REQUEST FOR COMMENTS on Possible Amendments to Rules Governing Air Quality, Minnesota Rules Chapters 7002, 7005, 7007, 7008, 7009, 7011, 7017, 7019; Revisor’s ID Number R-04429

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on planned amendments to air quality rules, Minnesota Rules Chapters 7002 (Permit Fees), 7005 (Definitions and Abbreviations), 7007 (Permits and Offsets), 7008 (Conditionally Exempt Stationary Sources and Conditionally Insignificant Activities), 7009 (Ambient Air Quality Standards), 7011 (Standards for Stationary Sources), 7017 (Monitoring and Testing Requirements), and 7019 (Emission Inventory Requirements). The MPCA may make rule changes in some or all of these rule chapters.

The main focus of this rulemaking is to clarify how small air pollution emitting activities at a facility are addressed in permits. The activities are described as "insignificant activities" and "conditionally insignificant activities" in the rules. The MPCA is also considering whether to exempt more categories of low-emitting facilities (such as auto body refinishing shops) from permitting that meet eligibility criteria. Comments should be submitted in writing as described in the Public Comment section below.

Plain English Summary. This Request for Comments is the MPCA’s legal notice of its intent to begin rulemaking. This is an opportunity to provide comments on the MPCA’s proposed concepts to amend the rules and also an opportunity to provide information or comment on any relevant issues related to this rulemaking that we need to consider. For example, we recognize that costs to regulated parties can be a concern with rulemaking; if you have cost information or data related to this rulemaking that you wish to share with us to inform our decisions, please submit that information in writing. Draft rule language is not available at this time. We want your written comments on the Subject of Rules and the proposed concepts which are summarized in the Subject of Rules section below.

Stakeholder Meeting. The MPCA has scheduled a stakeholder meeting on the proposed concepts to amend the rules. The meeting will be held at the MPCA St. Paul office Board Room and via webcast on Thursday, January 19, 2017, 9:00 a.m. to 11:00 a.m. The purpose of the meeting is to share concepts for amending the rules and clarify the MPCA’s intent with this rulemaking so that stakeholders are able to provide written informal comments on the proposed concepts and this rulemaking. The proposed concept document and information about the webcast is available on the rulemaking webpage at https://www.pca.state.mn.us/air/exempt-sourceconditionally-insignificant-activities.

Submitting your comments and information at this stage in the rule development process allows the MPCA to consider your ideas, information and issues you may raise early in this rulemaking process, and helps to ensure informed decision-making on our part. If this rulemaking affects you in any way, the MPCA encourages you to participate in the rulemaking process.

Also, if you are interested in being notified when a draft of the rules is available and of other activities related to this (or other MPCA rulemakings), please register for GovDelivery bulletins at https://public.govdelivery.com/accounts/MNPCA/subscriber/new.

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Alternative Format/Accommodation. Upon request, the information in this notice can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the MPCA contact person via the contact information listed below.

Subject of Rules. This rulemaking is needed to address several issues with the requirements for conditionally insignificant activities and conditionally exempt stationary sources, and to meet federal requirements for affected sources. Historically, the MPCA created an air emission permit hierarchy to incentivize the small source facilities, such as auto body refinishing shops, to reduce their air emissions through more streamlined compliance requirements for low air emissions. The rule amendments will continue to streamline the administrative requirements for the lower emitting small source facilities while complying with applicable state and federal requirements. The main benefit of the rule amendments will be administrative, but they will also ensure that the rules limiting air emissions are federally enforceable.

The MPCA has developed proposed concepts for amending the chapter 7007 and 7008 rules for insignificant activities and conditionally insignificant activities, and for creating additional categories of conditionally exempt sources. The proposed concepts are summarized below. More information about each of the proposed concepts is provided on the rulemaking webpage at https://www.pca.state.mn.us/air/exempt-sourceconditionally-insignificant-activities.

1) Restructure the rules for conditionally exempt sources, conditionally insignificant activities, and insignificant activities to provide greater clarity on how each rule applies.
2) Create new categories of conditionally exempt sources. For example, the MPCA is considering adding a category for auto body refinishing facilities.
3) Change materials usage and particulate matter-only emitting conditionally insignificant activities. Provide new, federally enforceable numeric limits for the emissions of particulate matter from conditionally insignificant activities (activities considered insignificant for purposes of permitting).
4) Amend the insignificant activities lists contained in Minn. R. 7007.1300.
5) Miscellaneous housekeeping changes (chapters 7002, 7005, 7007, 7008, 7009, 7011, 7017, and 7019).

Persons Affected. The rule amendments are likely to affect permitted and unpermitted small facilities and larger, stationary sources that may need or hold a part 70 permit.

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

Public Comment. Interested persons or groups may submit written comments on the proposed concepts and on other information related to this rulemaking until 4:30 p.m. on February 23, 2017. Comments or information should be submitted to Mary H. Lynn via the contact information listed below. The MPCA will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The MPCA does not plan to appoint an advisory committee to comment on the rules.
The MPCA does not anticipate that the rule amendments will require a local government to adopt or amend an ordinance or other regulation under Minnesota Statutes, section 14.128. Local governments may submit written information to the contrary.

The MPCA requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations related to the specific purpose of the rule. Cumulative effect means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

Rules Drafts. As stated above, draft rule language is not available at this time. If you are interested in being notified when a draft of the rules is available, please register for GovDelivery bulletins at https://public.govdelivery.com/accounts/MNPCA/subscriber/new.

Agency Contact Person. Written comments, requests to receive a draft of the rules when it is available, and requests for more information on the planned rule amendments should be directed to Mary H. Lynn, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155-4194, telephone 651-757-2439, and mary.lynn@state.mn.us. You may also call the MPCA at 651-296-6300 or 800-657-3864 or use your preferred relay service info.pca@state.mn.us.

Technical questions on the planned rule amendments should be directed to Hassan Bouchareb, telephone 651-757-2653, and hassan.bouchareb@state.mn.us. You may also call the MPCA at 651-296-6300 or 800-657-3864 or use your preferred relay service info.pca@state.mn.us.

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

12/28/16

Date

John Linc Stine, Commissioner
Minnesota Pollution Control Agency