STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

Adoption of Rules Governing Air Quality
Minnesota Rules, Chapters 7005 Definitions
and Abbreviations, Chapter 7007 Air Emissions
Permits, Chapter 7008 Conditionally Exempt
Stationary Sources and Conditionally Insignificant
Activities, Chapter 7011 Standards for Stationary
Sources, and Chapter 7019 Emission Inventory
Requirements

OAH Docket No. 5-9003-35024
Revisor’s ID Number: RD4429

WHEREAS:

1. The Minnesota Pollution Control Agency (MPCA) has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law.

2. During the public comment period on the rule, the MPCA received no requests for a public hearing. As identified in the Notice of Intent to Adopt Rules (Notice) published in the April 23, 2018, State Register, if 25 or more persons submit valid written requests for a public hearing on the rules, hearings will be held following the procedures in Minn. Stat. §§ 14.131 to 14.20. The MPCA did not hold a public hearing on the proposed rules because it received no requests. The MPCA received no requests for notice of submittal of the rules to the Office of Administrative Hearings.

3. The MPCA received four comment letters and one e-Comment on the proposed rules during the public comment period. The MPCA has made modifications to the proposed rules as a result of comments received during the public comment period. The MPCA also made modifications it determined were needed based upon additional review of the proposed rules during the public comment period. These modifications are presented in Findings No. 8 through 162. All modifications in Findings 8 through 162 are set forth in a revised version of the proposed rules, which is attached to this Order Adopting Rules (Attachment 1).

4. The MPCA response to other comments received that did not result in rule modifications are found in the MPCA’s Response to Comments (Attachment 2). The MPCA incorporates by reference, the MPCA’s Response to Comments, into this Order Adopting Rules.

5. The modifications to the proposed rules are not substantially different from the proposed rules based on the criteria set forth in Minn. Stat. § 14.05, subd. 2.

6. The issue of substantial difference is addressed in detail with regard to each modification. In general, the Notice provided fair warning that these rule changes could result because it notified readers of the subject matter of the rule such that they could understand that their interests could be affected, the subject matter and issues in the Notice are the same as the subject matter and issues addressed in the modifications, and the effects of the modifications are not
greatly different from the rules as originally proposed. All the modifications are clearly within the scope of "Subject of Rules," and are related in general to Minnesota's air quality rules governing the treatment of small air pollution emitting activities, all of which were announced in the Notice. The modifications are a logical outgrowth of the Notice and the comments submitted in response to the Notice.

7. The MPCA finds that under the listed criteria of Minn. Stat. § 14.05, subd. 2, the rule with modifications set forth in this Order Adopting Rules is not substantially different from the rule as originally proposed.

MODIFICATIONS TO THE RULE BASED ON PUBLIC COMMENT AND ADDITIONAL MPCA REVIEW.

7005.0100 DEFINITIONS.

Change to Part 7005.0100

8. During the public comment period on the rule, the MPCA determined that two definitions are needed in part 7005.0100 due to revisions made to parts 7008.2500 and 7008.4110, based on comments received. These rule parts identify the requirements that owners or operators of a woodworking facility (part 7008.2500) or conditionally insignificant mechanical finishing operations (part 7008.4110) must comply with. The comments received requested clarification on the applicability of the rule to woodworking equipment and mechanical finishing operations that are equipped with hoods and not total enclosures.

9. The terms “hood” and “total enclosure” are used in the modifications to parts 7008.2500 and 7008.4110 to address the commenter’s concerns. These terms are used to determine the applicability of requirements owners or operators must comply with when operating a woodworking facility or mechanical finishing operations that qualify as a conditionally insignificant activity. It is reasonable to define these terms because the owner or operator of a stationary source needs to know what qualifies as a “hood” or “total enclosure” for the purposes of determining applicability and complying with requirements in these rule parts.

10. These terms are defined in the existing part 7011.0060 and specifically apply to the terms used in part 7011.0060 to 7011.0080, unless otherwise defined. The MPCA is not moving the existing definitions of “hood” and “total enclosure” in part 7011.0060 at this time because these terms are used elsewhere in Minnesota Rule chapters with specific references to the existing definitions in part 7011.0060. Because these terms are used in multiple rule chapters, not just parts 7011.0060 to 7011.0080, and these chapters contain specific references to the existing definitions, it is reasonable to create definitions that direct readers to the rule part that contains the existing definitions.

Part 7005.0100, subp. 11g

Subp. 11g. Hood. “Hood” has the meaning given in part 7011.0060, subpart 3e.

Part 7005.0100, subp. 44a

Subp. 44a. Total enclosure. “Total enclosure” has the meaning given in part 7011.0060, subpart 5.

11. The MPCA finds that this modification does not make the proposed rule substantially different. The existing definitions of the terms “hood” and “total enclosure” remain the same and the change only makes applicability requirements clear and more specific. This modification is clearly within the scope of the “Subject of Rules” Chapter 7005 and 7008 as announced in the
Notice because the commenter requested clarification when they commented on the rule. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

7007.1250 INSIGNIFICANT MODIFICATIONS.

Change to Part 7007.1250, subpart 1, item A

12. The Minnesota Chamber of Commerce (Chamber) commented “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 statement of need and reasonableness (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.”...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.”

13. There are two types of conditionally insignificant activities under parts 7008.4000 through 7008.4110: conditionally insignificant material usage and conditionally insignificant mechanical finishing operations. As explained in the SONAR and response to comments documents for the 2016 Omnibus Air Rule (41 SR 763) referenced by the Chamber, the MPCA removed the ability for conditionally insignificant activities to qualify as an insignificant modification under part 7007.1250 because not all conditionally insignificant activity rules included federally or practically enforceable requirements.

14. As explained in the SONAR for this rulemaking and in the MPCA’s explanation of revisions being made based on comments, the MPCA is proposing changes to parts 7008.4000 through 7008.4110 to impose federally enforceable limits for all conditionally insignificant activities. As a result, part 7007.1250, subpart 1, item A is modified to allow conditionally insignificant activities that comply with the requirements of parts 7008.4000 to 7008.4110 to qualify as an insignificant modification. This revision is reasonable because the proposed rules for conditionally insignificant activities now contain the conditions necessary to make those conditions federally enforceable.

15. Additionally, subpart 1, item A is modified to create an itemized list to clearly indicate the emissions units or activities that qualify for treatment as an insignificant modification. It is reasonable to clearly identify which emissions units or activities qualify for treatment as an insignificant modification.

Part 7007.1250, subp. 1A

Subpart 1. When an insignificant modification can be made. The permittee may make a modification described in either item A or B at a permitted stationary source without getting a permit amendment, unless the modification is prohibited by subpart 2. However, if the modification triggers new monitoring, record keeping, or reporting requirements under applicable requirements or parts 7007.0100 to 7007.1850, the permittee shall initiate an administrative amendment under part 7007.1400 to include the new requirements no more than 30 days after making the modification.

A. Construction or operation of any emissions unit, or undertaking any activity, that is listed as an insignificant activity in part 7007.1300, subparts 2 and 3; or
(2) a conditionally insignificant activity that complies with parts 7008.4000 to 7008.4110.

16. The MPCA finds that this modification does not make the proposed rule substantially different. With this modification, conditionally insignificant activities can qualify as an insignificant modification provided they comply with the requirements of parts 7008.4000 to 7008.4110. This modification is clearly within the scope of the "Subject of Rules" Chapter 7007 as announced in the Notice, and relates to changes to the conditionally insignificant activities rules. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule. The requested modification does not change the applicability or stringency of the proposed rules.

7007.1300 INsignificant ACTIVITIES LIST.

Change to Part 7007.1300, subpart 2, item D, subitem (5)

17. The Chamber commented that Minn. R. 7007.1300, subpart 2, item D, subitem (5) is limited to hand-held equipment, while revised Minn. R. 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. The Chamber stated that they believe emissions from such equipment that vent indoors result in little to no emissions to the outside atmosphere. Industrial Hygiene standards (29 CFR 1910.1000) for indoor air quality standards are often more stringent than what would be required if such operations are vented externally. The Chamber requested that this kind of equipment be retained as an insignificant activity as identified in Minn. R. 7007.1300, subpart 3, item D, subitem (2).

18. The MPCA can satisfactorily address the commenter’s concern about accommodating non hand-held equipment that does not pass through an air filtering system by expanding the types of equipment that qualify for treatment as an insignificant activity under part 7007.1300, subpart 2, item D, subitem (5). The insignificant activities list in part 7007.1300, subpart 2 contains the activities where the amount of pollutants emitted generally do not affect the type of permit a source needs.

Part 7007.1300, subp. 2D(5)

Subp. 2. Insignificant activities not required to be listed. The emissions units described in this subpart are not required to be listed in a permit application under part 7007.0500, subpart 2, item C, subitem (2), except as required under subpart 1, item D.
D. Processing operations:

(5) handheld equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning; and provided that the equipment is:

(a) handheld; or

(b) infrequently used and not associated with the primary production processes at the stationary source; and

(6) ultraviolet-light curing or disinfection processes.

The MPCA finds that this modification does not make the proposed rule substantially different. This modification is clearly within the scope of the “Subject of Rules” Chapter 7007 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule. While this modification does not restore the existing insignificant activity identified in part 7007.1300, subpart 3, item D, subitem (2), the effect of the modification expands the types of equipment that could qualify for treatment as an insignificant activity by accommodating non-handheld equipment that does not vent to control equipment.

Change to Part 7007.1300, subpart 2, item E, subitem (5)

The Chamber requested that Minn. R. 7007.1300, subpart 2, item E, subitem (5) be edited for clarity. The proposed rule excludes “acids that volatilize HAPs and VOCs,” (hazardous air pollutants (HAPs) and volatile organic compounds (VOCs)) while the SONAR at page 20 excludes “acids that volatilize HAPs or VOCs.” We believe that the latter is intended since acids can volatilize HAPs that are not VOCs.

The MPCA intended the proposed rule exclude “acids that volatilize HAPs or VOCs.” Part 7007.1300, subpart 2, item E, subitem (5) is modified by replacing “and” with “or.” This change is reasonable because acids can volatilize HAPs that are not VOCs.

Part 7007.1300, subp. 2E(5)

Subp. 2. Insignificant activities not required to be listed. The emissions units described in this subpart are not required to be listed in a permit application under part 7007.0500, subpart 2, item C, subitem (2), except as required under subpart 1, item D.

E. Storage tanks:

(5) storage tanks holding inorganic liquids, including water, except for acids that volatilize HAPs and or VOCs.

The MPCA finds this modification does not make the proposed rule substantially different. This modification is clearly within the scope of the “Subject of Rules” Chapter 7007 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested clarification when they commented on the rule.

Change to Part 7007.1300, subpart 3, item E

CHESS commented that under the part 7007.1300, subpart 3, item E category Miscellaneous: brazing, soldering, or welding equipment – torch-cutting equipment is not included and should
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.

Part 7007.1300, subpart 3, item E is modified to add “torch-cutting” equipment as an emissions unit that qualifies for treatment as an insignificant activity. This change is reasonable because the emissions associated with torch-cutting equipment, as well as the existing brazing, soldering, and welding equipment, are primarily a result of the fuel used to perform the activity.

Part 7007.1300, subp. 3E

Subp. 3. Insignificant activities required to be listed. The emissions units described in this subpart must be listed in a permit application.

E. Miscellaneous: brazing, soldering, torch-cutting, or welding equipment.

The MPCA finds that this modification does not make the proposed rule substantially different. Adding “torch-cutting” equipment to the list of miscellaneous insignificant activities does not change the applicability or stringency of the proposed rules. This modification is clearly within the scope of the “Subject of Rules” Chapter 7007 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule.

7008.0100 DEFINITIONS.

Change to Part 7008.0100, subpart 10

CHESS recommended changing “finishing operations” to “mechanical finishing operations.” Painting is a finishing operation, but the intent of the rule is not to include it in this category. Renaming this definition to “mechanical finishing” will clarify that chemical treatments are not included.

The MPCA intended the proposed rule to apply to physical operations, not chemical operations. However, the rule language is potentially confusing as indicated by the commenter. The existing term could imply that activities such as painting might also qualify as a finishing operation. Part 7008.0100, subpart 10 is modified by changing the term “finishing operations” to “mechanical finishing operations.” It is reasonable to clarify an ambiguous term that does not change the intent of the rule.

Part 7008.0100, subp. 10

Subp. 10. Mechanical finishing operations. "Mechanical finishing operations" means buffing, abrasive blasting, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning equipment, but does not include abrasive blasting for removing lead-containing paint.

The MPCA finds this modification does not make the proposed rule substantially different. Modifying the term “finishing operations” only makes the term defined clearer and more specific. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested clarification when they commented on the rule.
Change to Part 7008.0100, subpart 18

31. CHESS commented that the proposed definition of “woodworking facility” 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...’”

32. The MPCA agrees that coating operations for a woodworking facility should include “finishes” because the proposed definition of “woodworking facility” was not intended to cover only those sources that paint or stain existing products. The rule language is potentially confusing as indicated by the commenter, as the existing term could be read to exclude sources that paint or stain new products. It is reasonable to clarify an ambiguous definition that does not change the intent of the rule.

Part 7008.0100, subp. 18

Subp. 18. Woodworking facility. “Woodworking facility” means a stationary source that manufactures, finishes, refinishes, and restores parts or products primarily made of wood, but including incidental use of other materials such as metal, plastic, or ceramic.

33. The MPCA finds this modification does not make the proposed rule substantially different. Modifying the definition of “woodworking facility” only makes the definition clearer and more specific. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested clarification when they commented on the rule.

7008.2300 AUTO-BODY REFINISHING; TECHNICAL STANDARDS.

Change to Part 7008.2300, subpart 1, item C

34. “The 2,000-gallon threshold for purchased material at Minn. R. 7008.2300, subpart 1, item C is a standard established with solvent-based products in mind. With an increasing movement toward much, lower emitting water-borne material, Alliance of Automotive Service Providers Minnesota (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 that would serve to reduce emissions and protect the environment.”

35. The MPCA is unable to create a similar gallon-based threshold at this time because there is not enough information available to make a similar assumption regarding the VOC- and HAP-contents relied upon to establish the 2,000 gallon per year threshold. However, the MPCA can satisfactorily address the commenter’s request to accommodate a higher threshold for auto-body refinishing facilities that have adopted systems to spray water-borne coatings by establishing an emissions-based threshold.

36. An emissions-based threshold provides an incentive to switch to water-borne coatings by providing an option that allows the owner or operator to use more than 2,000 gallons of coating and cleaning materials, combined, each calendar year and remain eligible to operate without a permit. Water-borne coatings generally contain lower amounts of VOC and HAP pollutants compared to solvent-based coatings and the transition to water-borne materials could lower the overall emissions generated by the facility.
37. Part 7008.2300, subpart 1, item C is modified to establish an emission threshold of 20,000 pounds of VOC emissions per calendar year. This revision is reasonable because it is the amount of VOC emissions that is equivalent to the 2,000 gallon threshold. The threshold for VOC emissions of 20,000 pounds each calendar year was determined using the existing 2,000 gallons threshold, multiplied by an assumed maximum VOC content of 10 pounds of VOC per gallon of coating or cleaning material. This is assumed VOC content and gallon usage relationship parallels the thresholds used in part 7008.4100 (Conditionally Insignificant Activity; Material Usage). It is reasonable to be consistent across rule parts and maintain the same relationship between gallons used and VOC emissions.

38. Part 7008.2300, subpart 1, item C is also modified to establish an emission threshold of 12,000 pounds of total HAP emissions per calendar year. This revision is reasonable because it is the amount of emissions that is equivalent to the 2,000 gallon threshold. The threshold for HAP emissions of 12,000 pounds each calendar year was determined using the existing 2,000 gallons threshold, multiplied by an assumed maximum individual HAP content of 6 pounds of HAP per gallon of coating or cleaning material. This is the same HAP content assumed in the proposed rules to determine the 2,000 gallon per year threshold. It is reasonable and to be consistent and maintain the same relationship between gallons used and HAP emissions.

39. Additionally, subpart 1, item C is modified to create an itemized list to clearly indicate that the owner or operator must choose to comply with either 2,000 gallon per year limit option or the VOC and HAP emission limits option. Subitem (1) contains the original requirement that the owner or operator must purchase or use less than 2,000 gallons of coating and cleaning materials, combined, each calendar year. Subitem (2) contains the modifications explained above in Findings No. 37 and 38. It is reasonable to clearly identify the choices available to the owner or operator.

40. The MPCA finds that this modification does not make the proposed rule substantially different. With this modification, owners and operators of auto-body refinishing facilities that use waterborne coatings can potentially use greater than 2,000 gallons of coating and cleaning materials and still qualify to operate without a permit provided they comply with the requirements of part 7008.2300. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule.
Change to Part 7008.2300, subpart 2, item A

41. Minn. R. 7008.2300, subpart 2 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. Cross-reference to the federal standard would be consistent with subpart 2, item E requirements which relate to spray booth and spray gun operations, cleaning and solvent storage."

42. Part 7008.2300, subpart 2, item A is modified to specify that training for all painters must occur within 180 days after hiring and reoccur every five years after the date previous training was completed. This change is reasonable because the initial and reoccurring training schedule parallels the training requirements found in 40 CFR part 63, subpart HHHHHH. It is reasonable for state rules to align with federal regulations when appropriate. Using similar requirements as the federal rule provides common understanding and facilitates compliance.

Part 7008.2300, subp. 2A

Subp. 2. Operational requirements. The owner or operator of an auto-body refinishing facility must:

A. ensure all painters are trained in proper spray application of surface coatings and proper setup and maintenance of spray equipment. Each painter must be trained no later than 180 days after hiring and every five years after the date previous training was completed;

43. The MPCA finds that this modification does not make the proposed rule substantially different. Specifying the frequency that training must occur makes the training requirements clear and more specific. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule.

Change to Part 7008.2300, subpart 2, items B and C

44. The Chamber requested hand-held spray cans be clearly described as subject to this conditionally insignificant activity [part 7008.2400].

45. The MPCA is also proposing to mimic the modifications to part 7008.2400 (Coating Facility; Technical Standards) in part 7008.2300 to be consistent in how handheld spray cans are treated across the two conditionally exempt source categories.

46. Part 7008.2300, subpart 2, item B is modified to specify that aerosol or pump spray cans with 16 ounces or less capacity are not required to be completed inside the particulate-control system specified in item B. This change is reasonable because it parallels the requirements found in 40 CFR part 63, subpart HHHHHH, which does not regulate paint applied by aerosol spray cans. It is reasonable for state rules to align with federal regulations when appropriate. Using similar requirements as the federal rule provides common understanding and facilitates compliance.

Part 7008.2300, subp. 2B

B. ensure spray-painting operations, excluding those done by spray guns with three ounces or less cup capacity and aerosol or pump spray containers with 16 ounces or less capacity, are completed inside a particulate-control system that is designed to confine and direct paint overspray, fumes, and vapors to a powered ventilation system and is equipped with either
dry filtration or a water-wash system to capture paint overspray;

C. operate and maintain spray-painting application equipment, exhaust filtration systems, and spray booths according to the manufacturer's specification;

47. The MPCA finds that this modification does not make the proposed rule substantially different. Specifying that aerosol and pump spray cans with 16 ounces or less capacity are excluded makes the operational requirements clear and more specific. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

Change to Part 7008.2300, subpart 3

48. During the public comment period on the rule, the MPCA determined that the proposed requirement for record keeping of waste material shipped off-site for recycling may cause confusion and additional unnecessary record keeping. Therefore, modifications are needed in this subpart.

49. Additionally, the MPCA determined modifications are needed in this subpart to identify the information owners or operators of an auto-body refinishing facility must maintain for record keeping requirements to be eligible to operate without a permit under part 7008.2300 when choosing to comply with the modifications to part 7008.2300, subpart 1, item C that establish the VOC and HAP emission thresholds.

50. Subpart 3, item A, subitem (4) is moved and modified to the renumbered subpart 3, item C, subitem (1). It is reasonable to move this requirement to the renumber subpart 3, item C in order to locate all requirements that depend on whether or not the owner or operator ships waste material off-site for recycling and subtracts the recycled amount from the amount used.

51. A new subpart 3, item B is added to identify the record keeping requirements for owners or operators that choose to comply with the VOC and HAP emission limits established in the modified part 7008.2300, subpart 1, item C. Item B requires the owner or operator to keep records for each calendar year of the maximum VOC and HAP content of each coating and cleaning material and a record of the safety data sheet (SDS), or a signed statement from the supplier stating the maximum VOC content and the maximum HAP content for each coating and cleaning material. This change is reasonable because this information is used to demonstrate that the owner or operator can demonstrate they qualify for the conditionally exempt source category when the owner or operator chooses to comply with the modifications to part 7008.2300, subpart 1, item C that establish the VOC and HAP emission thresholds.

52. The existing subpart 3, item B is renumbered to subpart 3, item C, to be consistent with the modification to add new part 7008.2300, subpart 3, item B, and modified to clarify that the definition of “recycling” as described applies to the entire part instead of the specific item. This change is reasonable because the term "recycling" now appears in multiple locations within part 7008.2300 instead of a single item.

53. Subpart 3, item C, subitem (1) is modified to identify that the owner or operator is only required to keep the information identified in the moved and modified subpart 3, item A, subitem (4) if owner or operator subtracts the amount recycled from the amount used. The proposed language now identified in subitem (1) is further modified to also require the owner or operator keep records of the calculations done to determine the amount to subtract. The MPCA intended the proposed rule only require record keeping of the gallons of material shipped off-site for
recycling only when the owner or operator subtracts the amount recycled from the amount used. This change is reasonable because the existing rule language could be read to require record keeping of the amount recycled regardless of whether or not the owner or operator subtracted the recycled amount from the amount used.

54. A new subpart 3, item C, subitem (2) is added to identify that if the owner or operator ships waste material off-site for recycling, they may subtract the pounds of VOC and HAP recycled from the amount of VOC and HAP calculated in the new part 7008.2300, subpart 4. Subitem (2) also identifies the records the owner or operator must retain if they subtract the recycled amount. It is reasonable to include record keeping requirements that ensure an owner or operator can demonstrate they qualify for the conditionally exempt source category when the owner or operator chooses to comply with the modifications to part 7008.2300, subpart 1, item C that establish the VOC and HAP emission thresholds.

55. Subpart 3, item C is renumbered as subpart 3, item D to provided clarity for the reader.

Part 7008.2300, subp. 3

Subp. 3. Record keeping.

A. The owner or operator of an auto-body refinishing facility must maintain:

(1) documentation that each painter has completed the training specified in subpart 2, item A;

(2) a record of inspection, maintenance, and repair activities for the spray-painting equipment, exhaust filtration systems, and spray booths; and

(3) a record of the number of gallons of coating and cleaning materials purchased or used for each calendar year; and

(4) if the owner or operator ships waste material from coating and cleaning activities off-site for recycling, records of the gallons of material shipped off-site for recycling.

B. The owner or operator of an auto-body refinishing facility that chooses to comply with the VOC and HAP emission limits in subpart 1, item C, subitem (2), must maintain:

(1) records for each calendar year of the maximum VOC content of each coating and cleaning material;

(2) records for each calendar year of the maximum HAP content of each coating and cleaning material; and

(3) a record of the safety data sheet (SDS) or a signed statement from the supplier stating the maximum VOC content and the maximum HAP content for each coating and cleaning material.

B.C. For purposes of this part, “recycling” means reclamation or reuse, as defined in part 7045.0020, of a coating or cleaning material. If the owner or operator ships waste material from coating and cleaning activities off-site for recycling,

(1) the gallons of material recycled may be subtracted from the amount of combined coating and cleaning materials used. For purposes of this item, “recycling” means reclamation or reuse, as defined in part 7045.0020, of a coating or cleaning material. If the gallons of material recycled is subtracted from the amount of combined coating and
cleaning materials used, the owner or operator must keep records of the gallons of material shipped off-site for recycling and the calculations done to determine the amount to subtract; or

(2) the pounds of VOC and HAP recycled may be subtracted from the amount of VOC and HAP calculated as allowed in subpart 4. If pounds of VOC and HAP recycled is subtracted from the amount of VOC and HAP calculated in subpart 4, the owner or operator must keep records of the amount of coating and cleaning materials shipped off-site for recycling, the VOC and HAP content of coating and cleaning materials shipped off-site for recycling, and the calculations done to determine the amount of VOC and HAP to subtract. Acceptable records include safety data sheets, invoices, shipping papers, and hazardous waste manifests.

CD. The owner or operator must comply with the requirements for monitoring, record keeping, and reporting in Code of Federal Regulations, title 40, part 63, subpart HHHHHHH, as applicable.

56. The MPCA finds that these modifications do not make the proposed rule substantially different. With these modifications, owners and operators of auto-body refinishing facilities that choose to comply with the modifications to part 7008.2300, subpart 1, item C that establish the VOC and HAP emission thresholds are required to keep the appropriate records that demonstrate that they qualify to operate without a permit through complying with the requirements of part 7008.2300. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

Change to add new Part 7008.2300, subpart 4

57. A new subpart 4 is added to identify the emission calculation requirements for owners or operators that choose to comply with the VOC and HAP emission limits established in the modified part 7008.2300, subpart 1, item C. Subpart 4 requires that owners or operators must calculate VOC and HAP emissions using the methods in subpart 4, items A and B. It is reasonable to provide the calculation methodology for owners and operators to demonstrate that the facility remains below the emission limits established in the modified part 7008.2300, subpart 1, item C.

58. Item A establishes the calculation methodology for calculating VOC emissions in subitems (1) and (2). Item A also directs owners or operators that if they ship waste material from coating or cleaning activities off-site for recycling, the amount of VOC recycled may be subtracted from the amount of VOC calculated in subitem (1) or (2). Subitem (1) provides the owner or operator the methodology to calculate pounds of VOC emissions when using the gallons of VOC-containing material purchased or used and the VOC content of the material (in pounds per gallon). Subitem (2) provides the owner or operator the methodology to calculate pounds of VOC emissions when using the pounds of VOC-containing material purchased or used and the VOC content of the material (in weight percent). It is reasonable to require owners or operators to calculate emissions this way because this information (e.g., purchase records or records of usage and safety data sheets containing the pollutant contents) is readily available to owners and operators who use this kind of equipment.

59. Item B establishes the calculation methodology for calculating HAP emissions in subitems (1) and (2). Item B also directs owners or operators that if they ship waste material from coating or cleaning activities off-site for recycling, the amount of HAP recycled may be subtracted from the amount of HAP calculated in subitem (1) or (2). Subitem (1) provides the owner or operator the
methodology to calculate pounds of HAP emissions when using the gallons of HAP-containing material purchased or used and the HAP content of the material (in pounds per gallon). Subitem (2) provides the owner or operator the methodology to calculate pounds of HAP emissions when using the pounds of HAP-containing material purchased or used and the HAP content of the material (in weight percent). It is reasonable to require owners or operators to calculate emissions this way because this information (e.g., purchase records or records of usage and safety data sheets containing the pollutant contents) is readily available to owners and operators who use this kind of equipment.

Part 7008.2300, subp. 4

Subp. 4. Calculating emissions. The owner or operator of an auto-body refinishing facility that chooses to comply with the VOC and HAP emission limits in subpart 1, item C, subitem (2), must calculate VOC and HAP emissions using the methods in items A and B.

A. The owner or operator must calculate VOC emissions using a method in subitem (1) or (2). If the owner or operator ships waste material from coating or cleaning activities off-site for recycling, the amount of VOC recycled may be subtracted from the amount of VOC calculated in subitem (1) or (2):

   (1) pounds of VOC emissions per calendar year equal gallons of VOC-containing material purchased or used in a calendar year multiplied by the pounds of VOC per gallon; or

   (2) pounds of VOC emissions per calendar year equal pounds of VOC-containing material purchased or used in each calendar year multiplied by weight percent of VOC.

B. The owner or operator must calculate total HAP emissions using a method in subitem (1) or (2). If the owner or operator ships waste material from coating or cleaning activities off-site for recycling, the amount of HAP recycled may be subtracted from the amount of total HAP calculated in subitem (1) or (2):

   (1) pounds of HAP emissions per calendar year equal gallons of HAP-containing material purchased or used in a calendar year multiplied by the pounds of HAP per gallon; or

   (2) pounds of HAP emissions per calendar year equal pounds of HAP-containing material purchased or used in each calendar year multiplied by weight percent of HAP.

The MPCA finds that these modifications do not make the proposed rule substantially different. With these modifications, owners and operators of auto-body refinishing facilities that choose to comply with the modifications to part 7008.2300, subpart 1, item C that establish the VOC and HAP emission thresholds are required to perform emission calculations that demonstrate that they qualify to operate without a permit through complying with the requirements of part 7008.2300. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

Change to Part 7008.2300, subpart 4, items B and C

Part 7008.2300, subpart 4 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.”

62. Subpart 4, item B is modified to extend the notification period from 90 days to 120 days. This change is reasonable because it provides additional time for the MPCA and organizations such as AASP-MN to reach out to businesses that may be able to use the proposed rules.

63. Subpart 4, item C, subitem (4) is modified to more clearly identify when the notification must include the actual or anticipated number of gallons of coating and cleaning materials purchased or used in the last calendar year. The modification removes the qualifier “is not completed” and replaces it with “has not been in operation for one calendar year.” This change is reasonable because the existing rule language is potentially confusing. The existing rule language could be read to require a facility, which has been completed, but has been operating for less than a calendar year to submit the amount of material purchased or used for the previous calendar year.

64. Subpart 4, item C, subitem (4) is further modified to also allow the owner or operator to identify the anticipated amount of materials to be used. This change is reasonable because the owner or operator may elect to demonstrate compliance with the requirements of part 7008.2300 through usage records or purchase records.

65. Subpart 4 is renumbered to subpart 5 to be consistent with the modification to add new part 7008.2300, subpart 4. It is reasonable to make this change, instead of adding the modifications adding the calculation requirements as new subpart 5, to provide consistency in the construction of similar requirements across the exempt source categories in Chapter 7008.

Part 7008.2300, subp. 5B and 5C

Subp. 45. Notification.

B. The owner or operator of an auto-body refinishing facility not described in item A must notify the commissioner in a format specified by the commissioner within 90 120 days after the effective date of this part or within 90 120 days after beginning to operate an auto-body refinishing facility.

C. The notification required under this subpart must contain:

(1) the owner's name;

(2) the operator's name, if different than the owner's name;

(3) the facility name and address; and

(4) the number of gallons of coating and cleaning materials purchased or used in the last calendar year or, if the facility is not completed has not been in operation for one calendar year, the anticipated number of gallons of coating and cleaning materials to be purchased or used.

66. The MPCA finds that these modifications do not make the proposed rule substantially different. These modifications are clearly within the scope of the "Subject of Rules" Chapter 7008 as announced in the Notice. These modifications are a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule. Specifying that the anticipated amount of material purchased or used should be identified when the facility has been in operation for less than a calendar year makes the notification requirement clear and more specific. The modification to change the notification deadlines from 90 days to 120 days
after certain trigger dates provides owners and operators with more time to comply with the notification requirements.

7008.2400 COATING FACILITY; TECHNICAL STANDARDS.

Change to Part 7008.2400, subpart 1, items B and C

67. The MPCA finds that a correction is needed at subpart 1, item B, requirement for eligibility. Subpart 1, item B is modified by deleting the second reference to “coating facility” and adding the term “stationary source.” The term “stationary source” is used in Chapter 7008 when referring to insignificant activities and conditionally insignificant activities in the eligibility requirements for exempt source categories for gasoline service stations, concrete manufacturing, and auto-body refinishing. However, the term was not similarly used for coating facilities or woodworking facilities in Chapter 7008. It is reasonable to make this change to provide consistency in the terminology used in the eligibility requirements for the exempt source categories in Chapter 7008.

68. “The 2,000-gallon threshold for purchased material at Minn. R. 7008.2300, subpart 1, item C is a standard established with solvent-based products in mind. With an increasing movement toward much lower emitting water-borne material, Alliance of Automotive Service Providers Minnesota (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 that would serve to reduce emissions and protect the environment.”

69. The MPCA is also proposing to mimic the modifications to part 7008.2300 (Auto-Body Refinishing; Technical Standards) in part 7008.2400 to accommodate a higher threshold for coating facilities that have adopted systems to spray water-borne coatings by establishing an emissions-based threshold.

70. An emissions-based threshold provides an incentive to switch to water-borne coatings by providing an option that allows the owner or operator to use more than 2,000 gallons of coating and cleaning materials, combined, each calendar year and remain eligible to operate without a permit. Water-borne coatings generally contain lower amounts of VOC and HAP pollutants compared to solvent-based coatings and the transition to water-borne materials could lower the overall emissions generated by the facility.

71. Part 7008.2400, subpart 1, item C is modified to establish an emission threshold of 20,000 pounds of VOC emissions per calendar year. This revision is reasonable because it is the amount of VOC emissions that is equivalent to the 2,000 gallon threshold. The threshold for VOC emissions of 20,000 pounds each calendar year was determined using the existing 2,000 gallons threshold, multiplied by an assumed maximum VOC content of 10 pounds of VOC per gallon of coating or cleaning material. This is assumed VOC content and gallon usage relationship parallels the thresholds used in part 7008.4100 (Conditionally Insignificant Activity; Material Usage). It is reasonable to be consistent across rule parts and maintain the same relationship between gallons used and VOC emissions.

72. Part 7008.2400, subpart 1, item C is also modified to establish an emission threshold of 12,000 pounds of total HAP emissions per calendar year. This revision is reasonable because it is the amount of emissions that is equivalent to the 2,000 gallon threshold. The threshold for HAP emissions of 12,000 pounds each calendar year was determined using the existing 2,000 gallons threshold, multiplied by an assumed maximum individual HAP content of 6 pounds of HAP per
gallon of coating or cleaning material. This is the same HAP content assumed in the proposed rules to determine the 2,000 gallon per year threshold. It is reasonable and to be consistent and maintain the same relationship between gallons used and HAP emissions.

73. Additionally, subpart 1, item C is modified to create an itemized list to clearly indicate that the owner or operator must choose to comply with either 2,000 gallon per year limit option or the VOC and HAP emission limits option. Subitem (1) contains the original requirement that the owner or operator must purchase or use less than 2,000 gallons of coating and cleaning materials, combined, each calendar year. Subitem (2) contains the modification explained above in Findings No. 71 and 72. It is reasonable to clearly identify the choices available to the owner or operator.

Part 7008.2400, subp. 1B and C

Subpart 1. Eligibility.

B. Coating must account for substantially all emissions from the coating facility. All other emissions from the coating facility stationary source must be from insignificant activities under part 7007.1300, subpart 2 or 3, or conditionally insignificant activities that comply with parts 7008.4000 and 7008.4110, or both.

C. The owner or operator of an auto-body refinishing facility must:

(1) purchase or use less than 2,000 gallons of coating and cleaning materials, combined, each calendar year; or

(2) limit VOC and HAP emissions from coating and cleaning activities in each calendar year to less than the thresholds in this subitem, calculated according to the methods in subpart 4:

(a) VOC emissions - 20,000 pounds per calendar year; and

(b) total HAP emissions - 12,000 pounds per calendar year.

74. The MPCA finds that these modifications do not make the proposed rule substantially different. The modification deleting the second reference to “coating facility” and adding the term “stationary source” provides consistency across rule parts. The modification adding an emission threshold option provides owners and operators of coating facilities the same opportunity that is provided to owners and operators of auto-body refinishing facilities. Owners and operators of coating facilities that use water-borne coatings can potentially use greater than 2,000 gallons of coating and cleaning materials and still qualify to operate without a permit provided they comply with the requirements of part 7008.2400. These modifications are clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

Change to Part 7008.2400, subpart 2, item A

75. Part 7008.2300, subpart 2 provides that all painters be trained in proper spray application of surface coatings and proper set-up and maintenance of spray equipment. AASP-MN commented they support establishing the training standard as a five-year cycle. This would be consistent to the Federal NESHAP HHHHHH requirement. Cross-reference to the federal standard would be consistent with subpart 2, item E requirements which relate to spray booth and spray gun operations, cleaning and solvent storage. (See above Findings No. 41.)
76. The MPCA is proposing to mimic the modifications to part 7008.2300 (Auto-Body Refinishing; Technical Standards) in part 7008.2400 to be consistent in painter training requirements across the two conditionally exempt source categories.

77. Part 7008.2400, subpart 2, item A is modified to specify that training for all painters must occur within 180 days after hiring and reoccur every five years after the date previous training was completed. This change is reasonable because the initial and reoccurring training schedule parallels the training requirements found in 40 CFR part 63, subpart HHHHHH. It is reasonable for state rules to align with federal regulations when appropriate. Using similar requirements as the federal rule provides common understanding and facilitates compliance.

78. The MPCA finds that this modification does not make the proposed rule substantially different. Specifying the frequency that training must occur makes the training requirements clear and more specific and provides consistency across rule parts. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

79. The Chamber requested hand-held spray cans be clearly described as subject to this conditionally insignificant activity [part 7008.2400].

80. Part 7008.2400, subpart 2, item B is modified to specify that aerosol or pump spray cans with 16 ounces or less capacity are not required to be completed inside the particulate-control system specified in item B. This change is reasonable because it parallels the requirements found in 40 CFR part 63, subpart HHHHHH, which does not regulate paint applied by aerosol spray cans. It is reasonable for state rules to align with federal regulations when appropriate. Using similar requirements as the federal rule provides common understanding and facilitates compliance.

Change to Part 7008.2400, subpart 2, items B and C

81. The MPCA finds that this modification does not make the proposed rule substantially different. Specifying that aerosol and pump spray cans with 16 ounces or less capacity are excluded makes the operational requirements clear and more specific. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a
logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule.

Change to Part 7008.2400, subpart 3

82. During the public comment period on the rule, the MPCA determined that the proposed requirement for record keeping of waste material shipped off-site for recycling may cause confusion and additional unnecessary record keeping. Therefore, modifications are needed in this subpart.

83. The MPCA is also proposing to mimic the modifications to part 7008.2300 (Auto-Body Refinishing; Technical Standards) in part 7008.2400 to be consistent in record keeping requirements across the two conditionally exempt source categories.

84. Additionally, the MPCA determined modifications are needed in this subpart to identify the information owners or operators of a coating facility must maintain for record keeping requirements to be eligible to operate without a permit under part 7008.2400 when choosing to comply with the modifications to part 7008.2400, subpart 1, item C that establish the VOC and HAP emission thresholds.

85. Subpart 3, item A, subitem (4) is moved and modified to the renumbered subpart 3, item C, subitem (1). It is reasonable to move this requirement to the renumber subpart 3, item C in order to locate all requirements that depend on whether or not the owner or operator ships waste material off-site for recycling and subtracts the recycled amount from the amount used.

86. A new subpart 3, item B is added to identify the record keeping requirements for owners or operators that choose to comply with the VOC and HAP emission limits established in the modified part 7008.2400, subpart 1, item C. Item B requires the owner or operator to keep records for each calendar year of the maximum VOC and HAP content of each coating and cleaning material and a record of the safety data sheet (SDS), or a signed statement from the supplier stating the maximum VOC content and the maximum HAP content for each coating and cleaning material. This change is reasonable because this information is used to demonstrate that the owner or operator can demonstrate they qualify for the conditionally exempt source category when the owner or operator chooses to comply with the modifications to part 7008.2400, subpart 1, item C that establish the VOC and HAP emission thresholds.

87. The existing subpart 3, item B is renumbered to subpart 3, item C, to be consistent with the modification to add new part 7008.2400, subpart 3, item B, and modified to clarify that the definition of “recycling” as described applies to the entire part instead of the specific item. This change is reasonable because the term "recycling" now appears in multiple locations within part 7008.2300 instead of a single item.

88. Subpart 3, item C, subitem (1) is modified to identify that the owner or operator is only required to keep the information identified in the moved and modified subpart 3, item A, subitem (4) if owner or operator subtracts the amount recycled from the amount used. The proposed language now identified in subitem (1) is further modified to also require the owner or operator keep records of the calculations done to determine the amount to subtract. The MPCA intended the proposed rule only require record keeping of the gallons of material shipped off-site for recycling only when the owner or operator subtracts the amount recycled from the amount used. This change is reasonable because the existing rule language could be read to require record keeping of the amount recycled regardless of whether or not the owner or operator
subtracted the recycled amount from the amount used.

89. A new subpart 3, item C, subitem (2) is added to identify that if the owner or operator ships waste material off-site for recycling, they may subtract the pounds of VOC and HAP recycled from the amount of VOC and HAP calculated in the new part 7008.2400, subpart 4. Subitem (2) also identifies the records the owner or operator must keep if they subtract the recycled amount. It is reasonable to include record keeping requirements that ensure an owner or operator can demonstrate they qualify for the conditionally exempt source category when the owner or operator chooses to comply with the modifications to part 7008.2400, subpart 1, item C that establish the VOC and HAP emission thresholds.

90. Subpart 3, item C is renumbered as subpart 3, item D to provided clarity for the reader.

Part 7008.2400, subp. 3

Subp. 3. Record keeping.

A. The owner or operator of a coating facility must maintain:

(1) documentation that each painter has completed the training specified in subpart 2, item A;

(2) a record of inspection, maintenance, and repair activities for the spray-painting application equipment, exhaust filtration system systems, and spray booths; and

(3) a record of the number of gallons of coating and cleaning materials purchased or used for each calendar year; and

(4) if the owner or operator ships waste material from coating and cleaning activities off-site for recycling, records of the gallons of material shipped off-site for recycling.

B. The owner or operator of a coating facility that chooses to comply with the VOC and HAP emission limits in subpart 1, item C, subitem (2), must maintain:

(1) records for each calendar year of the maximum VOC content of each coating and cleaning material;

(2) records for each calendar year of the maximum HAP content of each coating and cleaning material; and

(3) a record of the material safety data sheet (SDS) or a signed statement from the supplier stating the maximum VOC content and the maximum HAP content for each coating and cleaning material.

B-C. For purposes of this part, “recycling” means reclamation or reuse, as defined in part 7045.0020, of a coating or cleaning material. If the owner or operator ships waste material from coating and cleaning activities off-site for recycling:

(1) the gallons of material recycled may be subtracted from the amount of combined coating and cleaning materials used. For purposes of this item, “recycling” means reclamation or reuse, as defined in part 7045.0020, of a coating or cleaning material. If the gallons of material recycled is subtracted from the amount of combined coating and cleaning materials used, the owner or operator must keep records of the gallons of material shipped off-site for recycling and the calculations done to determine the amount to subtract; or

(2) the pounds of VOC and HAP recycled may be subtracted from the amount of VOC and HAP calculated as allowed in subpart 4. If the pounds of VOC and HAP recycled is
subtracted from the amount of VOC and HAP calculated in subpart 4, the owner or operator must keep records of the amount of coating and cleaning materials shipped off-site for recycling, the VOC and HAP content of coating and cleaning materials shipped off-site for recycling, and the calculations done to determine the amount of VOC and HAP to subtract. Acceptable records include safety data sheets, invoices, shipping papers, and hazardous waste manifests.

C-D. The owner or operator must comply with the requirements for monitoring, record keeping, and reporting in Code of Federal Regulations, title 40, part 63, subpart HHHHHH, as applicable.

91. The MPCA finds that these modifications do not make the proposed rule substantially different. With these modifications, owners and operators of coating facilities that choose to comply with the modifications to part 7008.2400, subpart 1, item C that establish the VOC and HAP emission thresholds are required to keep the appropriate records that demonstrate that they qualify to operate without a permit through complying with the requirements of part 7008.2400. These modifications are clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

Change to add new Part 7008.2400, subpart 4

92. The MPCA is also proposing to mimic the modifications to part 7008.2300 (Auto-Body Refinishing; Technical Standards) in part 7008.2400 to be consistent in emission calculation requirements across the two conditionally exempt source categories.

93. A new subpart 4 is added to identify the emission calculation requirements for owners or operators that choose to comply with the VOC and HAP emission limits established in the modified part 7008.2300, subpart 1, item C. Subpart 4 requires that owners or operators must calculate VOC and HAP emissions using the methods in subpart 4, items A and B. It is reasonable to provide the calculation methodology for owners and operators to demonstrate that the facility remains below the emission limits established in the modified part 7008.2300, subpart 1, item C.

94. Item A establishes the calculation methodology for calculating VOC emissions in subitems (1) and (2). Item A also directs owners or operators that if they ship waste material from coating or cleaning activities off-site for recycling, the amount of VOC recycled may be subtracted from the amount of VOC calculated in subitem (1) or (2). Subitem (1) provides the owner or operator the methodology to calculate pounds of VOC emissions when using the gallons of VOC-containing material purchased or used and the VOC content of the material (in pounds per gallon). Subitem (2) provides the owner or operator the methodology to calculate pounds of VOC emissions when using the pounds of VOC-containing material purchased or used and the VOC content of the material (in weight percent). It is reasonable to require owners or operators to calculate emissions this way because this information (e.g., purchase records or records of usage and safety data sheets containing the pollutant contents) is readily available to owners and operators who use this kind of equipment.

95. Item B establishes the calculation methodology for calculating HAP emissions in subitems (1) and (2). Item B also directs owners or operators that if they ship waste material from coating or cleaning activities off-site for recycling, the amount of HAP recycled may be subtracted from the amount of HAP calculated in subitem (1) or (2). Subitem (1) provides the owner or operator the methodology to calculate pounds of HAP emissions when using the gallons of HAP-containing material purchased or used and the HAP content of the material (in pounds per gallon).
Subitem (2) provides the owner or operator the methodology to calculate pounds of HAP emissions when using the pounds of HAP-containing material purchased or used and the HAP content of the material (in weight percent). It is reasonable to require owners or operators to calculate emissions this way because this information (e.g., purchase records or records of usage and safety data sheets containing the pollutant contents) is readily available to owners and operators who use this kind of equipment.

Part 7008.2400, subp. 4

Subp. 4. Calculating emissions. The owner or operator of a coating facility that chooses to comply with the VOC and HAP emission limits in subpart 1, item C, subitem (2), must calculate VOC and HAP emissions using the methods in items A and B.

A. The owner or operator must calculate VOC emissions using a method in subitem (1) or (2). If the owner or operator ships waste material from coating or cleaning activities off-site for recycling, the amount of VOC recycled may be subtracted from the amount of VOC calculated in subitem (1) or (2):

(1) pounds of VOC emissions per calendar year equal gallons of VOC-containing material purchased or used in a calendar year multiplied by the pounds of VOC per gallon; or

(2) pounds of VOC emissions per calendar year equal pounds of VOC-containing material purchased or used in a calendar year multiplied by weight percent of VOC.

B. The owner or operator must calculate total HAP emissions using a method in subitem (1) or (2). If the owner or operator ships waste material from coating or cleaning activities off-site for recycling, the amount of HAP recycled may be subtracted from the amount of total HAP calculated in subitem (1) or (2):

(1) pounds of HAP emissions per calendar year equal gallons of HAP-containing material purchased or used in a calendar year multiplied by the pounds of HAP per gallon; or

(2) pounds of HAP emissions per calendar year equal pounds of HAP-containing material purchased or used in a calendar year multiplied by weight percent of HAP.

The MPCA finds that these modifications do not make the proposed rule substantially different. With these modifications, owners and operators of auto-body refinishing facilities that choose to comply with the modifications to part 7008.2300, subpart 1, item C that establish the VOC and HAP emission thresholds are required to perform emission calculations that demonstrate that they qualify to operate without a permit through complying with the requirements of part 7008.2300. These modifications are clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

Change to Part 7008.2400, subpart 4, items B and C

97. Subpart 4, item B is modified to extend the notification period from 90 days to 120 days. This change is reasonable because it provides additional time for the MPCA and organizations such as AASP-MN to reach out to businesses that may be able to use the proposed rules. This modification aligns with the change in part 7008.2300, subpart 4 requested by AASP-MN. (See above Findings No. 61.)

98. Subpart 4, item C, subitem (4) is modified to more clearly identify when the notification must include the actual or anticipated number of gallons of coating and cleaning materials purchased
or used in the last calendar year. The modification removes the qualifier "is not completed" and replaces it with "has not been in operation for one calendar year." This change is reasonable because the existing rule language is potentially confusing. The existing rule language could be read to require a facility, which has been completed, but has been operating for less than a calendar year to submit the amount of material purchased or used for the previous calendar year.

99. Subpart 4, item C, subitem (4) is further modified to also allow the owner or operator to identify the anticipated amount of materials to be used. This change is reasonable because the owner or operator may elect to demonstrate compliance with the requirements of part 7008.2400 through usage records or purchase records.

100. Subpart 4 is renumbered to subpart 5 to be consistent with the modification to add new part 7008.2400, subpart 4. It is reasonable to make this change, instead of adding the modifications adding the calculation requirements as new subpart 5, to provide consistency in the construction of similar requirements across the exempt source categories in Chapter 7008.

Part 7008.2400, subp. 5B and 5C

Subp. 45. Notification.

B. The owner or operator of a coating facility not described in item A must notify the commissioner in a format specified by the commissioner within 90 120 days after the effective date of this part or within 90 120 days after beginning to operate a coating facility.

C. The notification required under this subpart must contain:

1. the owner's name;
2. the operator's name, if different than the owner's name;
3. the facility name and address; and
4. the number of gallons of coating and cleaning materials purchased or used in the last calendar year or, if the facility is not completed has not been in operation for one calendar year, the anticipated number of gallons of coating and cleaning materials to be purchased or used.

101. The MPCA finds that these modifications do not make the proposed rule substantially different. These modifications are clearly within the scope of the "Subject of Rules" Chapter 7008 as announced in the Notice. These modifications are a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule. Specifying that the anticipated amount of material purchased or used should be identified when the facility has been in operation for less than a calendar year makes the notification requirement clear and more specific. The modification to change the notification deadlines from 90 days to 120 days after certain trigger dates provides owners and operators with more time to comply with the notification requirements.

7008.2500 WOODWORKING FACILITY; TECHNICAL STANDARDS.

102. A modification is needed throughout part 7008.2500 to add "mechanical finishing and" to "refinishing" in describing the activities regulated by the requirements of part 7008.2500. This modification is necessary to mimic the changes in part 7008.0100, subpart 10 and to align with the changes in part 7008.0100, subpart 18 requested by CHESS. (See above Findings No. 28 and
31.) The MPCA intended part 7008.2500 to primarily regulate emissions of particulate matter from activities typically performed at a woodworking facility (e.g., cutting, sawing, sanding of wood), but allow for the woodworking facility to perform coating operations such as staining or painting. This change is found throughout this part.

103. The modification to include the term “finishing and” is necessary because the MPCA did not intend the exempt source category to cover only those sources that paint or stain existing products. The rule language is potentially confusing as the existing term could be read to exclude sources that paint or stain new products. It is reasonable to clarify an ambiguous term that does not change the intent of the rule.

104. The modification to include the qualifier of “mechanical” in front of “finishing and refinishing” is necessary because the MPCA intended the proposed rule to apply to physical operations, not chemical operations. The existing rule language is potentially confusing because it could imply that activities such as painting might have to meet the requirements identified in part 7008.2500. It is reasonable to clarify an ambiguous term that does not change the intent of the rule.

105. The MPCA finds this modification does not make the proposed rule substantially different. Changing the term “refinishing” to “mechanical finishing and refinishing” only makes the term clearer and more specific. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

Change to Part 7008.2500, subpart 1

106. The MPCA finds that two corrections are needed at subpart 1, item B, requirement for eligibility. Subpart 1, item B is modified to add “mechanical finishing and” to the term “refinishing” as explained above in Findings No. 102 through 105.

107. Subpart 1, item B is further modified by moving the existing rule language in item C, which describes the scope of other equipment that is allowed at a woodworking facility, to item B and deleting the second reference to “coating facility” and adding the term “stationary source.” The term “stationary source” is used in Chapter 7008 when referring to insignificant activities and conditionally insignificant activities in the eligibility requirements for exempt source categories for gasoline service stations, concrete manufacturing, and auto-body refinishing. However, the term was not similarly used for coating facilities or woodworking facilities in Chapter 7008. It is reasonable to make this change to provide consistency in the construction of and terminology used in the eligibility requirements for the exempt source categories in Chapter 7008.

108. The MPCA finds that one correction is needed to the eligibility requirements in subpart 1. A new subpart 1, item C is added to identify the maximum combined total heat input capacity of all fuel-burning ovens used for curing or drying wood products. The MPCA does not intend to restrict the use of electric or ultraviolet ovens used for curing or drying with this modification. The MPCA intended to allow the use of fuel-burning ovens but finds it necessary to cap the combined total heat input capacity to limit the potential nitrogen oxides (NOx) emissions from the fuel-burning equipment. The value of 25,000,000 Btu per hour was selected, based on the expected possible fuels (natural gas, propane, or fuel oil #2), to limit the worst-case potential emissions of NOx from fuel-burning ovens to approximately 30 tons per year (tpy). This emission value is less than half the Part 70 permitting threshold for NOx (100 tpy) to account for variability in emissions across emissions units at the source. This change is reasonable because it follows the 1998 guidance establishing permitting thresholds the EPA believes are reasonable.
The Chamber commented the MPCA proposes in part 7008.2500, subpart 3 to impose a grains per standard cubic feet (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 should not require the stack with the smallest flows to meet the lower gr/dscf limit. The Chamber requested the gr/dscf value be imposed based on the flow rate of the individual control equipment/stack.

The Chamber commented this section does not address how woodworking equipment equipped with hoods, but not total enclosures are to be treated. This should be explicit in the rule. The Chamber suggested 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.

The MPCA can satisfactorily address the commenter’s request to allow the required concentration value be based on the flow rate of the individual control equipment and stack by establishing an emissions-based threshold that accommodates various airflow rates and particulate matter concentrations across individual control equipment and stacks.

The MPCA can satisfactorily address the commenter’s request to address how woodworking equipment equipped with hoods are to be treated by modifying the existing threshold to identify different exhaust airflow rate and concentration thresholds for woodworking facilities. The modified thresholds depend on whether the facility vents emissions from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment to control equipment through total enclosures or a combination of hoods and total enclosures.

A new subpart 1, item D is added to establish an emission threshold of 40,000 pounds of particulate matter emissions per calendar year, calculated according to the method established in the new subpart 5. An emissions-based threshold allows the owner or operator to accommodate different airflow rates and concentrations across individual control equipment and stacks. This revision is reasonable because it is the amount of particulate matter emissions that is equivalent to the existing airflow rates and concentrations contained in the proposed rule.

Subpart 1, item D also establishes that the owner or operator has the option of limiting emissions to below the identified threshold or limit the aggregate exhaust airflow rate from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment to less than or equal to the thresholds identified in new subitems (1) or (2). It is reasonable to clearly identify the choices available to the owner or operator.

A new subpart 1, item D, subitem (1) is added to clearly identify the existing upper limit (177,000 standard cubic feet per minute) on airflow rate that was identified in the proposed rule and clarifies that the owner or operator must vent all emissions to control equipment through a total enclosure. This change is reasonable because the existing rule language in subpart 3 (control equipment requirements) is potentially confusing. The existing rule language in subpart 3 could be read to indicate that a facility with an aggregate exhaust airflow rate higher than 177,000 standard cubic feet per minute did not have any applicable control requirements. This change is also reasonable because identifying that this control requirement requires a total enclosure clarifies the confusion identified by the commenter.

A new subpart 1, item D, subitem (2) is added to establish a new upper limit (80,000 standard cubic feet per minute) on airflow rate that for woodworking facilities that vent emissions to...
control equipment through a certified hood or a total enclosure. This change is reasonable because it clearly identifies there is an upper limit on aggregate exhaust airflow rate and supports the new control requirements established in subpart 3 for woodworking facilities that vent emissions to control equipment through certified hoods or through total enclosures.

Part 7008.2500, subpart 1

Subpart 1. Eligibility.

A. To be eligible to operate without a permit under this chapter, the owner or operator of a woodworking facility must comply with this part and part 7008.2000.

B. Equipment for manufacturing, mechanical finishing and refinishing, and restoring wood products and ovens for curing or drying wood products must account for substantially all the emissions from the woodworking facility. All other emissions from the stationary source must be from insignificant activities under part 7007.1300, subpart 2 or 3, or conditionally insignificant activities that comply with parts 7008.4000 and 7008.4100, or both.

C. All other emissions from the woodworking facility must be from insignificant activities under part 7007.1300, subpart 2 or 3, or conditionally insignificant activities that comply with parts 7008.4000 and 7008.4100, or both. The combined total heat input capacity of all fuel-burning ovens for curing or drying wood products must be less than or equal to 25,000,000 Btu per hour.

D. The owner or operator must limit emissions of particulate matter from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment to less than 40,000 pounds per calendar year, calculated according to the method in subpart 5, or limit the aggregate exhaust airflow rate from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment to less than or equal to:

   (1) 177,000 standard cubic feet per minute if all emissions from wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment are vented to control equipment through a total enclosure; or

   (2) 80,000 standard cubic feet per minute if all emissions from wood-product manufacturing, mechanical finishing, refinishing, and restoring equipment are vented to control equipment through a certified hood or total enclosure.

The MPCA finds that this modification does not make the proposed rule substantially different. With this modification, the eligibility requirements clearly identify what owners and operators of woodworking facilities that use hoods, total enclosures, or a combination of both must do to qualify to operate without a permit provided they comply with the requirements of part 7008.2500. This modification also provides flexibility to owners and operators of woodworking facilities by accommodating different airflow rates and concentrations across individual control equipment and stacks. This modification is clearly within the scope of the "Subject of Rules" Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule.

Change to Part 7008.2500, subpart 2

The MPCA finds that a correction is needed at subpart 2, item A, operational requirements. Subpart 2, item A is modified to add "mechanical finishing and" to the term "refinishing" as
explained above in Findings No. 102 through 105.

119. The MPCA determined modifications are needed to this subpart to identify when the owner or operator must perform a hood evaluation, as described in the modifications to be eligible to operate without a permit under part 7008.2500 in two circumstances. The first circumstance is when the owner or operator chooses to comply with the new part 7008.2500, subpart 1, item D that establishes the particulate matter emission threshold and using the certified hood values in the new subpart 5. The second circumstance is when the owner or operator chooses to comply with the new part 7008.2500, subpart 1, item D, subitem (2) that establishes that the owner or operator must vent emissions through a certified hood or total enclosure. This change is reasonable because this evaluation is used by the owner or operator to demonstrate they qualify for the conditionally exempt source category when the owner or operator chooses to comply with the modifications to part 7008.2500, subpart 1, item D.

Part 7008.2500, subp. 2

**Subp. 2. Operational requirements.** The owner or operator of a woodworking facility must:

- A. ensure that equipment for manufacturing, mechanical finishing and refinishing, and restoring wood products vents emissions to control equipment meeting the requirements in subpart 3 at all times the equipment is operating;

- B. operate and maintain the control equipment as required by the manufacturer’s specifications and part 7008.0200, item D;

- C. ensure that opacity from the control-equipment exhaust does not exceed 20 percent opacity when venting externally;

- D. when emissions are vented externally, check the control-equipment exhaust for any visible emissions once each day of operation during daylight hours except during inclement weather. If visible emissions are observed for longer than six minutes, the owner or operator must:

  1. inspect the control equipment; and
  2. take corrective actions, including repairing or replacing control-equipment components when necessary; and

- E. inspect the control equipment once each calendar quarter or more frequently according to the manufacturer’s specification; and

- F. perform the hood evaluation in subpart 4, item D, if the owner or operator:

  1. chooses to comply with the requirements in subpart 1, item D, subitem (2); or
  2. uses the certified hood values in subpart 5.

120. The MPCA finds that this modification does not make the proposed rule substantially different. With these modifications, owners and operators of woodworking facilities that choose to comply with the modifications to part 7008.2500, subpart 1, item D that establish the particulate matter emission threshold and different aggregate exhaust airflow rates, dependent on whether emissions are vented to control equipment through a hood or total enclosure, are required to perform a hood evaluation to demonstrate that they qualify to operate without a permit through complying with the requirements of part 7008.2500. This modification is clearly
within the scope of the "Subject of Rules" Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

Change to Part 7008.2500, subpart 3

121. The MPCA finds that a correction is needed throughout subpart 3, control requirements. Subpart 3 is modified to add "mechanical finishing and" to the term "refinishing" as explained above in Findings No. 102 through 105.

122. The MPCA finds that additional corrections are needed throughout subpart 3 to address the comments submitted by the Chamber identified in Findings No. 109 and 110. Subpart 3 is modified to identify that the owner or operator must comply with the modified applicable requirements for control equipment. This modification is reasonable because the modifications to subpart 1, item D establish three options for the owner or operator to choose from to be eligible to operate without a permit under part 7008.2500.

123. Subpart 3, item A is modified to establish that when the owner or operator of a woodworking facility chooses to comply with the particulate matter emission limit in subpart 1, item D, they must install, operate, and maintain control equipment designed to control emissions of particulate matter on all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment. This modification is reasonable because the use of control equipment is the primary method used to limit potential emissions of particulate matter from the woodworking facility. It is also reasonable to require the installation, operation, and maintenance of control equipment to establish an enforceable requirement that limits the potential emissions of equipment within this category.

124. A new subpart 3, item B is established to identify that the owner or operator of a woodworking facility that chooses to comply with the requirements in subpart 1, item D, subitem (1) must ensure all emissions from wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment are vented to control equipment through a total enclosure and comply with the applicable requirements for control equipment in subitems (1) to (5). This change is reasonable because it clarifies the confusion indicated by the commenter by requiring the woodworking equipment to be vented through a total enclosure to qualify.

125. Subpart 3, item B is further modified to establish new subitems (1) through (5). These subitems contain the renumbered items B through F that identify five control options dependent on the aggregate exhaust airflow rate and the particulate matter concentration that the control equipment is designed to emit. Each option in subitem (1) to (5) allows for increasing airflow rate the lower the design particulate matter concentration. These options allow owners and operators flexibility in the amount of wood product manufacturing, mechanical finishing and refinishing, and/or restoring equipment used at the stationary source. Owners and operators can have more equipment if they have a greater degree of control. Each subitem corresponds to approximately 20 tpy of potential particulate matter emissions when vented through a total enclosure constantly (8760 hours per year) from wood product manufacturing, mechanical finishing and refinishing, and/or restoring equipment as calculated in the SONAR for the proposed rules. No adjustments to the original calculations performed are necessary because the original calculations made no adjustment for the fraction of emissions that would be uncaptured by the control equipment if a total enclosure was not used. It is reasonable to clearly identify the choices available to the owner or operator.

126. Additionally, subpart 3, item B, subitems (1) through (5) modify the existing rule language in the
renumbered items B through F to remove the redundant phrase “the owner or operator of a woodworking facility must” because the modified rule language in subpart 3, item B already directs the owner or operator that they must comply with the applicable requirements for control equipment in subitems (1) through (5). It is reasonable to remove redundant rule language because it provides clarity and prevents reader confusion.

127. A new subpart 3, item C is established to identify that the owner or operator of a woodworking facility that chooses to comply with the requirements in subpart 1, item D, subitem (2) must ensure all emissions from wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment are vented to control equipment through a certified hood or total enclosure and comply with the applicable requirements for control equipment in subitems (1) to (5). This change is reasonable because it clarifies the confusion indicated by the commenter by establishing conditions that the owner or operate must meet when woodworking equipment is vented through a certified hood or total enclosure.

128. New subpart 3, item C, subitems (1) through (5) are established to identify five control options dependent on the aggregate exhaust airflow rate and the particulate matter concentration that the control equipment is designed to emit when venting through a certified hood or total enclosure. Each option in subitem (1) to (5) allows for increasing airflow rate the lower the design particulate matter concentration. These options allow owners and operators flexibility in the amount of wood product manufacturing, mechanical finishing and refinishing, and/or restoring equipment used at the stationary source. Owners and operators can have more equipment if they have a greater degree of control. Each subitem corresponds to approximately 20 tpy of potential particulate matter emissions when vented through a certified hood or total enclosure constantly (8760 hours per year) from wood product manufacturing, mechanical finishing and refinishing, and/or restoring equipment as shown in the example calculations below.

129. The example calculations account for the fraction of emissions that would be uncaptured by the control equipment if a total enclosure is not used by including a ratio of uncaptured emissions to the captured and controlled emissions. To determine this ratio, the MPCA used the default value (80% capture) for capture efficiency that is allowed when hoods meet the certification requirements contained in part 7011.0072, subpart 2 and the expected control efficiency (78%) for a high-efficiency cyclone established in part 7011.0070. Using a default 80% capture efficiency is reasonable because the owner or operator is required to certify their hoods according to the requirements in part 7011.0072, subpart 2 when the owner or operator chooses to comply with the requirements in subpart 1, item D, subitem (2). Using a default 78% percent control efficiency is a conservative estimate, based on the MPCA's experience, of the percent control that typical particulate matter control equipment should be able to achieve.
\[
\text{Uncaptured Emissions} = \frac{\text{Uncontrolled Emissions} \times (1 - \text{Capture Efficiency})}{\text{Controlled Emissions} = \frac{\text{Uncontrolled Emissions} \times \text{Capture Efficiency} \times (1 - \text{Control Efficiency})}{(1 - \text{Capture Efficiency}) 
\times (1 - \text{Control Efficiency})}
\]

\[
= \frac{(1 - 0.80)}{0.80 \times (1 - 0.78)} = 1.14
\]

Total Emissions = Uncaptured Emissions + Controlled Emissions

\[
= (1.14 \times \text{Controlled Emissions}) + \text{Controlled Emissions}
\]

\[
= (1 + 1.14) \times \text{Controlled Emissions}
\]

\[
= 2.14 \times \frac{24,000 \text{ scf}}{\text{min}} \times \frac{0.01 \text{ grains}}{\text{scf}} \times \frac{1 \text{ lb}}{7000 \text{ grains}} \times \frac{60 \text{ min}}{1 \text{ hr}} \times \frac{8760 \text{ hr}}{1 \text{ yr}} \times \frac{1 \text{ ton}}{2000 \text{ lb}} = 19.3 \text{ tpy}
\]

130. The emission rates allowed by the modifications to the proposed rule were developed such that the total emissions (controlled emissions in the control device exhaust plus any uncaptured emissions if a total enclosure is not employed) are expected to be below permitting thresholds for particulate matter. Because substantially all of the allowable emissions from this conditionally exempt stationary source must be from wood product manufacturing, mechanical finishing and refinishing, and/or restoring equipment, it is reasonable to base the emissions limits established in new subpart 3, item C, subitems (1) through (5) on the described parameters.

Part 7008.2500, subp. 3

Subp. 3. Control requirements. The owner or operator of a woodworking facility must comply with the applicable requirements for control equipment in items A to C.

A. The owner or operator of a woodworking facility must comply with the applicable requirement for control equipment in items B to F. The owner or operator of a woodworking facility that chooses to comply with the emission limit for particulate matter in subpart 1, item D, must install, operate, and maintain control equipment designed to control emissions of particulate matter on all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment.

B. The owner or operator of a woodworking facility that chooses to comply with the requirements in subpart 1, item D, subitem (1), must ensure all emissions from wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment are vented to control equipment through a total enclosure and must:

\[\text{B-(1)}\] if the aggregate exhaust airflow rate from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment is less than or equal to 17,000 standard cubic feet per minute, the owner or operator of a woodworking facility must install, operate, and maintain control equipment designed to emit particulate matter in a concentration less than or equal to 0.03 grains per standard cubic foot of exhaust
gas on all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment.

C. (2) if the aggregate exhaust airflow rate from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment is greater than 17,000 standard cubic feet per minute but and less than or equal to 26,000 standard cubic feet per minute, the owner or operator of a woodworking facility must install, operate, and maintain control equipment designed to emit particulate matter in a concentration less than or equal to 0.02 grains per standard cubic foot of exhaust gas on all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment.

D. (3) if the aggregate exhaust airflow rate from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment is greater than 26,000 standard cubic feet per minute but and less than or equal to 53,000 standard cubic feet per minute, the owner or operator of a woodworking facility must install, operate, and maintain control equipment designed to emit particulate matter in a concentration less than or equal to 0.01 grains per standard cubic foot of exhaust gas on all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment.

E. (4) if the aggregate exhaust airflow rate from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment is greater than 53,000 standard cubic feet per minute but and less than or equal to 106,000 standard cubic feet per minute, the owner or operator of a woodworking facility must install, operate, and maintain control equipment designed to emit particulate matter in a concentration less than or equal to 0.005 grains per standard cubic foot of exhaust gas on all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment; or

F. (5) if the aggregate exhaust airflow rate from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment is greater than 106,000 standard cubic feet per minute but and less than or equal to 177,000 standard cubic feet per minute, the owner or operator of a woodworking facility must install, operate, and maintain control equipment designed to emit particulate matter in a concentration less than or equal to 0.003 grains per standard cubic foot of exhaust gas on all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment.

C. The owner or operator of a woodworking facility that chooses to comply with the requirements in subpart 1, item D, subitem (2), must ensure all emissions from wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment are vented to control equipment through a certified hood or total enclosure and must:

(1) if the aggregate exhaust airflow rate from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment is less than or equal to 8,000 standard cubic feet per minute, install, operate, and maintain control equipment designed to emit particulate matter in a concentration less than or equal to 0.03 grains per standard cubic foot of exhaust gas on all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment.

(2) if the aggregate exhaust airflow rate from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment is greater than 8,000 standard cubic feet per minute and less than or equal to 12,000 standard cubic feet per minute, install,
operate, and maintain control equipment designed to emit particulate matter in a concentration less than or equal to 0.02 grains per standard cubic foot of exhaust gas on all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment;

(3) if the aggregate exhaust airflow rate from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment is greater than 12,000 standard cubic feet per minute and less than or equal to 24,000 standard cubic feet per minute, install, operate, and maintain control equipment designed to emit particulate matter in a concentration less than or equal to 0.01 grains per standard cubic foot of exhaust gas on all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment;

(4) if the aggregate exhaust airflow rate from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment is greater than 24,000 standard cubic feet per minute and less than or equal to 48,000 standard cubic feet per minute, install, operate, and maintain control equipment designed to emit particulate matter in a concentration less than or equal to 0.005 grains per standard cubic foot of exhaust gas on all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment; or

(5) if the aggregate exhaust airflow rate from all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment is greater than 48,000 standard cubic feet per minute and less than or equal to 80,000 standard cubic feet per minute, install, operate, and maintain control equipment designed to emit particulate matter in a concentration less than or equal to 0.003 grains per standard cubic foot of exhaust gas on all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment.

The MPCA finds that this modification does not make the proposed rule substantially different. With this modification, the eligibility requirements clearly identify what owners and operators of woodworking facilities that use hoods, total enclosures, or a combination of both must do to qualify to operate without a permit provided they comply with the requirements of part 7008.2500. This modification also provides flexibility to owners and operators of woodworking facilities by accommodating different airflow rates and concentrations across individual control equipment and stacks. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule.

Change to Part 7008.2500, subpart 4

132. CHESS commented "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 ask for new design specifications from the manufacturer. If the company no longer has the specifications for the equipment, is there any alternative?"

133. The MPCA intended the proposed rule to require the owner or operator or a woodworking facility to keep updated records, not to require the owner or operator to request new manufacturer specifications each calendar year. The MPCA can satisfactorily address the commenter’s concern by modifying the existing record keeping requirements to require the owner or operator maintain a written equipment list that clarifies new design specifications are not required each calendar year. The modifications to subpart 4, item B remove the existing language from the proposed rule and now requires that the owner or operator maintain a written list on site that contains the information identified in the new subitems (1) through (4).
This change is reasonable because it clarifies the confusion indicated by the commenter and does not change the intent of the rule.

134. Subpart 4, item B is modified to establish new subitems (1) through (4). Subitem (1) contains the renumbered and modified rule language from item B that requires the owner or operator to identify the design airflow rate from the control equipment associated with each wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment. Subitem (2) contains the renumbered and modified from item C that requires the owner or operator to identify the design particulate matter concentration from each control equipment installed. Subitem (3) clarifies the commenter's question regarding what alternatives are available if the owner or operator does not have the specifications for the equipment by requiring the owner or operator to identify the default value used for each control equipment. These changes are reasonable because they clarify the confusion indicated by the commenter and do not change the intent of the rule.

135. Additionally, subitem (4) establishes that the owner or operator must keep records of the heat input capacity of each fuel-burning oven used for drying or curing wood products. This change is reasonable because it requires the owner or operator to maintain the information that demonstrates they meet the eligibility requirements in the modified subpart 1, item C and are eligible to operate without a permit under the requirements of part 7008.2500.

136. The existing subpart 4, item D is renumbered as item C and a new item D establishes that the owner or operator must keep records of the operating hours of each control equipment associated with each woodworking operation. In new subpart 5, the method for calculating particulate matter emissions is defined. Operating hours is a key variable in determining particulate matter emissions. It is reasonable to include record keeping requirements that ensure an owner or operator can demonstrate that the stationary source is eligible to operate without a permit under the requirements of part 7008.2500.

137. A new subpart 4, item D establishes that if emissions are vented to control equipment through a hood, that the owner or operator may perform the identified evaluation to determine if the hood qualifies as a certified hood. This requirement is reasonable and is intentionally optional because not all owner or operators of a woodworking facility may have hoods, nor if they do have hoods, is the evaluation required in all circumstances. Item D is further modified to require that an owner or operator that does choose to perform this evaluation must keep records of the information identified in subitems (1) and (2). Subitem (1) requires the owner or operator to keep records of each hood evaluation performed and the certification required in part 7011.0072, subpart 3. Subitem (2) requires the owner or operator to keep records of an air flow indicator for each hood. These modifications are reasonable because they allow the owner or operator to demonstrate that each hood claimed to be a certified hood meets the requirements to qualify as a certified hood.

Part 7008.2500, subp. 4

Subp. 4. Record keeping. The owner or operator of a woodworking facility must maintain:

A. must maintain a record of inspection, maintenance, and repair activities performed pursuant to the manufacturer's specifications for the control equipment;
B. records for each calendar year must maintain a written list of all wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment and ovens for curing or drying wood products on site that contains:

1. the design airflow rate from the control equipment associated with each wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment;
2. the manufacturer's design particulate matter concentration from each control equipment installed;
3. if the manufacturer’s design particulate matter concentration is not used for the calculation method in subpart 5, the default concentration value used for each control equipment installed; and
4. the heat input capacity of each fuel-burning oven used for curing or drying wood products.

C. records for each calendar year of the manufacturer's design particulate matter concentration from each control equipment installed; and

D. if the owner or operator chooses to comply with the emission limit for particulate matter in subpart 1, item D, must maintain records for each calendar year of the hours operated for the control equipment associated with each wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment; and

E. if the emissions from wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment are vented to the control equipment through a hood, may evaluate, on a form provided by the commissioner, whether the hood conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists." The manual is incorporated by reference under part 7011.0061. The owner or operator that performs this evaluation must:

1. maintain at the stationary source records of the evaluation of each hood and certification required in part 7011.0072, subpart 2; and
2. record each month the fan rotation speed, fan power draw, face velocity, or other comparable air flow indicator for each hood.

The MPCA finds that these modifications do not make the proposed rule substantially different. With these modifications, the confusion indicated by the commenter is resolved and the record keeping requirements clearly identify what owners and operators of woodworking facilities that use hoods must do for the hoods to qualify as certified. This modification also provides flexibility to owners and operators of woodworking facilities by only requiring the hood certification when it is necessary for the owner or operator to do so to qualify to operate without a permit provided they comply with the requirements of part 7008.2500. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule.
A new subpart 5 is added to identify the emission calculation requirements for owners or operators that choose to comply with the particulate matter emission limit established in the modified part 7008.2500, subpart 1, item D. Subpart 5 requires that owners or operators must calculate particulate matter emissions using the calculation method in subpart 5. The equation uses the information identified in the record keeping requirements in subpart 4 (hours of operation, control equipment design airflow rate, and control equipment design particulate matter (PM) concentration) and mimics the equation identified in the proposed rule in part 7008.4110. These parameters were selected because they are generally available to owners and operators who use this kind of equipment. It is reasonable to provide the calculation methodology for owners and operators to demonstrate that the facility remains below the emission limits established in the modified part 7008.2500, subpart 1, item D.

The MPCA provided default values for cyclones and fabric filters because in MPCA’s experience, these types of control equipment are the type typically installed on particulate matter emitting operations. The default particulate matter concentration for cyclones and fabric filters are the same as identified in the proposed rule in part 7008.4110. It is reasonable to provide a conservative value as the default to avoid underestimating particulate matter emissions. It is also reasonable because if greater levels of control exist, the owner or operator has the option to use the manufacturer’s information instead to demonstrate that a greater level of control is achieved.

Additionally, the calculations account for the fraction of emissions that would be uncaptured by the control equipment if a total enclosure, certified hood, or uncertified hood is used by including a ratio of uncaptured emissions to the captured and controlled emissions. To determine this ratio, the MPCA used the default values (50% or 80%, respectively) for capture efficiency that is included in the assumptions for capture efficiency for uncertified or certified hoods and the expected control efficiencies (78% or 93%, respectively) for a high-efficiency cyclone or fabric filter established in part 7011.0070. The same example calculations identified in Findings No. 129 was used to determine the value of R in the modified subpart 5.

In addition, this requirement ensures these activities are properly restricted and able to be exempt from permitting under part 7008.2500 when the owner or operator chooses to comply with the particulate matter emission limits in part 7008.2500, subpart 1, item (D). It is reasonable to provide the calculation methodology for owners and operators to show they qualify to operate without a permit under part 7008.2500.

Part 7008.2500, subp. 5

Subp. 5. Calculating emissions of particulate matter. The owner or operator that chooses to comply with the emission limit for particulate matter in subpart 1, item D, must calculate emissions of particulate matter from each wood-product manufacturing, mechanical finishing and refinishing, and restoring equipment according to the following equations:

\[ E = E_C + E_U \]

\[ E_C = OP \times EF \times Q_{Air} \times \frac{1 \text{ lb}}{7,000 \text{ grains}} \times \frac{60 \text{ minutes}}{1 \text{ hour}} \]

\[ E_U = R \times E_C \]

Where:

\[ E = \text{actual emissions from the wood-product manufacturing, mechanical finishing} \]

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and refinishing, or restoring equipment, in pounds per calendar year.

\[ EC = \text{actual emissions from the control equipment, in pounds per calendar year.} \]

\[ EU = \text{actual emissions that are un captures by the control equipment, in pounds per calendar year.} \]

\[ OP = \text{hours of operations of the control equipment per calendar year.} \]

\[ EF = \text{design concentration for particulate matter from the control equipment, in grains per standard cubic foot, but if the manufacturer's design value is unknown, then the default value is 0.07 grains per standard cubic foot for cyclones or 0.03 grains per standard cubic foot for fabric filters.} \]

\[ QAir = \text{design airflow rate from the control equipment, in standard cubic feet per minute.} \]

\[ R = \text{the ratio of emissions that are un captures by the control equipment to the emissions that are captured and controlled by the control equipment. When emissions are captured through a total enclosure and vented to any type of control equipment, the value of R is 0. When emissions are captured through a certified hood, the value of R is 3.57 when vented to a fabric filter or 1.14 when vented to a cyclone or other type of control equipment. When emissions are captured through an uncertified hood, the value of R is 14.29 when vented to a fabric filter or 4.54 when vented to a cyclone or other type of control equipment.} \]

143. The MPCA finds that this modification does not make the proposed rule substantially different. With this modification, owners and operators of woodworking facilities that choose to comply with the modifications to part 7008.2500, subpart 1, item D that establish the particulate matter emission threshold are required to perform emission calculations that demonstrate that they qualify to operate without a permit through complying with the requirements of part 7008.2500. These modifications are clearly within the scope of the "Subject of Rules" Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

Change to Part 7008.2500, subpart 5, items B and C

144. Subpart 5, item B is modified to extend the notification period from 90 days to 120 days. This change is reasonable because it provides additional time for the MPCA and organizations such as AASP-MN to reach out to businesses that may be able to use the proposed rules. This modification aligns with the change in part 7008.2300, subpart 4 requested by AASP-MN. (See above Findings No. 61.)

145. Subpart 5, item C, subitem (4) is modified to more clearly identify when the notification must include the actual or anticipated manufacturer’s design particulate matter concentration and airflow rate from each control equipment. The modification removes the qualifier "is not completed" and replaces it with "has not been in operation for one calendar year." This change is reasonable because the existing rule language is potentially confusing. The existing rule language could be read to require a facility, which has been completed, but has been operating for less than a calendar year to submit the actual manufacturer’s design particulate matter concentration and airflow rate from each control equipment.

146. Subpart 5 is renumbered to subpart 6 to be consistent with the modification to add new part 7008.2500, subpart 5. It is reasonable to make this change, instead of adding the modifications
adding the calculation requirements as new subpart 6, to provide consistency in the construction of similar requirements across the exempt source categories in Chapter 7008.

Part 7008.2600, subp.6B and 6C

Subp. 56. Notification.

B. The owner or operator of a woodworking facility not described in item A must notify the commissioner in a format specified by the commissioner within 90 days after the effective date of this part or within 90 days after beginning to operate a woodworking facility.

C. The notification required under this subpart must contain:

(1) the owner’s name;

(2) the operator’s name, if different than the owner’s name;

(3) the facility name and address; and

(4) the manufacturer’s design particulate matter concentration and airflow rate from each control equipment installed or, if the facility is not completed has not been in operation for one calendar year, the anticipated manufacturer’s design particulate matter concentration and airflow rate from each control equipment.

The MPCA finds that these modifications do not make the proposed rule substantially different. These modifications are clearly within the scope of the "Subject of Rules" Chapter 7008 as announced in the Notice. These modifications are a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule. Specifying that the anticipated manufacturer’s design particulate matter concentration and airflow rate from each control equipment should be identified when the facility has been in operation for less than a calendar year makes the notification requirement clear and more specific. The modification to change the notification deadlines from 90 days to 120 days after certain trigger dates provides owners and operators with more time to comply with the notification requirements.

147. The MPCA finds that these modifications do not make the proposed rule substantially different. These modifications are clearly within the scope of the "Subject of Rules" Chapter 7008 as announced in the Notice. These modifications are a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule. Specifying that the anticipated manufacturer’s design particulate matter concentration and airflow rate from each control equipment should be identified when the facility has been in operation for less than a calendar year makes the notification requirement clear and more specific. The modification to change the notification deadlines from 90 days to 120 days after certain trigger dates provides owners and operators with more time to comply with the notification requirements.

7008.4100 CONDITIONALLY INSIGNIFICANT ACTIVITY; MATERIAL USAGE.

Change to Part 7008.4100, subpart 4, item B

148. The MPCA finds a correction is needed to subpart 4, item B. Subpart 4, item B is modified by deleting the reference to “per gallon” when referring to weight percent. Weight percent is a dimensionless value that does not depend on the number of gallons of material. It is reasonable to clarify an error that does not change the intent of the rule.

Part 7008.4100, subp. 4B

Subp. 4. Calculating VOC emissions. An owner or operator claiming material usage as a conditionally insignificant activity must calculate VOC emissions using one of the methods in item A or B. If the owner or operator ships waste material from material usage activities off-site for recycling, the amount of VOC recycled may be subtracted from the amount of VOC calculated in item A or B:

A. pounds of VOC emissions per calendar year equal gallons of VOC-containing material purchased or used in a calendar year multiplied by the pounds of VOC per gallon; or
B. pounds of VOC emissions per calendar year equal pounds of VOC-containing material purchased or used in a calendar year multiplied by weight percent of VOC per gallon.

149. The MPCA finds this modification does not make the proposed rule substantially different. Deleting the term "per gallon" when referring to weight percent only makes the requirement clearer and more specific. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

Change to Part 7008.4100, subpart 5, item A

150. The MPCA finds a correction is needed to subpart 5, item A, subitem (2). Subpart 5, item A, subitem (2) is modified by deleting the reference to "per gallon" when referring to weight percent. Weight percent is a dimensionless value that does not depend on the number of gallons of material. It is reasonable to clarify an error that does not change the intent of the rule.

Part 7008.4100, subp. 5A

Subp. 5. Calculating particulate matter emissions.

A. An owner or operator claiming material usage as a conditionally insignificant activity must calculate particulate matter emissions using one of the following methods:

(1) pounds of particulate matter emissions per calendar year equal gallons of solids-containing material purchased or used in a calendar year multiplied by the pounds of solids per gallon; or

(2) pounds of particulate matter emissions per calendar year equal pounds of solids-containing material purchased or used in a calendar year multiplied by weight percent of solids per gallon.

151. The MPCA finds this modification does not make the proposed rule substantially different. Deleting the term "per gallon" when referring to weight percent only makes the requirement clearer and more specific. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

7008.4110 CONDITIONALLY INSIGNIFICANT ACTIVITY; MECHANICAL FINISHING OPERATIONS.

152. A modification is needed throughout part 7008.4110 to add "mechanical" to the term "finishing operations." Mechanical is added to the term because the MPCA intended the proposed rule to apply to physical operations, not chemical operations. However, the rule language is potentially confusing as the existing term could imply that activities such as painting might also qualify as a finishing operation. This modification aligns with the change in part 7008.0100, subpart 10 requested by CHESS. (See above Findings No. 28.) It is reasonable to clarify an ambiguous term that does not change the intent of the rule. This change is found in the title for this part and throughout this part.

153. The MPCA finds this modification does not make the proposed rule substantially different. Modifying the term "finishing operations" only makes the term defined clearer and more specific. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.
Change to Part 7008.4110, subpart 1, and subpart 2, items A and B

154. The MPCA finds that corrections are needed to part 7008.4110, subpart 1 and subpart 2, items A and B. Subpart 1 and subpart 2, items A and B are modified to add “mechanical” to the term “finishing operations” as explained above in Findings No. 152 through 153.

Part 7008.4110, subp. 1

Subpart 1. Applicability. This part applies to the owner or operator of a stationary source claiming mechanical finishing operations that emit only particulate matter as a conditionally insignificant activity. To qualify as a conditionally insignificant activity under this part, all mechanical finishing operations at the stationary source must be included in the limits under subpart 2. If lead is a component of any mechanical finishing operation at the stationary source, this part does not apply. All particulate matter is considered filterable particulate matter under this part.

Part 7008.4110, subp. 2A and B

Subp. 2. Requirements. The owner or operator of a stationary source claiming mechanical finishing operations as a conditionally insignificant activity must:

A. install, operate, and maintain control equipment designed to control emissions of particulate matter on the mechanical finishing operations; and

B. limit emissions of particulate matter from all mechanical finishing operations to less than 10,000 pounds in each calendar year, calculated according to the method in subpart 4. All emissions of particulate matter from all mechanical finishing operations at the stationary source must be accounted for in the annual calculation.

155. The MPCA finds this modification does not make the proposed rule substantially different. Modifying the term “finishing operations” only makes the term defined clearer and more specific. This modification is clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

Change to Part 7008.4110, subpart 3

156. The MPCA finds that a correction is needed to part 7008.4110, subpart 3. Subpart 3 is modified to add “mechanical” to the term “finishing operations” as explained above in Findings No. 152 through 153.

157. A new subpart 3, item H establishes that if emissions are vented to control equipment through a hood, that the owner or operator may perform the identified evaluation to determine if the hood qualifies as a certified hood. This requirement is reasonable and is intentionally optional because not all owner or operators may use total enclosures versus hoods, nor if they do use hoods, is the evaluation required in all circumstances. Item H also requires that an owner or operator that does choose to perform this evaluation must keep records of the information identified in subitems (1) through (3). Subitem (1) requires the owner or operator to include the certification required in part 7011.0072, subpart 3 in the permit application, if an application is required under Chapter 7007. Subitem (2) requires the owner or operator to keep records of each hood evaluation performed. Subitem (3) requires the owner or operator to keep records of an air flow indicator for each hood. These modifications are reasonable because they allow the owner or operator to demonstrate that each hood claimed to be a certified hood meets the requirements to qualify as a certified hood.
Part 7008.4110, subp. 3

Subp. 3. Monitoring and record keeping. The owner or operator of a stationary source claiming mechanical finishing operations as a conditionally insignificant activity must:

A. must operate the control equipment as required by the manufacturer’s specification and part 7008.0200, item D;

B. must inspect the control equipment once each calendar quarter or more frequently according to the manufacturer's specification;

C. must maintain the control equipment according to the manufacturer's specification;

D. must maintain a record of inspection, maintenance, and repair activities and the manufacturer's inspection, maintenance, and repair specifications for the control equipment for at least five years;

E. must maintain records for each calendar year of the hours operated for the control equipment associated with each mechanical finishing operation;

F. must maintain records for each calendar year of the design airflow rate from the control equipment associated with each mechanical finishing operation; and

G. if the default value is not used, must maintain records for each calendar year of the manufacturer's design concentration for particulate matter from the control equipment associated with each mechanical finishing operation.; and

H. if the emissions from mechanical finishing operations are vented to the control equipment through a hood, may evaluate, on a form provided by the commissioner, whether the hood conforms to the design and operating practices recommended in "Industrial Ventilation - A Manual of Recommended Practice, American Conference of Governmental Industrial Hygienists," in order to use the certified hood values in subpart 4. The manual is incorporated by reference under part 7011.0061. The owner or operator that performs this evaluation must:

(1) if a permit is required under chapter 7007, include with the permit application the certification required in part 7011.0072, subpart 2;

(2) maintain at the stationary source records of the evaluation of each hood; and

(3) record each month the fan rotation speed, fan power draw, face velocity, or other comparable air flow indicator for each hood.

The MPCA finds that these modifications do not make the proposed rule substantially different. With these modifications, the confusion indicated by the commenter is resolved and the record keeping requirements clearly identify what owners and operators who claim mechanical finishing operations as a conditionally insignificant activity must do for the associated hoods to qualify as certified. This modification also provides flexibility to owners and operators by only requiring the hood certification when it is necessary for the owner or operator to do so to have the mechanical finishing operations qualify as a conditionally insignificant activity. This modification is clearly within the scope of the "Subject of Rules" Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result because the commenter requested the change when they commented on the rule.
Change to Part 7008.4110, subpart 4

159. The MPCA finds that a correction is needed to part 7008.4110, subpart 4. Subpart 4 is modified to add "mechanical" to the term "finishing operations" as explained above in Findings No. 152 through 153.

160. The Chamber requested this section clarify how uncaptured emissions are to be treated as these types of operations typically do not involve total enclosures.

161. Subpart 4 is modified to identify how owners or operators that claim mechanical finishing operations as a conditionally insignificant activity should treat uncaptured emissions. The calculation method is modified by including terms to calculate the uncaptured portion through including a ratio of uncaptured emissions to the captured and controlled emissions. To determine this ratio, the MPCA used the default values (50% or 80%, respectively) for capture efficiency that is included in the assumptions for capture efficiency for uncertified or certified hoods and the expected control efficiencies (78% or 93%, respectively) for a high-efficiency cyclone or fabric filter established in part 7011.0070. The same example calculations identified in Findings No. 129 was used to determine the value of R in the modified subpart 4.

Part 7008.4110, subp. 4

Subp. 4. Calculating emissions of particulate matter. The owner or operator claiming mechanical finishing operations as a conditionally insignificant activity must calculate emissions of particulate matter from each control equipment mechanical finishing operation according to the following equations:

\[ E = E_C + E_U \]

\[ E_C = OP \times EF \times Q_{Air} \times \left( \frac{1 \text{ lb}}{7,000 \text{ grains}} \right) \times \left( \frac{60 \text{ minutes}}{1 \text{ hour}} \right) \]

\[ E_U = R \times E_C \]

Where:

- \( E \) = actual emissions from the mechanical finishing operation, in pounds per calendar year.
- \( E_C \) = actual emissions from the control equipment, in pounds per calendar year.
- \( E_U \) = actual emissions that are uncaptured by the control equipment, in pounds per calendar year.
- \( OP \) = hours of operations of the control equipment per calendar year.
- \( EF \) = design concentration for particulate matter from the control equipment, in grains per standard cubic foot, but if the manufacturer's design value is unknown, then the default value is 0.07 grains per standard cubic foot for cyclones or 0.03 grains per standard cubic foot for fabric filters.
- \( Q_{Air} \) = design airflow rate from the control equipment, in standard cubic feet per minute.
- \( R \) = the ratio of emissions that are uncaptured by the control equipment to the emissions that are captured and controlled by the control equipment. When emissions are captured through a total enclosure and vented to any type of control equipment, the value of \( R \) is 0. When emissions are captured through a certified hood, the value of \( R \) is 3.57 when vented to a fabric filter or 1.14 when vented to a
cyclone or other type of control equipment. When emissions are captured through an uncertified hood, the value of R is 14.29 when vented to a fabric filter or 4.54 when vented to a cyclone or other type of control equipment.

162. The MPCA finds that this modification does not make the proposed rule substantially different. The modifications to clearly identify how owners or operators should account for uncaptured emissions from mechanical finishing operations directly addressed the commenter’s concern. With this modification, owners and operators claiming mechanical finishing operations as a conditionally insignificant activity have the flexibility to account for mechanical finishing operations that vent through a hood or total enclosure. These modifications are clearly within the scope of the “Subject of Rules” Chapter 7008 as announced in the Notice. This modification is a logical outgrowth of the Notice and comments process and the Notice provided fair warning that this rule change could result.

Errata to the SONAR

163. The MPCA finds that three revisions are needed in the SONAR Rule-by-Rule Analysis, Section 5.

164. First the SONAR in part 7008.2400, subpart 3, item A, subitem (3) incorrectly identifies this requirement as applying to painting automobiles or automobile parts. Part 7008.2400 applies to coating facilities. Part 7008.2300 applies to auto-body refinishing facilities. The deletion and added portion are as follows:

Item A, subitem (3) requires the owner or operator to keep records to demonstrate compliance with the coating and cleaning material gallon usage limits in subpart 1. Substantially all of the allowable emissions from this conditionally exempt stationary source must be from painting automobiles or automobile parts a coating facility; therefore, it is reasonable to require record keeping of the number of gallons of coating and cleaning materials purchased or used. It is reasonable to include record keeping requirements that ensure an owner or operator can show they qualify for the conditionally exempt source category. In addition, yearly record keeping is sufficient as the usage limit is based on a calendar year.

165. Next, the SONAR in part 7008.2400, subpart 3, item B is revised to clarify the requirement for determining the amount of coating and cleaning materials used. The determination is based on annual total use of coating and cleaning materials and aligns with the proposed rule in part 7008.2400, subpart 1, item C. The added portion is as follows:

Item B establishes that if the owner or operator ships waste material from coating and cleaning activities off-site for recycling, the gallons of material recycled may be subtracted from the annual total use to achieve the allowed 2000 gallons of combined coating and cleaning materials. Allowing the owner or operator to claim credit for recycling waste coating or cleaning materials promotes a more environmentally friendly option than waste disposal. It is reasonable to include record keeping requirements that ensure an owner or operator can demonstrate they qualify for the conditionally exempt source category.

166. Last, the SONAR must be revised in part 7008.2500, subpart 2, item E to correct the inspection frequency of control equipment used on woodworking operations. The inspection frequency is once each calendar quarter and aligns with the proposed rule in part 7008.2500, subpart 2, item E. The deletion and added portion are as follows:
169. Item E establishes the minimum frequency by which the owner or operator must inspect the control equipment used on woodworking operations at the stationary source. Inspections are required every year once each calendar quarter to ensure that the control equipment is always in good operating condition and capable of achieving the emissions reductions credited for its use. In addition, manufacturer’s specification may indicate that more frequent inspections are appropriate for certain control equipment, and therefore this rule requires inspections be conducted according to those timelines. It is reasonable to establish a minimum inspection frequency to ensure the equipment is operating properly because the owner or operator is credited with emission reductions for installing and using the control equipment.

170. The MPCA finds that these revisions of the SONAR do not affect the outcome of the rulemaking and are not a substantial change. It is important to make these revisions so that there is an accurate record of the need for and reasonableness of the proposed rules.

171. The MPCA concludes that it has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable laws.

172. The MPCA concludes as required by Minnesota Statutes, chapter 14, and Minnesota Rules, chapter 1400, the Revisor of Statutes has approved the form of the rule by certificate, a copy of which is attached.

173. The MPCA concludes that the rules are needed and reasonable. The SONAR justifies the need for and reasonableness of adopting these proposed rules.

174. The MPCA submitted the rules on November 1, 2018, to the Office of Administrative Hearings for review and approval.


176. The ALJ found that the MPCA has the statutory authority to adopt the rules, and has complied with the procedural requirements of Minnesota Statutes, chapter 14, and Minnesota Rules, chapter 1400, and all other applicable procedural laws and rules.

177. The MPCA adopts the Order on Review of Rules dated November 5, 2018, from ALJ Mortenson; and the corresponding letter dated November 5, 2018, from Office of Administrative Hearings Legal Assistant Lisa Armstrong.
ORDER

IT IS ORDERED that the above captioned rules, in the form published in the State Register on April 23, 2018, with the modifications as indicated in the Revisor of Statutes rule, file number RD4429, dated September 21, 2018, are hereby adopted.

Nov. 14, 2018

Date

[Signature]

John Linc Stine, Commissioner
Minnesota Pollution Control Agency