This document contains the comments the MPCA received during the public comment period for the proposed amendments to the Air Quality Rules, April 23 through May 29, 2018.
27 May 2018

Mary H. Lynn  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155

Re: MPCA Conditionally Exempt Proposed Rules

CHESS, Inc. is a safety, health, and environmental consulting firm specializing in providing services to small businesses. Our clients include manufacturers, municipalities, and vehicle repair facilities. We provide ongoing EHS support to these clients, helping them with anything from required safety training to assistance with completing air emissions reporting.

Our clients include companies with B, C and D registration air quality permits, as well as two companies with Low Emitting Facility permits. In one case, a facility was identified by the MPCA as operating without a permit only when the company tried to apply for a registration permit. This facility, which uses less than 2000 gallons of paints and cleaning products a year, has paid over $100,000 in fines and costs to comply with the regulations. The regulatory burden of the LEF has caused our two LEF-holding facilities to redirect resources from employee safety and health to recordkeeping compliance.

We strongly support this proposal to conditionally exempt small facilities. We believe it will greatly reduce the regulatory burden on them, and will not result in an overall increase in the emissions of air pollutants. Because we want to see this rule promulgated, we are not requesting a public hearing.

We would have preferred incentives in these rules to encourage companies to adopt greener technologies, such as the use of low-VOC or no-VOC coatings. But we realize there were problems in adequately defining those.

We do have comments on the proposed rule.

7007.1300 Subp 3.E: Miscellaneous: brazing, soldering, or welding equipment
   Torchcutting equipment is not included, and we think it should be listed. Most shops that do welding are likely to also occasionally use an oxyfuel (usually oxyacetylene) torch. That process will have emissions similar to those of welding. While it is possible to do oxyfuel welding, we more often see the torch used for heating or cutting.

7008.0100 Subp 7: Cleaning Material and  
Subp 8: Coating
Coating and cleaning material are defined as materials that contain either a VOC or a hazardous air pollutant, but there is no threshold percentage or quantity. A product such as 3M Paint Booth Coating contains 0.0033 pounds per gallon – less than a half percent - of VOC and less than 0.2% HAP. Because the manufacturer specifies that it contains some VOC and HAP, it would need to be included in the 2000 gallon limit. It would be on a par with a 100% VOC product.

The safety data sheet for another product commonly used in collision repair facilities, Niteo’s CarBrite Cherry Bomb Car Soap, does not state that it contains any VOCs or HAPs or give the amount of VOCs, but it does contain between 0.1 and 1% benzaldehyde (a HAP and VOC). This is equivalent to the booth coating, but we have not seen it listed in any VOC report the vendors have provided to our clients.

We recommend, instead, that facilities be allowed to use the same cutoff that is used for listing hazardous materials on a safety data sheet was used for listing VOCs and HAPs. We realize that it is not an equivalent calculation, and that it will be simpler for many facilities to include all products. But it would give any facility that is approaching the 2000 gallon limit an avenue to stay below that limit.

7008.0100 Subp 10: Finishing operations
We recommend changing this to “mechanical finishing operations.” Painting is a finishing operation, but the intent of the rule is not to include it in this category. The Wikipedia entry for surface finishing includes powder coating, pickling, and a range of other surface treatment. Renaming this definition to “mechanical finishing” will clarify that chemical treatments are not included.

7008.0100 Subp 18: Woodworking
The definition states that a woodworking facility “manufacturers (sic), refinishes, and restores” wood products. That seems to limit the coating operations for a woodworking facility to refinishing, instead of painting or staining new products. We recommend changing the definition to:
“manufactures, finishes, refinishes, and restores parts or products primarily made of wood…”.

7008.0200 Item F.
We understand this to mean that shops that no longer qualify for the exemption under these rules (such as a painting facility that exceeds 2000 gallons in a calendar year) would have 180 days from the time they discover that they have exceeded that limit to apply for a permit.

Our primary concern with this is whether a facility that is no longer eligible for this exemption would be eligible for a registration permit.

Any painting or collision repair facility that has more than one gun hookup in a booth or with one booth and one prep station* is likely to exceed potential emissions of 10 tons of HAPs per year, even if the shop primarily sprays low VOC coatings. That leaves any facility that could grow beyond 2000 gallons per year in the awkward situation of either limiting growth,
operating in violation of this exemption, or spending thousands of dollars and hundreds of hours of staff and MPCA time on the very complex LEF permit.

*Prep stations in collision repair facilities are spray booths, but may have plastic curtain walls instead of fixed walls and may not filter incoming air to the same extent as that done for spray booths. They are often used for priming, when a quality finish isn’t as critical.

If facilities that exceed 2000 gallons a year would only be eligible for an LEF permit, we will need to advise all but our smallest facilities that they should maintain their current permits. We will also need to advise any new facilities that they need to apply for registration permits, if there is any possibility of exceeding use of 2000 gallons per year of any paint or coating product as they grow.

That would be a concern even if the facility sprays primarily waterborne paints or UV-cure paints. A UV-cure product used by one of our shops, Sikkens Autosurfacer UV Light Grey, would result in a Potential To Emit of just over 10 tons of HAPs a year, for a facility with the potential to spray with only two guns.

7008.2300 Autobody Refinishing and 7008.2400 Coating Facilities
Because these have very similar requirements, our comments apply to both sections.

Facilities may comply with the 2000 gallon limit of either products purchased or products used. Because the standard does not state otherwise, we assume that facilities could use the products purchased one year, and then use the products used limit the following year. If that is not the intent, that requirement needs to be clarified.

We see no problem with requiring compliance with the 6H NESHAP requirements. Most collision repair facilities are in compliance with that now.

We do have some concern about how expansive the requirement to keep records could be. The proposed rule states that records must be kept of inspection, maintenance and repair activities for the spray painting equipment, exhaust filtration systems and spray booths. That is non-specific. It does not state how long the records must be kept or what records are required.

We would like clarification. For instance, do facilities need to record each time paint booth filters are changed? That would be feasible. In contrast, documenting that the floor of a booth is swept daily (a maintenance task recommended by one booth manufacturer) would result in a lot of recordkeeping with little payback. If the MPCA requires recordkeeping to document that the equipment is maintained according to the manufacturer’s instructions, we would like an interpretation that only documentation of annual maintenance is required.

Under Subpart 4, shops would have 90 days after the rule becomes effective or after they start up to notify the commissioner that they will operate under this exemption. We think that is reasonable, as long as a concerted effort is made, through multiple channels, to alert facilities to this requirement. We recommend reaching out to building inspectors, fire inspectors and hazardous waste inspectors, as they often work with these facilities.
If facilities miss the initial notification period, we recommend that the MPCA clarify that the facilities will be able to submit a tardy notification, although they may be subject to a penalty. We do not want facilities that miss the notification period to have their only options be to operate illegally or to apply for the burdensome LEF permit.

7008.2500 Woodworking Facilities
We recommend that this include surface finishing, not just refinishing. See our comments above, for 7008.0100 Subp 18.

Subpart 4 specifies what records must be kept, but provides no guidance on how long those records must be kept.

We have the same concern we voiced for autobody and coating facilities, about how extensive the recordkeeping must be.

Subpart 4 requires that records be kept for each calendar year of the design airflow rate and particulate matter concentration from the control equipment; if the equipment has not changed in the past year, we presume original records are sufficient and there is no need to, for instance, ask for new design specifications from the manufacturer. If the company no longer has the specifications for the equipment, is there any alternative?

We also have the same concern about eligibility for a simple registration permit if the woodworking facility grows and exceeds the material usage limits in 7008.4100.

7008.2600 Insignificant Facility; Technical Standards
Because eligibility is based on potential emissions, we are concerned that very small facilities that readily meet the material usage limitations may not be eligible for this exemption.

We don’t have specific examples that are not covered under coating operations. For that reason, we don’t suggest changes to the proposed language.

The proposed rule, under Subpart 4, states that facility operators must use the electronic spreadsheet “Insignificant Facility PTE” provided by the commissioner. The reference given for the spreadsheet is an Adobe Acrobat document, not a spreadsheet, with no ability to enter numbers or to see the formulas.

7008.4100: Conditionally Insignificant Activity; Material Usage
As we mentioned above, we recommend defining a VOC-containing material as containing a certain amount of VOCs, such as 1% total VOCs by weight. Chemicals present in less than 1% usually do not need to be listed on safety data sheets, but some manufacturers will list those, or will list VOCs even if less than 1%. Whether that is done is inconsistent. VOCs present in less than 1% will not materially contribute to VOC emissions: a facility would have to use 100,000 gallons of a product with a density of 10 pounds per gallon to reach the limit of 10,000 pounds of VOCs. Including this cutoff will simplify calculations.
7008.4110 Conditionally Insignificant Activity; Finishing Operations

The presumption for emission control seems to be that an exhaust ventilation system will be used (Subpart 3, Item F, for instance, references the design airflow rate). But some operations, such as stone finishing, will use wet methods (water) to control particulates.

Subpart 3, Item E requires the facility to keep records of the number of hours of operation. That is not difficult if equipment has an hour meter. But it would be very difficult if operation is sporadic and the equipment does not log hours. An acrylic piece manufacturing operation can be used as an example. A piece of acrylic may be put on a CNC to cut it. It may then be moved to a polishing machine. If one dust control system is used for all the pieces of equipment, logging hours will not be difficult. If each piece of equipment has its own dust capture system, turned on when the machine is running, logging hours will be very difficult.

An alternative to logging hours may be to allow the operator to use work hours as a de facto measurement. That would be much more conservative than actual hours of operation.

Thank you for the opportunity to comment on these rules. As we’ve stated, we support this change. While we would prefer to have seen the rules structured to encourage small companies to move away from high VOC-and HAP-containing products, we still believe this rule change will reduce the regulatory burden without any significant decrease in environmental protection.

Sincerely yours,

Janet L. Keyes, CIH, FAIHA
CHESS, Inc.
May 29, 2018

Mary H. Lynn
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

Dear Ms. Lynn:

The following letter contains the Minnesota Chamber of Commerce’s (Chamber) comments as it relates to the Minnesota Pollution Control Agency’s (MPCA) Proposed Amendments to Rules Governing Air Quality, Minnesota Rules, Chapter 7005 Definitions and Abbreviations, Chapter 7007 Air Emissions Permits, Chapter 7008 Conditionally Exempt Stationary Sources and Conditionally Insufficient Activities, Chapter 7011 Standards for Stationary Sources, and Chapter 7019 Emission Inventory Requirements.

Before addressing our specific comments on the current proposed rulemaking, the Chamber wishes to take the time to thank the MPCA for considering comments provided by the Chamber on February 23, 2017, in response to the agency’s Proposed Concepts for Amending Air Quality Rules meeting, which was held on January 19, 2017. MPCA initially discussed increased mandatory inclusion of Potential to Emit (PTE) demonstrations for insignificant activities in support of permit applications. The Chamber appreciates the shift to more limited mandatory PTE demonstrations that would result from implementation of the changes as proposed, since all insignificant activities, by their nature, are insignificant and result in a comparatively trivial proportion of actual emissions released by industrial facilities in Minnesota. Reductions in time and resources that would be needed to prepare PTE demonstrations in cases where they are not warranted result in cost savings and increase regulatory clarity, which the Chamber encourages and appreciates.

We regret that the proposed rulemaking does not address confidential business information, nor any new insignificant source categories related to research and development, and we would welcome the opportunity to collaborate with the MPCA in the future to address these concerns.

Specific comments are as follows, organized as provided in the proposed rulemaking:

**Part 7007.0400: Permit Reissuance Applications after Transition; New Source and Permit Amendment Applications; Total Applications for Sources Newly Subject to a Part 70 or State Permit Total Facility Requirement**

1. Proposed Change 7007.0400 Subp 2. Permit reissuance after transition period
a. The Chamber requests that the following language be added to 7007.0400 Subp 2 in order to best match 40 CFR 70.5(a)(1)(iii) which is cited as the source of this modification:

"In no event shall the Permittee submit the application for reissuance no sooner than 18 months before the permit expires."

Part 7007.0850: Permit Application Notice and Comment

2. Proposed Change 7007.0400 Subp 2. Permit reissuance after transition period
   a. Item A, subitem (1), unit (a) is revised to require that public notices for Part 70 permits be electronically posted for the duration of the comment period on the MPCA’s Web site for public notices instead of published in a newspaper. This is a positive change that we support as it provides cost savings to both the regulator and the permittee, while maintaining public transparency to ensure a robust comment process.

Part 7007.1250: Insignificant Modifications

2. Proposed Change 7007.1250 Subp 1. When an insignificant modification can be made
   a. Although the MPCA is not proposing to change item A, it was previously changed as part of the 2016 Omnibus Air Rule to exclude Conditionally Insignificant Activities (CIA). The SONAR associated with that proposed rule (2/29/2016 SONAR, page 24) stated that the “change is needed to align Minnesota Rules with federal air permitting rules. To be consistent with federal rule, Minnesota Rules need to be revised such that owners and operators do not mistakenly believe they qualify for an insignificant modification when they may actually be subject to air permitting requirements. It is reasonable to revise the rule to be consistent with federal permitting requirements to ensure owners and operators correctly determine permit and permit amendment applicability.” Since the MPCA is proposing to change the CIAs under Minn. R. 7008.4100 and 7008.4110 to make them federally enforceable, we request that CIAs be reintroduced back into Minn. R. 7007.1250, Subpart 1, item A.

Part 7007.1300: Insignificant Activities List

3. Proposed Changes 7007.1300 Subp 1. Insignificant activities
   a. The MPCA proposes to add item B which is currently repeated in 7007.1300 Subparts 2, 3 and 4. This item requires calculations to be provided for Insignificant Activities (IAs) if required by Minn. R. 7007.0500, Subpart 2, item C (2), which allows the MPCA to request emission calculations of IAs described in Minn. R. 7007.1300, Subparts 2, 3, and 4 or CIAs in Minn. R. 7008.4100 and 7008.4110. With the proposed changes to the IAs listed in...
Subpart 2, we request that Minn. R. 7007.0500, Subpart 2, item C (2) be edited to remove the Subpart 2 IAs from the list of units for which the MPCA can request emission calculations.

b. The MPCA proposes to add item D which is currently repeated in 7007.1300 Subparts 2, 3 and 4. This item requires calculations to be provided for IAs if the units:
   (1) are subject to additional requirements under section 114(a)(3) (Monitoring Requirements) of the act or section 112 (Hazardous Air Pollutants) of the act;
   (2) are part of a Title I modification; or
   (3) if accounted for, make a stationary source subject to a part 70 permit.

While the MPCA is not proposing any changes to the above requirements, the requirement to calculate emissions for all IAs which are subject to section 112 or are part of a Title I modification will lead to misunderstandings and compliance issues. Specifically:

- Section 112 standards no longer apply only to large emissions units. Increasingly, these rules are addressing very small activities with work practice standards as well as startup/shutdown process venting that can result in only a few pounds of emissions. For example, for refineries, the new MACT standards require work practice standards for dozens of process and analyzer venting activities that occur every year. These activities are IAs and should not need an emissions calculation for Title V. As EPA institutes more work practice standards to address EPA’s startup, shutdown, and malfunction (SSM) policy, more source categories will be dealing with this. It is the opinion of the Chamber that the rule should be changed such that only equipment subject to a Section 112 emissions limit (not an operational or work practice standard) should require an emissions calculation.

- Regarding Title I modifications, plants that build a new process will calculate emissions from operating equipment and generally exclude plant upkeep activities that are listed as Subpart 2 IAs. However, if the new process requires a synthetic minor NSR limit or is subject to PSD or otherwise is a Title I modification, then the MPCA could interpret that emissions from all of these trivial activities associated with the new process/equipment be included in the permit application. Other states do not require it, but MPCA’s rules explicitly call for it.

We therefore request that Subpart 2 IAs be excluded from the requirements in Minn. R. 7007.1300, Subpart 1, D. For consistency, we request that the proposed additional phrase “except as required under Subpart 1, item D” be removed from Minn. R. 7007.1300, Subpart 2 (line 10.7 of the proposed rule).
4. Proposed Change 7007.1300 Subp 2. Insignificant activities not required to be listed
   a. We request that Minn. R. 7007.1300, Subpart 2, E (5) (lines 12.14 and 12.15 of the
      proposed rule) be edited for clarity. The proposed rule excludes “acids that volatilize HAPs
      and VOCs” while the SONAR at page 20 of 72 excludes “acids that volatilize HAPs or
      VOCs”. We believe that the latter is intended since acids can volatilize HAPs that are not
      VOCs.

5. Proposed Change 7007.1300 Subp 3. Insignificant activities required to be listed
   a. The MPCA proposes to delete Item D (2) which currently addresses certain types of
      equipment that vent particulate matter inside a building 100% of the time without first
      passing through an air filtering system. The MPCA believes that such equipment will
      either qualify as an IA under the proposed Minn. R. 7007.1300, Subpart 2, Item D (5) or
      as a CIA under the proposed revisions to Minn. R. 7008.4110. However, 7007.1300,
      Subpart 2, Item D (5) is limited to hand-held equipment, while the revised 7008.4110
      requires control equipment to be in place. Neither option accommodate non-hand-held
      equipment that does not first pass through an air filtering system. We believe that
      emissions from such equipment that vent indoors result in little to no emissions to the
      outside atmosphere. Further, various Industrial Hygiene standards (such as the standards
      for particulate matter and other substances at 29 CFR 1910.1000) dictate indoor air
      quality standards that are often more stringent than what would be required if such
      operations are vented externally.

      Additionally, limiting this historical category to only hand-held equipment or “Finishing
      Operations” will require that certain activities that were historically considered IAs will
      no longer qualify, resulting in the need for facilities to review operations and potentially
      re-permit historical IAs. The SONAR for the proposed rule is misleading in that it states
      that with this rulemaking no additional costs are incurred at a facility with this rule (page
      55 of 72 of the SONAR). That is not correct. The SONAR fails to discuss the additional
      burden for Permittees, if these items are no longer insignificant and the Permittee must
      amend their permit to incorporate them as emission units under the minor amendment
      provisions included below:

      Minn. R.7007.1450 Subp. 2 states: ...If a regulatory change results in existing
      insignificant activities no longer qualifying as such, the owners and operators
      must submit an application within 120 days of the regulation's effective date to
      incorporate those emission units or activities into the facility's permit:...

      The SONAR fails to address the costs to Registration permit holders to incorporate these
      emission units into their monthly emission calculations if the unit no longer qualify as
      insignificant.
For these reasons, we request that Minn. R. 7007.1300, Subpart 3, D (2) be retained as an IA in Minn. R. See item 13.a below for further discussion as it relates to Minn. R 7008.4410.

b. The MPCA proposes to renumber Minn. R. 7007.1300, Subpart 3, item l as item F but proposes to retain the current potential to emit thresholds specified in sub-items (1) to (3). However, we request that the CO₂e threshold of 1,000 tons per year in sub-item (3) be removed. This arbitrary threshold was first added to the rule in 2011 (35 SR 1105, dated 1/24/2011) to accommodate the federal “Tailoring Rule” (75 FR 31514, dated 6/3/2010) which has since been rescinded. Many emission units (such as small space heaters and make-up air units) which would otherwise qualify as Subpart 3 IAs are required to be included in air permits solely because their CO₂e emissions exceed this threshold.

c. We also note that the current heat input capacity thresholds in the MPCA’s proposed revisions to Minn. R. 7007.1300, subpart 2, items A and G and Minn. R. 7007.1300, Subpart 3, A were also defined based on the now rescinded “Tailoring Rule”. We therefore request that these rules revert to the language that was in place prior to 1/24/2011.

d. We recommend retaining the order of Subpart 3 items and NOT re-ordering to accommodate the removal of Subpart 3 sections C, D, F, H. Instead we would propose that C, D, F, and H are left in place with a “[Repealed]” or language as appropriate for the proposed change.

As these IAs are required to be listed in permits, the current citations are often included. If they are re-ordered in the rulemaking, then a significant effort would be involved updating those references. It could also cause confusion related to re-assessing any currently listed IAs that were claimed under the existing Subpart 3.C, D, F, or H. A permittee reviewing their next renewal application could see an old Subpart 3(F) Insignificant Activity listed, and assume it was still covered by the proposed re-ordered Subpart 3(F) criteria. Leaving the old citations in place would also make it much easier to identify the previously covered Subpart 3.C, D, F, and H Insignificant Activities that will need to be re-evaluated

6. Proposed Change 7007.1300 Subp 4. Insignificant activities required to be listed in a part 70 application

a. This Subpart identifies the emission thresholds below which emissions units may simply be listed in an initial Part 70 permit application. We request that this Subpart also be used for a Part 70 permit renewal application. The original SONAR (dated 4/21/1994) does not
state that Subpart 4 was only intended for the initial Part 70 permit application. The purpose of Subpart 4 was to preclude permittees from calculating the emissions from numerous small emission sources. The 1994 SONAR further stated that the MPCA did not need the details of all IAs in the permit application. Conditions are no different now for reissuance applications. We believe that a stationary source should be able to identify a Subpart 4 IA in a reissuance application. It is unclear why the information is necessary now if it was not necessary in 1994. Furthermore, restricting the applicability of Subpart 4 to initial Part 70 permit applications contradicts Minn. R. 7007.0450, Subpart 1, which states that reissued permits are subject to the same procedural requirements that apply to initial permit application and issuance.

b. Similar to the comments provided above (Item 5.b of this letter) relating to the CO₂ equivalency thresholds that were imposed to accommodate the now rescinded federal “Tailoring Rule” we request that Minn. R. 7007.1300, Subpart 4, item D (which sets CO₂e thresholds of up to 10,000 tons per year of potential emissions or up to 1,000 tons per year of actual emissions).

Part 7008.1300: Definitions

7. Proposed Change 7008.0100 Definitions
a. The MPCA proposes to define “Finishing operations” as a list of specific activities. Minn. R. 7008.4110, Subpart 2 currently applies to “Emissions from equipment venting PM or PM10 inside a building, for example: buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning equipment” (emphasis added). These example activities are now being fixed as the only activities that qualify as a CIA under this rule. We request that “Finishing operations” be defined using the same language as currently (but including the MPCA’s proposed language related to “abrasive blasting”). This would also be consistent with how the MPCA is proposing to define “Material usage”:

“an activity at a stationary source such as applying or using a coating, cleaning material, or solvent, that emits only ...” (emphasis added).
Part 7008.2400: Coating Facility; Technical Standards

8. Proposed Change 7008.2400 Subp 2(B)
   a. The Chamber requests that hand held spray cans be clearly described as subject to this CIA.
   b. The Chamber requests that the MPCA allow for compliance with 40 CFR 63, Subpart HHHHHH as an optional compliance demonstration method as an alternative to the requirements of this rule.

Part 7008.2500: Woodworking Facility; Technical Standards

   a. The MPCA proposes in Subpart 3 to impose a gr/dscf limit on all wood-product manufacturing, refinishing, and restoring equipment.” The limit depends on the aggregate exhaust flow rate from all such equipment. However, it is not uncommon for a facility to feature control equipment/stacks with various flows. Scenarios in which total aggregate flow exceeds a certain threshold shouldn’t require that the stack with the smallest flows meet the tighter gr/dscf limit. We request that the gr/dscf value be imposed based on the flow rate of the individual control equipment/stack.

   b. This section does not address how wood working equipment equipped with hoods and not total enclosures are to be treated. This should be explicit in the rule. The Chamber suggests that the source be allowed to assume 100% capture as emissions are likely to consist of large diameter particulate matter and not likely to escape the building.

Part 7008.2600: Insignificant Facility; Technical Standards

10. Proposed Change 7008.2600 Insignificant Facility; Technical Standards
    a. Subpart 4 of this section references a spreadsheet “Insignificant Facility PTE,” which is incorporated by reference. The Chamber requests that this spreadsheet be part of the rule and should not be allowed to change without rule making on the part of the MPCA.

Part 7008.4000: Conditionally Insignificant Activities

11. Proposed Change 7008.4000 Conditionally Insignificant Activities
    a. Condition (C) requires inclusion of 7008.4000 requires calculation of emissions from CIAs in a permit application for a Part 70 permit or amendment. This is inconsistent with the proposed changes to 7007.1300 Subp 2 and 3, and are unnecessary, since the rationale for inclusion of PTE from CIAs would be instances where the emissions from CIAs could
push the permittee beyond a relevant permit threshold. In the case described in Condition (C), the permittee has already triggered Title V status.

Part 7008.4110: Conditionally Insignificant Activity: Finishing Operations

   a. The SONAR for the proposed rule (Page 49 of 72) cites the original 1995 rulemaking indicating intent for this category to only apply to finishing operations. However, the MPCA fails to include the second 1995 rulemaking in the SONAR in which it expanded the list to include non-finishing activities. In that SONAR (July 21, 1995), the MPCA states the following:

   "Item D and subpart 3, item D. The language for these two items was changed to generalize the insignificant activities to the recovery of all types of particulate matter (PM) and particulate matter less than ten microns (PM10). Numerous requests came in to expand the list to other particulate emitting activities. Therefore, the MPCA believes that it is reasonable to change the language rather than try to list all the different types of particulate emitting activities. Furthermore, the MPCA decided the keep the current list in the rule as a parenthetical statement, to give the reader an idea of the type of activities the provision includes." [Emphasis added]

The July 21, 1995 SONAR indicates that, at one time, the MPCA thought that it was reasonable to allow all types of particulate emitting operations to qualify under this insignificant activity. Upon this basis, it is the opinion of the Chamber that this category should remain as currently included in the rule. The SONAR to the rule fails to discuss why at one point in time it was reasonable to include operations other than finishing in this category, and why this opinion has since changed.

13. Proposed Change 7008.4110, Subp. 1 Applicability
   a. It is recommended that the MPCA define "Lead is a Component" Many materials contain trace amounts of lead. This will eliminate many materials from qualifying if it is not defined in a reasonable manner. One possible way to define it is if it is listed on a SDS for the material being processed.

14. Proposed Change 7008.4110, Subp. 4 Calculating emissions of particulate matter
   a. The Chamber requests that this section clarify how uncaptured emissions are to be treated as these types of operations typically do not involve total enclosures.

Other Comments
15. Other / Miscellaneous Comments
   a. The SONAR indicates on page 63 or 72 that the MPCA reviewed exempt sources listed in surrounding states and other EPA Region 5 states. However, IA lists for both the Wisconsin Department of Natural Resources (WDNR) and Illinois Environmental Protection Agency (IEPA) are much more extensive than that listed in the MPCA’s proposed rules. It was unclear in the SONAR why many of the IEPA and WDNR categories were not included. The rule citations for the IEPA exempt sources is 35 Ill. Adm. Code 201.146 and WNDR is Section NR 406.04.

   b. The MPCA has asked for suggestions for additional insignificant categories. Some suggested additional categories include: bag filling, research and development operations, cardboard or paper baling, Inkjet printing or stamping, stack testing for alternative fuels.

   c. The IEPA includes a category for pollution control equipment replacement without requiring a construction permit. The rule citation is provided below (35 Ill. Adm. Code 201.146(hhh)). The Chamber requests the MPCA consider the addition of a similar IA source category.
hhh) Replacement or addition of air pollution control equipment for existing emission units in circumstances where:

1) The existing emission unit is permitted and has operated in compliance for the past year;

2) The new control equipment will provide equal or better control of the target pollutants;

3) The new control device will not be accompanied by a net increase in emissions of any non-targeted criteria air pollutant;

4) Different State or federal regulatory requirements or newly proposed regulatory requirements will not apply to the unit; and

      BOARD NOTE: All sources must comply with underlying federal regulations and future State regulations.

5) Where the existing air pollution control equipment had required monitoring equipment, the new air pollution control equipment will be equipped with the instrumentation and monitoring devices that are typically installed on the new equipment of that type.

d. The MPCA does not allow for any research and testing of sources prior to permit issuance. If the source is new to the facility or new technology, potential hourly emissions may be unknown. There is currently not an avenue for a facility to test the source to determine the emissions which then would allow for the permittee to apply for the appropriate permit. The WDNR rules allow for this exemption (Section NR 406.04(i)). Please see the rule below. The Chamber requests the MPCA consider the addition of a similar IA source category.
(i) Equipment used or to be used for the purpose of testing or research provided that all of the following requirements are met:

1. A complete application for exemption is made describing the proposed testing or research and including an operating schedule and the types and quantities of emissions anticipated.

2. The department determines that the equipment to be used and the anticipated emissions from the testing or research will not present a significant hazard to public health, safety or welfare or to the environment and approves the application for exemption.

3. The equipment will be in operation for less than 12 months.

4. The department approves the application for exemption submitted under subd. 1. The department shall approve or deny the application in writing within 45 days of receiving a complete application. The department may provide public notice of an application for research and testing exemption, may provide an opportunity for public comment and an opportunity to request a public hearing and may hold a public hearing on any application.

Thank you for the opportunity to provide comment and participate in this rulemaking. The Chamber and its members are available for further consultation as the rulemaking proceeds.

Sincerely,

Tony Kwilas
Director, Environmental Policy
May 29, 2018

Hassan Bouchareb
Environmental Analysis & Outcomes Division
Minnesota Pollution Control Agency
520 Lafayette Rd.
St. Paul, Minnesota 55155

RE: MPCA’s Proposed Amendments to Minn. R. 7008 – Exempt Sources and Conditionally Insignificant Activities; ACA Comments

Dear Mr. Bouchareb:

The American Coatings Association¹ (ACA) submits the following comments in support of the Minnesota Pollution Control Agency’s (MPCA) proposed amendments to the rules governing conditionally exempt stationary sources and conditionally insignificant activities (Minn. R. 7008). ACA appreciates the opportunity to comment, and looks forward to assisting MPCA throughout the rulemaking process.

Specifically, ACA supports MPCA’s proposal to expand the “conditionally exempt” sources categories to include auto-body refinishing facilities (Minn. R. 7008.2300) and coating facilities (Minn. R. 7008.2400). Chapter 7008 provides the conditions under which stationary sources are exempt from the requirement to apply for and obtain an air emissions permit in Minnesota. With these amendments, MPCA is proposing to add auto-body refinishing facilities and coating facilities to the Chapter 7008 list of stationary sources that may be conditionally exempt from the requirement to obtain an air emissions permit.

According to the proposed amendments, in order to be considered a smaller emitter and exempt from the current system of registration permits in Minnesota, auto-body refinishing facilities and coating facilities must meet certain technical standards, including eligibility, operational, recordkeeping, and notification requirements. ACA believes that these standards and requirements are reasonable, including the threshold eligibility requirement.

Furthermore, ACA supports MPCA’s proposed amendments to add auto-body refinishing facilities and coating facilities to the list of stationary sources that may be conditionally exempt from the requirement to obtain an air emissions permit because it would lessen the burden on auto-body refinishing facilities and coating facilities, as well as MPCA’s permitting and enforcement divisions. ACA is aware of various small auto-body refinishing facilities and coating facilities in Minnesota that do not emit large amounts of pollutants per year, and who would greatly benefit from an exemption from the current system of registration permits in Minnesota. The proposed technical standards that auto-body refinishing facilities and coating facilities would

¹ The American Coatings Association (ACA) is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals. ACA serves as an advocate and ally for members on legislative, regulatory, and judicial issues, and provides forums for the advancement and promotion of the industry through educational and professional development services.
have to follow in order to be exempt from the current permitting requirements would be far less costly in
time, money, and resources.

Thank you for your consideration of our comments. We look forward to working with MPCA as it develops
these amendments. Please do not hesitate to contact us if you have any questions.

Sincerely,

/s/       /s/
Rhett Cash     Xavier Ferrier
Counsel, Government Affairs       Specialist, Environmental Health and Safety

**Sent via e-Comments**
Mary H. Lynn  
Principal State Planner  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194  

Re: Comments of the Alliance of Automotive Service Providers of Minnesota (AASP-MN) on the Proposed Permanent Rules Relating to Exempt Sources and Conditionally Insignificant Activities

Dear Ms. Lynn:

AASP-MN is the state trade association representing auto repair facilities – both mechanical and collision repair shops – as well as companies who supply the repair industry.

AASP-MN appreciates the opportunities they have had to meet with MPCA officials to discuss the proposed permanent rules. The direction the Agency has taken with this rulemaking relies on industry practices and emissions thresholds which will minimize emissions without establishing a burdensome regulatory process.

AASP-MN does not request a hearing for the proposed permanent rules. We do have comments on certain provisions for which we would request further consideration by the Agency.

The 2,000 gallon threshold for purchased material, established at Minn. Rules 7008.2300, Subpart 1. Eligibility (C) is a standard established with solvent-based products in mind. With an increasing movement toward much lower emitting water-borne material, AASP-MN requests that a higher threshold be established for those shops who have adopted systems to spray water-borne coatings.

Such a standard would serve to encourage shops to make the transition to water-borne material – a change which would serve to reduce emissions and protect the environment.

Minn. Rules 7008.2300, Subpart 4, Notification provides that “an auto body refinishing facility must notify the Commissioner within 90 days after the effective date of the new rules or within 90 days after beginning to operate an auto-body refinishing facility. AASP-MN would recommend a somewhat longer timeframe for auto-body refinishing facilities to notify the Commissioner of their intention. AASP-MN would request an additional 30 days – for a 120 day window for notification. This added time will help ensure timely compliance as organizations such as AASP-MN reach out to members and the industry at large to publicize the new rule requirements.
Minn. Rules 7008.2300, Subpart 2, Operational Requirements (A) provides that “all painters be trained in proper spray application of surface coatings and proper set-up and maintenance of spray equipment.”

AASP-MN supports establishing the training standard as a five year cycle. This would be consistent to the Federal NESHAP HHHHHH requirement. This cross-reference to the federal standard would be consistent with Part E of the Subpart 2, Operational Requirements, which relate to spray booth and spray gun operations, cleaning and solvent storage.

Again, AASP-MN is grateful for the time and attention the Agency has provided the auto repair industry. We feel this working relationship is beneficial to the industry, the Agency and the public at-large, all of whom benefit from the adoption of rules with meaningful, yet practical, compliance to mitigate air emissions.

Sincerely,

Judell Anderson
Executive Director

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Conversations with several painting and coating companies along with their chemical suppliers feel that the insignificant activities section should include Alkaline/phosphate Cleaners – page 16 of Proposed Rule.