community benefit
52.14 agreement required under part 7007.6110; and

52.15 (5) an opportunity for any interested persons to ask questions, discuss the
52.16 information and benefits to be included in the draft community benefit agreement, and
52.17 provide comments.

52.18 D. At the public meeting required under subpart 4, item B, subitem (2), the owner
52.19 or operator must provide a presentation that includes, at a minimum:

52.20 (1) a summary of the comments received during the public meeting required
52.21 under subpart 4, item B, subitem (1), and the associated public comment period and a
52.22 summary of the owner's or operator's response to the comments;

52.23 (2) a summary of the draft community benefit agreement required under part
52.24 7007.6110;

53.1 (3) an explanation of how comments received informed any information
53.2 included in the draft community benefit agreement required under part 7007.6110; and

53.3 (4) an opportunity for any interested persons to ask questions, discuss the
53.4 draft community benefit agreement, and provide comments.

53.5 Subp. 7. **Public notices.**

53.6 A. At least 30 calendar days before a public meeting required under subpart 4,
53.7 the owner or operator must:

53.8 (1) post and maintain, in a legible condition, physical signs in the impacted
53.9 environmental justice area that comply with item C;

53.10 (2) publish a notice in at least one newspaper of general circulation in the
53.11 impacted environmental justice area;

53.12 (3) publish a notice in at least one non-English newspaper or periodical of
53.13 general circulation in the impacted environmental justice area, if available, in a language
53.14 representative of the residents of the impacted environmental justice area;

53.15 (4) provide notice to any interested persons signed up to receive notices
53.16 through the electronic mailing list under item D; and

53.17 (5) provide notice through other methods identified and selected by the owner
53.18 or operator, if necessary to ensure direct notice to persons in the impacted environmental
53.19 justice area.

53.20 B. Signs and notices under item A must be in a format specified by the
53.21 commissioner and must include, at a minimum:

53.22 (1) the name and location of the stationary source;

53.23 (2) the name and address of the permittee;

- 54.1 (3) the name and address of the agency;
- 54.2 (4) a brief description of the requested permit action and the activity or
54.3 activities involved in the requested permit action;
- 54.4 (5) a brief statement describing the purpose of the meeting;
- 54.5 (6) a statement requesting comments to develop materials required to be
54.6 prepared under parts 7007.6000 to 7007.6120;
- 54.7 (7) a statement that persons may request to be placed on the mailing list
54.8 required by item D to receive notice of future proceedings under parts 7007.6000 to
54.9 7007.6120;
- 54.10 (8) the name, address, and telephone number of a person; the email address
54.11 of a person; or a website address from which interested persons may obtain additional
54.12 information, including copies of the requested permit action and any other relevant supporting
54.13 materials that are public;
- 54.14 (9) a brief description of the comment procedures required by this part,
54.15 including the dates on which the comment period begins and ends and how interested persons
54.16 must submit their comments;
- 54.17 (10) the date, time, and location of the applicable public meeting; and
- 54.18 (11) a statement of procedures to request interpretation services, translation
54.19 services, or translated written materials.
- 54.20 C. The physical signs required under item A, subitem (1), must:
- 54.21 (1) be posted at the location of the stationary source;
- 54.22 (2) be posted in at least four public spaces in each environmental justice area
54.23 within the impacted environmental justice area;

55.1 (3) be at least 8.5 inches by 11 inches in size; and

55.2 (4) be in English and any one or more other languages representative of the
55.3 residents of the impacted environmental justice area.

55.4 D. An owner or operator must create and maintain an electronic mailing list and
55.5 provide interested persons with opportunities to sign up to receive notice of public meetings
55.6 and future proceedings under parts 7007.6000 to 7007.6120.

55.7 Subp. 8. Public comments.

55.8 A. For a public notice under subpart 7, the owner or operator must provide at least
55.9 30 calendar days for public comment. The public comment period must remain open for at
55.10 least 15 calendar days after the date of the public meeting.

55.11 B. At a public meeting required under subpart 4, the owner or operator must accept
55.12 written and oral comments from any interested persons and allot sufficient time to ensure
55.13 that all interested persons have an opportunity to provide oral comment at the public meeting.

55.14 C. Within 30 calendar days after a public meeting required under subpart 4, the
55.15 owner or operator must provide to the commissioner an electronic copy of all written
55.16 comments and a transcript of all oral comments received at the meeting.

55.17 D. The owner or operator must respond in writing to all comments and must
55.18 maintain a record of the public participation process, including any public meeting. The
55.19 record must include:

55.20 (1) a list of the commenters;

55.21 (2) issues raised by the commenters;

55.22 (3) comments received; and

55.23 (4) the owner's or operator's written responses to the comments.

56.1 E. An owner or operator must provide the report required under item D to the
56.2 commissioner within 30 calendar days after the end of the comment period and at least 45
56.3 calendar days before the subsequent public meeting required under subpart 4.

56.4 Subp. 9. Posting public notice documents. For at least the duration of a comment
56.5 period and for at least 30 calendar days before a public meeting, the commissioner must
56.6 post the following materials on the agency website for public notices:

56.7 A. for a public meeting required under subpart 4:

56.8 (1) the notice of the public meeting required under subpart 7; and

56.9 (2) the fact sheet required under subpart 5, item F;

56.10 B. for the public meeting required under subpart 4, item A, subitem (1):

56.11 (1) the initial assessment required under part 7007.6050;

56.12 (2) the commissioner's determination of need required under part 7007.6070;

56.13 and

56.14 (3) a copy of the cumulative impacts analysis public participation plan required
56.15 under subpart 2;

56.16 C. for the public meeting required under subpart 4, item A, subitem (2):

56.17 (1) the cumulative impacts analysis required under part 7007.6090; and

56.18 (2) the report required under subpart 8, item E, for the public meeting required
56.19 under subpart 4, item A, subitem (1);

56.20 D. for the public meeting required under subpart 4, item B, subitem (1):

56.21 (1) the cumulative impacts analysis required under part 7007.6090;

56.22 (2) the commissioner's determination of substantial adverse impact required
56.23 under part 7007.6100;

57.1 (3) a copy of the community benefit agreement public participation plan
57.2 required under subpart 3; and

57.3 (4) the report required under subpart 8, item E, for the public meeting required
57.4 under subpart 4, item A, subitem (2); and

57.5 E. for the public meeting required under subpart 4, item B, subitem (2):

57.6 (1) the cumulative impacts analysis required under part 7007.6090;

57.7 (2) the draft community benefit agreement required under part 7007.6110;

57.8 and

57.9 (3) the report required under subpart 8, item E, for the public meeting required
57.10 under subpart 4, item B, subitem (1).

57.11 Subp. 10. **Record keeping.** An owner or operator must maintain:

57.12 A. copies and proof of publishing the notices of public meetings required under
57.13 subpart 7, item A, subitems (2) and (3);

57.14 B. copies and proof of posting and maintaining the signs required under subpart
57.15 7, item A, subitem (1);

57.16 C. a list of physical addresses where and dates when the signs required under
57.17 subpart 7, item A, subitem (1), were posted;

57.18 D. copies and proof of mailing the informational material required under part
57.19 7007.6110, subpart 2, item C;

57.20 E. copies of all written and oral comments received at any public meeting required
57.21 under this part;

57.22 F. copies of all written and oral comments received during any public notice period
57.23 required under this part;

58.1 G. copies of all written responses to comments required under subpart 8, item D;

58.2 H. copies and proof of mailing any notice of public meetings and proceedings
58.3 required under subpart 7, item A, subitem (4);

58.4 I. a record of the website address, dates of posting, and duration or removal date
58.5 of the recordings required under subpart 5, item C, subitem (2); and

58.6 J. records of any other methods used to provide notice under subpart 7, item A,
58.7 subitem (5).

58.8 **Subp. 11. Additional outreach and engagement.**

58.9 A. An owner or operator may conduct additional outreach and engagement, in
58.10 addition to the requirements of this part, to develop and foster existing community relations
58.11 and foster community engagement at any point before or while drafting a cumulative impacts
58.12 analysis and a community benefit agreement.

58.13 B. An owner or operator may use information gathered from additional or existing
58.14 outreach and engagement in preparing a cumulative impacts analysis and a community
58.15 benefit agreement if the owner or operator maintains records that contain:

58.16 (1) a description of the additional or existing outreach and engagement
58.17 method;

58.18 (2) dates, times, and locations of where additional or existing outreach and
58.19 engagement was conducted;

58.20 (3) a summary of the objectives, goals, and outcomes of each additional or
58.21 existing outreach and engagement activity conducted; and

58.22 (4) copies of any written or oral comments received from residents of the
58.23 impacted environmental justice area during the additional or existing outreach and
58.24 engagement activity.

59.1 **7007.6090 CUMULATIVE IMPACTS ANALYSIS.**

59.2 Subpart 1. **Applicability.** An owner or operator of a stationary source must conduct
59.3 and submit a cumulative impacts analysis for a requested permit action, in a format specified
59.4 by the commissioner, that complies with this part when the commissioner determines that
59.5 a cumulative impacts analysis is required under part 7007.6070.

59.6 Subp. 2. **Submissions.**

59.7 A. An owner or operator must submit a cumulative impacts analysis required by
59.8 this part to the commissioner at least 45 calendar days before the public meeting required
59.9 under part 7007.6080, subpart 4, item A, subitem (2).

59.10 B. The cumulative impacts analysis must contain:

59.11 (1) the information included in the initial assessment prepared under part
59.12 7007.6050;

59.13 (2) the information specified in subpart 3;

59.14 (3) an air quality modeling analysis required under subpart 4;

59.15 (4) an air emissions risk analysis required under subpart 5;

59.16 (5) the Tribal supplement, if required by part 7007.6030, subpart 4;

59.17 (6) the owner's or operator's determination of whether issuing the requested
59.18 permit action would have a substantial adverse impact on the environment or the health of
59.19 the residents of the impacted environmental justice area; and

59.20 (7) the data and information used by the owner or operator to make the
59.21 determination in subitem (6).

59.22 C. If the commissioner determines that additional information is necessary in
59.23 order to determine the potential for, or significance of, one or more environmental or health

60.1 impacts, the commissioner must require the owner or operator to include the following
60.2 additional information, as applicable:

60.3 (1) information or analyses identified during the determination of need stage
60.4 under part 7007.6070, subpart 5;

60.5 (2) information or analyses needed to evaluate potential impacts identified
60.6 through a petition submitted under part 7007.6060;

60.7 (3) information or analyses needed to evaluate potential impacts identified
60.8 through comments provided through public participation conducted according to part
60.9 7007.6080; and

60.10 (4) any other information and analyses the commissioner deems relevant.

60.11 Subp. 3. **Cumulative impacts analysis contents.** An owner or operator must include
60.12 the following information in a cumulative impacts analysis:

60.13 A. Site mapping for the stationary source showing:

60.14 (1) topographic conditions, contour data, drainage patterns, wetlands and
60.15 their associated buffers, coastal zones, or other areas regulated by the Pollution Control
60.16 Agency or the Department of Natural Resources;

60.17 (2) areas of known plant or animal species on the federal and state endangered,
60.18 threatened, or rare plant or animal species lists;

60.19 (3) all existing water classifications and designated uses, including limitations
60.20 of the groundwater and surface water bodies that are immediately adjacent to the site, exist
60.21 on the site, or drain directly onto or off the site; drinking water supply management areas
60.22 on the site; upstream tributaries of bodies of water that flow onto the site; and downstream
60.23 tributaries of bodies of water that flow from the site, in accordance with chapter 7050; and

61.1 (4) any existing public scenic attributes or outdoor recreation and conservation
61.2 opportunities in the impacted environmental justice area, such as:

61.3 (a) any federal, state, county, Tribal, or municipal parks, forests, wildlife
61.4 management areas, or natural areas;

61.5 (b) any areas acquired for recreation and conservation purposes with any
61.6 state, federal, local, or Tribal program or a nonprofit conservation organization;

61.7 (c) any lands preserved as open space by a nonprofit conservation
61.8 organization; and

61.9 (d) other public access features.

61.10 B. Information pertaining to the existence or absence of contamination on site,
61.11 which may include the existence of known or suspected contaminants, historical uses of
61.12 the site, and any remediation activities that have occurred on the site.

61.13 C. An assessment of localized impacts of climate change, including pollutants,
61.14 hazards, risks, and vulnerability linked to climate change, considering air quality, water
61.15 quality and quantity, land use, and public health. At a minimum, the assessment must include:

61.16 (1) the current and anticipated future conditions of climate change during the
61.17 life of the stationary source in the location where it is sited;

61.18 (2) contributions to climate change and its impacts from action taken by and
61.19 pollutants emitted by the stationary source;

61.20 (3) impacts of climate change that may result in air quality risks and benefits,
61.21 water quality and quantity risks, risks for land use, and risks to public health generally and
61.22 for vulnerable populations;

61.23 (4) vulnerabilities given the locational hazards and climate risks identified;
61.24 and

62.1 (5) proposed mitigation, adaptation, or resilience measures to address climate
62.2 change vulnerabilities.

62.3 D. A traffic study that describes the transportation routes that will service the
62.4 stationary source; site access capability; and existing traffic flow patterns expressed in terms
62.5 of daily peak hour volumes, off-peak hour volumes, levels of service, and average daily
62.6 round trips; and the stationary source's current and proposed contributions thereto for all
62.7 vehicles associated with the stationary source's operations.

62.8 E. A description of the stormwater management system that identifies the type of
62.9 collection and treatment system available and the current collection and treatment capacity
62.10 and utilization, including the presence or absence of combined sewer overflows.

62.11 F. A description of the odor, dust, and noise impacts of construction and operation
62.12 of the stationary source on the residents of the impacted environmental justice area. If the
62.13 stationary source has the potential to cause odor, dust, or noise off site, the owner or operator
62.14 must include an odor, dust, and noise mitigation or management plan.

62.15 G. An analysis and proposal of emission limits, operational conditions, control
62.16 measures, or other measures necessary to:

62.17 (1) avoid the negative impacts of the stationary source to the environment or
62.18 the health of residents of the impacted environmental justice area; and

62.19 (2) minimize or reduce the negative impacts of the stationary source to the
62.20 environment or the health of residents of the impacted environmental justice area.

62.21 H. An analysis and outline of comments provided during the public notice and
62.22 comment periods required under part 7007.6080. The analysis and outline must describe
62.23 actions that the owner or operator will take to address issues raised in comments, including
62.24 identifying any additional analyses that the owner or operator undertook to supplement the
62.25 cumulative impacts analysis.

63.1 I. A description of the socioeconomic impact of construction and operation of the
63.2 stationary source on the residents of the impacted environmental justice area.

63.3 Subp. 4. Air quality modeling analysis.

63.4 A. An owner or operator must conduct an air quality modeling analysis for the
63.5 Minnesota ambient air quality standards and national ambient air quality standards identified
63.6 in parts 7009.0080 and 7009.0090 that:

63.7 (1) indicates whether the permit for the stationary source contains requirements
63.8 to conduct air dispersion modeling for criteria pollutants and identifies any past air dispersion
63.9 modeling conducted for the stationary source; and

63.10 (2) evaluates the potential ambient air quality impacts from the stationary
63.11 source and whether the stationary source is likely to cause or contribute to an exceedance
63.12 of the ambient air quality standards.

63.13 B. An owner or operator must conduct an air quality modeling analysis in
63.14 accordance with a protocol approved in advance by the commissioner according to item C.
63.15 The air quality modeling analysis must address each pollutant that the stationary source has
63.16 the potential to emit in an amount greater than or equal to the rates identified in Code of
63.17 Federal Regulations, title 40, section 52.21(b)(23)(i).

63.18 C. The commissioner must approve a protocol under item B if the protocol:

63.19 (1) documents how the owner or operator proposes to conduct an air quality
63.20 modeling analysis and how the results will be presented to the commissioner; and

63.21 (2) contains the information necessary to perform the analysis, including
63.22 identifying:

63.23 (a) the current and proposed operations of the stationary source;

63.24 (b) the air quality model to be used;

- 64.1 (c) types of emissions;
- 64.2 (d) emission rates;
- 64.3 (e) pollutant release characteristics;
- 64.4 (f) buildings and related structures;
- 64.5 (g) terrain data;
- 64.6 (h) meteorological information;
- 64.7 (i) receptor placement;
- 64.8 (j) ambient air boundary;
- 64.9 (k) background concentrations of regulated criteria pollutants;
- 64.10 (l) other nearby sources of pollutants; and
- 64.11 (m) any other information necessary to perform an accurate analysis.

64.12 D. An owner or operator must submit the results of an air quality modeling analysis
64.13 conducted in accordance with the approved protocol in an air quality modeling analysis
64.14 report, in a format specified by the commissioner.

64.15 E. An air quality modeling analysis report must document the results of the air
64.16 quality modeling analysis and demonstrate whether issuing the requested permit action will
64.17 cause or contribute to an exceedance of any ambient air quality standard.

64.18 **Subp. 5. Air emissions risk analysis.**

64.19 A. An owner or operator must conduct an air emissions risk analysis to estimate
64.20 the potential human health risks from air pollution emitted by the stationary source. An air
64.21 emissions risk analysis is a process that:

65.1 (1) uses spreadsheets, computer models, and inhalation health benchmarks
65.2 to estimate the potential human health risks from air pollution emitted by a stationary source;

65.3 (2) indicates whether the permit for the stationary source contains requirements
65.4 to conduct an air emissions risk analysis and identifies any past air emissions risk analysis
65.5 conducted for the stationary source; and

65.6 (3) evaluates the potential impacts from the stationary source and whether
65.7 issuing the requested permit action is likely to cause or contribute to an exceedance of the
65.8 acceptable risk levels identified in item D.

65.9 B. An owner or operator must conduct an air emissions risk analysis in accordance
65.10 with a protocol approved in advance by the commissioner according to item C.

65.11 C. The commissioner must approve a protocol under item B if the protocol:

65.12 (1) documents how the owner or operator proposes to conduct an air emissions
65.13 risk analysis and how the results will be presented to the commissioner;

65.14 (2) contains the information necessary to perform the analysis, including
65.15 identifying:

65.16 (a) the current and proposed operations of the stationary source;

65.17 (b) the air quality model to be used;

65.18 (c) types of emissions;

65.19 (d) emission rates;

65.20 (e) pollutant release characteristics;

65.21 (f) buildings and related structures;

65.22 (g) terrain data;

65.23 (h) meteorological information;

- 66.1 (i) receptor placement; and
- 66.2 (j) the ambient air boundary;
- 66.3 (3) includes an exposure assessment that characterizes the neighborhood and
66.4 potential receptors surrounding the stationary source;
- 66.5 (4) defines the extent of a modeling domain;
- 66.6 (5) identifies information regarding the impacted environmental justice area,
66.7 including population, census, and demographic information; and
- 66.8 (6) includes maps of sensitive receptors, zoning, land use, farming locations,
66.9 and fishable water bodies.

66.10 D. An owner or operator must use the following acceptable risk levels in an air
66.11 emissions risk analysis under this subpart:

- 66.12 (1) cancer risk of 1 in 100,000;
- 66.13 (2) hazard quotient of 1 (rounded to one significant figure) for acute,
66.14 subchronic, and chronic inhalation risk;
- 66.15 (3) hazard quotient of 1 (rounded to one significant figure) for farmer
66.16 noncancer, farmer cancer, urban gardener noncancer, urban gardener cancer, resident
66.17 noncancer, and resident cancer multipathway risk; and
- 66.18 (4) hazard index of 1 (without rounding down to one significant figure) for
66.19 acute, subchronic, and chronic noncancer health endpoints.

66.20 E. An owner or operator must submit the results of an air emissions risk analysis
66.21 conducted in accordance with the approved protocol in an air emissions risk analysis report,
66.22 in a format specified by the commissioner.

67.1 F. An air emissions risk analysis report must document the results of the air
67.2 emission risk analysis and demonstrate whether issuing the requested permit action will
67.3 cause or contribute to an exceedance of the acceptable risk levels identified in item D.

67.4 **7007.6100 SUBSTANTIAL ADVERSE IMPACT.**

67.5 **Subpart 1. Substantial adverse impact determination.**

67.6 A. The commissioner must determine that issuing the requested permit action
67.7 would result in a substantial adverse impact to the environment or the health of the residents
67.8 of the impacted environmental justice area if:

67.9 (1) the results of the air quality modeling analysis required under part
67.10 7007.6090, subpart 4, indicate that emissions from the stationary source would result in a
67.11 contribution to modeled air pollution concentrations of pollutants that are greater than or
67.12 equal to 50 percent of any ambient air quality standard;

67.13 (2) the results of the air emissions risk analysis required under part 7007.6090,
67.14 subpart 5, indicate that emissions from the stationary source would result in a predicted
67.15 maximum ambient impact that exceeds the acceptable risk levels listed in part 7007.6090,
67.16 subpart 5, item D; or

67.17 (3) the commissioner determines an environmental or health impact identified
67.18 in the cumulative impacts analysis is a substantial adverse impact under item B.

67.19 B. In determining whether an environmental or health impact is a substantial
67.20 adverse impact, the commissioner must consider the following information and evaluate
67.21 the environmental or health impact using the criteria listed in subpart 2:

67.22 (1) the requested permit action;

67.23 (2) the cumulative impacts analysis required under part 7007.6090;

68.1 (3) the environmental stressors present in the impacted environmental justice
68.2 area;

68.3 (4) the comments received during the public notice and comment periods
68.4 required under part 7007.6080 and during the public participation conducted according to
68.5 part 7007.6080;

68.6 (5) the owner's or operator's responses to comments received during the public
68.7 notice and comment periods required under part 7007.6080 and during the public participation
68.8 conducted according to part 7007.6080; and

68.9 (6) the socioeconomic impact of the stationary source to residents of the
68.10 impacted environmental justice area.

68.11 **Subp. 2. Criteria for evaluating environmental and health impacts.** In determining
68.12 whether an environmental or health impact is a substantial adverse impact, the commissioner
68.13 must evaluate:

68.14 A. the type, extent, and reversibility of the environmental or health impact;

68.15 B. cumulative impacts, considering:

68.16 (1) whether the impact is significant;

68.17 (2) whether the contribution from the requested permit action is significant
68.18 when viewed in connection with other contributions to the impact;

68.19 (3) the degree to which the measures proposed by the owner or operator in
68.20 the requested permit action are specifically designed to eliminate, minimize, or mitigate the
68.21 cumulative impact; and

68.22 (4) the actions of the owner or operator of the stationary source to eliminate,
68.23 minimize, or mitigate the contributions from the requested permit action;

69.1 C. the extent to which the impacts are subject to mitigation by ongoing public
69.2 regulatory authority, but only if mitigation measures are specific and can be expected to
69.3 mitigate the identified impacts of the requested permit action;

69.4 D. the extent to which impacts can be anticipated and controlled as understood
69.5 or explained by existing and available environmental and health studies undertaken by
69.6 public agencies or the owner or operator of the stationary source, including other cumulative
69.7 impact analyses; and

69.8 E. the environmental stressors present in the impacted environmental justice area
69.9 and how they may increase the magnitude of adverse environmental or health impacts.

69.10 Subp. 3. **Insufficient information.** If the commissioner determines that there is
69.11 insufficient information for a determination under subpart 1, but the information can be
69.12 obtained, the commissioner must provide written notice to the owner or operator, including
69.13 a brief description of the lacking information, and require the owner or operator to submit
69.14 the lacking information by the time specified in the notice.

69.15 Subp. 4. **Decision document; substantial adverse impact determination.** The
69.16 commissioner must prepare a written document containing the reasons for the commissioner's
69.17 determination under subpart 1 regarding whether issuing the requested permit action would
69.18 have a substantial adverse impact on the environment or the health of the residents of the
69.19 impacted environmental justice area. The document must describe the information that was
69.20 considered in making the decision and how the information was weighed. The commissioner
69.21 must post the document on the agency website within 30 calendar days after the determination
69.22 is made.

69.23 Subp. 5. **Substantial adverse impact; avoidance and mitigation.**

69.24 A. If issuing the requested permit action would have a substantial adverse impact
69.25 on the environment or the health of the residents of the impacted environmental justice area

70.1 under subpart 1, the owner or operator may identify and analyze additional emission limits,
70.2 operational conditions, control measures, or other measures to avoid, minimize, or reduce
70.3 the negative impacts of the stationary source to the environment or the health of residents
70.4 of the impacted environmental justice area such that there is no longer a substantial adverse
70.5 impact.

70.6 B. The owner or operator may incorporate the measures identified in item A into
70.7 the requested permit action and revise the cumulative impacts analysis to include the
70.8 measures identified.

70.9 C. If an owner or operator revises the requested permit action and cumulative
70.10 impacts analysis to incorporate the measures identified in item A so that issuing the requested
70.11 permit action would no longer have a substantial adverse impact as determined under subpart
70.12 1, the owner or operator is not required to prepare a community benefit agreement under
70.13 part 7007.6110.

70.14 **7007.6110 COMMUNITY BENEFIT AGREEMENTS.**

70.15 **Subpart 1. Applicability.**

70.16 A. An owner or operator of a stationary source must prepare a community benefit
70.17 agreement, in a format specified by the commissioner, according to this part when:

70.18 (1) the owner or operator is required to conduct a cumulative impacts analysis
70.19 under part 7007.6090; and

70.20 (2) issuing the requested permit action would have a substantial adverse
70.21 impact according to part 7007.6100.

70.22 B. An owner or operator of a stationary source that requests to modify a community
70.23 benefit agreement previously approved under this part must prepare a request to modify a
70.24 community benefit agreement, in a format specified by the commissioner, that complies
70.25 with part 7007.6115.

71.1 Subp. 2. Public outreach and engagement.

71.2 A. An owner or operator must conduct outreach and engagement that is designed
71.3 to achieve significant community involvement and provide residents of the impacted
71.4 environmental justice area with opportunities to participate during the preparation of a
71.5 community benefit agreement using the methods in this subpart.

71.6 B. An owner or operator must comply with the applicable public participation
71.7 requirements under part 7007.6080.

71.8 C. An owner or operator must distribute printed informational material by mail
71.9 to all addresses located in the impacted environmental justice area. Printed informational
71.10 material must:

71.11 (1) be in English and any one or more other languages representative of the
71.12 impacted environmental justice area;

71.13 (2) state the need for residents' comments in developing a draft community
71.14 benefit agreement and in identifying benefits to be included in a draft community benefit
71.15 agreement;

71.16 (3) include the name and location of the stationary source;

71.17 (4) include the name, address, and telephone number of a person; the email
71.18 address of a person; or a website address from which interested persons may obtain additional
71.19 information, including copies of the cumulative impacts analysis and any other relevant
71.20 supporting materials that are public;

71.21 (5) include the date, time, and location of the applicable public meeting
71.22 required under part 7007.6080, subpart 4, item B, subitem (1); and

72.1 (6) be distributed by deposit in United States mail with postage prepaid at
72.2 least 30 days before the date of the applicable public meeting required under part 7007.6080,
72.3 subpart 4, item B, subitem (1).

72.4 D. An owner or operator may hire a third party to assist in planning and facilitating
72.5 outreach and engagement.

72.6 Subp. 3. Community benefit agreement elements. A community benefit agreement
72.7 must include, at a minimum:

72.8 A. a description of the requested permit action that will have a substantial adverse
72.9 impact on the environment or the health of the residents of the impacted environmental
72.10 justice area;

72.11 B. the potential and expected impacts of the requested permit action, both positive
72.12 and negative, to the environment or the health of residents of the impacted environmental
72.13 justice area;

72.14 C. community benefits according to subpart 4;

72.15 D. a description of both positive and negative effects generated, whether direct,
72.16 indirect, or cumulative, for each community benefit included and considered for inclusion;

72.17 E. expected timelines for starting and completing construction or implementation
72.18 of the changes in the requested permit action;

72.19 F. timelines for starting and completing construction or implementation of
72.20 community benefits and the duration of each community benefit, if applicable;

72.21 G. if a community benefit results in a permanent physical structure or objects,
72.22 identification of the party that will have legal ownership of the structure or objects upon
72.23 completion and the party responsible for applicable taxes and maintenance;

73.1 H. reporting and notification requirements according to subpart 5. Additional
73.2 reporting requirements must consider the input or comments provided through public
73.3 participation according to part 7007.6080;

73.4 I. details describing how each community benefit identified in item C will be
73.5 deemed complete or fully implemented. Whether a benefit is complete or fully implemented
73.6 must consider the input or comments provided through public participation according to
73.7 part 7007.6080; and

73.8 J. other information or requirements, as determined by the commissioner, that
73.9 consider the input or comments provided through public participation under part 7007.6080.

73.10 Subp. 4. **Community benefits.**

73.11 A. Community benefits:

73.12 (1) may be suggested by residents of the impacted environmental justice area,
73.13 any interested persons, the owner or operator, and the commissioner; and

73.14 (2) must be discussed between the residents of the impacted environmental
73.15 justice area and the owner or operator, at a minimum, during public meetings under part
73.16 7007.6080, subpart 4, item B.

73.17 B. Community benefits other than or in addition to economic benefits must be
73.18 considered for inclusion in the community benefit agreement.

73.19 C. Community benefits that directly impact the residents of the impacted
73.20 environmental justice area must be prioritized.

73.21 Subp. 5. **Reporting requirements.**

73.22 A. A community benefit agreement must provide for:

74.1 (1) notice of the start of construction or implementation of each community
74.2 benefit identified in the community benefit agreement, to be submitted within 30 calendar
74.3 days after the start date of construction or implementation;

74.4 (2) periodic progress reports summarizing the status of each community
74.5 benefit, to be submitted at a frequency specified in the community benefit agreement, but
74.6 at least semiannually according to item C; and

74.7 (3) notice of the completion of construction or implementation of each
74.8 community benefit identified in the community benefit agreement, to be submitted within
74.9 15 calendar days after the date of completion of construction or implementation.

74.10 B. Reports and notices under item A must be submitted to the commissioner and
74.11 any persons on a mailing list developed under part 7007.6080, subpart 7, item D.

74.12 C. The mid-year progress report under item A, subitem (2), covering January 1
74.13 to June 30, is due by July 30 each year, and the end-of-year progress report, covering July
74.14 1 to December 31, is due by January 30 each year.

74.15 Subp. 6. **Draft community benefit agreement submission.**

74.16 A. In preparing and submitting a draft community benefit agreement, an owner
74.17 or operator must:

74.18 (1) comply with the public outreach and engagement requirements under
74.19 subpart 2;

74.20 (2) consider any comments received during the public meeting required under
74.21 part 7007.6080, subpart 4, item B, subitem (1), and the associated public notice and comment
74.22 period; and

74.23 (3) ensure the draft community benefit agreement complies with the
74.24 requirements of subparts 3 to 5.

75.1 B. An owner or operator must submit a draft community benefit agreement to the
75.2 commissioner at least 45 calendar days before the public meeting required under part
75.3 7007.6080, subpart 4, item B, subitem (2).

75.4 C. The commissioner must post the draft community benefit agreement required
75.5 by this part on the agency website. Any person may request to receive notice from the
75.6 commissioner of draft community benefit agreements received.

75.7 Subp. 7. Proposed community benefit agreement submission.

75.8 A. Within 45 calendar days after the end of the public comment period specified
75.9 under part 7007.6080, subpart 8, item A, for the public meeting required under part 7007.6080
75.10 subpart 4, item B, subitem (2), an owner or operator must submit to the commissioner:

75.11 (1) a proposed community benefit agreement; and

75.12 (2) copies of the records required under part 7007.6080, subpart 10.

75.13 B. In preparing and submitting a proposed community benefit agreement required
75.14 under this part, the owner or operator must:

75.15 (1) comply with the public outreach and engagement requirements under
75.16 subpart 2;

75.17 (2) consider any comments received during the public meeting required under
75.18 part 7007.6080, subpart 4, item B, subitem (2), and the associated public comment period;
75.19 and

75.20 (3) ensure the proposed community benefit agreement complies with the
75.21 requirements of subparts 3 to 5.

75.22 C. If any changes were made to the draft community benefit agreement submitted
75.23 under subpart 6, the owner or operator must provide a description of the changes and an
75.24 explanation of the reason for the changes with the proposed community benefit agreement.

76.1 D. The commissioner must post the proposed community benefit agreement and
76.2 a document containing the information specified in item C on the agency website. Any
76.3 person may request to receive notice from the commissioner of proposed community benefit
76.4 agreements received.

76.5 **Subp. 8. Community benefit agreement: preliminary determination.**

76.6 A. The commissioner must make a preliminary determination regarding whether
76.7 to enter into a community benefit agreement with the owner or operator of a stationary
76.8 source before public notice for the draft permit.

76.9 B. If the commissioner makes a preliminary determination to enter into a
76.10 community benefit agreement with the owner or operator of a stationary source, the
76.11 community benefit agreement must not be entered into by the commissioner until after the
76.12 draft permit public notice and comment period required under part 7007.0850, subpart 2.

76.13 **Subp. 9. Community benefit agreement; requirements.**

76.14 A. The commissioner must enter into a community benefit agreement with the
76.15 owner or operator of a stationary source if the information considered in item B demonstrates:

76.16 (1) the proposed community benefit agreement was prepared in compliance
76.17 with this part;

76.18 (2) the content of the proposed community benefit agreement complies with
76.19 subparts 3 to 5;

76.20 (3) responses to comments prepared by the owner or operator address issues
76.21 raised during the public notice and comment periods required under part 7007.6080 and
76.22 during the public participation conducted according to part 7007.6080;

77.1 (4) the proposed community benefit agreement addresses issues raised during
77.2 the public notice and comment periods required under part 7007.6080 and the public
77.3 participation conducted according to part 7007.6080; and

77.4 (5) the proposed community benefit agreement gives priority to benefits that
77.5 directly impact the residents of the impacted environmental justice area.

77.6 B. In determining whether to enter into a community benefit agreement with the
77.7 owner or operator of a stationary source, the commissioner must consider, at a minimum:

77.8 (1) the requested permit action;

77.9 (2) the cumulative impacts analysis required under part 7007.6090 conducted
77.10 by the owner or operator for the requested permit action;

77.11 (3) the substantial adverse impact identified under part 7007.6100;

77.12 (4) the proposed community benefit agreement submitted under subpart 7;

77.13 (5) comments received during the public participation required under part
77.14 7007.6080; and

77.15 (6) the owner's or operator's responses to comments received during the public
77.16 notice and comment periods required under part 7007.6080.

77.17 C. If the community benefit agreement does not meet the requirements of item
77.18 A, the owner or operator must:

77.19 (1) provide additional information to demonstrate that the community benefit
77.20 agreement meets the requirements of item A; or

77.21 (2) revise the community benefit agreement, based on information considered
77.22 in item B, so that it meets the requirements of item A.

78.1 Subp. 10. Documenting preliminary determination. The commissioner must prepare
78.2 a written document containing the reasons for the commissioner's preliminary determination
78.3 regarding whether to enter into a community benefit agreement with the owner or operator
78.4 of a stationary source. The document must describe the information that was considered in
78.5 making the decision and how the information was weighed. The commissioner must post
78.6 the preliminary determination document and a document describing any changes made to
78.7 the proposed community benefit agreement on the agency website within 30 calendar days
78.8 after making the preliminary determination.

78.9 **7007.6115 MODIFYING COMMUNITY BENEFIT AGREEMENTS.**

78.10 **Subpart 1. Modifying a community benefit agreement; extensions of time.**

78.11 A. An owner or operator of a stationary source that enters into a community benefit
78.12 agreement with the commissioner may request an extension of time for a schedule contained
78.13 in the community benefit agreement by submitting a written request to the commissioner.
78.14 The request must:

78.15 (1) be submitted at least 30 calendar days before the date specified in the
78.16 schedule;

78.17 (2) include a description of the time extension requested; and

78.18 (3) specify the reason and include evidence that supports why the extension
78.19 of time is needed.

78.20 B. An owner or operator may receive an extension of time for a schedule contained
78.21 in the community benefit agreement if the request:

78.22 (1) complies with this subpart; and

78.23 (2) demonstrates good cause for an extension of time for a schedule contained
78.24 in the community benefit agreement. For the purposes of this subpart, "good cause" means

79.1 a reason for the owner's or operator's inability to comply with a schedule contained in the
79.2 community benefit agreement due to circumstances that are beyond the owner's or operator's
79.3 control or that are not foreseeable.

79.4 C. A request for an extension of time under item A is not effective unless the
79.5 commissioner gives written approval for the extension. In determining whether to approve
79.6 the extension, the commissioner must determine whether good cause exists based on the
79.7 weight of the evidence submitted by the owner or operator to demonstrate good cause.

79.8 **Subp. 2. Modifying a community benefit agreement; other changes.**

79.9 A. An owner or operator of a stationary source that enters into a community benefit
79.10 agreement with the commissioner may request a change to the community benefit agreement,
79.11 other than a time extension under subpart 1, by submitting a written request to the
79.12 commissioner. The request must include:

79.13 (1) a description of the change requested;

79.14 (2) reasons for modifying the community benefit agreement;

79.15 (3) a description of how the owner or operator will comply with the
79.16 requirements of item C to prepare the modified community benefit agreement; and

79.17 (4) a copy of the notice required under item D.

79.18 B. The commissioner must review and approve the request under item A before
79.19 the owner or operator provides notice under item D.

79.20 C. If the commissioner does not approve the request under item A, the
79.21 commissioner must identify any deficiencies, notify the owner or operator of the deficiencies,
79.22 advise the owner or operator on how to remedy all identified deficiencies, and specify a
79.23 timeline for resubmitting the request under item A.

80.1 D. The owner or operator must provide notice at least 15 calendar days before the
80.2 public comment period required under subitem (4) to any persons on a mailing list developed
80.3 under part 7007.6080, subpart 7, item D, and to each person that made a written or oral
80.4 comment during the public notice and comment periods under part 7007.6080, if the person's
80.5 address or email is known to the owner or operator. The notice must contain:

80.6 (1) a copy of the request under item A;

80.7 (2) a statement that the owner or operator is requesting to modify the
80.8 community benefit agreement;

80.9 (3) the reasons for the requested change; and

80.10 (4) a statement that the owner or operator must accept written comments for
80.11 45 days, specifying the dates the comment period begins and ends and instructions for
80.12 submitting comments.

80.13 E. Within 30 calendar days after the comment period ends, the owner or operator
80.14 must submit to the commissioner written responses to all comments.

80.15 F. The owner or operator may not implement any requested changes of the
80.16 community benefit agreement under item A until the commissioner approves the changes
80.17 according to subpart 3 and enters into a modified community benefit agreement.

80.18 G. The commissioner must post the modified community benefit agreement and
80.19 responses to comments on the agency website. Any person may request to receive notice
80.20 of a modified community benefit agreement from the commissioner.

80.21 **Subp. 3. Modifying community benefit agreements; requirements.**

80.22 A. The commissioner must approve the change and enter into a modified
80.23 community benefit agreement if the information considered in item B demonstrates:

81.1 (1) the request and notice to modify the community benefit agreement was
81.2 prepared in compliance with this part;

81.3 (2) the responses to comments prepared by the owner or operator address
81.4 issues raised during the comment period required under subpart 2, item D, subitem (4); and

81.5 (3) the modified community benefit agreement addresses issues raised during
81.6 the public comment period required under subpart 2, item D, subitem (4).

81.7 B. In determining whether to approve the requested change to a community benefit
81.8 agreement, the commissioner must consider, at a minimum:

81.9 (1) the request to modify the community benefit agreement;

81.10 (2) the notice, if applicable, required under subpart 2, item D;

81.11 (3) comments received during the comment period required under subpart 2,
81.12 item D, subitem (4); and

81.13 (4) the owner's or operator's responses to comments received during the
81.14 comment period required under subpart 2, item D, subitem (4).

81.15 **7007.6120 PERMIT DECISIONS.**

81.16 **Subpart 1. Agency review and decision.**

81.17 A. In determining whether to issue or deny a requested permit action, the
81.18 commissioner must:

81.19 (1) determine whether a cumulative impacts analysis is required for the
81.20 requested permit action according to part 7007.6070;

81.21 (2) if a cumulative impacts analysis is required, determine whether issuing
81.22 the requested permit action would have a substantial adverse impact under part 7007.6100;
81.23 and

82.1 (3) if issuing the requested permit action would have a substantial adverse
82.2 impact under part 7007.6100, determine whether to enter into a community benefit agreement
82.3 according to part 7007.6110.

82.4 B. If a cumulative impacts analysis is required under parts 7007.6000 to 7007.6120,
82.5 the commissioner must consider the cumulative impacts analysis conducted, comments
82.6 received during the public meetings and associated comment periods required under part
82.7 7007.6080, and the owner's or operator's response to those comments in determining whether
82.8 to issue or deny the requested permit action.

82.9 C. If the commissioner determines that issuing the requested permit action would
82.10 have a substantial adverse impact under part 7007.6100, the commissioner must deny the
82.11 requested permit action unless the commissioner enters into a community benefit agreement
82.12 according to part 7007.6110 with the owner or operator of the stationary source.

82.13 D. If the commissioner enters into a community benefit agreement according to
82.14 part 7007.6110 with the owner or operator of the stationary source, the commissioner may
82.15 issue the requested permit action that imposes conditions on the construction and operation
82.16 of the stationary source to protect public health and the environment.

82.17 Subp. 2. **Prohibitions.**

82.18 A. If a cumulative impacts analysis is not required for a requested permit action
82.19 subject to parts 7007.6000 to 7007.6120, before the commissioner issues a negative
82.20 determination on the need for a cumulative impacts analysis under part 7007.6070:

82.21 (1) the owner or operator must not begin actual construction and operation
82.22 of a stationary source or modification of a stationary source; and

82.23 (2) the commissioner must not take a final agency action on the requested
82.24 permit action.

83.1 B. If a petition for a cumulative impacts analysis is filed under part 7007.6060
83.2 that complies with part 7007.6060, subparts 1 to 3, the owner or operator must not begin
83.3 actual construction or operation of a stationary source or modification of a stationary source
83.4 and the commissioner must not take a final agency action on the requested permit action
83.5 until:

83.6 (1) a petition for a cumulative impacts analysis is voided; or

83.7 (2) a negative determination on the need for a cumulative impacts analysis
83.8 under part 7007.6070 considering the petition, is issued.

83.9 C. If a cumulative impacts analysis is required for a requested permit action under
83.10 part 7007.6090, the owner or operator must not begin actual construction or operation of a
83.11 stationary source or modification of a stationary source and the commissioner must not take
83.12 a final agency action on the requested permit action until:

83.13 (1) the commissioner issues a negative determination of substantial adverse
83.14 impact; or

83.15 (2) a community benefit agreement, if required under part 7007.6110, is
83.16 signed by all parties to the agreement.

83.17 D. If a cumulative impacts analysis is required for a requested permit action under
83.18 part 7007.6090, the commissioner may issue the requested permit action no earlier than 30
83.19 calendar days after the last public meeting held under part 7007.6080.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Relating to Cumulative Impacts Analysis in Environmental Justice Areas

AGENCY: Pollution Control Agency

REVISOR ID: R-4805

MINNESOTA RULES: Chapter 7007

The attached rules are approved for
publication in the State Register

Cindy K. Maxwell

Cindy K. Maxwell
Assistant Deputy Revisor