

# Office of the Revisor of Statutes

## Administrative Rules



**TITLE:** Proposed Permanent Rules Relating to Air Toxics Regulations

**AGENCY:** Pollution Control Agency

**REVISOR ID:** R-4807

**MINNESOTA RULES:** Chapters 7007 and 7012

**INCORPORATIONS BY REFERENCE:** [See attached]

The attached rules are approved for  
publication in the State Register

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## **INCORPORATIONS BY REFERENCE:**

Part 7012.0300, subpart 1: The electronic spreadsheet Screening Threshold for Regulated Air Toxics Analysis (STRATA) is incorporated by reference, is not subject to frequent change, and is available on the agency's website at <https://www.pca.state.mn.us/get-engaged/incorporations-by-reference>.

Part 7012.0558, subpart 1: Centers for Disease Control and Prevention, Agency for Toxic Substances and Disease Registry (ATSDR), Minimal Risk Levels (MRLs) for Hazardous Substances (December 2025 and as subsequently amended), is incorporated by reference, is subject to frequent change, and is available at <https://wwwn.cdc.gov/tsp/mrls/mrlslisting.aspx>;

California Office of Environmental Health Hazard Assessment, Chemical Database (October 2023 and as subsequently amended), is incorporated by reference, is subject to frequent change, and is available at <https://oehha.ca.gov/air>;

United States Environmental Protection Agency, Integrated Risk Information System (IRIS) (February 2026 and as subsequently amended), is incorporated by reference, is subject to frequent change, and is available at <https://www.epa.gov/iris>;

Minnesota Department of Health air guidance values (March 2026 and as subsequently amended) for health-based values (HBV), risk assessment advice (RAA), and volatile organic compound (VOC) inhalation toxicity value review are incorporated by reference, are subject to frequent change, and are available at <https://www.health.state.mn.us/communities/environment/risk/guidance/air/table.html>;

United States Environmental Protection Agency, Provisional Peer-Reviewed Toxicity Values (PPRTVs) Assessments (January 2026 and as subsequently amended), are incorporated by reference, are subject to frequent change, and are available at <https://www.epa.gov/pprtv>; and

National Ambient Air Quality Standards (NAAQS) (November 2025 and as subsequently amended), are incorporated by reference, are subject to frequent change, and are available at <https://www.epa.gov/criteria-air-pollutants>.

Part 7012.0558, subpart 2: The American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD), United States Environmental Protection Agency (November 2024 and as subsequently amended), is incorporated by reference, is subject to frequent change, and is available at <https://www.epa.gov/scram>.

Part 7012.0558, subpart 3: EMC Promulgated Test Methods, Air Emissions Measurement Center, United States Environmental Protection Agency (July 2025 and as subsequently amended), are incorporated by reference, are subject to frequent change, and are available at <https://www.epa.gov/emc/emc-promulgated-test-methods>;

AirToxScreen Technical Support Document, United States Environmental Protection Agency (May 2024 and as subsequently amended), is incorporated by reference, is subject to frequent change, and is available at <https://www.epa.gov/AirToxScreen/airtoxscreen-technical-support-document>; and

National Emissions Inventory (NEI) Technical Support Document, United States Environmental Protection Agency (October 2024 and as subsequently amended), is incorporated by reference, is subject to frequent change, and is available at <https://www.epa.gov/air-emissions-inventories>.

1.1 **Pollution Control Agency**1.2 **Proposed Permanent Rules Relating to Air Toxics Regulations**1.3 **7007.0100 DEFINITIONS.**1.4 *[For text of subparts 1 to 6b, see Minnesota Rules]*1.5 Subp. 6c. **Air toxics facility.** "Air toxics facility" has the meaning given in part  
1.6 7012.0055, subpart 8.1.7 **Subp. 7. Applicable requirement.** "Applicable requirement" means all the following  
1.8 as they apply to emissions units in a stationary source (including requirements that have  
1.9 been promulgated or approved by the EPA or the commissioner through rulemaking at the  
1.10 time of issuance but have future effective compliance dates):1.11 *[For text of items A to V, see Minnesota Rules]*1.12 **W.** any standard or other requirement established under section 110(a)(2)(D)(i)(I)  
1.13 of the Clean Air Act that regulates interstate transport of pollutants; ~~and~~1.14 **X.** any standard or other requirement of Minnesota Statutes, section 116.385, the  
1.15 White Bear Area Neighborhood Concerned Citizens Group Ban TCE Act, banning the use  
1.16 of trichloroethylene (TCE) on or after June 1, 2022, and prohibiting the commissioner from  
1.17 issuing a permit after January 1, 2022, that authorizes the use of TCE; and1.18 **Y.** any standard or other requirement regulating an air toxic under chapter 7012.1.19 *[For text of subparts 7a to 29, see Minnesota Rules]*1.20 **7007.1100 GENERAL PERMITS.**1.21 *[For text of subparts 1 to 10, see Minnesota Rules]*1.22 Subp. 10a. **Ineligibility for general permit.** An owner or operator must apply for a  
1.23 part 70, state, capped, or registration permit option within 120 days of the commissioner's  
1.24 written request for the application if the commissioner determines that:

2.1 A. the stationary source has a history of noncompliance with applicable  
2.2 requirements or with its general permit;

2.3 B. the stationary source does not qualify for a general permit;

2.4 C. the applicable requirements to which the stationary source is subject are about  
2.5 to change or have changed substantially;

2.6 D. the permit application contains mistakes or inaccurate statements related to  
2.7 establishing eligibility for the emissions standards, limitations, or other terms or conditions  
2.8 of the permit and correcting the mistakes or statements would result in ineligibility for the  
2.9 permit applied for;

2.10 E. alterations or modifications to the permitted facility will result in or have the  
2.11 potential to result in alteration of the nature or quantity of regulated air pollutants to be  
2.12 emitted by the permittee such that the permittee is no longer eligible for the permit it holds;  
2.13 or

2.14 F. information that is received by but previously unavailable to the commissioner  
2.15 shows that the terms and conditions of the permit do not accurately represent the actual  
2.16 circumstances of the permitted facility.

2.17 *[For text of subpart 11, see Minnesota Rules]*

2.18 **7007.1125 REGISTRATION PERMIT OPTION C.**

2.19 Subpart 1. **Eligibility.** The owners and operators of a stationary source may apply for  
2.20 a registration permit under this part if the stationary source consists of only indirect heating  
2.21 units (boilers), reciprocating internal combustion engines, and/or emissions from use of  
2.22 VOC-containing materials, and meets the following criteria:

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

3.1 G. the owner or operator does not anticipate making changes in the next 12 months  
3.2 which will cause the stationary source to be ineligible for this type of registration permit  
3.3 under items A to F and H; ~~and~~

3.4 H. the stationary source does not use or generate nitrous oxide, other than from  
3.5 combustion units, and does not use or generate hydrofluorocarbons, perfluorocarbons, or  
3.6 sulfur hexafluoride; and

3.7 I. emissions at a stationary source that is an air toxics facility and emits air toxics  
3.8 from VOC-containing materials do not exceed air toxics screening threshold values in part  
3.9 7012.0300, subpart 1, for applications received after the effective date of chapter 7012.

3.10 Subp. 2. **Application content.** An application for a registration permit under this part  
3.11 must contain the following:

3.12 *[For text of items A to C, see Minnesota Rules]*

3.13 D. a statement of whether the owner or operator will base records required under  
3.14 subpart 3 on the purchase or the use of VOC-containing materials, on the purchase or use  
3.15 of fuels, and on hours of operation; ~~and~~

3.16 E. the calculations required by subpart 4. If the stationary source has not been  
3.17 operated, the owner or operator shall estimate the gallons of VOC-containing materials,  
3.18 amount of fuels burned, and hours of operation on a 12-month rolling sum basis during  
3.19 normal operation in performing the calculations required in subpart 4. If the stationary  
3.20 source has been operated less than 12 months on the date of application under this part, the  
3.21 owner or operator shall perform the calculation in subpart 4 by calculating gallons of  
3.22 VOC-containing materials purchased or used, amount of fuels purchased or used, or hours  
3.23 of operation by multiplying by 12 the larger of the following:

3.24 (1) the average monthly gallons of VOC-containing materials purchased or  
3.25 used, amount of fuel purchased or used, or hours of operation;

4.1 (2) calculating an estimated monthly average for normal operations; and  
4.2 F. for a stationary source that is an air toxics facility and emits air toxics from  
4.3 VOC-containing materials, the air toxics screening threshold certification required under  
4.4 part 7012.0200, subpart 1, for applications received after the effective date of chapter 7012.

4.5 Insignificant activities at the stationary source listed in part 7007.1300, subparts 2 and  
4.6 3, and conditionally insignificant activities, are not required to be included in the application.

4.7 Subp. 3. **Compliance requirements.** Unless a stationary source is eligible under  
4.8 subpart 3a, the owners and operators of a stationary source issued a registration permit under  
4.9 this part must comply with all of the requirements in items A to ~~K~~ L.

4.10 *[For text of items A to H, see Minnesota Rules]*

4.11 I. The owner or operator must comply with all applicable requirements, including  
4.12 new source performance standards and chapter 7012, relating to air toxics regulations.

4.13 *[For text of items J and K, see Minnesota Rules]*

4.14 L. The owner or operator of an air toxics facility that emits air toxics from  
4.15 VOC-containing materials must complete the repeated air toxics screening threshold analysis  
4.16 and certification according to part 7012.0160, as applicable.

4.17 Subp. 3a. **Compliance requirements for low-emitting sources.** If the eligibility  
4.18 number determined by the calculation in item D is less than 25 for the previous calendar  
4.19 year, the owner or operator of a stationary source issued a registration permit under this  
4.20 part shall comply with all of the requirements in items A to E.

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

4.22 E. The owner or operator must comply with subpart 3, items E ~~and~~, G to J, and  
4.23 L.

4.24 *[For text of subparts 4 and 5, see Minnesota Rules]*

5.1 **7007.1130 REGISTRATION PERMIT OPTION D.**

5.2 Subpart 1. **Eligibility.** The owners and operators of a stationary source may apply for  
5.3 a registration permit under this part if the stationary source meets the following criteria:

5.4 *[For text of item A, see Minnesota Rules]*

5.5 B. the 12-month rolling sum of actual emissions at the stationary source for each  
5.6 pollutant are less than or equal to the thresholds in subpart 5; ~~and~~

5.7 C. the owner or operator does not anticipate making changes in the next year  
5.8 which will cause the stationary source's 12-month rolling sum of actual emissions to exceed  
5.9 any threshold in tons per year listed in subpart 5; and

5.10 D. emissions at a stationary source that is an air toxics facility must not exceed  
5.11 air toxics screening threshold values in part 7012.0300, subpart 1, for applications received  
5.12 after the effective date of chapter 7012.

5.13 Subp. 2. **Application content.** An application for a registration permit under this part  
5.14 must contain all of the following requirements:

5.15 *[For text of items A to E, see Minnesota Rules]*

5.16 F. if the calculations required by subpart 4 used control equipment efficiencies  
5.17 for listed control equipment determined by part 7011.0070, a copy of the portion of the  
5.18 control equipment manufacturer's specifications with the operating parameters required to  
5.19 be monitored under part 7011.0080 highlighted, and if the efficiency is based on an alternative  
5.20 control efficiency under part 7011.0070, subpart 2, a copy of the performance test plan with  
5.21 the operating parameters highlighted. The owner or operator of a hot mix asphalt plant shall  
5.22 provide a copy of the portion of the control equipment manufacturer's specifications with  
5.23 the operating parameters required to be monitored under part 7011.0917, subpart 7, or the  
5.24 information to support an alternative operating range required by part 7011.0917, subpart  
5.25 1; ~~and~~

6.1 G. if the calculations required by subpart 4 used emission factors established by  
6.2 a performance test approved by the commissioner under parts 7017.2001 to 7017.2060 and  
6.3 reflected use of control equipment that is not listed in part 7011.0070, a copy of the portion  
6.4 of the control equipment manufacturer's specifications which includes the operating  
6.5 parameters. If the emissions are discharged to the control equipment through a hood, then  
6.6 the owner or operator must evaluate, on a form provided by the commissioner, whether the  
6.7 hood conforms to the design and operating practices recommended in "Industrial Ventilation  
6.8 - A Manual of Recommended Practice, American Conference of Governmental Industrial  
6.9 Hygienists," and must include with the permit application the certification required in part  
6.10 7011.0072, subpart 2; and

6.11 H. for a stationary source that is an air toxics facility, the air toxics screening  
6.12 threshold certification required under part 7012.0200, subpart 1, for applications received  
6.13 after the effective date of chapter 7012.

6.14 Insignificant activities at the stationary source listed in part 7007.1300, subparts 2 and  
6.15 3, or conditionally insignificant activities, are not required to be included in the application.

6.16 Subp. 3. **Compliance requirements.** Unless a stationary source is eligible under  
6.17 subpart 3a, the owner or operator of a stationary source issued a permit under this part must  
6.18 comply with items A to ~~J~~ K and subparts 6 to 9.

6.19 *[For text of items A to J, see Minnesota Rules]*

6.20 K. The owner or operator of an air toxics facility must complete the repeated air  
6.21 toxics screening threshold analysis and certification according to part 7012.0160, as  
6.22 applicable.

6.23 Subp. 3a. **Compliance requirements for low-emitting sources.** If the actual emissions  
6.24 for the previous calendar year of each pollutant are less than the emission eligibility limits

7.1 for each pollutant listed in item F, then the owner or operator must comply with items A to  
7.2 ~~H~~I and subparts 6 to 9.

7.3 *[For text of items A to H, see Minnesota Rules]*

7.4 I. The owner or operator of an air toxics facility must complete the repeated air  
7.5 toxics screening threshold analysis and certification according to part 7012.0160, as  
7.6 applicable.

7.7 *[For text of subparts 4 to 8, see Minnesota Rules]*

7.8 Subp. 9. **Complying with registration permit general conditions.** An owner or  
7.9 operator operating under this part must:

7.10 A. comply with the requirements of part 7007.1110; and

7.11 B. comply with all other applicable requirements, including new source  
7.12 performance standards and part 7012.0150, subpart 1, relating to air toxics screening  
7.13 threshold values.

7.14 **7007.1140 CAPPED PERMIT ELIGIBILITY REQUIREMENTS.**

7.15 Subpart 1. **Eligible sources.** Owners and operators of a stationary source that qualifies  
7.16 for capped permit option 1 under part 7007.1141, subpart 1, or capped permit option 2 under  
7.17 part 7007.1141, subpart 2, may elect to apply to the commissioner for a capped permit  
7.18 instead of a part 70, state, registration, or general permit, except as provided in item B. The  
7.19 owners and operators of a stationary source may apply for a capped permit under this part  
7.20 if the stationary source meets the following criteria:

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

7.22 E. The owner or operator of an air toxics facility must not exceed air toxics  
7.23 screening threshold values in part 7012.0300, subpart 1, for applications received after the  
7.24 effective date of chapter 7012.

8.1 Subp. 2. **Ineligible sources.**8.2 *[For text of item A, see Minnesota Rules]*8.3 B. A stationary source may not obtain a capped permit if air quality specific  
8.4 conditions or limits not contained in parts 7007.1140 to 7007.1148 were assumed:

8.5 (1) as a mitigation measure in an environmental impact statement;

8.6 (2) in obtaining a negative declaration in an environmental assessment  
8.7 worksheet; or8.8 (3) in demonstrating compliance with any state or national ambient air quality  
8.9 standards; or8.10 (4) in demonstrating compliance with any screening threshold values in part  
8.11 7012.0300, subpart 1, or acceptable risk levels in part 7012.0560, subpart 3.8.12 *[For text of items C to E, see Minnesota Rules]*8.13 **7007.1145 CAPPED PERMIT APPLICATION.**8.14 *[For text of subpart 1, see Minnesota Rules]*8.15 Subp. 2. **Information required.** This subpart describes the standard information that  
8.16 is required in a capped permit application. This subpart does not limit the agency's statutory  
8.17 authority for requiring information in addition to that which is specifically listed. Applicants  
8.18 must submit the following information as required by the standard application form:8.19 *[For text of items A to G, see Minnesota Rules]*8.20 H. For a stationary source that is an air toxics facility, the air toxics screening  
8.21 threshold certification required under part 7012.0200, subpart 1.8.22 *[For text of subpart 3, see Minnesota Rules]*

9.1 **7007.1146 CAPPED PERMIT; COMPLIANCE REQUIREMENTS.**

9.2 Subpart 1. **Compliance requirements.** The owner and operator of the stationary  
9.3 source issued a capped permit must:

9.4 A. comply with parts 7007.1140 to 7007.1148;

9.5 B. comply with all applicable requirements, including chapter 7012, relating to  
9.6 air toxics;

9.7 C. complete the repeated air toxics screening threshold analysis and certification  
9.8 according to part 7012.0160, as applicable;

9.9 ~~E. D.~~ for the 12-month rolling sum of actual emissions from the stationary source  
9.10 determined pursuant to part 7007.1146, not exceed the applicable thresholds in part  
9.11 7007.1141 for any pollutant;

9.12 ~~D. E.~~ for the sum of actual NO<sub>x</sub> emissions from the stationary source in a calendar  
9.13 year determined under this part, not exceed the estimated future annual NO<sub>x</sub> emissions in  
9.14 units of tons per year used to comply with part 7007.1148; and

9.15 ~~E. F.~~ if a stationary source qualifies for a capped permit, but has less than 12  
9.16 months of emissions data, calculate the emission limit each month during normal operation  
9.17 for the first 12 months under capped permit option 1 or 2 on a form provided by the  
9.18 commissioner which uses one of the following formulas:

9.19 (1)  $N = 0.95$  (annual limit in option 1 or 2) + 0.0045 (annual limit in option  
9.20 1 or 2)(n-1)

9.21 Where: n = number of months in operation;

9.22 N = emission limit through month n; or

9.23 (2)  $P = L/12$

9.24 Where: L = annual limit in option 1 or 2.

10.1 P = emission limit for each month.

10.2 The actual emissions for each month must be below the calculated emission limit, N  
10.3 or P, for each pollutant.

10.4 *[For text of subpart 2, see Minnesota Rules]*

10.5 Subp. 3. **Prechange analysis.** ~~Prior to~~ Before making a physical or operational change  
10.6 ~~which~~ that increases emissions at a stationary source with a capped permit, the owner or  
10.7 operator must:

10.8 *[For text of item A, see Minnesota Rules]*

10.9 B. if the change results in increased SO<sub>2</sub>, NO<sub>x</sub>, or PM-10 emissions, demonstrate,  
10.10 using a method in part 7007.1148, that ambient air quality standards will continue to be met  
10.11 after the change is made; ~~and~~

10.12 C. for a new air toxics facility as defined under part 7012.0055, subpart 30,  
10.13 demonstrate that the estimated actual emissions of air toxics will remain at or below screening  
10.14 threshold values in part 7012.0300, subpart 1; and

10.15 ~~C.~~ D. keep records of the prechange analyses required under items A ~~and B~~ to C  
10.16 on site.

10.17 The owner or operator may use worksheets provided by the agency for the  
10.18 demonstrations required under items A ~~and B~~ to C.

10.19 *[For text of subparts 4 and 5, see Minnesota Rules]*

10.20 **7012.0050 APPLICABILITY; OTHER LAW.**

10.21 This chapter applies to the owner or operator of an air toxics facility located in Anoka,  
10.22 Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County, unless exempted under  
10.23 part 7012.0060 or 7012.0070. Unless otherwise specified in this chapter, this chapter and

11.1 chapters 7002, 7005, 7007, 7008, 7017, and 7019 are to be construed to complement each  
11.2 other.

11.3 **7012.0055 DEFINITIONS.**

11.4 Subpart 1. **Scope.** For purposes of this chapter, the terms used have the meanings  
11.5 given in this part or in parts 7005.0100, 7007.0100, 7017.1002, and 7017.2005 if the terms  
11.6 are not defined in this part.

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

11.9 Subp. 3. **Actual emissions.** "Actual emissions" means emissions calculated as described  
11.10 under part 7012.0400, subparts 2, item B, and 3.

11.11 Subp. 4. **Acute health endpoint.** "Acute health endpoint" means the target organ or  
11.12 system, such as neurological, respiratory, or reproductive, for acute inhalation risk. Acute  
11.13 health endpoint includes acute noncancer health endpoint.

11.14 Subp. 5. **Acute inhalation risk.** "Acute inhalation risk" means the risk from one or  
11.15 more exposures to an air toxic within a short period that is evaluated using:

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

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

11.20 Subp. 6. **Air emissions risk analysis.** "Air emissions risk analysis" means a process  
11.21 that uses spreadsheets, computer models, and health benchmarks to estimate the potential  
11.22 human health risks from air toxics emitted by a stationary source.

11.23 Subp. 7. **Air toxics.** "Air toxics" has the meaning given in part 7005.0100, subpart  
11.24 2c.

12.1 Subp. 8. **Air toxics facility or facility.** "Air toxics facility" or "facility" means a  
12.2 stationary source in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington  
12.3 County for which the owner or operator of the facility must obtain an air emission permit  
12.4 under chapter 7007.

12.5 Subp. 9. **Air toxics reduction plan.** "Air toxics reduction plan" means an enforceable  
12.6 document prepared according to part 7012.0570 that establishes procedures to reduce air  
12.7 toxics emissions to or below acceptable risk levels.

12.8 Subp. 10. **AMS/EPA Regulatory Model.** "AMS/EPA Regulatory Model" means the  
12.9 steady-state atmospheric dispersion modeling system that models the dispersion of air  
12.10 pollution from a stationary source, adopted in Guideline on Air Quality Models, Code of  
12.11 Federal Regulations, title 40, part 51, Appendix W, and incorporated by reference under  
12.12 part 7012.0558, subpart 2.

12.13 Subp. 11. **Cancer risk.** "Cancer risk" means the risk of developing cancer from  
12.14 exposure to air emissions from a given stationary source. The risk is the probability that a  
12.15 hypothetical human receptor will develop cancer based on an assumed set of exposure,  
12.16 model, and toxicity assumptions.

12.17 Subp. 12. **Chronic health endpoint.** "Chronic health endpoint" means the target organ  
12.18 or system, such as neurological, respiratory, or reproductive, for chronic inhalation risk.  
12.19 Chronic health endpoint includes chronic noncancer health endpoint.

12.20 Subp. 13. **Chronic inhalation risk.** "Chronic inhalation risk" means the risk from  
12.21 consistent exposure or multiple exposures occurring over an extended period of an  
12.22 individual's lifetime, greater than one year to a lifetime, that is evaluated using the highest  
12.23 modeled annual ambient air concentration over a five-year period, up to and at the stationary  
12.24 source's fence line.

12.25 Subp. 14. **Complete.** "Complete" means that:

13.1 A. a submission contains all information required by this chapter in a format  
13.2 specified by the commissioner; and

13.3 B. any requests for additional information needed for the commissioner to evaluate  
13.4 and process the submission are fulfilled by the owner or operator, including requests under  
13.5 part 7012.0100.

13.6 Subp. 15. **Compliance determination protocol.** "Compliance determination protocol"  
13.7 means an enforceable document prepared according to part 7012.0450 that establishes  
13.8 procedures to reduce and maintain actual emissions of air toxics at or below screening  
13.9 threshold values established under part 7012.0300, subpart 1.

13.10 Subp. 16. **Dispersion modeling output.** "Dispersion modeling output" means a  
13.11 numerical value that represents the proportional relationship between an emission rate from  
13.12 a stack, vent, or equivalent and the resulting ambient air concentration.

13.13 Subp. 17. **Emergency generator.** "Emergency generator" means a stationary internal  
13.14 combustion engine that is used to generate electricity and is operated only during routine  
13.15 maintenance and testing or when unforeseen conditions result in disruption of electrical  
13.16 power to a stationary source. Emergency generator does not include a generator that is part  
13.17 of a peak-shaving contract or reduced-use contract or a generator that is used as a standby  
13.18 source during periods when power is available from the utility.

13.19 Subp. 18. **Environmental justice area.** "Environmental justice area" has the meaning  
13.20 given in Laws 2023, chapter 60, article 8, section 5, subdivision 1, clause (5).

13.21 Subp. 19. **Existing air toxics facility.** "Existing air toxics facility" means an air toxics  
13.22 facility that has been issued an air emission permit by the commissioner before the effective  
13.23 date of this chapter, except as provided under subpart 30.

13.24 Subp. 20. **Farmer cancer multipathway risk.** "Farmer cancer multipathway risk"  
13.25 means the cancer risk from different exposure routes, such as inhalation, oral, and dermal,

14.1 for a hypothetical person that inhales air, incidentally ingests soil, ingests homegrown  
14.2 produce, drinks home-produced milk, and eats homegrown meat products, including eggs,  
14.3 that could be affected by a stationary source's emissions.

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

14.9 Subp. 22. **Fire pump.** "Fire pump" means a water pump that is operated only during  
14.10 routine maintenance and testing or when unforeseen conditions require a reliable source of  
14.11 water for fire protection systems during emergencies.

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

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

14.21 Subp. 25. **Health endpoint.** "Health endpoint" means an observable adverse biological  
14.22 effect from a chemical exposure used to group chemicals for evaluating risks from multiple  
14.23 chemicals, such as increased risks for various cancers; harm to body organs, such as heart,  
14.24 brain, liver, or kidneys; harm to systems, such as respiratory, immune, nervous, endocrine,  
14.25 cardiovascular, or reproductive; and developmental effects, such as lowered birth weight  
14.26 and birth defects.

15.1 Subp. 26. **Human health risk assessment protocol.** "Human health risk assessment  
15.2 protocol" means a procedure to estimate the nature and probability of adverse health effects  
15.3 in humans exposed to chemicals, consisting of four steps: hazard identification, dose-response  
15.4 assessment, exposure assessment, and risk characterization.

15.5 Subp. 27. **Inhalation health benchmark.** "Inhalation health benchmark" means a  
15.6 concentration in ambient air at or below which an air toxic is unlikely to cause an adverse  
15.7 health effect in a population over a prescribed duration.

15.8 Subp. 28. **Inhalation unit risk.** "Inhalation unit risk" means the upper-bound excess  
15.9 lifetime cancer risk estimated to result from inhalation exposure to a concentration of one  
15.10 microgram per cubic meter for a lifetime.

15.11 Subp. 29. **MNRISKS.** "MNRISKS" means a risk screening tool used to understand  
15.12 the cumulative impacts of air pollution on Minnesotans by comparing air pollution levels  
15.13 against inhalation health benchmarks to estimate the potential health effects.

15.14 Subp. 30. **New air toxics facility.** "New air toxics facility" means an air toxics facility  
15.15 that applies for a new total facility air emission permit on or after the effective date of this  
15.16 chapter. New air toxics facility does not include an air toxics facility that applies for a permit  
15.17 reissuance.

15.18 Subp. 31. **Reference concentration.** "Reference concentration" means an estimate  
15.19 of the daily exposure to the human population, including sensitive subgroups, that is likely  
15.20 to be without appreciable risk of deleterious noncancerous effect during a lifetime or other  
15.21 defined averaging time. The reference concentration is for continuous inhalation exposures  
15.22 over the defined averaging time and is expressed in units of micrograms per cubic meter.

15.23 Subp. 32. **Resident cancer multipathway risk.** "Resident cancer multipathway risk"  
15.24 means the cancer risk from different exposure routes, such as inhalation, oral, and dermal,

16.1 for a hypothetical person who inhales air, incidentally ingests soil, and ingests homegrown  
16.2 produce that could be affected by a stationary source's air emissions.

16.3 Subp. 33. **Resident noncancer multipathway risk.** "Resident noncancer multipathway  
16.4 risk" means the noncancer risk from different exposure routes, such as inhalation, oral, and  
16.5 dermal, for a hypothetical person who inhales air, incidentally ingests soil, and ingests  
16.6 homegrown produce that could be affected by a stationary source's air emissions.

16.7 Subp. 34. **Screening threshold value.** "Screening threshold value" means an action  
16.8 level under part 7012.0300 that is used in the screening threshold analysis to determine  
16.9 whether the owner or operator of an air toxics facility must evaluate the facility's air toxics  
16.10 emissions further by developing a compliance determination protocol or completing an air  
16.11 emissions risk analysis.

16.12 Subp. 35. **Sensitive receptors.** "Sensitive receptors" means individuals or groups of  
16.13 individuals who, due to their age or health status, are susceptible to air pollutants. Sensitive  
16.14 receptors include infants, children, pregnant individuals and their fetuses, the elderly,  
16.15 asthmatics, athletes, people compromised by preexisting diseases, and immunocompromised  
16.16 people.

16.17 Subp. 36. **Subchronic health endpoint.** "Subchronic health endpoint" means the  
16.18 target organ or system, such as neurological, respiratory, or reproductive, for subchronic  
16.19 inhalation risk. Subchronic health endpoint includes subchronic noncancer health endpoint.

16.20 Subp. 37. **Subchronic inhalation risk.** "Subchronic inhalation risk" means the risk  
16.21 from multiple exposures occurring over a period of an individual's lifetime, such as greater  
16.22 than 24 hours to one year, that is evaluated using the modeled highest monthly ambient air  
16.23 concentration over a five-year period, up to and at the stationary source's fence line.

16.24 Subp. 38. **Urban gardener cancer multipathway risk.** "Urban gardener cancer  
16.25 multipathway risk" means the cancer risk from different exposure routes, such as inhalation,

17.1 oral, and dermal, for a hypothetical person who inhales air, incidentally ingests soil, ingests  
17.2 homegrown produce, and eats home-raised chicken eggs that could be affected by a stationary  
17.3 source's emissions.

17.4 Subp. 39. **Urban gardener noncancer multipathway risk.** "Urban gardener noncancer  
17.5 multipathway risk" means the noncancer risk from different exposure routes, such as  
17.6 inhalation, oral, and dermal, for a hypothetical person who inhales air, incidentally ingests  
17.7 soil, ingests homegrown produce, and eats home-raised chicken eggs that could be affected  
17.8 by a stationary source's emissions.

17.9 **7012.0060 EXEMPTIONS BY PERMIT TYPE.**

17.10 Subpart 1. **Exemptions.** This chapter does not apply to:

17.11 A. the owner or operator of an air toxics facility operating in compliance with  
17.12 parts 7007.1110 and 7007.1115, relating to registration permit option A requirements;

17.13 B. the owner or operator of an air toxics facility operating in compliance with  
17.14 parts 7007.1110 and 7007.1120, relating to registration permit option B requirements;

17.15 C. the owner or operator of an air toxics facility operating in compliance with  
17.16 parts 7007.1110 and 7007.1125, relating to registration permit option C requirements if the  
17.17 facility:

17.18 (1) emits air toxics only from indirect heating units, such as boilers, or  
17.19 reciprocating internal combustion engines; and

17.20 (2) does not emit air toxics from the use of VOC-containing materials reported  
17.21 under part 7019.3020; or

17.22 D. the owner or operator of an air toxics facility operating in compliance with a  
17.23 nonmetallic mineral processing general permit according to part 7007.1100, relating to  
17.24 general permit requirements.

18.1 Subp. 2. **Certification; option C permits.** An owner or operator of an air toxics  
18.2 facility that seeks an exemption under subpart 1, item C, must certify, in a format specified  
18.3 by the commissioner, that the facility is exempt under subpart 1, item C. The certification  
18.4 must be submitted according to part 7012.0200. The certification must comply with part  
18.5 7012.0140 and certify that the facility:

18.6 A. emits air toxics only from indirect heating units, such as boilers, or reciprocating  
18.7 internal combustion engines; and

18.8 B. does not emit air toxics from the use of VOC-containing materials reported  
18.9 under part 7019.3020.

18.10 **7012.0070 EXEMPTION; AIR EMISSIONS RISK ANALYSIS IN LIEU OF**  
18.11 **SCREENING THRESHOLD ANALYSIS.**

18.12 A. An owner or operator of an air toxics facility may request, in a format specified  
18.13 by the commissioner, an exemption from completing a screening threshold analysis under  
18.14 part 7012.0150 if the owner or operator completes an air emissions risk analysis report  
18.15 according to item B.

18.16 B. The commissioner must grant the exemption under item A if:

18.17 (1) the air emissions risk analysis report:

18.18 (a) demonstrates results at or below acceptable risk levels in part  
18.19 7012.0560, subpart 3, as applicable;

18.20 (b) was completed within three years before the applicable deadline  
18.21 established in part 7012.0200;

18.22 (c) was completed on or after the effective date of this chapter; and

18.23 (d) includes all emissions units that emit air toxics; and

19.1 (2) emissions of air toxics with an inhalation health benchmark have not  
19.2 increased since the air emissions risk analysis was completed.

19.3 C. The commissioner must deny requests that are not complete and requests that  
19.4 do not meet the requirements under item B. An owner or operator may resubmit a request  
19.5 after addressing factors that led to the denial.

19.6 D. The request for an exemption under this part must be received by the  
19.7 commissioner at least 60 calendar days before the deadline for submitting a screening  
19.8 threshold analysis certification under part 7012.0200.

19.9 **7012.0100 COMPLETE SUBMISSIONS.**

19.10 If, while processing a submission under this chapter that was initially deemed complete,  
19.11 the commissioner determines that additional information is necessary to evaluate or take  
19.12 final action on the submission, the commissioner must request the information in writing  
19.13 and, after consulting with the owner or operator, set a deadline for a response. In the request  
19.14 for additional information, the commissioner must briefly explain why the additional  
19.15 information is needed. If an owner or operator fails to respond to a request for additional  
19.16 information within the time requested, the submission is not complete.

19.17 **7012.0140 CERTIFYING SUBMISSIONS.**

19.18 All submissions to the commissioner under this chapter must be signed and certified  
19.19 by the responsible official, as defined in part 7007.0100, subpart 21, and must make the  
19.20 following certification: "I certify under penalty of law that this document and all attachments  
19.21 were prepared under my direction or supervision by qualified personnel. The information  
19.22 submitted is, to the best of my knowledge and belief, true, accurate, and complete."

20.1 **7012.0150 AIR TOXICS SCREENING THRESHOLD ANALYSIS.**

20.2 **Subpart 1. Screening threshold requirement.**

20.3 A. Except as provided in parts 7012.0060 and 7012.0070, an owner or operator  
20.4 of an air toxics facility must ensure that hourly and annual emissions are at or below the  
20.5 screening threshold values in part 7012.0300, subpart 1, for a given stack and fugitive  
20.6 emission sources with specific emission rates. Except as provided in item B, an analysis  
20.7 must be performed according to parts 7012.0300 and 7012.0400. The results of the analysis  
20.8 must be certified to the commissioner according to part 7012.0200.

20.9 B. An owner or operator of an air toxics facility is in compliance with this subpart  
20.10 if completing an air emissions risk analysis or developing a compliance determination  
20.11 protocol according to subpart 2.

20.12 **Subp. 2. Exceeding screening threshold values; existing air toxics facilities. If an**  
20.13 **existing air toxics facility emits any air toxics above the screening threshold values under**  
20.14 **part 7012.0300, subpart 1, the owner or operator must:**

20.15 A. prepare a compliance determination protocol according to part 7012.0450; or

20.16 B. complete an air emissions risk analysis according to parts 7012.0550 to  
20.17 7012.0565.

20.18 **Subp. 3. Exceeding screening threshold values; new permit applications. If an**  
20.19 **owner or operator applies for an individual or general permit after the effective date of this**  
20.20 **chapter for an air toxics facility that will emit any air toxics above the screening threshold**  
20.21 **values under part 7012.0300, subpart 1, the owner or operator must complete an air emissions**  
20.22 **risk analysis according to parts 7012.0550 to 7012.0565.**

20.23 **7012.0160 REPEATED AIR TOXICS SCREENING THRESHOLD ANALYSIS.**

20.24 **Subpart 1. Applicability. An owner or operator of an air toxics facility must complete**  
20.25 **a screening threshold analysis according to this part when:**

21.1 A. the air toxics facility is at or below screening threshold values for all air toxics  
21.2 for the most recent certification under part 7012.0150, subpart 1; or

21.3 B. the air toxics facility submitted a compliance determination protocol under  
21.4 part 7012.0450.

21.5 Subp. 2. **Submission requirements.** A repeated air toxics screening threshold analysis  
21.6 must:

21.7 A. comply with the certification requirements and deadlines under parts 7012.0140  
21.8 and 7012.0200; and

21.9 B. follow the calculation methods under part 7012.0400.

21.10 Subp. 3. **Timeline for repeated screening threshold analysis certification.**

21.11 A. The owner or operator of an air toxics facility under subpart 1, item A, must  
21.12 complete and certify an air toxics screening threshold analysis every five years.

21.13 B. The owner or operator of an air toxics facility under subpart 1, item B, must  
21.14 complete and certify an air toxics screening threshold analysis every ten years.

21.15 Subp. 4. **Exemptions.** An air toxics facility is exempt from this part if the owner or  
21.16 operator of the facility has completed an air emissions risk analysis under parts 7012.0560  
21.17 and 7012.0565.

21.18 **7012.0170 ADDITIONAL SCREENING THRESHOLD ANALYSIS.**

21.19 Subpart 1. **When required.** The commissioner must require that an owner or operator  
21.20 of an air toxics facility conduct an air toxics screening threshold analysis in addition to those  
21.21 required under parts 7012.0150 and 7012.0160 when the following could lead to an  
21.22 exceedance of a screening threshold value:

- 22.1           A. the commissioner receives information that parameters used in the previous  
22.2 air toxics screening threshold analysis or an air emissions risk analysis do not accurately  
22.3 represent the air toxics facility's operations used to establish:
- 22.4           (1) an exemption under part 7012.0070; or
- 22.5           (2) the results reported to the commissioner under part 7012.0200 or  
22.6 7012.0560;
- 22.7           B. alterations or modifications to the air toxics facility will result in or have the  
22.8 potential to result in an increase in the amount of one or more air toxics emitted or the  
22.9 addition of an air toxic emitted by the air toxics facility;
- 22.10          C. the air toxics facility has not conducted an air toxics screening threshold analysis  
22.11 or an air emissions risk analysis for an air toxic for which screening threshold values have  
22.12 been newly established or updated since the last analysis;
- 22.13          D. data from additional risk-based determinations under subitems (1) to (4)  
22.14 demonstrate possible exceedances of screening threshold values established in part  
22.15 7012.0300, subpart 1, or acceptable risk levels established in part 7012.0560, subpart 3:
- 22.16                 (1) the agency's analysis of air emissions data, known as MNRISKS;
- 22.17                 (2) a cumulative impacts analysis under part 4410.4300 or 4410.4400;  
22.18 Minnesota Statutes, section 116.07, subdivision 4a; or other applicable law and regulations;
- 22.19                 (3) an air emissions risk analysis; or
- 22.20                 (4) an equivalent risk-based determination;
- 22.21          E. the air toxics facility moves operations from the location of its previous  
22.22 screening threshold analysis; or
- 22.23          F. the air toxics facility cannot provide proof of previously conducting a screening  
22.24 threshold analysis.

23.1 Subp. 2. Notification of required additional analysis.

23.2 A. The commissioner must notify the owner or operator of an air toxics facility  
23.3 in writing that an additional air toxics screening threshold analysis is required and must  
23.4 identify the reason for the requirement under subpart 1.

23.5 B. Except as provided in item C, the owner or operator must provide the  
23.6 commissioner the additional air toxics screening threshold analysis certification within 60  
23.7 calendar days of the written notice under item A and must comply with the certification  
23.8 requirements under parts 7012.0140 and 7012.0200, subpart 2.

23.9 C. The owner or operator may respond within ten calendar days of the written  
23.10 notice under item A with information that the commissioner has not considered in  
23.11 determining the need for an additional air toxics screening threshold analysis. The  
23.12 commissioner must:

23.13 (1) consider the information provided; and

23.14 (2) confirm that the additional screening threshold analysis is still required  
23.15 or rescind the requirement based on the information provided.

23.16 Subp. 3. Terminating exemption eligibility. The commissioner must terminate the  
23.17 eligibility of an air toxics facility for exemption status under part 7012.0070 if the  
23.18 commissioner finds that the results of an additional screening threshold analysis required  
23.19 under this part demonstrate exceedances of the screening threshold values under part  
23.20 7012.0300, subpart 1.

23.21 **7012.0200 AIR TOXICS SCREENING THRESHOLD ANALYSIS; SUBMISSION**  
23.22 **DEADLINES AND CERTIFICATION.**

23.23 Subpart 1. Certification deadline.

23.24 A. Certification of an air toxics screening threshold analysis under parts 7012.0150  
23.25 to 7012.0170 must comply with this subpart.

24.1 B. The owner or operator of an existing air toxics facility operating under a permit  
 24.2 type listed in this item must certify an initial air toxics screening threshold analysis by the  
 24.3 following deadlines:

24.4 24.5 <u>Permit type</u>	<u>Initial air toxics screening threshold analysis certification due</u>
24.6 <u>Individual state permit under part 7007.0200</u>	<u>1 year after the effective date of this chapter</u>
24.7 <u>Individual federal permit under part</u> 24.8 <u>7007.0250</u>	<u>1 year after the effective date of this chapter</u>
24.9 <u>Capped permit under part 7007.1140</u>	<u>2 years after the effective date of this chapter</u>
24.10 <u>General permit under part 7007.1100</u>	<u>2 years after the effective date of this chapter</u>
24.11 <u>Registration permit option C under part</u> 24.12 <u>7007.1125, unless exempted under part</u> 24.13 <u>7012.0060</u>	<u>3 years after the effective date of this chapter</u>
24.14 <u>Registration permit option D under part</u> 24.15 <u>7007.1130</u>	<u>3 years after the effective date of this chapter</u>

24.16 C. An owner or operator of a new air toxics facility must conduct an air toxics  
 24.17 screening threshold analysis according to part 7012.0400, subpart 4, and include the  
 24.18 certification with the required permit application.

24.19 D. An owner or operator of a facility with an air emission permit under chapter  
 24.20 7007 that moves its operations within or into the seven-county metropolitan area of Anoka,  
 24.21 Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties must conduct an air  
 24.22 toxics screening threshold analysis and submit the certification within one year of the due  
 24.23 date for the air emission inventory report under chapter 7019 that includes emissions from  
 24.24 the facility at the new location.

24.25 E. An owner or operator of an air toxics facility with a registration permit option  
 24.26 C under part 7007.1125 that no longer qualifies as exempt under part 7012.0060, subpart  
 24.27 1, item C, subitem (2), relating to air toxics emissions from VOC-containing material use,  
 24.28 must conduct an air toxics screening threshold analysis and submit the certification within

25.1 one year of the due date for the air emission inventory report under chapter 7019 that includes  
25.2 the VOC-containing materials use.

25.3 Subp. 2. **Certification content.** Certification under this part must be in a format  
25.4 specified by the commissioner. The certification must contain:

25.5 A. the name and contact information for the owner or operator;

25.6 B. a statement that the air toxics facility does or does not have one or more air  
25.7 toxics above screening threshold values;

25.8 C. the name and CAS registry number, if applicable, for any air toxic that is above  
25.9 screening threshold values; and

25.10 D. the information required under part 7012.0140.

25.11 **7012.0300 AIR TOXICS SCREENING THRESHOLD VALUES; INCORPORATION**  
25.12 **BY REFERENCE.**

25.13 Subpart 1. **Hourly and annual screening threshold values.** The electronic spreadsheet  
25.14 Screening Threshold for Regulated Air Toxics Analysis (STRATA) is provided by the  
25.15 commissioner and must be used when conducting a screening threshold analysis to identify  
25.16 the annual and hourly screening threshold values for each air toxic by stack height and  
25.17 distance to property line. The STRATA electronic spreadsheet is incorporated by reference,  
25.18 is not subject to frequent change, and is available on the agency's website at  
25.19 <https://www.pca.state.mn.us/get-engaged/incorporations-by-reference>.

25.20 Subp. 2. **Petition to add, delete, or modify screening threshold values.** At any time,  
25.21 a person may petition the commissioner to modify, add, or remove a screening threshold  
25.22 value listed in the electronic spreadsheet incorporated under subpart 1. Petitions must follow  
25.23 the procedures under Minnesota Statutes, section 14.09.

26.1 **7012.0400 AIR TOXICS SCREENING THRESHOLD ANALYSIS; METHOD OF**  
26.2 **CALCULATING EMISSIONS.**

26.3 Subpart 1. **Applicability.** An owner or operator of an air toxics facility must calculate  
26.4 facility emissions for the air toxics screening threshold analysis according to this part.

26.5 Subp. 2. **Annual emissions and stack parameters.**

26.6 A. An owner or operator must use annual actual emissions from the most recent  
26.7 finalized emissions inventory and current stack parameters to comply with this part. Existing  
26.8 air toxics facilities must use the most recent finalized emissions inventory completed after  
26.9 the effective date of this chapter.

26.10 B. Actual emissions must be calculated according to parts 7019.3020 to 7019.3100.

26.11 C. Screening threshold analysis calculations related to stack emissions must use  
26.12 individual stack parameters, including the stack height and the shortest horizontal distance  
26.13 to property line.

26.14 D. Screening threshold analysis calculations related to fugitive emissions must  
26.15 use the height of the fugitive emission source, or a height of one meter if unknown, and the  
26.16 shortest horizontal distance to the property line.

26.17 Subp. 3. **Hourly emissions.**

26.18 A. Except as provided in items C and D, the owner or operator must calculate the  
26.19 hourly emission rate of each air toxic using the annual actual emissions calculated under  
26.20 subpart 2 divided by the operating hours for that air toxics facility.

26.21 B. For purposes of this chapter, operating hours are the annual number of hours  
26.22 that an emissions unit is operating and emitting air toxics when records of hours of operation  
26.23 are available. If records of hours of operation are not kept for the individual emissions unit,  
26.24 then operating hours are the annual number of hours that an air toxics facility is open and  
26.25 operating.

27.1 C. The owner or operator of an air toxics facility with an individual permit under  
27.2 part 7007.0200 or 7007.0250 or a capped permit under part 7007.1140 must calculate the  
27.3 hourly emission rate of each hazardous air pollutant using the maximum physical capacity  
27.4 of equipment emitting the hazardous air pollutant. When calculating the hourly emission  
27.5 rate, physical and operational limitations may be used if they are:

27.6 (1) required by an applicable requirement, including parts 7011.0060 to  
27.7 7011.0080 when requirements under part 7011.0065 are met;

27.8 (2) required by an existing permit; or

27.9 (3) integral to the process.

27.10 D. Except as required under item C, the owner or operator of an air toxics facility  
27.11 may calculate the hourly emission rate of an air toxic from any emissions unit using the  
27.12 maximum physical capacity of the emissions unit emitting the air toxic. When calculating  
27.13 the hourly emission rate, physical and operational limitations may be used if they are:

27.14 (1) required by an applicable requirement, including parts 7011.0060 to  
27.15 7011.0080 when requirements under part 7011.0065 are met;

27.16 (2) required by an existing permit; or

27.17 (3) integral to the process.

27.18 Subp. 4. **New air toxics facilities.** The owner or operator of a new air toxics facility  
27.19 must estimate expected actual emissions during normal operations reflecting the proposed  
27.20 operation of the facility.

27.21 Subp. 5. **Exempt emissions units.** The following emissions units are exempt from  
27.22 inclusion in the air toxics screening threshold analysis:

27.23 A. emergency generators;

27.24 B. fire pumps;

28.1 C. emissions units emitting only air toxics without an inhalation health benchmark  
28.2 based on the hierarchy listed in part 7012.0560, subpart 1, item G;

28.3 D. emissions units that are insignificant activities under part 7007.1300;

28.4 E. emissions units that are conditionally insignificant activities under parts  
28.5 7008.4000 to 7008.4110;

28.6 F. emissions units that are used solely for supplying comfort heat or cooling, only  
28.7 combust natural gas, and are not considered process equipment. The emissions units under  
28.8 this item must have a dedicated stack or vent, or the owner or operator must be able to  
28.9 calculate emissions separately from other emissions units if the exempt emissions unit  
28.10 exhausts through a shared stack with other emissions units; and

28.11 G. emissions units at an air toxics facility with a registration permit option C under  
28.12 part 7007.1125 that are indirect heating units, such as boilers, or reciprocating internal  
28.13 combustion engines.

28.14 Subp. 6. **Exempt emissions.** Air toxics emissions of hazardous air pollutants from an  
28.15 emissions unit for which a standard has been adopted under section 112(d) of the federal  
28.16 Clean Air Act are exempt from inclusion in the air toxics screening threshold analysis, but  
28.17 air toxics emissions that are not hazardous air pollutants must be included.

28.18 **7012.0450 COMPLIANCE DETERMINATION PROTOCOL.**

28.19 Subpart 1. **Compliance determination protocol required.** The owner or operator  
28.20 of an air toxics facility must submit a compliance determination protocol if:

28.21 A. the facility emits any air toxics above the screening threshold values; and

28.22 B. the owner or operator is not submitting an air emissions risk analysis protocol  
28.23 under part 7012.0550.

29.1 Subp. 2. Required content. The owner or operator of an air toxics facility must  
29.2 develop a compliance determination protocol that demonstrates that actual emissions can  
29.3 be reduced to or below the screening threshold values. The compliance determination  
29.4 protocol must include the following, as applicable:

29.5 A. the name and CAS registry number, if applicable, for each air toxic that is  
29.6 above the screening threshold values;

29.7 B. identification of each process and emissions unit, both stack and fugitive  
29.8 emission sources, that emits air toxics that exceed or that contributes to exceeding the  
29.9 screening threshold values;

29.10 C. limits, restrictions, controls, or other means that will be taken to achieve and  
29.11 remain at or below screening threshold values for one or more emissions units;

29.12 D. the date that compliance will be achieved with the screening threshold values  
29.13 under part 7012.0300, subpart 1, which must be no later than:

29.14 (1) three years after the date that certification of an air toxics screening  
29.15 threshold analysis is submitted or the screening threshold analysis certification deadline,  
29.16 whichever is sooner, if control equipment will be installed; or

29.17 (2) two years after the date that certification of an air toxics screening  
29.18 threshold analysis is submitted or the screening threshold analysis certification deadline,  
29.19 whichever is sooner, if control equipment will not be installed;

29.20 E. a description of direct physical measurement of emission rates, including  
29.21 performance tests or continuous emissions monitoring systems (CEMS), if feasible, for  
29.22 each air toxic exceeding the screening threshold value. Performance tests must be conducted  
29.23 and approved by the commissioner according to parts 7017.2001 to 7017.2060. CEMS must  
29.24 be operated and approved by the commissioner according to parts 7017.1002 to 7017.1180.  
29.25 If surrogate pollutants are measured in place of any air toxics, the owner or operator of an

30.1 air toxics facility must identify the surrogate pollutants and explain how the surrogate  
30.2 pollutants are used to measure the target air toxic;

30.3 F. if direct physical measurement methods are not available, a description of  
30.4 indirect measurement methods to calculate actual emissions when available under chapter  
30.5 7019, such as material balance and operating rates;

30.6 G. a description of records kept onsite to verify continuous compliance with the  
30.7 screening threshold values in part 7012.0300 subpart 1; and

30.8 H. an explanation of why each compliance measurement method under items E  
30.9 and F was selected.

30.10 Subp. 3. **Submission deadline.** The owner or operator of an air toxics facility must  
30.11 submit a complete compliance determination protocol within one year after the deadline  
30.12 under part 7012.0200, subpart 1, item B, for certification of an air toxics screening threshold  
30.13 analysis that identifies the facility as emitting one or more air toxics above screening  
30.14 threshold values.

30.15 Subp. 4. **Reporting deviations.** The owner or operator must submit a deviation report,  
30.16 in a format specified by the commissioner, at least semiannually. The report is due whether  
30.17 or not a deviation occurred during the reporting period. The midyear deviation report,  
30.18 covering any deviations that occurred from January 1 to June 30, is due by July 30 each  
30.19 year, and the end-of-year deviation report, covering any deviations that occurred from July  
30.20 1 to December 31, is due by January 30 each year. Deviations may be reported on the same  
30.21 form required in part 7007.0800, subpart 6, item B, subitem (2).

30.22 **7012.0500 REVISING COMPLIANCE DETERMINATION PROTOCOLS.**

30.23 Subpart 1. **Facility-initiated revision.** The owner or operator of a facility with a  
30.24 compliance determination protocol must revise the compliance determination protocol and  
30.25 provide the reason why the revision is made when:

31.1 A. alterations or modifications to the air toxics facility will result in or have the  
31.2 potential to result in changes to either the amount of any one or more air toxics emitted or  
31.3 the number of air toxics emitted;

31.4 B. an approved direct physical measurement method of an air toxic becomes  
31.5 available that previously was not available; or

31.6 C. screening threshold values are updated or removed.

31.7 Subp. 2. **Agency-initiated revision.** Except when an owner or operator submits a  
31.8 permit application that includes requirements that would otherwise be incorporated into a  
31.9 compliance determination protocol, the commissioner must require an updated compliance  
31.10 determination protocol for a facility when:

31.11 A. alterations or modifications to the air toxics facility will result in or have the  
31.12 potential to result in changes to either the amount of any one or more air toxics emitted or  
31.13 the number of air toxics emitted;

31.14 B. the commissioner receives information previously unavailable to the agency  
31.15 that shows that the terms and conditions of the compliance determination protocol do not  
31.16 accurately represent the actual air toxics facility operations;

31.17 C. there are air toxics for which screening threshold values have been established  
31.18 or updated that were not included in previous screening threshold or risk analyses; or

31.19 D. data from additional risk-based determinations show potential exceedances of  
31.20 acceptable risk levels or screening threshold values.

31.21 **7012.0530 MODELING REQUIRED.**

31.22 If the owner or operator of a facility is not able to provide evidence of remaining at or  
31.23 below screening threshold values by submitting a compliance determination protocol, the  
31.24 owner or operator must submit a protocol for an air emissions risk analysis according to

32.1 parts 7012.0550 and 7012.0555. The deadline to submit a protocol for an air emissions risk  
32.2 analysis is as provided under part 7012.0450, subpart 3. The owner or operator may not  
32.3 extend the deadline to submit an air emissions risk analysis protocol by first submitting a  
32.4 compliance determination protocol.

32.5 **7012.0550 AIR EMISSIONS RISK ANALYSIS PROTOCOL.**

32.6 Subpart 1. Air emissions risk analysis protocol required. The an owner or operator  
32.7 of a facility must submit an air emissions risk analysis protocol if the facility is emitting  
32.8 any air toxics above screening threshold values and if the facility is not submitting a  
32.9 compliance determination protocol under part 7012.0150, subpart 2, item A. An owner or  
32.10 operator submitting a completed air emissions risk analysis report to comply with part  
32.11 7012.0150, subpart 2, item B, must first submit an air emissions risk analysis protocol to  
32.12 the commissioner for approval according to this part.

32.13 Subp. 2. Required content.

32.14 A. The air emissions risk analysis protocol must contain:

32.15 (1) a detailed description of the facility operations and any proposed  
32.16 construction or operational changes proposed, if applicable;

32.17 (2) all emissions sources, including emissions units, both stack and fugitive  
32.18 emission sources; insignificant activities under part 7007.1300; and conditionally insignificant  
32.19 activities as defined under part 7005.0100;

32.20 (3) stack parameters corresponding to each pollutant's potential emission rate,  
32.21 accompanied by:

32.22 (a) documentation of information sources and methods and procedures  
32.23 used;

32.24 (b) test data referenced;

33.1 (c) relevant averaging times for each pollutant; and  
33.2 (d) potential to emit calculations; and  
33.3 (4) meteorological data and computer dispersion modeling files from the  
33.4 AMS/EPA Regulatory Model.

33.5 B. The protocol must be in a format specified by the commissioner.

33.6 C. Emissions units that emit only air toxics that do not have an inhalation health  
33.7 benchmark under part 7012.0560, subpart 1, item G, are exempt from inclusion in an air  
33.8 emissions risk analysis.

33.9 Subp. 3. **Protocol approval.** The commissioner must approve an air emissions risk  
33.10 analysis protocol that reflects the conditions and emissions at the air toxics facility and  
33.11 complies with subpart 2.

33.12 Subp. 4. **Protocol disapproval.** The commissioner must notify an owner or operator  
33.13 of an air toxics facility if an air emissions risk analysis protocol submitted under this part  
33.14 does not meet specified requirements. The notification must:

33.15 A. identify why the submitted protocol fails to comply with subpart 2;

33.16 B. provide an agency contact to answer questions related to the disapproval;

33.17 C. specify the deadline for resubmitting the protocol; and

33.18 D. establish a schedule for resubmitting supplemental information.

33.19 Subp. 5. **Resubmitting protocol.** Within 60 calendar days of disapproval, the owner  
33.20 or operator of an air toxics facility must resubmit a revised air emissions risk analysis  
33.21 protocol that addresses each factor identified as failing to comply with subpart 2.

34.1 **7012.0555 AIR EMISSIONS RISK ANALYSIS PROTOCOL; SUBMISSION**  
34.2 **DEADLINES.**

34.3 Subpart 1. Existing air toxics facilities. The owner or operator of an existing air  
34.4 toxics facility completing an air emissions risk analysis under part 7012.0150, subpart 2,  
34.5 must submit a complete air emissions risk analysis protocol within one year after the  
34.6 certification due date of an air toxics screening threshold analysis that identifies the facility  
34.7 as emitting one or more air toxics above the screening threshold values.

34.8 Subp. 2. Applications for new air toxics facilities. The owner or operator of an air  
34.9 toxics facility that submits a complete application, as defined under part 7007.0600, subpart  
34.10 1, for a new individual or general permit within three years after the effective date of this  
34.11 chapter and who is required to complete an air emissions risk analysis under part 7012.0150,  
34.12 subpart 3, must submit a complete air emissions risk analysis protocol no later than one  
34.13 year after the application is deemed complete.

34.14 **7012.0558 INCORPORATIONS BY REFERENCE; AIR EMISSIONS RISK**  
34.15 **ANALYSIS.**

34.16 Subpart 1. Inhalation health benchmarks. The following sources for inhalation  
34.17 health benchmarks under part 7012.0560, subpart 1, item G, are incorporated by reference,  
34.18 are subject to frequent change, and are available as specified:

34.19 A. Centers for Disease Control and Prevention, Agency for Toxic Substances and  
34.20 Disease Registry (ATSDR), Minimal Risk Levels (MRLs) for Hazardous Substances  
34.21 (December 2025 and as subsequently amended), available at  
34.22 <https://wwwn.cdc.gov/tsp/mrls/mrlslisting.aspx>;

34.23 B. California Office of Environmental Health Hazard Assessment, Chemical  
34.24 Database (October 2023 and as subsequently amended), available at <https://oehha.ca.gov/air>;

35.1 C. United States Environmental Protection Agency, Integrated Risk Information  
35.2 System (IRIS) (February 2026 and as subsequently amended), available at  
35.3 <https://www.epa.gov/iris>;

35.4 D. Minnesota Department of Health air guidance values (March 2026 and as  
35.5 subsequently amended) for health-based values (HBV), risk assessment advice (RAA), and  
35.6 volatile organic compound (VOC) inhalation toxicity value review, available at  
35.7 <https://www.health.state.mn.us/communities/environment/risk/guidance/air/table.html>;

35.8 E. United States Environmental Protection Agency, Provisional Peer-Reviewed  
35.9 Toxicity Values (PPRTVs) Assessments (January 2026 and as subsequently amended),  
35.10 available at <https://www.epa.gov/pprtv>; and

35.11 F. National Ambient Air Quality Standards (NAAQS) (November 2025 and as  
35.12 subsequently amended), available at <https://www.epa.gov/criteria-air-pollutants>.

35.13 Subp. 2. **Air quality dispersion modeling.** For air quality dispersion modeling under  
35.14 part 7012.0560, subpart 1, item H, the American Meteorological Society/Environmental  
35.15 Protection Agency Regulatory Model (AERMOD), United States Environmental Protection  
35.16 Agency (November 2024 and as subsequently amended), is incorporated by reference, is  
35.17 subject to frequent change, and is available at <https://www.epa.gov/scram>.

35.18 Subp. 3. **Sources for speciation of mercury.** The following data sources for speciation  
35.19 of mercury under part 7012.0560, subpart 2, item E, are incorporated by reference, are  
35.20 subject to frequent change, and are available as specified:

35.21 A. EMC Promulgated Test Methods, Air Emissions Measurement Center, United  
35.22 States Environmental Protection Agency (July 2025 and as subsequently amended), available  
35.23 at <https://www.epa.gov/emc/emc-promulgated-test-methods>;

36.1 B. AirToxScreen Technical Support Document, United States Environmental  
36.2 Protection Agency (May 2024 and as subsequently amended), available at  
36.3 <https://www.epa.gov/AirToxScreen/airtoxscreen-technical-support-document>; and

36.4 C. National Emissions Inventory (NEI) Technical Support Document, United  
36.5 States Environmental Protection Agency (October 2024 and as subsequently amended),  
36.6 available at <https://www.epa.gov/air-emissions-inventories>.

36.7 **7012.0560 AIR EMISSIONS RISK ANALYSIS REPORT.**

36.8 Subpart 1. Air emissions risk analysis; report content. Except as provided in subpart  
36.9 4, an owner or operator of an air toxics facility must submit, in a format specified by the  
36.10 commissioner, a complete air emissions risk analysis report conducted according to the  
36.11 protocol approved under part 7012.0550. The report must contain:

36.12 A. a summary of the risk levels, inhalation health benchmarks, and air dispersion  
36.13 modeling output information at the air toxics facility. The summary must include:

36.14 (1) each of the following acceptable risk levels:

36.15 (a) cancer risk;

36.16 (b) hazard quotient for acute, subchronic, and chronic inhalation risk;

36.17 (c) hazard quotient for farmer noncancer, farmer cancer, urban gardener  
36.18 noncancer, urban gardener cancer, resident noncancer, and resident cancer multipathway  
36.19 risk; and

36.20 (d) hazard index for acute, subchronic, and chronic noncancer health  
36.21 endpoints;

36.22 (2) a list of the inhalation health benchmarks that includes reference  
36.23 concentrations and inhalation unit risks and follows the hierarchy in item G;

37.1 (3) air dispersion modeling output information from the AMS/EPA Regulatory

37.2 Model, including:

37.3 (a) hourly averaging over five years of the most recent meteorological

37.4 data;

37.5 (b) 24-hour averaging over five years of the most recent meteorological

37.6 data;

37.7 (c) monthly averaging over five years of the most recent meteorological

37.8 data; and

37.9 (d) annual average for each year of the five years of the most recent

37.10 meteorological data; and

37.11 (4) calculation methods, in a format approved by the commissioner, for

37.12 estimating the inhalation, multipathway, and endpoint risk using the hierarchy for inhalation

37.13 health benchmarks in item G;

37.14 B. a checklist of all necessary air emissions risk analysis supporting documents,

37.15 including facility information, the reason for completing an air emissions risk analysis,

37.16 required air emissions risk analysis forms, required permit forms, and tools for estimating

37.17 risk;

37.18 C. facility information; a project description; general neighborhood information;

37.19 exposure information; and maps of sensitive receptors, nearby permitted air emissions

37.20 facilities, zoning, land use, farming locations, and fishable water bodies;

37.21 D. a list of modeling files, detailed modeling descriptions, an air emissions risk

37.22 analysis emissions source summary, a meteorological data summary, a terrain and geospatial

37.23 summary, and a building summary;

38.1 E. an emissions source summary, an operating scenario summary, an emission  
38.2 factor summary, emission factors developed from stack tests, and a list of chemicals with  
38.3 additional considerations;

38.4 F. a statement signed under penalty of law certifying that the documents and all  
38.5 attachments submitted are true, accurate, and complete;

38.6 G. inhalation health benchmarks for air toxics emitted at the air toxics facility,  
38.7 derived from the following sources and selected in the following order of preference:

38.8 (1) the Department of Health:

38.9 (a) health-based values;

38.10 (b) risk assessment advice; or

38.11 (c) volatile organic compound inhalation toxicity values;

38.12 (2) Integrated Risk Information System values;

38.13 (3) provisional peer-reviewed toxicity values;

38.14 (4) inhalation minimal risk levels of the Agency for Toxic Substances and  
38.15 Disease Registry;

38.16 (5) reference exposure levels and inhalation unit risk values of the California  
38.17 Office of Environmental Health Hazard Assessment; or

38.18 (6) national ambient air quality standards;

38.19 H. air quality dispersion modeling files from the AMS/EPA Regulatory Model  
38.20 in a format specified by the commissioner. At a minimum, this information must include  
38.21 all data and inputs necessary to execute the model;

38.22 I. potential to emit calculations;

39.1 J. the general public preclusion plan that explains how the owner or operator  
39.2 intends to preclude access to an unmodeled area, including:

39.3 (1) a map that shows the location of the ambient air boundary;

39.4 (2) what measures are being or will be used to preclude access, such as  
39.5 locations of fencing, signage, patrols, and security cameras; and

39.6 (3) a narrative description of the preclusion measures;

39.7 K. identification of operations required to demonstrate compliance with acceptable  
39.8 risk levels in subpart 3; and

39.9 L. any monitoring, record keeping, and reporting proposed by the owner or operator  
39.10 to ensure compliance with the acceptable risk levels in subpart 3.

39.11 Subp. 2. **Additional report content.**

39.12 A. Additional content is required with the air emissions risk analysis report under  
39.13 the circumstances described in items B to E.

39.14 B. If an internal combustion engine is used only in emergencies, the report must  
39.15 include the facility name, address, and other identifying information; emissions unit  
39.16 description; and emergency use certification in a format specified by the commissioner.

39.17 C. If a human health risk assessment protocol (HHRAP) is completed, the report  
39.18 must include facility information, information on following guidance, HHRAP-based analysis  
39.19 tools, AMS/EPA Regulatory Model settings for the air emissions risk analysis, HHRAP-based  
39.20 software settings, toxicity values, and watershed and water body parameters.

39.21 D. If the commissioner determines that risks from other sources of air toxics may  
39.22 interact with the air toxics facility in such a way as to cause potential cumulative effects,  
39.23 the report must include qualitative cumulative analysis information, quantitative results,  
39.24 and uncertainties in a format specified by the commissioner.

40.1 E. If actual emissions of mercury are equal to or greater than three pounds per  
40.2 year, the report must include total mercury emissions speciated into particulate-bound  
40.3 mercury, reactive gaseous mercury, and elemental mercury. The speciation of mercury is  
40.4 process-specific and must use the following data sources, in order of preference:

40.5 (1) facility or industry stack testing using the most current method from the  
40.6 Air Emission Measurement Center of the United States Environmental Protection Agency;

40.7 (2) the methodology described in the technical support document of the Air  
40.8 Toxics Screening Assessment or National Emissions Inventory of the United States  
40.9 Environmental Protection Agency; or

40.10 (3) a default speciation of 20 percent elemental, 60 percent particulate, and  
40.11 20 percent oxidized.

40.12 Subp. 3. **Acceptable risk levels.** The owner or operator of an air toxics facility must  
40.13 not cause or allow the facility-wide air toxics emissions to result in a predicted maximum  
40.14 ambient impact that exceeds the acceptable risk levels in this subpart. The owner or operator  
40.15 must use the following risk levels in air emissions risk analyses:

40.16 A. cancer risk of 1 in 100,000;

40.17 B. hazard quotient of 1 (rounded to one significant figure) for acute, subchronic,  
40.18 and chronic inhalation risk;

40.19 C. hazard quotient of 1 (rounded to one significant figure) for farmer noncancer,  
40.20 farmer cancer, urban gardener noncancer, urban gardener cancer, resident noncancer, and  
40.21 resident cancer multipathway risk; and

40.22 D. hazard index of 1 (without rounding down to one significant figure) for acute,  
40.23 subchronic, and chronic noncancer health endpoints.

41.1 Subp. 4. **Using a previously completed analysis.** An owner or operator of an air  
41.2 toxics facility may submit a request to the commissioner for approval to use a previously  
41.3 completed air emissions risk analysis report. The commissioner must approve a request  
41.4 when the owner or operator demonstrates that:

41.5 A. the prior air emissions risk analysis report was completed on or after the  
41.6 effective date of this chapter;

41.7 B. the prior air emissions risk analysis report was completed no earlier than three  
41.8 years before the due date under part 7012.0200;

41.9 C. the results of the prior air emissions risk analysis report demonstrate compliance  
41.10 with the acceptable risk levels under subpart 3; and

41.11 D. any modifications at the air toxics facility since the prior air emissions risk  
41.12 analysis report was completed consist only of changes that did not result in increased risk  
41.13 from air emissions' impacts.

41.14 Subp. 5. **Report approval.** The commissioner must approve an air emissions risk  
41.15 analysis report that accurately reflects the conditions and emissions at the air toxics facility,  
41.16 including any actions, completed or pending, to achieve compliance with acceptable risk  
41.17 levels under subpart 3.

41.18 Subp. 6. **Report disapproval.** The commissioner must notify an owner or operator  
41.19 of a facility when an air emissions risk analysis report submitted to comply with this part  
41.20 and part 7012.0565 does not meet specified requirements. The notification must:

41.21 A. identify the reasons the submitted report fails to comply with subparts 1 to 4;

41.22 B. list an agency contact to answer questions related to the disapproval;

41.23 C. establish a schedule for resubmitting necessary information; and

41.24 D. specify the deadline for resubmitting the report.

42.1 Subp. 7. **Report resubmittal.** Within 60 calendar days of disapproval, the owner or  
42.2 operator of an air toxics facility must resubmit a revised air emissions risk analysis report  
42.3 that addresses each factor identified under subpart 6, item A.

42.4 Subp. 8. **Permit amendment required.** An owner or operator of an air toxics facility  
42.5 with an individual permit under part 7007.0200 or 7007.0250 must submit a major permit  
42.6 amendment application to incorporate site-specific limits and operating parameters assumed  
42.7 in an air emissions risk analysis report within 180 calendar days after the commissioner  
42.8 approves the air emissions risk analysis report.

42.9 **7012.0565 AIR EMISSIONS RISK ANALYSIS REPORT; SUBMISSION**  
42.10 **DEADLINES.**

42.11 Subpart 1. **Existing air toxics facilities.** An owner or operator of an existing air toxics  
42.12 facility required to complete an air emissions risk analysis under part 7012.0150, subpart  
42.13 2, must submit an air emissions risk analysis report in accordance with the approved protocol  
42.14 under part 7012.0550 no later than 180 calendar days after the protocol is approved.

42.15 Subp. 2. **New air toxics facilities.**

42.16 A. The deadlines in this subpart apply to the owner or operator of an air toxics  
42.17 facility that is applying for an individual or general permit after the effective date of this  
42.18 chapter and that is required to complete an air emissions risk analysis under part 7012.0150,  
42.19 subpart 3.

42.20 B. An owner or operator that submits a complete application within three years  
42.21 after the effective date of this chapter must submit a complete air emissions risk analysis  
42.22 report in accordance with the approved protocol required under part 7012.0550 no later than  
42.23 180 calendar days after the protocol is approved.

42.24 C. An owner or operator that submits a complete application more than three years  
42.25 after the effective date of this chapter must include a complete air emissions risk analysis

43.1 report according to part 7012.0560 with the permit application. The air emissions risk  
43.2 analysis report must show compliance with acceptable risk levels under part 7012.0560,  
43.3 subpart 3.

43.4 **7012.0568 NOTIFICATION TO POTENTIALLY IMPACTED RESIDENTS.**

43.5 Subpart 1. Notification to potentially impacted residents. An owner or operator of  
43.6 an air toxics facility that conducts an air emissions risk analysis that results in risks above  
43.7 acceptable risk levels under part 7012.0560, subpart 3, must notify potentially impacted  
43.8 residents of actions that will be taken to comply with part 7012.0570, subpart 2. Notifications  
43.9 must be made in writing and distributed by deposit in the United States mail with postage  
43.10 prepaid, to every address that is:

43.11 A. a residence or business located within a circle with the air toxics facility at the  
43.12 center and a radius determined by the farthest point identified where risk estimates are equal  
43.13 to 90 percent of acceptable risk levels; and

43.14 B. a school, day care, senior living facility, hospital, or juvenile detention facility  
43.15 located three miles or closer to the air toxics facility.

43.16 Subp. 2. Content requirements. The commissioner must review the content of the  
43.17 notifications under subpart 1 before the notifications are sent. Notifications must include:

43.18 A. a statement that the facility is required to reduce their potential air toxics  
43.19 emissions' impacts and has an approved plan to reduce potential impacts to below levels  
43.20 required by the agency's air toxics rules in part 7012.0560, subpart 3;

43.21 B. a list of air toxics targeted for reductions;

43.22 C. information on where a copy of the air emissions risk analysis report can be  
43.23 obtained;

44.1 D. a list of actions with associated timelines, completed or pending, to achieve  
44.2 compliance with acceptable risk levels under part 7012.0560, subpart 3;

44.3 E. an air toxics facility contact name, title, mailing address, phone number, and  
44.4 email address where questions about the air emissions risk analysis can be directed; and

44.5 F. agency contact information, mailing address, phone number, and email address  
44.6 where questions on the air emissions risk analysis review can be directed.

44.7 Subp. 3. **Notification deadlines.** An owner or operator of an air toxics facility  
44.8 complying with subpart 1 must comply with the following deadlines:

44.9 A. the commissioner must receive draft notifications complying with subpart 2  
44.10 for review as part of the air toxics reduction plan submittal under part 7012.0570, subpart  
44.11 2;

44.12 B. the owner or operator must distribute the notifications within 21 calendar days  
44.13 after the air toxics reduction plan is approved; and

44.14 C. the owner or operator must distribute the notifications within 21 calendar days  
44.15 after completing all actions required to achieve compliance with acceptable risk levels under  
44.16 part 7012.0560, subpart 3.

44.17 Subp. 4. **Notification records.** An owner or operator of an air toxics facility with an  
44.18 approved air toxics reduction plan must maintain:

44.19 A. a copy of the notifications distributed according to subparts 1 and 3;

44.20 B. a copy of invoices for postage paid to distribute the notifications and a record  
44.21 of the date the notifications were distributed; and

44.22 C. a list of addresses or mail routes where the notifications were distributed.

45.1 **7012.0570 AIR TOXICS REDUCTION PLAN; REQUIREMENTS.**

45.2 **Subpart 1. Air toxics reduction plan required.** An owner or operator of an air toxics  
45.3 facility must submit an air toxics reduction plan according to subpart 2 when:

45.4 A. a compliance determination protocol will not be submitted under subpart 8 to  
45.5 reduce actual emissions to or below the screening threshold values under part 7012.0300,  
45.6 subpart 1; and

45.7 B. potential air toxics emissions' impacts at the air toxics facility are above one  
45.8 or more acceptable risk levels and potential air toxics emissions' impacts cannot immediately  
45.9 be reduced to or below acceptable risk levels under part 7012.0560, subpart 3.

45.10 **Subp. 2. Submission timeline and content.**

45.11 A. The commissioner must receive a complete air toxics reduction plan within  
45.12 one year after the owner or operator of a facility submits a complete air emissions risk  
45.13 analysis report that identifies the facility is above one or more acceptable risk levels. The  
45.14 commissioner must approve or disapprove a plan according to this part.

45.15 B. If the commissioner determines that an air toxics reduction plan fails to provide  
45.16 information required under this subpart that is necessary to ensure protection of human  
45.17 health and the environment, the commissioner must request that an updated plan be submitted  
45.18 and must notify the owner or operator according to subpart 5.

45.19 C. The air toxics reduction plan must include, as applicable:

45.20 (1) the risk levels exceeded; the name and CAS registry number, if applicable,  
45.21 of the air toxic to be targeted for reduction; and the associated process or equipment for  
45.22 reducing the air toxic;

45.23 (2) the expected date of compliance with acceptable risk levels under part  
45.24 7012.0560, subpart 3, which must be no later than:

46.1                   (a) three years after the date the air emissions risk analysis report is  
46.2 approved if control equipment will be installed; or

46.3                   (b) two years after the date the air emissions risk analysis report is  
46.4 approved if control equipment will not be installed;

46.5                   (3) limits, restrictions, or controls taken to reduce air toxics to meet acceptable  
46.6 risk levels;

46.7                   (4) the sequence of actions or operations, with timelines for each action, to  
46.8 implement subitem (3);

46.9                   (5) a description of direct physical measurement of emission rates, including  
46.10 performance tests or continuous emission monitoring systems (CEMS), if feasible, for all  
46.11 air toxics contributing to the exceedance of acceptable risk levels. Performance tests must  
46.12 be conducted and approved by the commissioner according to parts 7017.2001 to 7017.2060.  
46.13 CEMS must be operated and approved by the commissioner according to parts 7017.1002  
46.14 to 7017.1180. If surrogate pollutants are measured in place of any air toxics, the owner or  
46.15 operator of an air toxics facility must identify the surrogate pollutants and explain how the  
46.16 surrogate pollutants are used to measure the target air toxic;

46.17                   (6) a description of any indirect measurement methods used to calculate all  
46.18 air toxics emissions in accordance with chapter 7019 when direct measurement is not  
46.19 feasible;

46.20                   (7) an explanation of all measurement methods available and justification for  
46.21 the methods selected, including, if applicable, why direct measurement, if available, was  
46.22 not selected;

46.23                   (8) a description of what records will be kept on site to verify continuous  
46.24 compliance after compliance with acceptable risk levels is achieved; and

47.1 (9) any other information necessary to ensure compliance with acceptable  
47.2 risk levels under part 7012.0560, subpart 3.

47.3 Subp. 3. **Approval of air toxics reduction plan.** The commissioner must review the  
47.4 air toxics reduction plan and notify the owner or operator of the air toxics facility upon  
47.5 approval. The commissioner must approve an air toxics reduction plan when the owner or  
47.6 operator demonstrates that the air toxics reduction plan is complete and complies with all  
47.7 requirements in subpart 2.

47.8 Subp. 4. **Implementing air toxics reduction plan.** The owner or operator of an air  
47.9 toxics facility must implement the air toxics reduction plan as approved by the commissioner  
47.10 under subpart 3.

47.11 Subp. 5. **Resubmittal required; notification.** If the commissioner determines that  
47.12 an air toxics reduction plan fails to provide the information necessary to ensure compliance  
47.13 with acceptable risk levels, the commissioner must notify the owner or operator that:

47.14 A. specific portions of the plan identified by the commissioner must be updated  
47.15 with required information;

47.16 B. the plan must be resubmitted within 30 calendar days; and

47.17 C. any updated plan remains subject to commissioner approval.

47.18 Subp. 6. **Permit amendment required.** An owner or operator of an air toxics facility  
47.19 with an individual permit under part 7007.0200 or 7007.0250 must submit a major permit  
47.20 amendment application to incorporate an air toxics reduction plan under this part within  
47.21 180 calendar days after the commissioner approves the air toxics reduction plan.

48.1 Subp. 7. Reporting.

48.2 A. The owner or operator of an air toxics facility required to have an air toxics  
48.3 reduction plan under this part must submit progress reports and notifications to the  
48.4 commissioner according to items B and C.

48.5 B. Progress reports must be submitted at least every six months, by July 30 and  
48.6 January 30, until the air toxics reduction plan has been incorporated into the facility's permit.  
48.7 The progress reports must contain the deadlines for achieving the activities, milestones, or  
48.8 compliance required in the air toxics reduction plan and dates when the activities, milestones,  
48.9 or compliance were achieved. The report must:

48.10 (1) note whether any deadlines in the plan were not or will not be met;

48.11 (2) explain why any deadlines were not or will not be met; and

48.12 (3) include any preventative or corrective measures that have been or will be  
48.13 adopted as a result.

48.14 C. Notification of compliance with acceptable risk levels must be submitted in a  
48.15 format specified by the commissioner. The notification must be submitted for each risk  
48.16 level identified in an air emissions risk analysis as above acceptable risk levels. The  
48.17 notification is due 15 calendar days after the date of compliance with an acceptable risk  
48.18 level.

48.19 Subp. 8. Alternative to air toxics reduction plan. If the owner or operator of an air  
48.20 toxics facility initially models air toxics emissions' impacts above acceptable risk levels  
48.21 under part 7012.0560, subpart 3, but can achieve and remain at or below the screening  
48.22 threshold values under part 7012.0300, subpart 1, through taking restrictive actions or  
48.23 making operational changes, the owner or operator may submit a compliance determination  
48.24 protocol under part 7012.0450 as part of the completed air emissions risk analysis in lieu

49.1 of an air toxics reduction plan under this part. The compliance determination protocol is  
49.2 due within one year after the air emissions risk analysis report is approved.

49.3 **7012.0600 RECORD KEEPING.**

49.4 Subpart 1. Requirement. An owner or operator of an air toxics facility must maintain  
49.5 records used to determine compliance with this chapter onsite for five years and must provide  
49.6 the records, upon request, to the commissioner.

49.7 Subp. 2. Additional records for conditionally insignificant activities.

49.8 A. In addition to records required in chapter 7008, the owner or operator of an air  
49.9 toxics facility claiming a conditionally insignificant activity under chapter 7008 must keep  
49.10 the following records for air toxics that are not VOCs and that are not particulate matter. If  
49.11 requested by the commissioner, the owner or operator must provide the records for any of  
49.12 the previous five calendar years:

49.13 (1) records for each calendar year of the number of gallons or pounds of  
49.14 air-toxics-containing materials purchased or used;

49.15 (2) records of the safety data sheets (SDS) or vendor certification of the  
49.16 maximum air toxics content for each air-toxics-containing material purchased or used; and

49.17 (3) if an owner or operator assumes a reduction of air toxics emissions due  
49.18 to recycling or disposing of material off site, records of the amount of disposed material,  
49.19 the amount of material shipped off site for recycling, the air toxics content shipped off site  
49.20 for recycling, and the calculations done to determine the amount of air toxics to subtract.

49.21 Acceptable records include the SDSs, invoices, shipping papers, and hazardous waste  
49.22 manifests.

49.23 B. If requested by the commissioner, an owner or operator of an air toxics facility  
49.24 claiming a conditionally insignificant activity under chapter 7008 must calculate and record  
49.25 for any of the previous five calendar years, in a format specified by the commissioner:

- 50.1 (1) the air toxics emissions using the method in subpart 3;  
50.2 (2) the calculation used to arrive at the total for each air toxic emission under  
50.3 subitem (1); and  
50.4 (3) a list of the associated emissions units in which the material was used.

50.5 **Subp. 3. Calculating conditionally insignificant activity air toxics emissions.** In  
50.6 addition to calculations required in chapter 7008, an owner or operator of an air toxics  
50.7 facility claiming a conditionally insignificant activity must calculate air toxics emissions  
50.8 when required under subpart 2, using the method in item A or B. If the owner or operator  
50.9 ships waste material from activities off site for recycling, the amount of air toxics recycled  
50.10 may be subtracted from the amount of air toxics calculated in item A or B:

50.11 A. pounds of air toxic emissions per calendar year equal gallons of  
50.12 air-toxics-containing material purchased or used in a calendar year multiplied by the pounds  
50.13 of air toxic per gallon; or

50.14 B. pounds of air toxic emissions per calendar year equal pounds of  
50.15 air-toxics-containing material purchased or used in a calendar year multiplied by weight  
50.16 percent of air toxic.

50.17 **Subp. 4. Environmental justice area status.** The owner or operator of an air toxics  
50.18 facility must keep records of whether the facility's location is in an environmental justice  
50.19 area. Census block status must be determined at least every two years, and records must be  
50.20 updated if the status changes.

50.21 **Subp. 5. Inventory of emission points.** The owner or operator of an air toxics facility  
50.22 must maintain the information under items A to C at the air toxics facility for all emissions  
50.23 units. If the commissioner requests any of the information in items A to C, the owner or  
50.24 operator must provide the information within 45 calendar days of the request in a format  
50.25 specified by the commissioner:

51.1 A. the location of the emission points;

51.2 B. the annual operating hours calculated according to part 7012.0400, subpart 3,  
51.3 or potential emissions calculated according to part 7007.0150, subpart 4, in pounds per  
51.4 hour; and

51.5 C. the stack height and the shortest horizontal distance to the property line.

51.6 Subp. 6. **Facility inspections.** The commissioner or the commissioner's authorized  
51.7 representative must conduct oversight inspections at least once for each air toxics facility  
51.8 with one or more air toxic above the screening threshold value, to review the air toxics  
51.9 facility's most current screening threshold analysis and supporting documentation, records,  
51.10 equipment, practices, or operations. Any owner or operator of an air toxics facility must  
51.11 provide screening threshold analysis records, including actual emissions calculations, upon  
51.12 request by the commissioner.

51.13 **7012.0650 AMBIENT AIR MONITORING REQUIREMENTS.**

51.14 Subpart 1. **Ambient air monitoring eligibility criteria.** An owner or operator of an  
51.15 air toxics facility may conduct ambient air monitoring to show compliance with this chapter  
51.16 only when:

51.17 A. the owner or operator can show under subpart 4 that:

51.18 (1) the air toxics reduction plan required by part 7012.0570, subpart 2, item  
51.19 C, can no longer be implemented;

51.20 (2) the implemented air toxics reduction plan did not lower emissions to or  
51.21 below acceptable risk levels; or

51.22 (3) the owner or operator cannot comply with the deadlines of the air toxics  
51.23 reduction plan in part 7012.0570, subpart 2, item C, and the timelines set in part 7012.0570,  
51.24 subpart 2, item C, subitem (4);

52.1 B. the air toxics facility's air emissions risk analysis report submitted under this  
52.2 chapter demonstrates that the predicted maximum ambient impact exceeds acceptable risk  
52.3 levels under part 7012.0560, subpart 3;

52.4 C. there are ambient air monitoring methods developed by the United States  
52.5 Environmental Protection Agency or other entity for the air toxics that contribute to the  
52.6 exceedance of acceptable risk levels;

52.7 D. proposed monitored air toxics have a reporting limit at or below all applicable  
52.8 inhalation health benchmarks; and

52.9 E. the owner or operator has an approved ambient air monitoring plan under  
52.10 subpart 2.

52.11 Subp. 2. **Ambient air monitoring plan.**

52.12 A. The owner or operator complying with subpart 1 must submit an air monitoring  
52.13 plan to the commissioner 180 calendar days before the air toxics reduction plan compliance  
52.14 date specified in part 7012.0570, subpart 2, item C, subitem (2).

52.15 B. The air monitoring plan must be in a format specified by the commissioner  
52.16 and must include:

52.17 (1) air toxics that contribute to the exceedance of acceptable risk levels;

52.18 (2) operational procedures for activities that best meet requirements described  
52.19 in Code of Federal Regulations, title 40, part 58, Appendix A, section 2, unless other  
52.20 operational procedures are approved as equivalent by the commissioner under subpart 3;

52.21 (3) the number of air monitors. The owner or operator must propose at least  
52.22 two monitors, with at least one monitor upwind of the air toxics facility and at least one  
52.23 monitor downwind of the air toxics facility;

53.1 (4) monitor locations that are based on dispersion modeling results in areas  
53.2 of greatest potential air toxics concentration and that best meet siting criteria under Code  
53.3 of Federal Regulations, title 40, part 58, Appendix E;

53.4 (5) sampling durations that correspond with exposure durations of the  
53.5 inhalation health benchmarks for monitored air toxics;

53.6 (6) laboratory analysis completed at a laboratory accredited through the  
53.7 Department of Health environmental laboratory accreditation program;

53.8 (7) data completeness of 75 percent of all data possible for each sampling  
53.9 quarter;

53.10 (8) data submittals in a format specified by the commissioner;

53.11 (9) signed acknowledgment providing the commissioner access to monitors  
53.12 for audits, according to Minnesota Statutes, section 116.091; and

53.13 (10) the statistical methods used to determine compliance with the inhalation  
53.14 health benchmarks for monitored air toxics.

53.15 **Subp. 3. Air monitoring plan approval.**

53.16 A. The commissioner must approve an air monitoring plan and require air  
53.17 monitoring only when the owner or operator demonstrates that the air monitoring plan is  
53.18 complete and contains the information in subpart 2, item B.

53.19 B. If the commissioner does not approve the air monitoring plan under item A,  
53.20 the commissioner must identify any deficiencies, notify the owner or operator of the  
53.21 deficiencies, and specify a timeline for resubmitting the air monitoring plan under item A.

53.22 **Subp. 4. Submitting air monitoring; eligibility.** The owner or operator of an air  
53.23 toxics facility must demonstrate that the facility meets the criteria of subpart 1, item A, by  
53.24 providing:

54.1 A. either:

54.2 (1) an explanation of why the limits, restrictions, or controls identified in the  
54.3 air toxics reduction plan cannot be complied with; or

54.4 (2) an explanation of why the limits, restrictions, or controls identified in the  
54.5 air toxics reduction plan did not result in compliance with acceptable risk levels by the dates  
54.6 specified in the air toxics reduction plan; and

54.7 B. the sequence of actions or operations completed and attempted to comply with  
54.8 acceptable risk levels and an explanation of why these actions or operations did not result  
54.9 in compliance with acceptable risk levels.

54.10 **TERM CHANGE.** The term "owner and operator" is changed to "owner or operator"  
54.11 wherever it appears in Minnesota Rules, chapter 7007.