

Minnesota Pollution Control Agency

Environmental Analysis and Outcomes Division

NOTICE OF INTENT TO ADOPT RULES WITH A HEARING

Proposed New Rules Governing Air Toxics Regulations, *Minnesota Rules*, Chapter 7012; with Amendments to Chapter 7007. Revisor's ID Number 04807; CAH Docket Number 5-9003-39347

Overview. This notice is the Minnesota Pollution Control Agency's (MPCA) legal notice of its intent to adopt air quality rules. The purpose of these rules, known as the "Air toxics regulations rule," is to establish new rules to implement and govern regulation of facilities that emit air toxics as directed by the Minnesota Session Law — 2023, H.F. No. 2310, chapter 60, article 8, section 5.

This notice provides an opportunity for public comment and input on the proposed rules. Anyone who would like to comment on the proposed rule language must submit written comment by the deadline of **4:30 p.m. on Friday, July 17, 2026**. The Subject of Rules section below provides further description of these proposed rules. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

View the Alternative Format/Accommodation and MPCA Contact Person sections of this notice for information on requesting this document in an alternative format.

Introduction. The Minnesota Pollution Control Agency (MPCA or Agency) intends to adopt rules after a public hearing following the procedures in the rules of the Court of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. You may submit written comments on the proposed rules until **4:30 p.m. on Friday, July 17, 2026**.

Public Hearing. The agency will hold two days of virtual public hearing on the above-named rules.

The hearing on **Monday, October 5, 2026** will begin at **6:30 p.m.** and will end at 9:00 p.m., or until all interested parties have had the chance to speak.

The hearing on **Tuesday, October 6, 2026** will begin at **9:30 a.m.** and will end at 3:00 p.m., or until all interested parties have had the chance to speak.

You can participate in the virtual hearing, which will be conducted by the Administrative Law Judge from the Court of Administrative Hearings, via WebEx by using this link along with the associated access code and password.

For a video and audio connection, join the hearing through an internet connection.

Monday, October 5, 2026 Web link:

<https://minnesota.webex.com/minnesota/j.php?MTID=mc0fca600c038119a8a5fe559f90159d5>

- Meeting Number for October 5, 2026 at 6:30 pm (access code): # 2483 307 5370
- Password for Oct. 5: # xFHHTYMP633 (93448967 when dialing from a phone or video system)

For audio-only connection, join the virtual hearing by telephone:

- Call: 1-415-655-0003 (this is not a toll-free number)
- Access code: 2483 307 5370
- Password: 93448967

Tuesday, October 6, 2026 Web link:

<https://minnesota.webex.com/minnesota/j.php?MTID=mdc96a6d731d04b3e80b2f6dffc243318>

- Meeting Number for Oct. 6 (access code): # 2496 126 6523
- Password for Oct. 6: 33V5tmABN9H (33858622 when dialing from a phone or video system)

For audio-only connection, join the virtual hearing by telephone:

- Call: 1-415-655-0003 (this is not a toll-free number)
- Access code: 2496 126 6523
- Password: 33858622

The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written comments, statements, or arguments. Statements may be submitted without appearing at the hearing.

If either of the public hearings is postponed or rescheduled, the agency will send a notice of such a change to the organization listed on its additional notice plan and post the notice of such a change on its website at <https://www.pca.state.mn.us/get-engaged/air-toxics-regulations> | [Minnesota Pollution Control Agency](#).

Administrative Law Judge. Administrative Law Judge James Mortenson will conduct the hearings. The judge can be reached by contacting William Moore, Rules Coordinator, Court of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7893, and william.t.moore@state.mn.us.

Subject of Rules. The main purpose of the proposed rules is to implement and govern regulation of facilities that emit air toxics as directed by the Minnesota Session Law — 2023, H.F. No. 2310, chapter 60, article 8, section 5. This rule applies to facilities with an air permit located within Minnesota’s seven metropolitan county region, which includes: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties. The session law exempts facilities holding option B registration permits. The proposed rules implement a new process for air toxics facilities to show that the emissions from the facility do not pose a risk to human health or the environment and implement a regulatory process for when the emissions do pose a risk or exceed acceptable risk levels.

The following chapters of Minnesota Rules (Minn. R.) are affected by the proposed changes:

- Amendments to Minn. R. ch. 7007.0100, Definitions to add language around applicable requirements.
- Amendments to Minn. R. ch. 7007.1100, General Permits to add language around the agency notification for a new permit application.
- Amendments to Minn. R. ch. 7007.1125, Registration Permit Option C to add language around eligibility, application content, and compliance requirements, including compliance requirements for low-emitting sources.
- Amendments to Minn. R. ch. 7007.1130, Registration Permit Option D to add language around eligibility, application content, compliance requirements, compliance requirements for low-emitting sources, and complying with registration permit general conditions.
- Amendments to Minn. R. ch. 7007.1140, Capped Permit Eligibility Requirements to add language around eligible sources and ineligible sources.
- Amendments to Minn. R. ch. 7007.1145, Capped Permit Application to add language around information required.
- Amendments to Minn. R. ch. 7007.1146, Capped Permit Eligibility Requirements to add language around compliance requirements and prechange analysis.

The following new *Minnesota Rules* chapter 7012 is proposed:

- New rule language for Minn. R. ch. 7012.0050, Applicability to add language around the applicability and scope of the new chapter 7012.
- New rule language for Minn. R. ch. 7012.0055, Definitions to add language about terms used throughout chapter 7012.
- New rule language for Minn. R. ch. 7012.0060, Exemptions by Permit Type to add language around permit types that are exempt from chapter 7012 and certification related to one of the Items listed in this part.
- New rule language for Minn. R. ch. 7012.0070, Other Exemptions to add language around other exemptions from a screening threshold analysis that do not pertain to permit type.
- New rule language for Minn. R. ch. 7012.0140, Certifying Submissions to add language around certifying all submissions throughout the new chapter.
- New rule language for Minn. R. ch. 7012.0150, Air Toxics Screening Thresholds to add language around the screening threshold requirement, screening threshold exceedance for existing air toxics facility, and screening threshold exceedance for new permit applications.
- New rule language for Minn. R. ch. 7012.0160, Repeated Air Toxics Screening Threshold Analysis to add language around applicable air toxics facilities, timeline for certification submittal, exemptions, and certification submittal requirements related to repeated air toxics screening threshold analysis.
- New rule language for Minn. R. ch. 7012.0170, Additional Screening Threshold Analysis to add language around conditions for conducting an additional screening threshold analysis, the notification of an additional screening threshold analysis, and the termination of eligibility for an exemption.
- New rule language for Minn. R. ch. 7012.0200, Air Toxics Screening Threshold Analysis; Submission Deadlines and Certification to add language around the screening threshold analysis certification deadline for all air toxic facilities and the content required in the certification.
- New rule language for Minn. R. ch. 7012.0300, Air Toxics Screening Threshold Values to add language about the hourly and annual screening threshold values incorporated by reference, and the petition process to add, delete, or modify a screening threshold.
- New rule language for Minn. R. ch. 7012.0400, Air Toxics Screening Threshold Analysis; Method of Calculation to add language around the information needed to complete the screening threshold analysis, how to calculate emissions, and exempt emission sources.
- New rule language for Minn. R. ch. 7012.0450, Compliance Determination Protocol to add language on when a compliance determination protocol is required, the content of the protocol, deadline for submittal, and reporting of deviation reports.
- New rule language for Minn. R. ch. 7012.0500, Revising Compliance Determination Protocols to add language around when either an air toxics facility or an agency initiates the compliance determination protocol revision.
- New rule language for Minn. R. ch. 7012.0530, Modeling Required to add language when modeling is required to show compliance with screening threshold values.
- New rule language for Minn. R. ch. 7012.0550, Air Emissions Risk Analysis Protocol to add language around when an Air Emissions Risk Analysis protocol is required, the content of the protocol, protocol approval or disapproval, and resubmitting a protocol.
- New rule language for Minn. R. ch. 7012.0555, Submission Deadlines; Air Emissions Risk Analysis Protocol to add language around AERA protocol deadlines for existing air toxics facilities and application for new air toxics facilities.

- New rule language for Minn. R. ch. 7012.0558, Incorporation by Reference; Air Emissions Risk Analysis to add references used throughout the AERA process.
- New rule language for Minn. R. ch. 7012.0560, Air Emissions Risk Analysis Report to add language around the report content, acceptable risk levels, use of a previously completed analysis, permit amendment required, approval or disapproval of a report, and resubmitting a report.
- New rule language for Minn. R. ch. 7012.0565, Air Emissions Risk Analysis Report; Submission Deadlines to add language around AERA report deadlines for existing air toxics facilities and new air toxics facilities.
- New rule language for Minn. R. ch. 7012.0568, Notification to Potentially Impacted Residents language to add requirements for providing notice to potentially impacted residents when acceptable risk levels are exceeded and an ATRP is developed, the content and timelines for notices, and records required for notices.
- New rule language for Minn. R. ch. 7012.0570, Air Toxics Reduction Plan to add language around when an air toxics reduction plan is required, submittal and content of plan, approval of plan, notification of ATRP resubmittal, ambient air monitoring, permit amendment requirement, reporting, and alternative to ATRP.
- New rule language for Minn. R. ch. 7012.0600, Record Keeping to add language around requirements to keep records, additional records for conditionally insignificant activities, calculating conditionally insignificant activities air toxics emissions, environmental justice area status, inventory of emission points, and facility inspections.
- New language for Minn. R. ch. 7012.0650, Ambient air monitoring requirements to add the applicability of completing ambient air monitoring, contents of an air monitoring plan, air monitoring plan approval, and submitting information on air monitoring eligibility.

Statutory Authority. *Minnesota Statutes*, section 116.07, subdivision 4 authorizes the MPCA to adopt rules for the prevention, abatement, or control of air pollution. *Minnesota Laws, 2023*, H.F. No. 2310, Chapter 60, article 8, section 5, Air Toxics Emissions; Rulemaking, authorizes the MPCA to adopt rules to implement and govern regulation of facilities that emit air toxics.

Publication of Proposed Rules. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. The proposed rules may be viewed at: <https://www.pca.state.mn.us/get-engaged/air-toxics-regulations>.

Statement of Need and Reasonableness. The statement of need and reasonableness (SONAR) contains a summary of the justification for the proposed rules, a description of who will be affected by the proposed rules, and an estimate of the probable cost of the proposed rules. You may obtain copies for the cost of reproduction by contacting the agency contact person listed below. The SONAR may be viewed at: <https://www.pca.state.mn.us/get-engaged/air-toxics-regulations>.

Agency Contact Person. The agency contact person is Erica Backstrom at MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; telephone 218-302-6659, and erica.backstrom@state.mn.us. You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service. You may contact the agency contact person with questions about the rules.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The Administrative Law Judge will accept your views orally at the hearing or in writing at any time before the close of the hearing record.

Submit written comments to the Administrative Law Judge via the [Court of Administrative Hearings Rulemaking eComments website \(https://mn.gov/oah/forms-and-filing/ecomments/\)](https://mn.gov/oah/forms-and-filing/ecomments/). All

evidence that you present should relate to the proposed rules. If the proposed rules affect you in any way, the agency encourages you to participate.

You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days.

After the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period.

The Court of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge via the Court of Administrative Hearings Rulemaking e-comments website at [Court of Administrative Hearings Rulemaking eComments website \(https://mn.gov/oah/forms-and-filing/ecomments/\)](https://mn.gov/oah/forms-and-filing/ecomments/) no later than 4:30 p.m. on the due date. If using the eComments website is not possible, you may submit post-hearing comments in person or via United States mail addressed to Judge Mortenson at the address listed above.

All comments or responses received are public data and will be available for review on the eComments website and on the Agency's website at <https://www.pca.state.mn.us/get-engaged/air-toxics-regulations>.

Hearing Procedure. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Court of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the Administrative Law Judge through William Moore, the CAH Rules Coordinator listed above.

Modifications. The agency may modify the proposed rules either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted during the public comment and rule hearing process. The adopted rules may not be substantially different than these proposed rules unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the *State Register*, the agency will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*.

Adoption Procedure after the Hearing. After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State, or register with the agency to receive notice of future rule proceedings by requesting this at the hearing or by writing to the agency contact person stated above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Katrina Kessler

Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

April 30, 2026

Date

[Date and signature are required on the Notice. CAH Rules, part 1400.2080, subpart 2, item 1.]