

# 39347 Minnesota Pollution Control Agency Notice of Hearing on Air Toxics Regulations Rule

Closed Jul 17, 2026 · Discussion · 16 Participants · 1 Topics · 40 Answers · 8 Replies · 11 Votes

16

PARTICIPANTS

1

TOPICS

40

ANSWERS

8

REPLIES

11

VOTES

## SUMMARY OF TOPICS

### SUBMIT A COMMENT

 40 Answers · 8 Replies

Important: All comments will be made available to the public. Please only submit information that you wish to make available publicly. The Court of Administrative Hearings does not edit or delete submissions that include personal information. We reserve the right to remove any comments we deem offensive, intimidating, belligerent, harassing, or bullying, or that contain any other inappropriate or aggressive behavior without prior notification.

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**Ted Millen** · Citizen · (Postal Code: unknown) · Jun 03, 2026 4:43 pm

 0 Votes

I support the Minnesota Pollution Control Agency's efforts to establish a clear and science-based framework for regulating air toxics. The proposed Chapter 7012 rules appear to provide a more consistent approach to emissions monitoring, reporting, testing, and permitting oversight, particularly in areas where residents may face disproportionate exposure risks. The use of health benchmarks, risk-based thresholds, and enhanced compliance requirements has the potential to improve transparency and public confidence in the state's air quality program.

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**Paul Bakken** · Citizen · (Postal Code: unknown) · Jun 30, 2026 6:19 pm

 0 Votes

The proposed section "7012.0300 AIR TOXICS SCREENING THRESHOLD VALUES; INCORPORATION BY REFERENCE" states that the STRATA electronic spreadsheet 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>." Upon checking the website, however, it does not appear to be among the listed and accessible resources. Please make this resource available to the public for inspection and review.

### Response:

**Maggie Wenger** · Citizen · (Postal Code: unknown) · Jul 07, 2026 2:04 pm

Thank you for your comment. The STRATA spreadsheet is available to the public now as SONAR Exhibit 4 above. If this rule is approved, the STRATA will be added to the MPCA's Incorporations by Reference webpage once adopted. -Maggie Wenger, MPCA

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**Paul Bakken** · Citizen · (Postal Code: unknown) · Jun 30, 2026 7:00 pm

👍 0 Votes

In proposed section 7012.0560, Subp. 3. "Acceptable risk levels," the draft language states in pertinent part that "The owner or operator of an air toxics facility must not cause or allow the facility-wide air toxics emissions to result in a predicted maximum ambient impact that exceeds the acceptable risk levels in this subpart. The owner or operator must use the following risk levels in air emissions risk analyses: A. cancer risk of 1 in 100,000;..."

How does the MPCA account for the deposition of heavy metals such as lead in a neighborhood surrounding an air toxics facility that has occurred cumulatively over 50+ years of emissions and for which there is a demonstrated increase in cancer risk to the residents at or in excess of 1 in 100,000? Do these standards only apply to a three-month rolling average monitoring window, or do they take into account the effects of decades of deposition and exposure? Is this accounted for in 7012.0055, Subp. 38. Urban gardener cancer multipathway risk?

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**Paul Bakken** · Citizen · (Postal Code: unknown) · Jun 30, 2026 7:20 pm

👍 1 Votes

In proposed section 7012.0170 "ADDITIONAL SCREENING THRESHOLD ANALYSIS," Subp. D(2) there is a reference to a "cumulative impacts analysis." Are cumulative impact analyses only performed for the benefit of those living in environmental justice areas, or can other neighborhoods with a demonstrated long-term exposure (50+ years) to the accumulated deposition of heavy metal air toxics such as lead also benefit from this level of protection?

## Response:

**Rebecca Lee** · Citizen · (Postal Code: unknown) · Jul 17, 2026 12:06 pm

Agree. I live within the buffer zone of an EJ area as well as within a mile of a lead and other toxins emitter yet the 2 areas do not intersect. The lead emitter is literally 1/4 mile from being included in an EJ area. Why should Cumulative Impacts be tied to an EJ area when there have been repeated violations by this facility?

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**Helen Lockwood** · Citizen · (Postal Code: unknown) · Jul 16, 2026 11:27 am

👍 1 Votes

1. Reliance on facility self-reporting

7012.0100 (Air Toxics Emissions Inventory); 7012.0600 (Record Keeping); 7012.0550 (Reporting)

The rule requires facilities to calculate emissions, maintain records, and submit inventories. The SONAR repeatedly describes facility-generated emissions estimates as the basis for screening and risk determinations.

improvement: Independent verification of emissions inventories for facilities with significant toxic emissions or a history of violations

2. It Lacks universal independent third-party audit requirement

7012.0600 (Record Keeping); 7012.0650 (Ambient Air Monitoring Requirements)

The SONAR discusses MPCA audits and inspections but does not appear to require

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independent third-party verification of emissions inventories, modeling, or records. MPCA audits are discretionary rather than automatic.

improvement: Periodic third-party audits funded by the facility but selected or overseen by MPCA

## 3. Limited continuous monitoring

7012.0650 (Ambient Air Monitoring Requirements)

Monitoring is treated as one compliance option rather than a universal requirement. The SONAR discusses resource constraints and limitations of monitoring programs.

improvement:

More continuous emissions monitoring where technically feasible.

Expanded fence-line monitoring.

Independent community monitoring networks.

## 4. Modeling depends on assumptions

7012.0200 (Air Toxics Screening Evaluation); 7012.0250 (Compliance Determination Protocol - CDP); 7012.0300 (Air Emissions Risk Analysis - AERA)

These sections rely on emissions estimates and dispersion modeling to determine whether risk thresholds are exceeded. If assumptions are inaccurate, risk estimates may be affected.

improvement: Stronger public disclosure of modeling assumptions and independent technical review for high-risk facilities.

There should be language to update the model when modeling assumptions change or are deemed no longer as relevant due to new facts collected on surrounding neighborhood toxins impacts.

## 5. Limited inspection resources

7012.0600 (Record Keeping); 7012.0650 (Ambient Air Monitoring Requirements); Session Law implementation provisions

The SONAR acknowledges MPCA resource limitations for reviewing plans, auditing equipment, and monitoring compliance.

improvement: Have Risk-based inspection schedules with mandatory minimum inspection frequencies and dedicated funding for enforcement. Could be random unannounced inspections to gain more trust and integrity in facility inspection results

## 6. Potential underestimation of fugitive emissions

7012.0100 (Air Toxics Emissions Inventory); 7012.0200 (Screening Evaluation); 7012.0300 (AERA)

Fugitive emissions must be estimated and included in inventories and modeling. The SONAR does not appear to require direct measurement of all fugitive sources.

improvement: More direct measurement requirements for fugitive emissions and validation against ambient monitoring.

## 7. Limited community verification and transparency

7012.0400 (Air Toxics Reduction Plan - ATRP); 7012.0550 (Reporting); 7012.0500 (Public Notification)

Public notification is required under certain circumstances, but there does not appear to be a requirement for publication of all modeling inputs, raw emissions calculations, or independent technical review.

There may be opportunities to strengthen:

public access to emissions data,

publication of modeling inputs,

publication of inspection results,

publication of enforcement actions.

Greater transparency can allow independent experts and community members to identify potential issues

## 8. Triggering mechanisms and response timing

7012.0400 (ATRP); 7012.0450 (Alternative to ATRP); 7012.0500 (Public Notification)

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These sections govern what happens after elevated risks are identified, including reduction plans and notifications. Questions remain about how rapidly action must occur and what interim protections are required.

Improvement:

Address How quickly must facilities report anomalies?

Address When is additional testing mandatory?

Address When must nearby residents be notified?

Address What constitutes sufficient evidence to require operational changes?

## Response:

**Rebecca Lee** · Citizen · (Postal Code: unknown) · Jul 17, 2026 4:32 pm

Point #8 If a facility says they promptly fixed a problem, Lead emissions for instance is governed by a 3 month rolling average. A facility can continue to operate under malfunctioning equipment for quite a long continuous period before that 3 month rolling average triggers. What boggles the mind is that they allowed it to continue for so long that they brought a notification upon themselves. This is obviously NOT acceptable to any neighboring public be it households, schools or companies. Within a week of exceedance, the facility should know there is a problem from their own monitoring systems and be required to shutdown, troubleshoot and fix the problem. 3 months later is NOT rapidly fixing a problem.

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**Helen Lockwood** · Citizen · (Postal Code: unknown) · Jul 16, 2026 11:29 am

👍 1 Votes

n proposed section 7012.0170 "ADDITIONAL SCREENING THRESHOLD ANALYSIS," Subp. D(2) there is a reference to a "cumulative impacts analysis." Are cumulative impact analyses only performed for the benefit of those living in environmental justice areas or that 1 mile buffer area? We'd prefer this to change to include a wider buffer to include neighborhoods with a demonstrated long-term exposure (50+ years) to the accumulated deposition of heavy metal air toxics such as lead also benefit from this level of protection.

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**Tracy Whitney** · Citizen · (Postal Code: unknown) · Jul 16, 2026 12:47 pm

👍 0 Votes

Conservation Minnesota submits this letter and petition on behalf of 610 of our members across Minnesota who support the MPCA's effort to strengthen air toxics rules. Many air pollutants currently found in Minnesota communities remain unregulated at both the state and federal level, despite the serious health risks they pose. Our members — representing communities from Minneapolis and Saint Paul to Duluth, Rochester, Bemidji, and dozens of towns across the state — signed on to the following statement:

"I support the MPCA implementing rules that improve the air quality for all communities in Minnesota."

We urge the agency to adopt rules that prioritize protecting Minnesotans from dangerous air pollution. The full letter and list of signers is attached.

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**Mark Kreidler** · Citizen · (Postal Code: unknown) · Jul 16, 2026 2:25 pm

👍 0 Votes

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## COMMENT 1 — Screening Threshold Values (STRATA)

Rule Citation: Minnesota Rules, part 7012.0300, subpart 1, states that the electronic spreadsheet Screening Threshold for Regulated Air Toxics Analysis (STRATA) is incorporated by reference.

Concern: STRATA uses dispersion values averaged across seven counties rather than facility-specific dispersion modeling. This averaging may under-represent localized meteorological, terrain, and building-downwash conditions that significantly influence ground-level concentrations of hazardous air pollutants. As a result, screening threshold values may not be sufficiently protective for communities located near high-emitting facilities.

Requested Change: The rule should require facility-specific dispersion modeling for screening threshold determinations at any facility with significant emissions of hazardous air pollutants. STRATA may remain a default tool, but facilities should be required to submit site-specific AERMOD modeling when emissions exceed a substantial portion of any screening threshold value or when the facility is located near residential areas or sensitive receptors. This modification ensures screening thresholds reflect real-world dispersion conditions rather than regional averages.

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**Mark Kreidler** · Citizen · (Postal Code: unknown) · Jul 16, 2026 2:26 pm

 0 Votes

## COMMENT 2 — Additional Screening Threshold Analysis

Rule Citation: Minnesota Rules, part 7012.0170, requires an owner or operator to conduct an additional screening threshold analysis under certain conditions.

Concern: The triggers for additional screening threshold analyses are broad but incomplete. The rule does not require re-analysis when toxicity values are updated, when ambient monitoring detects elevated concentrations, or when cumulative impacts change. Without these triggers, screening analyses may become outdated and fail to reflect current scientific understanding or real-world conditions.

Requested Change: The rule should include mandatory triggers requiring additional screening threshold analysis when toxicity values such as inhalation unit risks or reference concentrations are updated by federal or state agencies, when ambient monitoring detects elevated concentrations of any air toxic, when cumulative impacts change due to new nearby emission sources, or when environmental justice area status changes under Minnesota law. These additions ensure screening analyses remain current and protective.

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**Mark Kreidler** · Citizen · (Postal Code: unknown) · Jul 16, 2026 2:28 pm

 0 Votes

## COMMENT 3 — Compliance Determination Protocol (CDP)

Rule Citation: Minnesota Rules, part 7012.0450, describes the compliance determination protocol used to reduce and maintain actual emissions at or below screening threshold values.

Concern: The CDP does not require continuous emissions monitoring, fence-line

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monitoring, or public disclosure of compliance data. Facilities exceeding screening thresholds should be subject to enhanced verification to ensure emissions reductions are real, sustained, and transparent.

Requested Change: The rule should require CDPs to include continuous emissions monitoring for metals and other hazardous air pollutants where technically feasible, fence-line monitoring for pollutants with significant health impacts, and public disclosure of CDP compliance data including deviations and corrective actions. These requirements strengthen accountability and ensure communities receive timely information.

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**Mark Kreidler** · Citizen · (Postal Code: unknown) · Jul 16, 2026 2:29 pm

 1 Votes

COMMENT 4 — Air Emissions Risk Analysis (AERA)

Rule Citation: Minnesota Rules, parts 7012.0550 through 7012.0565, describe the air emissions risk analysis used to estimate potential human health risks.

Concern: AERA relies primarily on modeled concentrations and does not require ambient air measurements, sensitive receptor analysis, or cumulative impact evaluation. Modeled concentrations alone may not fully capture real-world exposure patterns, especially near residential areas or sensitive populations.

Requested Change: The rule should require AERA to include ambient air monitoring data where available, sensitive receptor analysis including residential areas and schools, and cumulative impact assessment incorporating multiple pollutants and multiple nearby sources. These additions ensure AERA reflects actual exposure conditions and modern public health standards.

### Response:

**Rebecca Lee** · Citizen · (Postal Code: unknown) · Jul 17, 2026 12:26 pm

Agree. In our close working with the MPCA for a year, I have not seen any confirmation of air models yet they clearly pointed to an area of maxima lead concentration for early 2025 violations when they don't even have a monitor facing that direction.

Hoping that the mobile monitor can properly assess different wind directions from the stack but evaluations need to be longer and at different distances from the stack at different times of year when wind patterns change. One monitor alone is not sufficient to protect the health of the nearby neighbors. There is an elementary school, day care, and soccer fields all within a 1 mi radius as well as many neighborhoods built in the 90's around this facility. Appropriate consequences to repeat violators can be the purchase of additional monitoring equipment and manpower with immediate notification to neighborhoods.

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**Mark Kreidler** · Citizen · (Postal Code: unknown) · Jul 16, 2026 2:29 pm

 0 Votes

COMMENT 5 — Acceptable Risk Levels

Rule Citation: Minnesota Rules, part 7012.0055, subpart 2, defines acceptable risk level as the level likely to pose little or no risk to human health.

Concern: The rule does not specify numerical acceptable risk levels. Without explicit

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values, implementation may be inconsistent, and facilities may interpret acceptable risk differently. Many states use a one-in-one-million cancer risk as the benchmark for negligible risk, particularly in densely populated or sensitive areas.

Requested Change: The rule should specify numerical acceptable risk levels directly in rule text. Cancer risk should be set at one in one million. The non-cancer hazard index should be set at or below one for all pollutants. The acute hazard quotient should be set at or below one for all pollutants. Clear numerical standards ensure consistent application and stronger public health protection.

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**Mark Kreidler** · Citizen · (Postal Code: unknown) · Jul 16, 2026 2:30 pm

 1 Votes

### COMMENT 6 — Notification to Residents

Rule Citation: Minnesota Rules, part 7012.0568, requires owners or operators to provide notice to potentially impacted residents when unacceptable risk levels are exceeded.

Concern: Notification is only required after unacceptable risk levels are found. Communities should be informed earlier in the process, including when screening thresholds are exceeded or when an air emissions risk analysis is initiated. Additionally, the rule does not require plain-language summaries, public meetings, or translation services.

Requested Change: The rule should require notification to residents when screening thresholds are exceeded, when an air emissions risk analysis is initiated, or when ambient monitoring detects elevated concentrations. Notification should include plain-language summaries, public meetings, and translation services where appropriate. Early and accessible communication strengthens community trust and engagement.

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**Mark Kreidler** · Citizen · (Postal Code: unknown) · Jul 16, 2026 2:31 pm

 1 Votes

### COMMENT 7 — Ambient Air Monitoring

Rule Citation: Minnesota Rules, part 7012.0650, describes requirements for ambient air monitoring.

Concern: Ambient monitoring is discretionary and may not be required even for facilities with significant emissions. The rule does not specify required pollutants, monitoring duration, or minimum number of monitors.

Requested Change: The rule should require ambient monitoring for facilities emitting hazardous air pollutants above screening thresholds. Monitoring should include metals such as arsenic, cadmium, chromium VI, and lead compounds, as well as polycyclic aromatic hydrocarbons, volatile organic compounds, and acid gases. The rule should specify minimum monitoring duration and require monitors to be placed at locations representing maximum public exposure.

### Response:

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**Rebecca Lee** · Citizen · (Postal Code: unknown) · Jul 17, 2026 4:06 pm  
Agree! Maximum public exposure areas should be clearly identified and confirmed. Facilities emitting the most hazardous substances should be required to cover financially for monitors and ideally 3 for each one. Distance from smokestack should be based on best practices and consider stack height.

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**Mark Kreidler** · Citizen · (Postal Code: unknown) · Jul 16, 2026 2:32 pm  
👍 1 Votes

### COMMENT 8 — Recordkeeping and Public Access

Rule Citation: Minnesota Rules, part 7012.0600, requires owners or operators to keep records including environmental justice area status, inventory of emission points, and facility inspections.

Concern: Recordkeeping requirements do not require public access to air toxics records. Transparency is essential for community trust and informed public participation.

Requested Change: The rule should require facilities to make all air toxics records publicly accessible, including emissions data, screening threshold analyses, air emissions risk analysis results, ambient monitoring data, compliance determination protocols, air toxics reduction plans, and deviation reports. Public access ensures accountability and supports informed community engagement.

### Response:

**Rebecca Lee** · Citizen · (Postal Code: unknown) · Jul 17, 2026 4:08 pm  
Very much agree there should be transparency of data to the public

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**Todd Biewen** · Citizen · (Postal Code: unknown) · Jul 16, 2026 9:20 pm  
👍 1 Votes

I am writing in support of new Air Toxics Regulatory Rules within the Twin Cities 7 county metro area. After reviewing the draft rule and statement of need and reasonableness, these observations summarize my support for this important expansion of Minnesota's regulation of harmful air toxics:

- 1) MPCA has statutory authority for environmental regulation in Minnesota.
- 2) The Minnesota Legislature has directed the MPCA to complete this rulemaking.
- 3) Federal treatment of air toxics regulation is lacking site specific review within communities.
- 4) Legislative direction was given to MPCA because it recognizes Minnesota's air quality program is deficient.
- 5) Without an air toxics regulatory rule, air toxics are not adequately controlled in many communities, putting the public and environmental health at risk.
- 6) Air toxics pose the greatest risk in communities where population density is greatest, where other sources of pollution, such as roadways, contribute additional pollution, and where Environmental Justice communities reside.
- 7) The rules as drafted are reasonable.
- 8) The MPCA has looked extensively at air toxics regulations in other states and local jurisdictions, and has incorporated proven ideas from these other states into these draft rules.

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9) The rulemaking process has included thorough and careful engagement with all partners, with the public, community groups, businesses, and facility owners.  
10) The rules as drafted will present new burdens for regulated parties, but the draft rule does a good job of reducing burden by tying new requirements to existing features of the air quality program that are already familiar to Minnesota businesses. These existing features include air toxics reporting processes, AERA, MNRisks, permitting processes, recordkeeping requirements, air monitoring, and community involvement practices.  
11) Finally, Minnesota needs the protections these new rules will bring. Site specific review of air toxics within our neighborhoods is overdue and is precisely why MPCA was directed to prepare these new requirements.

### Response:

**Rebecca Lee** · Citizen · (Postal Code: unknown) · Jul 17, 2026 4:21 pm  
Point #10 MNRisk data is a voluntary action that is done not because there is some governing law. Our data hasn't been updated since 2017. Normally it is updated every 3 yrs. Would like to see it as a requirement not a nice to have tool

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**Dave Satre** · Citizen · (Postal Code: unknown) · Jul 16, 2026 11:43 pm

 1 Votes

Rule Citation: Minnesota Rules, part 7012.0300, subpart 1, incorporates by reference the electronic spreadsheet Screening Threshold for Regulated Air Toxics Analysis (STRATA).

Concern: STRATA relies on dispersion values that are averaged across seven counties instead of dispersion modeling tailored to individual facilities. This kind of averaging risks obscuring local meteorological patterns, terrain features, and building-downwash effects that can substantially shape ground-level concentrations of hazardous air pollutants. Consequently, the resulting screening threshold values may fail to adequately protect communities situated near facilities with high emissions.

Requested Change: The rule should mandate facility-specific dispersion modeling when determining screening thresholds for any facility emitting significant amounts of hazardous air pollutants. STRATA could continue to serve as the default tool, but facilities should be obligated to submit site-specific AERMOD modeling whenever emissions approach a substantial fraction of any screening threshold value, or when the facility sits near residential neighborhoods or other sensitive receptors. This change would ensure that screening thresholds capture actual dispersion conditions on the ground rather than relying on regional averages.

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**Dave Satre** · Citizen · (Postal Code: unknown) · Jul 16, 2026 11:45 pm

 0 Votes

Rule Citation: Minnesota Rules, part 7012.0170, requires an owner or operator to perform an additional screening threshold analysis under certain conditions.

Concern: While the existing triggers for additional screening threshold analyses cover considerable ground, they leave gaps. The rule does not call for re-analysis when toxicity values are revised, when ambient monitoring reveals elevated pollutant concentrations, or when cumulative impacts shift. Absent these triggers, screening analyses risk growing

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stale and no longer reflecting up-to-date science or actual field conditions.

Requested Change: The rule should establish mandatory triggers for additional screening threshold analysis in the following circumstances: when federal or state agencies update toxicity values such as inhalation unit risks or reference concentrations; when ambient monitoring detects elevated concentrations of any air toxic; when cumulative impacts change because of new nearby emission sources; or when a location's environmental justice area status changes under Minnesota law. These additions would help keep screening analyses current and adequately protective.

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**Dave Satre** · Citizen · (Postal Code: unknown) · Jul 16, 2026 11:48 pm

 0 Votes

Rule Citation: Minnesota Rules, part 7012.0450, sets out the compliance determination protocol used to reduce and maintain actual emissions at or below screening threshold values.

Concern: The CDP currently lacks requirements for continuous emissions monitoring, fence-line monitoring, or public disclosure of compliance data. Facilities that exceed screening thresholds should face enhanced verification measures to confirm that emissions reductions are genuine, lasting, and transparent.

Requested Change: The rule should require CDPs to incorporate continuous emissions monitoring for metals and other hazardous air pollutants wherever technically feasible, fence-line monitoring for pollutants that pose significant health impacts, and public disclosure of CDP compliance data—including deviations and corrective actions. These requirements would bolster accountability and ensure communities have access to timely information.

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**Dave Satre** · Citizen · (Postal Code: unknown) · Jul 16, 2026 11:50 pm

 0 Votes

Rule Citation: Minnesota Rules, parts 7012.0550 through 7012.0565, set out the air emissions risk analysis used to estimate potential human health risks.

Concern: AERA depends chiefly on modeled concentrations and does not call for ambient air measurements, analysis of sensitive receptors, or evaluation of cumulative impacts. Relying on modeled concentrations alone may not fully capture real-world exposure patterns, particularly near residential areas or vulnerable populations.

Requested Change: The rule should require AERA to incorporate ambient air monitoring data where it exists, sensitive receptor analysis covering residential areas and schools, and cumulative impact assessment that accounts for multiple pollutants and multiple nearby sources. These additions would ensure AERA captures actual exposure conditions and aligns with modern public health standards.

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**Dave Satre** · Citizen · (Postal Code: unknown) · Jul 16, 2026 11:51 pm

 0 Votes

Rule Citation: Minnesota Rules, part 7012.0055, subpart 2, defines acceptable risk level

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as the level likely to pose little or no risk to human health.

Concern: The rule stops short of specifying numerical acceptable risk levels. Without explicit values, implementation may vary, and facilities may interpret what counts as acceptable risk differently from one another. Many states rely on a one-in-one-million cancer risk benchmark to define negligible risk, especially in densely populated or sensitive areas.

Requested Change: The rule should establish numerical acceptable risk levels directly within the rule text. Cancer risk should be capped at one in one million. The non-cancer hazard index should be held at or below one for all pollutants. The acute hazard quotient should likewise be held at or below one for all pollutants. Clear numerical standards would promote consistent application and stronger protection of public health.

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**Dave Satre** · Citizen · (Postal Code: unknown) · Jul 16, 2026 11:54 pm

 0 Votes

Rule Citation: Minnesota Rules, part 7012.0568, requires owners or operators to notify potentially impacted residents when unacceptable risk levels are exceeded.

Concern: Under the current rule, notification only kicks in after unacceptable risk levels have already been identified. Communities should instead be informed earlier in the process—including when screening thresholds are exceeded or when an air emissions risk analysis gets underway. The rule also falls short by not requiring plain-language summaries, public meetings, or translation services.

Requested Change: The rule should require resident notification when screening thresholds are exceeded, when an air emissions risk analysis is initiated, or when ambient monitoring detects elevated concentrations. Such notification should include plain-language summaries, public meetings, and translation services where appropriate. Communicating earlier and more accessibly would strengthen community trust and engagement.

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**Dave Satre** · Citizen · (Postal Code: unknown) · Jul 16, 2026 11:56 pm

 0 Votes

Rule Citation: Minnesota Rules, part 7012.0650, sets out requirements for ambient air monitoring.

Concern: As written, ambient monitoring is discretionary and may not be required even for facilities with substantial emissions. The rule does not identify which pollutants must be monitored, how long monitoring should last, or the minimum number of monitors needed.

Requested Change: The rule should mandate ambient monitoring for facilities emitting hazardous air pollutants above screening thresholds. Required pollutants should include metals such as arsenic, cadmium, chromium VI, and lead compounds, along with polycyclic aromatic hydrocarbons, volatile organic compounds, and acid gases. The rule should also specify a minimum monitoring duration and require that monitors be sited at locations reflecting maximum public exposure.

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**Dave Satre** · Citizen · (Postal Code: unknown) · Jul 16, 2026 11:57 pm

👍 0 Votes

Rule Citation: Minnesota Rules, part 7012.0600, requires owners or operators to maintain records including environmental justice area status, an inventory of emission points, and facility inspections.

Concern: The recordkeeping requirements do not extend to public access for air toxics records. Transparency is essential to building community trust and enabling meaningful public participation.

Requested Change: The rule should require facilities to make all air toxics records publicly accessible, including emissions data, screening threshold analyses, air emissions risk analysis results, ambient monitoring data, compliance determination protocols, air toxics reduction plans, and deviation reports. Making these records publicly available would ensure accountability and support informed community engagement.

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**Andrew Morley** · Citizen · (Postal Code: unknown) · Jul 17, 2026 8:05 am

👍 0 Votes

Please find the attached comment from the Minnesota Chamber of Commerce.

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**Megan Aranguren** · Citizen · (Postal Code: unknown) · Jul 17, 2026 9:52 am

👍 1 Votes

7012.0500 (Public Notification), Concern: Public notification is required under certain circumstances, but there does not appear to be a requirement for publication of all modeling inputs, raw emissions calculations, or independent technical review. Suggestion: Opportunities are there to strengthen public access to data, publication of inspection results and publication of enforcement actions.

## Response:

**Rebecca Lee** · Citizen · (Postal Code: unknown) · Jul 17, 2026 4:23 pm

So Agree!!

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**Megan Aranguren** · Citizen · (Postal Code: unknown) · Jul 17, 2026 9:55 am

👍 0 Votes

Rule: 7012.0650 (Ambient Air Monitoring Requirements)

Concern: The SONAR discusses MPCA audits and inspections but does not appear to require independent third-party verification of emissions inventories, modeling, or records. MPCA audits are discretionary rather than automatic.

Suggestion: Periodic third-party audits funded by the facility but selected or overseen by MPCA

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**Jenni Lansing** · Citizen · (Postal Code: unknown) · Jul 17, 2026 12:18 pm

👍 0 Votes

Please see the attached comments on behalf of the Minneapolis Health Department.

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**Colin Wicker** · Citizen · (Postal Code: unknown) · Jul 17, 2026 2:02 pm

👍 0 Votes

Please find the attached comment from Delta Air Lines, Inc.

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**Mike Karbo** · Citizen · (Postal Code: unknown) · Jul 17, 2026 2:47 pm

👍 0 Votes

Please find the attached comments from the American Petroleum Institute.

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**Linnea Weum** · Citizen · (Postal Code: unknown) · Jul 17, 2026 2:49 pm

👍 0 Votes

Please find the attached comments on behalf of the University of Minnesota.

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**Chris Freeman** · Citizen · (Postal Code: unknown) · Jul 17, 2026 4:16 pm

👍 0 Votes

Please accept the attached comment letter on behalf of Cordia Energy Center Minneapolis.

**We are looking to strengthen this new ruling with the following some constructive comments to include:**

- Certain high-risk facilities should be required to have **independent third-party verification** of emissions inventories
- **Continuous emissions monitoring** should be required for certain pollutants or processes where technically feasible.
- There should be **unannounced inspections and stack testing**.
- There should be stronger **public disclosure and independent review** of modeling assumptions and source data. There should be language to update the model when modeling assumptions change or are deemed no longer as relevant due to new facts collected on surrounding neighborhood toxins impacts.
- Facilities with repeated violations should face **more frequent audits and inspections** than facilities with strong compliance records. ~ 10 years is way too long

These comments could strengthen confidence in reported emissions without assuming wrongdoing by any particular facility.

**When *submitting* comments on this ruling - one must reference the “Rule” Section part/subpart as shown in the middle column on this table -**

| Topic Gap to Address                                            | INCLUDE the Relevant Rule Section(s)                                                                | Why It Relates                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Reliance on facility self-reporting                          | 7012.0100 (Air Toxics Emissions Inventory);<br>7012.0600 (Record Keeping);<br>7012.0550 (Reporting) | The rule requires facilities to calculate emissions, maintain records, and submit inventories. The SONAR repeatedly describes facility-generated emissions estimates as the basis for screening and risk determinations.<br><br><b>improvement:</b> Independent verification of emissions inventories for facilities with significant toxic emissions or a history of violations |
| 2. It Lacks universal independent third-party audit requirement | 7012.0600 (Record Keeping);<br>7012.0650 (Ambient Air Monitoring Requirements)                      | The SONAR discusses MPCA audits and inspections but does not appear to require independent third-party verification of emissions inventories, modeling, or records. MPCA audits are discretionary rather than automatic.                                                                                                                                                         |

|                                    |                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                    |                                                                                                                                                  | <p><b>improvement:</b> Periodic third-party audits funded by the facility but selected or overseen by MPCA</p>                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 3. Limited continuous monitoring   | 7012.0650 (Ambient Air Monitoring Requirements)                                                                                                  | <p>Monitoring is treated as one compliance <u>option</u> rather than a universal requirement. The SONAR discusses resource constraints and limitations of monitoring programs.</p> <p><b>improvement:</b></p> <ul style="list-style-type: none"> <li>• More continuous emissions monitoring where technically feasible.</li> <li>• Expanded fence-line monitoring.</li> <li>• Independent community monitoring networks.</li> </ul>                                                                                                  |
| 4. Modeling depends on assumptions | 7012.0200 (Air Toxics Screening Evaluation); 7012.0250 (Compliance Determination Protocol - CDP); 7012.0300 (Air Emissions Risk Analysis - AERA) | <p>These sections rely on emissions estimates and dispersion modeling to determine whether risk thresholds are exceeded. If assumptions are inaccurate, risk estimates may be affected.</p> <p><b>improvement:</b> Stronger public disclosure of modeling assumptions and independent technical review for high-risk facilities.</p> <p>There should be language to update the model when modeling assumptions change or are deemed no longer as relevant due to new facts collected on surrounding neighborhood toxins impacts.</p> |
| 5. Limited inspection resources    | 7012.0600 (Record Keeping); 7012.0650 (Ambient Air Monitoring Requirements); Session Law implementation provisions                               | <p>The SONAR acknowledges MPCA resource limitations for reviewing plans, auditing equipment, and monitoring compliance.</p> <p><b>improvement:</b> Have Risk-based inspection schedules with mandatory</p>                                                                                                                                                                                                                                                                                                                           |

|                                                                  |                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                  |                                                                                                                    | <p>minimum inspection frequencies and dedicated funding for enforcement. Could be random unannounced inspections to gain more trust and integrity in facility inspection results</p>                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>6. Potential underestimation of fugitive emissions</b></p> | <p><b>7012.0100 (Air Toxics Emissions Inventory); 7012.0200 (Screening Evaluation); 7012.0300 (AERA)</b></p>       | <p>Fugitive emissions must be estimated and included in inventories and modeling. The SONAR does not appear to require direct measurement of all fugitive sources.</p> <p><b>improvement:</b> More direct measurement requirements for fugitive emissions and validation against ambient monitoring.</p>                                                                                                                                                                                                                                                                                                          |
| <p><b>7. Limited community verification and transparency</b></p> | <p><b>7012.0400 (Air Toxics Reduction Plan - ATRP); 7012.0550 (Reporting); 7012.0500 (Public Notification)</b></p> | <p>Public notification is required under certain circumstances, but there does not appear to be a requirement for publication of all modeling inputs, raw emissions calculations, or independent technical review.</p> <p>There may be opportunities to strengthen:</p> <ul style="list-style-type: none"> <li>• public access to emissions data,</li> <li>• publication of modeling inputs,</li> <li>• publication of inspection results,</li> <li>• publication of enforcement actions.</li> </ul> <p>Greater transparency can allow independent experts and community members to identify potential issues</p> |

|                                                            |                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>8. Triggering mechanisms and response timing</b></p> | <p><b>7012.0400 (ATRP); 7012.0450 (Alternative to ATRP); 7012.0500 (Public Notification)</b></p> | <p>These sections govern what happens after elevated risks are identified, including reduction plans and notifications. Questions remain about how rapidly action must occur and what interim protections are required.</p> <p><b>Improvement:</b></p> <ul style="list-style-type: none"> <li>• Address How quickly must facilities report anomalies?</li> <li>• Address When is additional testing mandatory?</li> <li>• Address When must nearby residents be notified?</li> <li>• Address What constitutes sufficient evidence to require operational changes?</li> </ul> |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

July 16, 2026



**CONSERVATION  
MINNESOTA**

Minnesota Pollution Control Agency  
520 Lafayette Road N  
Saint Paul, MN 55155

Pollution Control Agency,

Today, many of the air pollutants found in Minnesota are unregulated at the state and federal level—and they can lead to serious health issues.

At Conservation Minnesota we work to protect Minnesotans and the places they love from pollution. As you consider new rules to better regulate industrial air pollution in the seven-county metro area, we encourage you to take action that prioritizes protecting Minnesotans from dangerous air pollution.

**We have collected 610 signatures from our members across the state who are concerned about air toxics in the Twin Cities metro area.**

Members have signed on with this statement:

**“I support the MPCA implementing rules that improve  
the air quality for all communities in Minnesota.”**

Thank you for your consideration,

Nels Paulsen  
Policy Director  
Conservation Minnesota

## Petition Signers

- |    |                                |    |                                 |
|----|--------------------------------|----|---------------------------------|
| 1  | Harmon Abrahamson, Minneapolis | 27 | Margaret Beegle, Tucson         |
| 2  | Daniel Abramson, Duluth        | 28 | Mary Bendzick, Barnum           |
| 3  | Brian Adams, White Bear Lake   | 29 | Heidi Benedict, Shakopee        |
| 4  | Chuck Addison, Minnetonka      | 30 | Eric Benson, Minneapolis        |
| 5  | Debra Ahlborg, Roseville       | 31 | Richard Bergslien, Excelsior    |
| 6  | Barbara Ahlstrom, Minneapolis  | 32 | Susan Beseke, Maplewood         |
| 7  | Anna Alba, Saint Paul          | 33 | Chris Betzler, Chaska           |
| 8  | Nikki Aliota, Roseville        | 34 | Shirley Bever, Shoreview        |
| 9  | Sally Allen, Minneapolis       | 35 | Lisa Bey, Stevens Point         |
| 10 | Doris Amundsen, Rochester      | 36 | James Bierwerth, Mound          |
| 11 | Scott Anderson, Owatonna       | 37 | Lyn Bissen, Caledonia           |
| 12 | Brian Anderson, Big Lake       | 38 | Julie Bjoraker, Dover           |
| 13 | Dale Anderson, Minneapolis     | 39 | Craig Blacklock, Moose Lake     |
| 14 | Susan Andrews, White Bear Lake | 40 | Grace Bocek, Minneapolis        |
| 15 | Cheryl Appeldorn, Minneapolis  | 41 | Loretta Boegeman, Prior Lake    |
| 16 | Sharon Bachman, Lindstrom      | 42 | Larry Bogolub, Ely              |
| 17 | Ryan Baka, Minneapolis         | 43 | Dr. Elizabeth Brack, Chanhassen |
| 18 | Dawn Baker, Minneapolis        | 44 | Neil Breiland, Minneapolis      |
| 19 | John Bankson, Duluth           | 45 | Linda Bridges, Athens           |
| 20 | David Barr, Minneapolis        | 46 | Susan Brink, Mahtomedi          |
| 21 | Cindy Bartl, South Saint Paul  | 47 | Kelsey Brodt, Coon Rapids       |
| 22 | Bob Bartlett, White Bear Lake  | 48 | Ashley Broeker, Two Harbors     |
| 23 | Harvey Bartz, Stillwater       | 49 | Char Brooker, Saint Paul        |
| 24 | Sharon Bassett, Lakeville      | 50 | Martha Brown, Faribault         |
| 25 | Susan Bauer, Saint Paul        | 51 | Jennifer Bruenger, Rochester    |
| 26 | Matthew Bauske, Blaine         |    |                                 |

## Petition Signers (continued)

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| 52 Patrick Brueske, Minneapolis    | 78 Susan Chandler, Edina            |
| 53 Lynn Buckley, Annandale         | 79 JI Charrier, Wayzata             |
| 54 Shonie Buenvenida, Stewartville | 80 Roger Cheyne, Bethel             |
| 55 Frank Bures, Winona             | 81 Joe Chovan, Saint Cloud          |
| 56 Laura Burlis, Minneapolis       | 82 Bob Christie, Saint Charles      |
| 57 Linda Burns, Minneapolis        | 83 Anne Clark, Minneapolis          |
| 58 Kay Cahill, Hampton             | 84 Gayle Cole, Saint Paul           |
| 59 Anna Camarata, Maitland         | 85 Jerome Comeau, Minneapolis       |
| 60 Noah Cameron, Minneapolis       | 86 Mary Conboy Gorfine, Rochester   |
| 61 Don Cappaert, Maple Grove       | 87 Patricia Cooper, Minneapolis     |
| 62 Richard Cardinal, Sauk Centre   | 88 Ava Corey-Gruenes, Mankato       |
| 63 Kara Carlson, Hopkins           | 89 Chris Corrigan, Saint Paul       |
| 64 Christopher Carlson, Minnetonka | 90 Larry Coulter, Champlin          |
| 65 Laura Carlson, Fridley          | 91 Christina Cowan, Saint Paul      |
| 66 Luna Carlson, Rochester         | 92 Kathryn Cox, Jordan              |
| 67 Alan Carlson, Stillwater        | 93 Susan Cox, Brooklyn Center       |
| 68 Mary Carlson Pap, Hugo          | 94 Andrew Cragun, Duluth            |
| 69 Anika Carlsted, Stillwater      | 95 Ruth Crane, Bloomington          |
| 70 Karen Carr, Minneapolis         | 96 Diane Crane, Saint Paul          |
| 71 Margaret Carter, Red Wing       | 97 Mary Creighton, Virginia         |
| 72 Neale Carter, Anoka             | 98 Ellie Crosby, Long Lake          |
| 73 Kathryn Carter, Minneapolis     | 99 Cleve Crowningshield, Northfield |
| 74 Dan Casar, Minneapolis          | 100 Dennis Cuchna, Grand Marais     |
| 75 Deborah Castaneda, Minneapolis  | 101 Rhenea Cupper, Apple Valley     |
| 76 Ruth Cesa, Plymouth             | 102 Karina Curbelo, Minneapolis     |
| 77 Peg Challgren, Apple Valley     | 103 John Curry, Minneapolis         |

## Petition Signers (continued)

|     |                                            |     |                                   |
|-----|--------------------------------------------|-----|-----------------------------------|
| 104 | Cathy Curtis, Buffalo                      | 129 | Margarite Dinndorf, Saint Cloud   |
| 105 | Sandra Daby, E Grand Forks                 | 130 | Jill Doerfler, Duluth             |
| 106 | Dawn Daehn, Rochester                      | 131 | Diane Droeger, Maplewood          |
| 107 | Elizabeth Dahl, Cook                       | 132 | Cathie Duncan, Saint Paul         |
| 108 | Austin Dailey, Dundas                      | 133 | Jennifer Eckes, Saint Paul        |
| 109 | Becky Dale, Saint Paul                     | 134 | Karen Eckman, Saint Paul          |
| 110 | Josh Dalki, Chanhassen                     | 135 | Chari Eckmann, Maple Grove        |
| 111 | Christina Dalki, Chanhassen                | 136 | Randee Edmundson, Maplewood       |
| 112 | Lona Dallessandro, Bloomington             | 137 | Andrea Egbert, Lakeville          |
| 113 | Jon Damon, Minneapolis                     | 138 | Lori Ekholm, Minneapolis          |
| 114 | Jonathan Datta, Winona                     | 139 | Roy Eliason, South Haven          |
| 115 | Laurie David, Woodbury                     | 140 | Lena Ellingson, Chaska            |
| 116 | Ann Davis, Minneapolis                     | 141 | Ryan Ellis, Minneapolis           |
| 117 | Roger Davis, New Ulm                       | 142 | Kirk Enzenauer, Brooklyn Park     |
| 118 | Patricia De Francis, Saint Paul            | 143 | Alan Epp, Minneapolis             |
| 119 | Gary Deason, Long Lake                     | 144 | James P Erickson, Saint Paul      |
| 120 | Ruth Delgehausen, West Saint Paul          | 145 | Julie Erickson, Winona            |
| 121 | Gino Delmont, Saint Joseph                 | 146 | Darcy Erickson, Fridley           |
| 122 | Annette Des Lauriers, Minneapolis          | 147 | Stephen Erickson, Lanesboro       |
| 123 | Soren Desjarlais, Dilworth                 | 148 | Kelley Erickson, Apple Valley     |
| 124 | Susan Dewey, Fergus Falls                  | 149 | John Evans, Stillwater            |
| 125 | Rose Deziel, Rochester                     | 150 | Randy Evans, Minneapolis          |
| 126 | Laura Dillon, Saint Paul                   | 151 | Don Evans, Laporte                |
| 127 | Sheila Dillon, Willmar                     | 152 | Jean I Evens, International Falls |
| 128 | Michelle Pettit De Dimayuga,<br>Saint Paul | 153 | Julia Farnham, Saint Paul         |

## Petition Signers (continued)

- |                                             |                                        |
|---------------------------------------------|----------------------------------------|
| 154 Mary Faulkner, Minneapolis              | 179 Debra Gerads-Brodie, Red Wing      |
| 155 Jeffrey Feldmeier, Minnetonka           | 180 Carol Gieseke, Duluth              |
| 156 Julie Fetch, Champlin                   | 181 Patricia Gilmore, Rochester        |
| 157 Rick Filibeck, Rogers                   | 182 Michelle Gobely, Saint Paul        |
| 158 Robert Fillmore, Bloomington            | 183 Samantha Godard, Columbia Heights  |
| 159 John Finazzo, Mound                     | 184 Jody Goldstein, Rochester          |
| 160 Anna Finke, Minneapolis                 | 185 Yazmin Gonzalez, Bellflower        |
| 161 John Firkus, Bloomington                | 186 Gretchen Goodman, Minneapolis      |
| 162 Paula Fischer, Minneapolis              | 187 River Gordon, Minneapolis          |
| 163 Lindy Fischer, Northfield               | 188 Alpa Goswami, Burnsville           |
| 164 Marnie Fischer, Saint Cloud             | 189 Steve Gray, Faribault              |
| 165 Richard Fish, Minneapolis               | 190 Barbara Green, Minneapolis         |
| 166 Mary Flatten, Mound                     | 191 Andrea Greer, Rochester            |
| 167 Sharon Fortunak, Saint Paul             | 192 Jan Gregerson, Minneapolis         |
| 168 Emily Fourniea, Saint Paul              | 193 Deb Guenthner, Rochester           |
| 169 Donald Frame, Rosemount                 | 194 Les Gunderson, Perham              |
| 170 Jim Frazee, Minnetonka                  | 195 Adam Haines, Andover               |
| 171 Audrey Frederickson, Plymouth           | 196 Peggy Halverson Kasak, Minneapolis |
| 172 Judy Fredrickson, Ely                   | 197 Verlaine Halvorsen, Minnetonka     |
| 173 Candace Freemon, Prior Lake             | 198 Lynda Hanly, Champlin              |
| 174 Heidi Fryman-Van Rossum,<br>Minneapolis | 199 Marshall Hansen, Northfield        |
| 175 Rebecca Fuller, Woodbury                | 200 Kathryn Hansen, Wyoming            |
| 176 Greta Gaard, Minneapolis                | 201 Keith Hanson, Rochester            |
| 177 Maurice Geiger, Rochester               | 202 Sandra Hardwick, Starbuck          |
| 178 Rachel Geissinger, Excelsior            | 203 John Harford, Bayport              |
|                                             | 204 John Harrington, Stacy             |

## Petition Signers (continued)

|     |                                          |     |                                   |
|-----|------------------------------------------|-----|-----------------------------------|
| 205 | Paul Harris, Moorhead                    | 230 | Tommy Hjelmgren, Lino Lakes       |
| 206 | Kathleen Harrison, Eagan                 | 231 | Bruce Hlodnicki, Indianapolis     |
| 207 | Pam Hartwell, La Crescent                | 232 | Karl Hochsprung, South Saint Paul |
| 208 | Nancy Hauer, White Bear Lake             | 233 | Jesse Hoekstra, Rochester         |
| 209 | Corrine Haulotte, Winona                 | 234 | Sandy Hoffman, Saint Paul         |
| 210 | Sally Hausken, Detroit Lakes             | 235 | Annabelle Hooge, Coon Rapids      |
| 211 | Beth Hawkins, Minneapolis                | 236 | James Howitt, Minneapolis         |
| 212 | Tim Hawkinson, Hopkins                   | 237 | Edward Hubbard, Madison           |
| 213 | Jon Hayenga, Stewartville                | 238 | Virginia Huber, Minneapolis       |
| 214 | Jon Hayman, Afton                        | 239 | Joan Hughes, Minneapolis          |
| 215 | Eric Heggernes, Eden Prairie             | 240 | Helen Hughes, Minneapolis         |
| 216 | Laura Hegre, Minneapolis                 | 241 | Gary Huss, Minneapolis            |
| 217 | Jonathan Heiberg, Moorhead               | 242 | Kenneth Ikier, Rochester          |
| 218 | Mark Heilman, Coon Rapids                | 243 | Alyce Ilg, New Prague             |
| 219 | Laurel Hemstad, White Bear Lake          | 244 | Elinor Jackson, Shoreview         |
| 220 | Annette Hennekens-Sklenar,<br>Lino Lakes | 245 | Stan Jacobson, Stillwater         |
| 221 | Lisa Hensel, Buffalo                     | 246 | Brittany Jacobson, Big Lake       |
| 222 | Nicholas Hentges, Circle Pines           | 247 | Rolf Jacobson, Saint Paul         |
| 223 | Kent Hering, Bemidji                     | 248 | Gordon Jans, Minneapolis          |
| 224 | Janelle Higdem, Willmar                  | 249 | Evelyn Jennings, Stillwater       |
| 225 | Julie Hildebrand, Duluth                 | 250 | Jan Jensen, Minneapolis           |
| 226 | Avery Hildebrand, Duluth                 | 251 | Justin Jensen, Andover            |
| 227 | Vernon Hill, Saint Paul                  | 252 | M Jenson, Saint Paul              |
| 228 | Doug Hint, Rochester                     | 253 | Annette Jewell-Ceder, Ham Lake    |
| 229 | Ken Hirsch, Champlin                     | 254 | Keith Johansen, Coon Rapids       |
|     |                                          | 255 | Amy Johnson, Mantorville          |

## Petition Signers (continued)

|     |                                           |     |                              |
|-----|-------------------------------------------|-----|------------------------------|
| 256 | Helen Johnson, Chanhassen                 | 281 | Scott Kerl, Saint Anthony    |
| 257 | Gary Johnson, Farmington                  | 282 | Betsy Kerr, Minneapolis      |
| 258 | Sue Johnson, Stillwater                   | 283 | Holly Ketelsen, Minneapolis  |
| 259 | Karen Janice Johnson,<br>Columbia Heights | 284 | Tristan Kick, Cottage Grove  |
| 260 | Patrice Johnson, Mankato                  | 285 | Nancy Kilb, Plymouth         |
| 261 | David Johnson, Duluth                     | 286 | George Kinney, Northfield    |
| 262 | Richard Jones, Edina                      | 287 | Monica Kinny, Chisago City   |
| 263 | Barbara Jones, Ely                        | 288 | Kevin Klitz, Plymouth        |
| 264 | Tracy Jones Anderson, Saint Paul          | 289 | Barry Knapp, Rochester       |
| 265 | Susan Jordan, Minneapolis                 | 290 | Todd Kneebone, Minneapolis   |
| 266 | Alena Jorgensen, Temple City              | 291 | John Kniprath, Saint Paul    |
| 267 | David Jorgenson, Rochester                | 292 | Dianne Knoben, Tamarack      |
| 268 | George Joyce, Oakdale                     | 293 | Kris Knutson, Zumbrota       |
| 269 | Colleen K, Lake Geneva                    | 294 | Deanne Knutson, Zumbrota     |
| 270 | Sarah Kabes, Oakdale                      | 295 | Anna Kobett, Chaska          |
| 271 | Shawn Kakuk, Saint Cloud                  | 296 | Lauren Kofsky, Minnetonka    |
| 272 | Margaret Kallal, Apple Valley             | 297 | Michael Koppy, Hermantown    |
| 273 | Gregory Kapphahn, Alexandria              | 298 | Ellen Kraft, North Oaks      |
| 274 | Gloria Karbo, Minneapolis                 | 299 | Patrick Krasky, Circle Pines |
| 275 | Nancy Karjalahti, McGregor                | 300 | Tony Krick, Chanhassen       |
| 276 | Samantha Katner, Mankato                  | 301 | Robert Kriesel, Stillwater   |
| 277 | Mary Kaysinger, Hopkins                   | 302 | Vanessa Kronzer, Rochester   |
| 278 | Greg Keel, Lake Elmo                      | 303 | David J. Krych, Osseo        |
| 279 | Patrick Keene, Minneapolis                | 304 | Sandra Kuschel, Coon Rapids  |
| 280 | Nancy Kelly, Minneapolis                  | 305 | Steven Kvale, Bemidji        |
|     |                                           | 306 | Colleen Ladd, Stillwater     |

## Petition Signers (continued)

|     |                                   |     |                                 |
|-----|-----------------------------------|-----|---------------------------------|
| 307 | Jeanie Lahn, Oro Valley           | 333 | Rose Martinez, Columbia Heights |
| 308 | Martin Lang, Saint Peter          | 334 | Jen Martinson, Eden Prairie     |
| 309 | Michelle Lange-Pearson, Rochester | 335 | Nancy Mattson, Anoka            |
| 310 | David Larson, Saint Cloud         | 336 | Kenneth McBride, Bemidji        |
| 311 | Andrew Larson, Rochester          | 337 | Loren Mccaghy, Lakeville        |
| 312 | Liisa Le, Minneapolis             | 338 | Ashley McCormick, Minneapolis   |
| 313 | Allen Lee, Spring Park            | 339 | Moira Mcdonnell, Rochester      |
| 314 | John Leinen, Stillwater           | 340 | Pete Mcdonnell, Bemidji         |
| 315 | Lee Leines, Victoria              | 341 | Cynthia Mckeen, Saint Paul      |
| 316 | Christine Lell, Mankato           | 342 | Debi McMahan, Hugo              |
| 317 | Marylin Levoir, Minneapolis       | 343 | Michelle Mcquillen, Chaska      |
| 318 | Mark Lex, Scandia                 | 344 | Kelli Mcshea, Rogers            |
| 319 | Jeffrey Lockhart, Winona          | 345 | Raul Medina Delgado, Burnsville |
| 320 | Paula Long, Saint Paul            | 346 | Greg Mehlhop, Laporte           |
| 321 | Jason Ludwigson, La Crescent      | 347 | Diane Meier, Wayzata            |
| 322 | Dennis Lund, Lakeland             | 348 | Mark Mellstrom, Northfield      |
| 323 | Lynette Lusk, Jackson             | 349 | Carol Mertesdorf, Anoka         |
| 324 | Ann Lyons, Harmony                | 350 | Jackie Metelak, Mahtomedi       |
| 325 | P.T. Magee, Saint Paul            | 351 | Paul Metz, Rochester            |
| 326 | Darlene Mahowald, Carver          | 352 | Curt Meyer, Minnetonka          |
| 327 | Mary Jo Majerus, Rochester        | 353 | Barbara Meyer, Elk River        |
| 328 | Sergio Maldonado, Saint Cloud     | 354 | David Meyers, Rochester         |
| 329 | Barry Maloney, Minnetonka         | 355 | Christopher Miller, Owatonna    |
| 330 | Gordon Manary, Duluth             | 356 | Stephanie Mirocha, Aitkin       |
| 331 | Laurence Margolis, Minnetonka     | 357 | Mohamedkader Mohamed, Shakopee  |
| 332 | Amy Martin, Stillwater            | 358 | Kyle Momsen, Alexandria         |

## Petition Signers (continued)

|     |                               |     |                                   |
|-----|-------------------------------|-----|-----------------------------------|
| 359 | Charles Monroe, Circle Pines  | 385 | Dale Newton, Stillwater           |
| 360 | Stephen Monson Geerts, Duluth | 386 | Bruce Nicklay, Winona             |
| 361 | Virginia Montey, Northfield   | 387 | Bernie Nierman, Austin            |
| 362 | Kathleen Moraski, Woodbury    | 388 | Lois Nokleby, Hampton             |
| 363 | Lydia Morken, Ham Lake        | 389 | Garry Nordhorn, Owatonna          |
| 364 | Moranda Morris, Rochester     | 390 | Jean Novotny, Northfield          |
| 365 | Lisa Morse, Shoreview         | 391 | Ruth Nygard, Maple Grove          |
| 366 | Kathryn Mosher, Eagan         | 392 | Kerry Nyland, Anoka               |
| 367 | Anne Moyano, Moorhead         | 393 | Bonnie Oconnor, Rochester         |
| 368 | George Muellner, Minneapolis  | 394 | Therese Oconnor, Stewartville     |
| 369 | Scott Mullaney, Hastings      | 395 | Laurel Ogorman, Roseville         |
| 370 | Joe Muller, Monticello        | 396 | Debra Ohmann, Rosemount           |
| 371 | Tobias Mulvihill, Moorhead    | 397 | Jesse Okie, White Bear Lake       |
| 372 | Ulrike Munderloh, Deerwood    | 398 | Alan Olander, Nevis               |
| 373 | William Munson, Saint Paul    | 399 | Wendy Olney-Rattel, Northfield    |
| 374 | Lauren Murdock, Santa Barbara | 400 | Cheryl Olseth, Minneapolis        |
| 375 | Pam Murphy, Richmond          | 401 | Linda Olson, Duluth               |
| 376 | April Narcisse, Minneapolis   | 402 | Carolyn Sue Olson, Chaska         |
| 377 | Amelia Narigon, Saint Paul    | 403 | David Olson, Prior Lake           |
| 378 | Sarah Nassif, Minneapolis     | 404 | Diana L. Olson, Saint Paul        |
| 379 | Paul Nasvik, Hudson           | 405 | Farhiya Omar-Samatar, Minneapolis |
| 380 | Barbara Neal, Farmington      | 406 | Tiffany Orth, Minneapolis         |
| 381 | Jeffrey Nelson, Wayzata       | 407 | Chris Ottosen, Shell Lake         |
| 382 | Warren Nelson, Annandale      | 408 | Bob Ottosen, Shell Lake           |
| 383 | Jodie Nelson, White Bear Lake | 409 | Michael Overend, Cohasset         |
| 384 | Julie Nester, Ely             | 410 | Stacy Owecke, Winona              |

## Petition Signers (continued)

|     |                                   |     |                                |
|-----|-----------------------------------|-----|--------------------------------|
| 411 | Stephen Paladie, Minneapolis      | 437 | Steve Quinn, Brainerd          |
| 412 | Marcia Palma, Minneapolis         | 438 | Charlotte Quinton, Minneapolis |
| 413 | Gordon Palzer, Mendota Heights    | 439 | Elaine R, Saint Paul           |
| 414 | Linda Parenteau, Cottage Grove    | 440 | Kristen Rafinski, Hibbing      |
| 415 | Katie Parke-Reimer, Saint Paul    | 441 | Pat Raftery, Faribault         |
| 416 | Anna Paul, Minneapolis            | 442 | Tamara Rakow, Rosemount        |
| 417 | Bruce Paulson, Northfield         | 443 | Suzanne Ramthun, Rochester     |
| 418 | Gail Pearmon, Burnsville          | 444 | Hailey Rathgeber, Minneapolis  |
| 419 | Jenny Marie Pederson, Bloomington | 445 | Ron Reich, Minneapolis         |
| 420 | Kathy Pepin, Albertville          | 446 | Marcia Reiter, Woodbury        |
| 421 | James Angelo Percich, Bloomington | 447 | Timothy Reker, Rochester       |
| 422 | Marsha Peterson, Eagan            | 448 | Thomas Renshaw, Bloomington    |
| 423 | Randy Peterson, Chaska            | 449 | Staci Revers, Minneapolis      |
| 424 | Fern Peterson, Minneapolis        | 450 | Michael Revier, Circle Pines   |
| 425 | Darrel Peterson, Blue Earth       | 451 | James Reynolds, Winona         |
| 426 | Nancy Pinke, Elko                 | 452 | Curtis Rhodes, Minneapolis     |
| 427 | Keith A Poets, Rushford           | 453 | Jeff Richards, Minneapolis     |
| 428 | Dianne Polasik, Stillwater        | 454 | Sarah Richardson, South Haven  |
| 429 | Steven Poncin, Hastings           | 455 | Gary Richter, Comfrey          |
| 430 | Betsey Porter, Minneapolis        | 456 | Robert Ries, Plymouth          |
| 431 | Leslie Prael, Maplewood           | 457 | Adeline Riha, North Mankato    |
| 432 | Janice Pray, Alexandria           | 458 | Jonelle Ringnald, Saint Paul   |
| 433 | Carly Puch, Grand Marais          | 459 | Anthony Riniker, Glyndon       |
| 434 | Koral Purdy, Minneapolis          | 460 | Jerry Rivers, Roosevelt        |
| 435 | Matt Purl, Austin                 | 461 | Nathan Rohne, Willmar          |
| 436 | Christine Quinn, White Bear Lake  | 462 | Barbara Ronningen, Afton       |

## Petition Signers (continued)

|     |                                 |     |                                       |
|-----|---------------------------------|-----|---------------------------------------|
| 463 | Nancy Rose, Minneapolis         | 489 | Jane Schuler, Saint Paul              |
| 464 | Suzanne Ross, Saint Cloud       | 490 | Maribeth Schulke, Maple Lake          |
| 465 | John Rouse, Inver Grove Heights | 491 | Leeandra Schultz, Winona              |
| 466 | Edward Rowley, Rochester        | 492 | Jeff Schultz, Ely                     |
| 467 | Kara Rud, Monticello            | 493 | Gary Schulz, Woodbury                 |
| 468 | Juliann Rule, Avon              | 494 | Paul Schurke, Ely                     |
| 469 | Trevor Russell, Minneapolis     | 495 | Sharon Lee Schwartz, Stillwater       |
| 470 | Paul Ryals, Stanchfield         | 496 | Rebecca Seal-Soileau, Rosemount       |
| 471 | Anne S, Saint Paul              | 497 | Sarah Sederstrom, Stillwater          |
| 472 | Stanley Sabin, Austin           | 498 | Carl Seltz, Circle Pines              |
| 473 | Barb Sager, Maple Grove         | 499 | Elizabeth Seltzer, Media              |
| 474 | Richard Salge, Mankato          | 500 | Mandy Senechal, Marine On Saint Croix |
| 475 | Samantha Salsman, Shakopee      |     |                                       |
| 476 | Ellen Sanford, Duluth           | 501 | Em Senten, North Branch               |
| 477 | Sam Sant, Minneapolis           | 502 | Laurie Severson, Eden Prairie         |
| 478 | Gabriela Santiago, Saint Paul   | 503 | Georgia Shankel, Chicago              |
| 479 | Stephanie Sarich, Minnetonka    | 504 | Janet Shannon, Hastings               |
| 480 | Amanda Schaeppi, Farmington     | 505 | Rebecca Shedd, Minneapolis            |
| 481 | Richmond Scharf, Two Harbors    | 506 | Natasha Sherwood, Saint Cloud         |
| 482 | Deb Scheil, Faribault           | 507 | Craig Shirk, Mankato                  |
| 483 | Heidi Schleicher, Circle Pines  | 508 | Joanne Sieck, Rochester               |
| 484 | Ann Schley, Saint Paul          | 509 | Dale Siegfleid, Austin                |
| 485 | Joann Schmidt, Gaylord          | 510 | Sarah Silva, Bayport                  |
| 486 | James Schoettler, Saint Paul    | 511 | Kurt Simer, Minneapolis               |
| 487 | Randy Schreifels, Saint Cloud   | 512 | Nancy Simmet, Eagan                   |
| 488 | Don Schuld, Stillwater          | 513 | Brian Singer-Towns, Winona            |

## Petition Signers (continued)

|     |                                 |     |                                  |
|-----|---------------------------------|-----|----------------------------------|
| 514 | Annette Skrukrud, Chatfield     | 540 | Courtney Tchida, Saint Paul      |
| 515 | Jeanine Smegal, Minneapolis     | 541 | Ava Tervola, Glyndon             |
| 516 | C. M. Smiley, Bloomington       | 542 | Brant Thomas, Chaska             |
| 517 | Erin Smillie, Afton             | 543 | Brent Thomas Gurtek, Homer       |
| 518 | Sallie Smith, Minneapolis       | 544 | Barbara Thomborson, Minneapolis  |
| 519 | Brianna Smith, Fridley          | 545 | Edith Thorstensson, Saint Peter  |
| 520 | L Smith, Byron                  | 546 | Susan Thuraiatnam, North Olmsted |
| 521 | Meredith Smith, Saint Paul      | 547 | Joann Tjepkes, Delano            |
| 522 | Diane Sneve, Rochester          | 548 | Krista Tommerdahl, Circle Pines  |
| 523 | Susan Soule, Minneapolis        | 549 | Timothy Torgerson, Duluth        |
| 524 | Steve Spigarelli, Aitkin        | 550 | Carol Torkelson, Pine River      |
| 525 | Elizabeth Spletzer, Minneapolis | 551 | Jane Townsend, South Saint Paul  |
| 526 | Beth Stanford, Winona           | 552 | Joe Tremel, Nisswa               |
| 527 | Megan Starr, West Saint Paul    | 553 | Brad Trom, Blooming Prairie      |
| 528 | Susan Starr, Oak Grove          | 554 | Bethel Tsegaye, Blaine           |
| 529 | Regina Stemm, Minneapolis       | 555 | Jenna Udenberg, Two Harbors      |
| 530 | Jim Stemper, Saint Paul         | 556 | David Undlin, Apple Valley       |
| 531 | Leo Stern, Minneapolis          | 557 | Michele Vaillancourt, Saint Paul |
| 532 | Paul Stoki, Saint Paul          | 558 | Julia VanAvery, Ramsey           |
| 533 | Carolyn Strub, Shorewood        | 559 | Maryann Vandevusse, Savage       |
| 534 | Scott Sundgaard, Andover        | 560 | Mai Vang, Minneapolis            |
| 535 | Karen Sutherland, Saint Paul    | 561 | Erika Vickerman, Hopkins         |
| 536 | Ken Swanson, Brimson            | 562 | Ryan Vierstraete, Coon Rapids    |
| 537 | Amy Sykes, Forest Lake          | 563 | Heidi Voss, Bloomington          |
| 538 | Beth Tamminen, Duluth           | 564 | Wallace Wadd, Woodbury           |
| 539 | Kevin Taralseth, Duluth         | 565 | Audrey Wade, Saint Paul          |

## Petition Signers (continued)

|     |                                 |     |                             |
|-----|---------------------------------|-----|-----------------------------|
| 566 | Andrew Wadsworth, Reading       | 592 | Mary M Williams, Bayport    |
| 567 | Rachel Wagner, Minneapolis      | 593 | Frieda Wilson, Minneapolis  |
| 568 | Patricia Waldorf, Stillwater    | 594 | Cindy Winters, Mankato      |
| 569 | Bob Walker, Gheen               | 595 | Karen Wolf, Henderson       |
| 570 | Leslie Ann Walkowiak, Fairmont  | 596 | Kate Wolford, Minneapolis   |
| 571 | Linda Walling, Woodbury         | 597 | Marsha Wood, Forest Lake    |
| 572 | Jonathan Walseth, Cottage Grove | 598 | Jeanne Wright, Grand Marais |
| 573 | Sheila Ward, San Juan           | 599 | Charles Wurrey, Kansas City |
| 574 | Teresa M. Ward, Minneapolis     | 600 | Bryan Wyberg, Roseville     |
| 575 | Karin Ward, North Saint Paul    | 601 | Va Xiong, North Saint Paul  |
| 576 | Susan Warner, Paynesville       | 602 | Chue Yang, Maplewood        |
| 577 | Susan Warner, Paynesville       | 603 | Cheryl Yasis, Mahtomedi     |
| 578 | Alex Warren, Saint Paul         | 604 | Arthur Yeske, Prior Lake    |
| 579 | Nicki Weber, Farmington         | 605 | Wayne Zellmer, Akeley       |
| 580 | Jan Weber, Saint Paul           | 606 | Britt Zimmer, Farmington    |
| 581 | Robert Wellemeyer, Hastings     | 607 | M Zink, Saint Paul          |
| 582 | Meagan Wells, Minneapolis       | 608 | Mary Zink, Saint Paul       |
| 583 | Yana Wencil, Saint Peter        | 609 | Jeff Zlonis, Cass Lake      |
| 584 | Carolyn Wenger, Detroit Lakes   | 610 | David Zumeta, Saint Paul    |
| 585 | Rita Wenner, Saint Paul         |     |                             |
| 586 | Jordan West, Dilworth           |     |                             |
| 587 | Alice West, Grand Marais        |     |                             |
| 588 | Cynthia Whitman, Saint Paul     |     |                             |
| 589 | Tracy Whitney, Wayzata          |     |                             |
| 590 | Candice Wielinski, Lino Lakes   |     |                             |
| 591 | Marilyn Williams, Minneapolis   |     |                             |



July 17, 2026

Minnesota Court of Administrative Hearings  
Administrative Law Judge James Mortenson  
600 N. Robert Street  
St. Paul, Minnesota 55101

Comments submitted electronically through OAH eComments

**Re: Minnesota Pollution Control Agency Proposed Air Toxics Regulations Rules, Revisor R-04807;  
CAH Docket No. 5-9003-39347**

Dear Judge Mortenson:

The Minnesota Chamber of Commerce (Chamber) submits these comments on the Minnesota Pollution Control Agency's (MPCA) proposed Air Toxics Regulations Rules (Rules), which would create a new Minnesota Rules chapter 7012 and amend Minnesota Rules chapter 7007. The Chamber represents more than 6,300 businesses and more than 500,000 employees throughout Minnesota, including many facilities that would be directly affected by the proposed rules.

The Chamber has participated throughout MPCA's pre-proposal process and has raised many of the issues addressed below in earlier formal and informal comments to MPCA. Because those earlier comments are not part of the record before the Administrative Law Judge, this letter provides the full context for the Chamber's comments and requests.

The proposed rules reflect some meaningful improvements from MPCA's early concepts. For example, the proposed Stage 1 screening analysis (Screening Threshold for Regulated Air Toxics Analysis or STRATA) uses actual annual emissions, excludes some insignificant activities and conditionally insignificant activities from STRATA, requires a rulemaking to change the STRATA benchmarks and calculations, provides some permit-type and emission-unit exemptions, excludes certain HAP emissions from sources subject to Clean Air Act section 112(d) standards from Stage 1, and gives existing facilities a choice between a compliance determination protocol (CDP) and an air emissions risk analysis (AERA) if screening thresholds are exceeded.

Those improvements are important, but additional revisions are needed for the hundreds of facilities that will be subject to them. As proposed, the rule remains resource-intensive and more conservative than necessary to address the Legislature's environmental justice and air toxics objectives. The Chamber requests that MPCA revise the proposed rules to better focus on actual resident exposure, reduce false positives from conservative screening, clarify the treatment of already-regulated sources, avoid unnecessary potential-to-emit modeling, and provide workable compliance timelines and public-communication procedures.

## Summary of Requested Revisions

The Chamber requests that MPCA revise the proposed rules to:

1. Focus implementation on actual exposure of residents in environmental justice areas and highest-priority pollutants and locations;
2. Provide a phased implementation schedule tied to risk priority, geography, or environmental justice considerations, rather than a broad simultaneous program for all non-exempt facilities;
3. Revise STRATA to allow use of nearest resident, sensitive receptor, or ambient air boundary for chronic/cancer screening, or, at a minimum, allow that as a refined Stage 1 option;
4. Clarify property-line edge cases, including rail easements, barge docks, shared industrial parcels, and internal property boundaries;
5. Allow monitored fenceline or ambient air data, or a user-imported refined dispersion value, to replace conservative default STRATA dispersion factors where representative data are available.
6. Clarify that screening should evaluate pollutants known or reasonably expected to be emitted, not require speculation across all listed pollutants;
7. Expand and clarify exemptions for sources and pollutants already controlled or evaluated through federal National Emission Standards for Hazardous Air Pollutants (NESHAP) / Maximum Achievable Control Technology (MACT) programs, residual risk reviews, prior MPCA AERAs, or functionally equivalent analyses;
8. Add a pollutant/source winnowing step before requiring a full AERA;
9. Minimize duplication with the concurrent Cumulative Impacts Rule;
10. Allow actual, historical representative emissions or reasonable projected actual emissions in AERA when they better represent community exposure than potential-to-emit values;
11. Clarify CDP enforceability, revision, termination, and permit amendment consequences.
12. Reassess the SONAR's cost and implementation assumptions, including costs after the first year, AERA costs, permit amendment costs, operational changes, controls, and MPCA staffing constraints; and
13. Calibrate public notification to avoid presenting conservative modeled potential impacts as actual exposure or final risk determinations.

### **I. The Rule Should Be Focused on Actual Exposure and Environmental Justice Priorities**

The Legislature directed MPCA to develop rules governing facilities that emit air toxics in the seven-county metropolitan area and required MPCA to establish testing, monitoring, reporting, recordkeeping, and inspection requirements that reflect, among other things, exposure of residents of environmental justice areas to the facility's air toxics emissions. That directive should shape the rule's design and implementation.

The proposed rules apply broadly to permitted facilities in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties, subject to specified exemptions (Minn. R. 7012.0050, 7012.0060, 7012.0070). The SONAR estimates that approximately 523 facilities would remain subject to the proposed rule and that 131 to 178 facilities may be above screening thresholds, depending on assumptions regarding distance to the property line. The SONAR also states that MPCA expects approximately 5.2 full-time employees (FTE) to implement the proposed rules.

Those numbers raise a fundamental implementation concern. A broad program that pushes a large number of facilities into CDPs, AERAs, inspections, potential permit amendments, and possible air toxics reduction plans will consume MPCA and facility resources without necessarily focusing first on the locations, pollutants, and sources most relevant to resident exposure in environmental justice areas. The

Chamber is concerned that this approach could divert scarce agency resources away from the communities the statute is intended to prioritize. The rule should also identify specific desired outcomes and the method MPCA will use to track the rule's effectiveness toward meeting those outcomes. The rules should lead to predictable public health benefits, not just a defined administrative process and activity metrics.

MPCA has decades of air toxics information, including emissions inventory work, monitoring data, MNRISKS, and other technical analyses. MPCA's public materials have repeatedly described air toxics risk in terms of specific pollutants, locations, and source categories. The rules should use those existing tools to prioritize implementation. A targeted and sequenced approach would better protect public health by focusing first on the facilities and pollutants most likely to materially affect residents in environmental justice areas.

The Chamber requests that MPCA revise the rules to prioritize:

- facilities located in environmental justice areas;
- facilities within a defined distance of environmental justice areas where resident exposure is plausible;
- pollutants and source categories that MPCA's existing data identify as higher contributors to risk;
- facilities that have not already been evaluated through an MPCA AERA, federal NESHAP/MACT framework, residual-risk review, or other toxics analysis; and
- facilities whose emissions and dispersion characteristics indicate a realistic possibility of resident exposure above health-protective levels.

## **II. STRATA Should Be a Practical Screen, Not a Generator of False Positives**

The Chamber supports MPCA's decision to create a screening step before requiring refined modeling or emission-reduction plans. A screening step can be useful if it efficiently identifies facilities and pollutants that warrant additional analysis while screening out those that do not. To serve that function, STRATA must be conservative enough to protect public health but not so conservative that it sends many low-risk facilities into expensive follow-up work.

The proposed STRATA approach uses stack height, emissions, and the shortest horizontal distance to the property line as inputs. For annual actual emissions, facilities must use the most recent finalized emissions inventory and current stack parameters. For hourly emissions, the rules generally use annual actual emissions divided by operating hours, but require individual and capped permit holders to calculate hourly HAP emissions using maximum physical capacity unless specified limitations apply.

Several aspects of this structure should be revised.

First, the shortest distance to the property line is not necessarily a meaningful proxy for resident exposure. For chronic noncancer and cancer endpoints, the relevant exposure assumption is long-term exposure, often residential exposure over extended periods. A property line could be interpreted as a rail easement, dock edge, internal property boundary, industrial neighbor, roadway, or other location with no plausible long-term residential exposure. A rule that evaluates chronic/cancer screening values at such locations will overstate actual resident exposure and create unnecessary Stage 2 obligations.

MPCA should revise the rules to allow facilities to use distance to the nearest resident or sensitive receptor for chronic/cancer screening, or, at a minimum, allow this as a refined Stage 1 option before requiring CDP or AERA (Minn. R. 7012.0300, subp. 1; 7012.0400, subp. 2, items C and D). If MPCA insists

on retaining the concept of property line in the rule, the rule should also define how the "shortest horizontal distance to property line" applies to rail easements, barge docks, and other on-water emissions sources, shared parcels, and other property configurations common at industrial facilities.

Second, the STRATA should allow monitored data or refined dispersion information where available. Some facilities already operate fenceline or ambient toxics monitoring programs. That data can provide a more direct measure of local concentrations than a default dispersion spreadsheet using conservative assumptions. MPCA should allow representative, quality-assured monitoring data to be used in Stage 1 where the data correspond to the pollutants and exposure periods at issue. MPCA should also allow a user-imported refined source dispersion concentration, or an equivalent simple modeling refinement, to replace a conservative default STRATA factor when actual stack parameters, dispersion characteristics, or site layout make the default value materially unrepresentative (Minn. R. 7012.0300, subp. 1; 7012.0400, subp. 2, items C and D; 7012.0558, subp. 2).

Third, the rules should clarify that screening applies to pollutants known or reasonably expected to be emitted and reported in the annual air toxics emissions inventory (Minn. R. 7012.0200, subp. 2, items B and C; 7012.0400, subp. 2, item B). If MPCA's pollutant list includes hundreds of potential air toxics, facilities need a clear and technically grounded method to determine which pollutants must be evaluated. Facilities should not be required to speculate about pollutants when there is no technical expectation of emissions from the source. A known-or-reasonably-expected standard would align the screening process with real facility operations and reduce unnecessary work.

Fourth, MPCA should allow facilities to use a representative actual-emissions year (Minn. R. 7012.0400, subp. 2, items A and B). A single most recent finalized inventory year may not reflect normal operations, current equipment, current product mix, or expected future operations. If an inventory year is abnormal, the facility should be allowed to use a representative year or reasonable projected actual emissions with documentation justifying why the substituted data better reflect operations at the facility. The goal should be to evaluate actual exposure conditions, not artifacts of an unusual year.

Fifth, the hourly emissions from an emissions unit, as an input to the STRATA, should be consistently applied regardless of the type of permit a facility has (Minn. R. 7012.0400, subp. 3, items A through D). Specifically, requiring an individual or capped permit holder to use its theoretical emissions at maximum physical capacity, while other permit holders may use a more reasonable estimate of the hourly emissions as a function of actual annual emissions and operating hours, could lead to facilities unnecessarily triggering a Stage 2 effort.

Sixth, the rule should appropriately treat health risk benchmarks, such as the Minnesota Department of Health's (MDH) Health Risk Values or Health Benchmark Values, as guidance values rather than "bright lines" that should not be exceeded. MDH intends these benchmarks to be levels below which there is little or no risk to human health. A predicted concentration higher than a benchmark does not indicate a health impact will occur, but only that additional review may be required. Whether in the STRATA or other analyses, the rule must not use these benchmarks as inflexible triggers for action. Such a use does not follow the scientific process or intent behind the development of the benchmarks (Minn. R. 7012.0055, subp. 34; 7012.0300, subp. 1; 7012.0560, subp. 3).

Seventh, the STRATA workbook should be usable, particularly for facilities that will need to input hundreds of data points. Facilities should be able to import emissions data from existing emissions inventory systems or external workbooks rather than manually entering values cell by cell.

These practical recommendations are grounded in an approach of “let’s find and fix real problems” and not “let’s do less.” In the past, MPCA has created screening modeling procedures for air pollution sources that failed to identify or reduce real-world pollution. Past initiatives often identified “false positives,” requiring expensive and time-consuming technical work from the state and private companies, after which the computer modeling was more accurate, but no real air pollution exposures decreased.

### **III. MPCA Should Expand and Clarify Exemptions for Already-Regulated or Already-Evaluated Sources**

The Chamber appreciates that the proposed rules exclude HAP emissions from an emissions unit for which a 40 CFR Part 63 standard has been adopted under Clean Air Act section 112(d) from the Stage 1 screening threshold analysis (Minn. R. 7012.0400, subp. 6). This reflects an important principle: facilities and units already subject to federal HAP regulations should not be forced to undergo duplicative analysis unless MPCA identifies a specific gap warranting additional review.

The Stage 1 screening exemption is too limited and should be clarified. MPCA should allow the exemption to apply to all non-HAP toxics emitted from a source subject to a section 112(d) standard where the federal standards regulate the chemical class of HAPs. Many federal standards use surrogate pollutants, such as PM (for total metal HAP), VOC (for total organic HAP), or SO<sub>2</sub> (for total acid gas HAP), that effectively control the entire class of air toxics. MPCA should allow facilities to exclude the chemical class(es) of air toxics that the Section 112(d) standard addresses, in addition to all specific Federal HAP (Minn. R. 7012.0400, subp. 6).

Federal HAP standards adopted in 112(d) impose emission limits, work practices, monitoring, recordkeeping, and reporting requirements across numerous source categories. Many MACT categories have also undergone EPA residual-risk and technology reviews. While the federal program is not identical to MPCA's proposed facility-specific risk framework, it is a mature regulatory structure specifically designed to reduce hazardous air pollutant emissions and address remaining risks. The proposed rule exempts certain HAP emissions from Stage 1 but appears to bring those same sources back into AERA if the facility proceeds to Stage 2. That approach undermines the efficiency of the Stage 1 exemption and may require facilities to remodel or re-evaluate emissions already addressed through existing programs. MPCA should either extend the exemption into AERA or clearly identify the circumstances in which a section 112(d) source must be included in AERA despite the Stage 1 exemption (Minn. R. 7012.0400, subp. 6; 7012.0550, subp. 2, item A; 7012.0560, subp. 1, items D, H, and I).

MPCA should also provide an off-ramp for facilities with prior MPCA AERAs or equivalent risk analyses that remain representative of current permitted activities. Requiring a facility to repeat a costly AERA that has already been completed and reviewed does not materially improve public health unless facility operations, emissions, or surrounding receptors have changed in a way that could materially affect risk. The rules should allow prior analyses to satisfy or narrow the rules' requirements (Minn. R. 7012.0070; 7012.0560, subp. 4).

### **IV. The AERA Path Should Avoid Unnecessary PTE-Based Overstatement**

The Chamber remains deeply concerned that the proposed rules use actual emissions at Stage 1 but then shift to potential-to-emit calculations in AERA. AERA can be a useful refined analysis, but PTE-based modeling can significantly overstate actual community exposure. In many cases, PTE reflects theoretical maximum capacity, not representative operations. Furthermore, because the AMS/EPA Regulatory Model (AERMOD) itself is designed to be a conservative dispersion model, coupling AERMOD with PTE

assumptions for all emissions units, insignificant activities, and conditionally insignificant activities can convert a refined risk analysis into an unrealistically conservative exercise (Minn. R. 7012.0550, subp. 2, item A; 7012.0560, subp. 1, items H and I).

The Chamber requests that MPCA revise the AERA provisions to allow actual, representative historical emissions or reasonable projected actual emissions where those values better represent exposure (Minn. R. 7012.0550, subp. 2, item A, subitem 3; 7012.0560, subp. 1, item I). PTE may be appropriate in some permitting contexts, particularly where a facility seeks enforceable limits tied to potential emissions, but it should not be the only path for demonstrating risk where actual exposure is the relevant public health question.

Specifically, the rules should allow facilities to:

- refine only STRATA-exceeding pollutants or the pollutants that materially drive risk;
- exclude low-risk source/pollutant pairs unless MPCA demonstrates they materially affect risk;
- use MNRISKS or other MPCA-approved tools as an intermediate refinement;
- rely on representative ambient monitoring data where available; and
- use actual emissions instead of PTE in the AERA.

## **V. CDP Requirements Need Greater Clarity and Flexibility**

The CDP pathway is one of the most important features of the proposed rules because it may allow facilities to reduce or manage actual emissions without moving into full AERA. The Chamber supports a practical CDP option, but the proposed rules should clarify several issues.

First, the rules should provide a clear process for terminating or replacing a CDP (Minn. R. 7012.0500, subps. 1 and 2). Facility operations change. Emissions may decrease. Pollutants may be reformulated out of materials. Screening thresholds may be revised. New monitoring or test methods may become available. The rules should not create permanent obligations that remain in place after the basis for the CDP has changed.

Second, MPCA should allow refined dispersion parameters, monitoring data, or other real-world information as part of a CDP demonstration without triggering an AERA (Minn. R. 7012.0450, subp. 2; 7012.0530; 7012.0550). If a facility can demonstrate that conservative STRATA assumptions overstate actual impacts, the facility should be able to use that information before being forced into AERA.

Third, the CDP timeline should be flexible enough to accommodate source complexity, supply-chain constraints, control-equipment procurement, product approvals, and other operational realities (Minn. R. 7012.0450, subp. 2, item D; 7012.0450, subp. 3). Some industries are subject to Food and Drug Administration, Federal Aviation Administration, or other non-environmental approval requirements that can make reformulation or product changes extremely difficult and, at best, slower than ordinary air permitting timelines.

## **VI. MPCA Should Reassess Costs, Timelines, and Agency Workload**

The SONAR's cost analysis appears to understate the likely burden of the rule, particularly for facilities that do not screen out at Stage 1. MPCA estimates that a screening threshold analysis could take 5 to 50 hours and cost \$421 to \$4,206, despite the fact that its own survey responses reported a median screening cost of \$7,500 and some estimates above \$50,000. The SONAR also acknowledges that 131 to 178 facilities may be above screening thresholds and need either a CDP or AERA.

For AERA, the SONAR estimates can be read as substantially lower than the experience of facilities that have completed complex toxics modeling. The AERA work for large or complex facilities can involve significant data collection, protocol development, model development, quality assurance, consultant time, MPCA review, iteration, and reporting. For some facilities, the cost to prepare an AERA has exceeded \$500,000, not including related source emissions testing, and the process took over two years before the MPCA deemed it complete.

The SONAR also recognizes that cumulative costs could reach \$80,325 without accounting for employee training, workflow changes, operational changes, installation of new or modified equipment, and permit application fees. Those omitted or deferred costs are still foreseeable consequences of the rules. Rules that require CDPs, AERAs, ATRPs, source testing, process emissions monitoring evaluations, controls, permit amendments, and public notification should evaluate those costs as part of the full compliance pathway, not just the first-year screening obligation.

MPCA should revise its cost and implementation analysis to account for:

- complex individual and capped permit facilities;
- facilities with many emissions units, materials, stacks, and pollutants;
- consultant and engineering costs;
- source testing and CEMS feasibility evaluation;
- permit amendment fees and staff time;
- control equipment procurement and installation;
- operational restrictions or production changes;
- public notification costs;
- repeated screening and additional screening triggers; and
- MPCA review workload across permitting, compliance, risk assessment, emissions inventory, small business assistance, and environmental justice staff.

MPCA should also reconsider the 60-day additional screening deadline (Minn. R. 7012.0170, subp. 2, items B and C). The proposed rules allow a facility to respond within ten days with information MPCA may not have considered, but they do not clearly state whether that response tolls or extends the 60-day deadline. MPCA should clarify that the deadline is tolled while MPCA considers the response and should require additional screening only for clearly defined material changes or new information that could reasonably affect screening results.

## **VII. Public Notification Should Be Accurate, Contextual, and Tied to Meaningful Milestones**

The Chamber supports meaningful public engagement and recognizes the importance of community confidence in air permitting and air toxics regulation. Public notification must also be accurate and contextual. Conservative screening results, PTE-based modeling results, and preliminary analyses can be easily misinterpreted as actual exposure or final health determinations, if released without explanation.

The proposed rules require notification to potentially impacted residents after an AERA identifies risks above acceptable levels and an air toxics reduction plan is approved (Minn. R. 7012.0568, subps. 1 through 3; 7012.0570, subp. 2). The notification should be revised to clearly distinguish modeled potential impacts from measured actual exposure. If an AERA uses PTE, the notice should explain that the analysis is based on conservative assumptions and potential emission rates, not actual emissions or actual exposure.

Where a facility's risk-reduction actions require a permit amendment, MPCA should rely on the existing public notice process for that permit action rather than creating duplicative processes (Minn. R. 7012.0560, subp. 8; 7012.0570, subp. 6). Where a facility makes voluntary or operational changes that reduce emissions and no permit amendment is required, public disclosure or meetings should generally remain within the facility's discretion unless MPCA has identified a concrete public health basis for additional notice.

As a general transparency measure, MPCA could provide a public-facing dashboard or "What's in My Neighborhood?" status indicator identifying whether a facility has completed Stage 1, submitted a CDP, submitted an AERA, or completed an ATRP. That type of process-status transparency is less likely to mislead the public than publication of conservative preliminary technical results without context.

### **VIII. Harmonization with Cumulative Impacts Rule**

Because the Air Toxics Regulation has a strong Environmental Justice dimension, *see* Laws of Minn. 2023, Ch. 60, Art. 8, § 5, subd. 4(b)(3) MPCA should expressly attempt to minimize duplication with the concurrent proposed Cumulative Impacts Rule (CAH Docket No. 21-9003-39398). Emissions regulated under the Air Toxics Regulations Rule should be presumptively excluded from the Cumulative Impacts Rule. The Chamber discusses this issue in more detail in its comments on the Cumulative Impacts Rule. It is critical that the Court of Administrative Hearings and MPCA fully consider the interaction of both rulemakings to reduce the FTE burden on the MPCA and administrative burdens on the regulated community.

### **IX. Additional Technical Clarifications**

The Chamber also requests the following technical clarifications:

- Clarify whether the proposed environmental justice area recordkeeping requirement should use census block, census tract, or another geographical designator, and align it with the applicable statutory and cumulative impacts definitions. We believe that the term "census tract," not "census block," should be used in the rule (Minn. R. 7012.0055, subp. 18; 7012.0600, subp. 4).
- Clarify how updated inhalation health benchmarks will affect facilities that have already completed screening, CDPs, AERAs, or permit amendments (Minn. R. 7012.0300, subp. 2; 7012.0558, subp. 1).
- Clarify the relationship between chapter 7012 obligations and the air toxics emissions reporting rule under chapter 7019, including the effect of revised emissions inventory submissions (Minn. R. 7012.0400, subp. 2, item B).

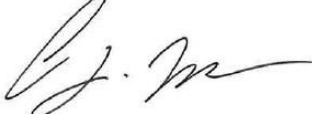
### **Conclusion**

The Chamber appreciates MPCA's work to develop a structured air toxics program and recognizes the improvements made since MPCA's early conceptual frameworks. The proposed rules are closer to a workable program than earlier concepts, but important revisions remain necessary to make the rules targeted, scientifically grounded, administrable, and aligned with the Legislature's environmental justice objectives.

The Chamber respectfully requests that MPCA revise the proposed rules to focus on actual resident exposure and priority risks, improve STRATA, broaden and clarify off-ramps for already-regulated sources, avoid unnecessary PTE-based AERA modeling, clarify CDP and permit-amendment consequences, reassess costs and timelines, and calibrate public notification to avoid misunderstandings arising from conservative technical analyses.

The Chamber welcomes continued technical discussions with MPCA and other stakeholders to develop final rules that protect public health while remaining practical for Minnesota facilities to implement.

Sincerely,

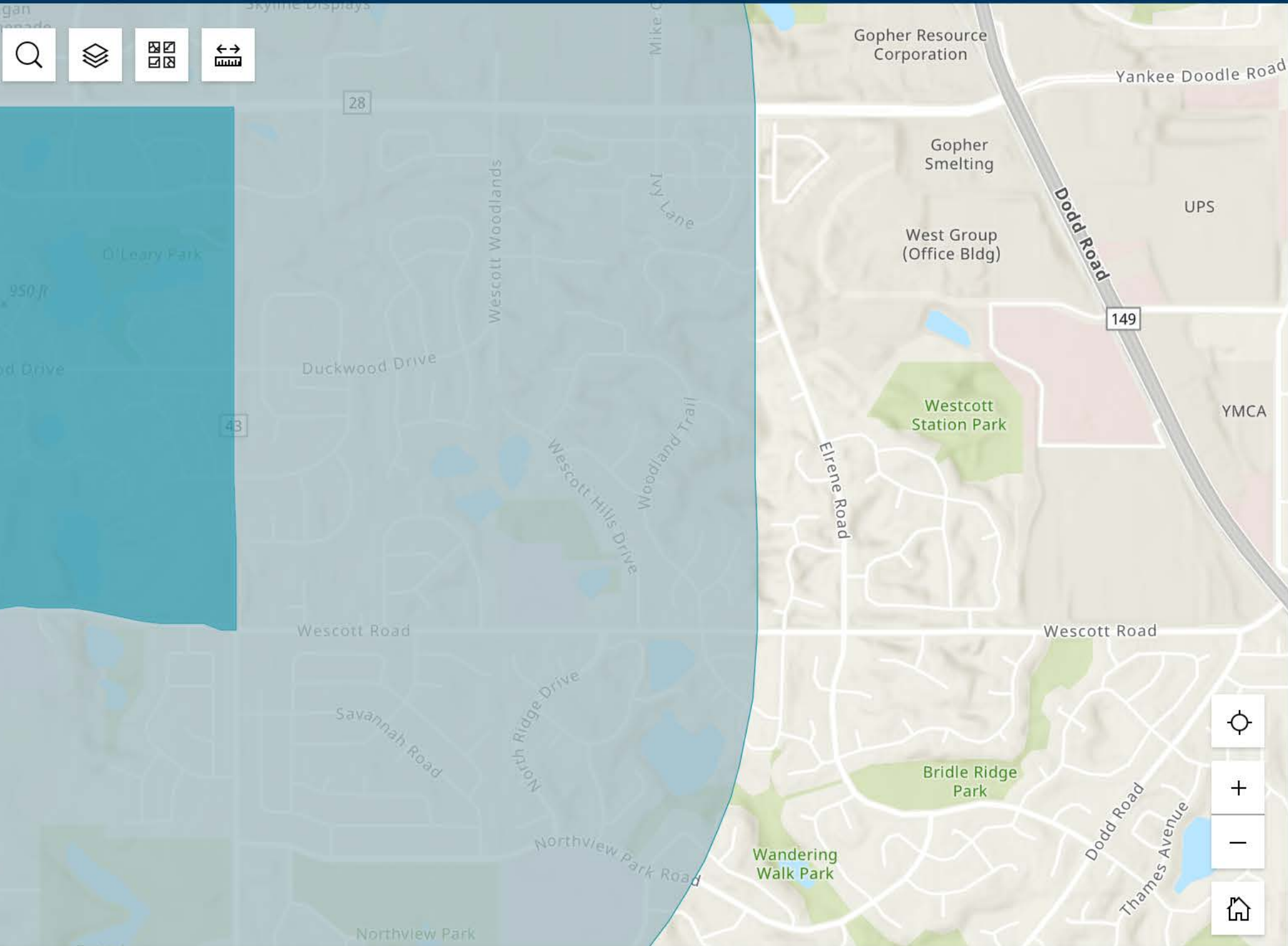
A handwritten signature in black ink, appearing to read 'A. Morley', with a stylized flourish at the end.

Andrew Morley  
Director, Environmental Policy  
Minnesota Chamber of Commerce  
[amorley@mnchamber.com](mailto:amorley@mnchamber.com)



# Understanding environmental justice in Minnesota

- Introduction
- EJ areas
- Near an EJ area
- Income
- People of color
- Tribal areas
- Language
- Air pollution score



**Near an environmental justice area of concern**  
For the purpose of considering the impacts of pollution on a community from nearby sources, areas within 1 mile of environmental justice areas are shown. The MPCA may require additional review for facilities and projects within 1 mile of an environmental justice area or give preference to proposals to reduce pollution.

Census and state Tribal areas

Environmental Justice Areas

Within 1 mile of an EJ area



**Health Department**  
505 Fourth Ave S, Room 520  
Minneapolis, MN 55415

[www.minneapolismn.gov](http://www.minneapolismn.gov)

July 17, 2026

Administrative Law Judge James Mortenson  
Minnesota Office of Administrative Hearings

*Comments submitted electronically on Office of Administrative Hearings Rulemaking  
eComments website.*

RE: Comments of the Minneapolis Health Department on the Minnesota Pollution Control  
Agency's Air Toxics Regulations Rulemaking

The Minneapolis Health Department Sustainability, Healthy Homes, and Environment Division  
submits these comments in response to the Minnesota Pollution Control Agency's (MPCA)  
Notice of Intent to Adopt proposed new rules governing air toxics regulations, Minnesota Rules,  
Chapter 7012; with Amendments to Chapter 7007.

1. 7012.0150 Subpart 3: Does a facility submitting a new permit application have an option to make changes to the facility to lower air toxics emissions below the screening threshold values instead of moving directly to completing an AERA (similar to the compliance determination protocol option for existing facilities)?
2. 7012.0160 Subpart 3(B): We oppose the proposed rule language to allow a ten-year timeframe between repeated screening threshold analysis certification for facilities with a CDP, as compared with the shorter five-year timeframe for facilities that originally had emissions below screening threshold values. A repeated screening threshold analysis after ten years for an air toxic that was addressed by the CDP may be acceptable, but it should not be assumed that because the facility is addressing and reducing that/those air toxics that all air toxics are reduced. Because there are some air toxics not addressed by the CDP, the facility should be required to repeat the screening threshold analysis certification every five years, in alignment with the frequency requirement for facilities with all air toxics under the screening threshold values. It should also be noted that with frequent turnover at facilities, a longer timeline of ten years may not be advantageous because it will require a long recordkeeping lookback and challenges with consistency in calculation methods. It is our recommendation that this repeated screening threshold analysis certification frequency be changed to every five years, consistent with 7012.0160 Subpart 3(A).

3. 7012.0170: We oppose the labeling of this section as “additional” unless clarification can be provided as to how the additional screening differs from the repeated screening described in 7012.0160. Is there new methodology or new air toxics that are included in the additional screening? Does the additional screening follow the same protocol as the initial screening and repeated screening? Our recommendation is to combine the "repeated air toxics screening threshold analysis" section (7012.0160) and the "additional screening threshold analysis" section (7012.0170) into one "rescreening" section.
4. 7012.0170 Subpart 1(C): We recommend specifying the timeline for required rescreening after a screening threshold value has been newly established or updated.
5. 7012.0170 Subpart 1(D): We oppose the framing of this section, as it conflates two different potential situations. The first, that additional risk-based determination demonstrates possible exceedances of the screening threshold values, implies that the facility made an error in their screening threshold analysis. Would this result in a penalty or violation? The second, that additional risk-based determination demonstrates possible exceedances of acceptable risk levels, is separate because if a facility only completed a screening threshold analysis and not an AERA, then they wouldn't have been comparing the analysis to risk levels in part 7012.0560 and this is not an error on the part of the facility. Our recommendation is to separate these two situations into two separate rule sections and clarify whether the first one, which indicates an error made by the facility, would have an associated penalty.
6. 7012.0170 Subpart 2(A): We oppose the placement of full responsibility on the commissioner to notify the facility if an additional air toxics screening threshold analysis is required. 7012.0170 Subpart 1(B) requires an additional screening threshold analysis when the facility makes alterations or modifications that result in or have the potential to result in an increase in air toxics emissions. In this case, the facility should have responsibility for initiating the additional air toxics screening threshold analysis as they are the originators of the change requiring the additional screening. The timeline of the screening analysis may be significantly extended if MPCA has to first find out about the facility modifications, determine whether they have the potential to result in an increase in air toxics emissions, and then notify the facility of the need to rescreen. Additionally, there may be cases where a facility modification has the potential to result in an increase in air toxics emissions but does not require review by MPCA. In these cases, it would be imperative for the facility to have responsibility for notifying MPCA and initiating the rescreening as MPCA may otherwise be unaware of the change. We recommend differentiating between conditions in 7012.0170 Subpart 1 that require MPCA notification of rescreening versus those that require facility initiation of rescreening.
7. 7012.0400 Subpart 6: We request that MPCA provide guidance on the likelihood or proportion of emission units for which a standard has been adopted under 112(d), or which industries are most likely to have emission units for which a standard has been

adopted under 112(d). In other words, how common does MPCA expect this exemption to be? Additionally, we are seeking guidance on the best way for us to determine if an emission unit has had a standard adopted under 112(d). Is this information specified in a facility's air permit?

8. 7012.0450 Subpart 2(D): We support the timelines outlined in this section. We request that MPCA provides a timeline infographic or other guidance posted on the webpage demonstrating that the timeline for completing the CDP and the timeline for achieving compliance both begin at the certification of the air toxics screening threshold analysis. It should be clearly noted that the timeline for achieving compliance with the CDP does not begin once the CDP has been submitted.
9. 7012.0500 Subparts 1(A) and 2(A): We oppose the language in these sections indicating that the CDP must be revised if a facility alteration or modification has the potential to result in changes to emissions of any air toxic. The CDP will focus only on certain air toxic(s) that were originally over threshold screening values, and therefore CDP revisions should only focus on those same air toxic(s). If other air toxics emissions are potentially changed by a facility change, the facility should cycle back to a rescreening at the threshold screening analysis step, rather than a revision to the CDP. Our recommendation is to clarify in these sections that a CDP revision should only be triggered if the potential emissions changes apply to the air toxic(s) at the focus of the CDP.
10. 7012.0550 Subpart 1: Typo correction needed in this sentence: "The an owner or operator of a facility must submit..."
11. 7012.0568: We request clarification on whether notification to potentially impacted residents is required for facilities who conduct an air emissions risk analysis that results in risks above acceptable risk levels but decide to submit a compliance determination protocol in lieu of an air toxics reduction plan, as allowed by 7012.0570 Subpart 8.
12. 7012.0570 Subpart 2(C)(8): We support the requirement that the air toxics reduction plan includes a description of what records will be kept on site to verify continuous compliance. We request that MPCA establishes a mechanism to confirm continuous compliance and enforce on noncompliance, either incorporated into general air permit inspections or through a different inspection protocol. If this mechanism already exists, we request that MPCA provide clarification on how continuous compliance will be confirmed on a routine basis.
13. 7012.0570 Subpart 7(C): We support the requirement that the facility must notify MPCA once compliance has been achieved. We request that MPCA establishes a protocol to confirm that compliance has been achieved, through on-site inspection, review of calculations, or other appropriate methods.
14. 7012.0600 Subpart 6: We support the requirement for MPCA to conduct inspections for each air toxics facility. The current language requires an inspection "at least once" at

each facility. We recommend that MPCA specifies a time frame for completion of this inspection, such as “at least once within the first five years after the initial screening threshold analysis is completed.” Additionally, we support the intent of the inspection “to review the air toxics facility’s most current screening threshold analysis and supporting documentation, records, equipment, practices, or operations.” We recommend expanding the scope of the inspection to also include reviewing the CDP and/or air toxics reduction plan (and associated monitoring results, if applicable), and determining compliance with the CDP and/or air toxics reduction plan. We recommend that MPCA clarifies the mechanism for inspection and enforcement on these plans.

The Minneapolis Health Department Sustainability, Healthy Homes, and Environment Division appreciates the opportunity to submit these comments on MPCA’s air toxics regulations rulemaking.

Sincerely,

**Thomas Frame, PE**

Environmental Engineer, Environmental Programs

[Tom.Frame@minneapolismn.gov](mailto:Tom.Frame@minneapolismn.gov)

**Samantha Wheeler, PE**

Industrial Outreach Specialist, Sustainability

[Sam.Wheeler@minneapolismn.gov](mailto:Sam.Wheeler@minneapolismn.gov)

**Jenni Lansing, MS, REHS**

Senior Environmental Project Manager, Environmental Programs

[Jenni.Lansing@minneapolismn.gov](mailto:Jenni.Lansing@minneapolismn.gov)



**Jon Stenseth**  
Manager, Environmental  
Programs - Technical  
Operations

**Delta Air Lines, Inc.**  
7500 Airline Drive  
Department C-208  
Minneapolis, MN 55450  
T. +1 612 266 4420  
M. +1 651 231 4266  
[jon.stenseth@delta.com](mailto:jon.stenseth@delta.com)

July 17, 2026

VIA CAH Electronic Filing

Hon. James Mortenson,  
Administrative Law Judge  
Minnesota Court of Administrative Hearings

RE: Proposed New Rules Governing Air Toxics Regulations, Minnesota Rules, Chapter 7012; with Amendments to Chapter 7007. Revisor's ID Number 04807; CAH Docket No. 5-9003-39347

Dear Judge Mortenson:

Attached please find the comments of Delta Airlines on MPCA's Proposed Air Toxics Regulation referenced above. Delta appreciates the opportunity to participate in the development of this rule. If you have any questions about these comments, please contact me at 651-231-4266.

Sincerely,

Jon Stenseth - CHMM  
Manager, Environmental Programs – Technical Operations

Attachment

## **Comments of Delta Airlines**

Proposed Air Toxics Regulation  
Minnesota Rules, Chapter 7012; with Amendments to Chapter 7007  
Revisor's ID Number 04807; CAH Docket No. 5-9003-39347  
Submitted July 17, 2026

Delta Air Lines, Inc. ("Delta") welcomes this opportunity to comment regarding the Minnesota Pollution Control Agency's ("MPCA") proposed Air Toxics Rule. Supporting our communities and environment are core Delta values. Consistent with those values, Delta supports the goals of the proposed rule, but we believe it could be improved consistent with those goals.

We participated in the development of the Minnesota Chamber of Commerce comments on this proposal, and Delta supports those comments. The additional comments below focus on a handful of issues that either illustrate concerns raised by the Chamber or that are otherwise Delta-specific.<sup>1</sup>

### **I. Delta's Interest in the Proposed Rule**

As MPCA knows, Delta has substantial airline and maintenance operations at the Minneapolis-Saint Paul International Airport ("MSP"). MSP is Delta's second-largest hub globally. Our MSP facilities support day-to-day flight operations and a broad range of aircraft maintenance and aircraft engine maintenance, repair, and overhaul ("MRO") work that are essential to ensuring the safety, reliability, and efficiency of Delta's fleet. MSP is one of only two Delta hubs that are Federal Aviation Administration ("FAA") Certified Repair Stations, making it an integral part of Delta's global operations. The types of aircraft and engine work carried out at MSP include assembly and disassembly of aircraft components, cleaning operations, surface coating, abrasive media blasting, metal fabrication and plating for engine components, and jet engine testing, which is FAA-required prior to reinstalling engines on our aircraft.

These facilities are subject to extensive federal and state air regulatory requirements, including federal air toxics regulations, all of which are included in Delta's Title V / Part 70 air quality operating permit. That permit was just renewed earlier this year, and Delta has worked cooperatively with MPCA to ensure compliance with our Title V permit over the years.

Delta's maintenance and repair work at MSP is also heavily regulated by the FAA. FAA regulations frequently incorporate standards set by the original equipment manufacturers ("OEMs") specifying the materials that must be used for repair and maintenance of their equipment. These federal regulations limit airlines' flexibility in making product changes, creating the potential for conflicts between the federal and state law as implemented and applied.

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<sup>1</sup> Because the MPCA's proposal includes threshold values for more than five hundred air toxics, we are continuing to evaluate the details of this proposal and how it may work in practice. We expect we may have additional, more detailed comments during the post-hearing comment period.

Delta employs more than 10,000 people at MSP alone, and our MRO operations serve as a significant source of highly skilled technical jobs. Delta's MSP hub operations play an important role in Minnesota's economy by supporting business activity, tourism, and trade with the rest of the United States and the world. Given the significance of MSP, we want to ensure that the proposed new regulations protect the community and the environment without unnecessarily limiting operational flexibility (where available), creating federal/state conflicts, or discouraging future investment in these facilities.

## **II. The Role of Federal Air Toxics Standards**

Delta is subject to three federal air toxics standards, which govern the vast majority of our stationary source operations at MSP. Specifically, we are subject to and comply with the Aerospace National Emission Standards for Hazardous Air Pollutants ("Aerospace NESHAP") which applies to our maintenance facilities, the maximum achievable control technology ("MACT") standards for industrial, commercial, and institutional boilers and process heaters ("Boiler MACT") and the federal standards for reciprocating internal combustion engines ("RICE MACT").

As MPCA knows, the federal standards are based on the maximum achievable control technology. In addition, eight years after establishing technology-based standards, EPA must also evaluate and, if necessary, revise the standards based on any residual risk with the goal of protecting public health with an ample margin of safety and protecting against adverse environmental impacts. EPA conducted this analysis for the Aerospace NESHAP and concluded that it addresses residual risks to public health and the environment.

MPCA's proposed air toxics regulation allows these federal standards to be accounted for initially by allowing sources to exclude regulated air toxics in the screening stage but then ignores them in subsequent stages of the analysis. Instead, the proposed rule would require including all state-listed air toxics in the facility's potential to emit. These are very rigorous federal standards, and the rule should be revised to factor them through all stages of analysis. In addition, as noted in the Chamber's comments, when a federal toxics standard uses a surrogate to regulate a class of substances, as they often do, that class of substances should be excluded from the state-level analysis.

## **III. Need for Significance or De Minimis Thresholds**

We also urge MPCA to develop either significance thresholds or de minimis thresholds for the listed toxics based on their relative health risks and related factors. As proposed in Minn. R. 7012.0170, subp. 1(B), the Air Toxics Regulation would require a new air toxics risk assessment upon any change in materials that results in emissions of a new or more of a listed substance. For facilities like ours that use literally hundreds of products, this is not practical for a number of reasons.

We cannot plan in advance for product changes, and product changes can be numerous. We may get new formulations that use a new chemical ingredient not previously included. A product may be discontinued and replaced with a new product. Our OEMs may specify a new product required for use in aircraft maintenance. As noted in the introduction, FAA regulations in many cases effectively mandate many of the products we use in our aircraft and engine maintenance operations.

In each case, we are relying on product suppliers to provide us with updated product information via Safety Data Sheets. We almost always get notice of product changes after-the-fact, which creates obvious challenges for compliance and operational flexibility under the proposed rule. As a practical matter, a new formulation of an already approved product will be in our system before we can assess it. In some cases, if the product is one specified by the OEM, FAA regulations will likely require us to use it. As a practical matter, we cannot stop the maintenance operations and wait for the toxics assessment and approval process.

In addition, we see many changes in products over time. We receive a dozen or more updated Safety Data Sheets every month. The rule as proposed provides that the addition of any new listed substance or any increase requires an assessment, regardless of the amount of the change. Given the context above, we are concerned that we may be continually in some stage of toxics assessment, with new assessments starting before prior assessments are complete, which creates a substantial and potentially unnecessary workload for us and MPCA. We believe MPCA has the authority to establish risk-based significance or de minimis thresholds, which could help reduce the extent of this problem while still protecting public health and the environment. We further urge MPCA to consider a use-pending-approval protocol, which would allow interim use of substances while any required MPCA assessments are pending. As the MPCA can appreciate, MRO activities at MSP must be able to continue uninterrupted except in emergencies, and without exposing Delta to enforcement actions.

#### **IV. Defining Boundaries and Receptors Consistent with an EJ Focus**

As the Chamber noted in its comments, some facilities present complex property-line and boundary issues, and Delta's MSP operations illustrate that complexity. Delta's stationary sources are located on airport property across several leased premises, some contiguous and others not. As a result, defining the relevant "fenceline" is challenging, particularly in an airport setting that includes both public-access areas and restricted areas. Because the proposed rule is intended in part to protect environmental justice communities, Delta recommends revising the environmental justice area elements of the proposed rule to require both the screening and more detailed assessments to use the environmental justice area boundary or the environmental justice area, rather than the facility fenceline or general public-access area.

## **V. Achievable Air Toxics Reductions & Compliance Timelines**

The proposed rule does not appear to address either the achievability of taking limits or the timeline for coming into compliance. As to achievability, the Chamber noted that some sources are subject to federal regulations (Federal Drug Administration, FAA, etc.) that can significantly impact the ability to make product changes. As noted in the introduction, FAA regulations in many cases effectively specify many of the products we use in our aircraft and engine maintenance operations. For example, manufacturers such as Boeing or Airbus specify the paints and solvents to be used on aircraft in their manuals, and the FAA requires Delta to follow those specifications. The FAA regulations thus effectively preclude product changes in many instances. The regulations need to make some provision for the inability of some facilities to make changes to their operations.

The regulations should also clearly contemplate time necessary to make achievable reductions. Federal MACT standards allowed at least three years to come into compliance with new air toxics standards. The MPCA rules should specifically provide for the development of a compliance timeline for any required and achievable changes in operations.

## **VI. Conclusion**

Delta appreciates the opportunity to comment on this proposed rule and looks forward to participating further with the MPCA, the Administrative Law Judge, and other interested parties in this rulemaking process.



Mike Karbo  
Regional Director  
API  
202-682-8304  
[Karbom@api.org](mailto:Karbom@api.org)

July 17, 2026

RE: CAH docket number 5-9003-39347

Dear Administrative Law Judge Jim Mortenson,

The American Petroleum Institute (API) appreciates the opportunity to comment on the Minnesota Pollution Control Agency's (MPCA) proposed Air Toxics Regulations (Minnesota Rules Chapters 7007 and 7012). API supports the objective of protecting public health through scientifically sound, risk-based air quality regulation, and recognizes the significant work MPCA has undertaken to develop the proposed rule and accompanying Statement of Need and Reasonableness (SONAR), technical exhibits, and implementation tools. Compared with earlier concepts discussed during stakeholder engagement, the current proposal represents a substantial improvement. In particular, MPCA has:

- established a tiered screening process before requiring refined risk assessment;
- incorporated the Screening Thresholds for Regulated Air Toxics Analysis (STRATA) methodology into rule rather than relying solely on guidance;
- provided significantly greater transparency regarding the development of screening thresholds and modeling assumptions; and
- recognized certain existing federal hazardous air pollutant requirements within the screening framework.

Although these changes resolve several concerns raised during stakeholder engagement, some technical and policy issues remain unresolved. Addressing these issues would better ensure that the final rule fulfills the Legislature's intent by protecting public health through a scientifically robust, transparent, and risk-based program that directs regulatory attention toward facilities with the greatest potential to pose meaningful health risks.

### **1.1 MPCA SHOULD DEMONSTRATE THAT STRATA DOES NOT PRODUCE EXCESSIVE FALSE POSITIVES**

API supports the concept of a screening methodology as an efficient means of identifying facilities that may warrant further analysis. However, the proposed STRATA methodology combines multiple conservative assumptions simultaneously, including conservative stack parameters, generalized meteorological inputs, generalized terrain, property-line receptors, and



health-protective toxicity benchmarks. Each of these assumptions may be appropriate individually. However, MPCA has not demonstrated that layering these assumptions together does not result in an excessive false-positive rate. The SONAR explains how STRATA was developed but does not evaluate how frequently the screening methodology is expected to identify facilities that ultimately present acceptable risks following refined analysis.

API recommends that MPCA:

- perform and publish sensitivity analyses evaluating the cumulative effect of conservative assumptions;
- estimate the anticipated false-positive rate;
- describe the expected percentage of facilities likely to proceed to Stage 2 solely because of conservative screening assumptions; and
- demonstrate that STRATA appropriately distinguishes facilities requiring further review from those that do not.

Without this evaluation, it cannot be determined whether the screening process is appropriately calibrated.

## **1.2 MPCA SHOULD VALIDATE STRATA AGAINST EXISTING ANALYSES AND MONITORING DATA**

The proposed rule explains how STRATA was developed but provides little information regarding validation.

Because STRATA will determine whether facilities incur significant additional regulatory obligations, confidence in the methodology is critical.

API recommends that MPCA validate STRATA against available information, including:

- previous Air Emissions Risk Analyses (AERAs);
- MNRISKS evaluations;
- ambient monitoring;
- fence-line monitoring;
- permitting analyses; and
- other available site-specific data.

Validation is necessary to demonstrate whether the screening methodology accurately predicts facilities requiring additional evaluation while reducing unnecessary analyses for lower-risk facilities.

### **1.3 ADDITIONAL TRANSPARENCY IS NEEDED REGARDING INHALATION HEALTH BENCHMARKS**

The proposed rule relies upon inhalation health benchmarks derived from multiple scientific organizations. API supports using health-based toxicity values but requests additional transparency regarding:

- the hierarchy used when multiple toxicity values exist;
- the scientific rationale for selecting among competing values;
- how benchmark revisions will be incorporated into future implementation; and
- how existing facilities will be affected when benchmark values change.

Providing this information is necessary to ensure predictability and consistency for regulated facilities.

### **1.4 PROPERTY-LINE SCREENING DOES NOT REPRESENT LONG-TERM HUMAN EXPOSURE**

The proposed screening methodology evaluates chronic exposures using the shortest horizontal distance to the facility property line. For chronic non-cancer and cancer endpoints, however, the relevant exposure assumption is long-term exposure at locations where people reside or spend substantial time. Property boundaries frequently include roads, rail corridors, utility easements, industrial parcels, waterways, or other locations that do not represent realistic chronic residential exposure. Consequently, facilities may exceed screening thresholds based solely on conservative property-line assumptions, even where no comparable long-term exposure exists.

API supports maintaining a simple, standardized screening methodology; however, the rule should also provide an opportunity for limited refinement before requiring a full Air Emissions Risk Analysis (AERA). Specifically, where a facility exceeds a screening threshold based solely on the property-line assumption, MPCA should allow the facility to demonstrate that the nearest residential or sensitive receptor is located farther away, or otherwise provide representative receptor information, before requiring a full Stage 2 analysis.

API recommends allowing:

- the nearest residential or sensitive receptor for chronic screening; or
- a limited refined Stage 1 analysis using representative receptors before requiring a full Air Emissions Risk Analysis.



This approach would better align the screening methodology with the health endpoints being evaluated.

### **1.5 EXISTING FEDERAL HAZARDOUS AIR POLLUTANT PROGRAMS SHOULD BE RECOGNIZED**

Many affected facilities are already subject to comprehensive federal hazardous air pollutant programs, including MACT standards, NESHAP requirements, and EPA residual risk and technology reviews. While the proposal appropriately recognizes certain federal requirements during the initial screening process, additional clarification is needed regarding when already-regulated emission units must undergo additional facility-specific analyses.

API recommends that MPCA further clarify or expand exemptions where existing federal programs have already evaluated and addressed hazardous air pollutant emissions unless MPCA identifies a specific regulatory gap warranting additional review.

This approach would reduce duplication while maintaining protection of public health.

### **1.6 IMPLEMENTATION FEASIBILITY AND COMPLIANCE TIMEFRAMES**

The proposed rule establishes a sequence of technical evaluations that may include screening analyses, AERAs, Compliance Determination Protocols, Air Toxics Reduction Plans, agency review, and permit modifications. API is concerned that the cumulative effect of these requirements could substantially extend permitting and project implementation timeframes, particularly for new facilities and facility modifications.

API recommends that MPCA:

- evaluate the expected impact of the proposed requirements on permit processing timelines;
- clarify expected agency review timeframes for AERAs, Compliance Determination Protocols, and Air Toxics Reduction Plans;
- ensure that compliance schedules account for the availability of qualified modelers, risk assessors, and agency review staff; and
- consider streamlined review where facilities have already completed comparable analyses or are subject to existing federal hazardous air pollutant requirements.

### **1.7 REPRESENTATIVE OPERATING CONDITIONS AND EXISTING MONITORING DATA SHOULD BE USED WHERE APPROPRIATE**

The proposal generally requires use of the most recent emissions inventory. However, a single inventory year may not represent typical facility operations. Similarly, many facilities have



representative ambient or fence-line monitoring information that may better characterize actual exposure than generalized screening assumptions.

API is also concerned that the AERA methodology may require the use of potential-to-emit or maximum physical capacity emissions for certain emission units rather than representative operating conditions. While conservative assumptions may be appropriate for an initial screening analysis, refined risk assessments should reflect realistic operating conditions to provide the most accurate estimate of potential public exposure.

API recommends allowing:

- representative operating years where justified;
- representative monitoring data;
- refined dispersion analyses; and
- other technically appropriate information where these data provide a more realistic characterization of potential exposure.
- clarification of when actual operating data, enforceable permit limits, or representative emissions may be used in lieu of potential-to-emit assumptions during the AERA process.

### **1.8 MPCA SHOULD DEMONSTRATE THE RULE'S INCREMENTAL PUBLIC HEALTH BENEFITS**

The SONAR discusses the need for an air toxics program generally but provides limited information regarding the incremental public health benefits expected from this specific proposal.

API recommends that MPCA quantify, to the extent practicable:

- anticipated reductions in cancer and non-cancer risk;
- pollutants expected to drive risk reductions;
- the number of facilities expected to require additional controls;
- anticipated reductions in emissions; and
- the relationship between expected benefits and implementation costs.

Providing this information would strengthen the administrative record and demonstrate that the proposed requirements are appropriately tailored to achieve measurable public health improvements.



American Petroleum Institute  
Midwest Region

Mike Karbo  
Regional Director  
API  
202-682-8304  
[Karbom@api.org](mailto:Karbom@api.org)

## **1.9 ADDITIONAL TECHNICAL RECOMMENDATIONS**

API also recommends that MPCA:

- provide additional explanation regarding cumulative hazard index calculations and target-organ grouping;
- clarify acceptable emissions estimation methods and monitoring expectations;
- clarify whether facilities must develop hourly and annual emissions estimates for all regulated air toxics or only for pollutants that require further evaluation after screening
- allow limited refinement before requiring full Stage 2 analyses when conservative screening assumptions alone drive exceedances; and
- provide additional information regarding anticipated implementation costs, workload, and agency review timelines.

## **1.10 CONCLUSION**

API appreciates MPCA's extensive work to improve the proposal and its continued engagement with stakeholders throughout this rulemaking. We believe the remaining issues identified above can be addressed while preserving the overall framework of the proposed program.

Thank you for considering these comments. API looks forward to continued engagement with MPCA as the rulemaking proceeds.

Sincerely,

Mike Karbo  
Midwest Region Director  
American Petroleum Institute



July 17<sup>th</sup>, 2026

Administrative Law Judge James R. Mortenson  
Minnesota Office of Administrative Hearings

Comments submitted electronically through CAH eComments

**Re: Minnesota Pollution Control Agency Proposed New Rules Governing Air Toxics Regulations, Minnesota Rules Chapter 7012; with Amendments to Chapter 7007; Revisor R-4807; CAH Docket No. 5-9003-39347**

Dear Judge Mortenson:

The University of Minnesota appreciates the opportunity to engage in this rulemaking process and respectfully submits these comments regarding the draft Air Toxics Regulations Rules, published on May 18, 2026. We sincerely thank the Minnesota Pollution Control Agency staff and leadership for their hard work and extensive stakeholder engagement. We hope you will take our comments under meaningful consideration as you finalize this rule.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katharine Bonneson'.

Katharine Bonneson, DPA, MS, RIMS-CRMP  
Associate Vice President, Health, Safety and Risk Management  
University of Minnesota

## **Introduction**

The University of Minnesota (“the University”) is deeply committed to environmental stewardship and safeguarding the health of our campus and surrounding communities. Over the past 30 years, the University has reduced its permitted air emissions by over 90 percent through energy reduction and facility modernization, even while expanding its facilities by several million gross square feet. We support minimizing air toxics and the state’s 2023 legislative directive (Minn. Laws 2023, ch. 60 art. 8 § 5). However, the University is concerned that several of the requirements of the draft Air Toxics Regulations Rules (“Draft Rules”) do not consider the size and operational complexity of an expansive research and teaching institution like the University.

## **Background**

As a public land-grant institution, the University holds a unique constitutional responsibility to serve the State of Minnesota and its local communities. The University fulfills this charter through a threefold mission of education, research, and outreach. Beyond supporting a daily statewide population of approximately 68,000 students and 27,000 faculty and staff members, the institution directly serves millions of Minnesotans who visit our campuses to receive vital medical and clinical care, access statewide agricultural extension services, and participate in public educational and cultural events.

Delivering these services requires an immense and complex physical footprint. The Twin Cities campus covers approximately 1,200 acres across Minneapolis and St. Paul. This dense urban campus encompasses more than 270 buildings comprising nearly 25 million square feet of space, including teaching spaces, research laboratories, healthcare facilities, student housing, libraries, childcare facilities, and recreation areas.

### **University Title V Air Permit**

The Twin Cities campus is aggregated as a single “stationary source” under a Title V Air Permit. The University’s significant air emission sources consist of three centralized district heating plants: the Main Energy Plant and the Southeast Steam Plant in Minneapolis, and the St. Paul Heating Plant. Other permitted sources include decentralized, low-capacity boilers and emergency generators. These non-centralized systems exist strictly to provide building comfort heating, emergency power, and operational support to the campus community in our land-grant mission of world-class education, groundbreaking research, and community-engaged outreach. The systems do not serve commercial or industrial manufacturing processes.

To ensure the final rule accounts for this unique institutional footprint, the University respectfully submits the following technical comments and recommendations.

## Comments & Recommendations

The University's proposed modifications to the Draft Rule language are formatted using [blue text](#) to denote proposed additions and ~~red strikethrough~~ to denote proposed deletions.

**Comment 1: The owner or operator of an air toxics facility should be allowed to use air dispersion modeling information where the actual emission source is not adequately represented by STRATA default dispersion values.**

The Screening Threshold Analysis required under proposed Minn R. 7012.0300, supb. 1, uses the Screening Threshold for Regulated Air Toxics Analysis ("STRATA") to initially determine potential health risks from an air toxics facility. Within STRATA, pollutant concentrations are calculated in a very conservative manner. According to the Statement of Need and Reasonableness ("SONAR"), the Minnesota Pollution Control Agency (MPCA) selected conservative numbers for parameters such as stack diameter, exit velocity, and gas exit temperature to reduce buoyancy from the stack.<sup>1</sup> The consequence of using these more conservative numbers is that they result in higher calculated ground-level pollutant concentrations. While this method captures worst-case scenarios, in many cases, these default parameters are grossly unrepresentative of actual physical conditions.

If an individual emission point air toxic exceeds a screening threshold solely due to the discrepancy between default STRATA parameters and actual physical conditions, a facility would be required to advance to a more detailed analysis. Allowing facilities the option to perform refined, site-specific detailed dispersion modeling at this stage would streamline the process by preventing artificial exceedances from triggering the next step, i.e., either an air emissions risk analysis (AERA) or a compliance determination protocol (CDP). This allows the MPCA to prioritize the use of AERA and CDP for facilities of greatest concern.

### Recommendation:

Revise the STRATA to allow for refined dispersion modeling data to be input where available to replace unrepresentative default stack parameters or dispersion characteristics.

**Comment 2: The owner or operator of an air toxics facility should be allowed to implement air dispersion modeling as part of a CDP.**

The MPCA should allow refined dispersion parameters as part of a CDP without triggering an AERA. If a facility can demonstrate, through detailed modeling, that one or more conservative STRATA assumptions overstate potential impacts from the sources included in the screening threshold analysis, the facility should be able to use that information as part of the CDP.

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<sup>1</sup> SONAR, Exhibit 2 at 3.

This type of two-stage modeling process is routinely required under existing rules and guidance for criteria air pollutants. In those cases, a screening analysis can be provided as a first step of compliance demonstration prior to a full-scale modeling exercise that includes sources exempted from the original model.

By incorporating a detailed dispersion modeling option into the CDP, the compliance process can be streamlined in a manner that meets the intent of the rule without the combined time and effort required to produce and review the formal AERA procedure.

**Recommendation:**

Minn. R. 7012.0450, subp. 2.C should be modified to include the following language:

C. [a demonstration using source-specific dispersion parameters of the Screening Threshold Analysis sources that show current permit requirements sufficiently achieve compliance with the threshold values; or](#) limits, restrictions, controls, or other means that will be taken to achieve and remain at or below screening threshold values for one or more emissions units;

**Comment 3: The MPCA should explicitly include all toxics controlled by surrogate pollutants for sources subject to a Section 112(d) standard in the air toxics screening analysis threshold exemption (Minn. R. 7012.0400, subp. 6).**

Federal National Emission Standards for Hazardous Air Pollutants (NESHAP), promulgated under Section 112(d) of the Clean Air Act, impose emission limits, work practices, monitoring, recordkeeping, and reporting requirements across numerous source categories. These regulations are specifically designed to reduce hazardous air pollutant emissions while considering technological availability and emission unit purpose. Federal NESHAP standards use surrogate pollutants, such as particulate matter (PM for total metal HAP), volatile organic compounds (VOCs for total organic HAP), or sulfur dioxide (SO<sub>2</sub> for total acid gas HAP), that effectively control the entire class of air toxics.

**Recommendation:**

The MPCA should revise Minn. R. 7012.0400, subp. 6, to apply to all HAP and non-HAP toxics emitted from a source subject to a Section 112(d) NESHAP standard where the federal standards regulate the chemical class of HAPs:

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

**Comment 4: The AERA protocol requirements under Minn. R. 7012.0550, subp. 2.A(2) should be revised to provide regulatory flexibility and exempt insignificant activities for research and educational institutions.**

The University has significant concerns regarding Minn. R. 7012.0550, subp. 2.A(2), which requires the inclusion of “all emissions sources, including emissions units, both stack and fugitive emission sources; insignificant activities under part 7007.1300; and conditionally insignificant activities as defined under part 7005.0100.” (emphasis added)

The inclusion of the word “all” creates an overly rigid standard that strips the MPCA of regulatory flexibility needed to make practical, site-specific determinations with respect to what equipment and activities to include in a resource-intensive AERA. Additionally, the requirement to include all insignificant activities and conditionally insignificant activities poses substantial technical and administrative challenges for a large public research and educational institution.

The University provides facilities for medical, educational, and research activities vital to the state’s well-being. Rather than being concentrated in a centralized footprint, these activities are highly dispersed across a 1,200-acre campus. Many of the buildings where these activities take place contain numerous emission sources defined as insignificant activities, which include:

1. Small emergency generators that provide backup electricity for critical life-safety systems in dormitories, classrooms, and other facilities during power outages;
2. Small boilers used for comfort-heating in buildings that are not on the main steam system, or serving as redundant backups to safeguard critical research; and
3. Laboratories and demonstration activities where relatively small emissions are generated for instruction and research.

Emergency generators sit idle for 99% of the year. Outside of actual power grid failures, their operation is limited to brief reliability testing that typically lasts one hour or less each month. Although they do not operate often, emergency generators as a backup power source are essential to the provision of life-safety power, the preservation of critical research, and the continuous operation of vital medical and clinical facilities.

Small comfort-heating boilers have a similar operational profile. Facilities install parallel, identical boilers for redundancy. Because these units alternate to share the seasonal heating load, their actual combined throughput is just 15% of their theoretical annual maximum. In both cases, this equipment exists to protect life safety.

Laboratories and demonstration activities at the University are intermittent and do not follow a routine production schedule, as is the case with a typical manufacturing process. These activities can change multiple times during the year, depending on specific project or educational goals. Cataloging and modeling thousands of chemical usage rates, fume hood configurations, and stack parameters for activities the MPCA considers insignificant is technically and administratively impossible at a public teaching and research institution like the University.

Additionally, requiring all emission units and insignificant activities in an AERA protocol directly contradicts the MPCA's stated intent for emergency engines. According to the SONAR for Minn. R. 7012.0560, subp. 2.B, emergency engine data is collected specifically "to determine if these engines may need to be included in the AERA"<sup>2</sup> (emphasis added). The proposed rule text fails to preserve this intended screening mechanism.

### **Recommendations:**

The University recommends that the MPCA consider the following:

- Minn. R. 7012.0550, subp. 2.A., item 2 is too restrictive and should be modified to allow the MPCA the ability to make practical, site-specific decisions when determining which emission sources are necessary to include in an AERA. This would also address the discrepancy identified regarding the discretionary inclusion of emergency engines in an AERA.
- The MPCA should exempt public research and education institutions from modeling insignificant activities and conditionally insignificant activities. On a major research campus, modeling these minor sources is administratively infeasible and fails to provide a meaningful public health benefit.

### **Comment 5: A mechanism for extending deadlines or creating case-by-case submittal schedules should be incorporated throughout the Draft Rules.**

The Draft Rules establish rigid deadlines for the submission and resubmission of various analyses, reports, protocols, plans, and permit amendments without a mechanism for requesting a deadline extension or case-by-case submission schedules. This lack of flexibility is unreasonable and fails to account for the variability between regulated facilities. Two examples of processes with rigid deadlines are: (1) the AERA protocol submittal and (2) an AERA protocol resubmittal. Both proposed deadlines are arbitrary because they fail to account for facility-specific complexities and lack adequate justification within the SONAR.

The MPCA justifies the one-year AERA protocol deadline based on a survey conducted of smaller facilities. The SONAR states:

Based on this survey to smaller facilities, most of these facilities stated that they could complete an AERA between six months and one year. Since the survey results determined that most of the facilities agreed to six months to a year, a year is a reasonable amount of time to complete an AERA.<sup>3</sup>

The MPCA's reliance on this survey is arbitrary because it fails to consider the operational scale of large or complex facilities. The smaller facilities surveyed operate fewer emission units and insignificant activities, resulting in a smaller analysis than what is required for a large facility. It is

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<sup>2</sup> SONAR at 121.

<sup>3</sup> SONAR at 97.

unreasonable to apply the same rigid compliance timelines to larger facilities without a mechanism to extend deadlines or establish schedules on a case-by-case basis.

The Draft Rules contain internal contradictions regarding the timeline for resubmitting a disapproved AERA protocol. Under proposed Minn. R. 7012.0550, subp. 4, the Commissioner's notification of disapproval must specify a deadline for resubmitting the protocol and establish a schedule for submitting supplemental information. Yet, Minn. R. 7012.0550, subp. 5 strips away this intended flexibility by imposing a 60-day resubmittal deadline.

Furthermore, the MPCA's attempt to justify this 60-day deadline in the SONAR is logically flawed. The MPCA attempts to benchmark this timeline against its standard 30-day resubmittal deadline for incomplete air permit applications, stating:

An AERA protocol generally contains more complex and detailed information about a facility compared to an air permit application. Therefore, it is reasonable to allow 60 calendar days for the resubmittal of an AERA protocol due to the added complexity compared to a permit application.<sup>4</sup>

The MPCA's justification lacks a rational basis. The agency explicitly acknowledges that an AERA protocol is vastly more complex and detailed than a standard air permit application. However, it fails to establish a rational connection demonstrating why simply doubling the timeline of a less complex process (from 30 days to 60 days) provides sufficient or reasonable time for a facility to address deficiencies in a highly complex modeling protocol.

#### **Recommendation:**

- The Draft Rules should be revised to incorporate a mechanism for deadline extensions, or preferably, the establishment of submittal schedules on a case-by-case basis.

**Comment 6: CDP modifications should only be required if changes to the air toxic facility could lead to an exceedance of a screening threshold value (Minn. R. 7012.0500, subp. 1 and Minn. R. 7012.0500, subp. 2).**

The Draft Rules require the owner or operator of a facility to revise a CDP when an alteration or modification to the air toxics facility will result in, or have the potential to result in, changes to either the amount or number of air toxics emitted. The MPCA's justification in the SONAR, however, relies entirely on preventing threshold exceedances:

It is reasonable to require a revision when the volume or number of air toxics emitted has changed because if these alterations or modifications result in an exceedance of screening threshold values, the exceedances will need to be addressed by updating the CDP.<sup>5</sup> (emphasis added).

The Draft Rules do not align with the SONAR's given justification. A facility change consisting solely of adding or modifying equipment exempt from the screening analysis has no potential to

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<sup>4</sup> SONAR at 103.

<sup>5</sup> SONAR at 95.

cause an exceedance of screening threshold values; therefore, no revision of the CDP should be required.

#### **Recommendations:**

- Revise Minn. R. 7012.0500, subp. 1.A to state:  
alterations or modifications to the air toxics facility will result in or have the potential to result in changes to either the amount of any one or more air toxics emitted or the number of air toxics emitted [and the alteration or modification could lead to an exceedance of a screening threshold value](#);
- Revise Minn. R. 7012.0500, subp. 2.A to state:  
alterations or modifications to the air toxics facility will result in or have the potential to result in changes to either the amount of any one or more air toxics emitted or the number of air toxics emitted [and the alteration or modification could lead to an exceedance of a screening threshold value](#);

#### **Comment 7: Allow for discretionary revision and termination of a CDP**

The Draft Rules include mandatory revision protocols for CDPs but do not include a way for a facility to modify or terminate the CDP. Because facility operations and emissions change over time, a clear process for revising or terminating a CDP is necessary.

The MPCA recognizes this issue in the SONAR, stating: “Once a CDP is developed there may be changes to an air toxics facility that may not be reflected in the original CDP. It is reasonable to allow facilities to initiate a revision to a CDP, when necessary, but it is also reasonable to allow the agency to require a revision.”<sup>6</sup> However, the Draft Rules only account for revisions to the CDP in certain mandatory circumstances.

#### **Recommendation:**

Revise the Draft Rules to allow for a facility to undergo a discretionary CDP modification and to create a clear process for terminating the CDP.

#### **Comment 8: The method used to determine the extent of written notifications to potentially affected residents is unreasonable for large-scale institutions (Minn. R. 7012.0568, subp. 1)**

If an AERA indicates risk above acceptable levels, the Draft Rules require facilities to notify every residence or business within a circle, centered on the facility, with the radius extending to the farthest point where modeled risk estimates are equal to 90% of the acceptable risk level. While the University supports a modeling-based approach to ensure that all potentially impacted residents are notified, the simplified circle methodology is flawed, particularly when applied to expansive public institutions.

The University’s Twin Cities campus covers approximately 1,200 acres across Minneapolis and St. Paul, spanning a distance greater than three miles. Centering a notification circle on the

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<sup>6</sup> SONAR at 94.

geographic center of a sprawling campus, rather than on the emission source causing the exceedance, inflates the notification area unnecessarily. For the University, the geographic center could be located more than 1.5 miles away from the emission source causing the exceedance, resulting in a much larger notification radius than necessary. For example, if modeling demonstrates that the actual risk impacts were located in the Cedar-Riverside neighborhood of Minneapolis, applying a radius from the University's geographic center would require sending notifications to residents as far away as Roseville.

This outcome directly contradicts the SONAR, which explicitly states the rules' intent is to limit mailers to areas of potential impacts.<sup>7</sup> This overly broad notification methodology can also create undue alarm and stress on unimpacted residents.

This approach would also create unnecessary concern and present false information to residents who are within the general radius of the facility but not located in the areas where the modeled risk estimates are equal to 90% based on the meteorological conditions and terrain. The modeling results from an AERA can be plotted on a map and used to provide a detailed significant impact area representing 90% modeled risk estimates. The current MPCA modeling practices manual uses this approach in a significant impact area (SIA) analysis to identify the extent for the National Ambient Air Quality Standard (NAAQS) receptor grid based on modeled Significant Impact Level (SIL) results.

In addition, the University intends to comply with any public notice requirements, but notes that for a public facility like the University, mailed notices can be a burdensome task with the potential for minor errors. Accordingly, consistent with other requirements for public notice under state law, the University recommends that the rules be revised to add that a bona fide attempt to comply with the notice requirements. See, e.g., Minn. Stat. § 216I.05, subd. 8(d).

### Recommendations:

- Revise Minn. R. 7012.0568 subp. 1.A: a residence or business located within ~~a circle with the air toxics facility at the center and a radius determined by the farthest point identified~~ the modeled extent, determined by the receptors where risk estimates are equal to 90 percent of acceptable risk levels; and

- Add a paragraph to Minn. R. 7012.0568, subp. 1, stating that:

The failure to provide mailed notice to a property owner or defects in the notice do not invalidate the proceedings, provided a bona fide attempt to comply with this part has been made.

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<sup>7</sup> SONAR at 133.



## Comments on Proposed MPCA Air Toxics Rule - Revisor R-04807

Administrative Law Judge James Mortenson  
Minnesota Office of Administrative Hearings

Comments submitted electronically through OAH eComments

**Re: Minnesota Pollution Control Agency Proposed Air Toxics Regulations Rule, Revisor R-04807;  
CAH Docket No. 5-9003-39347**

Dear Judge Mortenson:

Cordia Energy Center Minneapolis LLC (Cordia) submits these comments on the Minnesota Pollution Control Agency's (MPCA) proposed Air Toxics Regulations Rule, which would create a new Minnesota Rules chapter 7012 and amend Minnesota Rules chapter 7007. Cordia Energy Center Minneapolis is a large district energy company that provides essential heating and cooling to a large number of commercial, retail, and government customers in downtown Minneapolis, including many facilities that would be directly affected by the proposed rule.

Cordia supports effective protection of public health and supports a regulatory structure that gives communities and regulated facilities confidence that air toxics are being addressed through sound science, transparent procedures, and clear compliance obligations. Cordia has participated throughout MPCA's pre-proposal process and has raised many of the issues addressed below in earlier informal comments to MPCA. Because those earlier informal comments are not part of the record before the Administrative Law Judge, this letter provides the full context for Cordia's comments and requests.

The proposed rule reflects some meaningful improvements from MPCA's early concepts. For example, the proposed Stage 1 screening analysis uses actual annual emissions, excludes some insignificant activities and conditionally insignificant activities from STRATA, requires a rulemaking to change the STRATA benchmarks and calculations, provides some permit-type and emission-unit exemptions, excludes certain HAP emissions from sources subject to Clean Air Act section 112(d) standards from Stage 1, and gives existing facilities a choice between a compliance determination protocol (CDP) and an air emissions risk analysis (AERA) if screening thresholds are exceeded.

Those improvements are important, but additional revisions are needed for the hundreds of facilities that will be subject to them. As proposed, the rule remains resource-intensive and more conservative than necessary to address the Legislature's environmental justice and air toxics objectives. Cordia requests that MPCA revise the proposed rule to better focus on actual resident exposure, reduce false positives from conservative screening, clarify the treatment of already-regulated sources, avoid unnecessary potential-to-emit modeling, and provide workable compliance timelines and public-communication procedures.

### Summary of Requested Revisions

Cordia requests that MPCA revise the proposed rule to:

1. Focus implementation on actual exposure of residents in environmental justice areas and highest-priority pollutants and locations.
2. Provide a phased implementation schedule tied to risk priority, geography, or environmental justice considerations, rather than a broad simultaneous program for all non-exempt facilities.
3. Revise STRATA to allow use of nearest resident, sensitive receptor, or ambient air boundary for chronic/cancer screening, or at minimum allow that as a refined Stage 1 option.
4. Clarify property-line edge cases, including rail easements, barge docks, shared industrial parcels, and internal property boundaries.
5. Allow monitored fenceline or ambient air data, or a user-imported refined dispersion value, to replace conservative default STRATA dispersion factors where representative data are available.
6. Clarify that screening should evaluate pollutants known or reasonably expected to be emitted, not require speculation across all listed pollutants.
7. Expand and clarify exemptions for sources and pollutants already controlled or evaluated through NESHAP/MACT, residual risk reviews, prior MPCA AERAs, or functionally equivalent analyses.
8. Add a pollutant/source winnowing step before requiring a full AERA.
9. Allow actual, historical representative emissions or reasonable projected actual emissions in AERA when they better represent community exposure than potential-to-emit values.
10. Clarify CDP enforceability, revision, termination, and permit-amendment consequences.
11. Reassess the SONAR's cost and implementation assumptions, including costs after the first year, AERA costs, permit-amendment costs, operational changes, controls, and MPCA staffing constraints.
12. Calibrate public notification to avoid presenting conservative modeled potential impacts as actual exposure or final risk determinations.

## **I. The Rule Should Be Focused on Actual Exposure and Environmental Justice Priorities**

The Legislature directed MPCA to develop rules governing facilities that emit air toxics in the seven-county metropolitan area and required MPCA to establish testing, monitoring, reporting, recordkeeping, and inspection requirements that reflect, among other things, "any exposure of residents of an environmental justice area to the facility's air toxics emissions." That language should shape the rule's design and implementation.

The proposed rule applies broadly to permitted facilities in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties, subject to specified exemptions. The SONAR estimates that approximately 523 facilities would remain subject to the proposed rule and that 131 to 178 facilities may be above screening thresholds depending on assumptions regarding distance to property line. The SONAR also states that MPCA expects approximately 5.2 FTE to implement the proposed rule.

Those numbers raise a fundamental implementation concern. A broad program that pushes a large number of facilities into CDPs, AERAs, inspections, potential permit amendments, and possible air toxics reduction plans will consume MPCA and facility resources without necessarily focusing first on the locations, pollutants, and sources most relevant to resident exposure in environmental justice areas. Cordia is concerned that this approach could divert scarce agency resources away from the communities the statute is intended to prioritize.

MPCA has decades of air toxics information, including emissions inventory work, monitoring data, MNRISKS, and other technical analyses. MPCA's public materials have repeatedly described air toxics risk in terms of specific pollutants, locations, and source categories. The rule should use those existing tools

to prioritize implementation. A targeted and sequenced approach would better protect public health by focusing first on the facilities and pollutants most likely to materially affect residents in environmental justice areas.

Cordia requests that MPCA revise the rule or implementation schedule to prioritize:

- facilities located in environmental justice areas;
- facilities within a defined distance of environmental justice areas where resident exposure is plausible;
- pollutants and source categories that MPCA's existing data identify as higher contributors to risk;
- facilities that have not already been evaluated through an MPCA AERA, federal NESHAP/MACT framework, residual-risk review, or other toxics analysis; and
- facilities whose emissions and dispersion characteristics indicate a realistic possibility of resident exposure above health-protective levels.

## **II. STRATA Should Be a Practical Screen, Not a Generator of False Positives**

Cordia supports MPCA's decision to create a screening step before requiring refined modeling or emission-reduction plans. A screening step can be useful if it efficiently identifies facilities and pollutants that warrant additional analysis while screening out those that do not. To serve that function, STRATA must be conservative enough to protect public health but not so conservative that it sends many low-risk facilities into expensive follow-up work.

The proposed STRATA approach uses stack height, emissions, and shortest horizontal distance to property line. For annual actual emissions, facilities must use the most recent finalized emissions inventory and current stack parameters. For hourly emissions, the rule generally uses annual actual emissions divided by operating hours but requires individual and capped permit holders to calculate hourly HAP emissions using maximum physical capacity unless specified limitations apply.

Several aspects of this structure should be revised.

First, the shortest distance to property line is not necessarily a meaningful proxy for resident exposure. For chronic noncancer and cancer endpoints, the relevant exposure assumption is long-term exposure, often residential exposure over extended periods. A property line could be interpreted as a rail easement, dock edge, internal property boundary, industrial neighbor, roadway, or other location with no plausible long-term residential exposure. A rule that evaluates chronic/cancer screening values at such locations will overstate actual resident exposure and create unnecessary Stage 2 obligations.

MPCA should revise the rule to allow facilities to use distance to the nearest resident or sensitive receptor for chronic/cancer screening, or, at a minimum, allow this as a refined Stage 1 option before requiring CDP or AERA. MPCA should also define how the "shortest horizontal distance to property line" applies to rail easements, barge docks and other on-water emissions sources, shared parcels, and other property configurations common at industrial facilities.

Second, STRATA should allow monitored data or refined dispersion information where available. Some facilities already operate fence-line or ambient toxics monitoring programs. That data can provide a more direct measure of local concentrations than a default dispersion spreadsheet using conservative assumptions. MPCA should allow representative, quality-assured monitoring data to be used in Stage 1 where the data correspond to the pollutants and exposure periods at issue. MPCA should also allow a user-imported refined source dispersion concentration, or an equivalent simple modeling refinement, to

replace a conservative default STRATA factor when actual stack parameters, dispersion characteristics, or site layout make the default value materially unrepresentative.

Third, the rule should clarify that screening applies to pollutants known or reasonably expected to be emitted and reported in the annual air toxics emissions inventory. If MPCA's pollutant list includes hundreds of potential air toxics, facilities need a clear and technically grounded method to determine which pollutants must be evaluated. Facilities should not be required to speculate about pollutants when there is no technical expectation of emissions from the source. A known-or-reasonably-expected standard would align the screening process with real facility operations and reduce unnecessary work.

Fourth, MPCA should allow facilities to use a representative actual-emissions year. A single most recent finalized inventory year may not reflect normal operations, current equipment, current product mix, or expected future operations. If an inventory year is abnormal, the facility should be allowed to use a representative year or reasonable projected actual emissions with documentation. The goal should be to evaluate actual exposure conditions, not artifacts of an unusual year.

Fifth, the hourly emissions from an emissions unit, as an input to the STRATA, should be consistently applied regardless of the type of permit a facility has. Specifically, requiring an individual or capped permit holder to use its theoretical emissions at maximum physical capacity, while other permit holders may use a more reasonable estimate of the hourly emissions as a function of actual annual emissions and operating hours, could lead to facilities unnecessarily triggering a Stage 2 effort.

Sixth, the STRATA workbook should be usable, particularly for facilities that will need to input hundreds of data points. Facilities should be able to import emissions data from existing emissions inventory systems or external workbooks rather than manually entering values cell by cell.

### **III. MPCA Should Expand and Clarify Exemptions for Already-Regulated or Already-Evaluated Sources**

Cordia appreciates that the proposed rule excludes HAP emissions from an emissions unit for which a standard has been adopted under Clean Air Act section 112(d) from the Stage 1 screening threshold analysis. This reflects an important principle: facilities and units already subject to federal HAP controls should not be forced to undergo duplicative analysis unless MPCA identifies a specific gap warranting additional review.

The Stage 1 screening exemption is too limited and should be clarified.

Federal NESHAP and MACT standards impose emission limits, work practices, monitoring, recordkeeping, and reporting requirements across numerous source categories. Many MACT categories have also undergone EPA residual-risk and technology reviews. While the federal program is not identical to MPCA's proposed facility-specific risk framework, it is a mature regulatory structure specifically designed to reduce hazardous air pollutant emissions and address remaining risks. The proposed rule exempts certain HAP emissions from Stage 1 but appears to bring those same sources back into AERA if the facility proceeds to Stage 2. That approach undermines the efficiency of the Stage 1 exemption and may require facilities to remodel or re-evaluate emissions already addressed through existing programs. MPCA should either extend the exemption into AERA or clearly identify the circumstances in which a section 112(d) source must be included in AERA despite the Stage 1 exemption.

MPCA should also allow the exemption to apply to all non-HAP toxics emitted from a source subject to a section 112(d) standard where the federal standards regulate the chemical class of HAPs. Many federal standards use surrogate pollutants, such as PM (for total metal HAP), VOC (for total organic HAP), or SO<sub>2</sub> (for total acid gas HAP), that effectively control the entire class of air toxics. MPCA should allow facilities to exclude the chemical class(es) of air toxics that the Section 112(d) standard addresses, in addition to all Federal HAP.

MPCA should also provide an off-ramp for facilities with prior MPCA AERAs or equivalent risk analyses that remain representative of current permitted activities. Requiring a facility to repeat a costly AERA that has already been completed and reviewed does not materially improve public health unless facility operations, emissions, or surrounding receptors have changed in a way that could materially affect risk. The rule should allow prior analyses to satisfy or narrow the rule's requirements.

#### **IV. The AERA Path Should Avoid Unnecessary PTE-Based Overstatement**

Cordia remains deeply concerned that the proposed rule uses actual emissions at Stage 1 but then shifts to potential-to-emit calculations in AERA. AERA can be a useful refined analysis, but PTE-based modeling can significantly overstate actual community exposure. In many cases, PTE reflects theoretical maximum capacity, not representative operations. Modeling all emissions units, insignificant activities, and conditionally insignificant activities at PTE can convert a refined risk analysis into an unrealistically conservative worst-case exercise.

Cordia requests that MPCA revise the AERA provisions to allow actual, representative historical emissions or reasonable projected actual emissions where those values better represent exposure. PTE may be appropriate in some permitting contexts, particularly where a facility seeks enforceable limits tied to potential emissions, but it should not be the only path for demonstrating risk where actual exposure is the relevant public health question.

Specifically, the rule should allow facilities to:

- refine only STRATA-exceeding pollutants or the pollutants that materially drive risk;
- exclude low-risk source/pollutant pairs unless MPCA demonstrates they materially affect risk;
- use MNRISKS or other MPCA-approved tools as an intermediate refinement;
- rely on representative ambient monitoring data where available; and
- use actual emissions instead of PTE in the AERA.

#### **V. CDP Requirements Need Greater Clarity and Flexibility**

The CDP pathway is one of the most important features of the proposed rule because it may allow facilities to reduce or manage actual emissions without moving into full AERA. Cordia supports a practical CDP option, but the proposed rule should clarify several issues.

First, the rule should provide a clear process for terminating or replacing a CDP. Facility operations change. Emissions may decrease. Pollutants may be reformulated out of materials. Screening thresholds may be revised. New monitoring or test methods may become available. The rule should not create permanent obligations that remain in place after the basis for the CDP has changed.

Second, MPCA should allow refined dispersion parameters, monitoring data, or other real-world information as part of a CDP demonstration without triggering an AERA. If a facility can demonstrate

that conservative STRATA assumptions overstate actual impacts, the facility should be able to use that information before being forced into AERA.

Third, the CDP timeline should be flexible enough to accommodate source complexity, supply-chain constraints, control-equipment procurement, product approvals, and other operational realities. Some industries are subject to Food and Drug Administration or other non-environmental approval requirements that can make reformulation or product changes slower than ordinary air permitting timelines.

## **VI. MPCA Should Reassess Costs, Timelines, and Agency Workload**

The SONAR's cost analysis appears to understate the likely burden of the rule, particularly for facilities that do not screen out at Stage 1. MPCA estimates that a screening threshold analysis could take 5 to 50 hours and cost \$421 to \$4,206, yet survey responses reported a median screening cost of \$7,500 and some estimates above \$50,000. The SONAR also acknowledges that 131 to 178 facilities may be above screening thresholds and need either a CDP or AERA.

For AERA, the SONAR estimates can be read as substantially lower than the experience of facilities that have completed complex toxics modeling. AERA work for large or complex facilities can involve significant data collection, protocol development, model development, quality assurance, consultant time, MPCA review, iteration, and reporting. For some facilities, the cost exceeds \$100,000 and take many months before any control or permit-amendment work begins.

The SONAR also recognizes that cumulative costs could reach \$80,325 before accounting for employee training, workflow changes, operational changes, installation of new or modified equipment, and permit application fees. Those omitted or deferred costs are still foreseeable consequences of the rule. A rule that requires CDPs, AERAs, ATRPs, testing, CEMS evaluations, controls, permit amendments, and public notification should evaluate those costs as part of the full compliance pathway, not only the first-year screening obligation.

MPCA should revise its cost and implementation analysis to account for:

- complex individual and capped permit facilities;
- facilities with many emissions units, materials, stacks, and pollutants;
- consultant and engineering costs;
- source testing and CEMS feasibility evaluation;
- permit amendment fees and staff time;
- control equipment procurement and installation;
- operational restrictions or production changes;
- public notification costs;
- repeated screening and additional screening triggers; and
- MPCA review workload across permitting, compliance, risk assessment, emissions inventory, small business assistance, and environmental justice staff.

MPCA should also reconsider the 60-day additional screening deadline. The proposed rule allows a facility to respond within ten days with information MPCA may not have considered, but the rule does not clearly state whether that response tolls or extends the 60-day deadline. MPCA should clarify that the deadline is tolled while MPCA considers the response and should require additional screening only for clearly defined material changes or new information that could reasonably affect screening results.

Finally, MPCA should consider lessons from prior screening exercises. Cordia understands that MPCA conducted screening modeling in approximately 2005 in support of a different rulemaking and that conservative screening assumptions identified numerous potential issues that required substantial follow-up by MPCA and facilities, with few material issues ultimately identified. That experience illustrates the risk of designing a screen that creates too many false positives. STRATA should be designed to focus agency and facility resources on real risk drivers.

## **VII. Public Notification Should Be Accurate, Contextual, and Tied to Meaningful Milestones**

Cordia supports meaningful public engagement and recognizes the importance of community confidence in air permitting and air toxics regulation. Public notification must also be accurate and contextual. Conservative screening results, PTE-based modeling results, and preliminary analyses can be easily misinterpreted as actual exposure or final health determinations if released without explanation.

The proposed rule requires notification to potentially impacted residents after an AERA identifies risks above acceptable levels and an air toxics reduction plan is approved. The notification should be revised to clearly distinguish modeled potential impacts from measured actual exposure. If an AERA uses PTE, the notice should explain that the analysis is based on conservative assumptions and potential emission rates, not actual emissions or actual exposure.

Where a facility's risk-reduction actions require a permit amendment, MPCA should rely on the existing public notice process for that permit action rather than creating duplicative processes. Where a facility makes voluntary or operational changes that reduce emissions and no permit amendment is required, public disclosure or meetings should generally remain within the facility's discretion unless MPCA has identified a concrete public health basis for additional notice.

As a general transparency measure, MPCA could provide a public-facing dashboard or "What's in My Neighborhood?" status indicator identifying whether a facility has completed Stage 1, submitted a CDP, submitted an AERA, or completed an ATRP. That type of process-status transparency is less likely to mislead the public than publication of conservative preliminary technical results without context.

## **VIII. Additional Technical Clarifications**

Cordia also requests the following technical clarifications:

- Clarify whether the proposed environmental justice area recordkeeping requirement should use census block, census tract, or another geography, and align it with the applicable statutory and cumulative impacts definitions. We believe that the term census tract, not census block, should be used in the rule.
- Clarify how updated inhalation health benchmarks will affect facilities that have already completed screening, CDPs, AERAs, or permit amendments.
- Clarify the relationship between chapter 7012 obligations and the air toxics emissions reporting rule under chapter 7019, including the effect of revised emissions inventory submissions.

## **Conclusion**

Cordia appreciates MPCA's work to develop a structured air toxics program and recognizes the improvements made since MPCA's early conceptual frameworks. The proposed rule is closer to a workable program than earlier concepts, but important revisions remain necessary to make the rule targeted, scientifically grounded, administrable, and aligned with the Legislature's environmental justice objectives.

Cordia respectfully requests that MPCA revise the proposed rule to focus on actual resident exposure and priority risks, improve STRATA, broaden and clarify off-ramps for already-regulated sources, avoid unnecessary PTE-based AERA modeling, clarify CDP and permit-amendment consequences, reassess costs and timelines, and calibrate public notification to avoid misunderstanding of conservative technical analyses.

Cordia welcomes continued technical discussions with MPCA and other stakeholders to develop a final rule that protects public health while remaining practical for Minnesota facilities to implement.

Sincerely,

Chris Freeman  
Environmental Manager  
Cordia Energy LLC  
[chris.freeman@cordiaenergy.com](mailto:chris.freeman@cordiaenergy.com)  
303-746-1573



## Metropolitan Airports Commission

6040 - 28th Avenue South, Minneapolis, MN 55450 • 612-726-8100 • metroairports.org

July 17, 2026

*Submitted electronically through OAH eComments*

Minnesota Office of Administrative Hearings  
600 North Robert St.,  
P.O. Box 64620,  
St. Paul MN 55164-0620

Attn: Administrative Law Judge Jim Mortenson

**Re: Proposed New Rules Governing Air Toxics Regulations, Minnesota Rules, Chapter 7012; with Amendments to Chapter 7007. Revisor's ID Number R-4807; CAH Docket No. 5-9003-39347**

Dear Judge Mortenson:

The Metropolitan Airports Commission (MAC) appreciates the opportunity to submit comments regarding the Minnesota Pollution Control Agency's (MPCA) proposed Air Toxics rules, published on May 18, 2026 ("the Proposed Rules" or "the Rules"). The MAC submits these comments with appreciation for all the thoughtful work the MPCA has put into the rule promulgation process. In providing our feedback, the MAC's intent is to help improve the final rules in a way that balances the laudable goal of controlling air toxics emissions with reasonable requirements for businesses that provide critical economic growth and stability to our area.

The MAC is the owner and operator of the Minneapolis-St. Paul International Airport ("MSP"), as well as a system of six general aviation airports in the Twin Cities metropolitan area. At the MAC, we take pride in operating the airports under our jurisdiction in an efficient, fiscally responsible, safe and secure manner, while maintaining a strong commitment to stakeholder and community relations. Thus, we have every incentive to maintain and develop facilities and property in a way that takes into careful consideration federal, state and local requirements and that minimizes, to the greatest extent possible, the impact on communities, the environment, and stakeholders who operate at our facilities.

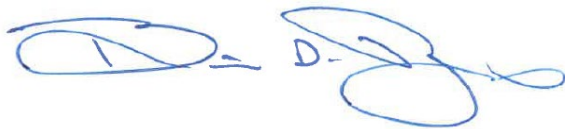
The MAC, as a Registration Option D permittee, will be subject to the Proposed Rules. Our concerns, however, rest primarily with the burden these new regulations will place on businesses operating at MSP and other MAC airports that hold more complex permits, such as Title V or individual

state permits. These businesses directly support the advancement of the MAC's statutory mandate to promote air transportation and its associated economic and personal benefits throughout Minnesota.

Specifically, the MAC is concerned that the additional level of requirements, such as the possibility of having to create and implement an Air Toxics Reduction Plan, and a regulatory scope that exceeds pollutants regulated by the federal government, could discourage aviation-related businesses from investing in new or expanded facilities at MSP or other MAC airports. The loss or decline of these aviation-related facilities would blunt the MAC's statutory mandate and stunt economic growth and the associated high-paying jobs in Minnesota. The MAC therefore strongly encourages the MPCA to revise its Proposed Rules to narrow the scope of regulated pollutants and to seek ways to mitigate the regulatory burden on this area's critical economic drivers.

The MAC appreciates all the work the MPCA has put into educating and seeking input from the public and the regulated community on this topic over the past three years as it created its Proposed Rules. We also appreciate this opportunity to provide input on the Rules. Although the MAC supports the overall goals of the Proposed Rules, we believe additional work is necessary to create final rules that advance the goal of protecting the residents of the seven-county metro area, while also providing more certainty for, and less needless regulatory burden on, current and future permittees who seek to grow aviation facilities, high-paying jobs, and the associated economic benefits so Minnesota thrives.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Ryks", with a stylized flourish at the end.

Brian D. Ryks, Executive Director/CEO, Metropolitan Airports Commission